

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington



AMENDED ORDINANCE NO. 97 -077

RELATING TO LICENSING AND REGULATION OF ADULT
ENTERTAINMENT DANCE STUDIOS, ADULT ENTERTAINMENT
DANCE STUDIO MANAGERS, AND ADULT ENTERTAINERS;
AMENDING CHAPTERS 6.01 AND 6.25 SCC; AND PROVIDING FOR AN
EFFECTIVE DATE SUBJECT TO REFERENDUM 96-01

BE IT ORDAINED:

Section 1. Snohomish County Code Section 6.01.050, last amended by Ordinance No. 97-058 on July 16, 1997, 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 - breeding: \$125.00 per year;

(ii) Private kennel - non-breeding: \$75.00 per year;

(iii) Commercial kennel, grooming parlor, or pet shop: \$175.00 per year;

(iv) Combination of commercial kennel and grooming parlor, pet shop, boarding facility or animal shelter-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) Adult entertainment dance studios and employees (chapter 6.25 SCC):

(i) Adult entertainment dance studio: \$350.00 per year;

(ii) Adult entertainer: \$55.00 per year;

(iii) Adult entertainment dance studio manager: (~~(\$115.00)~~)

\$55.00 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) Amusement devices and game tables (chapter 6.36 SCC):

(i) Amusement device location fee: \$90.00 per location.

- (g) Public events assemblies (chapter 6.37 SCC):
 - (i) Public events/assemblies: \$200.00 per event.
- (h) Fun runs and parades (chapter 6.39 SCC):
 - (i) Fun runs: \$75.00 per event;
 - (ii) Parades: \$75.00 per event.
- (i) Boating tournaments and exhibitions (chapter 6.40 SCC):
 - (i) Boating events: \$150.00 per event.
- (j) Application process (chapter 6.01 SCC):
 - (i) Fingerprinting: Actual cost;
 - (ii) Advertisement of application: Actual cost;
 - (iii) Photograph: Actual cost.
- (k) 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.
- (l) Appeal process of hearing examiner (chapter 6.01 SCC):
 - (i) Appeal filing fee - see SCC 2.02.125(l);
 - (ii) Appeal document reproduction: \$.25 per page.
- (m) Pawnbroker and secondhand dealer - Class 1 employees (chapter 6.20 SCC):
 - (i) Employees: \$100.00 per year.
- (n) 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 2. Snohomish County Code Section 6.25.020, last amended by Ordinance No. 96-045 on June 24, 1996, is amended to read:

6.25.020 Definitions. 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.

(11) "Licensing authority" means the duly elected auditor of Snohomish county or any duly authorized representative.

Section 3. Snohomish County Code Section 6.25.050, last amended by Ordinance No. 96-045 on June 24, 1996, is amended to read:

6.25.050 Adult entertainment dance studio license - Application, issuance.

(1) Application for an 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 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))~~ panoramas, as defined in 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))~~ business.

(d) For the 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.

(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 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.

(h) Any applicant or applicant control person registered with the Washington Secretary of State shall submit a current certificate of good standing.

(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.

(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) As soon as practicable following receipt of a completed application for an adult entertainment dance studio license, the licensing authority shall transmit copies of the application to the sheriff, health officer, fire marshal, and ~~((division))~~ department of 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))~~ 25 days of the date of such application, inform the licensing authority in writing of the results of ~~((their respective inspections and their recommendation as to the disposition of the application))~~ its investigation and review. No license may be issued unless each department reports that the application and premises comply with the relevant laws.

(7) Within 30 days of receipt of a completed application for an adult entertainment dance studio license and payment of the fee, the licensing authority shall issue the license, except that the licensing authority shall deny the application if issuance of a license is prohibited by SCC 6.25.050(6) or if the licensing authority determines that the applicant has made a false, misleading or fraudulent statement of material fact on the application for a license. A person aggrieved by denial of a license under this subsection may appeal the denial to the Snohomish county hearing examiner. The appeal shall be filed and processed as set forth in chapter 2.02 SCC.

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

(9) An 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 4. Snohomish County Code Section 6.25.070, last amended by Ordinance No. 96-045 on June 24, 1996, is amended to read:

6.25.070 Adult entertainment dance studio license - Renewal. An 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. A decision of the licensing authority to deny an application for renewal shall be stayed and the prior license shall remain in effect during administrative and judicial review of that decision.

Section 5. Snohomish County Code Section 6.25.090, last amended by Ordinance No. 96-045 on June 24, 1996, is amended to read:

6.25.090 Managers and adult entertainers license - Application, issuance.

(1) Application for 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 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, 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) 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 60.50 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.~~

(8)) Upon receipt of a completed application for a manager's or adult entertainer's license and proof of compliance with SCC 6.25.090(4) required by this chapter, the licensing authority shall issue the license. As soon as possible, following the issuance of ~~((an))~~ a manager's or 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.~~

~~(10))~~ (7) A manager's or adult entertainer's license shall expire on December 31 of the year in which it is issued.

~~((11))~~ (8) A manager's or adult entertainer's license shall entitle a manager or adult entertainer to perform or work only at the location indicated on the manager's or adult entertainer's license. If a manager or adult entertainer changes his or her 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 location of employment.

~~((12))~~ (9) A manager's or adult entertainer's license shall not be issued to any person under the age of 18.

~~((13))~~ (10) 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 6. Snohomish County Code Section 6.25.110 last amended by Ordinance No. 96-045 on June 24, 1996, is amended to read:

6.25.110 Adult entertainment dance studio regulations.

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

(2) No later than March 1 of each year an 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 adult entertainment dance studio licensee shall maintain and retain for a period of two years the names, addresses, and ages of all adult entertainers and managers.

(4) No adult entertainment dance studio licensee shall employ as 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 adult entertainment dance studio.

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

(7) No 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 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 maintained 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~~) during normal business hours 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 7. Snohomish County Code Section 6.25.125, adopted by Ordinance No. 96-045 on June 24, 1996, is amended to read:

6.25.125 Activities not (~~regulated~~) prohibited - liquor licenses.

(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.

These exemptions shall not apply to the sexual conduct defined in SCC 6.25.020(10), or the sexual conduct described in RCW 7.48A.010(2)(b)(ii) and (iii).

(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 8. Transition. (1) Subject to suspension or revocation under SCC 6.25.135, an erotic dance studio license issued under Chapter 6.25 SCC having an expiration date of December 31, 1997, shall remain in effect as an adult entertainment dance studio license until December 31, 1997, and an erotic dancer's license issued under Chapter 6.25 SCC having an expiration date of December 31, 1997, shall remain in effect as an adult entertainer's license until December 31, 1997.

(2) Adult entertainment dance studios that are licensed as erotic dance studios when this ordinance takes effect and their managers shall be given a grace period within which to obtain adult entertainment dance studio manager's licenses. The grace period shall commence upon mailing by the licensing authority identified in SCC 6.25.020(11) to the adult entertainment dance studio licensee of written notice that Referendum 96-01 resulted in voter ratification and approval of Ordinance No. 96-045 and shall terminate 30 days thereafter. During the grace period, adult entertainment dance studios and managers shall be subject to all other requirements of Chapter 6.25 SCC.

Section 9. Effective date. This ordinance shall take effect upon voter ratification and approval of Ordinance No. 96-045 as certified by the county canvassing board at a special election to be held September 16, 1997, on Referendum 96-01 under Section 5.80 of the county charter.

PASSED this 27th day of August, 1997

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington

John Garner
Chairperson

Attest:
Barbara Ditorsti
Clerk of the Council, *Asst.*

- APPROVED
- EMERGENCY
- VETOED

DATE: 8/29/97
Robert J. Drewel
County Executive
ROBERT J. DREWEL
County Executive

Attest:
Marilyn Abel
Approved as to form only:

Deputy Prosecuting Attorney

D-6