

**SNOHOMISH COUNTY COUNCIL  
SNOHOMISH COUNTY, WASHINGTON**



CO00022489

**EMERGENCY ORDINANCE NO. 96-055  
AMENDING LICENSING REGULATIONS REGARDING ADULT ARCADES  
(PANORAM PREMISES); AMENDING SNOHOMISH COUNTY CODE TITLE 6**

**BE IT ORDAINED:**

**Section 1.** The council makes the following findings and conclusions:

1. The council adopted Ordinance 94-128 on January 5, 1995, as an interim measure to regulate panoram premises with an expiration date of January 20, 1996; and
2. The council adopted Ordinance 95-121 on January 3, 1996, extending the interim regulations until July 20, 1996; and
3. The council adopted Ordinance 96-043 on June 24, 1996, to provide permanent regulations for panoram premises; and
4. In adopting Ordinance 96-043 the council found that serious secondary impacts are associated with adult entertainment; and
5. In adopting Ordinance 96-043 the council found that regulations were necessary to address these adverse secondary impacts and partially mitigate their impact on the community; and
6. In adopting Ordinance 96-043 the council found that "Specific regulations must be used to insure that acts of prostitution, sexual intercourse, or masturbation do not occur within the stations or booths of adult arcades (panoram premises). Evidence has shown such businesses to be at high risk for such activities. For example, the court found in *Adult Entertainment Center Inc. v. Pierce County* that "...undisputed evidence showed that more than one person sometimes occupied a booth at the same time, that sexual activity was solicited on the premises and did occur in the booths, and that such activity created unsanitary conditions. From this evidence, the council could properly infer that the operation of the panoram machines presented a health hazard, at least in those instances in which there was a 2-party sexual activity in the booths, that the conditions of the booths was offensive to decency, and that solicitation outside the booths was a dangerous activity, possessing the potential of violence."; and
7. That property regulating panoram premises is important for the protection of the health and safety of the public; and

8. By error Section 6.28.040 and 6.28.060 of the interim ordinance regulating panorams were not included in Ordinance 96-043 because no changes were anticipated in these sections. However, due to the interim nature of Ordinance 95-121 both sections will be repealed on July 20, 1996. Repeal without replacement of 6.28.040 and 6.28.060 will make it extremely difficult to protect the health and safety of the public; and

9. There is not sufficient time to reenact 6.28.040 and 6.28.060 prior to their expiration on July 20, 1996, without an emergency ordinance.

Section 2. Section 6.28.040 , which by Ordinance 95-121 is to be repealed on July 20, 1996 is hereby reenacted as follows:

**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 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 18 years.

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

Section 3. 6.28.060, which by Ordinance 95-121 is to be repealed on July 20, 1996 is hereby reenacted as follows:

**6.28.060 Persons under 18 years of age prohibited.**

(1) It is unlawful for any person under the age of 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 18 years to be in or upon such premises.

Section 4. Emergency declared. The findings and conclusions stated in Section 1 of this ordinance are incorporated herein by this reference. Based upon the foregoing, the Council finds and declares that this ordinance is necessary for the immediate preservation of public health and safety and 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 17<sup>th</sup> day of July, 1996.

SNOHOMISH COUNTY COUNCIL  
Snohomish County, Washington

Richard C. Johnson  
Chair

ATTEST:

APPROVED AS TO FORM

Shirley McCallister  
Clerk of the Council, *asst.*

James D. Huskisson  
Special Deputy Prosecuting Attorney

- APPROVED  
 VETOED  
 EMERGENCY

Date: July 17, 1996

Joan M. Earl  
County Executive  
**JOAN M. EARL**  
Deputy Executive

ATTEST:

Linda McPreen