

ORDINANCE No.

116541

*Law Department*

COUNCIL BILL No.

109487

*James Hill*

The City of

AN ORDINANCE relating to the Department of Licensing and Consumer Affairs; amending sections 6.270.010, 6.270.030, 6.270.070, 6.270.100, 6.270.120; adding new subsections 6.270.030(C), 6.270.030(G), 6.270.030(K), 6.270.070(A)(8), 6.270.100(A)(5), 6.270.100(A)(12), 6.270.100(B)(3), 6.270.100(E), 6.270.110(C), 6.270.110(D), 6.270.120(B), 6.270.140(A)(1) through (5).

Honorable President:

Your Committee on \_\_\_\_\_

to which was referred the within Council Bill report that we have considered the same

COMPTROLLER FILE No. \_\_\_\_\_

Introduced: <u>12/7/92</u>	By: <u>Paegler</u>
Referred: <u>12/7/92</u>	To: <u>Public Safety</u>
Referred:	To:
Referred:	To:
Reported: <u>JAN 21 1993</u>	Second Reading: <u>JAN 21 1993</u>
Third Reading: <u>JAN 21 1993</u>	Signed: <u>JAN 21 1993</u>
Presented to Mayor: <u>JAN 21 1993</u>	Approved: <u>JAN 21 1993</u>
Returned to City Clerk: <u>JAN 21 1993</u>	Published:
Vetoes by Mayor:	Veto Published:
Passed over Veto:	Veto Sustained:

1/19/93 Held

Full Council

OK

Department

# The City of Seattle--Legislative Department

Date Reported  
and Adopted

## REPORT OF COMMITTEE

President:

Committee on

was referred the within Council Bill No.

that we have considered the same and respectfully recommend that the same:

1/19/73 Full Council Motion By Peoples

Full Council Vote 8-0

Committee Chair

ORDINANCE 116541

1  
2  
3  
4 AN ORDINANCE relating to the Department of Licensing and Consumer  
5 Affairs; amending sections 6.270.010, 6.270.030, 6.270.070,  
6 6.270.100, 6.270.120; adding new subsections 6.270.030(C),  
7 6.270.030(G), 6.270.030(K), 6.270.070(A)(8), 6.270.100(A)(5),  
8 6.270.100(A)(12), 6.270.100(B)(3), 6.270.100(E),  
9 6.270.110(C), 6.270.110(D), 6.270.120(B), 6.270.140(A)(1)  
10 through (5).

11  
12 Section 1. SMC 6.270.010(D) (Ordinance 114225, section 1  
13 (part), 1988) is amended as follows:

14 **6.270.010 Findings of fact.**

15 \* \* \*

16 D. It is necessary to have a licensed manager on the  
17 premises of an establishment((s)) (~~((offering adult entertainment~~  
18 ~~at such times as such establishments are offering adult~~  
19 ~~entertainment))~~ during the establishment's hours of operation so  
20 that there will at all necessary times be an individual  
21 responsible for the overall operation of the establishment,  
22 including the actions of patrons, entertainers and other  
23 employees.

24 Section 2. SMC 6.270.030 Sections (A) through (J)  
25 (Ordinance 114225, section 1 (part), 1988) is amended as follows,  
26 and SMC 6.270.030 is further amended by the addition of new  
27 subsections 6.270.030(C), (G), and (K) as follows:

28 **6.270.030 Definitions.**

29 A. "Adult entertainment" means any exhibition, performance  
30 or dance of any type conducted in a premises where such  
31 exhibition, performance or dance involves a person who:

32 1. Is unclothed or in such attire, costume or clothing  
33 as to expose to view any portion of the breast below the top of  
the areola or any portion of pubic region, anus, buttocks, vulva  
or genitals; or

2. Touches, caresses or fondles the breasts, buttocks,  
anus, genitals or pubic region of ~~((a patron))~~ another person, or

1 permits the touching, caressing or fondling of (~~their~~) his/her  
2 own breasts, buttocks, anus, genitals or pubic region by ((a  
3 patron)) another person, with the intent to sexually arouse or  
4 excite (~~the patron~~) another person.

5 B. "Adult entertainment premises" means any premises to  
6 which the public, patrons or members are invited or a admitted and  
7 wherein an entertainer provides adult entertainment to a member of  
8 the public, a patron, or a member, but does not include that  
9 portion of an establishment licensed or required to be licensed as  
10 a "panoram" or a "peepshow" under the provisions of Seattle  
11 Municipal Code Chapter 6.42.

12 C. "Department" means the City of Seattle Department of  
13 Licenses and Consumer Affairs.

14 ((E))D. "Employee" means any and all persons, including  
15 managers, entertainers and independent contractors, who work in or  
16 at or render any services directly related to, the operation of an  
17 adult entertainment premises.

18 ((D))E. "Entertainer" means any person who provides adult  
19 entertainment within an adult entertainment premises as defined in  
20 this section, whether or not a fee is charged or accepted for  
21 entertainment.

22 ((E))F. "Entertainment" means any exhibition or dance of  
23 any type, pantomime, modeling or any other performance.

24 ((F))G. "Manager" means any person who manages, directs,  
25 administers, or is in charge of, the affairs and/or conduct of any  
26 portion of any activity involving adult entertainment occurring at  
27 any adult entertainment premises.

28 H. "Natural person" means any individual.

29 ((G))I. "Operator" means any person operating, conducting  
30 or maintaining an adult entertainment business.

31 ((H))J. "Person" means any individual, partnership,  
32 corporation, trust, incorporated or unincorporated association,  
33 marital community, joint venture, governmental entity, or other

1 entity or group of persons however organized.

2 ((F))K. "Public place" means any area generally visible to  
3 public view and includes streets, sidewalks, bridges, alleys,  
4 plazas, parks, driveways, parking lots, and automobiles whether  
5 moving or not.

6 L. "Reckless" or "recklessly" means a person knows of and  
7 disregards a substantial risk that a wrongful act may occur and  
8 his or her disregard of such substantial risk is a gross deviation  
9 from conduct that a reasonable person would exercise in the same  
10 situation.

11 Section 3. SMC 6.270.070 (Ordinance 114225, section 1  
12 (part), 1988) is amended as follows, and SMC 6.270.070 is further  
13 amended by the addition of new subsection SMC 6.270.070(A)(8) as  
14 follows:

15 **6.270.070 License applications.**

16 A. Adult Entertainment Premises License. All applications  
17 for an adult entertainment premises license shall be submitted in  
18 the name of the person proposing to conduct such adult  
19 entertainment on the premises and shall be signed by such person  
20 and notarized or certified as true under penalty of perjury. All  
21 applications shall be submitted on a form supplied by the  
22 Director, and shall require the following information:

23 \* \* \*

24 8. Such license shall include the name of at least one  
25 natural person whose name and mailing address, which shall be an  
26 address located within the State of Washington, shall appear on  
27 the adult entertainment premises license and who shall receive  
28 notices from the Department.

29 ((S))9. A failure to provide information required by  
30 this subsection will constitute an incomplete application and will  
31 not be processed.

32 B. Manager's or Entertainer's License. All applications  
33 for an adult entertainment manager's license or adult

1 entertainer's license shall be signed by the applicant and  
2 notarized or certified as true under penalty of perjury. all  
3 applications shall be submitted on a form supplied by the  
4 Director, and shall require the following information:

5 \* \* \*

6 3. The applicant shall present documentation that he  
7 or she has attained the age of eighteen (18) years. Any of the  
8 following shall be accepted as documentation of age:

9 \* \* \*

10 e. Any other picture identification bearing the  
11 applicant's photograph and date of birth issued by a governmental  
12 ~~((entity))~~ agency, or

13 Section 4. SMC 6.270.100 (Ordinance 114225, section 1  
14 (part), 1988) is amended as follows, and SMC 6.270.100 is further  
15 amended by the addition of new subsections 6.270.100(A)(5) and  
16 (12), 6.270.100(B)(3) and 6.270.100(E):

17 **6.270.100 Standards of conduct and operation.**

18 A. The following standards of conduct must be adhered to by  
19 employees of any adult entertainment premises:

20 1. No employee or entertainer shall be unclothed,  
21 ~~((or))~~ clothed in ~~((such))~~ less than opaque ~~((and complete))~~  
22 attire, ((costume or clothing)) or shall move or remove such  
23 attire, or allow such attire to be moved or removed so as to  
24 expose to view any portion of the breast below the top of the  
25 areola or any portion of the pubic region, anus, buttocks, vulva  
26 or genitals, except upon a stage at least eighteen inches (18")  
27 above the immediate floor level and removed at least six feet(6')  
28 from the nearest patron.

29 \* \* \*

30 4. ~~((No employee or entertainer shall knowingly permit~~  
31 ~~any person upon the premises to touch, caress or fondle the~~  
32 ~~breasts, buttocks, anus or genitals of any other person.))~~ No  
33 employee or entertainer shall knowingly:

1           a. touch, caress or fondle the breast, buttocks,  
2 anus, genitals or pubic region of another person; or

3           b. permit the touching, caressing or fondling of  
4 his or her own breasts, buttocks, anus, genitals or pubic region  
5 by another person; or

6           c. permit any person upon the premises to touch,  
7 caress, or fondle the breasts, buttocks, anus, genitals or pubic  
8 region of another person.

9           5. No manager or operator shall knowingly permit any  
10 person upon the premises to touch, caress, or fondle the breasts,  
11 buttocks, anus, genitals or pubic region of another person.

12           ((5))6. No employee or entertainer shall wear or use  
13 any device or covering exposed to view which simulates the breast  
14 below the top of the areola, vulva or genitals, anus, buttocks, or  
15 any portion of the pubic region.

16           ((6))7. No employee or entertainer shall use  
17 artificial devices or inanimate objects to depict any of the  
18 prohibited activities described in this subsection.

19           ((7))8. No entertainer of any adult entertainment  
20 premises shall be visible from any public place during the hours  
21 of his or her employment, or apparent hours of his or her  
22 employment, on the premises.

23           ((8))9. No entertainer shall solicit, demand or  
24 receive any payment or gratuity from any patron for any act  
25 prohibited by this chapter.

26           ((9))10. No entertainer shall demand or collect any  
27 payment or gratuity from any patron for entertainment before its  
28 completion.

29           ((10))11. A sign shall be conspicuously displayed in the  
30 common area of the premises, and shall read as follows:

31           THIS ADULT ENTERTAINMENT ESTABLISHMENT IS  
32           REGULATED BY THE CITY OF SEATTLE.  
33           ENTERTAINERS ARE:

          a. Not permitted to engage in any type of  
          sexual conduct;

          b. ~~((Not permitted to be unclothed or in such~~

1 ~~less than opaque and complete attire, costume~~  
2 ~~or clothing so as to expose to view any~~  
3 ~~portion of the breasts below the top of the~~  
4 ~~areola, any portion of the pubic region,~~  
5 ~~buttocks, genitals or vulva and/or anus except~~  
6 ~~upon a stage at least eighteen inches (18")~~  
7 ~~from the immediate floor level and removed at~~  
8 ~~least six feet (6') from the nearest patron;~~  
9 ~~and)) No employee or entertainer shall be~~  
10 ~~unclothed, clothed in less than opaque attire,~~  
11 ~~or shall move or remove such attire, or allow~~  
12 ~~such attire to be moved or removed so as to~~  
13 ~~expose to view any portion of the breast below~~  
14 ~~the top of the areola or any portion of the~~  
15 ~~pubic region, anus, buttocks, vulva or~~  
16 ~~genitals, except upon a stage at least~~  
17 ~~eighteen inches (18") above the immediate~~  
18 ~~floor level and removed at least six feet (6')~~  
19 ~~from the nearest patron.~~

20 c. Not permitted to demand or collect any  
21 payment or gratuity from any patron for  
22 entertainment before its completion.

23 \* \* \*

24 12. No manager or operator shall knowingly or  
25 recklessly permit or allow any employee or entertainer to violate  
26 any provision of this chapter.

27 B. At any adult entertainment premises, the following are  
28 required:

29 \* \* \*

30 3. No entertainment shall be provided in any areas  
31 from which any other person may be prevented from entering,  
32 whether by a locking door or in any other manner.

33 C. This chapter shall not be construed to prohibit  
protected expression, such as:

1. Plays, operas, musicals, or other dramatic works  
that are not obscene;

2. Classes, seminars and lectures held for serious  
scientific or educational purposes that are not obscene; or

3. Exhibitions, performances, expressions or dances  
that are not obscene.

\* \* \*

E. No manager, owner, entertainer or employee shall operate  
or maintain any warning procedures or device, of any nature or  
kind, for the purpose of warning any other person that police

1 officers or City health, fire, licensing or building inspectors  
2 are approaching or have entered the adult entertainment premises.

3 ((E))F. It is unlawful for any person to violate any of the  
4 provisions of this Section 6.270.100.

5 Section 5. SMC 6.270.110 (Ordinance 114225, section 1  
6 (part), 1988) is hereby amended by the addition of new subsections  
7 6.270.110(C) and 6.270.110(D) as follows:

8 **6.270.110 License--Posting and display.**

9 \* \* \*

10 C. Each manager and/or operator shall be responsible for  
11 maintaining a daily log, on a form provided by the Director, of  
12 all employees, entertainers, and managers working at the adult  
13 entertainment premises each day. The log shall list the  
14 employee's, entertainer's and manager's name as it is listed on  
15 his/her license, license number, stage name, if any, the time  
16 he/she arrived at the adult entertainment premises, and the time  
17 he/she left the adult entertainment premises. Each employee,  
18 entertainer and manager shall sign his/her name in the daily log  
19 each time he/she arrives and leaves the adult entertainment  
20 premises.

21 D. It is unlawful for any person to violate any of the  
22 provisions of this Section 6.270.110.

23 Section 6. SMC 6.270.120 (Ordinance 114225, section 1  
24 (part), 1988) is amended as follows, SMC 6.270.120 is further  
25 amended by the addition of new subsection 6.270.120(B) as follows:

26 **6.270.120 Manager on premises.**

27 A. A licensed manager shall be on duty at an adult  
28 entertainment premises (~~at all times adult entertainment is being~~  
29 ~~provided~~) during the adult entertainment premises' hours of  
30 operation. The name of the manager on duty shall be prominently  
31 posted during business hours.

32 B. Any adult entertainment premises found to be operating  
33 without a manager on duty shall be immediately closed until a

1 licensed manager arrives for duty at the adult entertainment  
2 premises pursuant to Section 6.270.120A.

3 ~~((B))C.~~ ~~((It shall be the responsibility of))~~ ~~((t))~~The  
4 manager shall ~~((t))~~ verify that ~~((any person who provides adult~~  
5 ~~entertainment within the premises))~~ each entertainer performing  
6 while the manager is on duty possesses a current and valid  
7 entertainer's license ~~((posted in the manner required by SMC~~  
8 ~~Section 6.270.110))~~ , as required by this chapter. The manager  
9 shall verify that such adult entertainment license is posted in  
10 the manner required by Section 6.270.110.

11 Section 7. SMC 6.270.140 (Ordinance 114225, section 1  
12 (part), 1988) is hereby amended by the addition of new subsections  
13 6.270.140(A)(1) through (5) as follows:

14 **6.270.140 Persons under eighteen years of age prohibited.**

15 A. It is unlawful for any person under the age of eighteen  
16 (18) years to be in or upon any premises for which an adult  
17 entertainment premises license is required. Only the following  
18 types of identification will be accepted as proof of age:

- 19 1. A motor vehicle operator's license issued by any  
20 state bearing the applicant's photograph and date of birth,
- 21 2. A state-issued identification card bearing the  
22 applicant's photograph and date of birth,
- 23 3. An official passport issued by the United States of  
24 America,
- 25 4. An immigration card issued by the United States of  
26 America,
- 27 5. Any other picture identification bearing the  
28 applicant's photograph and date of birth issued by a governmental  
29 agency.

1 This Ordinance shall take effect and be in force thirty (30)  
2 days from and after its passage and approval, if approved by the  
3 Mayor; otherwise it shall take effect at the time it shall become  
4 law under the provisions of the City Charter.

5 Passed by the City Council the 25<sup>th</sup> day of January, 199<sup>3</sup>2,  
6 and signed by me in open session in authentication of its passage  
7 this 25<sup>th</sup> day of January, 199<sup>3</sup>2.

8  
9 *Ger. J. Benson*  
President of the City Council

10 Approved by me this 27<sup>th</sup> day of January, 199<sup>3</sup>2.

11  
12 *Norman Blue*  
Mayor

13  
14 Filed by me this 2nd day of Feb., 199<sup>3</sup>2.

15  
16  
17  
18 By: *Margaret Carter*  
Deputy

19  
20 (SEAL)  
21 Published \_\_\_\_\_

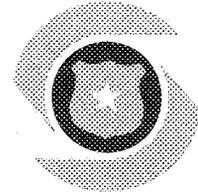
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# Seattle Police Department

Patrick S. Fitzsimons, Chief of Police  
Norman B. Rice, Mayor

RECEIVED OMB

JUL 28 1992



July 22, 1992

Margaret Pageler  
Councilmember  
Seattle City Council

Via OMB & MAYOR

Dear Councilmember Pageler:

Enclosed is a proposed ordinance amending the Adult Entertainment Ordinance, Chapter 6.270 SMC. The amendments were prepared with the assistance of the Law Department based upon the experience of police and prosecutors in enforcing the current ordinance. The proposed changes are intended to clarify existing language and provide other needed refinements, without significantly altering the scope or intent of the current regulatory scheme.

In summary, the changes require that a state resident appear on the license; that a manager be present during operating hours; and that the manager confirm the license status of entertainers and maintain a daily log identifying all employees, entertainers and managers working at the premises. The language relating to the conduct of entertainers would more clearly prohibit such actions as moving portions of costumes and physical contact with others. In addition, providing private areas for performances is prohibited, as is warning of the presence of officers or other city inspectors, and the type of identification adequate as proof of age is specified.

The proposed changes will facilitate regulatory enforcement by the City without impinging on constitutional guarantees of freedom of expression and we would request your support for passage of this ordinance.

Very truly yours,

  
PATRICK S. FITZSIMONS  
Chief of Police

FCT:aks

cc: Mark Sidran  
Dale Tiffany

PAGELER.DOC

# City of Seattle

Executive Department—Office of Management and Budget

Diana Gale, Director  
Norman B. Rice, Mayor



92-286

September 17, 1992

ok

The Honorable Mark Sidran  
City Attorney  
City of Seattle

Dear Mr. Sidran:

The Mayor is proposing to the City Council that the enclosed legislation be adopted.

**REQUESTING DEPARTMENT** Licenses and Consumer Affairs

**SUBJECT:** AN ORDINANCE relating to the Department of Licensing and Consumer Affairs; amending sections 6.270.010, 6.270.030, 6.270.070, 6.270.100, 6.270.120; adding new subsections 6.270.030(C), 6.270.030(G), 6.270.030(K), 6.270.070(A) (8), 6.270.100(A) (5), 6.270.100(A) (12), 6.270.100(B) (3), 6.270.100(E), 6.270.110(C), 6.270.110(D), 6.270.120(B), 6.270.140(A) (1) through (5).

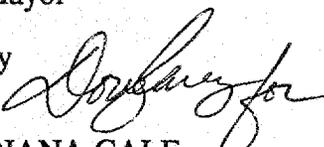
Pursuant to the City Council's S.O.P. 100-014, the Executive Department is forwarding this request for legislation to your office for review and drafting.

After reviewing this request and any necessary redrafting of the enclosed legislation, return the legislation to OMB. Any specific questions regarding the legislation can be directed to Doug Carey at 684-8067.

Sincerely,

Norman B. Rice  
Mayor

by

  
DIANA GALE  
Budget Director

DG/dc/rsv

Enclosure

cc: Director, LCA

COPY RECEIVED  
92 SEP 17 PM 4:23  
SEATTLE CITY ATTORNEY

TIME AND DATE STAMP

**SPONSORSHIP**

THE ATTACHED DOCUMENT IS SPONSORED FOR FILING WITH THE CITY COUNCIL BY  
THE MEMBER(S) OF THE CITY COUNCIL WHOSE SIGNATURE(S) ARE SHOWN BELOW:

*Margaret Pagler*

_____	_____
_____	_____
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**FOR CITY COUNCIL PRESIDENT USE ONLY**

COMMITTEE(S) REFERRED TO:

_____
_____
_____

\_\_\_\_\_  
PRESIDENT'S SIGNATURE

STATE OF WASHINGTON - KING COUNTY

26368  
City of Seattle

—ss.

No. IN FULL

Affidavit of Publication

The undersigned, on oath states that he is an authorized representative of The Daily Journal of Commerce, a daily newspaper, which newspaper is a legal newspaper of general circulation and it is now and has been for more than six months prior to the date of publication hereinafter referred to, published in the English language continuously as a daily newspaper in Seattle, King County, Washington, and it is now and during all of said time was printed in an office maintained at the aforesaid place of publication of this newspaper. The Daily Journal of Commerce was on the 12th day of June, 1941, approved as a legal newspaper by the Superior Court of King County.

The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

ORD:116541

was published on

02/11/93

The amount of the fee charged for the foregoing publication is the sum of \$ \_\_\_\_\_, which amount has been paid in full.

K. Kells

Subscribed and sworn to before me on

02/12/93  
Valer A. Hall

Notary Public for the State of Washington,  
residing in Seattle