

ORIGINAL

ORDINANCE NO. 1966

AN ORDINANCE OF THE CITY OF REDMOND, WASHINGTON, AMENDING CHAPTER 5.68 OF THE REDMOND MUNICIPAL CODE TO ALLOW PUBLIC HEALTH AND SAFETY SUSPENSIONS, TO PROVIDE TEMPORARY LICENSES FOR MANAGERS AND ENTERTAINERS, AND TO CLARIFY THE SCOPE AND APPLICATION OF CERTAIN OTHER PROVISIONS.

WHEREAS, on December 17, 1996, the City of Redmond ("City") adopted Ordinance No. 1920, imposing certain licensing and operational regulations upon adult entertainment facilities in order to mitigate and reduce unacceptable adverse secondary effects associated with and caused by activities occurring within adult businesses; and

WHEREAS, based on recent court decisions such as Ino, Ino, Inc. v. City of Bellevue, 132 Wn.2d 103 (1997), the City Council finds it necessary to amend and revise its existing licensing and operational regulations for adult entertainment facilities; and

WHEREAS, the City Council takes notice of and specifically relies upon the experiences of and studies prepared by other cities and counties in combating the negative secondary effects 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, during the adoption of Ordinance No. 1920, as well as additional evidence presented to the City Council concurrent with the adoption of this ordinance, the City Council finds that 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, 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; NOW, THEREFORE,

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

Section 1. Amendments to Section 5.68.030 of the Redmond Municipal Code. Those Subsections of Section 5.68.030 of the Redmond Municipal Code ("RMC") set forth below are hereby amended to read as follows and Subsections 5.68.030 (FF), (GG), and (HH) are hereby repealed:

5.68.030 Definitions.

- 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 fifty percent (50%) 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.

- O. "Entertainer's license" means a license issued by the City Clerk under this chapter to an entertainer, escort, or nude or semi-nude model.
- Q. "Escort agency" means a person or business association that furnishes, offers to furnish, or advertises to furnish escorts as its principal 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. "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 or semi-nude model, a person in whose name a license has been issued authorizing employment or entertainment in an adult entertainment facility.
- S. "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.
- T. "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.
- U. "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.

- V. "Nude or semi-nude model" means a person who, for any form of consideration, agrees or offers to appear nude or semi-nude in a nude or semi-nude model studio.
- W. "Nude or semi-nude model studio" means any place where a person appears nude or semi-nude for money or any other form of consideration, to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by another person. The following uses are exceptions to 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 public funds;
 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 public funds; and
 4. A place housed in a structure: (a) that has no advertising visible from the exterior of the structure that indicates a nude or semi-nude model is available for viewing; and (b) where, in order to participate in a class, a student must enroll at least three (3) days in advance of the class.
- X. "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.

- Y. "Owner or operator" means any person who owns, operates, or has a significant interest in an adult entertainment facility, with significant interest being based on responsibility for management of the business. Where an adult entertainment facility is owned or operated by a partnership, then each partner shall be deemed an owner or operator of the business. Where an adult entertainment facility is owned or operated by a corporation, including a limited liability organization, then each officer, director and principal stockholder shall be deemed an owner or operator of the business. For the purposes of this chapter, a principal stockholder is a person who owns or controls twenty percent (20%) or greater interest in an adult entertainment facility.
- Z. "Person" means an individual, association, corporation, estate, firm, joint venture, partnership, proprietorship, trust, or other legal entity.
- AA. "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.
- BB. "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.
- CC. "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.

DD. "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.

EE. "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.

Section 2. Amendment to Section 5.68.060 of the Redmond Municipal Code.

RMC 5.68.060 is hereby amended to read as follows:

5.68.060 Activities Not Prohibited.

- A. This chapter shall not be construed to restrict or prohibit the following activities or products: (a) plays, operas, musicals or other dramatic works that are not obscene; (b) classes, seminars, or lectures which are held for a serious scientific or educational purpose and that are not obscene; and (c) exhibitions, performances, expressions or dances that are not obscene.
- B. The provisions of this chapter are not intended to and do not prohibit the simulation of sex acts which are part of non-obscene expression.
- C. 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 the prurient interest in sex; and
 - 2. Whether the activity depicts or describes sexual conduct in a patently offensive way, as measured against community standards, and 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.

Section 3. Amendment to Section 5.68.070 of the Redmond Municipal Code.

RMC 5.68.070 is hereby amended to read as follows:

5.68.070 License Required.

- A. It is unlawful for any person to operate an adult entertainment facility unless that person is the holder of a valid adult business license issued by the City Clerk under this chapter.
- B. It is unlawful for any person to work as a manager in an adult entertainment facility unless that person is the holder of a valid manager's license issued by the City Clerk under this chapter.

- C. It is unlawful for any person to work or perform as an entertainer in an adult entertainment facility unless that person is the holder of a valid entertainer's license issued by the City Clerk under this chapter.
- D. It is unlawful for any person to work or perform as an escort unless that person is the holder of a valid entertainer's license issued by the City Clerk under this chapter.
- E. It is unlawful for any person to work or perform as a nude or semi-nude model in an adult entertainment facility unless that person is the holder of a valid entertainer's license issued by the City Clerk issued under this chapter.
- F. It is unlawful for the owner or operator of an adult entertainment facility to employ a person to work as a manager at the adult entertainment facility unless that person is licensed as a manager under this chapter.
- G. It is unlawful for the owner or operator of an adult entertainment facility to employ a person to work or perform as an entertainer at the adult entertainment facility unless that person is licensed as an entertainer under this chapter.
- H. It is unlawful for the owner or operator of an adult entertainment facility to employ a person to work or perform as an escort unless that person is licensed as an escort under this chapter.
- I. It is unlawful for the owner or operator of an adult entertainment facility to employ a person to work or perform as a nude or semi-nude model unless that person is licensed as a nude or semi-nude model under this chapter.

Section 4. Amendment to Section 5.68.080 of the Redmond Municipal Code.

RMC 5.68.080 is hereby amended to read as follows:

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 a valid adult business license issued by the City Clerk. A City of Redmond business license is required in addition to the

adult business license.

- B. Each person qualifying as an owner or operator of the proposed adult entertainment facility shall submit a separate application. Each applicant shall be separately qualified under this chapter.
- C. All applications shall be submitted to the City Clerk on a form supplied by the City and shall contain or be accompanied by all of the following information and documents:
 - 1. The date of the application.
 - 2. The legal name, any previous names, any aliases, any driver's license number, any social security number, and the date of birth of the applicant.
 - 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, and provide evidence that the corporation is in good standing under the laws of the State of Washington.
 - 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.
- E. An application shall be deemed complete upon receipt of all the information and documents requested by this section. Where necessary to determine compliance with this chapter, the City Clerk may request information or clarification in addition to that provided in a complete application.
 - F. 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. For the purpose of this section, "significant interest" means principal responsibility for management or operation of an adult entertainment facility.
 - G. Each adult business license application shall be accompanied by a non-refundable application fee, the amount of which shall be established by resolution.
 - H. In addition to the requirements of this chapter, an applicant for an adult business license must also obtain any other permits or licenses required by state or local laws or regulations.

Section 5. Amendment to Section 5.68.090 of the Redmond Municipal Code.

RMC 5.68.090 is hereby amended to read as follows:

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 or semi-nude model at an adult entertainment facility without a valid manager's or entertainer's license issued by the City Clerk.

- B. All applications shall be submitted to the City Clerk on a form supplied by the City and shall contain or be accompanied by all of the following information and documents:
 - 1. The date of the application.
 - 2. The legal name, any previous names, any aliases, any driver's license number, any social security number, and the date of birth of the applicant.
 - 3. Documentation that the applicant has attained the age of eighteen years. Any of the following shall be accepted as documentation of age:
 - a. A valid driver's license issued by any state bearing the applicant's photograph and date of birth;
 - b. A valid identification card issued by any state 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 form of identification that the City Clerk determines to be acceptable.
 - 4. The height, weight, hair and eye color of the applicant.
 - 5. The present mailing and residential address of the applicant.
 - 6. The name and address of the adult entertainment facility at which the applicant will work or perform.

7. A description of the principal activities or services to be rendered by the applicant at the adult entertainment facility.
 8. 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.
 9. 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.
 10. 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.
 11. 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.
 12. 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.
 13. 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. An application shall be deemed complete upon receipt of all the information and documents requested by this section. Where necessary to determine compliance with this

chapter, the City Clerk may request information or clarification in addition to that provided in a complete application.

- E. 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.
- F. In addition to the requirements of this chapter, an applicant for a manager's or entertainer's license must also obtain any other permits or licenses required by state or local laws or regulations.

Section 6. Amendment to Section 5.68.100(A) of the Redmond Municipal Code.

RMC 5.68.100(A) is hereby amended to read as follows:

5.68.100 Initial Investigation.

- A. Upon receipt of a complete adult business license application, 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 entertainment facility shall not open for business until the facility has been inspected and determined to be in compliance with applicable laws and regulations and substantially conforms with the drawings submitted with the application.

Section 7. Amendment to Section 5.68.110 of the Redmond Municipal Code.

Subsections 5.68.110(A)(1) and (2), (B) and (C)(1)(c) and (f) of the RMC are hereby amended to read as follows:

5.68.110 Issuance and Denial of Licenses.

A. Issuance of Adult Business License.

1. The City Clerk shall grant or deny an application for an adult business license within thirty-five (35) 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-five (45) calendar days from the date a complete application is filed.
2. The City Clerk shall issue an adult business license unless one or more of the criteria set forth in RMC 5.68.110(C)(1) is present.

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

1. The City Clerk shall grant or deny an application for a manager's or entertainer's license within thirty-five (35) calendar days from the date a complete application is filed.
2. An applicant for a manager's or entertainer's license shall be issued a temporary license upon receipt of a complete license application and fee. Said temporary license shall automatically expire on the fifteenth day following the filing of a complete application and fee, unless the City Clerk has failed to approve or deny the license application, in which case the temporary license shall be valid until the City Clerk approves or denies the application, or

until the final determination of any appeal from a denial of the application. In no event may the City Clerk extend the application review time for more than an additional twenty (20) days.

3. The City Clerk shall issue a manager's or entertainer's license unless one or more of the criteria set forth in RMC 5.68.110(C)(1) is present.
4. 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, escort or nude or semi-nude model will work or perform. Each manager, entertainer, and nude or semi-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 he or she is working or performing in the adult entertainment facility. Each escort shall carry his or her license at all times he or she is working within the City of Redmond as an escort.
5. Each manager's or entertainer's license shall expire annually on December 31.

C. Denial of License Application.

1. The City Clerk shall deny a license application if it is demonstrated by a preponderance of the evidence that one or more of the following findings is true:
 - c. An applicant has failed to provide information required by this chapter or has falsely answered a question or request for information on the application form.
 - f. An applicant has been convicted of a specified criminal offense committed on the premises of the adult entertainment facility for which he or she is licensed within the time periods provided in RMC 5.68.030(GG).

2. In the event the City Clerk denies an application, the City Clerk shall do so in writing, and shall state the specific reasons therefor, including applicable laws.
3. Denial of a license application is subject to appeal as set forth in RMC 5.68.150.

Section 8. Amendment to Section 5.68.120 of the Redmond Municipal Code. RMC

Subsections 5.68.120(E) and (F) are hereby amended to read as follows:

5.68.120 Renewal of Licenses.

- E. An application for a renewal license shall be issued or denied according to the requirements of RMC 5.68.110.
- F. Denial of a renewal license is subject to appeal as set forth in RMC 5.68.150.

Section 9. Amendment to Section 5.68.140 of the Redmond Municipal Code. RMC

Subsections 5.68.140(C) and (D) are hereby amended to read as follows:

5.68.140 Suspension and Revocation of Licenses.

- 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. The licensee has refused to allow an inspection of the adult entertainment facility as required by RMC 5.68.160; or
 2. The licensee has not submitted a timely monthly report as required by RMC 5.68.170(B); or
 3. The licensee has been convicted of a specified criminal offense committed on the premises of the adult entertainment facility for which he or she is licensed within the time periods provided in RMC 5.68.030(DD); or
 4. The 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. The licensee has given false information in the material submitted during the application process; or
 - b. The 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. The 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. The 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. The 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. The licensee has knowingly acted as a nude or semi-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.

Section 10. Amendments to Section 5.68.150 of the Redmond Municipal Code.

RMC Subsections 5.68.150(A), (B), and (F) are hereby amended to read as follows:

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

- A. In the event the City Clerk denies, suspends 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 pursuant to RMC 5.68.160(B).

- 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. The applicant or licensee shall be responsible for the costs of preparing the administrative record for judicial review.

Section 11. Amendment to Section 5.68.160 of the Redmond Municipal Code.

RMC 5.68.160 is hereby amended to read as follows:

5.68.160 Inspections and Public Health and Safety Suspensions.

- A. 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.

- B. Where a condition exists upon the premises of an adult entertainment facility that constitutes a threat of immediate serious injury to public health or safety, the City Clerk or any other City official may immediately suspend any license issued under this chapter by issuing a notice setting forth the facts that constitute a threat of immediate serious injury to public health or safety, and informing the licensee of the right to appeal the suspension to the City Hearing Examiner under the appeal provisions set forth in this chapter.

Section 12. Amendment to Section 5.68.170 of the Redmond Municipal Code.

RMC 5.68.170 is hereby amended to read as follows:

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 and semi-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 or semi-nude models.

Section 13. Amendment to Section 5.68.180 of the Redmond Municipal Code.

RMC 5.68.180 is hereby amended to read as follows:

5.68.180 License Requirement for Existing Adult Entertainment Facilities.

Any adult entertainment facility in existence prior to the effective date of this ordinance shall be deemed to be operating under a temporary adult business license. Within forty-five (45) calendar

days of the effective date of this ordinance, each owner and operator of the adult entertainment facility shall submit a complete adult business license application pursuant to RMC 5.68.080 to the City Clerk. The 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.

Section 14. Amendment to Section 5.68.190 of the Redmond Municipal Code.

RMC Subsections 5.68.190(A), (B) and (C) are hereby amended to read as follows:

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 the adult entertainment facility at all times the adult entertainment facility is open for business. The manager shall be stationed at a location within the adult entertainment facility where he or she shall have an unobstructed view of all public portions of the adult entertainment facility.
- B. Hours of Operation. It is unlawful for an adult entertainment facility, except adult motel, to be conducted, operated, or otherwise open to the public between the hours of 2:00 a.m. and 10:00 a.m.
- C. Admission to Minors Prohibited. Admission to adult entertainment facilities, except adult motels, shall be restricted to persons of the age of eighteen (18) years or more. The age of all patrons shall be verified at the time of entry by an employee of the adult entertainment facility.

Section 15. Amendment to Section 5.68.200 of the Redmond Municipal Code.

RMC Subsections 5.68.200(G), (H), and (I) are hereby amended to read as follows:

5.68.200 Regulations Specifically Applicable to Adult Cabarets.

- G. Visibility From Outside the Adult Cabaret. No activity or entertainment occurring at or in an adult cabaret, nor any

photograph, drawing, sketch or other pictorial or graphic representation of any specified sexual activities or specified anatomical areas, shall be visible at any time from outside the adult cabaret.

H. Prohibited Activities.

1. No manager, entertainer or employee shall be permitted to caress, fondle, or erotically touch any patron. No manager, entertainer or employee shall encourage or permit any patron to caress, fondle, or erotically touch any employee or entertainer.
2. No manager, entertainer or employee shall perform or simulate any specified sexual activities, nor perform or simulate any act that constitutes a moral nuisance as defined in RCW 7.48.050 and 7.48A.010.
3. No manager, entertainer or employee shall expose to view any specified anatomical areas except upon a stage or platform as set forth in RMC 5.68.200(B).

- I. Sign. A sign at least two (2) feet by two (2) feet, with letters at least one (1) inch high, shall be conspicuously and permanently posted at or near the entrance to the adult cabaret which states 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.

Section 16. Amendment to Section 5.68.210 of the Redmond Municipal Code.

RMC Subsections 5.68.210(D)-(H) are hereby amended to read as follows:

5.68.210 Regulations Specifically Applicable to Adult Arcades.

- 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 viewing booths, 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 specified sexual activities within a viewing booth.
- G. Sign. A sign at least two (2) feet by two (2) feet, with letters at least one (1) inch high, shall be conspicuously and permanently posted at or near the entrance to the adult arcade which states the following:

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

- H. Visibility From Outside the Adult Arcade. No activity or entertainment occurring at or in an adult arcade, nor any photograph, drawing, sketch or other pictorial or graphic representation of any specified sexual activities or specified anatomical areas, shall be visible at any time from outside the adult arcade.

Section 17. 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 18. 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 19. Conflicting Ordinances Repealed. Any ordinance or regulation in conflict with this ordinance is hereby repealed.

Section 20. Effective Date. This ordinance or a summary thereof consisting of the title 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.

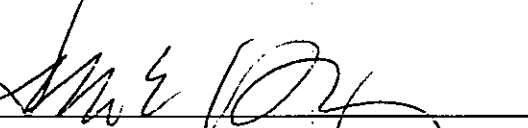
CITY OF REDMOND


MAYOR ROSEMARIE IVES

ATTEST/AUTHENTICATED:


CITY CLERK, BONNIE MATTSON

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY:

By: 

FILED WITH THE CITY CLERK:	February 12, 1998
PASSED BY THE CITY COUNCIL:	February 17, 1998
SIGNED BY THE MAYOR:	February 19, 1998
PUBLISHED:	February 21, 1998
EFFECTIVE DATE:	February 26, 1998
ORDINANCE NO. <u>1966</u>	