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6.42.010 Purpose.

The purpose of this chapter is to regulate erotic dancehalls to the end that the criminal activities frequently engendered by such establishments will be curtailed. However, it is recognized that such regulation must not constitute de facto prohibition. Otherwise a protected form of expression would be jeopardized. This chapter represents a balancing of competing interests: the need to reduce criminal activity through the regulation of erotic dancehalls versus protecting the rights of persons associated with erotic dancehalls and patrons of such establishments.

(Ord. 8020 (part), 1985)

6.42.015 Definitions.

For the purpose of this chapter the words and phrases used in this chapter, unless the context otherwise indicates, shall have the following meanings:

(1)

"Erotic dancehall" means an amusement, diversion, entertainment, adult entertainment studio, show, performance, exhibition, display or like activities, for the use or benefit of a member or members of the public, or advertised for the use or benefit of a member of the public, held, conducted, operated or maintained for a profit, direct or indirect, involving undressing to, stripping to or displaying a state of exposure with less than a fully opaque covering of that portion of the female breast lower than the upper edge of the areola or that

portion of the male anatomy lower than two inches below the navel and higher than eight inches above the knees.

(2)

"Entertainer" means any person who provides entertainment within an erotic dancehall as defined in this section whether or not a fee is charged or accepted for such entertainment.

(3)

"Entertainment" means any exhibition or dance of any type, removal of articles of clothing, pantomime, modeling or any other performance.

(4)

"Employee" means any and all persons, including entertainers, who work in or at or render any services directly related to the operation of an erotic dancehall.

(5)

"Operator" means any person operating, conducting or maintaining an erotic dancehall.

(Ord. 8020 (part), 1985)

6.42.020 Standards of conduct.

The following standards of conduct shall be adhered to by operators and employees of any erotic dancehall:

(1)

No person employed in the sale or service of food and/or drink within an erotic dancehall shall be unclothed or in such attire, costume or clothing so as to expose, with less than a fully opaque covering, any portion of the female breast lower than the top of the areola or that portion of the male anatomy lower than two inches below the navel and higher than eight inches above the knees, or any portion of the pubic hair, anus, crest of the buttocks, vulva or genitals.

(2)

No person employed or otherwise permitted to converse, dance or mingle with the patrons within an erotic dancehall shall be unclothed or in such attire, costume or clothing as described in subsection (1) of this section.

(3)

No person described in subsections (1) and (2) of this section shall encourage or permit any person upon the premises to touch, caress or fondle the breasts, buttocks, anus or genitals of any other person.

(4)

No person described in subsections (1) and (2) of this section shall wear or use any device or covering exposed to view which simulates the breast, genitals, anus, pubic hair or any portion thereof.

(5)

No person described in subsections (1) and (2) of this section nor any entertainer shall perform acts of or acts which simulate:

(A)

Sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation or any sexual acts which are prohibited by law;

- (B) The touching, caressing or fondling of the breasts, buttocks or genitals;
- (C) The displaying of the pubic hair, anus, vulva or genitals.

(6)

No entertainer who is unclothed or in such attire, costume or clothing as described in subsection (1) of this section shall perform elsewhere within an erotic dancehall than upon a stage at least eighteen inches above the immediate floor level where patrons are seated or stand, and removed at least six feet from the nearest patron.

(Ord. 8020 (part), 1985)

6.42.030 Erotic dancehall regulations.

The following requirements shall be adhered to at any erotic dancehall:

(1)

There shall be posted and conspicuously displayed in the common areas of each erotic dancehall a list of any and all entertainment provided on the premises for a fee in addition to the admission fee. Such list shall further indicate the specific fee or charge in dollar amounts for each entertainment listed.

(2)

No activity or entertainment occurring within an erotic dancehall shall be visible at any time from outside such hall.

(3)

At least one security person per one hundred patrons shall be on duty inside the premises at all times during hours of operation. Security persons shall also patrol the parking area adjacent to the premises at least once per each hour of operation. All security persons shall wear a uniform which will make such persons readily recognizable as security personnel.

(4)

Admission shall be restricted to persons of the age of eighteen years or over.

(5)

Sufficient lighting shall be provided in and about the parts of the premises which are open to patrons and/or members of the public so that all objects are plainly visible at all times.

(6)

An erotic dancehall shall be closed between twelve-thirty a.m. and eight a.m.

(7)

No operator of an erotic dancehall shall serve, sell, distribute or permit the consumption or possession of any intoxicating liquor or controlled substance upon the premises of such establishment, including parking lots under the control of the operator.

(8)

An operator of an erotic dancehall shall conspicuously display the license required by this chapter in an area open to patrons of such establishment.

(9)

No patron shall be permitted to directly or indirectly pay or give any gratuity to any entertainer.

(10)

No entertainer shall be permitted to solicit any pay or gratuity from any patron and/or solicit the purchase of any food or drink by any patron.

(11)

No operator of an erotic dancehall shall employ as an entertainer any person under the age of eighteen years or a person not licensed pursuant to this chapter.

(12)

An operator of an erotic dancehall shall maintain and retain for a period of two years the names, addresses and ages of all persons employed as entertainers by the licensee.

(Ord. 8020 (part), 1985)

6.42.040 Erotic dancehall license—Requirement—Application—Issuance—Renewal.

(1)

No person, firm, partnership, corporation or other entity shall operate an erotic dancehall without first obtaining an erotic dancehall license issued pursuant to this chapter.

(2)

Applications for erotic dancehall licenses shall be made to the Thurston County auditor.

(3)

An application for erotic dancehall license shall be verified and shall provide the following information:

(A)

The name, address, telephone number, principal occupation and age of the applicant and of the managing agent or agents of the business;

(B)

The business name, business address and business telephone number of the establishment or proposed establishment, together with a description of the nature of the business;

(C)

Whether the business or proposed business is the undertaking of a sole proprietorship, partnership or corporation. If a sole proprietorship, the application shall set forth the name, address, telephone number and principal occupation of the sole proprietor. If a partnership, the application shall set forth the names, addresses, telephone numbers, principal occupation and respective ownership shares of each partner, whether general, limited or silent. If a corporation, the application shall set forth the corporate name, a copy of the articles of incorporation, and the names, addresses, telephone numbers and principal occupations of every officer and director of the corporation, and every shareholder having more than five percent of the outstanding shares of the corporation;

(D)

The names, addresses, telephone numbers and principal occupations of every person, partnership or corporation having any interest in the real or personal property utilized or to be utilized by the business or proposed business;

(E)

Whether the applicant, or any person required to be named by this section, has ever been convicted of or forfeited bail for any crime, excluding minor traffic offenses; and, if so, the application shall state the person involved, the charge, date court and disposition of the charge.

(4)

Applications shall be accompanied by a nonrefundable fee of fifty dollars.

(5)

Within five days of receipt of an application for an erotic dancehall license, the auditor shall transmit copies of such application to the sheriff, building department and planning department.

(6)

Within twenty days of receipt of an application for an erotic dancehall license, the auditor shall issue the license unless advised by the planning department that the use or proposed use of the premises is not in conformity with the Thurston County zoning ordinance or other applicable land use laws and regulations; or the auditor is advised by the building department that the buildings upon the subjects premises fail to meet the requirements of the building, fire, mechanical and plumbing codes applicable to the proposed use. Issuance of the license required in this chapter shall not constitute a waiver of or exemption from the application of any land use, building, health or safety laws pertinent to the proposed use.

(7)

An erotic dancehall license shall expire on December 31st of the year for which it is issued or renewed.

(8)

An erotic dancehall license may be renewed by submitting a new application and following the application procedure set forth hereinabove: provided, that a renewal application shall not be submitted prior to September for the following calendar year.

(9)

The license required under this chapter shall be in lieu of the dance license required pursuant to Chapter 6.44 of this code.

(Ord. 8020 (part), 1985)

6.42.050 Entertainer's license—Requirement—Application—Issuance—Renewal.

(1)

No person shall perform as an entertainer at an erotic dancehall without first obtaining an entertainer's license issued by the Thurston County auditor.

(2)

Applications for entertainer licenses shall be made to the Thurston County auditor.

(3)

An application for dancers' license shall be verified and shall provide the following information:

(A)

The applicant's name, home address, home telephone number, date of birth and aliases (past or present);

(B)

The name and address of each establishment within Thurston County where the applicant intends to perform as an entertainer;

(C)

All prior convictions of the applicant, excluding minor traffic offenses, including the charge, date, court and disposition of charge.

(4)

Applications shall be accompanied by a completed fingerprint card of the applicant obtained from the Thurston County sheriff's office, and a current facial view photograph of the applicant, which may be obtained from the sheriff's office. The applicant shall pay the sheriff's established fee for preparing a fingerprint card and submitting the same for a record check by the FBI, and for photographing, if required.

(5)

Applications shall be accompanied by a nonrefundable fee of five dollars.

(6)

Within five days of receipt of an application for an entertainer's license, the auditor shall issue the license and transmit a copy thereof, together with a copy of the application and the original photograph and fingerprint card to the sheriff.

(7)

The sheriff may utilize the application, license and photograph for such law enforcement purposes as are determined to be appropriate. The sheriff shall request a record check by the FBI and such other criminal information agencies as may be appropriate, and may use information obtained for such law enforcement purposes as are determined to be appropriate.

(8)

An entertainer's license shall expire on December 31st of the year in which it is issued or renewed.

(9)

An entertainer's license may be renewed by submitting a new application and following the application procedure set forth hereinabove; provided, that a renewal application shall not be submitted prior to September for the following calendar year.

(Ord. 8020 (part), 1985)

6.42.060 Standards for license suspension or revocation.

The auditor shall deny, revoke or suspend for not more than six months any erotic dancehall license or entertainer's license if he determines that the licensee or applicant has:

(1)

Made any false statement or given any false information in connection with an application for a license or a renewal of a license;

(2)

Violated or permitted violation of any provisions of this chapter.

The procedural requirements of the Administrative Procedures Act, RCW Chapter 34.04, pertaining to contested cases, shall be followed in effecting any license suspension under this chapter.

(Ord. 8020 (part), 1985)

6.42.070 Erotic dancehalls prohibited in certain places.

Under the provisions of this chapter, no erotic dancehall license shall be issued to any firm or individual if the premises of such erotic dancehall will be located within two thousand feet of the premises of any church, or private or tax supported elementary or secondary school, measured along the most direct route over or across established public walks, streets or other public passageways from the outer property line of the church or school grounds to the nearest public entrance of the premises proposed for licensing under this chapter. For the purpose of this section "church" means a building erected for and used exclusively for religious worship and schooling or other activity in connection therewith.

(Ord. 8020 (part), 1985)

6.42.080 Inspections.

(a)

All books and records required to be kept pursuant to this chapter shall be open to inspection by the sheriff or his deputies during the hours when the erotic dancehall is open for business. The purpose of such inspection shall be to determine if the books and records meet the requirements of this chapter.

(b)

The premises and facilities of an erotic dancehall shall be open to inspection by the sheriff, or his deputies during the hours when the dancehall is open for business. The purpose of such inspection shall be to determine if the dancehall is operated in accordance with the requirements of this chapter. It is expressly declared that unannounced inspections are necessary to ensure compliance with this chapter.

(Ord. 8020 (part), 1985)

6.42.090 Outdoor advertising—Standards.

Outdoor advertising for an erotic dancehall shall be limited to one sign/billboard which shall be attached to the building. There shall be no flashing or moving lights on such signs. Where the erotic dancehall exhibits topless or seminude entertainment, no depiction of such entertainers shall be on such sign. In addition, only one reference to the type of entertainment provided on the premises shall be permitted on the sign.

(Ord. 8020 (part), 1985)

6.42.100 Exempted premises.

This chapter does not apply to taverns and premises maintaining liquor licenses, or premises which are primarily devoted to theatrical performances where there are seats arranged so that a body of spectators has an unobstructed view of the stage for viewing performances of artistic expression and where such performances are not incidental to the promotion of the sale of food and/or drink, and where patrons are not permitted to touch, caress or fondle the actors or entertainers performing therein.

(Ord. 8020 (part), 1985)

6.42.110 Nuisance declared.

Any activity, act or conduct contrary to the provisions of this chapter is declared to be unlawful and a public nuisance and such activity, act or conduct may be enjoined by an action brought by the prosecuting attorney or other interested person.

(Ord. 8020 (part), 1985)

6.42.120 Penalty.

Any person, firm or corporation violating any provision of this chapter shall be guilty of a misdemeanor and each such person, firm or corporation shall be deemed guilty of a separate offense for each and every day during which any violation is committed, continued or permitted and upon conviction of any such violation such person, firm or corporation shall be punished by a fine of not more than two hundred fifty dollars or by imprisonment for not more than ninety days, or by both such fine and imprisonment; provided, no person shall be deemed guilty of any violation of this chapter if acting in an investigative capacity pursuant to the request or order of the sheriff or prosecuting attorney or duly appointed agent thereof.

(Ord. 8020 (part), 1985)

6.42.130 Severability.

If any section, subsection, sentence or clause of this chapter, or its application to any person or circumstance, is held invalid, the remainder of this chapter or its application to other persons or circumstances shall not be affected.

(Ord. 8020 (part), 1985)

6.42.140 Effective date.

This ordinance codified in this chapter shall be in full force and effect immediately upon passage; provided, that the licensing requirements of this chapter shall be effective from and after thirty days from the date of passage.

(Ord. 8020 (part), 1985)