

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.

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

3 Q. "Nudity" or "nude" means:

4 1. The exposure to view, by not completely covering with an opaque material, of  
5 the human male or female pubic region, anus, cleft of the buttocks, genitalia or any portion  
6 of the areola or nipple of the female breast;

7 2. The exposure to view of a device or covering that simulates the appearance of  
8 the human male or female pubic region, anus, cleft of the buttocks, genitalia or any portion  
9 of the areola or nipple of the female breast; or

10 3. The display of male genitalia in a discernible state of sexual stimulation,  
11 whether covered or not with opaque material.

12 R. "Obscene" means a performance that:

13 1. Taken as a whole, by an average person applying contemporary community  
14 standards, appeals to a prurient interest in sex;

15 2. Taken as a whole, by an average person applying contemporary community  
16 standards, depicts patently offensive representations of the sexual acts described in RCW  
17 7.48A.010(2)(b); and

18 3. Taken as a whole, lacks serious literary, artistic, political or scientific value.

19 S. "Performance" means an exhibition, display, appearance, dance, modeling,  
20 demonstration, show, pantomime or presentation of any kind, whether live or depicted in a  
21 motion picture film, video cassette, cable television show, computer-generated image, slide  
22 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





