



CO00022721

**SNOHOMISH COUNTY COUNCIL  
SNOHOMISH COUNTY, WASHINGTON**

**AMENDED  
ORDINANCE NO. 94-128**

**ENACTING INTERIM LICENSING REGULATIONS REGARDING SEXUALLY  
ORIENTED ADULT ARCADES; AMENDING SNOHOMISH COUNTY CODE TITLE 6**

Whereas, counties have the right and duty to enact laws for the protection of the public health, safety, and general welfare and morals; and

Whereas, the Snohomish County Council held a public hearing on October 12, 1994, regarding a proposal to establish a moratorium on the acceptance of applications for, or issuance of any county license, permit, or approval, for the establishment, location or licensing of sexually oriented adult entertainment businesses or sexually oriented adult entertainment uses in the county; and

Whereas, at that hearing extensive evidence was presented to the Snohomish county council showing that the establishment of sexually oriented adult entertainment businesses is associated with increased crime. Locally, Kent, Lynnwood, Seattle, Mountlake Terrace, Everett, and Arlington have all concluded that this is the case. Nationally, studies and/or statistics from Indianapolis, New York, Cleveland, Los Angeles, Austin, Phoenix, and Boston have been cited as showing that sexually oriented adult entertainment businesses are associated with increased crime; and

Whereas, the evidence presented demonstrated increases in crimes involving prostitution, narcotics, sex-related crimes, and other disruptive behavior are associated with sexually oriented adult entertainment businesses; and

Whereas, extensive evidence presented shows that the establishment of sexually oriented adult entertainment businesses is associated with a decline in property values of nearby property. Locally, Kent, Seattle, and Everett have all concluded that this is the case. Nationally, studies and/or statistics from Indianapolis, Los Angeles, Oklahoma City, and Detroit have been cited as showing that adult entertainment businesses are associated with a decline in property values; and

Whereas, the evidence presented has demonstrated that negative land use impacts including noise, trash, and traffic problems are associated with sexually oriented adult entertainment businesses; and

Whereas, extensive evidence presented shows that the establishment of sexually oriented adult entertainment businesses is associated with a degradation of the quality of life within a neighborhood. Locally, Kent, Lynnwood, Seattle, Mountlake Terrace, and Everett have all concluded that this is the case; and

Whereas, at this time Snohomish county has no licensing regulations regarding the operation of any sexually oriented adult entertainment business or use except for those pertaining to erotic dance studios; and

Whereas, over 28% of Snohomish county's population is under the age of 18 and there is a compelling need to protect minors from criminal and unlawful activities associated with sexually oriented adult entertainment; and

Whereas, the county executive established an "Adult Entertainment Zoning Committee" made up of citizens and county staff who will report back to the executive with recommendations regarding zoning regulations for sexually oriented adult entertainment businesses; and

Whereas, this committee at its first meeting discussed the need to expand its role to include recommendations regarding regulatory ordinances dealing with the licensing and operation of sexually oriented adult entertainment businesses; and

Whereas, the staff is gathering for this committee additional studies from other cities indicating the secondary effects of sexually oriented adult entertainment businesses; and

Whereas, the staff is gathering for this committee regulatory ordinances from other jurisdictions governing the licensing and day-to-day operation of sexually oriented adult entertainment facilities for consideration in making recommendations to the executive and council with the desired goal of enacting the necessary permanent regulatory ordinances to provide reasonable restrictions and requirements in the operation of these businesses; and

Whereas, there is reason to believe that there is increased interest in locating sexually oriented adult entertainment businesses in unincorporated Snohomish county as evidenced by the recent application for a new erotic dance studio and inquiries regarding the establishment of panorams and peepshows; and

Whereas, there is an urgent need, pending the completion of the Adult Entertainment Zoning Committee's work and the adoption of permanent zoning and regulatory ordinances to adopt interim regulatory ordinances regarding sexually oriented adult entertainment businesses and sexually oriented adult entertainment uses to address the adverse secondary impacts of such businesses and uses while allowing reasonable opportunities for sexually oriented adult entertainment businesses to locate and conduct their business within the county;

Whereas, at the October 12, 1994, hearing the Council directed staff to prepare interim regulatory ordinances for consideration prior to the expiration of the moratorium on January 20, 1995; and

Whereas, staff prepared a draft interim licensing ordinance and following public notice, the council held a public hearing on January 5, 1995 to consider the draft licensing ordinance;

**NOW, THEREFORE, BE IT ORDAINED:**

**Section 1: Findings**

Based on the testimony and evidence presented, the county council makes the following findings:

1. Sexually oriented adult entertainment uses are associated with increased rates of crime including, but not limited to, prostitution, narcotics, and sex-related crimes.
2. Sexually oriented adult entertainment uses are associated with declines in property values, especially those of residential areas.
3. Sexually oriented adult entertainment uses are associated with degradation of the quality of life within a neighborhood.
4. Exposure to sexually oriented adult entertainment uses may be particularly harmful to children and minors creating serious adverse effects on their development as mature, disciplined, and social members of the community. This is of particular concern in Snohomish county where over 28% of the population is under 18 years of age.
5. Numerous other jurisdictions have attempted to address these adverse secondary effects by regulations which limit the zones in which sexually oriented adult entertainment uses are allowed and create buffers around such uses. Snohomish county relies on the validation of these methods by the United States Supreme Court in **Renton v. Playtime Theater** and **Young v. American Mini Theaters** and by the Washington State Supreme Court in **Northend Cinemas v. Seattle**, which recognized local governments legitimate interest in protecting and preserving the quality of life through effective land use planning.
6. Areas within close walking distance of single and multiple family dwellings should be free of sexually oriented adult entertainment land uses.
7. Areas where children could be expected to walk, patronize or recreate should be free of sexually oriented adult entertainment land uses.
8. Sexually oriented adult entertainment land uses should be located in areas of the county which are not in close proximity to residential uses, churches, parks schools, and other similar facilities or uses.
9. Sexually oriented adult entertainment land uses should be regulated by zoning to separate them from other dissimilar uses just as any other land use should be separated from uses with characteristics different from and incompatible with itself.
10. A reasonable regulation of the location of sexually oriented adult entertainment land uses will provide for the protection of the community and its property values, and protect the residents of the community from the adverse effects of such sexually oriented adult entertainment land uses, while providing to those who desire to patronize sexually oriented adult entertainment land uses such an opportunity in areas within the county which are appropriate for location of sexually oriented adult entertainment land uses; and

New Section: Section 2. A new chapter 6.28, Sexually Oriented Adult Arcades (Panorams), is added to the Snohomish County Code as follows:

**CHAPTER 6.28**  
**SEXUALLY ORIENTED ADULT ARCADES (PANORAMS)**

**Sections:**

6.28.001	Definitions
6.28.005	Sexually oriented adult arcade (panoram) location license
6.28.010	Sexually oriented adult arcade (panoram) device license
6.28.015	License fees
6.28.020	License application--Report by county departments
6.28.030	Inspection of sexually oriented adult arcade (panoram) premises
6.28.040	Issuance of licenses
6.28.050	Applicable general provisions of the license code
6.28.060	Persons under eighteen years of age prohibited
6.28.070	Specifications of premises
6.28.080	Unlawful acts

**6.28.001 Definitions.** The following words and phrases used in this chapter shall have the meanings set forth below unless the context indicates otherwise:

(1) "Member of the public" is defined as any customer, patron or person, other than an employee, who is invited or admitted to a sexually oriented adult entertainment arcade.

(2) "Sexually oriented adult arcade", "sexually oriented adult panoram", and "sexually oriented adult arcade premise" shall mean any premise on which any sexually oriented adult arcade device is located and to which patrons, customers and/or members of the public are admitted.

(3) "Sexually oriented adult arcade device" sometimes also know as "panoram", "preview", "picture arcade", or "peep show" means any device which, for payment of a fee, membership fee, or other charge is used to exhibit or display a picture, view, film, videotape, or video disc, live show or other graphic display of "specified anatomical areas." All such devices are denominated under this ordinance by the term "sexually oriented adult arcade device".

(4) "Specified anatomical areas" means:

(a) Less than completely and opaquely covered human genitals, pubic area, anus, or female breast below a point immediately above the top of the areola.

(b) Human male genitals in a discernibly turgid state even if completely or opaquely covered.

(5) "Specified sexual activites" means:

(a) Acts of human masturbation, sexual intercourse or sodomy; or

(b) Fondling or other erotic touching of human genitals, pubic region, buttock or female breast; or

(c) Human genitals in a state of sexual stimulation or arousal.

**6.28.005 Sexually oriented adult arcade (panoram) location license.** It is unlawful to display, exhibit, expose, or maintain upon any premises, any sexually oriented adult arcade device which is used by a viewer in a booth or stall, without a license to do so, to be designated a "panoram location license"; provided that no license is required if all such devices are contained in a single common area and are not separated by partitions, screens, booths or any other physical barrier or obstruction; provided, further, that no license is required if no fee, membership fee, deposit, purchase, or other charge is paid for using or viewing the sexually oriented adult arcade device or for entering or remaining upon the premises. Each place of business shall have a separate license and the same shall at all times be conspicuously posted and maintained therein. The licensing authority shall prescribe the form of such license, number the same, and shall indicate thereon the number of such devices to be operated thereunder, and the location.

**6.28.010 Sexually oriented adult arcade (panoram) device license .** It is unlawful to own and exhibit or display for use, or to place by lease or otherwise for use, exhibit or display with another, any sexually oriented adult arcade device without a license to be designated a "panoram device license" for each device. Panoram device licenses shall be issued for devices at specific locations only and shall not be transferable. The licensing authority shall prescribe the form of such licenses and number the same. Panoram device licenses shall be securely attached to each such device in a conspicuous place.

**6.28.015 License fees.** The license year shall be from January 1st to December 31st. License fee amounts shall be prorated quarterly based upon the number of quarters remaining as of the date of application. Fractions of quarters shall be considered as whole quarters for purposes of computing fees. Annual fees shall be as follows:

- (1) Panoram location license two hundred twenty (\$220.00) per year for each location;
- (2) Panoram device license one hundred fifteen dollars (\$115.00) per year for each device.

**6.28.020 License application--Report by county departments.** Any person seeking a panoram location license or panoram device license shall file a written application with the licensing authority for that purpose. The licensing authority, upon presentation of such application and before acting upon the same, shall refer such application to the sheriff's office, which shall make a full investigation as to the truth of the statements contained therein, and shall forward the location license applications only to the fire marshal, the Snohomish health district, and the department of planning and community development, which shall investigate and provide information to the licensing authority concerning compliance of the premises and devices sought to be licensed with this and other applicable county and state health, zoning, building, fire and safety ordinances and laws.

**6.28.030 Inspection of sexually oriented adult arcade (panoram) premises.**

- (1) Applicants for any license authorized to be issued under this chapter shall allow the premises and devices sought to be licensed to be inspected in accordance with subsection (2) of this section by authorized inspectors from the licensing authority, sheriff's office, fire marshal's office, Snohomish health district, and department of planning and community development.
- (2) Licensees operating premises and devices licensed under this chapter shall hold open for routine regulatory inspections by the county during normal business hours, those areas upon the premises which are accessible to the public.

**6.28.040 Issuance of licenses.**

(1) After an investigation, the licensing authority shall issue the applicable license or licenses authorized by this chapter if the licensing authority finds:

(a) That the business for which a license is required herein will be conducted in a building, structure and location which complies with the requirements and meets the standards of the applicable health, zoning, building, fire and safety laws of the state, and the ordinances of the county, as well as the requirements of this chapter;

(b) That the applicant, his or her employee, agent, partner, director, officer, stockholder or manager has not knowingly made any false, misleading or fraudulent statement of material fact in the application for a license, or in any report or record required to be filed with the licensing authority;

(c) That the applicant has not had a panoram location, or panoram device license revoked by the county within two (2) years of the date of the application; and

(d) That the applicant, and all employees, agents, partners, directors, officers, or managers of the applicant have attained the age of eighteen (18) years.

(2) The decision of the licensing authority regarding issuance of any license shall be rendered within thirty (30) days of the date of filing of the application.

**6.28.050 Applicable general provisions of the license code.**

(1) The provisions included in Snohomish county code chapter 6.01, including those governing suspension or revocation of licenses and appeals therefrom, are applicable to the administration and enforcement of all licenses required by this chapter.

(2) If provisions in the specific licensing regulations of this chapter are inconsistent with the provisions of Snohomish county code chapter 6.01, the provisions in the specific licensing regulations of this chapter shall control.

**6.28.060 Persons under eighteen years of age prohibited.**

(1) It is unlawful for any person under the age of eighteen (18) years to be in or upon any premises for which a panoram location license is required.

(2) It is unlawful for any owner, operator, manager, or other person in charge of premises for which a panoram location license is required, to knowingly permit or allow any person under the age of eighteen (18) years to be in or upon such premises.

**6.28.070 Specifications of premises.**

(1) In no event may the view into the booth or stall be obstructed, or the booth or stall be designed, in such a way as to prevent the determination of the number of persons therein.

(2) Locked Doors. The licensee shall not permit any doors to public areas on the premises to be locked during business hours.

(3) Illumination. The licensee shall maintain illumination generally distributed in all parts of the premises available for use by the public in compliance with the Snohomish county building code, at all times when the panoram is open or when any member of the public is permitted to enter and remain therein. Illumination within each panoram booth or stall must be sufficient to allow the determination of the number of persons therein.

(4) Signs. The licensee shall permanently post and maintain on the interior and exterior of each booth or stall on the panoram premises a sign stating:

Occupancy of this booth is at all times limited to only one person. Violators are subject to criminal prosecution under Snohomish county code 6.28.080.

Each sign shall be conspicuously posted. The letters and numerals shall be on a contrasting background and be no smaller than three-fourths inch (3/4") in height.

(5) Warning Devices. The licensee shall not operate or maintain any warning system or device, of any nature of kind, for the purpose of warning customers or patrons or any other persons occupying panoram booths or stalls located on the licensee's premises that sheriff's deputies or county health, fire, licensing, or building inspectors are approaching or have entered the licensee's premises.

**6.28.080 Unlawful acts.**

In addition to or as an alternative to any other penalty provided herein or by law, the following unlawful acts are punishable under the criminal penalties identified in 6.01.220 SCC.

(1) A panoram booth or stall subject to the requirements of this chapter may only be occupied by one (1) person at any one time. It is unlawful for any person to occupy such a booth or stall at the same time it is occupied by any other person.

(2) It is unlawful to stand or kneel on any chair or seating surface in a panoram booth or stall.

(3) It is unlawful for any owner, operator, manager, employee or other person in charge of premises for which a panoram location license is required, to warn, or aid and abet the warning of, customers or patrons or any other persons occupying panoram booths or stalls located on the licensee's premises that sheriff's deputies or county health, fire, licensing or building inspectors are approaching or have entered the licensee's premises.

Section 3. Repealer. This ordinance is repealed on January 20, 1996.

PASSED this 5th day of January, 1995.

SNOHOMISH COUNTY COUNCIL  
Snohomish County, Washington

RC "Swede" Johnson  
Vice-Chair

Approved as to Form Only:

\_\_\_\_\_  
Deputy Prosecuting Attorney

ATTEST:

Barbara Dilonst.  
Clerk of Council, *Asst.*

APPROVED

VETOED

EMERGENCY

DATE: January 6, 1995

Don M. Eul  
County Executive

ATTEST:

Linda McCre