

ORDINANCE NO. 1920

AN ORDINANCE OF THE CITY OF REDMOND, KING COUNTY, WASHINGTON, ADDING A NEW CHAPTER 5.68 TO THE REDMOND MUNICIPAL CODE ENTITLED "LICENSING AND OPERATION OF ADULT ENTERTAINMENT FACILITIES" RELATING TO THE REGULATION OF ADULT ENTERTAINMENT FACILITIES AS DEFINED HEREIN, PROVIDING FOR THE LICENSING OF SUCH BUSINESSES, FURTHER PROVIDING STANDARDS OF CONDUCT AND OPERATION, INCLUDING THE REGULATION OF CERTAIN PHYSICAL FEATURES WITHIN ADULT ENTERTAINMENT FACILITIES, AND ESTABLISHING MISDEMEANOR OFFENSES AND CIVIL PENALTIES FOR VIOLATIONS; AND AMENDING SECTION 9.38.025 OF THE REDMOND MUNICIPAL CODE TO REFER TO THE NEW CHAPTER 5.68 OF THE REDMOND MUNICIPAL CODE.

WHEREAS, on January 17, 1995, the City Council held a public hearing, adopted findings, and approved Ordinance 1822, establishing a one year moratorium on adult entertainment facilities, with the intent to review, and possibly revise, existing regulations, specifically based on the secondary effects of such businesses; and

WHEREAS, on March 7, 1995, the City Council held a public hearing, adopted findings, and approved Ordinance 1828, continuing the one year moratorium; and

WHEREAS, on December 5, 1995, the City Council held a public hearing, adopted findings, and approved Ordinance 1864, extending the moratorium for a period of 180 days from January 17, 1996 to July 15, 1996; and

WHEREAS, on April 10, 1996, April 24, 1996, June 5, 1996, and June 26, 1996, the City Planning Commission held a series of public hearings to receive comments from the Redmond Police Department, the King County Police Department, residents of the City of Redmond, the business community, the religious community, and other persons from the community; and

WHEREAS, on July 9, 1996, the City Council held a public hearing, adopted findings, and approved Ordinance 1899, extending the one year moratorium for a period of 180 days from July 15, 1996 to January 7, 1997; and

WHEREAS, the City of Redmond ("City") regulations governing the siting of adult entertainment facilities are deficient, and the City Council has directed the City Administrative Staff to prepare recommendations concerning new regulations for submittal to the Planning Commission and City Council during the course of the moratorium; and

WHEREAS, the City is hereby adopting certain licensing and operational regulations governing adult entertainment facilities in order to mitigate and reduce unacceptable adverse secondary effects associated with and caused by activities occurring within adult entertainment facilities; and

WHEREAS, the City is concurrently adopting certain land use regulations that constitutionally restrict the location of adult entertainment facilities in order to mitigate unacceptable adverse secondary effects of adult entertainment facilities; and

WHEREAS, the City Council takes notice of and specifically relies upon the experiences of and studies utilized by other cities and counties in combating the negative secondary effects of various types of adult entertainment facilities; and

WHEREAS, based upon public testimony and other information presented on this subject to the Planning Commission and the City Council, the City Council finds the adoption of licensing and operational standards necessary to protect the health, safety and welfare of its citizens; and

WHEREAS, based upon public testimony and other information presented on this subject to the Planning Commission and the City Council, the City Council has determined that there are deleterious secondary effects associated with adult entertainment facilities that can be minimized through the adoption of specific licensing and operational standards that are narrowly tailored to alleviate those harmful effects; and

WHEREAS, there are important and substantial government interests providing a constitutional basis for the reasonable regulation of the time, place, and manner under which adult entertainment facilities can operate; and

WHEREAS, regulation of adult entertainment facilities through licensing and operational standards is necessary because, in the absence of such regulation, significant unlawful and criminal activity has historically and regularly occurred; and

WHEREAS, the City Council finds that adult entertainment facilities are typically associated with an increase in prostitution, sexually transmitted diseases, drug and alcohol offenses, breaches of the peace, and other criminal activity; and

WHEREAS, based upon the experiences of other jurisdictions, adult entertainment facilities are often fronts for or operated by persons associated with organized criminal activities; and

WHEREAS, the law enforcement resources available for responding to problems associated with or created by adult entertainment facilities are limited and are best conserved by regulating and licensing adult entertainment facilities, and attempting to prevent those activities associated with them; and

WHEREAS, the concern over sexually-transmitted diseases is a legitimate health concern of the City which demands reasonable regulation of adult entertainment facilities in order to protect the health and well-being of its citizens; and

WHEREAS, proximity between patrons and entertainers during adult entertainment performances can facilitate unlawful sexual contact, prostitution, narcotics transactions, and other related crimes; and

WHEREAS, concerns about crime and unlawful sexual contact are legitimate and compelling concerns of the City which demand reasonable regulation of adult entertainment facilities in order to protect public health, safety and general welfare; and

WHEREAS, it is the intent of this ordinance to enact time, place and manner regulations which address the compelling interests of the City in mitigating the adverse secondary effects of adult entertainment facilities; and

WHEREAS, it is not the intent of this ordinance to unreasonably suppress any speech activities protected by the First Amendment or Article I, Section 5 of the Washington State Constitution, but to enact regulations which address the deleterious secondary effects of adult entertainment facilities, as well as the health problems associated with such businesses; and

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF REDMOND, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Purpose And Intent. It is the purpose of this ordinance to establish licensing requirements and operational standards for adult entertainment facilities to promote the health, safety, morals, and general welfare of the citizens of the City of Redmond. It is not the intent of the City Council that it should be the purpose or effect of this ordinance to impose a limitation or restriction on the content of any communicative materials, including sexually-oriented materials. Similarly, it is not the intent of the City Council that it should be the effect of this ordinance to restrict or deny access by adults to sexually-oriented materials protected by the State or Federal Constitutions, or to deny access by the distributors and exhibitors of sexually-oriented materials to their intended market. Finally, it is not the intent of the City Council to condone or legitimize the distribution of obscene materials.

Section 2. Findings of Fact. Based upon a wide range of evidence presented to the Redmond City Council and to other jurisdictions, including but not limited to the testimony of law enforcement officers and members of the public, and on other evidence, information, publications, articles, studies, documents, case law and materials submitted to and reviewed and considered by the City Council, the Planning Commission, and City staff, the City Council makes the following findings:

- A. The City Council may rely on the experiences and studies of other cities, counties and organizations in assessing the need for licensing and regulating the operations of adult entertainment facilities.
- B. The City Council takes notice of studies and experiences of other cities and counties in combating the specific adverse impacts of adult entertainment facilities.
- C. The City Council finds that the protection and the preservation of the public health, safety and welfare requires establishment of this ordinance.
- D. The adverse secondary effects of the activities defined and regulated in this chapter are detrimental to the public health, safety, morals, and general welfare of the citizens of Redmond; therefore, the City Council finds it necessary to regulate such activities.
- E. Regulation of adult entertainment facilities should be developed to prevent deterioration and degradation of the vitality of the community before the problem exists, rather than in response to an existing problem.
- F. There are important and substantial government interests providing a constitutional basis for the reasonable regulation of the time, place, and manner under which adult entertainment facilities can operate.
- G. Certain conduct occurring on the premises of adult entertainment facilities creates secondary impacts that are detrimental to the public health, safety and general welfare of the citizens of the City, and therefore such conduct must be regulated as provided herein.
- H. Regulation of adult entertainment facilities through licensing and operational standards is necessary because, in the absence of such regulation, significant criminal and unlawful activity has historically and regularly occurred. This history of criminal and unlawful activity has included prostitution, illegal employment of minors, narcotics and 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.
- I. The criminal and unlawful activities described in this ordinance occur, in the absence of regulation, regardless of whether the adult entertainment is presented in conjunction with the sale of alcoholic beverages.
- J. Adult entertainment facilities are increasingly associated with ongoing prostitution, disruptive conduct and other unlawful and criminal activity. Such uses and businesses are currently not subject to effective regulation and constitute an immediate threat to the public peace, health and safety.

- K. Due to the connection between prostitution and adult entertainment facilities, there is concern over sexually-transmitted diseases which is a legitimate health concern of the City and thus requires regulation of adult entertainment facilities in order to protect the health, safety and well-being of the public.
- L. Hidden ownership interests for the purpose of skimming profits and avoiding payment of taxes have historically occurred in adult entertainment facilities in the absence of regulation. These hidden ownership interests have historically been held by organized and white collar criminal 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 facilities, and the identities and backgrounds of persons responsible for management and control of adult entertainment facilities.
- M. The law enforcement resources available for responding to problems associated with or created by adult entertainment facilities are limited and are best conserved by licensing and regulating the operations of adult entertainment facilities.
- N. In order to ensure that all conditions and regulations of this ordinance are met, the City has established a reasonable time period for review of all license applications for adult entertainment facilities.
- O. Regulation of adult entertainment facilities is necessary to prevent public nuisances including moral nuisances.
- P. Proximity between entertainers and patrons during adult entertainment performances has proven to facilitate unlawful sexual contact, prostitution, narcotics transactions, and other related crimes; the City Council therefore finds it necessary to impose separation requirements between entertainers and patrons.
- Q. A lack of lighting in adult entertainment facilities has proven to facilitate unlawful sexual contact, prostitution, and other related crimes; the City Council therefore finds it necessary to impose minimum lighting requirements within adult entertainment facilities to increase visibility for law enforcement purposes.
- R. It is necessary to license managers of adult entertainment facilities so there will, at all times, be an individual responsible for the overall operation of the establishment, including the actions of patrons, entertainers and other employees.
- S. It is necessary to license entertainers in adult entertainment facilities to prevent the exploitation of minors, to ensure that each entertainer is an adult, and to

ensure that each entertainer has not assumed a false name, which would make regulation of the entertainers difficult or impossible.

- T. It is necessary to regulate the manner in which adult entertainers receive tips or gratuities; the City has a substantial interest in preventing prostitution and narcotics transactions in adult cabarets.
- U. The application fees required by this ordinance are nominal fees necessary to defray the costs of processing the application and to help defray the substantial expenses incurred by the City in regulating adult entertainment facilities.
- V. The hours of operation of such businesses have a significant impact on the occurrence of illegal drug transactions, and other criminal activities.
- W. In further support of this ordinance, the City Council hereby adopts the Findings and Conclusions set forth in the June 26, 1996 Planning Commission Report on DGA95-003, which are incorporated herein by this reference as if set forth in full.
- X. It is not the intent of this ordinance to unconstitutionally 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 time, place, and manner regulations designed to mitigate the deleterious secondary effects associated with and caused by adult entertainment facilities.

Section 3. New Chapter. A new chapter 5.68 entitled "Licensing and Operation of Adult Entertainment Facilities" is hereby added to Title 5 (Business Licenses and Regulations) of the Redmond Municipal Code to read as follows:

Chapter 5.68 Licensing and Operation of Adult Entertainment Facilities

PART A: GENERALLY

- 5.68.010 Purpose**
- 5.68.020 Scope**
- 5.68.030 Definitions**
- 5.68.040 Penalties**
- 5.68.050 Nuisance**
- 5.68.060 Activities Not Prohibited**

PART B: LICENSING REQUIREMENTS

- 5.68.070 License Required**
- 5.68.080 Application for Adult Business License**

- 5.68.090** **Application for Manager's or Entertainer's License**
- 5.68.100** **Initial Investigation**
- 5.68.110** **Issuance and Denial of Licenses**
- 5.68.120** **Renewal of Licenses**
- 5.68.130** **Nontransferability of Licenses**
- 5.68.140** **Suspension and Revocation of Licenses**
- 5.68.150** **Appeal of Denial, Suspension, or Revocation of License**
- 5.68.160** **Inspections**
- 5.68.170** **Recordkeeping Requirements and Monthly Reports**
- 5.68.180** **License Requirement for Existing Adult Entertainment Facilities**

PART C: OPERATIONAL REQUIREMENTS

- 5.68.190** **Regulations Applicable to All Adult Entertainment Facilities**
- 5.68.200** **Regulations Specifically Applicable to Adult Cabarets**
- 5.68.210** **Regulations Specifically Applicable to Adult Arcades**

PART A: GENERALLY

5.68.010 Purpose. It is the intended purpose of this chapter to recognize the importance and benefits of freedom of expression to a democratic society. Experience has shown, however, that adult entertainment facilities, as defined herein, are detrimental to the public health, safety and welfare. Adult entertainment facilities are historically linked with organized crime, prostitution, narcotics, and other unlawful and criminal activity. These activities often lead to the development of public nuisances, including moral nuisances. Therefore, the licensing and operation of adult entertainment facilities should be regulated and monitored through the system of licensing and operating regulations contained in this chapter.

5.68.020 Scope. This chapter governs the licensing and operation of all adult entertainment facilities within the City. The location and siting of adult entertainment facilities is governed by the zoning regulations contained in the Redmond Community Development Guide. All adult entertainment facilities shall satisfy the requirements of both this chapter and the Redmond Community Development Guide.

5.68.030 Definitions.

For the purposes of this chapter, certain terms and words are defined as follows:

- A. "Adult arcade" means a commercial establishment containing individual viewing areas or booths, where, for any form of consideration, including a membership fee, one or more still or motion picture projectors, slide projectors, or other similar image producing machines are used to show films, motion pictures, video cassettes, slides, or other visual representations that are distinguished or

characterized by a predominant emphasis on matters depicting, describing, or simulating any specified sexual activities or any specified anatomical areas.

- B. "Adult business license" means a license issued by the City Clerk under this chapter to the owner or operator of an adult entertainment facility.
- C. "Adult cabaret" means a nightclub, bar, restaurant, tavern, or other similar commercial establishment, whether or not alcoholic beverages are served, that regularly features:
 - 1. Persons who appear nude or semi-nude; or
 - 2. Live performances which are distinguished or characterized by a predominant emphasis on matters depicting, describing, or simulating any specified anatomical areas or any specified sexual activities.
- D. "Adult drive-in theater" means a drive-in theater used for presenting motion picture films, video cassettes, cable television, or any other such visual media distinguished or characterized by an emphasis on matters depicting, describing or simulating any specified sexual activities or any specified anatomical areas.
- E. "Adult entertainment" means:
 - 1. Any exhibition, performance or dance conducted in an adult entertainment facility where such exhibition, performance or dance is distinguished or characterized by a predominant emphasis on matters depicting, describing, or simulating any specified sexual activities or any specified anatomical areas; or
 - 2. Any exhibition, performance or dance intended to sexually stimulate any patron and conducted in an adult entertainment facility where such exhibition, performance or dance is performed for, arranged with, or engaged in with fewer than all patrons in the adult entertainment facility at that time, with separate consideration paid, either directly or indirectly, for such performance, exhibition or dance. For purposes of example and not limitation, such exhibitions, performances or dances are commonly referred to as table dancing, couch dancing, taxi dancing, lap dancing, private dancing or straddle dancing.
- F. "Adult entertainment facility" means a commercial establishment defined herein as an adult arcade, adult cabaret, adult drive-in theater, adult motel, adult motion picture theater, adult retail store, adult sauna parlor, escort agency, nude or semi-nude model studio, or other adult entertainment facility.

- G. "Adult motel" means a hotel, motel, or similar commercial establishment which:
1. Offers sleeping accommodations to the public for any form of consideration and provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, or other visual representations that are distinguished or characterized by a predominant emphasis on matters depicting, describing, or simulating any specified sexual activities or any specified anatomical areas, and that has a sign visible from the public right-of-way that advertises the availability of this type of sexually oriented materials; or
 2. Offers a sleeping room for rent for a rental fee period of time that is less than ten (10) hours; or
 3. Allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than ten (10) hours.
- H. "Adult motion picture theater" means an enclosed commercial establishment where, for any form of consideration, motion pictures, films, video cassettes, slides, or other similar visual media are regularly shown that are distinguished or characterized by a predominant emphasis on matters depicting, describing, or simulating any specified sexual activities or any specified anatomical areas.
- I. "Adult retail store" means a commercial establishment such as a bookstore, video store, or novelty shop which as its principal business purpose offers for sale or rent, for any form of consideration, any one or more of the following:
1. Books, magazines, periodicals or other printed materials, or photographs, films, motion pictures, video cassettes, slides, or other visual representations that are distinguished or characterized by a predominant emphasis on matters depicting, describing, or simulating any specified sexual activities or any specified anatomical areas; or
 2. Instruments, devices, or paraphernalia designed for use in connection with any specified sexual activities.

For the purpose of this definition, the term "principal business purpose" shall mean the business purpose that constitutes 50 percent or more of the stock in trade of a particular business establishment. The stock in trade of a particular business establishment shall be determined by examining either: (i) 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 (ii) 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.

- J. "Adult sauna parlor" means a commercial sauna parlor which excludes any person by virtue of age from all or any portion of the premises.
- K. "Applicant" means a person or persons applying for a license under this chapter.
- L. "City" means the City of Redmond, Washington.
- M. "Employee" means any person, including a manager, entertainer, escort, or nude model, who works in or renders any services directly related to the operation of any adult entertainment facility, whether or not such person is paid compensation by the owner or operator of the adult entertainment facility.
- N. "Entertainer" means any person who provides live adult entertainment in an adult entertainment facility during which the person exposes any specified anatomical areas or performs any specified sexual activities, whether or not the person is an employee of the adult entertainment facility, and whether or not a fee is charged or accepted for such entertainment.
- O. "Entertainer's license" means a license issued by the City Clerk under this chapter to an entertainer, escort, or nude model.
- P. "Escort" means a person employed by an escort agency, and who, for any form of consideration, agrees or offers to act as a companion, guide, or date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.
- Q. "Escort agency" means a person or business association that furnishes, offers to furnish, or advertises to furnish escorts as its business purpose for a fee, tip, or other consideration. The term "escort agency" shall not include any escort service offered by a charity or non-profit organization for medical assistance or assistance to the elderly or infirm.
- R. "Expressive dance" means any dance which, when considered in the context of the entire performance, constitutes an expression of art, theme, story or ideas, but excluding any dance such as, but not limited to, common barroom type topless dancing which, when considered in the context of the entire performance, is presented primarily as a means of displaying nudity as a sales device or for other commercial exploitation without substantial expression of theme, story or ideas, and the conduct appeals to the prurient interest, depicts sexual conduct in a patently offensive way and lacks serious literary, artistic, political or scientific value.

- S. "Licensee" means a person or persons in whose name a license to operate an adult entertainment facility has been issued under this chapter, as well as the individual listed as an applicant on the application for a license, and in the case of a manager, entertainer, escort, or nude model, a person in whose name a license has been issued authorizing employment or entertainment in an adult entertainment facility.
- T. "Manager" means any person who manages, directs, or administers the affairs or conduct of a portion of the activity within an adult entertainment facility, including assistant managers working with or under the direction of a manager to carry out such purposes.
- U. "Manager's license" means a license issued by the City Clerk under this chapter to a manager or assistant manager of an adult entertainment facility.
- V. "Nude" means the appearance of less than complete and opaque covering of the human anus, human male genitals, human female genitals, or the areola or nipple of the human female breast. The opaque covering shall be made of material or fabric, but shall not include any liquid substance, including mud, water, lotion, whipping cream, or other similar substances that are easily broken down or removed and do not offer the covering intended for an opaque covering.
- W. "Nude or semi-nude model studio" means any place where a person, who appears nude or semi-nude, or who displays any specified anatomical areas, is provided for money or any other form of consideration, to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons. The following uses are exceptions from the definition of a "nude or semi-nude model studio":
1. A proprietary school licensed by the state of Washington;
 2. A junior college, college, or university supported partly or entirely by taxation;
 3. A private college or university that maintains and operates educational programs in which credits are transferable to a junior college, college, or university supported partly or entirely by taxation; and
 4. A place housed in a structure: (i) that has no sign visible from the exterior of the structure and no other advertising that indicates a nude or semi-nude person is available for viewing; and (ii) where, in order to participate in a class, a student must enroll at least three (3) days in advance of the class.
- X. "Nude model" means a person who, for any form of consideration, offers to appear nude or semi-nude in a nude or semi-nude model studio.

- Y. "Obscene material" shall have the same meaning as "lewd matter" under RCW 7.48A.010(2), as construed by the state and federal courts, and means any material:
1. Which the average person, applying contemporary community standards, would find, when considered as a whole, appeals to the prurient interest; and
 2. Which the average person, applying contemporary community standards, would find explicitly depicts or describes patently offensive representations or depictions of:
 - a. Ultimate sexual acts, normal or perverted, actual or simulated; or
 - b. Masturbation, fellatio, cunnilingus, bestiality, excretory functions, or lewd exhibition of the genitals or genital area; or
 - c. Violent or destructive sexual acts, including, but not limited to human and or animal mutilation, dismemberment, rape or torture; and
 3. Which, when considered as a whole, and in the context in which it is used, lacks serious literary, artistic, political, or scientific value.
- Z. "Other adult entertainment facility" means any commercial establishment not defined herein where adult entertainment or sexually oriented materials is regularly conducted, displayed, or available in any form, for any type of consideration. Provided however, that a public library, and a school, university, or similar educational or scientific facility shall not be considered an adult entertainment facility. In addition, a commercial establishment that offers access to telecommunications networks as its principal business purpose shall not be considered an adult entertainment facility unless the access it provides is for the primary purpose of displaying or presenting visual images that are distinguished or characterized by a predominant emphasis on matters depicting, describing, or simulating any specified sexual activities or any specified anatomical areas.
- AA. "Owner or operator" means any person who owns, operates, or has a significant interest in an adult entertainment facility.
- BB. "Person" means an individual, association, corporation, estate, firm, joint venture, partnership, proprietorship, trust, or other legal entity.

- CC. "Semi-nude" means a state of dress in which the clothing completely and opaquely covers no more than the genitals, pubic region, and areola and nipple of the female breast, as well as portions of the body covered by supporting straps or devices.
- DD. "Sexually oriented materials" means any books, magazines, periodicals or other printed materials, or any photographs, films, motion pictures, video cassettes, slides, or other visual representations, that are distinguished or characterized by a predominant emphasis on matters depicting, describing, or simulating any specified sexual activities or any specified anatomical areas. The term "sexually oriented materials" includes any instruments, devices, or paraphernalia designed for use in connection with any specified sexual activities.
- EE. "Significant interest" means principal responsibility for management or operation of an adult entertainment facility.
- FF. "Specified anatomical areas" means and includes any of the following:
1. Less than completely and opaquely covered human genitals, pubic region, anus, buttocks, or female breast below the top of the areola; or
 2. The human male genitals in a discernibly turgid state, even if completely and opaquely covered.
- GG. "Specified criminal offense" means an offense for prostitution or promotion of prostitution, sale or distribution of obscenity, sale or display of materials harmful to minors, public lewdness, indecent exposure, or transactions involving controlled substances (as that term is defined in Chapter 69.50 RCW) for which:
1. Less than two years have elapsed since the date of conviction or the date of release from confinement imposed for the conviction, whichever is later, if the conviction is of a misdemeanor offense; or
 2. Less than five years have elapsed since the date of conviction or the date of release from confinement imposed for the conviction, whichever is later, if the conviction is of a felony offense; or
 3. Less than five years have elapsed since the date of the last conviction or the date of release from confinement imposed for the last conviction, whichever is later, if the convictions are of two or more misdemeanor offenses occurring within a twenty-four month period.
- HH. "Specified sexual activities" means and includes any of the following:

1. The caressing, fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts; or
2. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy; or
3. Masturbation, actual or simulated; or
4. Excretory functions as part of, or in connection with, any of the sexual activities specified in this definition.

5.68.040 Penalties.

- A. Criminal Penalty. In addition to any other penalty provided in this chapter or by law, any person who violates any provision of this chapter shall be guilty of a misdemeanor. Any person convicted of such a violation shall be punished by a fine of not more than one thousand dollars (\$1,000.00) or by a jail term of not more than ninety (90) days, or by both such fine and imprisonment.
- B. Separate Offense. Any person who violates any provision of this chapter or failing to comply with any of the mandatory requirements of this chapter is guilty of a separate offense for each and every day during any portion of which the violation is committed, continued, or permitted by any such person.

5.68.050 Nuisance.

- A. Public Nuisance. Any adult entertainment facility operated, conducted, or maintained in violation of this chapter or any law of the City of Redmond shall be deemed a public nuisance, and all remedies given by law for the prevention and abatement of public nuisances shall apply regardless of any other remedy.
- B. Moral Nuisance. Any adult entertainment facility operated, conducted, or maintained contrary to the provisions of Chapter 7.48A RCW shall be deemed a moral nuisance, and all remedies given by law for the prevention and abatement of moral nuisances shall apply regardless of any other remedy.

5.68.060 Activities Not Prohibited.

This chapter shall not be construed to restrict or prohibit the following activities or products: (a) expressive dance as defined in RMC 5.68.030(R); (b) plays, operas, musicals or other dramatic works; (c) classes, seminars, or lectures conducted for a scientific or educational purpose; (d) nudity within a locker room or other similar facility used for changing clothing in connection with athletic or exercise activities; (e) nudity within a hospital, clinic, or other similar medical facility for health-related

purposes; and (f) all movies and videos that are rated G, PG, PG-13, R and NC-17 by the Motion Picture Association of America.

PART B: LICENSING REQUIREMENTS

5.68.070 License Required.

- A. It is unlawful for a person to own, operate, or act as the agent for one who owns or operates an adult entertainment facility within the City of Redmond unless that person has obtained an adult business license issued by the City Clerk under this chapter.
- B. It is unlawful for a person to manage or act as the agent for one who manages an adult entertainment facility within the City of Redmond unless that person has obtained a manager's license issued by the City Clerk under this chapter.
- C. It is unlawful for an entertainer to appear nude or semi-nude in an adult entertainment facility within the City of Redmond unless that entertainer has obtained an entertainer's license issued by the City Clerk under this chapter.
- D. It is unlawful for a person who owns or operates an adult entertainment facility within the City of Redmond to employ a person to work as a manager or assistant manager at the adult entertainment facility who is not licensed as a manager under this chapter.
- E. It is unlawful for a person who owns or operates an adult entertainment facility within the City of Redmond to employ a person to work as an entertainer at the adult entertainment facility who is not licensed as an entertainer under this chapter.
- F. It is unlawful for a person who owns or operates an adult entertainment facility within the City of Redmond to employ a person to work as an escort who is not licensed under this chapter.
- G. It is unlawful for a person who owns or operates an adult entertainment facility within the City of Redmond to employ a person to work as a nude model who is not licensed under this chapter.
- H. It is unlawful for a person to act as an escort within the City of Redmond unless that person has obtained an entertainer's license issued by the City Clerk under this chapter.
- I. It is unlawful for a person to act as a nude model within the City of Redmond unless that person has obtained an entertainer's license issued by the City Clerk issued under this chapter.

5.68.080 Application for Adult Business License.

- A. No person shall own or operate an adult entertainment facility within the City of Redmond without an adult business license issued by the City Clerk.
- B. If a person wishes to own or operate an adult entertainment facility as an individual, then that person shall sign the adult business license application as the applicant. If a person wishes to own or operate an adult entertainment facility as other than an individual, each individual who has a significant interest in the proposed adult entertainment facility shall provide all the information required by this section and sign the adult business license application as an applicant. If the proposed adult entertainment facility is to be owned or operated by a partnership, then each partner shall provide all the information required by this section and sign the application as an applicant. If the proposed adult entertainment facility it to be owned or operated by a corporation, including a limited liability organization, then each officer, director, and principal stockholder shall provide all the information required by this section and sign the application as an applicant. For the purposes of this chapter, a principal stockholder shall mean those persons who own twenty percent (20%) or greater interest in the proposed adult entertainment facility. Each applicant shall be separately qualified under this chapter.
- C. Each application shall be on a form provided and adopted by the City Clerk. A completed application shall be submitted to the City Clerk and shall contain or be accompanied by all of the following information and documents:
 - 1. The date of the application.
 - 2. The applicant shall state his or her legal name, previous names, aliases, date of birth, and submit proof that he or she is at least eighteen (18) years of age.
 - 3. If the applicant is a partner in a partnership, the applicant shall state the complete name of the partnership, state whether the partnership is general or limited, and state the legal names of all partners.
 - 4. If the applicant is an officer, director, or principal stockholder of a corporation, including a limited liability organization, the applicant shall state the complete name of the corporation, state the date of its incorporation, state the name of the registered corporate agent, state the address of the registered office for service of process, provide evidence that the corporation is in good standing under the laws of the State of Washington, and state the legal names and legal capacity of all officers, directors, and principal stockholders of the corporation.

5. A description of the principal activities and services to be offered by the proposed adult entertainment facility, including a summary of the types of adult entertainment and sexually-oriented materials to be offered for sale or rent by the proposed adult entertainment facility.
6. A description of the principal activities and services to be rendered by the applicant with respect to the proposed adult entertainment facility.
7. A statement whether the applicant has been convicted of a specified criminal offense, and if so, the date, place, and jurisdiction of each specified criminal offense.
8. A statement whether the applicant holds any license issued under this chapter or under a similar ordinance from another city or county, and if so, the operating names and locations of the other licensed businesses.
9. A statement whether the applicant has had a previous license issued under this chapter denied, suspended, or revoked, and if so, the name and location of the adult entertainment facility for which the license was denied, suspended, or revoked, as well as the date of the denial, suspension, or revocation.
10. A statement whether the applicant has been a partner in a partnership or an officer, director, or principal stockholder of a corporation that has had a previous license under this chapter denied, suspended, or revoked, and if so, the name and location of the adult entertainment facility for which the license was denied, suspended, or revoked, as well as the date of the denial, suspension, or revocation.
11. The proposed location of the adult entertainment facility, including a legal description of the property, street address, and telephone numbers, if any.
12. The present mailing and residential address of the applicant.
13. Two (2) two-inch by two-inch color photographs of the applicant, taken within six (6) months of the date of the application, showing the full face of the applicant. The photographs shall be provided at the expense of the applicant.
14. A complete set of fingerprints of the applicant, taken by a designated City official, on a form adopted and approved by the City of Redmond Police Department.

15. A sketch or diagram showing the configuration of the premises, including a statement of total floor space to be occupied by the adult entertainment facility. The sketch or diagram shall be drawn to a designated scale to an accuracy of plus or minus six (6) inches.
 16. Authorization for the City, its agents, and employees to seek information to confirm any statements or other information set forth in the application.
- D. Each applicant shall verify under penalty of perjury that the information contained in the application is true to the best of his or her knowledge.
 - E. If any person or entity acquires, subsequent to the issuance of an adult business license, a significant interest in the licensed adult entertainment facility, notice of such acquisition shall be provided in writing to the City Clerk within twenty-one (21) calendar days following such acquisition and the person acquiring the interest shall submit a complete application to the City Clerk pursuant to RMC 5.68.080 within forty-five (45) calendar days of acquiring such interest.
 - F. Each adult business license application shall be accompanied by a non-refundable application fee, the amount of which shall be established by resolution.

5.68.090 Application for Manager's or Entertainer's License.

- A. No person shall work or perform as a manager, entertainer, escort, or nude model at an adult entertainment facility without a manager's or entertainer's license issued by the City Clerk.
- B. Each application shall be on a form provided and adopted by the City Clerk. A completed application shall be submitted to the City Clerk and shall contain or be accompanied by all of the following information and documents:
 1. The date of the application.
 2. The applicant shall state his or her legal name, previous names, aliases, date of birth, and submit proof that he or she is at least eighteen (18) years of age.
 3. The height, weight, hair and eye color of the applicant.
 4. The present mailing and residential address of the applicant.
 5. The name and address of the adult entertainment facility at which the applicant will work or perform.

6. A description of the principal activities or services to be rendered by the applicant at the adult entertainment facility.
 7. Two (2) two-inch by two-inch color photographs of the applicant, taken within six (6) months of the date of the application, showing the full face of the applicant. The photographs shall be provided at the expense of the applicant.
 8. A complete set of fingerprints of the applicant, taken by a designated City official, on a form adopted and approved by the City of Redmond Police Department.
 9. A statement whether the applicant has been convicted of a specified criminal offense, and if so, the date, place, and jurisdiction of each specified criminal offense.
 10. A statement whether the applicant holds any license issued under this chapter or under a similar ordinance from another city or county, and if so, the operating names and locations of the other licensed businesses.
 11. A statement whether the applicant has had a previous license issued under this chapter denied, suspended, or revoked, and if so, the name and location of the adult entertainment facility for which the license was denied, suspended, or revoked, as well as the date of the denial, suspension, or revocation.
 12. Authorization for the City, its agents, and employees to seek information to confirm any statements or other information set forth in the application.
- C. The applicant shall verify under penalty of perjury that the information contained in the application is true to the best of his or her knowledge.
- D. Each manager's and entertainer's license application shall be accompanied by a non-refundable application fee, the amount of which shall be established by resolution.

5.68.100 Initial Investigation.

- A. Upon the filing of an original or renewal application for an adult business license, the City Clerk shall stamp the application as received and shall send photocopies of the application to the departments or agencies responsible for the enforcement of public safety, police, health, fire, and building codes and laws. Each interested department or agency shall conduct an investigation of the

application and the proposed adult entertainment facility within twenty (20) calendar days of receipt of the application by the City Clerk, unless circumstances support extending the investigation. If the investigation is extended, the City Clerk shall inform the applicant of the extension and the reasons therefor. The extension shall not exceed ten (10) additional calendar days from the original expiration of the twenty (20) day time period stated above. At the conclusion of its investigation, each interested department or agency shall recommend approval or disapproval of the application by so indicating on the photocopy of the application. After indicating its approval or disapproval, each interested department or agency shall immediately return the photocopy of the application to the City Clerk. In the event the proposed adult entertainment facility is in a state of construction at the time of the inspection, then each interested department or agency shall make a preliminary determination of approval or disapproval based on the drawings submitted in the application. Any adult business license approved prior to final construction of the adult entertainment facility shall contain a condition that the adult business license shall be suspended or revoked in the event future inspections reveal the adult entertainment facility is not in compliance with applicable laws or regulations.

- B. In the event an interested department or agency recommends disapproval, the department or agency recommending disapproval shall state the basis for the disapproval in writing. A department or agency shall recommend disapproval of an application if it finds that the proposed adult entertainment facility will violate any provision of any statute, code, ordinance, regulation, or other law in effect in the City.

5.68.110 Issuance and Denial of Licenses.

A. Issuance of Adult Business License.

1. The City Clerk shall grant or deny an original or renewal application for an adult business license within thirty (30) calendar days from the date a complete application is filed unless a ten (10) day extension is granted as provided in RMC 5.68.100(A) in which case the City Clerk shall grant or deny an application for an adult business license within forty (40) calendar days from the date a complete application is filed.
2. The City Clerk shall issue an original adult business license unless one or more of the criteria set forth in RMC 5.68.110(C)(1) is present. The City Clerk shall issue a renewal adult business license unless one or more of the criteria set forth in RMC 5.68.110(C)(1) is present. In the event the City Clerk denies the application, the City Clerk shall do so in writing, and shall state the specific reasons therefor, including applicable law.

3. An adult business license, if granted, shall state on its face the name of the person or persons to whom it is granted, the expiration date, and the name and address of the adult entertainment facility. An adult business license shall be posted in a conspicuous place, at or near the entrance to the adult entertainment facility.
4. Each adult business license shall expire annually on December 31.

B. Issuance of Manager's or Entertainer's License.

1. The City Clerk shall grant or deny an original or renewal application for a manager's or entertainer's license within fifteen (15) calendar days from the date of its proper filing.
2. The City Clerk shall issue an original manager's or entertainer's license unless one or more of the criteria set forth in RMC 5.68.110(C)(1) is present. The City Clerk shall issue a renewal manager's or entertainer's license unless one or more of the criteria set forth in RMC 5.68.110(C)(1) is present. In the event the City Clerk denies the application, the City Clerk shall do so in writing, and shall state the specific reasons therefor, including applicable law.
3. A manager's or entertainer's license, if granted, shall state on its face the name of the person to whom it is granted, the expiration date, and the name and address of the adult entertainment facility at which the manager, entertainer, or nude model will work or perform. Each manager, entertainer, and nude model shall ensure that his or her license is posted in a conspicuous place, at or near the entrance to the adult entertainment facility, at all times the manager, entertainer or nude model is working or performing in the adult entertainment facility. Each escort shall carry his or her license at all times such escort is working within the City of Redmond as an escort.
4. Each manager's or entertainer's license shall expire annually on December 31.

C. Denial of License Application.

1. The City Clerk shall deny an original or renewal license application if it is demonstrated by a preponderance of the evidence that one or more of the following findings is true:

- a. The premises to be used for the proposed adult entertainment facility are not in compliance with applicable laws and ordinances.
 - b. An applicant is under eighteen (18) years of age.
 - c. An applicant has failed to provide information required by this section or has falsely answered a question or request for information on the application form.
 - d. An applicant has failed to comply with any provision or requirement of this chapter.
 - e. An application fee required by this chapter has not been paid.
 - f. An applicant has been convicted of a specified criminal offense within the time periods provided in RMC 5.68.030(GG).
3. Denial of an original or renewal license application is subject to appeal as set forth in RMC 5.68.150.

5.68.120 Renewal of Licenses.

- A. A licensee may apply for renewal of an adult business license issued under this chapter. An application for renewal shall contain the information and documents required in RMC 5.68.080 and shall be accompanied by a non-refundable application fee, the amount of which shall be established by resolution.
- B. A licensee may apply for renewal of a manager's or entertainer's license issued under this chapter. An application for renewal shall contain the information and documents required in RMC 5.68.090 and shall be accompanied by a non-refundable application fee, the amount of which shall be established by resolution.
- C. Application for renewal of an adult business license shall be made within forty (40) calendar days before the expiration date of the currently valid license.
- D. Application for renewal of a manager's or entertainer's license shall be made within fifteen (15) calendar days before the expiration date of the currently valid license.
- E. A renewal license shall be issued or denied according to the requirements of RMC 5.68.110.

- F. In the event the City Clerk denies an application for a renewal license, the applicant may not be issued a license for one year from the date of denial. If, after denial, the City Clerk finds that the basis for the denial of the renewal license has been corrected or abated, the applicant may be granted a license if at least ninety (90) calendar days have elapsed since the date of denial.
- G. Denial of a renewal license is subject to appeal as set forth in RMC 5.68.150.

5.68.130 Nontransferability of Licenses.

- A. Adult Business License. The holder of an adult business license issued pursuant to this chapter shall not assign or transfer the license to another person, except that a transfer may be made to the surviving spouse of a deceased licensee if the transferor and transferee were maintaining a marital community and the license was issued in the name of one or both of them.
- B. Manager's or Entertainer's License. The holder of a manager's or entertainer's license issued pursuant to this chapter shall not assign or transfer the license to another person.

5.68.140 Suspension and Revocation of Licenses.

- A. The City Clerk may, subject to this chapter, suspend or revoke any license issued pursuant to this chapter. In the event a license is suspended or revoked, all rights of the licensee under this chapter are then suspended or terminated, as the case may be.
- B. Upon receipt of notice of the suspension or revocation of an adult business license or manager's license or entertainer's license, the licensee shall without delay deliver such license to the City Clerk. In the case of a suspension, the City Clerk shall return the license to the licensee at the expiration of the suspension period.
- C. Suspension of License. The City Clerk shall suspend a license for a period not to exceed thirty (30) calendar days if the City Clerk determines that:
 - 1. A licensee has refused to allow an inspection of the adult entertainment facility as required by RMC 5.68.160; or
 - 2. A licensee has not submitted a timely monthly report as required by RMC 5.68.170(B); or
 - 3. A licensee has violated any applicable requirement of this chapter.

D. Revocation of License.

1. The City Clerk shall revoke a license if the City Clerk determines that:
 - a. A licensee has given false information in the material submitted during the application process; or
 - b. A licensee has knowingly operated an adult entertainment facility during a period of time when the adult business license of the adult entertainment facility was suspended; or
 - c. A licensee has knowingly acted as a manager of an adult entertainment facility during a period of time when the licensee's manager's license was suspended; or
 - d. A licensee has knowingly acted as an entertainer at an adult entertainment facility during a period of time when the licensee's entertainer's license was suspended; or
 - e. A licensee has knowingly acted as an escort within the City of Redmond during a period of time when the licensee's entertainer's license was suspended; or
 - f. A licensee has knowingly acted as a nude model at an adult entertainment facility during a period of time when the licensee's entertainer's license was suspended; or
 - g. A cause of suspension in RMC 5.68.140(C) occurs and the license has been suspended within the preceding twelve months.
2. In the event the City Clerk revokes a license, the revocation shall continue for one year, and the licensee shall not be issued an adult business license, manager's license, or entertainer's license for one year from the date the revocation becomes effective. If, after revocation, the City Clerk finds that the basis for the revocation has been corrected or abated, the applicant may be granted a license if at least ninety (90) calendar days have elapsed since the date of revocation became effective.

5.68.150 Appeal of Denial, Suspension, or Revocation of License.

- A. In the event the City Clerk denies an original or renewal application for a license under this chapter, suspends a license issued under this chapter, or revokes a license issued under this chapter, the City Clerk shall notify the applicant or licensee in writing of the decision at least ten (10) calendar days prior to the effective date of any such denial, suspension, or revocation. The

notice shall describe the grounds for such denial, suspension, or revocation and shall inform the applicant or licensee of his or her right to appeal to the City Hearing Examiner within ten (10) calendar days of the date of the written decision by filing a written notice of appeal with the City Clerk containing a statement of the specific reasons for the appeal and a statement of the relief requested. The notice shall be served either in person or by mailing a copy of the notice by certified mail, postage prepaid, return receipt requested, to the applicant or licensee at his or her last known address.

- B. If a licensee timely appeals a decision of the City Clerk, then the licensee may continue to engage in the activity for which the license was issued pending the decision of the City Hearing Examiner, unless the license was suspended or revoked based on a threat of immediate serious injury to public health or safety.
- C. Within ten (10) calendar days of receiving a timely appeal, the City Clerk shall forward the administrative record of the licensing decision to the City Hearing Examiner.
- D. In the event an applicant or licensee timely appeals the denial, suspension, or revocation of a license issued under this chapter, the City Hearing Examiner shall hold a hearing on the appeal within twenty (20) calendar days from receipt of the appeal. Written notice of the date, time, and place of the scheduled hearing shall be given to the applicant by the City Clerk at least five (5) calendar days prior to the hearing.
- E. The City Hearing Examiner shall uphold the decision of the City Clerk unless it finds the decision is not supported by evidence in the administrative record.
- F. The City Hearing Examiner shall issue a written decision within ten (10) calendar days of hearing the appeal. The decision shall be served either in person or by mailing a copy of the decision by certified mail, postage prepaid, return receipt requested, to the applicant or licensee at his or her last known address. The decision of the City Hearing Examiner shall constitute the final administrative decision of the City and may be appealed to superior court within ten (10) calendar days or as otherwise allowed by law. The applicant or licensee shall be responsible for the costs of preparing the administrative record for judicial review.
- G. If a licensee timely appeals a decision of the City Hearing Examiner, then the licensee may continue to engage in the activity for which the license was issued pending the decision of the court, unless the license was suspended or revoked based on a threat of immediate serious injury to public health or safety.

5.68.160 Inspections.

An applicant or licensee shall permit representatives of the police department, health department, and other state and local government agencies to inspect the premises an adult entertainment facility, at any time the adult entertainment facility is open for business, for the purpose of insuring compliance with all applicable statutes, codes, ordinances, regulations, and laws.

5.68.170 Recordkeeping Requirements and Monthly Reports.

- A. Each adult entertainment facility licensed under this chapter shall maintain and retain for a period of two (2) years from the date of termination of employment, the names, addresses, and ages of all persons employed or otherwise retained as managers, entertainers, escorts, and nude models.
- B. Each adult entertainment facility licensed under this chapter shall file a monthly report with the City Clerk including the names, addresses, and ages of all persons employed or otherwise retained as managers, entertainers, escorts, and nude models.

5.68.180 License Requirement for Existing Adult Entertainment Facilities. The owner or operator of an adult entertainment facility that locates within the City in accordance with the Redmond Land Use Code prior to the effective date of this ordinance shall submit a complete adult business license application pursuant to RMC 5.68.080 to the City Clerk within forty-five (45) calendar days of the effective date of this ordinance. The adult business license application shall be issued or denied in accordance with the requirements of this chapter. The adult entertainment facility shall be permitted to continue to engage in the activities specified in the adult business license application pursuant to RMC 5.68.080(C)(6) pending the decision of the City Clerk.

PART C: OPERATIONAL REQUIREMENTS

5.68.190 Regulations Applicable to All Adult Entertainment Facilities. All adult entertainment facilities shall comply with the following regulations:

- A. Manager on Premises. A licensed manager shall be on duty at an adult entertainment facility at all times the adult entertainment facility is open for business. The interior of each adult entertainment facility shall be configured in such a manner that there is an unobstructed view from a manager's station of every area of the adult entertainment facility to which any patron is permitted access for any purpose, excluding restrooms. A manager's station shall not exceed thirty-two (32) square-feet of floor area.

- B. Hours of Operation. It is unlawful for an adult entertainment facility, except adult motels, to be conducted, operated, or otherwise open to the public between the hours of 1:00 a.m. and 10:00 a.m.
- C. Admission to Minors Prohibited. Admission shall be restricted to persons of the age of eighteen (18) years or more pursuant to RCW 9.10A.150. The age of all patrons shall be verified at the time of entry by an employee of the adult entertainment facility.
- D. Warning Devices. No person may operate or maintain any warning system or device, of any nature or kind, for the purpose of warning the employees, managers, entertainers, or patrons of an adult entertainment facility that police officers or other government agents are approaching or have entered the adult entertainment facility.
- E. Rental or Sale of Obscene Material Prohibited. The rental or sale of obscene material, as defined in RMC 5.68.030(Y), shall be considered a moral nuisance and shall be subject to abatement pursuant to this chapter and RCW 7.48.058.

5.68.200 Regulations Specifically Applicable to Adult Cabarets.

- A. General. An adult cabaret shall satisfy the zoning requirements contained in the Redmond Land Use Code, the general requirements in Part A of this chapter, the licensing requirements in Part B of this chapter, the general operational requirements in RMC 5.68.190, and the specific operational requirements applicable to adult cabarets contained in this section.
- B. Separation of Entertainers From Patrons. No entertainer shall appear nude or semi-nude except on a stage or platform at least twenty-four (24) inches in elevation above the level of the patron seating areas. The stage shall be separated by a distance of at least six (6) feet from all areas of the premises to which patrons have access. A continuous fixed-barrier railing, of sufficient construction to prevent encroachment by patrons onto the stage, at least three (3) feet in height and located at least six (6) feet from all points of the stage, shall separate the stage from all patron areas.
- C. Managers. The licensed manager on duty shall not be an entertainer. There shall be one manager on duty for every stage operating on the premises. No manager shall knowingly permit an employee or entertainer to violate any provision of this section.
- E. Tips. No entertainer shall solicit, accept, or receive a tip or gratuity offered by any patron.

- F. Maintenance. All public areas shall be maintained in a clean and sanitary condition.
- G. Lighting. A minimum lighting level of 30 lux semi-cylindrical measured at thirty (30) inches from the floor or ten (10) foot centers shall be provided and equally distributed in and about the public portions of the adult cabaret, including the patron seating areas, so that all objects are plainly visible at all times.
- H. Visibility From Outside the Adult Cabaret. No activity or entertainment occurring at or in an adult cabaret shall be visible at any time from outside the adult cabaret.
- I. Prohibited Activities.
1. No employee or entertainer shall be permitted to caress, fondle, or erotically touch any patron. No employee or entertainer shall encourage or permit any patron to caress, fondle, or erotically touch any employee or entertainer.
 2. No employee or entertainer shall perform or simulate any sexual activities specified in RMC 5.68.030(HH), or perform or simulate any act that constitutes a moral nuisance as defined in RCW 7.48.050 and 7.48A.010.
 3. When not performing, entertainers are prohibited from being present in areas of the adult cabaret that are open to the public. This prohibition shall only apply during the business hours of the adult cabaret.
- J. Signs. At least two signs shall be conspicuously and permanently posted on the premises, printed in english and readable from ten (10) feet away by a person with 20/20 vision, stating the following:

THIS ADULT CABARET IS REGULATED BY THE CITY OF REDMOND. ENTERTAINERS ARE NOT PERMITTED TO ENGAGE IN ANY TYPE OF SEXUAL CONTACT AND ARE NOT PERMITTED TO APPEAR NUDE OR SEMI-NUDE EXCEPT ON STAGE. ENTERTAINERS ARE NOT ALLOWED TO SOLICIT, ACCEPT, OR RECEIVE ANY TIP OR GRATUITY.

5.68.210 Regulations Specifically Applicable to Adult Arcades.

- A. General. An adult arcade shall satisfy the zoning requirements contained in the Redmond Land Use Code, the general requirements in Part A of this chapter, the licensing requirements in Part B of this chapter, the general operational

requirements in RMC 5.68.190, and the specific operational requirements applicable to adult arcades contained in this section.

B. Physical Layout.

1. Each viewing booth shall be visible from a manager's station and shall not be obscured by any curtain, door, wall or other enclosure. As used in this section "viewing booth" means the area where a patron or customer would be positioned while watching a film, video or other photographic reproduction.
2. No steps or risers shall be allowed in any viewing booth.
3. No viewing booth shall have more than one stool or seat. In order to prevent obscuring the occupant of a viewing booth from view, no stool for seating within a viewing booth shall have any seat back or sides.
4. No viewing booth shall have any holes or openings in its walls other than ventilation holes. All ventilation holes shall be located one foot from the top of the booth walls or one foot from the bottom of the booth walls. All ventilation holes shall be covered with a permanently affixed ventilation cover.

C. Maintenance. All viewing booths shall be maintained in a clean and sanitary condition.

D. Lighting. A minimum lighting level of 30 lux semi-cylindrical measured at thirty (30) inches from the floor or ten (10) foot centers shall be provided and equally distributed in and about the public portions of the adult arcade, including the patron seating areas, so that all objects are plainly visible at all times.

E. Limit on Number of Persons Within a Viewing Booth. No licensee, manager, or employee shall knowingly permit more than one person to occupy a viewing booth at any given time.

F. Prohibited Activities. No licensee, manager, or employee shall knowingly permit a patron to perform any sexual activity specified in RMC 5.68.030(HH) within a viewing booth.

G. Signs. At least two signs shall be conspicuously and permanently posted on the premises, printed in english and readable from ten (10) feet away by a person with 20/20 vision, stating:

THIS ADULT ARCADE IS REGULATED BY THE CITY OF REDMOND. IT IS UNLAWFUL TO MASTURBATE OR PERFORM SEXUAL ACTS WITHIN A VIEWING BOOTH. IT IS UNLAWFUL FOR MORE THAN ONE PERSON TO OCCUPY A VIEWING BOOTH AT ANY GIVEN TIME. VIOLATORS ARE SUBJECT TO CRIMINAL PROSECUTION.

Section 4. Amendment to Section 9.38.025 of the Redmond Municipal Code. Section 9.38.025 of the Redmond Municipal Code is hereby amended to read as follows:

9.38.025 Location of performers providing certain forms of entertainment restricted. No entertainer shall appear in any public place while unclothed or with any portion of the buttocks, genitals, pubic region or female breasts exposed, except as specified in Chapter 5.68 of the Redmond Municipal Code which governs the licensing and operation of adult entertainment facilities.

Section 5. Limitations Of Liability. None of the provisions of this ordinance are intended to create a cause of action or provide the basis for a claim against the City, its officials, or employees for the performance or the failure to perform a duty or obligation running to a specific individual or specific individuals. Any duty or obligation created herein is intended to be a general duty or obligation running in favor of the general public.

Section 6. Severability. If any portion of this ordinance as now or hereafter amended, or its application to any person or circumstance is held invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole, or any section, provision, or part thereof not adjudged to be invalid or unconstitutional, and its application to other persons or circumstances shall not be affected.

Section 7. Conflicting Ordinances Repealed. Any ordinance or regulation in conflict with this ordinance is hereby repealed.

Section 8. Effective Date. This ordinance or a summary thereof consisting of the title and penalty section shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) calendar days after publication.

Passed by the City Council and approved by the Mayor this 17th day of December, 1996.


CITY OF REDMOND


MAYOR, ROSEMARIE IVES

ATTEST/AUTHENTICATED:

for 
CITY CLERK, BONNIE MATTSON

APPROVED AS TO FORM:


CITY ATTORNEY, JAMES E. HANEY

FILED WITH THE CITY CLERK:	December 13, 1996
PASSED BY THE CITY COUNCIL:	December 17, 1996
SIGNED BY THE MAYOR:	December 17, 1996
PUBLISHED:	December 21, 1996
EFFECTIVE DATE:	December 26, 1996

ORDINANCE NO. 1920

(DGA 95-003 - Adult Entertainment - Establish Licensing Requirements)