

ORDINANCE NO. 2902

AN ORDINANCE OF THE CITY OF ANACORTES, WASHINGTON, ADOPTING CONTROLS RELATING TO ADULT CONCESSION AND ZONING CONTROLS RELATING TO ADULT CONCESSIONS IN THE CITY; CREATING A NEW CHAPTER 5.35 "ADULT CONCESSIONS"; AMENDING CHAPTER 17.06 "DEFINITIONS"; AMENDING CHAPTER 17.10 "BOARD OF ADJUSTMENT, PLANNING COMMISSION, AND CONDITIONAL USES"; AMENDING CHAPTER 17.19 "LIGHT MANUFACTURING 1 USE DISTRICT"; AMENDING CHAPTER 17.24 "COMMERCIAL DISTRICT"; AMENDING CHAPTER 17.46 "PARKING"; AND REPEALING ORDINANCE 2881 ENTITLED "AN ORDINANCE OF THE CITY OF ANACORTES, WASHINGTON, ADOPTING INTERIM CONTROLS RELATING TO ADULT CONCESSION AND INTERIM ZONING CONTROLS RELATING TO ADULT CONCESSIONS IN THE CITY; CREATING A NEW CHAPTER 5.35 ADULT CONCESSIONS, AMENDING CHAPTER 17.06 DEFINITIONS, CHAPTER 17.10 BOARD OF ADJUSTMENT, PLANNING COMMISSION, AND CONDITIONAL USES, CHAPTER 17.15 HEAVY MANUFACTURING DISTRICT, AND CHAPTER 17.16 INDUSTRIAL DISTRICT OF THE ANACORTES MUNICIPAL CODE" OF THE ANACORTES MUNICIPAL CODE.

WHEREAS, adult entertainment establishments require special supervision from the public safety agencies of the City in order to protect and preserve the health, safety, morals and welfare of the patrons of such businesses as well as the citizens of Anacortes; and

WHEREAS, the City Council find that adult entertainment establishments are frequently used for unlawful sexual activities, including prostitution and public sexual liaisons; and

WHEREAS, licensing is a legitimate and reasonable means of accountability to ensure that operators of sexually oriented businesses comply with reasonable regulations and to ensure that operators do not knowingly allow their establishments to be used as places of illegal sexual activity or solicitation; and

WHEREAS, there is convincing, documented evidence that adult entertainment establishments because of their very nature, have a deleterious effect on both the existing businesses around them and the surrounding residential areas adjacent to them, causing increased crime and the down grading of property values; and

WHEREAS, the City Council desires to minimize and control these adverse effects and thereby protect the health, safety and welfare of the citizenry, protect the citizens from increased crime, preserve the quality of life, protect the property values and character of the surrounding neighborhoods; and

WHEREAS, the City Council has determined that locational criteria alone do not adequately protect the health, safety and general welfare of the people of Anacortes; and

WHEREAS, the City Council approved ordinance number 2881 on June 18, 2012 establishing interim controls relating to adult concessions and interim zoning controls relating to adult concessions; and

WHEREAS, the City Council was required by RCW 36.70A.390 and RCW 35.A.63.220 to hold a public hearing within at least 60 days of the adoption of such interim regulations, which was held on August 6, 2012; and

WHEREAS, the City Council approved resolution 1846 on August 20, 2012 establishing findings of fact and approving a work plan, which reaffirmed support for ordinance 2881; and

WHEREAS, the City of Anacortes issued a SEPA threshold determination of nonsignificance on August 29, 2012 and forwarded the necessary materials to the Department of Commence for the required 60-day agency review period; and

WHEREAS, the Anacortes Planning Commission reviewed the proposed ordinance in study sessions on September 26, 2012 and October 10, 2012; and

WHEREAS, the Anacortes Planning Commission having considered the proposal at a public hearing on October 24, 2012 where the public was given opportunities to comment (both written and orally) on the proposal and made a recommendation to City Council to adopt the proposed ordinance; and

WHEREAS, the Anacortes City Council reviewed the proposed ordinance in study sessions on November 13 and 26, 2012; and

WHEREAS, the Anacortes City Council held a public hearing on December 3, 2012 to accept both oral and written on the proposed ordinance; and

WHEREAS, the City Council held a public hearing for proposed ordinance 2900 on January 22, 2013 to accept both oral and written comment on the need to extend the work plan to June of 2012 and to reaffirm ordinance 2881; and

WHEREAS, the City Council approved ordinance 2900 on January 22, 2013; and

WHEREAS, the City Council had further discussion on March 4, 2013 and April 1, 2013 to specifically discuss the appropriate zones for adult entertainment uses and separation distances between uses; and

WHEREAS, the City Council held its final public hearing on April 15, 2013 to accept both oral and written comments on the proposed Adult Concessions ordinance and more specifically the appropriateness of the Light Manufacturing 1 Use District (LM1) for adult entertainment uses and separation distances between uses; and

WHEREAS, it is not the intent of this ordinance to suppress any speech activities protected by the First Amendment of the U.S. Constitution or Article I, Section 5 of the

Washington State Constitution, but to enact a content-neutral ordinance which addresses the secondary effects of adult entertainment businesses;

Pursuant to the authority granted by the Constitution and the legislature of the state of Washington;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ANACORTES, WASHINGTON, DOES HEREBY ORDAIN THAT:

Section 1. Findings of Fact. Based on evidence concerning the adverse secondary effects of adult uses on the community presented and in reports made available to the Council, and on findings incorporated in the cases of *City of Renton v. Playtime Theaters, Inc.*, 475 U.S. 41 (1986), *Young v. American Mini Theatres*, 426 U.S. 50 (1976), *Barnes v. Glen Theatre, Inc.*, 501 U.S. 560 (1991), *City of Erie v. Pap's A.M., TDA "Kandyland"*, 529 U.S. 277 (2000), *City of Los Angeles v. Alameda Books, Inc.*, 121 S.Ct. 1223 (2001), *Wise Enterprises, Inc., v. Athens-Clarke County Georgia*, No. 99-8265 (11th Circuit Court of Appeals 2000), *Sammy's v. City of Mobile*, No. 96-7073 (11th Circuit Court of Appeals 1998), *Ino Ino, Inc., v. Bellevue*, 132 Wn.2d 103 (1997), *World Wide Video v. Tukwila*, 117 Wn.2d 382 (1991), *Kitsap County v. Kev, Inc.*, 106 Wn.2d 135 (1986), *Colacurcio v. City of Kent*, 163 F. 3d 545 (1998), *DCR, Inc., v. Pierce County*, 92 Wn.App. 660 (1998), and on studies in other communities including, but not limited to, Bellevue, Des Moines, Federal Way, Kelso, Kent and Olympia, the Council hereby adopt the following Findings of Fact:

1. The City Council has determined that locational criteria alone do not adequately protect the health, safety and general welfare of the people of Anacortes.
2. The secondary effects of the activities defined and regulated in this ordinance are detrimental to the public health, safety, morals, and general welfare of the citizens of the city and, therefore, such activities must be regulated.
3. Regulation of the adult entertainment industry is necessary because, in the absence of such regulation, significant criminal activity has historically and regularly occurred. This history of criminal activity in the adult entertainment industry has included prostitution, illegal employment of minors, narcotics, alcoholic beverage law violations, breaches of the peace, tax evasion, and the presence within the industry of individuals with hidden ownership interests and outstanding arrest warrants.
4. Proximity between entertainers and patrons during adult entertainment performances can facilitate public sexual contact, prostitution, and related crimes. Concerns about crime and public sexual activity are legitimate and compelling concerns of the city which demand reasonable regulation of adult entertainment establishments in order to protect the public health, safety, and general welfare of its citizens, including a prohibition against direct contact between entertainers and patrons, a eight (8) foot minimum distance between entertainers and patrons, restricting nude dancing to stage raised 18 inches above the floor, and a ban on direct tipping of entertainers, as evidenced in Pierce County, the City of Kent, the City of Bellevue and the County of San Diego County in particular.

5. Licensing is a legitimate and reasonable means of accountability to ensure that operators of adult entertainment establishments comply with reasonable regulations and to ensure that operators don't knowingly allow their establishments to be used as places of illegal sexual activity or solicitation.
6. It is necessary to license entertainers in the adult entertainment industry to prevent the exploitation of minors, to ensure that each entertainer is an adult, and to ensure that such entertainers have not assumed a false name which would make regulation of the entertainer difficult or impossible.
7. It is necessary to have a licensed manager on the premises of establishments offering adult entertainment at such times as such establishments are offering adult entertainment, so there will at all necessary times be an individual responsible for the overall operation of the adult entertainment establishment, including the actions of patrons, entertainers, and other employees, and to ensure a design, layout and sufficient lighting to permit a manager to effectively monitor activity at all times, as evidenced in Spokane and Tukwila in particular.
8. The license fees required in this chapter are necessary as nominal fees imposed as necessary regulatory measures designed to help defray the substantial expenses incurred by the city in regulating the adult entertainment industry.
9. Hidden ownership interests for the purpose of skimming profits and avoiding the payment of taxes have historically occurred in the adult entertainment industry in the absence of regulation. These hidden ownership interests have historically been held by organized and white-collar crime elements. In order for the city to effectively protect the public health, safety, morals, and general welfare of its citizens and effectively allocate its law enforcement resources, it is important that the city be fully apprised of the actual ownership of adult entertainment establishments and the identities and backgrounds of persons responsible for management and control of the adult entertainment establishments, as evidenced in Tukwila in particular.
10. Requiring sufficient lighting on premises with adult booths advances a substantial governmental interest in the illegal and unsanitary sexual activity from occurring in adult entertainment establishments.
11. Requiring licensees of adult entertainment establishments to keep information regarding current employees and certain past employees will help reduce the incidents of certain types of criminal behavior by facilitating the identification of potential witnesses or suspects and by preventing minors from working in such establishments.
12. Limiting adult entertainment to the light manufacturing 1 use district and providing for adequate separation from residents; churches or other religious facilities or institutions; parks or any public facility or open space zone; other adult concessions; and any public or private school, or any trade or vocational school that on a regular basis has at least one

student under the age of eighteen (18) years, enhances the ability to achieve the general health, safety and general welfare of the people of Anacortes.

13. The general welfare, health, morals and safety of the citizens of Anacortes will be promoted by the enactment of this ordinance.
14. It is not the intent of this chapter to suppress or censor any expressive activities protected by the First Amendment of the United States Constitution or Article I, Section 5 of the Washington State Constitution, but rather to enact content neutral reasonable time, place, and manner regulations which address the compelling interests of the city in mitigating the secondary effects of adult entertainment establishments.

Section 2. There is hereby added a new AMC § Chapter 5.35, "Adult Concessions," to Title 5 of the Anacortes Municipal Code to read as follows:

"Chapter 5.35

ADULT CONCESSIONS

SECTION:

- 5.35.010 Purpose**
 - 5.35.030 Definitions**
 - 5.35.040 License Required**
 - 5.35.050 Licensing Fee**
 - 5.35.060 General Requirements**
 - 5.35.070 Operator's License**
 - 5.35.080 Entertainer's and Manager's License**
 - 5.35.090 Manager**
 - 5.35.100 Live Adult Entertainment Establishments**
 - 5.35.110 Adult Motion Picture Theaters**
 - 5.35.120 Adult Panorama Theaters**
 - 5.35.130 Standards of Operation and Conduct**
 - 5.35.140 Tipping**
 - 5.35.150 Dramatic Works and Obscenity**
 - 5.35.160 License Suspension and Revocation**
 - 5.35.170 Enforcement**
 - 5.35.180 Severability**
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- 5.35.010 Purpose**

This Chapter regulates adult concessions of all types. It is the purpose of this Chapter to regulate adult concessions to promote the health, safety, and general welfare of the citizens of Anacortes, and to establish reasonable and uniform regulations for adult concessions within the City. The provisions of this Chapter have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials including sexually-orientated materials. Similarly, it is not the intent or effect of this Chapter to restrict or deny access by

adults to sexually orientated materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually-orientated material to their intended market. Neither is it the intent or effect of this Chapter to condone or legitimize the distribution of obscene material. See also AMC 17.10.200.

5.35.030 Definitions

The definitions in this Chapter are also adopted in AMC 17.06.077 and apply to Chapter 17.10, 17.16 and 17.24 AMC. For the purpose of this regulation, Adult Concessions are divided into two subcategories: (1) Adult Entertainment, and (2) Adult Retail for the purposes of zone assignments in the AMC Title 17. As used in this chapter and Title 17 AMC and unless the context plainly requires otherwise, the following definitions are adopted:

- A. "Adult Concession" means any activity regulated under this Chapter, but is not limited to:
1. Adult Entertainment:
 - a. "Adult motion picture theater" means an enclosed theater with a projector screen video display to project or screen motion pictures or video material which is used for presenting material distinguished or characterized by an emphasis on matters depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" for observation by patrons therein;
 - b. "Adult panorama theater or arcade" means any place to which the public is permitted or invited and where coin operated or slug operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image producing devices are maintained to show images to persons in booths or viewing rooms where the images so displayed depict or describe "specified sexual activities" or "specified anatomical areas."
 - c. "Live Adult Entertainment Establishment" means any building or portion of a building to which any member of the public is invited or admitted and where any employee or entertainer, conducts any exhibition, performance or dance of any type which contains:
 - i. specified sexual activities;
 - ii. any display of specified anatomical areas; or
 - iii. any conduct intended to sexually stimulate any member of the public, including (but not limited to) any such exhibition, performance or dance performed for, arranged with or engaged in with fewer than all members of the public on the premises at that time, with separate consideration paid either directly or indirectly for such activity, and commonly referred to as table dancing,

couch dancing, taxi dancing, lap dancing, private dancing or straddle dancing.

2. "Adult Retail" means a commercial establishment that, as its primary purpose, offers for sale or rental for any form of consideration one or more of the following "Sexually Oriented materials":
 - a. Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, pictures, video cassettes or video reproductions, slides, or other visual representations that are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas"; or
 - b. Instruments, devices, or paraphernalia which are designed for use in connection with "specified sexual activities".

For the purpose of this definition, the term "primary purpose" shall mean the business purpose that constitutes fifty percent or more of the stock in trade of a particular business establishment. The city clerk shall determine that the stock in trade of a particular business establishment exceeds this threshold if either: (a) the retail dollar value of all Sexually Oriented Materials compared to the retail dollar value of all non-Sexually Oriented Materials readily available for purchase, rental, view, or use by patrons of the establishment, excluding inventory located in any portion of the premises not regularly open to patrons; or (b) the total volume of shelf space and display area reserved for Sexually Oriented Materials compared to the total volume of shelf space and display area reserved for non-Sexually Oriented Materials.

- B. "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 an adult concession.
- C. "Entertainer" means any person who provides live adult entertainment within an adult concession 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. "License Officer" means the Director of Planning, Community & Economic Development.
- F. "Manager" means any person who manages, directs, administers or is in charge of, the affairs or conduct of any portion of any activity involving adult entertainment occurring at any adult concession.

G. "Operator" means any person applying for or operating, conducting or maintaining any adult concession; and "Operator Control Person" means all partners, corporate officers and directors and any other individuals in the Operator's business organization who hold a significant interest in the adult concession business, based on the responsibility for management of the adult concession business.

H. "Person" means any individual, partnership, corporation, trust, incorporated or unincorporated association, marital community, joint venture, governmental entity or other entity or group of persons however organized.

I. "Public Place" means any area generally visible to public view and includes streets, sidewalks, bridges, alleys, plazas, parks, driveways, parking lots, motor vehicles, trailers and boats, whether moving or not.

J. "Sexual Conduct" means any act of:

1. sexual intercourse within its ordinary meaning, occurring upon any penetration, however slight;
2. any penetration of the vagina or anus, however slight, by an object;
3. any contact between persons, involving the sex organs of one person, whether clothed or unclothed, and the mouth or anus of another, whether clothed or unclothed;
4. masturbation, manual or instrumental, of oneself or of one person by another; or
5. touching of the sex organs, breasts or anus, whether clothed or unclothed, of oneself or of one person by another.

K. "Specified sexual activities" means:

1. Human genitals in a state of sexual stimulation or arousal;
2. Acts of human masturbation, sexual intercourse, or sodomy;
3. Fondling or other erotic touching of human genitals, pubic region, buttocks or female breast.

L. "Specified anatomical areas" means:

1. Less than completely or opaquely covered:
 - i. Human genitals, pubic hair, vulva;
 - ii. Buttocks, anus;
 - iii. Female breasts below a point immediately above the top of the areola; and

- iv. Human male genitals in a discernibly turgid state, even if completely or opaquely covered

5.35.040 License Required:

- A. A person may not operate an adult concession without a valid license to do so.
- B. No person shall work as an entertainer providing live adult entertainment at any adult business without having first obtained an entertainer's license.
- C. No person shall work as a manager at an adult concession without having first obtained a manager's license.

5.35.050 Licensing Fee:

- A. The annual fee for a license to operate an adult concession is two hundred fifty dollars (\$250.00).
- B. The annual fee for the entertainer's license is seventy-five dollars (\$75.00)
- C. The annual fee for the manager's license is seventy-five dollars (\$75.00).

5.35.060 General Requirements:

All adult concessions must meet the following standards:

- A. The premises must be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access at an illumination of not less than one footcandle as measured at the floor level.
- B. It shall be the duty of the owners and manager, and any employees present to ensure that the illumination described above is maintained at all times that any patron is present in or on the premises, with the exceptions of an adult mini-theater and adult motion picture theater.
- C. At no time shall any live entertainment, merchandise or any film or movie being shown be visible from outside the establishment.
- D. No sexual conduct is permitted.
- E. No business may remain open at any time between the hours of two o'clock (2:00) a.m. and six o'clock (6:00) a.m. weekdays and Saturdays and two o'clock (2:00) a.m. and ten o'clock (10:00) a.m. Sundays.

5.35.070 Operator's License:

Notwithstanding anything to the contrary in AMC Chapter 5.04, this Section shall govern the issuance of adult concession operator licenses.

- A. All applications for an operator's license shall be submitted to the license officer in the name of the person or entity proposing to conduct an adult concession on the business premises and shall be signed by such person and certified as true under penalty of perjury. Each applicant for an operator's license must be at least eighteen (18) years of age. All applications shall be submitted on a form supplied by the City, which shall require the following information:
1. For the operator and for each operator control person, provide: Names, any aliases or previous names, driver's license number, if any, social security number, if any, and business, mailing, and residential address, and business telephone number.
 2. If a partnership, whether general or limited; and if a corporation or limited liability company, date and place of incorporation or formation, evidence that it is in good standing under the laws of Washington, and name and address of any registered agent for service of process.
 3. Whether the operator or any partner, corporate officer, or director of the operator holds any other licenses under this Chapter for any adult concession or sexually oriented business, including motion picture theaters and panoramas, from the City or another city, county or state, and if so, the names and addresses of each other licensed business.
 4. A summary of the business history of the operator and operator control persons in owning or operating the adult concession or other sexually oriented businesses, providing names, addresses and dates of operation for such businesses, and whether any business license or adult concession license has been revoked or suspended, and the reason therefore.
 5. For the operator and all operator control persons, any and all criminal convictions or forfeitures within five years immediately preceding the date of the application, other than parking offenses or minor traffic infractions including the dates of conviction, nature of the crime, name and location of court and disposition.
 6. For the operator and all operator control persons, a description of business, occupation or employment history for the three years immediately preceding the date of the application.
 7. Authorization for the City, its agents and employees to seek information to confirm any statements set forth in the application.

8. The location and doing-business-as name of the proposed adult concession, including a legal description of the property, street address, and telephone number, together with the name and address of each owner and lessee of the property.
 9. Two two-inch by two-inch color photographs of the operator and operator control persons, taken within six months of the date of application showing only the full face.
 10. A complete set of fingerprints for the operator or each operator control person, by Anacortes Police Department employees.
 11. A scale drawing or diagram showing the configuration of the premises for the proposed adult concession, including a statement of the total floor space occupied by the business, and marked dimensions of the interior of the premises. Performance areas, seating areas, manager's office and stations, restrooms and service areas shall be clearly marked on the drawing. An application for a license for an adult concession shall include building plans which demonstrate conformance with AMC 5.35.130.
- B. An application shall be deemed complete upon the operator's submission of all information requested above, including identification of "none" where that is the correct response, and the operator's verification under penalty of perjury that the application is accurate and complete. The license officer may request other information or clarification in addition to that provided in a complete application where necessary to determine compliance with this Chapter.
- C. A nonrefundable application fee must be paid at the time of filing an application in order to defray the costs of processing the application.
- D. If any person or entity acquires, subsequent to the issuance of an adult concession license, a significant interest based on responsibility for management or operation of the licensed premises or the licensed business, notice of such acquisition shall be provided in writing to the license officer, no later than twenty-one (21) days following such acquisition. The notice required shall include the information required for the original adult concession license application.
- E. The adult concession license, if granted, shall state on its face the name of the person or persons to whom it is issued, the expiration date, the doing-business-as name and the address of the licensed adult concession. The permit shall be posted in a conspicuous place at or near the entrance to the adult concession so that it can be easily read at any time the business is open.
- F. No person granted an adult concession license pursuant to this Chapter shall operate the adult concession business under a name not specified on the license, nor shall any person

operate an adult concession under any designation or at any location not specified on the license.

- G. Upon receipt of the complete application and fee, the license officer shall provide copies to the Health Department, Fire Department, Police Department and the Building Inspector for their investigation and review to determine compliance of the proposed adult concession with the laws and regulations which each department administers. Each department shall, within thirty (30) days of the date of such application, inspect the application and premises and shall make a written report to the license officer whether such application and premises comply with the laws administered by each department. No license may be issued unless each department reports that the application and premises comply with the relevant laws. In the event the premises are not yet constructed, the departments shall base their recommendation as to premises compliance on their review of the drawings submitted in the application. Any adult concession license approved prior to premises construction shall contain a condition that the premises may not open for business until the premises have been inspected and determined to be in substantial conformance with the drawings submitted with the application. A department shall recommend denial of a license under this subsection if it finds that the proposed adult concession is not in conformance with the requirements of this Chapter or other applicable Federal, State or City law in effect at the time. A recommendation for denial shall cite the specific reason therefore, including applicable laws.
- H. An adult concession license shall be issued by the license officer within thirty (30) days of the date of filing a complete license application and fee, unless the license officer determines that the applicant has failed to meet any of the requirements of this Chapter or provide any information required under this subsection or that the applicant has made a false, misleading or fraudulent statement of material fact on the application for a license. The license officer shall grant an extension of time in which to provide all information required for a complete license application upon the request of the applicant. If the license officer finds that the applicant has failed to meet any of the requirements for issuance of an adult concession license, the license officer shall deny the application in writing and shall cite the specific reasons therefore, including applicable law. If the license officer fails to issue or deny the license within thirty (30) days of the date of filing of a complete application and fee, the applicant shall be permitted, subject to all other applicable law, to operate the business for which the license was sought until notification by the license officer that the license has been denied, but in no event may the license officer extend the application review time for more than an additional 20 days.
- I. Also the License Officer may refuse to grant or renew a license whenever:
1. The applicant has not paid the required license fee; or
 2. The applicant has failed to comply with some term or condition of this Title; or
 3. He/she has a reasonable belief that the applicant is not entitled to the license because of failure to comply with some term or condition thereof; or

4. The applicant has failed to supply all information lawfully required by the License Officer; or
5. If an applicant has been convicted of any felony or any offense not constituting a felony, but which because of its nature would render the licensee a risk to the public health, safety and welfare, or any offense involving moral turpitude as determined by the Police Chief.

5.35.080 Entertainer's and Manager's License:

Notwithstanding anything to the contrary in AMC Chapter 5.04, this Section shall govern the issuance of adult concession entertainer and manager licenses.

- A. Each applicant for a manager's or entertainer's license shall complete an application on forms provided by the City containing the information identified below. Each applicant for a manager's or entertainer's license shall be at least eighteen (18) years of age. A copy of the application shall be provided to the police department for its review, investigation and recommendation. All applications for a manager's or entertainer's license shall be signed by the applicant and certified to be true under penalty of perjury. The manager's or entertainer's license application shall require the following information:
 1. The applicant's name, home address, home telephone number; date and place of birth, fingerprints taken by Anacortes Police Department employees, 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.
 3. Documentation that the applicant has attained the age of 18 years. Any two 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. A state issued identification card bearing the applicant's photograph and date of birth;
 - c. An official passport issued by the United States of America;
 - d. An immigration card issued by the United States of America; or
 - e. Any other identification that the City determines to be acceptable.
 4. A complete statement of all convictions of the applicant for any misdemeanor or felony violations in this or any other city, county, or state within five years immediately preceding the date of the application, except parking violations or minor traffic infractions.
 5. A description of the applicant's principal activities or services to be rendered.

6. Two two-inch by two-inch color photographs of applicant, taken within six months of the date of application showing only the full face.
 7. Authorization for the City, its agents and employees to investigate and confirm any statements set forth in the application.
 8. Every entertainer shall provide his or her license to the adult concession manager on duty on the premises prior to his or her performance. The manager shall retain the licenses of the entertainers readily available for inspection by the City at any time during business hours of the adult concession.
- B. The license officer may request additional information or clarification when necessary to determine compliance with this Chapter.
- C. An adult concession manager's or an entertainer's license shall be issued by the license officer within fourteen (14) days from the date the complete application and fee are received unless the license officer determines that the applicant has failed to provide any information required to be supplied according to this Chapter, has made any false, misleading or fraudulent statement of material fact in the application, or has failed to meet any of the requirements for issuance of a license under this Chapter. If the license officer determines that the applicant has failed to qualify for the license applied for, the license officer shall deny the application in writing and shall cite the specific reasons therefore, including applicable laws. If the license officer has failed to approve or deny an application for an adult concession manager's license within fourteen (14) days of filing of a complete application, the applicant may, subject to all other applicable laws, commence work as an adult concession manager in a duly licensed adult concession until notified by the license officer that the license has been denied, but in no event may the license officer extend the application review time for more than an additional 20 days.
- D. An applicant for an entertainer's license shall be issued a temporary license upon receipt of a complete license application and fee. Said temporary license will automatically expire on the fourteenth day following the filing of the complete application and fee, unless the license officer has failed to approve or deny the license application in which case the temporary license shall be valid until the license officer approves or denies the application, or until the final determination of any appeal from a denial of the application. In no event may the license officer extend the application review time for more than an additional 20 days.
- E. Also the License Officer may refuse to grant or renew a license:
1. If an applicant has been convicted of any felony or any offense not constituting a felony, but which because of its nature would render the licensee a risk to the public health, safety and welfare, or any offense involving moral turpitude as determined by the Police Chief.

5.35.090 Manager:

A manager shall be on the premises of any adult concession at all times that entertainment is being offered or provided or the business is open. It shall be the responsibility of the manager, as well as of the owner or operator, to ensure:

- A. That all entertainers, employees and patrons abide by and comply with the standards of conduct set forth in this Chapter;
- B. That all persons who offer or provide live adult entertainment within the premises possess a current and valid entertainer's license;
- C. That no patron is admitted onto the premises or is served or entertained therein if such patron is obviously under the influence of alcohol or drugs;
- D. That no sexual conduct is allowed on the premises of an adult concession at any time;
- E. That the name(s) of the manager(s) on duty and his or her license shall be prominently posted during business hours;
- F. That the licensed manager(s) on duty shall not be an entertainer;
- G. That the manager shall maintain visual observation of each member of the public at all times any entertainer is present in the public or performance areas of the adult concession. When there is more than one public or performance area, or public or performance areas are of a size or configuration that one manager is unable to observe each entertainer and each member of the public at all times, then additional managers licensed under this Chapter must be on duty to ensure that such visual observation is maintained at all times; and
- H. That the manager shall ensure that the actions of the entertainers, all other employees and members of the public comply with all requirements of this Chapter

5.35.100 Live Adult Entertainment Establishments:

In addition to the general requirements of AMC 5.35.060 and AMC 5.35.070, every place offering live adult entertainment shall be physically arranged so that:

- A. The stage on which live adult entertainment is provided and all other areas of the premises to which the public has access, except restrooms, shall be visible from the common areas of the premises. Visibility shall not be blocked or obscured by doors, curtains, drapes or any other obstruction whatsoever.
- B. No live adult entertainment occurring on the premises shall be visible at any time from any public place.

- C. The stage on which live adult entertainment is provided shall be a stage or platform at least 18 inches in elevation above the level of the patron seating areas, and shall be separated by a distance of at least eight feet from all areas of the premises to which members of the public have access. A continuous railing at least three feet in height and located at least eight feet from all points of the performance area shall separate the performance area and the patron seating areas.
- D. Any outdoor theaters showing adult motion pictures are strictly prohibited.

5.35.110 Adult Motion Picture Theaters:

Every adult motion picture theater offering adult entertainment must meet the following standards:

- A. Seats must be equipped with immovable armrests between the seats. No bench seats allowing for more than one person in a seat are permitted.
- B. A manager or other employee must walk through the theater portion of the building at ten (10) minute intervals when a film is showing and the lights are down. This employee and the manager or owner must ensure that no sexual conduct occurs in the theater, either by patrons or employees.
- C. Full house lights must comply with AMC 5.35.060(A), and must come on for at least ten (10) minutes at the end of each feature.

5.35.120 Adult Panorama Theaters:

Every adult panorama theater must meet the following standards:

- A. Every adult panorama theater must have a manager's station located in the common area of the premises.
- B. The interior of the premises of an adult panorama theater must be configured so there is an unobstructed view from the manager's station of every area of the premises to which any patron is permitted access except restrooms. Restrooms may not contain video reproduction equipment.
- C. If the premise has two (2) or more managers' stations, then the interior of the premises shall be configured so there is an unobstructed view of every area of the premises to which any patron is permitted access from at least one of the managers' stations. The view required in this subsection must be by direct line-of-sight from the managers' station.
- D. The owners, manager, and any employees present in the premises, must ensure that the view area specified in subsection (2) remains unobstructed by any doors, walls, merchandise, display racks or other materials at all time and that no patron is permitted

access to any area of the premises which has been designated as an area in which patrons will not be permitted.

- E. No viewing room may be occupied by more than one person at any time.

5.35.130 Standards of Operation and Conduct:

Every adult concession shall comply with the following standards of operation and the following standards of conduct must be adhered to by owner, manager, operator, employees, and entertainers of all adult concessions:

- A. No employee or entertainer may touch, fondle or caress any patron for the purpose of arousing or exciting the patron's sexual desires.
- B. No employee or entertainer shall allow a patron to touch an employee or entertainer and no patron shall touch, fondle or caress an employee or entertainer for the purpose of arousing or exciting the sexual desires of either.
- C. A list of any and all entertainment provided on the premises must be posted and conspicuously displayed in the common areas of each place offering live adult entertainment. The list must show the fee or charge for each entertainment.
- D. No employee or entertainer may solicit, demand or receive any payment or gratuity from any patron for any act prohibited by this Chapter.
- E. No entertainer may be visible from any public place while engaged in live adult entertainment.
- F. No merchandise, films videos, posters, books or other material that relates to "specified sexual activities" or "specified anatomical areas" as defined in AMC 17.06.077, shall be visible from any public place at any time.
- G. A sign, no less than twelve inches by twelve inches (12" x 12"), with lettering no smaller than one-half inch by one-half inch (1/2" x 1/2"), shall be conspicuously displayed in the common areas of the premises, and shall read as follows:

***THIS ADULT ENTERTAINMENT ESTABLISHMENT IS REGULATED BY
THE CITY OF ANACORTES - ANACORTES MUNICIPAL CODE 5.35.***

ENTERTAINERS ARE:

- 1. Not permitted to engage in any type of sexual conduct; and***
- 2. Not permitted to be unclothed or in such less than opaque and complete attire, costume or clothing so as to expose to view any portion of the pubic region, buttocks, genitals or vulva or anus except upon a stage at least eighteen inches***

from the immediate floor level and removed at least eight feet from the nearest patron.

- H. No manager of an adult concession may employ any person under the age of eighteen (18) years as an entertainer or employee or allow an entertainer on his premises who is under eighteen (18).
- I. No person under the age of eighteen (18) years may be admitted onto the premises of an adult concession for any purpose.
- J. No person under the age of eighteen (18) years may be employed as a manager or entertainer for an adult concession.
- K. No illegal drugs or alcohol may be sold, served, allowed or consumed by employees, entertainers, managers or patrons on the premises of any adult concession.
- L. No patron who is obviously intoxicated by alcohol or drugs may be allowed onto the premises of an adult concession.
- M. No sexual conduct shall be allowed on the premises of an adult concession.
- N. No employee or entertainer may be unclothed or in such attire, costume or clothing so as to expose to view any portion of the female breast below the top of the areola, or any portion of the pubic hair, anus, buttocks, vulva or genitals, except upon a stage at least eighteen inches (18") above the immediate floor level and removed at least eight feet (8') from the nearest patron.
- O. No employee or entertainer may wear or use any device or covering exposed to view which simulates the breast of a female below the top of the areola, vulva, or genitals, anus or buttocks, or any portion of the pubic hair except upon a stage at least eighteen inches (18") above the immediate floor level and removed at least eight feet (8') from the nearest patron.
- P. No employee or entertainer mingling with members of the public shall conduct any dance, performance or exhibition (including, without limitation, the activity specified in AMC 5.35.030(B)(3)) in or about the nonstage area of the adult concession unless that dance, performance or exhibition is performed at a distance of no less than four feet measured torso-to-torso from any member of the public. No employee or entertainer may touch, fondle or caress any patron for the purpose of arousing or exciting the patron's sexual desires, sit on a patron's lap or separate a patron's legs.
- Q. No employee or entertainer is permitted to be unclothed or in less than opaque and complete attire, costume or clothing, so as to expose to view any portion of the pubic region, buttocks, genitals, vulva, or anus, except upon a stage at least eighteen inches (18") from the immediate floor level and removed at least eight feet (8') from the nearest patron.

5.35.140 Tipping:

No tip or gratuity offered to or accepted by an adult entertainer may be offered or accepted prior to any performance, dance or exhibition provided by the entertainer. No entertainer performing upon any stage area shall be permitted to accept any form of gratuity offered directly to the entertainer by any member of the public. Any gratuity offered to any entertainer performing upon any stage area must be placed into a receptacle provided for receipt of gratuities by the adult entertainment or provided through a manager on duty on the premises. Any gratuity or tip offered to any adult entertainer conducting any performance, dance or exhibition in or about the nonstage area of the adult entertainment shall be placed into the hand of the adult entertainer or into a receptacle provided by the adult entertainer, and not upon the person or into the clothing of the adult entertainer.

5.35.150 Dramatic Works and Obscenity:

- A. This Chapter shall not be construed to prohibit:
 - 1. Plays, operas, musicals, or other dramatic works that are not obscene;
 - 2. Classes, seminars and lectures which are held for serious scientific or educational purposes and which are not obscene; or
 - 3. Exhibitions, performances, expressions or dances that are not obscene.

These exemptions shall not apply to the actual sexual conduct described in RCW 7.48A.010(2)(b).

- B. Whether or not activity is obscene shall be judged by consideration of the following factors:
 - 1. Whether the average person, applying contemporary community standards, would find that the activity taken as a whole appeals to a prurient interest in sex; and
 - 2. Whether the activity depicts or describes in a patently offensive way, as measured against community standards, sexual conduct as described in RCW 7.48A.010(2)(b); and
 - 3. Whether the activity taken as a whole lacks serious literary, artistic, political or scientific value.

5.35.160 License Suspension and Revocation:

Notwithstanding anything in AMC Chapter 5.04 to the contrary, this Chapter shall govern the suspension or revocation of adult concession licenses.

- A. The license officer may, as provided in subsection (2) below, suspend or revoke any license issued under the provisions of this Chapter at any time where the same was procured by fraud or false representation of fact; or for the violation of, or failure to comply with the provisions of this Chapter by the licensee or by any of his servants, agents or employees when the licensee knew or should have known of the violations committed by his servants, agents or employees; or for the conviction of the licensee of any crime or offense involving prostitution, promoting prostitution, or transactions involving controlled substances (as that term is defined in Chapter 69.50 RCW) committed on the premises, or the conviction of any of his servants, agents or employees of any crime or offense involving prostitution, promoting prostitution, or transactions involving controlled substances (as that term is defined in Chapter 69.50 RCW) committed on the premises in which his adult concession is conducted when the licensee knew or should have known of the violations committed by his servants, agents or employees.
- B. A license procured by fraud or misrepresentation shall be revoked. Where other violations of this Chapter or other applicable ordinances, statute or regulations are found, the license shall be suspended for a period of thirty (30) days upon the first such violation, ninety (90) days upon the second violation within a 24-month period, and revoked for third and subsequent violations within a 24-month period, not including periods of suspension. The license officer may assess a penalty of not less than twenty five dollars (\$25.00) nor more than five hundred dollars (\$500.00). They may also order that compensatory damages or restitution be paid to anyone injured as a result of violation.
- C. The license officer shall provide at least ten (10) days' prior written notice to the licensee of the decision to suspend or revoke the license. Such notice shall inform the licensee of the right to appeal the decision and shall state the effective date of such revocation or suspension and the grounds for revocation or suspension. Such appeals shall be processed under AMC Chapter 17.66.010.D.3. The decision of the license officer or City Council shall be stayed during the pendency of any timely appeal except as provided in subsection (D) below.
- D. Where the Anacortes Building Department, Fire Department or County Health Department find that any condition exists upon the premises of an adult concession which constitutes a threat of immediate serious injury or damage to persons or property, said official may immediately suspend any license issued under this Chapter pending a hearing in accordance with subsection (C) above. The official shall issue notice setting forth the basis for the action and the facts that constitute a threat of immediate serious injury or damage to persons or property, and informing the licensee of the right to appeal the suspension to the hearing body under the same appeal provisions set forth in subsection (C) above, provided, however, that a suspension based on threat of immediate serious injury or damage shall not be stayed during the pendency of the appeal.

5.35.170 Enforcement:

- A. Non-Exclusive Remedies. The remedies found in this Chapter and AMC Chapter 5.04 are not exclusive, and, the City may seek any other legal or equitable relief, including but not limited to enjoining any acts or practices which constitute or will constitute a violation of any business license, ordinance or other regulations herein adopted.
- B. Public Nuisance. Any adult concession operated, conducted, or maintained in violation of this Chapter or any law of the City of Anacortes or the State of Washington shall be, and the same is, declared to be unlawful and a public nuisance. The City Attorney may, in addition to or in lieu of any other remedies set forth in this Chapter, commence an action to enjoin, remove or abate such nuisance in the manner provided by law and shall take such other steps and apply to such court or courts as may have jurisdiction to grant such relief as will abate or remove such public nuisance, and restrain and enjoin any person from operating, conducting or maintaining an adult concession contrary to the provisions of this Chapter.
- C. Moral Nuisance. Any adult concession operated, conducted or maintained contrary to the provisions of Chapter 7.48A RCW, Moral Nuisance, shall be, and the same is declared to be, unlawful and a public and moral nuisance and the City Attorney may, in addition to or in lieu of any other remedies set forth herein, commence an action or actions, to abate, remove and enjoin such public and moral nuisance, or impose a civil penalty, in the manner provided by Chapter 7.48A RCW.

5.35.180 Severability:

If any portion of this Chapter, or its application to any person or circumstances, is held invalid, the validity of the Chapter as a whole, or any other portion thereof, and its application to other persons or circumstances, shall not be affected.”

Section 3. There is hereby added a new section AMC § 17.06.077, “Definitions relating to Adult concession,” to Chapter 17.06 of the Anacortes Municipal Code to read as follows:

“17.06.077: Definitions relating to Adult Concession.

See AMC 5.35.030 for definitions pertaining to Adult Concession which by this reference are adopted for and applicable to Chapters 17.10, 17.19 and 17.24 AMC to the extent used therein.”

Section 4. There is hereby added a new section AMC § 17.10.200, “Adult concession (Entertainment and Retail),” to Chapter 17.10 of the Anacortes Municipal Code to read as follows:

“17.10.200: Adult Concession (Entertainment and Retail):

- A. Adult Entertainment and Retail taken together as “Concession,” and defined in Section 5.35.030, are recognized as being uses that may prove detrimental in certain

circumstances to its surrounding neighborhoods and thereby requiring the following regulations.

- B. No adult concession shall be located:
1. Within 100 feet of any public or private school, or any trade or vocational school that on a regular basis has at least one student under the age of eighteen (18) years;
 2. Within 100 feet of any church or other religious facility or institution;
 3. Within 100 feet of any park or any public facility or open space zone;
 4. Within 300 feet of another adult concession;
 5. Within 100 feet of any Residential zone, for adult entertainment; and
 6. Within 30 feet of any Residential zone, for adult retail.
- C. The distance provided herein shall be measured by following a straight line, without regard to intervening buildings, from the nearest point on the property line or the zoning district boundary to the specified Concession.
- D. No person owning, operating or managing an adult concession or their employee or agent shall invite, allow, or permit any person under the age of 18 years to enter or remain on the premises of any Concession.
- E. On the exterior of any Concession there shall be no window, marquee, or other display of any manner describing, identifying, depicting or portraying "specified anatomical areas", or "specified sexual activities" (See AMC 5.35.030.K, and L).
- F. Violation of the use provisions of this section is declared to be a public nuisance per se, which shall be abated by a civil action only and not by criminal prosecution.
- G. Concession establishments may be identified with signs on the exterior of the establishment in accordance with Chapter 17.40. All signs shall comply with sub-section E hereof. No advertising, text, pictures or depictions shall be permitted anywhere in the windows, on the site, sidewalk or street (tent "A" board signs), store-front, marquee, or anywhere else other than on the approved signage. Terms such as "sale" etc. and other such advertising, as associated with mainstream advertising, will be accepted, subject to the interpretation of the Planning Director or her/his designee.
- H. There shall be no more than one Concession business operating in the same building, structure or portion thereof.
- I. Nothing in this section is intended to authorize, legalize, or permit the establishment, operation, or maintenance of any business, building or use which violates any ordinance or statute of the City of Anacortes, Skagit County, State of Washington, or the United States."

Section 5. AMC § 17.19.020, “Permitted uses,” is hereby amended by the addition of the following:

“17.19.020 Permitted uses.

- A. Aquaculture;
- B. Manufacturing uses involving processing or storage of goods, including:
 - 1. Recycling facilities (defined as auto recycling, oil recycling, refining, and other materials recycling);
- C. Shipping and terminal facilities, commercial storage;
- D. Parks and playgrounds, both public and private;
- E. Auto, truck, motorcycle, and RV sales and service;
- F. Plant nurseries and related uses;
- G. Golf courses and driving ranges together with directly associated such as:
 - 1. Retail sales of golf clothing and equipment,
 - 2. Restaurant;
- H. Retail floor space existing as of May 1, 1995 that is determined to be nonconforming under these regulations may be increased by up to one hundred percent;
- I. Boat sales and services. (Ord. 2528 Att. A § 5, 2000; Ord. 2361 § 3 (part), 1995)
- J. Commercial parking;
- K. Public parking;
- L. Private parking;
- M. Adult entertainment, between Christiansen and Reservation Roads only.”

Section 6. AMC § 17.24.020, “Permitted uses,” is hereby amended by the addition of the following:

“17.24.020 Permitted uses.

- A. Overnight accommodations, eating and drinking establishments, and bed-and-breakfast establishments;

- B. Automobile, farm machinery, and boat sales and service, auto service stations and repair;
- C. Retail and wholesale sales, home appliance repair;
- D. Finance and real estate establishments;
- E. Other commercial and service uses of similar or less impact upon the district than uses above. Uses such as car wash, parks, dry cleaner, etc. (Ord. 2316 (part), 1994)
- F. Multifamily units, above the first floor, with a maximum density of 28 units per gross acre.
- G. Commercial parking;
- H. Public parking;
- I. Private parking;
- J. Adult retail, south of 22nd Street.

Section 7. AMC § 17.46.020, “Spaces required,” is hereby amended by the addition of the following:

“17.46.020 Spaces required.

The minimum number of off-street parking shall be determined in accordance with the following table, except where the minimum number of off-street parking spaces is varied by the planning commission (appealable to city council) with a documented finding that the overall parking situation in the project vicinity will not be adversely affected. One bicycle rack space shall be provided for every five parking spaces.

Use	Parking Spaces Required
Auditorium/assembly room/exhibition hall/theater/commercial recreation	1:4 fixed seats or 10:1,000 net square feet (nsf*) if no fixed seats
Boat moorage, public or semi-public	1:2 docking slips
Boat storage	1:3 storage spaces
Funeral home/mortuary/religious inst.	1:5 seats
Hospital/in-patient treatment outpatient surgical facility	1:patient bed
Hotel/motel	1:guest room
Manufacturing/assembly	1.5:1,000 nsf
Adult Concessions:	
Adult Entertainment	1:3:seats plus 1 space for every 2 employees on largest shift, or 1:100 nsf whichever is greater
Adult panorama theater or arcade	1:2 panorama device, or 1:300 nsf, whichever is greater
Adult Retail	5:1,000 nsf
Office	4:1,000 nsf
Personal services:	
Without fixed stations	3:1,000 nsf
With fixed stations	1.5:station
Residential:	
Single-family detached	2:unit
Multiple-unit structure:	
One-bedroom or studio unit	1.2:unit
Two-bedroom unit	1.6:unit
Three or more bedroom unit	1.8:unit
Restaurant	14:1,000 nsf
Retail/mixed retail/shopping center uses:	
Less than 15,000 nsf	5:1,000 nsf
More than 15,000 nsf	4:1,000 nsf
Senior housing:	
Nursing home	0.33:bed
Congregate care senior housing	0.5:unit
Senior citizen dwelling	0.8:unit
Rooming/board	1:rented room
Wholesale, warehouse	1.5:1,000 nsf

* Net square feet (nsf). The total number of square feet within the inside finished wall surface of the outer building walls of a structure, excluding major vertical penetrations of the floor (elevator and other mechanical shafts, stair wells), mechanical equipment, parking areas, common restrooms, common lobbies, and common hallways. Storage

area is included in the net square feet calculation unless the property owner demonstrates that it cannot be converted to habitable space.

When a use is established which does not use a building, or which uses a very small building in relation to the number of vehicles reasonably expected, or has other unique parking requirements, the planning commission shall establish the number of spaces required to accommodate the reasonably expected parking demand generated by the use, with the decision appealable to the city council. Examples of such uses include, but are not limited to, passenger ferry service, boat tours, bicycle tours, car or truck rental, taxi service, boat transport services, cruise boat moorage, park-and-ride lot. (Ord. 2323 § 1C, 1994; Ord. 2316 (part), 1994)

(Ord. 2794, § 1(Att. A), 12-15-2008)”

Section 8. There is hereby added a new section AMC § 17.46.110, “Adult concessions parking and lighting requirements,” to Chapter 17.46 of the Anacortes Municipal Code to read as follows:

“17.46.110 Adult Concessions Parking and Lighting Requirement.

To mitigate the adverse secondary effects associated with adult entertainment facilities, the following parking and lighting restrictions shall apply:

- A. Parking requirements. For adult entertainment facilities constructed after the effective date of this ordinance all parking must be visible from the public right-of-way. For adult entertainment facilities located in buildings constructed prior to the effective date of this ordinance, all parking should be visible from the public right-of-way. In cases of adult entertainment facilities located in buildings constructed prior to the effective date of this ordinance where this is not feasible, access to the parking shall be in as direct a route as possible from the public right-of-way and the parking area shall remain free and clear of visual obstructions at all times. Access to the exterior rear of the building shall be denied to any persons other than employees and public officials during the performance of their respective duties and tasks by means of a fence, wall or other device approved by the city building official. On-site parking shall be required and regulated in accordance with Chapter 17.46 AMC.
- B. Lighting requirements. All on-site parking areas and premises entries of adult entertainment facilities shall be illuminated from dusk until one (1) hour past closing hours of operation with a lighting system which provides an average maintained horizontal illumination of one (1) foot candle of light on the parking surface and/or walkways. In addition, all on-site lighting, including signs, shall comply with the shading and directional requirements of AMC 17.46.110.B.1. An on-premises exterior lighting plan shall be presented to the city building official for approval prior to the operation of any adult entertainment.
 - 1. Where lighted signs and illuminated areas are permitted, such illuminating devices shall be shaded and directed so as not to be visible from any residentially zoned property.”

Section 9. Anacortes Ordinance 2881 entitled "An Ordinance Of The City Of Anacortes, Washington, Adopting Interim Controls Relating To Adult Concession And Interim Zoning Controls Relating To Adult Concessions In The City; Creating A New Chapter 5.35 Adult Concessions, Amending Chapter 17.06 Definitions, Chapter 17.10 Board Of Adjustment, Planning Commission, And Conditional Uses, Chapter 17.15 Heavy Manufacturing District, And Chapter 17.16 Industrial District Of The Anacortes Municipal Code" is hereby repealed in its entirety.

Section 10. Severability. The various parts, sections and clauses of this ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected thereby.

PASSED AND APPROVED by the Anacortes City Council this 6th day of May 2013.

CITY OF ANACORTES



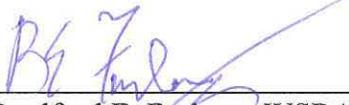
H. Dean Maxwell, Mayor

ATTEST:



Steve D. Hoglund, City Clerk/Treasurer

APPROVED AS TO FORM:

By: 

Bradford E. Furlong, WSBA# 12924
City Attorney

Passed by the City Council: May 6, 2013
Published: May 15, 2013
Effective: May 20, 2013