

OKANOGAN COUNTY

ORDINANCE 2018 - 4

An ordinance amending Okanogan County Code 5.20 Dance Permits to allow the authorized processing fee to be established by resolution of the Okanogan Board of County Commissioners.

WHEREAS: Okanogan County Code (OCC) Chapter 5.20 requires dance permit applications be processed by the Okanogan County Sheriff's Office for certain types of events in Okanogan County, and

WHEREAS: While RCW 82.02.020 preempts for the State certain tax fields it further states that "Nothing in this section prohibits cities, towns, counties, or other municipal corporations from collecting reasonable fees from an applicant for a permit or other governmental approval to cover the cost to the city, town, county, or other municipal corporation of processing applications, inspecting and reviewing plans, or preparing detailed statements required by chapter 43.21C RCW, including reasonable fees that are consistent with RCW 43.21C.420(6), 43.21C.428, and beginning July 1, 2014, RCW 35.91.020" and

WHEREAS: OCC 5.20 authorized and established a \$5.00 application fee be charged by the Sheriff's Office to process dance permits, and

WHEREAS: Other application and processing fees not established by state law are established by resolution of the Board of County Commissioners (BOCC), and

WHEREAS: The BOCC finds that application fees should be established by resolution of the BOCC to be consistent with current practices,

BE IT THEREFORE ORDAINED: OCC 5.20 is amended by strikeout and insertion as found in attachment A of this ordinance.

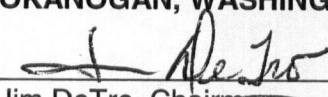
DATED at Okanogan, Washington this 26 day of March 2018.

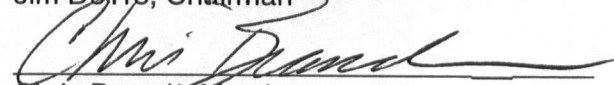


ATTEST


Laleña Johns, Clerk of the Board

**BOARD OF COUNTY COMMISSIONERS
OKANOGAN, WASHINGTON**


Jim DeTro, Chairman


Chris Branch, Member


Andy Hover, Member

**Chapter 5.20
Dance Permits**

- 5.20.010 Definitions.**
- 5.20.020 Purpose of provisions.**
- 5.20.030 Permit – Required.**
- 5.20.040 Permit – Application and fee.**
- 5.20.050 Restrictions on operation.**
- 5.20.060 Applicant age required.**
- 5.20.070 Responsibility of the applicant.**
- 5.20.080 Access by officials.**
- 5.20.090 Permit – Posting – Nontransferability.**
- 5.20.100 Statement of revocation.**
- 5.20.110 Revocation – Authority procedure.**
- 5.20.120 Revocation – Nonexclusive penalty.**
- 5.20.130 Violation – Penalty.**
- 5.20.140 Enforcement.**
- 5.20.150 Severability.**

5.20.010 Definitions.

For the purposes of this chapter, the following definitions shall apply:

A. "Public dance" is any dance to which the public generally may gain admission, with or without the payment of admission fee.

B. "Dancehall" is any room, hall, building, boat or other structure kept for the purpose of conducting therein public dances or dancing.

C. "Public" includes fraternal and service organization members. (Added 7-16-79).

5.20.020 Purpose of provisions.

The sheriff's office finds that it is necessary for the protection and preservation of the public health, morals, peace, safety and welfare to regulate dances and dance halls and the same is done in accordance with Chapter 67.12 RCW. (Added 7-16-79).

5.20.030 Permit – Required.

It is unlawful for any private person, persons, organization, or corporation to hold any public dance or maintain any dancehall outside of the limits of incorporated cities or towns without having first procured from the Okanogan County sheriff's office a license or permit to do so. (Added 7-16-79).

5.20.040 Permit – Application and fee.

A. Application for dance permits under this chapter shall be in writing and filed with the Okanogan County sheriff's office. Applications shall be filed not less than 24 hours nor more than 90 days prior to the day upon which such dance is to be held. Application for a dance permit shall be made on forms which may be procured from the Okanogan County sheriff's office. The application forms may require such information as the sheriff may require.

B. The application shall be accompanied with payment of a permit fee established by resolution of the Board of County Commissioners ~~of \$5.00~~ to the Okanogan County sheriff's office. Within the discretion of the sheriff, such permits for grange, patriotic, fraternal or community dances may be issued without charge. (Added 7-16-79).

5.20.050 Restrictions on operation.

The following conditions of operation shall be met by all licensees and permit holders.

A. All dances shall close at 1:30 a.m. Dance hours are from 9:00 p.m. to 1:30 a.m.

B. No intoxicating liquor shall be sold or consumed in any dancehall or any rooms or corridors adjacent thereto, nor on any of the premises connected with said dancehall unless the requisite State Liquor Control Commission statutes have been complied with, and a special permit has been issued by the sheriff of Okanogan County.

C. No intoxicated person shall be allowed to dance or to be upon the dance floor at any time, either while dances are being conducted or during intermission. (Added 7-16-79).

5.20.060 Applicant age required.

No permit nor license shall be issued to any person under 18 years of age. (Added 7-16-79).

5.20.070 Responsibility of the applicant.

A. The applicant or licensee shall at all times be held responsible for any disorderly conduct occurring in or about any dancehall or dance which he is licensed to conduct. If in the opinion of the sheriff of Okanogan County it is necessary to secure the services of peace officers for such enforcement, expenses for such services shall be borne by the applicant.

B. In the event the licensee is not able to maintain proper order in his dancehall, and it becomes necessary to secure the services of additional peace officers or other officers or services, all expenses incurred by these services shall be borne by the licensee. (Added 7-16-79).

5.20.080 Access by officials.

All peace officers of the state, all public health and fire-control officers of the county, each member of the board, the prosecuting attorney and each of his deputies, any member or employee of any other governmental or quasi-governmental body, the approval of which body is required in this chapter, shall have free access at all times to come upon the premises for which a dance permit has been or may be granted for the purpose of inspection and supervision to enforce the rules, regulations and conditions under which the permit is or may be granted; and no such permit shall be granted unless the applicant therefor shall so consent in writing upon the application for such permit. (Added 7-16-79).

5.20.090 Permit – Posting – Nontransferability.

Any permit granted under this chapter shall be posted in a conspicuous place. No permit shall be transferable or assignable without the consent of the sheriff of Okanogan County, and the permit shall be valid only for the time and place specified therein. (Added 7-16-79).

5.20.100 Statement of revocation.

Every permit issued under the provisions of this chapter shall state in substance that such permit is issued as a measure to protect and preserve the public peace, health, safety, morals and welfare, and that the right of the sheriff to revoke such permits is a consideration of its issuance. (Added 7-16-79).

5.20.110 Revocation – Authority procedure.

A. If the sheriff should at any time receive a complaint that any dancehall in Okanogan County is not being operated in accordance with these rules and regulations, it will immediately make an investigation, and if such complaint is deemed sufficient, a hearing will be had in accordance with RCW 67.12.060. If upon such a hearing, it is determined that any dancehall is not complying with these regulations, the license for such dancehall will be immediately revoked.

B. Any dance permit granted under this chapter to conduct a dance shall be immediately revoked by the sheriff when it is found that the public peace, health, safety, morals or welfare can only be preserved and protected by such revocation and that the conditions and/or provisions of the issuance of this permit are not being complied with.

C. Any permit granted under this chapter to conduct a dance may otherwise be revoked by the sheriff for any violation of this chapter or the laws of the state after a hearing held upon not less than three days' notice served upon the applicant personally or by certified mail.

D. The action of the sheriff in revoking any permit under this chapter shall be final and conclusive.

E. Upon revocation of any license issued by the sheriff, any portion of the unused license fee shall be forfeited, and the license shall have no further interest therein. (Added 7-16-79).

5.20.120 Revocation – Nonexclusive penalty.

The revocation of any permit granted under this chapter shall not preclude the imposition of further penalties as provided for in this chapter and the laws of the state, but shall be considered merely as a part of the penalties imposed for violation of the rules, regulations and conditions stated in this chapter and the laws of the state. (Added 7-16-79).

5.20.130 Violation – Penalty.

Any person who violates any provision of this chapter or who, having obtained a permit under this chapter ~~willfully~~willfully fails to comply with the rules, regulations and conditions under this chapter, or who aids or abets such a violation or failure to comply, is guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not more than \$250.00 or be imprisoned in the county jail for not more than 90 days, or both. (Added 7-16-79).

5.20.140 Enforcement.

The sheriff is specially authorized and directed to see that all provisions of the state law and these rules and regulations are enforced. (Added 7-16-79).

5.20.150 Severability.

If any provision of this chapter or its application to any person or circumstance is held invalid, the remainder of this chapter or the application of the provision to other persons or circumstances is not affected. (Added 7-16-79)