

ORDINANCE NO. 5304

AN ORDINANCE relating to business licenses and regulations; regulating amusement places; Title 6 of the King County Code; amending Ordinance 4206, Sections 1, 3 and 4 and King County Code 6.08.005, 6.08.027, and 6.08.045 and Ordinance 4270, Section 3 and King County Code 6.08.010; adding new sections; prescribing penalties; and declaring an emergency.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. Ordinance 4206, Section 3, and K.C.C. 6.08.005 are hereby amended to read as follows: For the purpose of this chapter the words and phrases used herein, unless the context otherwise indicates, shall have the following meanings:

A. "Public place of amusement," "public amusement/entertainment," and "public entertainment" mean an amusement, diversion, entertainment, adult entertainment studio, show, performance, exhibition, display or like activities, for the use or benefit of a member or members of the public, or advertised for the use or benefit of a member of the public, held, conducted, operated or maintained for a profit, direct or indirect.

B. "Adult Entertainment studio" means any premises to which the public, patrons, or members are invited or admitted and which are so physically arranged as to provide booths, cubicles, rooms compartments, or stalls separate from the common areas of the premises, wherein an entertainer provides entertainment to a member of the public, a patron, or a member. An Adult Entertainment Studio includes, without being limited to, any premise that is physically arranged and used as such, whether advertised or represented as an entertainment studio, exotic dance studio, encounter studio, sensitivity studio, modeling studio, or any other term of like import. Adult Entertainment Studio shall not include theaters, concert halls, cabarets, or similar establishments where entertainment is performed for groups of 4 or more.

1           1. "Entertainer" means any person who provides  
2 entertainment within an Adult Entertainment Studio as defined in  
3 this ordinance whether or not a fee is charged or accepted for  
4 entertainment.

5           2. "Entertainment" means any exhibition or dance of any  
6 type, removal of articles of clothing, pantomime, modeling, or any  
7 other performance.

8           3. "Employee" means any and all persons who work in or  
9 at or render any services directly related to the operation of an  
10 Adult Entertainment Studio.

11           4. "Operator" means any person operating, conducting, or  
12 maintaining an Adult Entertainment Studio.

13           C. "Public Place" means, for the purpose of this chapter,  
14 an area generally visible to public view and includes streets,  
15 sidewalks, bridges, alleys, plazas, parks, driveways, parking  
16 lots, and automobiles whether moving or not.

17           SECTION 2. Ordinance 4270, Section 3, and K.C.C. 6.08.010  
18 are hereby amended to read as follows:

19           From and after the date of the ordinance codified herein,  
20 no public place of amusement, including but not limited to adult  
21 entertainment studios shall be operated or maintained in King  
22 County, outside the limits of incorporated cities and towns,  
23 unless the owner or lessee thereof has obtained a license from  
24 the director, as hereinafter set forth Provided, further that it  
25 shall be unlawful for any entertainer, employee, or operator to  
26 knowingly work in or about, or to knowingly perform any service  
27 directly related to the operation of an unlicensed public place  
28 of amusement/entertainment:

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Type of Entertainment

Fee

Miscellaneous

Adult Entertainment Studio . . . . .	\$150.00 per year;
Floor shows . . . . .	<del>(( \$50.00 ))</del> \$100.00 per year or
Music (other than mechanical)	<del>(( \$25.00 ))</del> \$ 50.00 per 6 mos.,
Boxing or wrestling	covers one or more of miscel-
Exhibition skating	laneous entertainment;
Penny arcades	
Public Skating rinks	
Shooting galleries	
Race tracks, dragstrips, automobile	
or otherwise	
Topless Dancing . . . . .	\$150.00 per year

Amusement Parks - - Permanent

For one to ten units, inclusive	<del>(( \$-50.00 ))</del> \$100.00 per year or
	<del>(( \$-25.00 ))</del> \$ 50.00 per 6 mos.
For more than ten units	<del>(( \$100.00 ))</del> \$200.00 per year or
	<del>(( \$-50.00 ))</del> \$100.00 per 6 mos.

Note: units are defined as (a) rides;  
(b) sideshows; (c) merchandise or food  
concessions.

Carnivals

For one to ten units, inclusive	<del>(( \$-10.00 ))</del> \$20.00 per day
For more than ten units	<del>(( \$-25.00 ))</del> \$50.00 per day

Note: Units are defined as above

Issuance of a license for an Adult Entertainment Studio shall be subject to the furnishing of a surety bond in the amount of \$5,000.00 forfeitable to the county unless the licensee pays all just claims incurred in the conduct of such business and complies strictly with the terms and conditions of its license.

SECTION 3. Ordinance 4206, Section 1, and K.C.C. 6.08.027 are hereby amended to read as follows:

Standards for public amusement/entertainment license issuance.

A. No public amusement/entertainment license shall be issued to, maintained or renewed by any person proposing to operate or maintain or in fact operating or maintaining a public place within King County outside the incorporated limits of cities and towns, where an employee will not conform and abide by the following requirements for his or her conduct thereon:

1. No person employed in the sale or service of food and/or drink in or upon the licensed or proposed licensed place shall be unclothed or in such attire, costume or clothing so as to

1 expose to view any portion of the breast below the top of the  
2 areola or of any portion of the pubic hair, anus, crest of the  
3 buttocks, vulva or genitals.

4 2. No person employed as a hostess, entertainer or person  
5 to mingle with the patrons shall be unclothed or in such attire,  
6 costume or clothing as described in subdivision 1. of this  
7 subsection.

8 3. No employee described in subdivisions 1. and 2. of  
9 this subsection shall encourage or permit any person upon the  
10 premise to touch, caress or fondle the breasts, buttocks, anus or  
11 genitals of any other person.

12 4. No employee as described in subdivisions 1. and 2.  
13 of this subsection shall wear or use any device or covering  
14 exposed to view which simulates the breast, genitals, anus, pubic  
15 hair, or any portion thereof.

16 5. No employee as described in subdivision 1. and 2.  
17 of this subsection shall perform acts of or acts which simulate:

18 a. Sexual intercourse, masturbation, sodomy,  
19 bestiality, oral copulation, flagellation, or any sexual acts  
20 which are prohibited by law;

21 b. The touching, caressing or fondling of the breasts,  
22 buttocks or genitals;

23 c. The displaying of the pubic hair, anus, vulva or  
24 genitals.

25 6. No employee as described in subdivisions 1. and 2.  
26 of this subsection whose breasts and/or buttocks are exposed  
27 to view shall perform elsewhere in a public place than upon a  
28 stage at least eighteen inches above the immediate floor  
29 level and removed at least six feet from the nearest patron.

30 7. No employee as described in subdivision 1. and 2.  
31 or this subsection shall use artificial devices or inanimate  
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1 objects to depict any of the prohibited activities described in  
2 this subsection.

3 8. No employee as described in subdivisions 1. and 2.  
4 of this subsection shall remain in or upon the public place who  
5 exposes to public view any portion of his or her genitals or anus.

6 B. No public amusement/entertainment license for an adult  
7 entertainment studio shall be issued, maintained or renewed by  
8 any person proposing to operate or maintain or in fact operating  
9 or maintaining an adult entertainment studio within King County,  
10 outside the incorporated limits of cities and towns, where (in  
11 addition to the requirements set forth in section A. the  
12 following requirements are not adhered to:

13 1. There shall be posted and conspicuously displayed in  
14 the common areas of each Adult Entertainment Studio a list of any  
15 and all entertainment provided on the premises. Such list shall  
16 further indicate the specific fee or charge in dollar amounts for  
17 each entertainment listed.

18 2. Every Adult Entertainment Studio shall be physically  
19 arranged in such a manner that:

20 a. The entire interior portion of the booths, cubicles  
21 rooms, or stalls wherein entertainment is provided is visible from  
22 the common areas of the premises. Visibility shall not be blocked  
23 or obscured by doors, curtains, drapes, or any other obstruction  
24 whatsoever.

25 b. No activity or entertainment occurring on the  
26 premises shall be visible at any time from any public place.

27 c. No operator, entertainer, or employee of an Adult  
28 Entertainment Studio shall be visible from any public place during  
29 the hours of their employment, or apparent hours of their  
30 employment on the premises.

1           d. No operator, entertainer, or employee of an Adult  
 2 Entertainment Studio shall demand or collect all or any portion of  
 3 a fee for entertainment before its completion.

4           e. A sign shall be conspicuously displayed in the  
 5 common area of the premises, and shall read as follows:

6           THIS ADULT ENTERTAINMENT STUDIO IS REGULATED BY KING  
 7 COUNTY, ENTERTAINERS ARE:

8           (1) Not permitted to engage in any type of sexual  
 9 conduct;

10  
 11           (2) Not permitted to expose their breast or genital  
 12 areas;

13           (3) Not permitted to demand or collect all or any  
 14 portion of a fee for entertainment before its  
 15 completion.

16           ((b)) C. No public amusement/entertainment license shall be  
 17 issued, maintained or renewed as set forth in subsection A.7 of  
 18 this section where activity of any employee shall follow that  
 19 authorized by subdivision 6. of subsection A. of this section  
 20 unless:

21           1. Admission to the public place is restricted to persons  
 22 of the age of twenty-one years or more; and

23           2. The performance is not visible outside of the public  
 24 place so licensed.

25           ((e)) D. This section does not apply to:

26           1. Taverns and premises maintaining liquor licenses; or

27           2. Any theater, concert hall, or similar establishment  
 28 which is primarily devoted to theatrical performances whereupon  
 29 there are seats arranged so that a body of spectators has an  
 30 unobstructed view of the stage for performance of artistic  
 31 expression and where such performances are not incidental to the  
 32 promotion of the sale of food and drink and for which a county  
 33 license is otherwise in full force and effect.

1 ((d)) E. No public amusement or entertainment license shall  
2 be issued to, maintain or renewed by any person who has:

3 1. While unlicensed, committed or aided and abetted the  
4 commission of any act for which a license is required under the  
5 provisions of this chapter; or

6 2. Committed any act resulting in conviction or bail  
7 forfeiture of a felony or a crime involving moral turpitude,  
8 including but not limited to prostitution; or

9 3. Been refused a license under the provisions of this  
10 chapter or had a license revoked or suspended; or

11 4. Made any false statement in his application.

12 SECTION 4. Ordinance 4206, Section 4, and K.C.C. 6.08.045  
13 are hereby amended to read as follows:

14 Standards for public amusement/entertainment license  
15 suspension or revocation. The director shall revoke or suspend  
16 for not less than six months any public amusement/entertainment  
17 license issued under the provisions of this chapter if he  
18 determines that the licensee has:

19 A. Made any false statement or given any false information  
20 in connection with an application for a license or a renewal of  
21 a license;

22 B. Knowingly allowed, harbored, admitted, received or  
23 permitted in or about the premises on which the activity licensed  
24 under this chapter is conducted, operated or maintained, any  
25 prostitute, lewd or dissolute person, drunken or boisterous  
26 persons, persons under the influence of intoxicating liquor or  
27 drugs.

28 C. Conducted, operated or maintained a public amusement/  
29 entertainment on premises which, in a one-year period, have been  
30 the scene of arrests resulting in three convictions or bail  
31 forfeitures of felonies or crimes involving moral turpitude,  
32 including but not limited to prostitution;  
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1 D. Provided any entertainment not listed and posted as  
2 required in 6.08.027 (b)(1).

3 E. Collected all or any portion of a fee for  
4 entertainment prior to its completion as prohibited in  
5 6.08.027(b)(2)(D).

6 ((4)) F. Violated any of the provisions of this chapter.

7 NEW SECTION. SECTION 5.

8 Severability

9 Should any section, subsection, subdivision, paragraph,  
10 sentence, clause, or phrase of this ordinance or application  
11 thereof to any person or circumstance, be declared  
12 unconstitutional or invalid for any reason, such decision shall  
13 not affect the validity of the remaining portions of this  
14 ordinance, or its application to any other person or circumstance.

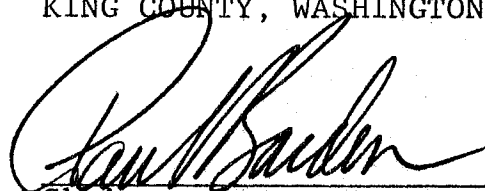
15 NEW SECTION. SECTION 6.

16 The County Council finds as a fact and declares that an  
17 emergency exists and that this ordinance is necessary for the  
18 immediate preservation of public peace, health or safety or for  
19 the support of county government and its existing public  
20 institutions.


21 INTRODUCED AND READ for the first time this 22nd day of  
22 December, 1980.

23 PASSED this 26th day of January, 1980.

24 KING COUNTY COUNCIL  
25 KING COUNTY, WASHINGTON

26   
27 \_\_\_\_\_  
28 Chairman

29 ATTEST:

30   
31 Janet M. Dune DEPUTY  
32 Clerk of the Council

33 APPROVED this 6th day of February, 1980.

  
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King County Executive