

**SNOHOMISH COUNTY COUNCIL
SNOHOMISH COUNTY, WASHINGTON**



ORDINANCE NO. 96-045

**AMENDING SNOHOMISH COUNTY CODE CHAPTERS 6.01 AND 6.25
RELATING TO GENERAL LICENSING PROVISIONS AND ((EROTIC)) ADULT
ENTERTAINMENT DANCE STUDIOS, ((AND EROTIC DANCERS)) ADULT
ENTERTAINERS AND ADULT ENTERTAINMENT DANCE STUDIO MANAGER**

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 adult entertainment businesses or adult entertainment uses in the county; and

Whereas, at that hearing and subsequent hearings on this subject extensive evidence was presented to the Snohomish county council showing that the establishment of 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 Whittier, Indianapolis, New York, Cleveland, Los Angeles, Austin, Phoenix, St. Paul, Boston, and the State of Minnesota have been cited as showing that adult entertainment businesses are associated with increased crime; and

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

Whereas, extensive evidence presented showed that the establishment of 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, Whittier, Los Angeles, Oklahoma City, New York, and Detroit have been cited as showing that adult entertainment businesses are associated with a decline in property values; and

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

Whereas, extensive evidence presented showed that the establishment of 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, 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 adult entertainment; and

Whereas, following public notice, a hearing was held on October 12, 1994, whereat testimony was presented which demonstrated the negative secondary effects of adult entertainment described herein; and

Whereas, at that hearing the council adopted Ordinance 94-096 which established a moratorium on the acceptance of applications for, or issuance of any county license, permit, or approval, including but not limited to, business licenses, use permits, or building permits, for the establishment, location, or licensing of adult entertainment businesses or uses in Snohomish county, said moratorium to be effective until January 20, 1995; and

Whereas, following public notice, the council held a public hearing on January 5, 1995, and adopted Ordinance 94-128 and Ordinance 94-129 as interim measures to expire on January 20, 1996; and

Whereas, the council adopted Ordinance 95-121 and Ordinance 95-122 on January 3, 1996, extending the interim regulations until July 20, 1996; and

Whereas, in 1994 the county executive established an "adult entertainment zoning committee" made up of citizens assisted by county staff to report back to the executive in 1995 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 adult entertainment businesses; and

Whereas, the council and executive anticipated at the time of passage of Ordinance 94-129 and Ordinance 94-128 on January 5, 1995, that they would be interim measures, with final action being based on the findings and report of the adult entertainment zoning committee; and

Whereas, the adult entertainment zoning committee held 12 meetings, reviewed sample ordinances from other jurisdictions, reviewed relevant decisions of the federal and state courts, reviewed studies of the secondary impacts of adult entertainment

businesses/uses, reviewed existing zoning regulations in Snohomish county, discussed impacts of adult entertainment and proposed regulations with representatives of law enforcement, licensing authorities, and planning and development services, as well as other matters as reflected in the report of the committee and its attached documentation; and

Whereas, the recommendations of the adult entertainment zoning committee are reflected in the report and proposed ordinance submitted to the county executive and council; and

Whereas, following public notice, the council held a public hearing on _____ 1996 to consider the adult entertainment zoning committee's recommendations;

NOW, THEREFORE, BE IT ORDAINED:

Section 1: Findings and Conclusions.

Based on the testimony and evidence presented, the county council adopts the findings regarding the adverse secondary impacts of adult entertainment made by the adult entertainment zoning committee as shown below:

A. Adverse secondary impacts related to crime:

1. Adult entertainment uses have a negative impact on law enforcement and are associated with increased rates of crime.
2. As a result law enforcement resources must be augmented and redirected to monitor adult entertainment uses to minimize criminal activity.
3. Adult entertainment uses are especially associated with higher incidents of prostitution, lewd acts, other sex-related crimes, and drug use.

B. Adverse secondary impacts related to property values:

1. Adult entertainment uses have a negative impact on property values, especially the value of residential property.
2. Adult entertainment uses can adversely impact business investment in a neighborhood.
3. Customers of adult entertainment uses may use other businesses nearby and discourage regular customers of those businesses which can further discourage other business investment or reinvestment.

4. A community's image may be negatively affected by the location of adult entertainment uses in it. A positive image is a key part of maintaining property values.

C. Adverse secondary impacts related to quality of life/neighborhood degradation:

1. Experience in other cities has shown that a blighting effect is often experienced in communities where adult entertainment uses are located. This degradation and blighting effect is experienced by both residential and business communities.

2. The location of adult entertainment uses in a neighborhood attracts transients, increases crimes and devalues property. These impacts cause other property owners to move, further contributing to blight and degradation of the neighborhood.

3. Live adult entertainment uses operate late at night which creates late night impacts of traffic and noise which are incompatible with residential uses.

4. Adult entertainment uses do not provide the sort of community business services desired or sought by residential communities. They do, however, for the reasons outlined in these findings, contribute to neighborhood degradation and blight.

D. Adverse secondary impacts related to children:

1. Children are especially vulnerable to negative impacts from exposure to adult entertainment uses because their characters are still in the process of formation.

2. Exposure to adult entertainment uses will often create conflict with the moral and ethical standards parents desire to instill in children.

3. As a result of findings 1 and 2 above, exposure of children to adult entertainment uses can have serious negative impacts regarding children's development as mature, socially responsible adults.

4. Adult entertainment uses near religious facilities, schools, parks, and other facilities or areas where children are likely to be found will increase the likelihood of these negative impacts.

5. The negative impacts on children of adult entertainment is of particular concern in Snohomish County where over 28% of the population is under 18 years of age.

E. Additional adverse secondary impacts:

1. Adult entertainment uses can have a negative impact on public health due to the danger of sexually transmitted diseases.
2. The impacts described above are compounded when the adult entertainment uses are concentrated.
3. Adult entertainment uses are inconsistent land uses in or near residential communities for the reasons above, including but not limited to, the negative impacts of increased crime, lowered property value, exposure of children, and the degrading and blighting effects on a neighborhood.
4. Adult entertainment uses are inconsistent land uses in business districts which are near or serve residential communities for the reasons above, including but not limited to, the negative impacts of increased crime, lowered property value, exposure of children, and the degrading and blighting effects on a neighborhood.
5. For all the reasons cited above the goals of preserving neighborhood character, quality, and viability are adversely affected by the presence of adult entertainment uses.

Further, based on these findings on the negative adverse secondary impact of adult entertainment uses, the report of the adult entertainment zoning committee, and the testimony and evidence presented to the council, the council makes the following additional findings:

1. Specific forms of adult entertainment require specific regulations to address the adverse secondary impacts and partially mitigate their impact on the community. The adult entertainment zoning committee reviewed the various adult entertainment uses and based on the evidence presented to it proposed the following ordinance to address negative secondary impacts of adult entertainment dance studios.
2. Regulation of the adult entertainment industry is necessary because in the absence of such regulation significant criminal activity has historically and regularly occurred. This history of criminal activity in the adult entertainment industry has included prostitution, illegal employment of minors, narcotics and

alcoholic beverage law violations, breaches of the peace, tax evasion and the presence within the industry of individuals with hidden ownership interests and outstanding arrest warrants.

3. It is necessary to license entertainers in the adult entertainment industry to prevent the exploitation of minors; to ensure that each such entertainer is an adult and to ensure that such entertainers have not assumed a false name, which would make regulation of the entertainer difficult or impossible.

4. It is necessary to have a licensed manager on the premises of establishments offering adult entertainment at such times as such establishments are offering adult entertainment so that there will at all necessary times be an individual responsible for the overall operation of the adult entertainment establishment, including the actions of patrons, entertainers, and other employees.

5. The license fees required in this article are necessary as nominal fees imposed as necessary regulatory measures designed to help defray the substantial expenses incurred by the county in regulating the adult entertainment industry.

6. Hidden ownership interests for the purposes of skimming profits and avoiding the payment of taxes have historically occurred in the adult entertainment industry in the absence of regulation. These hidden ownership interests have historically been held by organized and white collar crime elements. In order for the county to effectively protect the public health, safety, morals and general welfare of its citizens and effectively allocate its law enforcement resources it is important that the county be fully apprised of the actual ownership of adult entertainment establishments, and identities and backgrounds of persons responsible for management and control of the adult entertainment establishment.

7. In an undercover operation in 1995, police officers entered the Deja Vu adult entertainment establishment in Federal Way, Washington over an approximately five (5) month period. Approximately 24 criminal violations were charged for acts occurring while the officers were inside Deja Vu. Police officers repeatedly observed managers ignoring criminal law violations committed inside Deja Vu, within a short distance from the manager. Managers would look at the patrons/officers while criminal violations were committed by the entertainers. Entertainers continuously violated the Federal Way City Code. There have been numerous instances where entertainers masturbate the patrons and where the entertainers, without invitation, press their vaginas on the genital area and mouths of patrons, including undercover officers.

8. During the period of July, 1995 and March, 1996, police undertook an

investigation of Honey's adult entertainment establishment in Snohomish County, Washington. Approximately 90 criminal violations were charged for acts occurring while undercover officers were inside Honey's. Entertainers continuously violated the Snohomish County Code. In 63 cases the suspects exposed their breasts, in 58 cases the suspects exposed their vaginal area, in 79 cases the suspects' breasts were put upon the face, neck or chest of the undercover officer, in 63 cases the suspects' hands, heads or breasts were placed in contact with the groin of the undercover officer, in 95 cases the suspects sat in the lap of the undercover officer and made a grinding motion, in 45 cases the suspects touched the undercover officer's groin with their leg or knee, and in 13 cases the suspects' rear ends or vaginas were placed near the face of the undercover officer.

9. The activities noted in findings 7 and 8 above are reasons to provide for separation between entertainers and patrons. The proximity between entertainers and patrons during adult entertainment performances can facilitate sexual contact, prostitution, and related crimes. Concerns about crime and public sexual activity are legitimate and compelling concerns of the county which demand reasonable regulation of adult entertainment establishments in order to protect the public health, safety and general welfare.

10. It is not the intent of this ordinance to suppress or censor any expressive activities protected by the First Amendment of the United States Constitution or Article 1, Section 5 of the Washington State Constitution, but rather to enact time, place and manner regulations which address the compelling interests of the county in mitigating the secondary effects of adult entertainment establishments.

11. Numerous other jurisdictions have attempted to address these negative secondary impacts through a combination of zoning and licensing regulations. Snohomish county relies on the validation of these methods by the courts in cases such as, but not limited to, **Renton v. Playtime Theater** and **Young v. American Mini Theaters** (United States Supreme Court), **Kev, Inc. v. Kitsap County** (United States Court of Appeals, 9th Circuit), **Northend Cinemas v. Seattle** and **O'Day v. King County** (Washington State Supreme Court), and **Everett v. Heim** (Washington State Court of Appeals).

Section 2. Snohomish County Code Section 6.01.010 last amended by Ordinance 94-047 § 1 on June, 20, 1994 is amended to read:

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

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

(13) "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.

(14) "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.

(15) "Carnival" means every device, institution or assemblage of devices or institutions for the purpose of providing entertainment, amusement, sport, pastime 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.

(16) "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 a fee is charged.

(17) "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.

(18) "County" means Snohomish County.

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

(20) "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.

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

~~((22) "Erotic dance" or "erotic dancing" means a dance or other performance that emphasizes and seeks to arouse or excite a patron's sexual desires during the course of which dance or other performance the dancer engages in any of the following conduct:~~

~~(a) nudity;~~

~~(b) displaying or exposing, with less than a full opaque covering, that portion of the female breast lower than the upper edge of the areola;~~

~~(c) displaying or exposing, with less than a full opaque covering, the dancer's pubic area, pubic hair, or anus;~~

~~(d) a dancer fondling or caressing a patron, or a patron fondling or caressing a dancer;~~

~~(e) a dancer touching herself on the breast, or himself or herself in the pubic area or anal area, or allowing a patron or other dancer to touch those areas;~~

~~(f) simulating, by touching or otherwise, masturbation or intercourse;~~

~~(g) bringing any portion of a dancer's body closer than six inches to a patron or rubbing any portion of the dancer's body on a patron; or~~

~~(h) sitting on a patron's lap or separating a patron's legs.~~

~~(23) "Erotic dancer" means a person who performs erotic dance in an erotic dance studio.~~

~~(24) "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.))~~

~~((25)) (22) "Examiner" means the county hearing examiner or other hearing examiner appointed by the Snohomish county council.~~

~~((26)) (23) "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.~~

~~((27)) (24) "Fire Marshal" means the Snohomish county fire marshal or any of~~

his authorized representatives.

~~((28))~~ (25) "Float" means (1) with respect to boating tournaments or exhibitions, any anchored man-made structure unattached to the shore where any vessel may dock; or (2) with respect to parades, a low, flat, decorated vehicle for carrying exhibits, tableaux, etc. in a parade.

~~((29))~~ (26) "Grooming parlor" means any establishment, public or private, where animals are bathed, clipped, or combed for compensation.

~~((30))~~ (27) "Health officer" means the health officer or any authorized representative of the Snohomish health district.

~~((31))~~ (28) "Idling speed" means that speed of any motorboat while underway resulting while its propulsion machinery is set at the machine's slowest possible speed.

~~((32))~~ (29) "Kennel" means a commercial, exhibitor/breeding, or private kennel.

~~((33))~~ (30) "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.

~~((34))~~ (31) "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.

~~((35))~~ (32) "Licensee" means any person to whom a license or renewal of license has been issued pursuant to this title.

~~((36))~~ (33) "Licensing authority" means the duly elected auditor of Snohomish county or his duly authorized representative.

~~((37))~~ (34) "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.

~~((38))~~ (35) "Massage parlor" means any place where massages are given or furnished for, or in expectation of, any fee, compensation or monetary consideration.

~~((39))~~ (36) "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.

~~((40))~~ (37) "Operator" means any person in actual physical control of any vessel.

~~((41))~~ (38) "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.

~~((42))~~ (39) "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.

~~((43))~~ (40) "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.

~~((44))~~ (41) "Person" means any individual, partnership, firm, joint stock company, corporation, association, trust, estate, limited liability company, limited liability partnership or other legal entity.

~~((45))~~ (42) "Pet shop" means a person or establishment that acquires animals for the purpose of resale to the public.

~~((46))~~ (43) "Private kennel" means a place at or adjoining a private residence where at least three and not more than 10 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.

~~((47))~~ (44) "Property" means any tangible property including, but not limited to goods, wares, merchandise, animals, livestock, and land.

~~((48))~~ (45) "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.

~~((49))~~ (46) "Public bathhouse or hot tub employee" means any person who works for a public bathhouse or hot tub.

~~((50))~~ (47) "Public dance" means any dance that the public generally may gain admission to with or without the payment of an admission fee.

~~((51))~~ (48) "Public event/assembly" means any gathering or assembly of 100 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 protected purpose.

~~((52))~~ (49) "Race-type boat" means any motorboat operated at a speed in excess of 35 miles per hour.

~~((53))~~ (50) "Rowboat" means a small boat propelled by the use of oars or paddles.

~~((54))~~ (51) "Run" means a sponsored, organized procession to contend in a race consisting of people, bicycles, wheelchairs, other non-motorized vehicles, or combinations thereof containing 10 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.

~~((55))~~ (52) "Safety buoy" means any buoy established as herein provided and constructed to conform to the State Uniform Waterway Marking System.

~~((56))~~ (53) "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.

((57)) (54) "Sailboat" means any vessel propelled by sail or in part by sail and in part manually.

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

((59)) (56) "Shoreline" means the land bordering any existing body of water.

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

((61)) (58) "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.

((62)) (59) "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.

((63)) (60) "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 3. Snohomish County Code Section 6.01.050 last amended by Ordinance 94-047 § 3 on June 20, 1994 is amended to read:

6.01.050 Fees.

(1) A fee shall be paid in full at the time of application as set out in this section. Except as provided in SCC 6.21.010(11), an applicant who proposes to conduct activities at more than one location shall pay a separate fee for each location for which a license may be issued. A fee is not refundable.

(2) Fees for the following licenses and permits are established as follows:

Standard License and Permit Fees

(a) Kennels, grooming parlors, and pet shops (chapter 6.06 SCC):

(i) Private kennel:\$50.00 per year;

(ii) Exhibitor/breeding kennel:\$100.00 per year

(iii) Commercial kennel, grooming parlor, pet shop: \$150.00 per year;

(iv) Combination of kennel and grooming parlor or pet shop-each additional classification:\$50.00 per year.

(b) Massage parlors (chapter 6.07 SCC):

(i) Massage parlor:\$650.00 per year.

(c) Public bathhouse or hot tubs and public bathhouse or hot tub employees (chapter 6.47 and 6.49 SCC):

(i) Public bathhouse or hot tub:\$500.00 per year;

(ii) Public bathhouse or hot tub employee:\$100.00 per year.

(d) ~~((Erotic))~~Adult entertainment dance studios and ~~((erotic dancers))~~employees(Chapter 6.25 SCC):

- (i) ~~((Erotic))~~ Adult entertainment dance studio: \$350.00 per year;
 - (ii) ~~((Erotic-dancer))~~ Adult entertainer: \$55.00 per year;
 - (iii) Adult entertainment dance studio manager: \$115.00 per year.
- (e) Pawnbrokers and secondhand dealers (chapter 6.19 SCC):
- (i) Pawnbroker - Class 1: \$300.00 per year;
 - (ii) Secondhand dealer - Class 1: \$250.00 per year;
 - (iii) Secondhand dealer - Class 2: \$55.00 per year.
- (f) Swap meet Location (chapter 6.21 SCC):
- (i) Swap meet location license: \$160.00 per year;
- (g) Amusement devices and game tables (chapter 6.36 SCC):
- (i) Amusement device fee: \$80.00 per amusement device.
- (h) Public events assemblies (chapter 6.37 SCC):
- (i) Public events/assemblies: \$200.00 per event.
- (i) Dance/dance hall (chapter 6.38 SCC):
- (i) Single dance: \$25.00 per event;
 - (ii) Dance hall - annually: \$200.00 per year;
 - (iii) Dance hall - quarterly: \$50.00 per quarter.
- (j) Fun runs and parades (chapter 6.39 SCC):
- (i) Fun runs: \$75.00 per event;
 - (ii) Parades: \$75.00 per event.
- (k) Boating tournaments and exhibitions (chapter 6.40 SCC):
- (i) Boating events: \$150.00 per event.
- (l) Application process (chapter 6.01 SCC):
- (i) Fingerprinting: Actual cost;
 - (ii) Advertisement of application: Actual cost;
 - (iii) Photograph: Actual cost.
- (m) License/permit (chapter 6.01 SCC):
- (i) License or permit replacement: \$10.00 per reissue;
 - (ii) License or permit information change: \$10.00 per reissue.
- (n) Appeal process of hearing examiner (chapter 6.01 SCC):
- (i) Appeal filing fee - see SCC 2.02.125(I);
 - (ii) Appeal document reproduction: \$.25 per page.
- (o) Pawnbroker and secondhand dealer - Class 1 employees (chapter 6.20 SCC):
- (i) Employees: \$100.00 per year.
- (p) Adult Businesses and Employees (chapter 6.30):
- (i) Adult business location: \$265.00;
 - (ii) Adult business employees: \$115.00
 - (iii) Adult business manager: \$115.00

Section 4. The heading of the Snohomish County Code Sections 6.25.010 thru 6.25.190 is amended to read:

CHAPTER 6.25

~~((EROTIC))~~ ADULT ENTERTAINMENT DANCE STUDIOS, ((EROTIC DANGER))ADULT ENTERTAINERS AND ADULT ENTERTAINMENT DANCE STUDIO MANAGERS

Sections:

- 6.25.010 General provisions.
- 6.25.020 Definitions.
- 6.25.030 ~~((Erotic dance))~~ Adult Entertainment dance studio- License required.
- 6.25.040 Prima facia evidence of ~~((erotic))~~ adult entertainment dance studio
- 6.25.050 ~~((Erotic))~~ Adult entertainment dance studio license- Application, issuance.
- 6.25.060 Other licenses/permits not waived.
- 6.25.070 ~~((Erotic))~~ Adult entertainment dance studio license-Renewal.
- 6.25.080 ~~((Erotic dancer's))~~ License for managers and adult entertainers required.
- 6.25.090 ~~((Erotic dancer's))~~ Managers and adult entertainers license - Application, issuance.
- 6.25.100 ~~((Dancer's))~~ Managers and adult entertainers license - Renewal
- 6.25.110 ~~((Erotic))~~ Adult entertainment dance studio regulations.
- 6.25.112 Manager on premises.
- 6.25.115 Illumination.
- 6.25.117 Standards of Conduct.
- 6.25.120 Inspections.
- 6.25.125 Activities not regulated.
- 6.25.130 Enforcement,~~((proceedings, and appeal.))~~
- 6.25.135 Suspension and revocation.
- 6.25.140 Disclaimer.
- 6.25.150 Civil penalty.
- 6.25.160 Criminal penalty.
- 6.25.170 Public nuisance.
- 6.25.180 Nonexclusive remedies.
- 6.25.190 Severability.

Section 5. Snohomish County Code Section 6.25.020 added by Ordinance 86-099 § 59 on November 12, 1986 is amended to read:

~~((The definitions contained in SCC 6.01.010 apply to the license and activities governed by this chapter.))~~ For the purpose of this chapter the words and phrases used in this section shall have the following meanings unless the context otherwise requires:

1. "Adult entertainment" means:

(a) Any exhibition, performance or dance of any type conducted in a

premises where such exhibition, performance or dance involves a person who is unclothed or in such costume, attire or clothing as to expose any portion of the female breast below the top of the areola or any portion of the pubic region, anus, buttocks, vulva or genitals, or wearing any device or covering exposed to view which simulates the appearance of any portion of the pubic region, anus, buttocks, vulva or genitals, or human male genitals in a discernibly turgid state, even if completely covered; or

(b) Any exhibition, performance or dance of any type conducted in a premises where such exhibition, performance or dance is distinguished or characterized by a predominant emphasis on the depiction, description, simulation or relation to the following specified sexual activities:

(i) human genitals in a state of sexual stimulation or arousal;

(ii) acts of human masturbation, sexual intercourse or sodomy; or

(iii) fondling or other erotic touching of human genitals, pubic region, buttocks, or female breasts; or

(c) Any exhibition, performance or dance intended to sexually stimulate any patron and conducted in a premises where such exhibition, performance or dance is performed for, arranged with or engaged in with fewer than all patrons on the premises at that time, with separate consideration paid, either directly or indirectly, for such performance, exhibition or dance. For purposes of example and not limitation, such exhibitions, performances or dances are commonly referred to as table dancing, couch dancing, taxi dancing, lap dancing, private dancing or straddle dancing.

2. "Adult entertainer" means any person who provides live adult entertainment within an adult entertainment dance studio as defined in this section whether or not a fee is charged or accepted for such entertainment.

3. "Adult entertainment dance studio" means any premises to which any member of the public is invited or admitted and where adult entertainment is provided on a regular basis as a substantial part of the premises activity.

4. "Applicant control person" means (1) if a sole proprietorship, the sole proprietor; (2) if a non-publicly held partnership, whether general or limited, each partner and their respective ownership interest; or (3) if a non-publicly held corporation, every officer, director, shareholder owning 51% or more interest and any shareholder owning 50% or less who hold a significant interest in the business based on responsibility for management.

5. "Employee" means any and all persons, including manager and adult entertainers, who work in or at or render any services directly related to the operation of an adult entertainment dance studio, regardless of whether that person is deemed statutory employee, common law employee or independent contractor.

6. "Manager" means any person who manages, directs, administers or is in charge of, the affairs and/or the conduct of any portion of any activity involving adult entertainment occurring at any premises offering adult entertainment.

7. "Member of the public" means any customer, patron, club member, or person, other than an employee as defined in this section, who is invited or admitted to an adult entertainment dance studio.

8. "Operator" means any person operating, conducting or maintaining an adult

entertainment dance studio.

9. "Person" means any individual, partnership, firm, joint stock company, corporation, association, trust, estate, limited liability company, limited liability partnership or other legal entity, however organized.

10. "Sexual conduct" means acts of (a) sexual intercourse within its ordinary meaning; or (b) any contact between persons involving the sex organs of one person and the mouth or anus of another; or (c) masturbation, manual or instrumental, of oneself or of one person by another; or (d) touching of the sex organs or anus, of oneself or of one person by another.

Section 6. Snohomish County Code Section 6.25.030 lasted amended by Ordinance 87-101 § 3 on November 23, 1987 is amended to read:

6.25.030 ((Erotic dance studio)) License Required. No person shall operate ((an erotic))an adult entertainment dance studio without a valid ((erotic)) adult entertainment dance studio license issued by the licensing authority.

Section 7. Snohomish County Code Section 6.25.040 added by Ordinance 86-099 § 59 on November 12, 1986 is amended to read:

6.25.040 Prima facie evidence of ((erotic)) an adult entertainment dance studio. It shall be prima facie evidence that a business is ((an erotic))an adult entertainment dance studio when one or more ((dancers)) adult entertainers displays or exposes, ((with less than a full opaque covering, that portion of the female breast lower than the upper edge of the areola))any portion of the breast below the top of the areola or any portion the pubic region, anus, buttocks, vulva and/or genitals.

Section 8. Snohomish County Code Section 6.25.050 last amended by Ordinance 87-101 § 4 on November 23, 1987 is amended to read:

6.25.050 ((Erotic))Adult entertainment dance studio license- Application, issuance.

(1) Application for an ((erotic))adult entertainment dance studio shall be made to the licensing authority on a form prepared and made available by the licensing authority.

(2) An application for an ((erotic))adult entertainment dance studio license shall be signed by the applicant and shall contain or set forth the following information:

(a) The name, any aliases or previous names, address, telephone number, driver's license number, if any, social security number, if any and principal occupation, and age of the applicant and each applicant control person;

(b) The name, address, and principal occupation of the managing agent or agents of the business;

(c) For the applicant and each applicant control person, list any other

licenses currently held for similar adult entertainment or sexually oriented businesses, including motion picture theaters and panoramas, as defined SCC 18.90.920(5) and (15), in whether from the county or another city, county or state, and if so, the names and addresses of each other licensed businesses.

(d) For applicant and each applicant control person, list prior licenses held for similar adult entertainment or sexually oriented businesses, whether from the county or from another city, county or state, providing the names, addresses and dates of operation for such businesses, and whether any business license or adult entertainment license has been revoked or suspended, and the reason therefor.

(e) For the applicant and all applicant control persons, list any and all criminal convictions or forfeitures within five years immediately preceding the date of application, other than parking offenses or minor traffic infractions including the dates of conviction, nature of the crime, name and location of court and disposition.

(f) For the applicant and all applicant control persons, a description of business, occupation or employment history for the three years immediately preceding the date of application.

~~((c))~~(g) The business name, business address, and the business telephone number of the establishment or proposed establishment together with a description of the nature of the business and ((seating capacity thereof)) a scale drawing or diagram showing the configuration of the premises for the proposed adult entertainment dance studio, including a statement of the total floor space occupied by the business, and marked dimensions of the interior of the premises. Performance areas, seating areas, manager's office and stations, restrooms and service areas shall be clearly marked on the drawing. An application for a license for an adult entertainment dance studio shall include building plans which demonstrate conformance with this chapter.

~~((d))~~(h) ((Whether the business or proposed business is the undertaking of a sole proprietorship, partnership, or corporation. If a sole proprietorship, the application shall set forth the name, address, telephone number, and principal occupation of the sole proprietor. If a partnership, the application shall set forth the names, addresses, telephone numbers, principal occupations, and respective ownership shares of each partner, whether general, limited, or silent. If a corporation, the application shall set forth the corporate name, a copy of the articles of incorporation, and the names, addresses, telephone numbers, and principal occupations of every officer, director, and shareholder having more than 20 percent of the outstanding shares, and the number of shares held by each; Any applicant or applicant control person registered with the Washington Secretary of State shall submit a current certificate of good standing.

~~((e))~~(i) The names, addresses, telephone numbers and principal occupation of every person, partnership, or corporation having any interest in the real or personal property utilized or to be utilized by the business or proposed business.

(j) Authorization for the county, its agents and employees to seek information to confirm any statements set forth in the application.

(k) Each applicant shall verify, under penalty of perjury, that the

information contained in the application is true.

(4) The licensing authority may request other information or clarification when necessary to determine compliance with this chapter.

((3))(5) Each application shall be accompanied by a non-refundable fee as provided in SCC 6.01.050(2). The fee shall not be prorated.

((4))(6) As soon as practicable following receipt of a completed application for an ((erotic)) adult entertainment dance studio license, the licensing authority shall transmit copies of the application to the sheriff, health officer, fire marshal, and division of ((community development)) planning and development services for their investigation and review to determine compliance of the proposed adult entertainment dance studio with the laws and regulations which each department administers. Each department shall, within 30 days of the date of such application, inform the licensing authority in writing the results of their respective inspections and their recommendation as to the disposition of the application. No license may be issued unless each department reports that the application and premises comply with the relevant laws.

((5))(7) Within ((five)) 30 days of receipt of a completed application for an ((erotic)) adult entertainment dance studio license and payment of the fee, the licensing authority shall issue the license.

((6))(8) An ((erotic)) adult entertainment dance studio license shall expire on December 31 of the year in which it is issued.

((7))(9) An ((erotic))adult entertainment dance studio license shall not be issued to any person under the age of 18 years.

(10) An adult entertainment dance studio license, if granted, shall state on its face the name of the person or persons to whom it is issued, the expiration date, the doing-business-as name and the address of the licensed establishment.

(11) A license issued to an adult entertainment dance studio is not transferable.

(12) It is the responsibility of the licensee issued a license under this section to keep the information on the license current at all times.

(13) The licensee shall notify the licensing authority of any change in address, business name, or in the officers, directors or partners of such business, within 14 days of any such change and shall supply the same information as required for an initial adult entertainment dance studio license application.

Section 9. Snohomish County Code Section 6.25.060 added by Ordinance 86-099 § 59 on November 12, 1986 is amended to read:

6.25.060 Other Licenses\permits not waived.

(1) The issuance of an ((erotic)) adult entertainment dance studio license shall not be construed or act as absolving the licensee of complying with the requirements of any governmental agencies, including, but not limited to, federal, state, city and county laws or ordinances relating to buildings, fire, health, sanitation, zoning, taxation, public safety, and all other requirements and conditions provided by law.

(2) The filing of an application for a license under this chapter shall not give the applicant the right to engage in the activity covered prior to the issuance of a license.

Section 10. Snohomish County Code Section 6.25.070 added by Ordinance 86-099 § 59 on November 12, 1986 is amended to read:

6.25.070 ((Erotic))Adult entertainment dance studio license - Renewal. An ((erotic))adult entertainment dance studio license may be renewed by following the application procedure set out in SCC 6.25.050. It shall be the duty of the licensee to make application for renewal prior to the expiration of the outstanding license.

Section 11. Snohomish County Code Section 6.25.080 amended by Ordinance 87-101 § 5 on November 23, 1987 is amended to read:

6.25.080 ((Erotic dancer's)) License for managers and adult entertainers required. No person shall ((perform as an erotic dancer)) work as a manager or adult entertainer without a valid ((erotic dancer's))manager's or adult entertainer's license issued by the licensing authority.

Section 12. Snohomish County Code Section 6.25.090 last amended by Ordinance 87-101 § 6 on November 23, 1987 is amended to read:

6.25.090 ((Erotic dancer's)) Managers and adult entertainers license - Application, issuance.

(1) Application for ((an erotic dancer's)) a manager's or adult entertainer's license shall be made to the licensing authority on a form prescribed by the licensing authority.

(2) An application for ((an erotic dancer's)) a manager's or adult entertainer's license shall be verified and shall contain or set forth the following information:

(a) The applicant's name, home addresses (current and former), home telephone number, date of birth, social security number, ((and)) alias (past or present), and stage name;

(b) The business name and address where the applicant intends to dance or work.

(c) Authorization for the county, its agents and employees to investigate and confirm any statement set forth in the application.

(3) With the application the applicant shall present documentation that he or she has attained the age of 18 years. Any of the following shall be accepted as documentation of age:

(a) a motor vehicle operator's license issued by any state bearing the applicant's date of birth and photograph;

(b) an identification card issued by any governmental agency bearing the applicant's date of birth and photograph;

((c)) ~~A certificate of birth.~~ (c) an official passport issued by the

United States of America:

(d) an immigration card issued by the United States of America.

(4) Each applicant shall be photographed and fingerprinted as set out in SCC 6.01.046.

(5) Each application shall be accompanied by a non-refundable fee as provided in SCC 6.01.050(2). The fee shall not be prorated.

(6) Applicants seeking a manager's license under this chapter shall be investigated according to the procedures outlined in SCC 6.01.047.

(7) No adult entertainment dance studio manager's license shall be issued to the following persons:

(a) any person who have been convicted of a felony or misdemeanor, excluding minor traffic violations, if the felony or misdemeanor for which he/she was convicted relates to prostitution, promoting prostitution or controlled substances as defined in RCW chapter 69.50 and

(i) the time elapsed from the felony is less than five years from the date of application; or

(ii) the time elapsed from the misdemeanor is less than three years from the date of application.

(b) any person having had a license issued under the provisions of this chapter revoked within the preceding 12 months from the date of application.

~~((6) As soon as practicable following receipt of a completed application for an erotic dancer's license, the licensing authority shall transmit copies of the application to the sheriff.)~~

~~((7))~~(8) Upon receipt of a completed application for ((an erotic dancer's)) adult entertainer's license and ((all other materials)) proof of compliance with SCC 6.25.090(4) required by this chapter, the ((director)) licensing authority shall issue the license. As soon as possible, following the issuance of an adult entertainer's license, the licensing authority shall transmit copies of the application and license to the sheriff's office.

(9) Upon receipt of a completed application for an adult entertainment dance studio manager's license, proof of compliance with SCC 6.25.090(4) and completion of the investigation according to SCC 6.01.047, the licensing authority shall issue the license.

~~((8))~~(10) ((An erotic dancer's)) A manager's or adult entertainer's license shall expire on December 31 of the year in which it is issued.

~~((9))~~(11) ((An erotic dancer's)) A manager's or adult entertainer's license shall entitle ((an erotic dancer)) a manager or adult entertainer to perform or work only at the ((business)) location indicated on the ((erotic dancer's)) manager's or adult entertainer's license. If ((an erotic dancer)) a manager or adult entertainer changes his or her ((place of employment)) location where employed or performing during the license term, the license certificate must be returned to the licensing authority for reissuance, upon payment of the fee set out in SCC 6.01.050(2), indicating the new ((place)) location of employment.

~~((10))~~(12) ((An erotic dancer's)) A manager's or adult entertainer's

license shall not be issued to any person under the age of 18.

(13) It is the responsibility of all managers and adult entertainers issued a license under this section to keep the information on their license current and accurate at all times.

Section 13. Snohomish County Code Section 6.25.100 added by Ordinance 86-099 § 59 on November 12, 1986 is amended to read:

6.25.100 ((Dancer's)) Manager's or adult entertainer's license - Renewal.

~~((An erotic dancer's))~~ A manager's or adult entertainer's license may be renewed by following the application procedure set out in SCC 6.25.090. It shall be the duty of the licensee to make application for renewal prior to the expiration of an outstanding license.

Section 14. Snohomish County Code Section 6.25.110 last amended by Ordinance 87-101 § 8 on November 23, 1987 is amended to read:

6.25.110 ((Erotic)) Adult entertainment dance studio regulations.

(1) No person shall advertise, or cause to be advertised, an ~~((erotic))~~ adult entertainment dance studio without a valid ~~((erotic))~~ adult entertainment dance studio license issued pursuant to this chapter.

(2) No later than March 1 of each year an ~~((erotic))~~ adult entertainment dance studio shall file a verified report with the licensing authority showing the licensee's gross receipts for the preceding calendar year.

(3) An ~~((erotic))~~ adult entertainment dance studio licensee shall maintain and retain for a period of two years the names, addresses, and ages of all ~~((persons employed as erotic dancers))~~ adult entertainers and managers ~~((by the licensee)).~~

(4) No ~~((erotic))~~ adult entertainment dance studio licensee shall employ as ~~((an erotic dancer))~~ a manager or adult entertainer a person under the age of 18 years or a person not licensed pursuant to this chapter.

(5) No person under the age of 18 years shall be admitted to an ~~((erotic))~~ adult entertainment dance studio.

(6) An ~~((erotic))~~ adult entertainment dance studio shall be closed between 2:00 a.m. and 8:00 a.m.

(7) No ~~((erotic))~~ adult entertainment dance studio licensee shall serve, sell, distribute, or suffer the consumption or possession of any intoxicating liquor or controlled substance upon the premises of the licensee.

~~((8) An erotic dance studio licensee shall at all times conspicuously display all licenses required by this chapter, including licenses for the establishment and the licensed employees.~~

~~((9) All erotic dancing shall occur on a platform intended for that purpose which is raised at least 18 inches above the level of the floor.~~

~~((10) No erotic dancing shall occur closer than six feet to any patron.~~

~~((11) No erotic dancer shall fondle or caress any patron and no patron~~

shall fondle or caress any exotic dancer:

~~(12) No patron shall directly pay or give any gratuity to any erotic dancer for an erotic dance.~~

~~(13) No erotic dancer shall solicit any pay or gratuity from any patron for an erotic dance.))~~

(8) An adult entertainment dance studio license issued pursuant to this chapter shall be conspicuously displayed at the place of businesses during normal business hours.

(9) Manager and adult entertainer licenses issued pursuant to this chapter shall be maintain on the premises of the business during normal business hours.

(10) No adult entertainment shall be visible outside of the adult entertainment dance studio, nor any photograph, drawing, sketch or other pictorial or graphic representation which includes lewd matter as defined in RCW 7.48A or display of sexually explicit material in violation of RCW 9.68.130.

(11) No member of the public shall be permitted at any time to enter into any of the non-public portions of the adult entertainment dance studio, which shall include but are not limited to: the dressing rooms of the adult entertainers or other rooms provided for the benefit of employees, and the kitchen and storage areas. Provided, that persons delivering goods and materials, food or beverages, or performing maintenance or repairs to the premises or equipment on the premises may be permitted into non-public areas to the extent required to perform their job duties.

Section 15. A new section 6.25.112 is added to Snohomish County Code as follows:

6.25.112 Manager on premises.

1. A licensed manager shall be on duty at an adult entertainment dance studio premises at all times that adult entertainment is being provided. The name of the manager on duty shall be prominently displayed during business hours.

2. The licensed manager on duty shall not be an adult entertainer. It shall be the responsibility of the manager to verify that any employee or adult entertainer working or performing within the establishment possesses a current and valid employee's or adult entertainer's license as required by this chapter.

3. The license manager shall not permit any violations of this chapter to occur.

Section 16. A new section 6.25.115 is added to Chapter 6.25 as follows:

6.25.115 Additional requirements for adult entertainment dance studios. Every adult entertainment dance studio shall be physically arranged in such a manner that:

(1) Performance area. The performance area of the adult entertainment dance studio where adult entertainment is performed shall be a stage or platform at least 18 inches in elevation above the level of the patron seating areas, and shall be separated by a distance of at least 6 feet from all areas of the premises to which members of the public have access. A continuous railing three to five feet in height

above the floor and located at least six feet from all points of the performance area shall separate the performance area and the patron seating areas. The stage and the entire portion of cubicles, rooms or stalls wherein adult entertainment is provided must be visible from the common areas of the premises and at least one manager's station. Visibility shall not be blocked or obstructed by doors, curtains, drapes or any other obstruction whatsoever.

(2) Illumination. Sufficient lighting shall be provided in and about the parts of the premises which are open to and used by the public so that all objects are plainly visible at all times and all parts of such premises shall be illuminated so that patrons or others on any part of the premises shall be able to read the Washington State Liquor Control Board card or other written instrument, printed in eight-point type.

(3) Signs. A sign at least two feet by two feet, with letters at least one inch high shall be conspicuously displayed in the public area(s) of the adult entertainment dance studio, stating each of the following:

(a) A list of any and all adult entertainment provided on the premises with the specific fee or charge in dollar amounts for each adult entertainment listed; and

(b) THIS ADULT ENTERTAINMENT DANCE STUDIO IS REGULATED BY SNOHOMISH COUNTY. DANCERS ARE:

A. NOT PERMITTED TO ENGAGE IN ANY TYPE OF SEXUAL CONDUCT

B. NOT PERMITTED TO APPEAR SEMI-NUDE OR NUDE, EXCEPT ON STAGE

C. NOT PERMITTED TO ACCEPT TIPS OR GRATUITIES IN ADVANCE OF THEIR PERFORMANCE

D. NOT PERMITTED TO ACCEPT TIPS OR GRATUITIES DIRECTLY FROM PATRONS WHILE PERFORMING UPON ANY STAGE AREA.

Section 17. A new section 6.25.117 is added to Chapter 6.25 as follows:

6.25.117 Standards of conduct. The following standards of conduct must be adhered to by employees of any adult entertainment dance studio while in any area in which members of the public are allowed to be present:

(1) No employee or adult entertainer shall be unclothed or in such less than opaque and complete attire, costume or clothing so as to expose to view any portion of the female breast below the top of the areola, or any portion of the pubic region, anus, buttocks, vulva or genitals except upon a stage at least 18 inches above the immediate floor level and removed at least 6 feet from the nearest member of the public.

(2) No employee or adult entertainer mingling with members of the public shall be unclothed or in less than opaque and complete attire, costume or clothing as described in subdivision (1) of this section, nor shall any male employee or adult entertainer appear at any time with his genitals in a discernibly turgid state, even if completely and opaquely covered.

(3) No employee or adult entertainer mingling with members of the public shall wear or use any device or covering exposed to view which simulates the breast of a female below the top of the areola, vulva, genitals, anus, buttocks, or any portion of the pubic region or human male genitals in a discernibly turgid state, even if completely and opaquely covered.

(4) No employee or adult entertainer shall caress, fondle or erotically touch any member of the public.

(5) No employee or adult entertainer shall encourage or permit any member of the public to caress, fondle or erotically touch any employee or adult entertainer.

(6) No employee or adult entertainer shall sit on the lap of a member of the public or separate the legs of a member of the public.

(7) No employee or adult entertainer shall perform simulated nonobscene acts of sexual conduct except upon a stage at least 18 inches above the immediate floor level and removed at least 6 feet from the nearest member of the public.

(8) No employee or adult entertainer mingling with members of the public shall conduct any dance, performance or exhibition in or about the non-stage areas of the adult entertainment dance studio unless that dance, performance or exhibition is performed at a torso-to-torso distance of no less than 4 feet from the member or members of the public for whom the dance, performance or exhibition is performed.

(9) No tip or gratuity offered to or accepted by an adult entertainer may be offered or accepted prior to any performance, dance or exhibition provided by the adult entertainer. No adult entertainer performing upon any stage area shall be permitted to accept any form of gratuity offered directly to the adult entertainer by any member of the public. Any gratuity offered to any adult entertainer performing upon the stage area must be placed into a receptacle provided for receipt of gratuities by the adult entertainment dance studio or provided through a manager on duty on the premises. Any gratuity or tip offered to any adult entertainer or employee conducting any performance, dance or exhibition in or about the non-stage area of the adult entertainment dance studio shall be placed into the hand of the adult entertainer or employee or into a receptacle provided by the adult entertainer or employee, and not upon the person or into the clothing of the adult entertainer or employee.

(10) No employee or adult entertainer shall perform actual acts of sexual conduct as defined in this chapter, or any act which constitutes a violation of RCW 7.48A, the Washington Moral Nuisances Statute.

Section 18. Snohomish County Code Section 6.25.120 last amended by Ordinance 87-101 § 8 on November 23, 1987 is amended to read:

6.25.120 Inspections. All books and records required to be kept pursuant to this chapter shall be open to inspection by the licensing authority, sheriff, or their agents during the hours when the ((erotic)) adult entertainment dance studio is open for business. The purpose of such inspection shall be to determine if the books and records meet the requirements of this chapter.

Section 19. A new section 6.25.125 is added to Chapter 6.25 as follows:

6.25.125 Activities not regulated.

(1) This chapter shall not be construed to prohibit:

(a) Plays, operas, musicals or other dramatic works which are not obscene;

(b) Classes, seminars and lectures held for serious scientific or educational purposes; or

(c) Exhibitions or dances which are not obscene.

(2) Whether or not an activity is obscene shall be judged by consideration of the following factors:

(a) Whether the average person, applying contemporary community standards, would find that the activity taken as a whole appeals to a prurient interest in sex; and

(b) Whether the activity depicts or describes in a patently offensive way, as measured against contemporary community standards, sexual conduct as described in RCW 7.48A.010(2)(b); and

(c) Whether the activity taken as a whole lacks serious literary, artistic, political or scientific value.

(3) This chapter does not apply to taverns and premises maintaining liquor licenses and which are subject to the rules and regulations of the Washington State Liquor Control Board.

Section 20. Snohomish County Code Section 6.25.130 last amended by Ordinance 87-101 § 9 on November 23, 1987 is amended to read:

6.25.130 Enforcement. ((proceedings and appeal.))

The licensing authority and/or sheriff are authorized and directed to enforce the terms and provisions of this chapter. ~~((The provisions of SCG 6.01.130 through 6.01.180, inclusive, apply to licenses and activities governed by this chapter, except that SCG 6.01.180(2) ((and (3))) do not apply and a license may be suspended or revoked only for violation of this chapter.))~~

Section 21. A new section 6.25.135 is added to Chapter 6.25 as follows:

6.25.135 Suspension and revocation.

(1) The licensing authority may, at any time upon the recommendation of the sheriff or as provided below suspend or revoke any license issued under this chapter:

(a) where such license was procured by fraud or false representation of fact; or

(b) for the violation of, or failure to comply with the provisions of this chapter or any other similar local or state law by the licensee or by any of its servants, agents or employees when the licensee knew or should have known of the violations committed by its servants, agents, or employees; or

(c) for the conviction of the licensee of any crime or offense involving prostitution, promoting prostitution, or transactions involving controlled substances as defines in RCW Article 69.50 committed on the premises, or the conviction of any of the licensee's servants, agents or employees of any crime or offense involving prostitution, promoting prostitution, or transactions involving controlled substances as defined in RCW Article 69.50 committed in the licensed premises when the licensee knew or should have known of the violations committed by its servants, agents or employees.

(2) A license procured by fraud or misrepresentation shall be revoked. Where other violations of this chapter or other applicable ordinances, statutes or regulations are found, the licensing authority shall suspend a license issued under this chapter for 30 days for the first violation, 90 days for the second violation and 120 days for the third and subsequent violations within a 24 month period, not including periods of suspension.

(3) No license suspended under the provisions of this chapter may be renewed during any period of suspension.

(4) The licensing authority may revoke a license upon the grounds for a suspension when a license has been suspended three times within a 24 month period, not including periods of suspension.

(5) The procedure for suspension and revocation is initiated by the service of a notice and order issued by the licensing authority, pursuant to SCC 6.01.135 and 6.01.140. The notice and order must be served on the licensee by certified mail or in person and will effectively suspend or revoke the license 15 days after service unless the licensee effectively appeals the notice and order. The procedure for appeal of the notice and order is set out in SCC 6.01.151 which allows for a review by the Snohomish county hearing examiner. The appeal shall be filed and processed as set forth in the provisions of chapter 2.02 SCC. During the hearing, the licensing authority shall have the burden of proof to establish the violations giving cause to suspend or revoke the license. The decision of the hearing examiner will become a final decision if no appeal is filed within 10 days of receipt of the final decision of the hearing examiner. The licensee then has the right to appeal the hearing examiner's decision by writ of certiorari under RCW 7.16 and SCC 2.02 to the Snohomish County Superior Court. The enforcement powers of the licensing authority to suspend or revoke licenses granted under this chapter are stayed during the appeal to the hearing examiner, superior court and all judicial review.

PASSED this 24th day of June, 1996.

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington

Richard C. Johnson
Chair

Approved as to Form Only

James D. Lusella
Special Deputy Prosecuting Attorney

ATTEST:

Sheila McCallister
Clerk of Council, asst.

- APPROVED
 VETOED
 EMERGENCY

DATE: 6/26/96
[Signature]
County Executive

ATTEST:

Marvin B. Abel