

6/2/99

licensing

Introduced By:

Louise Miller

nsr

Proposed No.:

1999-0199ORDINANCE NO. **13548**

AN ORDINANCE regulating adult entertainment; and amending Ordinance 4206, Section 3, as amended, and K.C.C. 6.08.010, Resolution 6574 (part), as amended, and K.C.C. 6.08.020, Ordinance 9915, Section 11, and K.C.C. 6.08.021, Ordinance 9915, Section 12, and K.C.C. 6.08.022, Resolution 6574 (part), as amended, and K.C.C. 6.08.030, Ordinance 7216, Section 6, as amended, and K.C.C. 6.08.042, Ordinance 9915, Section 15, and K.C.C. 6.08.043, Ordinance 4206, Section 4, as amended, and K.C.C. 6.08.100, adding a new chapter to K.C.C. Title 6, adding a new section to K.C.C. chapter 6.08, repealing Ordinance 7216, Section 1, as amended, and K.C.C. 6.08.005, Ordinance 7216, Section 4, as amended, and K.C.C. 6.08.024, Ordinance 1888 Art. IV, Section 3, and K.C.C. 6.08.040, Ordinance 7216, Section 7, as amended, and K.C.C. 6.08.044, Ordinance 2625, Sections 2 through 4, as amended, and K.C.C. 6.08.050, Ordinance 9915, Section 15, and K.C.C. 6.08.055, Ordinance 11647, Sections 2, 3 and 5, as amended, and K.C.C. 6.08.200, Ordinance 2605, Section 1, and K.C.C. 12.56.010, Ordinance 2605, Section 2, and K.C.C. 12.56.020, Ordinance 2605, Section 3, and K.C.C. 12.56.030, Ordinance 2605, Section 4, and K.C.C. 12.56.040 and Resolution 11121, Items 1 through 4, and K.C.C. 12.60.010 and prescribing penalties.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. Codification. Sections 2 through 28 of this ordinance should constitute a new chapter in K.C.C. Title 6.

NEW SECTION. SECTION 2. Findings of fact. The King County council makes

1 the following findings of fact based on: the evidence of conduct occurring in and around  
2 adult entertainment businesses as reported in *O'Day v. King County*, 109 Wn.2d 796  
3 (1988) and as reported in public testimony and other evidence, information, documents and  
4 other materials received by the King County council, including but not limited to the  
5 legislative record supporting Ordinance 7216, adopted in 1985, Ordinance 9915, adopted  
6 in 1991, Proposed Ordinance 1999-0197 and this ordinance. The King County council also  
7 makes the following findings having taken legislative notice of the evidence of conduct  
8 occurring in and around adult entertainment businesses located in other jurisdictions,  
9 which the council hereby deems to be relevant to the experience in King County, as  
10 reported in judicial opinions including but not limited to *Kev, Inc. v. Kitsap County*, 793  
11 F.2d 1053 (9th Cir. 1986), *Ino Ino, Inc. v. City of Bellevue*, 132 Wn.2d 103 (1997), *DCR,*  
12 *Inc. v. Pierce County*, 92 Wn.App. 660 (1998) and *Colacurcio v. City of Kent*, 163 F.3d  
13 545 (9th Cir. 1998) and as reported in the studies and findings of other city and county  
14 legislative bodies that have also adopted ordinances regulating adult entertainment  
15 businesses, including but not limited to the counties of Kitsap, Pierce, Snohomish and  
16 Spokane and the cities of Bellevue, Bothell, Everett, Federal Way, Kent, Lake Forest Park,  
17 Redmond, Renton, Seattle, Shoreline and Tukwila.

18 A. The operation of adult entertainment businesses has historically and regularly  
19 been accompanied by secondary effects that are detrimental to the public health, safety,  
20 morals and general welfare of the citizens of King County. Such secondary effects include  
21 significant criminal activity and activities injurious to the public health, safety, morals and  
22 general welfare of the community, detrimental effects on nearby businesses and residential

1 areas and a decline in property values in the area of the adult entertainment businesses.

2 This history of criminal and injurious activity includes prostitution, narcotics and liquor  
3 law violations, breaches of the peace, assaults, employment or involvement of minors,  
4 sexual conduct between customers or between customers and entertainers, the opportunity  
5 for the spread of sexually transmitted diseases and the presence within the industry of  
6 individuals with hidden ownership interests and outstanding arrest warrants. Accordingly,  
7 there is a compelling need and interest to regulate adult entertainment businesses as  
8 provided in this chapter to protect and promote the public health, safety, morals and  
9 general welfare of the citizens of King County;

10 B. These activities occur regardless of whether adult entertainment is presented in  
11 conjunction with the sale of alcoholic beverages;

12 C. The resources available for responding to problems associated with adult  
13 entertainment businesses are limited and are most efficiently and effectively utilized  
14 through a licensing and regulatory program;

15 D. The license fees required in this ordinance are necessary as reasonable fees  
16 imposed to help defray the costs of processing the license applications and the substantial  
17 expenses incurred by King County in regulating the adult entertainment industry;

18 E. Adult entertainment businesses have historically engaged in practices that  
19 involve secreting ownership interests for such purposes as money laundering, skimming  
20 profits and tax evasion. These hidden ownership interests have, on occasion, been held by  
21 individuals and entities reputed to be involved in organized crime. To detect and  
22 discourage the involvement of organized crime in the adult entertainment industry, to

1 effectively deploy its limited law enforcement resources and to effectively protect the  
2 public health, safety, morals and general welfare of its citizenry, the county must be fully  
3 apprised of the actual and controlling interests of adult entertainment businesses and the  
4 identities and criminal backgrounds of persons responsible for the management and control  
5 of such businesses;

6 F. To detect and discourage the involvement of organized crime in the adult  
7 entertainment industry, to prevent the exploitation of minors, to assure the correct  
8 identification of persons working in adult entertainment businesses, to effectively deploy  
9 its limited law enforcement resources and to effectively protect the public health, safety,  
10 morals and general welfare of its citizenry, the county must be fully apprised of the  
11 identity, age and criminal background of managers in adult entertainment businesses;

12 G. It is necessary to have a licensed manager on the premises of an adult  
13 entertainment business during all hours of operation so there will be a person responsible  
14 for the overall operation of the business, including the actions of customers, entertainers  
15 and other employees. To monitor the actions of these individuals, a manager must be able  
16 to observe these individuals at all times;

17 H. To prevent the exploitation of minors, to assure the correct identification of  
18 persons working in adult entertainment businesses, to effectively deploy its limited law  
19 enforcement resources and to effectively protect the public health, safety, morals and  
20 general welfare of its citizenry, the county must be fully apprised of the identity, age and  
21 criminal background of entertainers in adult clubs;

22 I. Proximity between entertainers and customers in adult clubs facilitates sexual

1 conduct, prostitution, transactions involving controlled substances and other crimes. To  
2 deter such conduct and assist law enforcement in detecting it, King County has historically  
3 required that an entertainer exposing nudity must be separated from customers by  
4 performing on a stage at least eighteen inches above the floor and as least six feet from the  
5 nearest patron and has prohibited entertainers from engaging in sexual conduct;

6 J. There is substantial evidence that such prohibitions are ineffective. Entertainers  
7 in adult clubs perform offstage erotic performances, variously referred to as "table",  
8 "couch" or "lap" dances, which typically involve exposure of nudity or sexual conduct  
9 between entertainers and customers, or both, and may also include acts of prostitution,  
10 transactions involving controlled substances and other crimes. To effectively deter such  
11 conduct and assist law enforcement in detecting it, it is necessary that all erotic  
12 performances in an adult club occur on a stage which is at least ten feet from the nearest  
13 customer. Such a requirement is in effect in the city of Kent, Kitsap county and Pierce  
14 county and has been upheld as a constitutional regulation that furthers the governmental  
15 interest in preventing sexual conduct and other criminal conduct while still allowing an  
16 entertainer to convey an erotic expression (see *Colacurcio v. City of Kent*, 163 F.3d 545  
17 (9th Cir. 1998), *Kev, Inc. v. Kitsap County*, 793 F.2d 1053 (9th Cir. 1986) and *DCR, Inc. v.*  
18 *Pierce County*, 92 Wn.App. 660 (1998), respectively).

19 K. To prevent sexual conduct from occurring between entertainers and customers,  
20 customers must be prohibited from any stage where adult entertainment occurs and be  
21 prohibited from passing tips, gratuities or other payments directly to entertainers  
22 performing on stage.

1 L. Adult entertainment businesses have historically attempted to prevent law  
2 enforcement and licensing officials from detecting sexual conduct, prostitution, sale and  
3 distribution of controlled substances and other violations of law occurring on the premises  
4 by employing warning systems, maintaining a low level of lighting and other techniques.  
5 It is necessary, to effectively enforce this ordinance and to protect the public health, safety,  
6 morals and general welfare of the county's citizenry, that adult entertainment businesses be  
7 required to maintain a minimum level of lighting, that warning devices and systems be  
8 prohibited and that unannounced inspections be permitted by county licensing and law  
9 enforcement personnel;

10 M. Adult arcades provide booths for individual viewing of live performances,  
11 videos and films distinguished or characterized by an emphasis on nudity or sexual  
12 conduct. Existing standards of conduct and facility specifications have not deterred  
13 customers from engaging in sexual conduct in such businesses. To detect and deter such  
14 conduct, to require maintenance of clean and sanitary conditions and to reduce the potential  
15 for the spread of sexually transmitted diseases, it is necessary to regulate the configuration  
16 and facility specifications of adult arcades as set forth in this chapter, including but not  
17 limited to restricting the occupancy of a booth to one person;

18 N. An adult arcade might attempt to circumvent the limit of one person per booth  
19 by creating a small room, labeled a "minitheater" rather than a booth, in which two, three  
20 or a small number of individuals would be able to view videos and films distinguished or  
21 characterized by an emphasis on nudity or sexual conduct. Moreover, traditional-sized  
22 theaters might also show such videos or films. Customers have used both traditional adult

1 theaters and "minitheaters" within arcades as places to engage in sexual conduct. Existing  
2 standards of conduct and facility specifications have not deterred customers from engaging  
3 in sexual conduct in these businesses. To detect and deter such conduct and reduce the  
4 potential for the spread of sexually transmitted diseases, it is necessary to regulate the  
5 configuration and facility specifications, as set forth in this chapter, of spaces used by more  
6 than one individual to view adult entertainment. In particular, it is necessary to require that  
7 any group viewing area for such videos and films have a minimum of eight seats which  
8 may be accessed by customers without reservation in order to prevent or diminish a sense  
9 of privacy and intimacy which would be conducive to and enabling of sexual conduct  
10 between customers;

11 O. To assure that minors are not subjected to adult entertainment, it is necessary to  
12 prohibit adult entertainment businesses from allowing adult entertainment performances, or  
13 pictorial representations of adult entertainment performances displaying nudity or sexual  
14 conduct, from being visible from outside the business; and

15 P. To discourage customers of bars and other alcohol-serving businesses from  
16 moving to adult entertainment businesses at two a.m. for "after hours" activities, and the  
17 increased likelihood of breaches of the peace and other criminal conduct that arise from  
18 those customers and to reduce the adverse secondary effects of adult entertainment  
19 businesses on minors and the community, it is necessary to restrict the closing time of adult  
20 entertainment businesses.

21 Q. The findings of fact contained in Proposed Ordinance 1999-0197 are  
22 incorporated in this ordinance.

1           NEW SECTION. SECTION 3. Purpose and intent. It is the purpose of this chapter  
2 to establish licensing, operational and facility standards for adult entertainment businesses  
3 located in unincorporated King County to promote and protect the health, safety, morals  
4 and general welfare of unincorporated King County's residents. This chapter is intended to  
5 prevent the secondary effects that have historically and regularly accompanied the  
6 operation of adult entertainment businesses, including but not limited to the incidence of  
7 prostitution, sexual conduct with the opportunity for transmission of sexually transmitted  
8 diseases, employment or involvement of minors, violation of controlled substance and  
9 alcoholic beverage laws, assaults, breaches of the peace and the presence within the  
10 industry of individuals with hidden ownership interests and outstanding arrest warrants. It  
11 is not the intent of the county council that this chapter have either the purpose or effect of  
12 suppressing speech activities protected by the constitutions of the United States and the  
13 State of Washington.

14           NEW SECTION. SECTION 4. Definitions. The definitions in this section apply  
15 throughout this chapter unless the context clearly requires otherwise.

16           A. "Adult entertainment" means a performance described in the definition of adult  
17 entertainment business in this section.

18           B. "Adult entertainment business" means an adult arcade, an adult club or an adult  
19 theater, each as defined in the following, or a combination of an adult arcade, an adult club  
20 or an adult theater.

21           1. "Adult arcade" means a bookstore, video store, membership club or other place:

22           a. to which the public or members of a membership club are invited or



1 admitted, whether or not a membership fee, cover charge or other consideration is required  
2 for admittance; and

3 b. that provides one or more booths for viewing a live performance, as specified  
4 in the definition of an "adult club" in subsection B.2 of this section, or motion picture  
5 films, video cassettes, cable television shows, computer-generated images or any other  
6 visual media distinguished or characterized by a predominant emphasis on performances  
7 involving nudity or sexual conduct.

8 2. "Adult club" means a nightclub, membership club, bar, restaurant, salon, hall,  
9 studio or other place:

10 a. to which the public or members of a membership club are invited or  
11 admitted, whether or not a membership fee, cover charge or other consideration is required  
12 for admittance, and

13 b. that provides, on a regular basis or as a substantial part of the activity on the  
14 premises, a live performance that: includes nudity; is distinguished or characterized by a  
15 predominant emphasis on depictions or simulations of sexual conduct; or otherwise  
16 constitutes an erotic performance. A place that provides such a live performance only for  
17 viewing by an individual in a booth in accordance with this chapter is an adult arcade and  
18 not an adult club.

19 3. "Adult theater" means a movie theater, bookstore, video store, membership club  
20 or other place:

21 a. to which the public or members of a membership club are invited or  
22 admitted, whether or not a membership fee, cover charge or other consideration is required

1 for admittance; and

2 b. that provides a room or other area that can accommodate more than one  
3 person for viewing motion picture films, video cassettes, cable television shows, computer-  
4 generated images or any other visual media distinguished or characterized by a  
5 predominant emphasis on performances involving nudity or sexual conduct.

6 4. Notwithstanding any other provision of this chapter, "adult arcade," "adult  
7 club" and "adult theater" do not include:

8 a. a theater or performing arts institution that presents a play, opera, musical,  
9 dance or other dramatic works that are not distinguished or characterized by a predominant  
10 emphasis on nudity or sexual conduct; or

11 b. an educational institution, administered, licensed or recognized as a public or  
12 private educational institution by the State of Washington, that provides a modeling  
13 session or other class or seminar depicting nudity or sexual conduct.

14 C. "Applicant" means a person who applies for an adult entertainment business  
15 license, an adult entertainment manager license or an adult entertainer license.

16 D. "Booth" means a booth, cubicle, stall, room or enclosed space in an adult  
17 arcade, that is designed, constructed or used to hold or seat a single individual.

18 E. "Business control person" means a partner, corporate officer, director,  
19 shareholder or other individual who has responsibility for the management of an adult  
20 entertainment business.

21 F. "Business license" means an adult entertainment business license.

22 G. "County" means King County, Washington.

1           H. "Customer" means a customer, patron, club member or other individual who is  
2 invited or admitted to an adult entertainment business during its hours of operation,  
3 regardless of whether he or she makes a purchase or pays a fee, charge, gratuity or other  
4 consideration. However, "customer" does not include an employee or entertainer while the  
5 employee or entertainer is engaged in his or her duties or performance.

6           I. "Director" means the director of the department of information and  
7 administrative services or the director's designee.

8           J. "Employee" means an individual, including an independent contractor, who  
9 works in or at or renders service directly related to the operation of an adult entertainment  
10 business, whether or not the person is paid compensation by the operator of the business.

11           K. "Entertainer" means an individual who provides live adult entertainment in an  
12 adult club, whether or not a fee, tip or other consideration is charged or accepted for the  
13 entertainment.

14           L. "Entertainer license" means a license for an entertainer issued under this  
15 chapter.

16           M. "Erotic performance" means a performance, in an adult club, that is intended to  
17 sexually stimulate a customer.

18           N. "Manager" means an individual who provides on-site management, direction or  
19 administration of the operation or conduct of any portion of an activity conducted in an  
20 adult entertainment business and includes an assistant manager working with or under the  
21 direction of a manager to carry out those purposes.

22           O. "Manager license" means a license for a manager issued under this chapter.

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P. "Membership club" means a club that invites or accepts a membership application from the public.

Q. "Nudity" or "nude" means:

1. The exposure to view, by not completely covering with an opaque material, of the human male or female pubic region, anus, cleft of the buttocks, genitalia or any portion of the areola or nipple of the female breast;
2. The exposure to view of a device or covering that simulates the appearance of the human male or female pubic region, anus, cleft of the buttocks, genitalia or any portion of the areola or nipple of the female breast; or
3. The display of male genitalia in a discernible state of sexual stimulation, whether covered or not with opaque material.

R. "Obscene" means a performance that:

1. Taken as a whole, by an average person applying contemporary community standards, appeals to a prurient interest in sex;
2. Taken as a whole, by an average person applying contemporary community standards, depicts patently offensive representations of the sexual acts described in RCW 7.48A.010(2)(b); and
3. Taken as a whole, lacks serious literary, artistic, political or scientific value.

S. "Performance" means an exhibition, display, appearance, dance, modeling, demonstration, show, pantomime or presentation of any kind, whether live or depicted in a motion picture film, video cassette, cable television show, computer-generated image, slide or other nonlive visual image.

1 T. "Person" means an individual, firm, corporation, joint venture, partnership,  
2 association, membership club, fraternal organization, estate, trust or other entity or group  
3 acting as a unit.

4 U. "Premises" means the entire real estate parcel on which an adult entertainment  
5 business is located, including all interior areas and exterior areas such as parking areas.

6 V. "Satisfactory documentation" means:

7 1. A current, valid motor vehicle operator's license, issued by a state, bearing the  
8 applicant's photograph and date of birth;

9 2. A current, valid identification card bearing the applicant's photograph and date  
10 of birth issued by a federal or state government agency; or

11 3. A valid passport issued by the United States of America or another country.

12 W. "Sexual conduct" means any of the following:

13 1. Caressing, fondling or other erotic touching of genitalia, pubic region, buttocks,  
14 anus, female breast or artificial depictions of those anatomical areas, whether covered or  
15 not with opaque material; or

16 2. An act of masturbation, genital intercourse, anal intercourse, fellatio,  
17 cunnilingus, sadomasochistic abuse or bestiality.

18 X. "Sheriff's office" means the office of the King County sheriff.

19 NEW SECTION. SECTION 5. Licenses required. A. Business license.

20 1. No person shall operate an adult entertainment business at a location in  
21 unincorporated King County unless the person holds a valid adult entertainment business  
22 license issued by the director in the person's name, for the location and for one or more of

1 the following types of adult entertainment business being operated on the premises:

- 2 a. Adult club;  
3 b. Adult arcade; or  
4 c. Adult theater.

5 2. No person shall knowingly allow the use of the person's property located in  
6 unincorporated King County for the operation of an adult entertainment business that is not  
7 licensed under this chapter.

8 3. No person shall knowingly manage or participate in the management of an adult  
9 entertainment business, located in unincorporated King County, that is not licensed under  
10 this chapter.

11 4. No person shall knowingly work as an employee or entertainer in or about an  
12 adult entertainment business, located in unincorporated King County, that is not licensed  
13 under this chapter.

14 5. No person granted an adult entertainment business license under this chapter  
15 shall operate the adult entertainment business under a name not specified on the license.

16 6. No person shall operate an adult entertainment business at a location not  
17 specified on the license.

18 B. Manager license. No person shall act as a manager of an adult entertainment  
19 business located in unincorporated King County without having first obtained a manager  
20 license.

21 C. Entertainer license. No person shall act as an entertainer at an adult  
22 entertainment business located in unincorporated King County without having first

1 obtained an entertainer license.

2 D. Duty to supplement. An applicant for, or a holder of, a license issued under this  
3 chapter shall modify or supplement application information, on file with the director,  
4 within ten days of a change if the information changes materially from what is stated on  
5 the applicant or holder's application.

6 E. Assignment or transfer of license prohibited. A license issued under this  
7 chapter may not be assigned or transferred as part of a transaction, including, but not  
8 limited to, the sale, exchange, establishment of a trust or any other means.

9 F. Original required. A photocopy or other form of reproduction is not acceptable  
10 as proof of a license required under this chapter.

11 NEW SECTION. SECTION 6. Adult entertainment business license --

12 **application process.** A. An application for an adult entertainment business license must  
13 be submitted in the name of the person proposing to operate the adult entertainment  
14 business and who would be liable under Title 82 RCW for the payment of business and  
15 occupation taxes on the privilege of operating the adult entertainment business.

16 B. An application for an adult entertainment business license must be made on a  
17 form, provided by the director, that requires the following information:

- 18 1. For the applicant and each business control person:
- 19 a. the legal name and any alias, stage name or previous name;
- 20 b. the date and place of birth;
- 21 c. the current residential and mailing addresses;
- 22 d. the business telephone number;

1. e. the driver's license number and issuing state;

2 f. the employment, business and occupational history for the three years  
3 immediately preceding the date of the application, including the name and address of  
4 employers or persons for whom the applicant or business control person performed  
5 services as an independent contractor;

6 g. whether the applicant or business control person holds any other licenses  
7 under this chapter or an adult entertainment-related license issued by another jurisdiction;  
8 and, if so, the name and address of the businesses to which the licenses pertain;

9 h. whether the applicant or business control person had, within the three years  
10 immediately preceding the date of the application, a license under this chapter or an adult  
11 entertainment-related license issued by another jurisdiction denied, suspended or revoked;  
12 and, if so, the name and location of the adult entertainment business to which the denied,  
13 suspended or revoked license pertained, the jurisdiction that took such action, the reason  
14 for the action, the date of the action and the status of any appeal of the action; and

15 i. whether the applicant or business control person has been the subject of a bail  
16 forfeiture, adverse finding or conviction in connection with local, state or federal criminal  
17 law, other than a parking offense or traffic infraction, within the five years immediately  
18 preceding the date of the application; and, if so, the nature of the crime and the date,  
19 location and nature of the judicial action taken;

20 2. If the applicant is a corporation or a limited liability company:

21 a. the legal name of the corporation;

22 b. the date and place of incorporation; and



1 c. the name and address of any registered agent for service of process;

2 3. If the applicant is a partnership:

3 a. the legal name of the partnership;

4 b. whether the partnership is general or limited; and

5 c. the name and address of any registered agent for service of process;

6 4. The applicant's federal and state tax identification numbers;

7 5. The type or types of adult entertainment proposed for the business and the  
8 business's proposed "doing-business-as" name;

9 6. The location of the proposed adult entertainment business, including a legal  
10 description of the property, the common address and each telephone number assigned to  
11 the business;

12 7. The name, address and telephone number of each owner and lessee of the  
13 property at which the adult entertainment business is proposed to be conducted; and

14 8. Whether the applicant proposes to serve liquor in the adult entertainment  
15 business and the status of the business's liquor license or application for the liquor license.

16 C. An application form for an adult entertainment business license must be  
17 accompanied by the following submittals:

18 1. If the applicant is a corporation, evidence that the corporation is qualified to do  
19 business in the State of Washington. If the applicant is a partnership, a copy of the  
20 partnership agreement must be included;

21 2. A sketch or diagram showing the configuration of the interior of the adult  
22 entertainment business, including a statement of total floor space occupied by the business.

1 The sketch or diagram must be drawn to a designated scale or drawn with marked  
2 dimensions of the interior of the premises to an accuracy of plus or minus six inches;

3 3. For each applicant and business control person:

4 a. Satisfactory documentation that the applicant or business control person is at  
5 least eighteen years old; and

6 b. A complete set of fingerprints taken by the sheriff's office or sent directly to  
7 the director from another law enforcement agency; and

8 4. The license fee or fees established in this chapter.

9 D. The application form must be verified and certified to be complete and true  
10 under penalty of perjury by the notarized signature of the applicant, if the applicant is an  
11 individual. If the applicant is a partnership or corporation, the notarized signature must be  
12 that of a general partner of the partnership or the president of the corporation. The director  
13 may request other information or clarification in addition to that provided in the application  
14 form if necessary to determine compliance with this chapter and applicable zoning,  
15 building, fire, public health and other ordinances, statutes and rules.

16 E. On receipt of an application and all required submittals and information, the  
17 director shall provide copies of the application materials to the sheriff's office and such  
18 other county departments as the director deems appropriate to assess whether the proposed  
19 adult entertainment business complies with this chapter and applicable zoning, building,  
20 fire, public health and other ordinances, statutes and rules.

21 F. The director and personnel from other departments may conduct on-site  
22 inspections of the premises of the adult entertainment business before the director issues a

1 license to ensure compliance with this chapter and applicable zoning, building, fire, public  
2 health and other ordinances, statutes and rules.

3 G. Within thirty days of the director's receipt of an application and all required  
4 submittals and information, the director shall issue or deny the adult entertainment  
5 business license. If the director fails to issue or deny the license within the thirty-day  
6 period, the license is deemed issued on the last day of the period and the applicant may  
7 operate, subject to all other provisions of this chapter, the business for which the license  
8 was sought.

9 H. An adult entertainment business license at a minimum shall include on its face  
10 the name of the person to whom the license is issued, the "doing-business-as" name of the  
11 business, the specific type of adult entertainment business licensed, the license's expiration  
12 date and the address of the adult entertainment business.

13 NEW SECTION. SECTION 7. Adult entertainment business license -- grounds  
14 **for denial.** The director shall deny the adult entertainment business license for any of the  
15 following reasons and shall notify the applicant in writing of the grounds for the denial and  
16 the opportunity to appeal:

17 A. The applicant or a business control person is less than eighteen years old;

18 B. The applicant failed to provide all of the information and submittals required by  
19 the director and this chapter;

20 C. The applicant knowingly made a false, misleading or fraudulent representation  
21 or omission of material fact, either on the application for the license or by failing to modify  
22 or supplement the application as required by section 5D of this ordinance;

1 D. The applicant or a business control person is currently the subject of a final  
2 adult entertainment license suspension order issued by the county or is the subject of an  
3 adult entertainment license revocation order, issued by the county, that became final less  
4 than one year before the pending application; or

5 E. The applicant or the adult entertainment business is not in compliance with this  
6 chapter or applicable zoning, building, fire, public health or other ordinance, statute or rule.

7 **NEW SECTION. SECTION 8. Manager and entertainer licenses -- application**

8 **process.** A. A separate license is required for an individual to act as a manager of an adult  
9 entertainment business and to act as an entertainer at an adult club.

10 B. An application for a manager license or entertainer license must be made on a  
11 form provided by the director, which form must require the following information:

12 1. For the applicant:

13 a. the legal name and any alias, stage name or previous name;

14 b. the date and place of birth;

15 c. the current residential and mailing addresses;

16 d. the residential and business telephone numbers;

17 e. the driver's license number and issuing state;

18 f. whether the applicant holds another license under this chapter or an adult  
19 entertainment-related license issued by another jurisdiction; and, if so, the name and  
20 address of the business to which the license pertains;

21 g. whether the applicant had, within the three years immediately preceding the  
22 date of the application, a license under this chapter or an adult entertainment-related license

1 issued by another jurisdiction denied, suspended or revoked within the three years  
2 immediately preceding the date of the application; and, if so, the name and location of the  
3 adult entertainment business to which the denied, suspended or revoked license pertained,  
4 the jurisdiction that took such action, the reason for the action, the date of the action and  
5 the status of any appeal of the action; and

6 h. whether the applicant has been the subject of a bail forfeiture, adverse finding  
7 or conviction in connection with local, state or federal criminal law, other than a parking  
8 offense or traffic infraction, within the five years immediately preceding the date of the  
9 application; and, if so, the nature of the crime and the date, location and nature of the  
10 judicial action taken; and

11 2. The name and address of each adult entertainment business at which the  
12 applicant will work as a manager or entertainer.

13 C. A completed application form for a manager's license or an entertainer's license  
14 must be accompanied by the following submittals:

- 15 1. Satisfactory documentation that the applicant is at least eighteen years old;
- 16 2. Two color photographs taken by the director showing only the full face of the  
17 applicant;
- 18 3. A complete set of the applicant's fingerprints taken by the sheriff's office; and
- 19 4. The license fee established in this chapter.

20 D. The application form must be verified and certified to be complete and true  
21 under penalty of perjury by the notarized signature of the applicant.

22 E. The director shall issue or deny a manager license or entertainer license on the

1 same business day in which a completed application and all required submittals and  
2 information are received. If the director fails to issue or deny the license on the same  
3 business day, the license is deemed issued on the date the completed application was  
4 received and the applicant may perform, subject to all other provisions of this chapter, the  
5 function for which the license was sought.

6 F. A manager license or entertainer license at a minimum shall include on its face  
7 the name of the person to whom it is issued; the person's signature, height and weight, date  
8 of birth and photograph; the license's expiration date; and whether the holder is licensed as  
9 a manager or entertainer.

10 NEW SECTION. SECTION 9. Manager licenses and entertainer licenses --  
11 **grounds for denial.** The director shall deny an application for a manager or entertainer  
12 license for any of the following reasons and shall notify the applicant in writing of the  
13 grounds for the denial and the opportunity to appeal:

- 14 A. The applicant is less than eighteen years old;
- 15 B. The applicant failed to provide all information and submittals required by the  
16 director and this chapter;
- 17 C. The applicant knowingly made a false, misleading or fraudulent omission or  
18 representation of material fact, either on the application for the license or by failing to  
19 modify or supplement the application as required by section 5D of this ordinance;
- 20 D. The applicant is currently the subject of a final adult entertainment license  
21 suspension order issued by the county or is the subject of an adult entertainment license  
22 revocation order issued by the county that became final less than one year before the

1 pending application.

2 NEW SECTION. SECTION 10. License duration and renewal. A. An adult  
3 entertainment business license, manager license or entertainer license expires one year  
4 from the date of the initial license application filing. To avoid a lapse in the effectiveness  
5 of a license, an application to renew a license must be submitted to the director, on a form  
6 provided by the director, at least thirty days before the expiration of a business license and  
7 at least one business day before the expiration of a manager license or entertainer license.  
8 Notwithstanding a lapse in the effectiveness of a license, an application shall be processed  
9 as a renewal application if it is filed within ten days after a license expired.

10 B. An application for renewal must be accompanied by those initial submittals as  
11 may be required by the director. The application form must be verified and certified to be  
12 complete and true under penalty of perjury by the notarized signature of the applicant, if  
13 the applicant is an individual. If the applicant is a partnership or corporation, the notarized  
14 signature shall be that of a general partner of the partnership or the president of the  
15 corporation.

16 C. On receipt of a business license renewal application and all required submittals,  
17 the director shall provide copies of the application materials to the sheriff's office and such  
18 other county departments as the director deems appropriate to determine whether the adult  
19 entertainment business complies with this chapter and applicable zoning, building, fire,  
20 public health and other county, state and federal ordinances, statutes and rules.

21 D. The director and personnel from another department may conduct an on-site  
22 inspection of the adult entertainment business before issuing a renewal of a business

1 license to ensure compliance with this chapter.

2 E. Within thirty days of the director's receipt of a business license renewal  
3 application and all required submittals and information, the director shall issue or deny the  
4 license renewal. If the director fails to issue or deny the license renewal within the thirty-  
5 day period, the business license is deemed issued on the last day of the period and the  
6 applicant may continue to operate, subject to all other provisions of this chapter, the  
7 business for which the license renewal was sought.

8 F. The director shall issue or deny a renewal of a manager license or entertainer  
9 license on the same business day in which the completed renewal application and all  
10 required submittals and information are received. If the director fails to issue or deny the  
11 license on the same business day, the license is deemed issued on the date the completed  
12 application was received and the applicant may perform, subject to all other provisions of  
13 this chapter, the function for which the license was sought.

14 G. The director shall deny a license renewal for any of the reasons in this chapter  
15 for denial of an initial license application and shall notify the applicant in writing of the  
16 grounds for denial and the opportunity to appeal.

17 H. A license renewal expires one year from the previous license's expiration date.

18 NEW SECTION. SECTION 11. License fees. A person applying for a license under  
19 this chapter shall pay the appropriate nonrefundable fee, from the following, with a license  
20 or license renewal application:

21 A. 1. Adult entertainment business:

22 a. Adult club \$750.00





1 E. Sufficient lighting must be provided and equally distributed throughout the  
2 areas that are open to and used by customers such that, during hours of operation, all  
3 objects are plainly visible. "Sufficient lighting" means a minimum lighting level of thirty  
4 lux horizontal, measured at thirty inches from the floor and on ten-foot centers, for all areas  
5 open to and used by customers;

6 F. A door to an area on the premises that is available for use by a person other than  
7 the owner or manager, or both, or owner or manager's agent or employee, may not be  
8 locked during business hours;

9 G. Restroom facilities provided for customers must be separate from those  
10 provided employees and entertainers; and

11 H. A sign must be conspicuously displayed inside every entrance to the adult club,  
12 that states as follows:

13 THIS ADULT ENTERTAINMENT BUSINESS IS REGULATED BY KING COUNTY  
14 CODE WHICH INCLUDES THE FOLLOWING PROHIBITIONS:

15 1. No person under eighteen years old shall be permitted on the premises.

16 2. No person is permitted to expose nudity or otherwise engage in an erotic  
17 performance except on a stage. No customer is permitted on stage or inside the railing,  
18 which is located at least ten feet from the stage.

19 3. No person is permitted to perform an offstage erotic performance.

20 4. No person shall engage in sexual conduct while on the premises.

21 5. A tip, gratuity or other payment offered to an entertainer performing on stage must  
22 be placed into a receptacle located outside the stage and setback area.

1           6. A violation is subject to criminal prosecution and civil penalties.

2           NEW SECTION. SECTION 13. Adult clubs -- operating requirements and

3           **standards of conduct.** On the premises of an adult club, the adult club and its business  
4           license holders, business control persons, managers, employees, entertainers and customers  
5           shall adhere to the following operating requirements and standards of conduct:

6           A. Business license holder and business control persons responsible. The adult  
7           entertainment business license holder and any business control persons shall be responsible  
8           for and shall assure that the conduct of the managers, entertainers, employees and  
9           customers of the adult club complies with this chapter;

10          B. Licensed manager required on premises. During all hours of operation, the  
11          adult club must have a licensed manager on duty stationed in a location from which the  
12          manager can view every live adult entertainment stage, stage setback area and customer  
13          area of the business;

14          C. Licensed manager responsible. The on-duty manager is responsible for and  
15          shall assure that the conduct of the entertainers, employees and customers of the adult club  
16          complies with this chapter;

17          D. Posting of licenses. The holder of the adult entertainment business license shall  
18          post the license in a conspicuous place at or near the entrance to the adult entertainment  
19          business so that the license can be easily read when the business is open. The manager  
20          shall post his or her license next to the business license when he or she is on duty as the  
21          manager. An entertainer shall provide his or her license to the manager on duty who shall  
22          maintain the entertainer's license on the premises for immediate inspection when the

1 entertainer is on the premises. The manager shall, on request by the director or any law  
2 enforcement officer, make available for inspection the license of an entertainer on the  
3 premises;

4 E. Records of entertainers and employees. The adult club must maintain, on a  
5 form prescribed by the director, a record by date and shift of the name, stage name if any,  
6 entertainer license number and date of birth of each person who worked as an employee or  
7 performed as an entertainer at the club. The record of each person must be retained for at  
8 least one year after the work or performance was performed at the club;

9 F. Prohibited hours of operation. The business license holder, business control  
10 person or manager may not operate the adult club, or allow the adult club to be open to  
11 customers, between two a.m. and ten a.m.;

12 G. Minors prohibited. An individual under eighteen years old may not be in or on  
13 the premises. The business license holder, business control person or manager may not  
14 permit or allow a person under eighteen years old to be in or on the premises;

15 H. Alcohol prohibited without a license. An individual may not possess, consume  
16 or serve an alcoholic beverage unless, and to the extent, the adult club is covered by a valid  
17 liquor license issued by the Washington State Liquor Control Board;

18 I. Nudity and erotic performances permitted only on stage. An individual may not  
19 expose nudity or engage in any erotic performance except on a stage meeting the facility  
20 requirements of this chapter;

21 J. Sexual conduct prohibited. An individual may not engage in sexual conduct;

22 K. Obscene performances prohibited. An individual may not engage in an obscene

1 performance;

2 L. Customers prohibited onstage or in stage setback area. A customer may not  
3 enter on the stage or the stage setback area;

4 M. Separate restroom facilities. An employee or entertainer may not enter a  
5 customer restroom and a customer may not enter an employee and entertainer restroom;

6 N. Tips, gratuities and payments to entertainers. An entertainer performing on a  
7 live adult entertainment stage may not accept a tip, gratuity or other payment offered  
8 directly to the entertainer by a customer. A tip, gratuity or other payment offered to an  
9 entertainer performing on a live adult entertainment stage must be placed into a receptacle  
10 located outside the stage and stage setback area provided through a manger on duty on the  
11 premises; and

12 O. Warning device prohibited. A person may not operate or maintain a warning  
13 device or system for the purpose of warning or aiding and abetting the warning of an  
14 entertainer, employee, customer or other person that the police, health, fire or building  
15 inspector or other public official is approaching or entered the premises.

16 NEW SECTION. SECTION 14. Adult arcades -- facility specifications. An adult  
17 arcade must meet the following facility specifications:

18 A. All booths must be visible from the common area immediately inside an adult  
19 arcade's entrance unless the arcade is configured such that all the booths are located in a  
20 section of the premises dedicated solely for that purpose within the arcade, herein referred  
21 to as a "booth section". If the booths are located in a booth section within the arcade, all  
22 booths must be visible from the entrance to the booth section. The entrance to the booth

1 section must be open to the arcade common area and may not be obstructed by a curtain,  
2 door, wall, merchandise, display rack or other material;

3 B. A booth may not exceed twelve square feet in size and may not be equipped  
4 with a door, curtain or screening device that prevents the manager, county inspector or law  
5 enforcement personnel from determining the number of individuals inside the booth. The  
6 bottom of any door, curtain or screening device on a booth must be at least twenty-four  
7 inches above the floor of the booth. The top of any door, curtain or screening device on a  
8 booth may not exceed sixty-six inches above the floor unless the door, curtain or screening  
9 device has an opening, or clear, clean window, at least twelve inches in height and twenty-  
10 four inches in width, located between sixty-six and seventy-eight inches above the floor of  
11 the booth, that provides an unobstructed view to the side walls and back wall of the booth.  
12 A booth door or other screening device may not be equipped with a locking device;

13 C. A chair or seating surface in a booth may not provide a seating surface of more  
14 than eighteen inches in either length or width and may not be higher than the bottom of a  
15 door, curtain or other screening device. There may not be more than one chair or seating  
16 surface in a booth;

17 D. If an individual is able to view a live performance from an arcade booth, the  
18 booth must be constructed so that the opening between the booth and the performance area  
19 is entirely covered by an immovable panel of transparent nonporous material that extends  
20 the full length and width of the opening, does not contain a hole and prevents contact  
21 between the individual in the booth and the entertainer;

22 E. An arcade may not contain a space for more than one person to view adult

1 entertainment unless the space is licensed as, and meets the specifications for, an adult  
2 theater under this chapter;

3 F. A door to an area on the premises that is available for use by customers may not  
4 be locked during business hours;

5 G. Steps or risers are not allowed in a booth;

6 H. Sufficient lighting must be provided and equally distributed throughout the  
7 areas that are open to and used by customers such that, during hours of operation, all  
8 objects are plainly visible. "Sufficient lighting" means a minimum lighting level of thirty  
9 lux horizontal, measured at thirty inches from the floor and on ten-foot centers, for all areas  
10 open to and used by customers;

11 I. A restroom may not contain viewing equipment;

12 J. The floor, walls and ceiling surfaces in a booth must be made of nonporous,  
13 easily cleanable surfaces and may not consist of rugs or carpeting;

14 K. A ventilation device or hole in a booth must be covered by a permanently  
15 affixed ventilation cover. A ventilation hole may be located only within one foot from the  
16 top of or one foot from the bottom of the booth walls, or both. There may not be any other  
17 holes or openings in the booths;

18 L. The premises must be maintained in a clean and sanitary condition;

19 M. Adult entertainment provided on the premises of an adult arcade, or a pictorial  
20 representation of adult entertainment displaying nudity or sexual conduct, must not be  
21 visible from outside the business; and

22 N. A sign must be conspicuously displayed at the entrance to the arcade's booth

1 section, if applicable, and in each booth, that states as follows:

2 THIS ADULT ENTERTAINMENT BUSINESS IS REGULATED BY KING COUNTY  
3 CODE WHICH INCLUDES THE FOLLOWING PROHIBITIONS:

- 4 1. No person under eighteen years old is permitted on the premises.
- 5 2. Masturbation and other sexual conduct are prohibited and unlawful on the  
6 premises.
- 7 3. More than one person may not occupy a booth at a time.
- 8 4. A violation is subject to criminal prosecution and civil penalties.

9 NEW SECTION. SECTION 15. Adult arcades -- operating requirements and  
 10 **standards of conduct.** On the premises of an adult arcade, the adult arcade and its  
 11 business license holders, business control persons, managers, employees, entertainers and  
 12 customers shall adhere to the operating requirements and standards of conduct specified in  
 13 the following:

14 A. Business license holder and business control persons responsible. The adult  
 15 entertainment business license holder and any business control person shall be responsible  
 16 for and shall assure that the conduct of the managers, employees, entertainers and  
 17 customers of the adult arcade complies with this chapter;

18 B. Licensed manager required on premises. The adult arcade must, during hours  
 19 of operation, have a licensed manager on duty who is stationed in a location from which  
 20 every booth and customer area of the business is visible at all times, either by direct line of  
 21 sight or by continuous video monitoring;

22 C. Licensed manager responsible. The on-duty manager is responsible for and



1 shall assure that the conduct of the entertainers, employees and customers of the adult  
2 arcade complies with this chapter;

3 D. Posting of licenses. The holder of the adult entertainment business license shall  
4 post the license in a conspicuous place at or near the entrance to the adult entertainment  
5 business so that the license can be easily read when the business is open. The manager  
6 shall post his or her license next to the business license when he or she is on duty as the  
7 manager;

8 E. Prohibited hours of operation. The adult arcade business license holder,  
9 business control person or manager may not operate the adult arcade or allow the adult  
10 arcade to be open to customers between two a.m. and ten a.m.;

11 F. Minors prohibited. An individual under eighteen years old may not be in or on  
12 the premises of the adult arcade. The adult arcade business license holder, business control  
13 person or manager may not permit or allow a person under eighteen years old to be in or on  
14 the premises;

15 G. Alcohol prohibited without license. An individual may not possess,  
16 consume or serve an alcoholic beverage in the adult arcade unless, and to the extent, the  
17 business is covered by a liquor license issued by the Washington State Liquor Control  
18 Board;

19 H. Live performances. A live performance provided in the arcade must be  
20 conducted in a performance area that is inaccessible to a customer and separated from an  
21 individual in a booth in accordance with the facility specifications of this chapter;

22 I. Obscene performances prohibited. An obscene performance may not be

1 displayed or exhibited;

2 J. Sexual conduct prohibited. An individual may not engage in sexual  
3 conduct;

4 K. Single occupancy of booths. An individual may not be present in a booth with  
5 one or more other individuals; and

6 L. Warning device prohibited. A person may not operate or maintain a warning  
7 device or system for the purpose of warning or aiding and abetting the warning of an  
8 employee, customer or other person that the police, health, fire or building inspector or  
9 other public official is approaching or entered the premises.

10 NEW SECTION. SECTION 16. Adult theaters -- facility specifications. An adult  
11 theater must meet the following facility specifications:

12 A. The interior of an adult theater must be configured such that any entrance used  
13 by a customer shall open into a common area. All seats in a viewing area must be visible  
14 from the entrance to the viewing area without obstruction by a curtain, door, wall,  
15 merchandise, display rack or other material;

16 B. An area in an adult theater in which adult entertainment is viewed must contain  
17 at least eight seats. The seats must be permanently affixed to the floor and must all face  
18 the screen on which the adult entertainment is viewed;

19 C. Subject to seat availability, an adult theater viewing area must be open to any  
20 person entering the adult theater and may not be reserved for use by one or more  
21 customers. An adult theater may not admit more persons to a viewing area than the  
22 number of seats provided;

1 D. A door to an area on the premises that is available for use by a customer may  
2 not be locked during business hours;

3 E. A chair or seating surface may not provide a seating surface of more than  
4 eighteen inches in either length or width;

5 F. Sufficient lighting must be provided and equally distributed throughout the area  
6 that is open to and used by customers such that, during hours of operation, all objects are  
7 plainly visible. "Sufficient lighting" means a minimum lighting level of thirty lux  
8 horizontal, measured at thirty inches from the floor and on ten-foot centers, for all areas  
9 that are open to and used by customers. An adult theater that uses film projector  
10 technology may submit a written request to the director for permission to reduce the  
11 minimum lighting standard during the operation of the film projector. If the director finds  
12 that the specified lighting standard prevents the projection of the image onto the adult  
13 theater's screen, the director may reduce the lighting standard for the viewing area to a  
14 level that allows for the projection of the image while still providing sufficient lighting that  
15 all objects are plainly visible within the viewing area;

16 G. A restroom may not contain viewing equipment;

17 H. The premises must be maintained in a clean and sanitary condition;

18 I. Adult entertainment provided on the premises of the adult theater, or a pictorial  
19 representation of adult entertainment displaying nudity or sexual conduct, may not be  
20 visible from outside the business; and

21 J. A sign must be conspicuously displayed inside every entrance to an adult  
22 theater, that states as follows:

1 THIS ADULT ENTERTAINMENT BUSINESS IS REGULATED BY KING COUNTY  
2 CODE WHICH INCLUDES THE FOLLOWING PROHIBITIONS:

- 3 1. No person under eighteen years old is permitted on the premises.
- 4 2. Masturbation and other sexual conduct are prohibited and unlawful on the  
5 premises.
- 6 3. A violation is subject to criminal prosecution and civil penalties.

7 NEW SECTION. SECTION 17. Adult theaters -- operating requirements and  
8 **standards of conduct.** On the premises of an adult theater, the adult theater and its  
9 business license holders, business control persons, managers, employees and customers  
10 shall adhere to the operating requirements and standards of conduct as specified in the  
11 following:

12 A. Business license holder and business control persons responsible. The adult  
13 entertainment business license holder and any business control person shall be responsible  
14 for and shall assure that the conduct of the managers, employees and customers of the adult  
15 theater complies with this chapter;

16 B. Licensed manager required on premises. The adult theater must have, during  
17 hours of operation, a licensed manager on duty who is stationed in a location from which  
18 every viewing area and all customer areas of the business are visible at all times either by  
19 direct line of sight or by continuous video monitoring;

20 C. Licensed manager responsible. The on-duty manager is responsible for and  
21 shall assure that the conduct of the employees and customers of the adult theater complies  
22 with this chapter;

1           D. Posting of licenses. The holder of an adult entertainment business license shall  
2 post the license in a conspicuous place at or near the entrance to the adult entertainment  
3 business so that the license can be easily read when the business is open. The manager  
4 shall post his or her license next to the business license when he or she is on duty as the  
5 manager;

6           E. Prohibited hours of operation. The adult theater business license holder,  
7 business control person or manager may not operate the adult theater or allow the adult  
8 theater to be open to customers between two a.m. and ten a.m.;

9           F. Minors prohibited. An individual under eighteen years old may not be in or on  
10 the premises of the adult theater. An adult theater business license holder, business control  
11 person or manager may not permit or allow a person under eighteen years old to be in or on  
12 the premises;

13           G. Alcohol prohibited without license. An individual may not possess, consume or  
14 serve an alcoholic beverage in the adult theater unless, and to the extent, the business is  
15 covered by a liquor license issued by the Washington State Liquor Control Board;

16           H. Obscene performances prohibited. An obscene performance may not be  
17 displayed or exhibited in the adult theater;

18           I. Sexual conduct prohibited. An individual may not engage in sexual conduct;  
19 and

20           J. Warning device prohibited. A person may not operate or maintain a warning  
21 device or system for the purpose of warning or aiding and abetting the warning of an  
22 employee, customer or other person that the police, health, fire or building inspector or

1 other public official is approaching or entered the premises.

2 NEW SECTION. SECTION 18. Permission to inspect. An adult entertainment  
3 business shall permit the director and personnel from the sheriff's office to conduct  
4 unannounced inspections, during the hours when the business is open, of all exterior and  
5 interior areas of the business premises open to and used by customers and all books and  
6 records required to be kept under this chapter. The purpose of such inspections is to  
7 determine if the business is being conducted in compliance with this chapter.

8 NEW SECTION. SECTION 19. Grounds for suspension and revocation of  
9 **licenses.** A. The director may suspend or revoke a license issued under this chapter in  
10 accordance with the following:

11 1. If a licensee obtained or renewed the license through a false, misleading or  
12 fraudulent omission or representation of material fact either on the application for the  
13 license or renewal or by failing to modify or supplement the application as required by  
14 section 5D of this ordinance, the license shall be revoked;

15 2. a. If a licensee violated other provisions of this chapter, the license shall be:

16 (1) suspended for thirty days on the first violation within twenty-four  
17 months of a prior violation,

18 (2) suspended for ninety days on the second violation within a twenty four  
19 month period, and

20 (3) revoked for a third violation within a twenty-four month period.

21 b. Time spent serving a suspension is not counted in determining the twenty-  
22 four month period referred to in subsection A.2a of this section.

1           c. For a business licensee, a violation for which the business license may be  
2 suspended or revoked includes a violation of this chapter by an employee, agent or  
3 entertainer occurring on the business premises when the business licensee knew or should  
4 have known of the violation; and

5           3. a. If a licensee is convicted of committing on the premises of an adult  
6 entertainment business a crime or offense involving one of the following, the license shall  
7 be revoked.

8                   (1) a violation of chapter 9A.88 RCW, Indecent Exposure – Prostitution,

9                   (2) a liquor law violation or a transaction involving a controlled substance  
10 as defined in chapter 69.50 RCW, or

11                   (3) a violation of chapter 9A.44 RCW, Sex Offenses, chapter 9.68 RCW,  
12 Obscenity and Pornography or chapter 9.68A RCW, Sexual Exploitation of Children.

13           b. For a business licensee, a conviction for which the business license may  
14 be revoked includes the conviction of an employee, agent or entertainer for a crime or  
15 offense listed in subsection A.3a of this section occurring on the business premises when  
16 the business licensee knew or should have known of the crime or offense.

17           c. For purposes of this subsection A.3, "convicted" or "conviction"  
18 includes a bail forfeiture accepted by the court as the final disposition of the criminal  
19 charge.

20           B. A licensee whose license has been revoked is not eligible to reapply for the  
21 license for one year following the date the decision to revoke is final.

22           C. The director shall effect a suspension, revocation or disqualification by issuing

1 a notice and order in accordance with K.C.C. 6.01.130.

2 D. On receipt of a notice and order of suspension or revocation, the license holder  
3 shall promptly deliver the license to the director unless an appeal is pending under this  
4 chapter. For a license suspension, the director shall return the license to the license holder  
5 for the license's remaining term on expiration of the suspension.

6 NEW SECTION. SECTION 20. Appeal of license denial, suspension and

7 **revocation.** A. A person whose application for a license has been denied by the director  
8 may appeal the denial to the board of appeals in accordance with K.C.C. 6.01.150 as  
9 modified by the following, which shall apply to such appeals:

10 1. A hearing on a timely filed appeal shall be held by the board not less than ten  
11 days nor more than twenty days from the date the appeal was filed with the director, unless  
12 the person filing the appeal agrees to a hearing at a later date;

13 2. During the course of the proceeding before the board of appeals, the burden of  
14 proof shall be on the director;

15 3. The board of appeals shall render its written decision on the appeal not more  
16 than thirty days after the close of the hearing; and

17 4. A person need not appeal the director's denial of a license to the board of  
18 appeals before seeking court review. In the event a person files an action seeking court  
19 review of the director's denial or files an action seeking court review of a decision of the  
20 board of appeals upholding such denial, either in an action brought in superior court  
21 pursuant to chapter 7.16 RCW, Certiorari, Mandamus, and Prohibition, or in any other  
22 action at law or equity, the county shall provide the person with an opportunity for a



1 prompt court review and decision by: in an action to review the decision of the board of  
2 appeals, filing the record of the board of appeals with the court within twenty days after  
3 receipt of the writ of review; and in any case, expediting the filing of responsive pleadings  
4 and proposing an expedited briefing and hearing schedule with the objective of obtaining a  
5 final determination from the court within sixty days after commencement of the action. If  
6 the court has not entered a final determination within sixty days or such longer time period  
7 as may have been agreed to by the person challenging the license denial, the director shall  
8 issue a temporary license which shall be valid only until the court renders its determination  
9 either affirming the license denial or requiring the issuance of an annual license. A person  
10 issued such a temporary license shall be subject to all the provisions of this chapter  
11 including but not limited to the license suspension and revocation provisions.

12 B. An action of the director taken under this chapter suspending or revoking a  
13 license or denying a license renewal may be appealed in accordance with the procedures in  
14 K.C.C. 6.01.150. However, the following also applies:

15 1. If the director determines that a condition exists on the premises of an adult  
16 entertainment business which condition constitutes a threat of immediate serious injury or  
17 damage to a person or property, a business license may be immediately suspended. The  
18 director shall issue a notice setting forth the basis for the action and the facts that constitute  
19 a threat of serious injury or damage to a person or property and informing the license  
20 holder of the right to appeal the suspension. A suspension based on threat of immediate  
21 serious injury or damage may not be stayed during the pendency of an appeal;

22 2. During the course of proceeding before the board of appeals, the burden of

1 proof is on the director; and

2 3. Enforcement of a notice and order of the director shall be stayed during the  
3 pendency of a timely and properly filed action seeking judicial review of a decision of the  
4 board of appeals.

5 NEW SECTION. SECTION 21. Nonobscene performances, dramatic works,  
6 **classes, seminars or lectures not prohibited.** Nothing in this chapter shall be construed  
7 to prohibit:

- 8 A. A performance that is not obscene;  
9 B. A play, opera, musical or other dramatic work that is not obscene; or  
10 C. A class, seminar or lecture held for serious scientific or educational purposes.

11 NEW SECTION. SECTION 22. Preexisting nonconforming configuration.  
12 Premises operating under an adult entertainment license and in compliance with facility  
13 specifications in K.C.C. chapter 6.08 on the effective date of this section may remain in  
14 compliance with such specifications for six months thereafter, after which the premises  
15 must comply with the facility specifications in this chapter.

16 NEW SECTION. SECTION 23. Limitations of liability. This chapter is not  
17 intended to create a cause of action or provide the basis for a claim against the county, its  
18 officials or its employees for the performance or the failure to perform a duty or obligation  
19 running to a specific individual or specific individuals. A duty or obligation created under  
20 this chapter is intended to be a general duty or obligation running in favor of the general  
21 public.

22 NEW SECTION. SECTION 24. Criminal penalty. A person violating this chapter

1 is, on conviction, guilty of a misdemeanor and shall be subject to a fine not to exceed one  
2 thousand dollars or imprisonment in the county jail for not more than ninety days, or both.

3 NEW SECTION. SECTION 25. Civil penalty. In addition to or as an alternative to  
4 any other penalty provided in this chapter or by law, a person who violates this chapter is  
5 subject to a civil penalty not to exceed one thousand dollars per violation, to be directly  
6 assessed by the director. The director, in a reasonable manner, may vary the amount of the  
7 penalty assessed by considering: the appropriateness of the penalty to the size of the  
8 business of the violator; the gravity of the violation; the number of past and present  
9 violations committed; and the good faith of the violator in attempting to achieve  
10 compliance after notification of the violation. A civil penalty assessed must be enforced  
11 and collected in accordance with the procedure specified under this title.

12 NEW SECTION. SECTION 26. Additional remedies. Notwithstanding the  
13 existence or use of any other remedy, the director may seek legal or equitable relief to  
14 enjoin an act or practice that constitutes or will constitute a violation of this chapter or an  
15 applicable rule adopted under this title.

16 NEW SECTION. SECTION 27. Liquor regulations. Title 66 RCW, Alcoholic  
17 Beverage Control, and the rules of the Washington State Liquor Control Board govern to  
18 the extent they conflict with this chapter. The provisions of this chapter that refer to the  
19 minimum age of eighteen, including but not limited to the provisions relating to the  
20 required signs, require a minimum age of twenty-one as applied to an adult entertainment  
21 business that is licensed by the Washington State Liquor Control State Board.

22 NEW SECTION. SECTION 28. Construction and severability. This chapter

1 governs to the extent it conflicts with K.C.C. chapter 6.01. If any portion of this chapter or  
2 its application to any person or circumstance is held invalid, the remainder of the chapter or  
3 the application of the provision to other persons or circumstances is not affected.

4 SECTION 29. Ordinance 4206, Section 3, as amended, and K.C.C. 6.08.010 are each  
5 hereby amended to read as follows:

6 **Definitions.** For the purpose of this chapter (~~the words and phrases used herein,~~  
7 ~~unless the context otherwise indicates, shall have the following meanings:~~

8 ~~\_\_\_\_\_ A.))~~, "~~(P)~~"public place of amusement," "public amusement/entertainment," and  
9 "public entertainment" mean an amusement, diversion, entertainment, show, performance,  
10 exhibition, display or like activities, for the use or benefit of a member or members of the  
11 public, or advertised for the use or benefit of a member of the public, held, conducted,  
12 operated or maintained for a profit, direct or indirect (~~;~~

13 ~~\_\_\_\_\_ B. "Manager" means any person who manages, directs, administers, or is in charge~~  
14 ~~of, the affairs and/or the conduct of any portion of any activity involving adult~~  
15 ~~entertainment occurring at any place offering adult entertainment;~~

16 ~~\_\_\_\_\_ C. "Entertainer" means any person who provides adult entertainment within a~~  
17 ~~public place of amusement as defined in this section whether or not a fee is charged or~~  
18 ~~accepted for entertainment;~~

19 ~~\_\_\_\_\_ D. "Entertainment" means any exhibition or dance of any type, pantomime,~~  
20 ~~modeling or any other performance;~~

21 ~~\_\_\_\_\_ E. "Adult entertainment" means any exhibition or dance of any type conducted in~~  
22 ~~premises where such exhibition or dance involves the exposure to view of any portion of~~

1 the breast below the top of the areola or any portion of the pubic hair, anus, cleft of the  
 2 buttocks, vulva or genitals;

3 ~~\_\_\_\_\_ F. "Employee" means any and all persons, including managers, entertainers, and~~  
 4 ~~independent contractors who work in or at or render any services directly related to the~~  
 5 ~~operation of a public place of amusement, which offers, conducts or maintains adult~~  
 6 ~~entertainment;~~

7 ~~\_\_\_\_\_ G. "Operator" means any person operating, conducting or maintaining an adult~~  
 8 ~~entertainment studio;~~

9 ~~\_\_\_\_\_ H. "Panoram" or "Peepshow" means any device which, upon insertion of a coin or~~  
 10 ~~by any other means, exhibits or displays a picture or view by film, video, or by any other~~  
 11 ~~means)), but not including adult entertainment businesses.~~

12 SECTION 30. Resolution 6574 (part), as amended, and K.C.C. 6.08.020 are each  
 13 hereby amended to read as follows:

14 **License required – ((F))fee.** ~~((From and after the effective date of the ordinance~~  
 15 ~~codified in this section, no))~~ A public place of amusement ~~((, including but not limited to~~  
 16 ~~places which offer adult entertainment,))~~ shall not be operated or maintained in King  
 17 County, outside the limits of incorporated cities and towns, unless the owner or lessee  
 18 thereof has obtained a license from the director, as ~~((hereinafter set forth; provided, that it~~  
 19 ~~is unlawful for any entertainer, employee or operator to knowingly work in or about, or to~~  
 20 ~~knowingly perform any service directly related to the operation of an unlicensed public~~  
 21 ~~place of amusement/entertainment))~~ follows:

22 **Type of Entertainment**

**Fee**

1 Miscellaneous (Includes, but is not limited to):

2 Live Entertainment; music (other than \$200.00 per year,  
 3 mechanical); boxing or wrestling; 100.00 per 6 mos.  
 4 exhibition skating; video arcades; or 50.00 per one  
 5 pool halls; bowling alleys; public night (covers one or  
 6 skating rinks; shooting galleries; more of miscellaneous  
 7 race tracks, dragstrips, automobile entertainment).  
 8 or otherwise

9 ~~((Adult Entertainment 750.00 per year~~  
 10 ~~Panorama or Peepshows 750.00 per year~~  
 11 ~~Entertainer/Manager 75.00 per year))~~

12 Amusement Parks - Permanent

13 For one to ten units, inclusive 200.00 per year or  
 14 100.00 per 6 mos.  
 15 For more than ten units 400.00 per year or  
 16 200.00 per 6 mos.

17 NOTE: Units are defined as (a) rides;  
 18 (b) sideshows; (c) merchandise or food concessions.

19 Carnivals

20 For one to ten units, inclusive 40.00 per day  
 21 For more than ten units 100.00 per day

22 SECTION 31. Ordinance 9915, Section 11, and K.C.C. 6.08.021 are each hereby

1 amended to read as follows:

2 **License investigations.** The director shall refer an application for a license required  
 3 in K.C.C. 6.08.020 to the ~~((building and land development division))~~ department of  
 4 development and environmental services for a report on compliance with all applicable  
 5 fire, building and zoning codes of King County. The ~~((manager of building and land~~  
 6 ~~development))~~ director of the department of development and environmental services or  
 7 the director's designee shall respond to the director within ~~((thirty))~~ twenty days.

8 SECTION 32. Ordinance 9915, Section 12, and K.C.C. 6.08.022 are each hereby  
 9 amended to read as follows:

10 Standards for denial of license. The director shall deny any public  
 11 amusement/entertainment license applied for under ~~((provisions of))~~ this chapter ~~((if he~~  
 12 ~~determines that the applicant has))~~ for any of the following reasons and shall notify the  
 13 applicant in writing of the grounds for the denial and the opportunity to appeal:

14 A. ~~((Made, with the intent to mislead, a materially false statement in the~~  
 15 ~~application for a license which the applicant knows to be false. "Materially false~~  
 16 ~~statement" means any false statement, oral or written, regardless of its admissibility under~~  
 17 ~~the rules of evidence, which could have affected the course or outcome of the license~~  
 18 ~~application))~~ The applicant knowingly made a false, misleading or fraudulent omission or  
 19 representation of material fact on the application for the license;

20 B. The ~~((P))~~proposed place of business or establishment to be licensed ~~((which~~  
 21 ~~could))~~ does not comply with all applicable requirements of the fire, building and zoning  
 22 codes of King County.

1            SECTION 33. Resolution 6574 (part), as amended, and K.C.C. 6.08.030 are each  
2 hereby amended to read as follows:

3            **Due date for license fees.** All license fees required by ~~((Section))~~ K.C.C. 6.08.020  
4 ~~((of this chapter))~~ are due and payable to the King County licensing section at least ~~((two~~  
5 ~~weeks))~~ twenty days before the opening of entertainment.

6            SECTION 34. Ordinance 7216, Section 6, as amended, and K.C.C. 6.08.042 are each  
7 hereby amended to read as follows:

8            **License applications – public amusement/entertainment license.** ~~((A. Public~~  
9 ~~amusement/entertainment license. All))~~ An application~~((s))~~ for a public  
10 amusement/entertainment license ~~((shall))~~ must be submitted in the name of the person or  
11 entity proposing to ~~((conduct))~~ provide such public amusement/entertainment on the  
12 business premises and shall be signed by such person or his agent and notarized or certified  
13 as true under penalty of perjury. All applications shall be submitted on a form supplied by  
14 the director, which shall require the following information:

15            ~~((1.))~~ A. The name, ~~((home))~~ current residential and mailing addresses ~~((, home~~  
16 ~~telephone number,))~~ and date and place of birth ~~((, and social security number))~~ of the  
17 applicant if the applicant is an individual, the partners if the applicant is a partnership and  
18 the officers and directors if the applicant is a corporation;

19            ~~((2.))~~ B. The business name, address and telephone number of the establishment~~((,))~~;

20            ~~((3. The names, addresses, telephone numbers, and social security numbers of any~~  
21 ~~partners, corporate officers, or directors))~~ C. If the applicant is a corporation, limited  
22 liability company or partnership, the legal name of the entity, the date and place of



1 incorporation or formation, and the name and address of any registered agent for service of  
2 process;

3 D. Whether the applicant proposes to serve any alcoholic beverages on the  
4 premises and the status of the business's liquor license or application for a liquor license  
5 issued by the Washington State Liquor Control Board; and

6 E. The nature of the business conducted on the premises and the proposed public  
7 amusement/entertainment.

8 ~~((B. Public amusement/entertainment license – adult entertainment, peep shows and~~  
9 ~~panorams. In addition to the requirements set forth in Section A above, all applications for~~  
10 ~~a public amusement/entertainment license for adult entertainment, peep shows or panoram~~  
11 ~~establishments shall include the following information. Failure to provide the information~~  
12 ~~required by this ordinance will constitute an incomplete application, and such application~~  
13 ~~will not be processed:~~

14 ~~1. The name, addresses, telephone numbers and social security numbers of any~~  
15 ~~persons who have a substantial interest or management responsibilities in connection with~~  
16 ~~the business, specifying the interest or management responsibility of each. For the purpose~~  
17 ~~of this subsection "substantial interest" shall mean ownership of ten percent or more the~~  
18 ~~business, or any other kind of contribution to the business of the same or greater size,~~

19 ~~2. Terms of any loans, leases, secured transactions and repayments therefore~~  
20 ~~relating to the business,~~

21 ~~3. A description of the existing premises, including plans showing that the~~  
22 ~~premises are in compliance with the requirements of K.C.C. 6.08.050;~~

~~C. Application for manager or entertainer license.~~

~~All applications for a manager's or entertainer's license shall be signed by the applicant and notarized or certified to be true under penalty of perjury. All applications shall be submitted on a form supplied by the director, which shall require the following information:~~

~~1. The applicant's name, home address, home telephone number, date and place of birth, fingerprints, social security number, and any stage names or nicknames used in entertaining,~~

~~2. The name and address of each business at which the applicant intends to work as an entertainer,~~

~~3. With the application the applicant shall present documentation that he or she has attained the age of eighteen (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 photograph and date of birth; b. an identification card bearing the applicant's photograph and date of birth issued by a federal or state government agency; c. an official passport issued by the United States of America,~~

~~4. The director shall issue the license promptly upon receipt of the completed application, evidence of fingerprinting by the department of public safety, the license fee, and proof of age as required in Subsection 3. above;~~

~~D. If any person or entity acquires, subsequent to the issuance of a public amusement/entertainment license for places offering adult entertainment, a substantial interest, as defined in Section 6.08.042 A.3, in the licensed premises, notice of such~~

1 ~~acquisition shall be provided in writing to the director forthwith. The information required~~  
 2 ~~to be provided pursuant to this subsection shall be that information required pursuant to~~  
 3 ~~subsection 6.08.042 A of this chapter.))~~

4 SECTION 35. Ordinance 9915, Section 15, and K.C.C. 6.08.043 are each hereby  
 5 amended to read as follows:

6 **License display(~~(/availability)~~).** The public entertainment/amusement license(~~(,~~  
 7 ~~and/or the manager's license)~~) issued (~~(pursuant to)~~) under this chapter shall be  
 8 prominently displayed on the licensed premises. (~~(Entertainer licenses issued pursuant to~~  
 9 ~~this chapter must be immediately available on the premises for inspection by any law~~  
 10 ~~enforcement officer or business license inspector.))~~

11 SECTION 36. Ordinance 4206, Section 4, as amended, and K.C.C. 6.08.100 are each  
 12 hereby amended to read as follows:

13 **Standards for public amusement/entertainment license(~~(, manager and~~**  
 14 **~~entertainer license,)) suspension or revocation.~~ ((A))**The director shall revoke or  
 15 suspend, for not more than one year, any public amusement/entertainment license if he or  
 16 she determines that the licensee or applicant has:

17 (~~(1. Made with the intent to mislead a materially false statement in the application~~  
 18 ~~for a license or a renewal of a license. "Materially false statement" means any false~~  
 19 ~~statement, oral or written, regardless of its admissibility under the rules of evidence, which~~  
 20 ~~could have affected the course or outcome of the license application,)) A. Obtained or  
 21 renewed the license through a false, misleading or fraudulent omission or representation of  
 22 material fact on the application; or~~

1           ((2)) B. Violated or permitted or authorized any violation of any provisions of this  
2 chapter by any person((;

3           ~~B. The director shall revoke, or suspend, for not more than one year, any manager's~~  
4 ~~license if he determines that such manager has violated or permitted violation of any of the~~  
5 ~~provisions of this chapter or has made a materially false statement in the license~~  
6 ~~application;~~

7           ~~C. The director shall revoke or suspend, for not more than one year, any~~  
8 ~~entertainer's license if he determines that such entertainer has violated any of the provisions~~  
9 ~~of this chapter relating to entertainer conduct or has made a materially false statement in~~  
10 ~~the license application)).~~

11           NEW SECTION. SECTION 37. There is hereby added to K.C.C. chapter 6.08 a new  
12 section to read as follows:

13           **Limitation of liability.** This chapter is not intended to create a cause of action or  
14 provide the basis for a claim against the county, its officials or its employees for the  
15 performance or the failure to perform a duty or obligation running to a specific individual  
16 or specific individuals. A duty or obligation created under this chapter is intended to be a  
17 general duty or obligation running in favor of the general public.

18           SECTION 38. Repeals. Ordinance 7216, Section 1, as amended, and K.C.C.  
19 6.08.005, Ordinance 7216, Section 4, as amended, and K.C.C. 6.08.024, Ordinance 1888  
20 Art. IV, Section 3, and K.C.C. 6.08.040, Ordinance 7216, Section 7, as amended, and  
21 K.C.C. 6.08.044, Ordinance 2625, Sections 2 through 4, as amended, and K.C.C. 6.08.050,  
22 Ordinance 9915, Section 15, and K.C.C. 6.08.055, Ordinance 11647, Sections 2, 3 and 5,

1 as amended, and K.C.C. 6.08.200, Ordinance 2605, Section 1, and K.C.C. 12.56.010,  
2 Ordinance 2605, Section 2, and K.C.C. 12.56.020, Ordinance 2605, Section 3, and

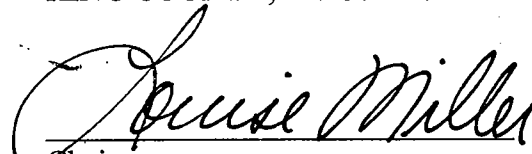
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K.C.C. 12.56.030, Ordinance 2605, Section 4, and K.C.C. 12.56.040 and Resolution  
11121, Items 1 through 4, and K.C.C. 12.60.010 are each hereby repealed.

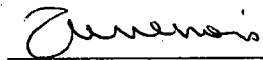
INTRODUCED AND READ for the first time this 5<sup>th</sup> day of April, 1999.

PASSED by a vote of 11 to 2 this 7th day of June, 1999.

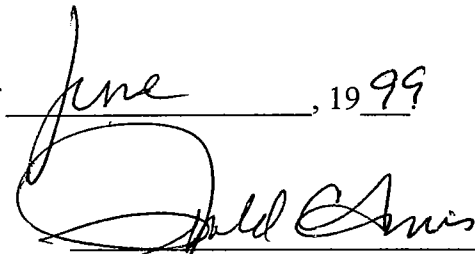
KING COUNTY COUNCIL  
KING COUNTY, WASHINGTON

  
Chair

ATTEST:

  
Clerk of the Council

APPROVED this 10 day of June, 1999

  
King County Executive

Attachments: None