

CITY OF BLACK DIAMOND WASHINGTON

ORDINANCE NO. 11-967

**AN ORDINANCE OF THE CITY OF BLACK DIAMOND,
WASHINGTON, RELATING TO LICENSING AND
REGULATION OF CABARETS; PROVIDING FOR
SEVERABILITY; AND ESTABLISHING AN EFFECTIVE
DATE**

WHEREAS, Chapter 5.16 of the Black Diamond Municipal Code establishes the requirements for a person to obtain a cabaret license from the City; and

WHEREAS, the above chapter requires a business serving alcohol and playing music to obtain a cabaret license; however, no specific approval criteria are set forth in the City Code; and

WHEREAS, the City Council does not find that there is currently a significant government interest in regulating cabarets through licensing requirements as currently set forth at Chapter 5.16 BDMC; and

WHEREAS, City staff has recommended that the business license code be streamlined by removal of the cabaret licensing provisions of Chapter 5.16 BDMC and that any noise complaints generated by such activities can be mitigated through the nuisance ordinance and code enforcement; and

WHEREAS, the City Council finds that it is in the best interest of the public health, safety and welfare to repeal the provisions of Chapter 5.16 BDMC;

NOW, THEREFORE, the City Council of the City of Black Diamond, Washington, do ordain as follows:

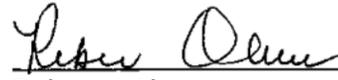
Section 1. Repeal of Chapter 5.16 BDMC (Cabarets). Chapter 5.16 of the Black Diamond Municipal Code is hereby repealed in its entirety.

Section 2. Severability. Should any section, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this Ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

Section 3. Effective Date. This Ordinance shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after the date of publication.

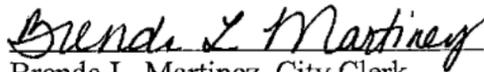
ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON
THE 15TH DAY OF SEPTEMBER, 2011.

CITY OF BLACK DIAMOND



Rebecca Olness, Mayor

ATTEST/AUTHENTICATED:


Brenda L. Martinez, City Clerk

Approved as to form:

Chris D. Bacha,
Kenyon Disend PLLC
City Attorney

Filed with the City Clerk:
Passed by the City Council: 9/15/2011
Ordinance No. 967
Date of Publication: 9/23/2011
Effective Date: 9/28/2011