



SNOHOMISH COUNTY COUNCIL
SNOHOMISH COUNTY, WASHINGTON

ORDINANCE NO 97-043

RELATING TO AMUSEMENT DEVICE LICENSES;
AMENDING SNOHOMISH COUNTY CODE CHAPTERS 6.01 and 6.36

BE IT ORDAINED:

Section 1. Snohomish County Code Section 6.01.010 last amended by Ordinance 94-047 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))~~ (4) "Animal" means any member of the classes: amphibian, fish, reptile, bird, or mammal, except man.

~~((9))~~ (5) "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))~~ (6) "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))~~ (7) "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))~~ (8) "Application" means any form designed by the licensing authority for use in securing a new license or permit or on a renewal basis.

~~((13))~~ (9) "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))~~ (10) "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))~~ (11) "Carnival" means every device, institution or assemblage of devices or institutions the purpose whereof is that 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))~~ (12) "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))~~ (13) "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))~~ (14) "County" means Snohomish County.

~~((19))~~ (15) "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))~~ (16) "Engaged in business" means, includes, and has reference to a particular occupation or continuing course of commercial activity in which a person is regularly or habitually engaged for the purpose of livelihood or gain.

~~((24))~~ (17) "Entertainment" means any act or event causing amusement, diversion or the agreeable passing of time.

~~((22))~~ (18) "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))~~ (19) "Erotic dancer" means a person who performs erotic dance in an erotic dance studio.

~~((24))~~ (20) "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))~~ (21) "Examiner" means the County Hearing Examiner or other hearing examiner appointed by the Snohomish County Council.

~~((26))~~ (22) "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))~~ (23) "Fire Marshal" means the Snohomish county fire marshal or any of his authorized representatives.

~~((28))~~ (24) "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))~~ (25) "Grooming parlor" means any establishment, public or private, where animals are bathed, clipped, or combed for compensation.

~~((30))~~ (26) "Health officer" means the health officer or any authorized representative of the Snohomish Health District.

~~((31))~~ (27) "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))~~ (28) "Kennel" means a commercial, exhibitor/breeding, or private kennel.

~~((33))~~ (29) "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))~~ (30) "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))~~ (31) "Licensee" means any person to whom a license or renewal of license has been issued pursuant to this title.

~~((36))~~ (32) "Licensing authority" means the duly elected auditor of Snohomish County or his duly authorized representative.

~~((37))~~ (33) "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 appliance in connection with the foregoing.

~~((38))~~ (34) "Massage parlor" means any place where massages are given or furnished for, or in expectation of, any fee, compensation or monetary consideration except those facilities licensed for use solely by a licensed massage therapist.

~~((39))~~ (35) "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))~~ (36) "Operator" means any person in actual physical control of any vessel.

~~((41))~~ (37) "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))~~ (38) "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))~~ (39) "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))~~ (40) "Person" means any individual, partnership, firm, joint stock company, corporation, association, trust, estate or other legal entity.

~~((45))~~ (41) "Pet shop" means a person or establishment that acquires animals for the purpose of resale to the public.

~~((46))~~ (42) "Private kennel" means a place at or adjoining a private residence where at least three and not more than ten adult dogs, cats, or combinations thereof, owned by natural persons residing on said property, are kept for the purpose of hunting, training, for field work and obedience trails 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))~~ (43) "Property" means any tangible property including, but not limited to good, wares, merchandise, animals, livestock, and land.

~~((48))~~ (44) "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))~~ (45) "Public bathhouse or hot tub employee" means any person who works for a public bathhouse or hot tub.

~~((50))~~ (46) "Public dance" means any dance that the public generally may gain admission to with or without the payment of an admission fee.

~~((51))~~ (47) "Public event/assembly" means any gathering or assembly of one hundred or more persons who have been charged admission or made a contribution towards the costs of such gathering or assembly at a single place for the purpose of amusement, entertainment, education or similar common purpose. Such definition shall not include any assembly or gathering conducted for religious, political, or other constitutionally protected purpose.

~~((52))~~ (48) "Race-type boat" means any motorboat operated at a speed in excess of thirty-five miles per hour.

~~((53))~~ (49) "Rowboat" means a small boat propelled by the use of oars or paddles.

~~((54))~~ (50) "Run" means a sponsored, organized procession to contend in a race consisting of people, bicycles, wheelchairs, other non-motorized vehicles, or combinations thereof containing ten or more persons upon a county road, sidewalk, alley or other county property. "Run" shall not include any training event or race participated in solely by means of a bona fide school track team or teams.

~~((55))~~ (51) "Safety buoy" means any buoy established as herein provided and constructed to conform to the State Uniform Waterway Marking System.

~~((56))~~ (52) "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))~~ (53) "Sailboat" means any vessel propelled by sail or in part by sail and in part manually.

~~((58))~~ (54) "Sheriff" means the sheriff of Snohomish County or any duly appointed deputy sheriff of Snohomish County.

~~((59))~~ (55) "Shoreline" means the land bordering any existing body of water."

~~((60))~~ (56) "Vessel" means any type of watercraft used or capable of being used as a means of marine transportation.

~~((64))~~ (57) "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))~~ (58) "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))~~ (59) "Wharf" means any manmade structure attached to the shore and to which any vessel may dock.

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

Section 2. Snohomish County Code Section 6.01.050 last amended by Ordinance 91-102 on July, 3, 1991 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. 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 (Chapters 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 Dance Studio and Erotic Dancers (Chapter 6.25 SCC);
 - (i) Erotic Dance Studio: \$350.00 per year;
 - (ii) Erotic Dancer: \$55.00 per year.
- (e) Pawnbroker and Secondhand Dealers (Chapter 6.19 SCC);
 - (i) Pawnbroker-Class 1: \$300.00 per year;
 - (ii) Secondhand Dealers-Class 1: \$250.00 per year;
 - (iii) Secondhand Dealers-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 Location Fee: (~~(\$80.00)~~) \$90.00 per (~~(amusement device))~~ location.
- (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 Processes of Hearing Examiner (Chapter 6.01 SCC);
 - (i) Appeal filing fee-see SCC 2.02.125 (1) ;
 - (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.

Section 3. A new section 6.36.005 is added to Snohomish County Code as follows:

6.36.005 Definitions. The following words or phrases used in this chapter shall have the meanings set forth below or as defined in 6.01 SCC :

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

(2) "Amusement device location" means any establishment offering amusement devices for play or entertainment.

Section 4. Snohomish County Code Section 6.36.010 last amended by Ordinance 83-156, § 2, on December 29, 1983 is amended to read:

6.36.010 Payoffs prohibited. No amusement device or game table shall be used for the purpose of awarding any money or object of value other than free games or extended play, to the player or players, and shall not contain any mechanism which varies the chance of winning free games or the number of free games which may be won, depending on the number of coins inserted into the device; PROVIDED That in no event shall a machine be ~~((licensed which is))~~ so designed and equipped as to render it of practical utility only as a device to be used for gambling.

Section 5. Snohomish County Code Section 6.36.020 last amended by Ordinance 87-038 § 35 on June 3, 1987 is amended to read:

6.36.020 Operation without license~~((s))~~ prohibited.

(1) No person shall ~~((distribute,))~~ operate ~~((, lease, sell, rent))~~ or possess any amusement device as defined by ~~((SCC 6.01.010))~~ this chapter without first securing ~~((a distributor's or operator's))~~ an amusement device location license. ~~((as required by this chapter.))~~

~~((2) Each distributor's or operator's license shall specify the number of machines at a location. It shall be a violation of this chapter to increase or decrease the number of amusement devices at a location without notifying the licensing authority and securing a revised license.))~~

Section 6. Snohomish County Code Section 6.36.070 amended by Ordinance 86-119 § 21 on January 7 1987 is amended to read:

6.36.070 License fees and term. The fees for this license are established by and are contained in SCC 6.01.050. The term for this license shall be ~~((from May 1 to April 30 of each year.))~~ one year from date of issuance.

Section 7. Snohomish County Code Section 6.36.050 added by Ordinance 86-119 § 19 on January 7, 1987 is repealed in its entirety.

Section 8. Snohomish County Code Section 6.36.060 last amended by Ordinance 86-119 § 20 on January 7, 1987 is repealed in its entirety.

PASSED this 11th day of June, 1997.

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington

John Luma
Chairperson

Approved as to Form:

Paul V. St. 4/11/97
Deputy Prosecuting Attorney

ATTEST:

Barbara Sitoristi
CLERK OF COUNCIL, ASST.

- () APPROVED
() VETOED
() EMERGENCY

DATE:

6/11/97
COUNTY EXECUTIVE

ROBERT J. DREWEL
County Executive

ATTEST: Manly B. Abel

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