ORDINANCE 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
the following findings of fact based on: the evidence of conduct occurring in and around
adult entertainment businesses as reported in *O'Day v. King County*, 109 Wn.2d 796
(1988) and as reported in public testimony and other evidence, information, documents and
other materials received by the King County council, including but not limited to the
legislative record supporting Ordinance 7216, adopted in 1985, Ordinance 9915, adopted
in 1991, Proposed Ordinance 1999-0197 and this ordinance. The King County council also
makes the following findings having taken legislative notice of the evidence of conduct
occurring in and around adult entertainment businesses located in other jurisdictions,
which the council hereby deems to be relevant to the experience in King County, as
reported in judicial opinions including but not limited to *Kev, Inc. v. Kitsap County*, 793
545 (9th Cir. 1998) and as reported in the studies and findings of other city and county
legislative bodies that have also adopted ordinances regulating adult entertainment
businesses, including but not limited to the counties of Kitsap, Pierce, Snohomish and
Spokane and the cities of Bellevue, Bothell, Everett, Federal Way, Kent, Lake Forest Park,
Redmond, Renton, Seattle, Shoreline and Tukwila.

A. The operation of adult entertainment businesses has historically and regularly
been accompanied by secondary effects that are detrimental to the public health, safety,
morals and general welfare of the citizens of King County. Such secondary effects include
significant criminal activity and activities injurious to the public health, safety, morals and
general welfare of the community, detrimental effects on nearby businesses and residential
areas and a decline in property values in the area of the adult entertainment businesses.
This history of criminal and injurious activity includes prostitution, narcotics and liquor
law violations, breaches of the peace, assaults, employment or involvement of minors,
sexual conduct between customers or between customers and entertainers, the opportunity
for the spread of sexually transmitted diseases and the presence within the industry of
individuals with hidden ownership interests and outstanding arrest warrants. Accordingly,
there is a compelling need and interest to regulate adult entertainment businesses as
provided in this chapter to protect and promote the public health, safety, morals and
general welfare of the citizens of King County;

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

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

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

E. Adult entertainment businesses have historically engaged in practices that
involve secreting ownership interests for such purposes as money laundering, skimming
profits and tax evasion. These hidden ownership interests have, on occasion, been held by
individuals and entities reputed to be involved in organized crime. To detect and
discourage the involvement of organized crime in the adult entertainment industry, to
effectively deploy its limited law enforcement resources and to effectively protect the
public health, safety, morals and general welfare of its citizenry, the county must be fully
apprised of the actual and controlling interests of adult entertainment businesses and the
identities and criminal backgrounds of persons responsible for the management and control
of such businesses;

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

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

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

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

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

K. To prevent sexual conduct from occurring between entertainers and customers,
customers must be prohibited from any stage where adult entertainment occurs and be
prohibited from passing tips, gratuities or other payments directly to entertainers
performing on stage.
L. Adult entertainment businesses have historically attempted to prevent law enforcement and licensing officials from detecting sexual conduct, prostitution, sale and distribution of controlled substances and other violations of law occurring on the premises by employing warning systems, maintaining a low level of lighting and other techniques. It is necessary, to effectively enforce this ordinance and to protect the public health, safety, morals and general welfare of the county’s citizenry, that adult entertainment businesses be required to maintain a minimum level of lighting, that warning devices and systems be prohibited and that unannounced inspections be permitted by county licensing and law enforcement personnel;

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

N. An adult arcade might attempt to circumvent the limit of one person per booth by creating a small room, labeled a "minitheater" rather than a booth, in which two, three or a small number of individuals would be able to view videos and films distinguished or characterized by an emphasis on nudity or sexual conduct. Moreover, traditional-sized theaters might also show such videos or films. Customers have used both traditional adult
theaters and "minitheaters" within arcades as places to engage in sexual conduct. Existing standards of conduct and facility specifications have not deterred customers from engaging in sexual conduct in these businesses. To detect and deter such conduct and reduce the potential for the spread of sexually transmitted diseases, it is necessary to regulate the configuration and facility specifications, as set forth in this chapter, of spaces used by more than one individual to view adult entertainment. In particular, it is necessary to require that any group viewing area for such videos and films have a minimum of eight seats which may be accessed by customers without reservation in order to prevent or diminish a sense of privacy and intimacy which would be conducive to and enabling of sexual conduct between customers;

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

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

Q. The findings of fact contained in Proposed Ordinance 1999-0197 are incorporated in this ordinance.
NEW SECTION. SECTION 3. **Purpose and intent.** It is the purpose of this chapter to establish licensing, operational and facility standards for adult entertainment businesses located in unincorporated King County to promote and protect the health, safety, morals and general welfare of unincorporated King County's residents. This chapter is intended to prevent the secondary effects that have historically and regularly accompanied the operation of adult entertainment businesses, including but not limited to the incidence of prostitution, sexual conduct with the opportunity for transmission of sexually transmitted diseases, employment or involvement of minors, violation of controlled substance and alcoholic beverage laws, assaults, breaches of the peace and the presence within the industry of individuals with hidden ownership interests and outstanding arrest warrants. It is not the intent of the county council that this chapter have either the purpose or effect of suppressing speech activities protected by the constitutions of the United States and the State of Washington.

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

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

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

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

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

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

2. “Adult club” means a nightclub, membership club, bar, restaurant, salon, hall, studio or other place:

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

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

3. “Adult theater” means a movie theater, bookstore, video store, membership club or other place:

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

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

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

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

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

C. “Applicant” means a person who applies for an adult entertainment business
license, an adult entertainment manager license or an adult entertainer license.

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

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

F. “Business license” means an adult entertainment business license.

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

I. “Director” means the director of the department of information and administrative services or the director’s designee.

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

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

L. “Entertainer license” means a license for an entertainer issued under this chapter.

M. “Erotic performance” means a performance, in an adult club, that is intended to sexually stimulate a customer.

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

O. “Manager license” means a license for a manager issued under this chapter.
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.
T. "Person" means an individual, firm, corporation, joint venture, partnership, association, membership club, fraternal organization, estate, trust or other entity or group acting as a unit.

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

V. "Satisfactory documentation" means:

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

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

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

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

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

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

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

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

1. No person shall operate an adult entertainment business at a location in unincorporated King County unless the person holds a valid adult entertainment business license issued by the director in the person's name, for the location and for one or more of
the following types of adult entertainment business being operated on the premises:

a. Adult club;

b. Adult arcade; or

c. Adult theater.

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

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

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

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

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

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

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

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

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

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

NEW SECTION. SECTION 6. Adult entertainment business license -- application process. A. An application for an adult entertainment business license must be submitted in the name of the person proposing to operate the adult entertainment business and who would be liable under Title 82 RCW for the payment of business and occupation taxes on the privilege of operating the adult entertainment business.

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

1. For the applicant and each business control person:
   a. the legal name and any alias, stage name or previous name;
   b. the date and place of birth;
   c. the current residential and mailing addresses;
   d. the business telephone number;
e. the driver’s license number and issuing state;

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

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

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

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

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

   a. the legal name of the corporation;

   b. the date and place of incorporation; and
c. the name and address of any registered agent for service of process;

3. If the applicant is a partnership:
   a. the legal name of the partnership;
   b. whether the partnership is general or limited; and
   c. the name and address of any registered agent for service of process;

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

5. The type or types of adult entertainment proposed for the business and the business’s proposed “doing-business-as” name;

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

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

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

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

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

2. A sketch or diagram showing the configuration of the interior of the adult entertainment business, including a statement of total floor space occupied by the business.
The sketch or diagram must be drawn to a designated scale or drawn with marked
dimensions of the interior of the premises to an accuracy of plus or minus six inches;

3. For each applicant and business control person:
   a. Satisfactory documentation that the applicant or business control person is at
      least eighteen years old; and
   b. A complete set of fingerprints taken by the sheriff's office or sent directly to
      the director from another law enforcement agency; and
   4. The license fee or fees established in this chapter.

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

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

F. The director and personnel from other departments may conduct on-site
inspections of the premises of the adult entertainment business before the director issues a
license to ensure compliance with this chapter and applicable zoning, building, fire, public
health and other ordinances, statutes and rules.

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

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

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

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

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

C. The applicant knowingly made a false, misleading or fraudulent representation
or omission of material fact, either on the application for the license or by failing to modify
or supplement the application as required by section 5D of this ordinance;
D. The applicant or a business control person is currently the subject of a final adult entertainment license suspension order issued by the county or is the subject of an adult entertainment license revocation order, issued by the county, that became final less than one year before the pending application; or

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

NEW SECTION. SECTION 8. Manager and entertainer licenses — application process. A. A separate license is required for an individual to act as a manager of an adult entertainment business and to act as an entertainer at an adult club.

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

1. For the applicant:

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

   b. the date and place of birth;

   c. the current residential and mailing addresses;

   d. the residential and business telephone numbers;

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

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

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

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

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

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

1. Satisfactory documentation that the applicant is at least eighteen years old;

2. Two color photographs taken by the director showing only the full face of the applicant;

3. A complete set of the applicant’s fingerprints taken by the sheriff's office; and

4. The license fee established in this chapter.

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

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

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

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

A. The applicant is less than eighteen years old;

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

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

D. The applicant is currently the subject of a final adult entertainment license
suspension order issued by the county or is the subject of an adult entertainment license
revocation order issued by the county that became final less than one year before the
pending application.

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

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

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

D. The director and personnel from another department may conduct an on-site inspection of the adult entertainment business before issuing a renewal of a business
license to ensure compliance with this chapter.

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

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

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

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

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

A. 1. Adult entertainment business:

   a. Adult club $750.00
b. Adult arcade  $750.00

c. Adult theater  $750.00

2. If more than one type of adult entertainment business is licensed on the same premises, the license fee is seven hundred fifty dollars for the first type and one hundred fifty dollars for each additional type.

B. Manager  $ 75.00

C. Entertainer  $ 75.00

D. Replacement license if original lost or destroyed  $ 15.00

NEW SECTION. SECTION 12. Adult clubs — facility specifications. An adult club shall meet the following facility specifications:

A. A live adult entertainment stage must be at least eighteen inches in elevation above the level of the customer area and at least ten feet from all areas of the premises to which a customer has access. To separate the customer area from the stage, a continuous railing at least three feet in height must be attached to the floor and located at least ten feet from all points of the live adult entertainment stage;

B. A live adult entertainment stage must be visible immediately on entering the adult club's seating area and visibility may not be blocked or obscured by a door, curtain, drape or other obstruction;

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

D. Adult entertainment occurring on the premises of an adult club, or a pictorial representation of adult entertainment displaying nudity or sexual conduct, must not be visible from outside the business;
E. Sufficient lighting must be provided and equally distributed throughout the
areas that are open to and used by customers such that, during hours of operation, all
objects are plainly visible. "Sufficient lighting" means a minimum lighting level of thirty
lux horizontal, measured at thirty inches from the floor and on ten-foot centers, for all areas
open to and used by customers;

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

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

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

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

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

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

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

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

5. A tip, gratuity or other payment offered to an entertainer performing on stage must
be placed into a receptacle located outside the stage and setback area.
6. A violation is subject to criminal prosecution and civil penalties.

NEW SECTION. SECTION 13. Adult clubs -- operating requirements and standards of conduct. On the premises of an adult club, the adult club and its business license holders, business control persons, managers, employees, entertainers and customers shall adhere to the following operating requirements and standards of conduct:

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

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

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

D. Posting of licenses. The holder of the adult entertainment business license shall post the license in a conspicuous place at or near the entrance to the adult entertainment business so that the license can be easily read when the business is open. The manager shall post his or her license next to the business license when he or she is on duty as the manager. An entertainer shall provide his or her license to the manager on duty who shall maintain the entertainer’s license on the premises for immediate inspection when the
entertainer is on the premises. The manager shall, on request by the director or any law
enforcement officer, make available for inspection the license of an entertainer on the
premises;

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

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

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

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

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

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

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

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

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

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

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

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

A. All booths must be visible from the common area immediately inside an adult arcade's entrance unless the arcade is configured such that all the booths are located in a section of the premises dedicated solely for that purpose within the arcade, herein referred to as a "booth section". If the booths are located in a booth section within the arcade, all booths must be visible from the entrance to the booth section. The entrance to the booth
section must be open to the arcade common area and may not be obstructed by a curtain, door, wall, merchandise, display rack or other material;

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

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

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

E. An arcade may not contain a space for more than one person to view adult
entertainment unless the space is licensed as, and meets the specifications for, an adult
theater under this chapter;

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

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

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

I. A restroom may not contain viewing equipment;

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

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

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

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

N. A sign must be conspicuously displayed at the entrance to the arcade's booth
section, if applicable, and in each booth, that states as follows:

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

1. No person under eighteen years old is permitted on the premises.

2. Masturbation and other sexual conduct are prohibited and unlawful on the premises.

3. More than one person may not occupy a booth at a time.

4. A violation is subject to criminal prosecution and civil penalties.

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

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

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

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

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

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

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

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

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

I. Obscene performances prohibited. An obscene performance may not be
displayed or exhibited;

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

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

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

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

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

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

C. Subject to seat availability, an adult theater viewing area must be open to any
person entering the adult theater and may not be reserved for use by one or more
customers. An adult theater may not admit more persons to a viewing area than the
number of seats provided;
D. A door to an area on the premises that is available for use by a customer may not be locked during business hours;

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

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

G. A restroom may not contain viewing equipment;

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

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

J. A sign must be conspicuously displayed inside every entrance to an adult theater, that states as follows:
THIS ADULT ENTERTAINMENT BUSINESS IS REGULATED BY KING COUNTY
CODE WHICH INCLUDES THE FOLLOWING PROHIBITIONS:

1. No person under eighteen years old is permitted on the premises.

2. Masturbation and other sexual conduct are prohibited and unlawful on the
premises.

3. A violation is subject to criminal prosecution and civil penalties.

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

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

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

C. Licensed manager responsible. The on-duty manager is responsible for and
shall assure that the conduct of the employees and customers of the adult theater complies
with this chapter;
D. Posting of licenses. The holder of an adult entertainment business license shall post the license in a conspicuous place at or near the entrance to the adult entertainment business so that the license can be easily read when the business is open. The manager shall post his or her license next to the business license when he or she is on duty as the manager;

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

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

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

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

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

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

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

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

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

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

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

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

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

b. Time spent serving a suspension is not counted in determining the twenty-
four month period referred to in subsection A.2a of this section.
c. For a business licensee, a violation for which the business license may be suspended or revoked includes a violation of this chapter by an employee, agent or entertainer occurring on the business premises when the business licensee knew or should have known of the violation; and

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

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

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

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

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

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

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

C. The director shall effect a suspension, revocation or disqualification by issuing
a notice and order in accordance with K.C.C. 6.01.130.

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

NEW SECTION. SECTION 20. Appeal of license denial, suspension and revocation. A. A person whose application for a license has been denied by the director may appeal the denial to the board of appeals in accordance with K.C.C. 6.01.150 as modified by the following, which shall apply to such appeals:

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

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

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

4. A person need not appeal the director's denial of a license to the board of appeals before seeking court review. In the event a person files an action seeking court review of the director's denial or files an action seeking court review of a decision of the board of appeals upholding such denial, either in an action brought in superior court pursuant to chapter 7.16 RCW, Certiorari, Mandamus, and Prohibition, or in any other action at law or equity, the county shall provide the person with an opportunity for a
prompt court review and decision by: in an action to review the decision of the board of
appeals, filing the record of the board of appeals with the court within twenty days after
receipt of the writ of review; and in any case, expediting the filing of responsive pleadings
and proposing an expedited briefing and hearing schedule with the objective of obtaining a
final determination from the court within sixty days after commencement of the action. If
the court has not entered a final determination within sixty days or such longer time period
as may have been agreed to by the person challenging the license denial, the director shall
issue a temporary license which shall be valid only until the court renders its determination
either affirming the license denial or requiring the issuance of an annual license. A person
issued such a temporary license shall be subject to all the provisions of this chapter
including but not limited to the license suspension and revocation provisions.

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

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

2. During the course of proceeding before the board of appeals, the burden of
proof is on the director; and

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

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

A. A performance that is not obscene;

B. A play, opera, musical or other dramatic work that is not obscene; or

C. A class, seminar or lecture held for serious scientific or educational purposes.

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

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

NEW SECTION. SECTION 24. Criminal penalty. A person violating this chapter
is, on conviction, guilty of a misdemeanor and shall be subject to a fine not to exceed one
thousand dollars or imprisonment in the county jail for not more than ninety days, or both.

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

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

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

NEW SECTION. SECTION 28. Construction and severability. This chapter
governs to the extent it conflicts with K.C.C. chapter 6.01. If any portion of this chapter or
its application to any person or circumstance is held invalid, the remainder of the chapter or
the application of the provision to other persons or circumstances is not affected.

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

Definitions. 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, 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. "Manager" means any person who manages, directs, administers, or is in charge
of, the affairs and/or the conduct of any portion of any activity involving adult
entertainment occurring at any place offering adult entertainment;

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

D. "Entertainment" means any exhibition or dance of any type, pantomime,
modeling or any other performance;

E. "Adult entertainment" means any exhibition or dance of any type conducted in
premises where such exhibition or dance involves the exposure to view of any portion of
the breast below the top of the areola or any portion of the pubic hair, anus, cleft of the
buttocks, vulva or genitals;

—— E. "Employee" means any and all persons, including managers, entertainers, and
independent contractors who work in or at or render any services directly related to the
operation of a public place of amusement, which offers, conducts or maintains adult
entertainment;

—— G. "Operator" means any person operating, conducting or maintaining an adult
entertainment studio;

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

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

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

<table>
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<tr>
<th>Type of Entertainment</th>
<th>Fee</th>
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Miscellaneous (Includes, but is not limited to):

Live Entertainment; music (other than mechanical); boxing or wrestling; exhibition skating; video arcades; pool halls; bowling alleys; public skating rinks; shooting galleries; race tracks, dragstrips, automobile or otherwise

((Adult Entertainment 750.00 per year
Panorama or Peepshows 750.00 per year
Entertainer/Manager 75.00 per year))

Amusement Parks - Permanent
For one to ten units, inclusive 200.00 per year or 100.00 per 6 mos.
For more than ten units 400.00 per year or 200.00 per 6 mos.

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

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

SECTION 31. Ordinance 9915, Section 11, and K.C.C. 6.08.021 are each hereby
amended to read as follows:

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

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

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

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

B. **The (proposed place of business or establishment to be licensed (which could)) does not comply with all applicable requirements of the fire, building and zoning codes of King County.**
SECTION 33. Resolution 6574 (part), as amended, and K.C.C. 6.08.030 are each hereby amended to read as follows:

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

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

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

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

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

((3.- The names, addresses, telephone numbers, and social security numbers of any partners, corporate officers, or directors)) C. If the applicant is a corporation, limited liability company or partnership, the legal name of the entity, the date and place of
incorporation or formation, and the name and address of any registered agent for service of
process;

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

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

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

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

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

3. A description of the existing premises, including plans showing that the
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
acquisition shall be provided in writing to the director forthwith. The information required
to be provided pursuant to this subsection shall be that information required pursuant to
subsection 6.08.042 A of this chapter.))

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

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

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

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

((1. Made with the intent to mislead a materially false statement in the application
for a license or a renewal of a license. "Materially false statement" means any false
statement, oral or written, regardless of its admissibility under the rules of evidence, which
could have affected the course or outcome of the license application,)) A. Obtained or
renewed the license through a false, misleading or fraudulent omission or representation of
material fact on the application; or
B. Violated or permitted or authorized any violation of any provisions of this chapter by any person.

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

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

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

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

SECTION 38. Repeals. 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 are each hereby repealed.

INTRODUCED AND READ for the first time this 5th 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