

s;o 6.01.010:52

COUNTY COUNCIL
Snohomish County, Washington



CO00027444

EMERGENCY ORDINANCE NO. 87-068
AMENDING BUSINESS AND OTHER LICENSE
REGULATIONS; CORRECTING ORDINANCE 87-038;
AMENDING SNOHOMISH COUNTY CODE CHAPTER 6;
DECLARING AN EMERGENCY

WHEREAS: Ordinance 87-038 was adopted on June 3, 1987 for the purpose of transferring the responsibility for administration of business and other licenses, except erotic dance studio and erotic dancer licenses, to the county auditor; and

WHEREAS: Ordinance 87-038 may have inadvertently made changes which did not accurately reflect the intent of the council; and

WHEREAS: This ordinance is necessary to reaffirm the council's intent and to assure that there has been no change in the county's regulation of erotic dance studios and erotic dancers since the adoption of Ordinance 86-099;

NOW, THEREFORE, BE IT ORDAINED:

Section 1. Snohomish County Code Section 6.01.010, last amended by Ordinance 87-038 on June 3, 1987, is amended to read follows:

6.01.010 Definitions. In this title, the words and phrases used, unless the context otherwise indicates, shall have the following meanings:

(1) "Abatement" means the termination of any license or permit violation by lawful and reasonable means as determined by the licensing authority or his duly appointed representative.

(2) "Adult dog or cat" means any dog or cat six months of age or older.

(3) "Agricultural pursuits" means where land is primarily used in the production of crops and livestock or fur farming.

(4) "Amusement" means any act or event causing or inducing relaxation and gaiety.

(5) "Amusement device" means any coin-operated or remote controlled machine, device, contrivance, apparatus or appliance; mechanical, electrical or hand propelled, designed to be used in whole or part as an instrument or instrumentally for engaging in the use and exercise of skill by one or more persons in playing a game for the amusement and entertainment of the player or players and which is maintained commercially for such purpose.

(6) "Amusement device distributor" means any person who leases to, or places with others, any amusement device for use, play or operation.

(7) "Amusement device operator" means any person who operates, rents, or possesses one or more amusement devices.

(8) "Animal" means any member of the classes: amphibian, fish, reptile, bird, or mammal, except man.

(9) "Animal control agency" means the Snohomish county animal control agency created and perpetuated to enforce the provisions of the Snohomish county code and laws of the state of Washington as they pertain to animal welfare.

(10) "Animal control officer" means any individual employed, contracted or appointed by the animal control agency for the purpose of enforcing this code or any other code.

(11) "Antique" means any article that because of its age, rarity, or historical significance has a monetary value greater than its original value: PROVIDED, That for the purposes of this code the term "antique" shall not include automobiles.

(12) "Antique dealer" means any person engaged, in whole or in part, in the business of purchasing, selling, trading, or bartering antiques: PROVIDED, That the term shall not apply to any person who is defined as a swap meet operator or vendor or an intermittent seller under this section.

(13) "Applicant" means any person, partnership and/or corporation who is applying for a license or permit issued pursuant to any license or permit ordinance.

(14) "Application" means any form designed by the licensing authority for use in securing a new license or permit on a renewal basis.

(15) "Bath" means any container, receptacle, or facility used for refreshing, washing or soaking all or any part of the human body. The term includes, but is not limited to, a Finnish bath, hot tub, Japanese bath, sauna, Swedish bath, Turkish bath, and baths provided by air, steam vapor, water, or electric cabinet.

(16) "Business premises" means the entire building in which an activity or business is located together with the entire tract of land under one ownership upon which the building is located.

(17) "Carnival" means every device, institution or assemblage of devices or institutions the purpose whereof is that of providing entertainment, amusement, sport, pasttime or merriment for the patrons thereof and shall include roller coaster, merry-go-rounds, swings, ferris wheel, games of shooting, throwing, pitching, phenomenal exhibitions or everything of like character.

(18) "Circus" means any institution whose general occupation is that of exhibiting wild animals, feats, horsemanship, animal stunts, acrobatic or aquatic sports for admission to which fee is charged.

(19) "Commercial kennel" means a place where:

(a) three or more adult dogs, cats or combinations thereof are kept whether or not for compensation, including facilities known and operated as animal shelters;

(b) four or more litters of dogs, cats, or combinations thereof are produced in a calendar year; or

(c) dogs or cats are sold; but not including small animal hospitals where pets are kept for treatment only, pet shops, private kennels, exhibitor/breeding kennels, or zoological parks.

(20) "County" means Snohomish county.

(21) "Dance hall" means any room, hall, pavillion, boat, float, building or other structure kept or used for the purpose of conducting therein public dances or dancing. It shall include, but not be limited to those facilities offering dance opportunities as a significant, although not necessarily primary purpose, such as taverns, bars, or clubs.

(22) "Darkness" means that period between one-half hour after sunset and one-half hour before sunrise.

(23) "Director" means "Licensing Authority" as defined herein.

~~((23))~~ (24) "Engaged in business" means, includes, and has reference to a particular occupation or continuing course of commercial activity in which a person is regularly or habitually engaged for the purpose of livelihood or gain.

~~((24))~~ (25) "Entertainment" means any act or event causing amusement, diversion or the agreeable passing of time.

~~((25))~~ (26) "Erotic dancer" means a person who dances or otherwise performs for an erotic dance studio and whose dance or other performance emphasizes and seeks to arouse or excite the patrons' sexual desires.

~~((26))~~ (27) "Erotic dance studio" means a fixed place of business which emphasizes and seeks, through one or more erotic dancers, to arouse or excite the patrons' sexual desires.

~~((27))~~ (28) "Examiner" means the county hearing examiner or other hearing examiner appointed by the Snohomish county council.

~~((28))~~ (29) "Exhibitor/breeding kennel" means a place at or adjoining a private residence where three but not more than twenty adult dogs, cats, or combination thereof, owned by natural persons residing on said property, are kept for the primary purpose of participating in dog shows or other organized competitions or exhibitions.

~~((29))~~ (30) "Fire marshal" means the Snohomish county fire marshal or any of his authorized representatives.

~~((30))~~ (31) "Float" means

(a) with respect to boating tournaments or exhibitions, any anchored man-made structure unattached to the shore where any vessel may dock; or

(b) with respect to parades, a low, flat, decorated vehicle for carrying exhibits, tableaux, etc. in a parade.

~~((31))~~ (32) "Grooming parlor" means any establishment, public or private, where animals are bathed, clipped, or combed for compensation.

~~((32))~~ (33) "Health officer" means the health officer or any authorized representative of the Snohomish health district.

~~((33))~~ (34) "Idling speed" means that speed of any motorboat while underway resulting while its propulsion machinery is set at the machine's slowest possible speed.

~~((34))~~ (35) "Intermittent seller" means any person who sells or exchanges secondhand household or recreational equipment from a residence less than four times per calendar year. Secondhand household and recreational equipment includes but is not limited to: furniture, tools, dishes, skis and fishing equipment.

~~((35))~~ (36) "Kennel" means a commercial, exhibitor/breeding, or private kennel.

~~((36))~~ (37) "Length" as it refers to vessels means the overall distance measured in a straight line parallel to the centerline from the foremost part of the vessel to the aftermost part of the vessel, excluding bowsprits, bumpkins, rudders, outboard motors and brackets, and similar fittings and attachments.

~~((37))~~ (38) "License" means any document issued by the licensing authority which authorizes a person to conduct an activity in Snohomish county as provided by this title.

~~((38))~~ (39) "Licensee" means any person to whom a license or renewal of license has been issued pursuant to this title.

~~((39))~~ (40) "Licensing authority" means the duly elected auditor of Snohomish County or his duly authorized representative. For purposes of chapter 6.25 SCC, "licensing authority" means the Director of Budget and Finance or his duly authorized representative.

~~((40))~~ (41) "Massage" means the treatment of a human body by another person by rubbing, kneading, hitting or any other manipulation, including the use of equipment, machinery, or appliances in connection with the foregoing.

~~((41))~~ (42) "Massage parlor" means any place where massages are given or furnished for, or in expectation of, any fee, compensation or monetary consideration.

~~((42))~~ (43) "Massage parlor employee" means any person who administers to, or performs services for, patrons of a massage parlor.

~~((43))~~ (44) "Merchant patrol business" means and includes the business of, or the representation of, being engaged in the business of guarding or protecting persons or other persons' property, or patrolling streets, districts or territory for such purposes, for hire or reward, as a business and as an independent contractor.

~~((44))~~ (45) "Motorboat" means any vessel underway under propulsion in whole or in part by machinery. The term shall include seaplanes while taxiing and/or while otherwise not subject to any valid state or federal law or regulation governing the operation of seaplanes.

~~((45))~~ (46) "Operator" means any person in actual physical control of any vessel.

~~((46))~~ (47) "Owner" means any person having an interest in or right of possession of any property or business, or any person having control, custody or possession of an animal.

((47)) (48) "Parade" means any march or procession consisting of people, animals, bicycles, vehicles in excess of ten in number or combinations thereof, except wedding processions and funeral processions, upon any county road, sidewalk, alley or other county property which does not comply with normal and usual traffic, regulations or controls.

((48)) (49) "Pawnbroker" means any person engaged in whole or in part in the business of loaning money upon the taking or receiving of personal property as security for the repayment of such loans or any person who shall keep any store, shop, room or place where such goods are so taken or received.

((49)) (50) "Permit" means any document issued by the licensing authority which authorizes a person to conduct an activity in Snohomish county as provided by this title.

((50)) (51) "Person" means any individual, partnership, firm, joint stock company, corporation, association, trust, estate or other legal entity.

((51)) (52) "Pet shop" means a person or establishment that acquires animals for the purpose of resale to the public.

((52)) (53) "Private detective business" means and includes the business of, or the representation of, being engaged in the business of, making for hire or reward, investigation or investigations with reference to any of the following matters:

(a) The practice of detecting, discovering or revealing crime or criminals, or securing secret information or evidence relating thereto;

(b) The practice of discovering or revealing the identity, whereabouts, character or actions of any person or persons, thing or things;

(c) The habits, conduct, movements, whereabouts, associations, transactions, reputations, or character of any person, firm or corporation;

(d) The credibility of witnesses or other persons;

(e) The location or recovery of lost or stolen property;

(f) The causes, origin or responsibility for fires or accidents or injuries to real or personal property with the consent of the authority having jurisdiction;

(g) The truth or falsity of any statement or representation;

(h) The business of securing for hire or reward, evidence to be used before authorized investigation

committees, boards of award or arbitration, or in the trial of civil or criminal causes.

None of these activities as listed above shall include or permit any interference with any legal law enforcement responsibility or activity.

((+53+)) (54) "Private kennel" means a place at or adjoining a private residence where at least three and not more than ten adult dogs, cats, or combinations thereof, owned by natural persons residing on said property, are kept for the purpose of hunting, training, for field work and obedience trials or for the enjoyment of the species; but not including an exhibitor/breeding kennel. Cats kept for pest or vermin control and in conjunction with an agricultural pursuit as defined, shall not be subject to this provision.

((+54+)) (55) "Private security agency" means a "merchant patrol agency" or a "private detective agency," and is further defined as, unless the context otherwise indicates, either a:

(a) "Merchant patrol agency". Any person who as principal or employer engages in or who advertises or holds himself out as being engaged in the merchant patrol business; or a

(b) "Private detective agency". Any person who as principal or employer engages in, or who advertises or holds himself out as being engaged in the private detective business.

((+55+)) (56) "Property" means any tangible property including, but not limited to goods, wares, merchandise, animals, livestock, and land.

((+56+)) (57) "Public bathhouse or hot tub" means any place where baths or hot tubs of any kind are given or furnished to the public for or in expectation of a fee or other compensation.

((+57+)) (58) "Public bathhouse or hot tub employee" means any person who works for a public bathhouse or hot tub business.

((+58+)) (59) "Public dance" means any dance that the public generally may gain admission to with or without the payment of an admission fee.

((+59+)) (60) "Public event/assembly" means any gathering or assembly of one hundred or more persons who have been charged admission or made a contribution towards the costs of such gathering or assembly at a single place for the purpose of amusement, entertainment, education or similar common purpose. Such definition shall not include

any assembly or gathering conducted for religious, political, or other constitutionally accepted purpose.

((+60+)) (61) "Race-type boat" means any motorboat operated at a speed in excess of thirty-five miles per hour.

((+61+)) (62) "Rowboat" means a small boat propelled by the use of oars or paddles.

((+62+)) (63) "Run" means a sponsored, organized procession to contend in a race consisting of people, bicycles, wheelchairs, other non-motorized vehicles, or combinations thereof containing ten or more persons upon a county road, sidewalk, alley or other county property. "Run" shall not include any training event or race participated in solely by means of a bona fide school track team or teams.

((+63+)) (64) "Running at large" means that an animal or animals are off the premises of the owner and not under control of either the owner or competent person authorized by the owner.

((+64+)) (65) "Safety buoy" means any buoy established as herein provided and constructed to conform to the State Uniform Waterway Marking System.

((+65+)) (66) "Safety buoy line" means the straight line between any two safety buoys or the straight line between any safety buoy and the point on the shoreline closest to such safety buoys.

((+66+)) (67) "Sailboat" means any vessel propelled by sail or in part by sail and in part manually.

((+67+)) (68) "Secondhand dealer" means any person engaged in whole or in part in the business of purchasing, selling, trading, or bartering, secondhand personal property including metal, junk, or melted metals: PROVIDED, That the term shall not apply to any person who:

(a) Is engaging in an activity which requires a license under chapter 46.70 RCW, motor vehicle dealers, or chapter 46.80 RCW, motor vehicle wreckers;

(b) Is engaged in the purchase and/or sale of bottles, cans, or paper solely as a part of the process of recycling such bottles, cans, or other materials;

(c) Any person conducting a sale of secondhand personal property under any legal forfeiture, foreclosure, liquidation, or any repossession pursuant to the terms of any contract of sale or incidental to any legal action;

(d) Any person defined under this section as a "swap meet operator" or "swap meet vendor" or "intermittent seller."

((68)) (69) "Sheriff" means the sheriff of Snohomish county or any duly appointed deputy sheriff of Snohomish county.

((69)) (70) "Shoreline" means the land bordering any existing body of water.

((70)) (71) "Swap meet" means any event where secondhand goods are offered or displayed for sale or exchange; and,

(a) A fee or commission is charged for the privilege of offering or displaying second hand goods for sale or exchange; or

(b) A fee is charged to prospective buyers for admission to the area where secondhand goods are offered for sale or exchange.

((71)) (72) "Swap meet operator" means any person who sponsors, controls, manages, or otherwise conducts a swap meet.

((72)) (73) "Swap meet vendor" means any person who sells, exchanges, displays, or offers for sale or exchange, any secondhand goods at a swap meet more than eight times per year.

((73)) (74) "Tobacco vending machine" means any machine or device designed or used for the vending of cigarettes, cigars, tobacco, or tobacco products upon the insertion of coins.

((74)) (75) "Tobacco vending machine distributor" means any person who leases to or places with others any tobacco vending machine.

((75)) (76) "Tobacco vending machine operator" means any person who operates, rents, or possesses one or more tobacco vending machines.

((76)) (77) "Vessel" means any type of watercraft used or capable of being used as a means of marine transportation.

((77)) (78) "Visible" as it refers to the hours of darkness, means capable of being seen on a dark night with a clear atmosphere; as it refers to the daylight hours, means capable of being seen on a dull day with the atmosphere clear of fog, haze, or rain.

((78)) (79) "Water-ski" means to plane over the water with or without any floating device while being towed by any vessel. The term shall include water-skiing, freeboarding, aquaplaning and similar devices and/or activities.

((79)) (80) "Wharf" means any manmade structure attached to the shore and to which any vessel may dock.

All other terms, phrases or words not defined by this chapter shall be known by their common and ordinary meaning and usage in the English language.

Section 2. Snohomish County Code Subsection

6.01.046(2), last amended by Ordinance 87-038 on June 3, 1987, is amended to read as follows:

6.01.046 Application -- Photographs or fingerprinting requirements.

(2) The licensing authority may require that applicants be photographed when applications are submitted. If the licensing authority does not do so, each applicant or party signing the application, shall submit four two-inch-by-two-inch photographs taken within the last six months of the date of application showing three full-face and one full-length front-facing shot. These photographs shall be provided at the expense of the applicant. The license/permit, when issued, shall have affixed to it a photograph of the applicant, or the party signing the application, ((which)) shall be posted at all times in a conspicuous place in the establishment where such license/permit is enjoyed, and shall not be tampered with in any manner;

Section 3: EMERGENCY DECLARED. The Council finds that this ordinance is necessary for the support of county government and its existing public institutions and that an emergency exists. Therefore, this ordinance shall be effective immediately.

PASSED this 16th day of July, 1987.

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington

Shirley Bartholomew
Chairperson

ATTEST:

Matthew J. Morton
Clerk of Council

Approved as to Form:

Gordon W. Sibley
Deputy Prosecuting Attorney

- () APPROVED
- () VETOED
- () EMERGENCY

DATE: 7/17/87

Willis D. Tucker
County Executive

PUBLISHED _____ and _____