

ORDINANCE NO. 139

AN ORDINANCE OF THE CITY OF SHORELINE, WASHINGTON, CREATING CHAPTER 5.10 OF THE SHORELINE MUNICIPAL CODE RELATING TO CABARETS AND ADULT ENTERTAINMENT

WHEREAS, adult entertainment cabarets are known to generate substantial levels of criminal and other undesirable activity; and

WHEREAS, this ordinance is necessary in order to better protect the health, safety, and welfare of the City of Shoreline and its citizens;

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

Section 1. Cabarets and Adult Entertainment. There is hereby created a new chapter of the Shoreline Municipal Code, Chapter 5.10 - Cabarets and Adult Entertainment, to read as follows:

Chapter 5.10

CABARETS AND ADULT ENTERTAINMENT

Sections:

- 5.10.005 Findings of Fact.
- 5.10.010 Definitions.
- 5.10.020 License required.
- 5.10.030 License prohibited to certain classes.
- 5.10.040 Application and temporary license.
- 5.10.050 Cabaret license fees.
- 5.10.060 Appeal.
- 5.10.070 Standards of conduct and operations - Adult cabarets.
- 5.10.080 License term - Assignment - Renewals.
- 5.10.090 License suspension and revocation - Hearing.
- 5.10.100 Liquor regulations.
- 5.10.110 Violation a misdemeanor.
- 5.10.120 Nuisance declared.
- 5.10.130 Additional enforcement.
- 5.10.140 Severability.

5.10.005 Findings of Fact.

The City of Shoreline takes notice and specifically relies upon the experiences of and studies utilized by other cities and counties in combating the specific adverse impacts of sexually-oriented businesses including nude and semi-nude dancing. This includes but is not limited to the

studies relied upon, and findings of fact entered, by the City Councils of the Cities of Bellevue, Tukwila, SeaTac, and Federal Way in their respective adult cabaret ordinances.

Additionally, the City Council enters the following findings of fact related to adult cabaret activity within the City of Shoreline:

1. Much like the documented activity in other cities with nude and semi-nude adult cabaret entertainment, illegal sexual activity occurs regularly and repetitively in Shoreline's adult cabaret.

2. Undercover police officers personally experienced, and personally observed, "table dances" involving regular exposure by the entertainer of breasts, buttocks, and pubic area. The "dances" also frequently featured masturbation by the entertainer of the customer's groin area.

3. The entertainers feature two types of dances, one costing ten dollars and the other costing twenty dollars. A twenty dollar dance takes place in a darkened area of the cabaret, where managers and others have difficulty viewing the illegal activity.

4. In Shoreline, and in other jurisdictions, entertainers have committed acts of prostitution inside the adult cabaret by agreeing to meet patrons off-site to perform sexual activity in exchange for a fee.

5.10.010 Definitions.

A. "Adult cabaret" means any commercial premises, including any cabaret premises, to which any member of the public is invited or admitted and where an entertainer provides live adult entertainment to any member of the public.

B. "Adult entertainment" means:

1. Any exhibition, performance or dance of any type conducted in a premises where such exhibition, performance, or dance involves a person who is unclothed or in such costume, attire, or clothing as to expose any portion of the female breast below the top of the areola or any portion of the pubic region, anus, buttocks, vulva or genitals, or wearing any device or covering exposed to view which simulates the appearance of any portion of the female breast below the top of the areola or any portion of the pubic region, anus, buttocks, vulva or genitals, or human male genitals in a discernibly turgid state, even if completely and opaquely covered; or

2. Any exhibition, performance or dance of any type conducted in a premises where such exhibition, performance or dance is distinguished or characterized by a predominant emphasis on the depiction, description, simulation or relation to the following specified sexual activities:

a. Human genitals in a state of sexual stimulation or arousal,

b. Acts of human masturbation, sexual intercourse or sodomy, or

c. Fondling or other erotic touching of human genitals, pubic region, buttocks or female breasts; or

3. Any exhibition, performance or dance which is intended to sexually stimulate any member of the public and which is conducted on a regular basis or as a substantial part of the activity on the premises. This includes, but is not limited to, any such exhibition, performance or dance performed for, arranged with, or engaged in with fewer than all members of the public on the premises at that time, and which is commonly referred to as table dancing, couch dancing, lap dancing, private dancing and straddle dancing.

C. "Applicant" means the individual or entity seeking a cabaret license in the City of Shoreline.

D. "Applicant control person" means all partners, corporate officers and directors and any other individuals in the applicant's business organization who hold a significant interest in the adult cabaret business, based on responsibility for management or control of the adult cabaret business, regardless of whether such person's name appears on corporate filings, license applications, or other official documents of the applicant.

E. "Cabaret" means any room, place or space whatsoever in the city in which any music, singing, dancing, or other similar entertainment is permitted in connection with any hotel, restaurant, cafe, club, tavern, or eating place, directly selling, serving, or providing the public, with or without charge, food, drink or liquor. The words "music and entertainment" as used herein, shall not apply to radios or mechanical devices.

F. "Clerk" means such city employees or agents as the city manager shall designate to administer this chapter, or any designee thereof.

G. "Employee" means any and all persons, including managers, entertainers and independent contractors who work in or at or render any services directly related to the operation of any cabaret.

H. "Entertainer" means any person who provides adult entertainment within an adult cabaret as defined in this section, whether or not a fee is charged or accepted for entertainment.

I. "Liquor" means all beverages defined in RCW 66.04.200.

J. "Manager" means any person who manages, directs, administers or is in charge of the business affairs and/or conduct of any portion of any activity involving adult entertainment occurring at any adult cabaret, and includes assistant managers working with or under the direction of a manager to carry out such purposes.

K. "Operator" means any person operating, conducting or maintaining an adult cabaret.

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

M. "Member of the public" means any customer, patron, club member, or person, other than an employee as defined in this section, who is invited or admitted to a cabaret.

N. "Sexual conduct" means any act or acts of:

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

5.10.020 License required.

A. It is unlawful for any person to conduct, manage or operate a cabaret unless such person has been issued a valid and current license from the city to do so, obtained in the manner provided in this chapter.

B. It is unlawful for any person to conduct, manage or operate an adult cabaret unless such person has been issued a valid and current license from the city to do so, obtained in the manner provided in this chapter.

C. It is unlawful for any entertainer, employee or manager to knowingly work in or about, or to knowingly perform any service or entertainment directly related to the operation of an unlicensed adult cabaret.

D. It is unlawful for any entertainer to perform in an adult cabaret unless such person has been issued a valid and current license from the city to do so.

E. It is unlawful for any manager to work in an adult cabaret unless such person has been issued a valid and current license from the city to do so.

5.10.030 License prohibited to certain classes.

No license shall be issued to:

A. A natural person who has not attained the age of 21 years, except that licenses may be issued to persons who have attained the age of 18 years with respect to cabarets where no intoxicating liquors are served or provided.

B. A limited liability company, unless all managing members thereof are qualified to obtain a license as provided in this chapter.

C. A partnership, unless all general partners thereof are qualified to obtain a license as provided in this chapter.

D. A corporation, unless all the officers and directors thereof are qualified to obtain a license as provided herein.

5.10.040 Application and temporary license.

A. Adult Cabaret License.

1. All applications for an adult cabaret license shall be submitted to the Clerk in the name of the person or entity proposing to conduct an adult cabaret on the business premises and shall be signed by such person and certified as true under penalty of perjury. All applications shall be submitted on a form supplied by the city, which shall require the following information:

a. For the applicant and for each applicant control person: Names; any aliases or previous names; driver's license number, if any; social security number, if any; business, mailing, and residential address; and business and residential telephone number.

b. If a partnership, whether general or limited, provide for all general partners the same information required under subsection (a).

c. If a corporation, date and place of incorporation, evidence that it is in good standing under the laws of Washington, and name and address of any registered agent for service of process.

d. Whether the applicant or any partner, corporate officer, or director of the applicant holds any other licenses under this chapter or any license for similar adult entertainment or sexually oriented business, including motion picture theaters and panorams, from the city or another city, county or state, and if so, the names and addresses of each other licensed business.

e. A summary of the business history of the applicant and applicant control persons in owning or operating the adult entertainment or other sexually oriented businesses, providing names, addresses and dates of operation for such businesses, and whether any business license or adult entertainment license has been revoked or suspended, and the reason therefor.

f. For the applicant and all applicant control persons, any and all criminal convictions or forfeitures within five years immediately preceding the date of the application, other than parking offenses or minor traffic infractions, including the dates of conviction, nature of the crime, name and location of court and disposition.

g. For the applicant and all applicant control persons, a description of business, occupation or employment history for the three years immediately preceding the date of the application.

h. The location and doing-business-as name of the proposed adult cabaret, including a legal description of the property, street address, and telephone number, together with the name and address of each owner and lessee of the property.

i. Two two-inch by two-inch color photographs of the applicant and applicant control persons, taken within six months of the date of application showing only the full face.

j. A complete set of fingerprints for the applicant or each applicant control person, taken by Shoreline police department employees.

k. A scale drawing or diagram showing the proposed configuration of the premises for the adult cabaret, including a statement of the total floor space occupied by the business, and marked dimensions of the interior of the premises. Performance areas, seating areas, manager's office and stations, restrooms and service areas shall be clearly marked on the drawing. An application for a license for an adult cabaret shall include building plans which demonstrate conformance with SMC 5.10.070.D.

2. An application shall be deemed complete upon the applicant's provision of all information requested above, including identification of "none" where that is the correct response, and the applicant's verification that the application is complete. The Clerk may request other information or clarification in addition to that provided in a complete application where necessary to determine compliance with this chapter.

3. A nonrefundable application fee of \$500 must be paid at the time of filing an application in order to defray the costs of processing the application.

4. Each applicant shall verify, under penalty of perjury, that the information contained in the application is true.

5. If any person or entity becomes an applicant control person or otherwise acquires, subsequent to the issuance of an adult cabaret license, a significant interest based on responsibility for management or operation of the licensed premises or the licensed business, notice of such acquisition shall be provided in writing to the City Clerk, no later than 21 days following such acquisition. The notice required shall include the information required for the original adult cabaret license application.

6. The adult cabaret license, if granted, shall state on its face the name of the person or persons to whom it is issued, the expiration date, the doing-business-as name and the address of the licensed adult cabaret. The permit shall be posted in a conspicuous place at or near the entrance to the adult cabaret so that it can be easily read at any time the business is open.

7. No person granted an adult cabaret license pursuant to this chapter shall operate the adult cabaret business under a name not specified on the license, nor shall any person operate an adult cabaret under any designation or at any location not specified on the license.

8. Upon receipt of any complete application and fee, the Clerk shall provide copies to the police department, and to other appropriate city departments or contractors, for a full investigation and review to determine compliance of the proposed adult cabaret with this chapter and other applicable laws. Upon receipt of any complete application and fee for a license, the Clerk shall further issue a temporary license, pending disposition of the application or the completion of the term of any license suspension issued pursuant to this chapter. The temporary license shall expire upon issuance of a license or renewal thereof or notice of non-issuance. The holder of a temporary license is subject to all requirements, standards, and penalty provisions of this chapter.

In the event the premises is not yet constructed, the departments shall base their recommendation as to premises compliance on their review of the drawings submitted with the application. Any adult cabaret license approved prior to premises construction shall contain a condition that the premises must be inspected prior to occupancy, and determined to be in substantial conformance with the drawings submitted with the application and other applicable building and development regulations.

9. If the Clerk finds that the applicant has failed to meet any of the requirements for issuance of an adult cabaret license, the Clerk shall issue a notice of non-issuance in writing, and shall cite the specific reasons therefor.

B. Adult Cabaret Manager and Entertainer Licenses.

1. No person shall work as a manager, assistant manager or entertainer at an adult cabaret without an applicable manager's or entertainer's license issued by the city. Each applicant for a manager's or entertainer's license shall complete an application on forms provided by the city containing the information identified below. A nonrefundable application fee of \$100.00 shall accompany the application. A copy of the application shall be provided to the police department for its review, investigation and recommendation. All applications for a manager's or entertainer's license shall be signed by the applicant and certified to be true under penalty of perjury. The manager's or entertainer's license application shall require the following information:

a. The applicant's name, home address, home telephone number, date and place of birth, fingerprints taken by Shoreline police department employees, social security number, and any stage names or nicknames used in entertaining.

b. The name and address of each business at which the applicant intends to work as a manager or entertainer.

c. Documentation that the applicant has attained the age of 18 years. Any two of the following shall be accepted as documentation of age:

i. A motor vehicle operator's license issued by any state bearing the applicant's photograph and date of birth;

ii. A state issued identification card bearing the applicant's photograph and date of birth;

iii. An official passport issued by the United States of America;

iv. An immigration card issued by the United States of America; or

v. Any other identification that the city determines to provide acceptable documentation.

d. A complete statement of all convictions of the applicant for any misdemeanor or felony violations in this or any other city, county, or state within five years immediately preceding the date of the application, except parking violations or minor traffic infractions.

e. A description of the applicant's principal activities or services to be rendered.

f. Two two-inch by two-inch color photographs of the applicant, taken within six months of the date of application showing only the full face.

g. Every adult entertainer shall provide his or license to the adult cabaret manager on duty on the premises prior to his or her performance. The manager shall retain the licenses of the adult entertainers readily available for inspection by the city at any time during business hours of the adult cabaret.

2. The Clerk may request additional information or clarification when necessary to determine compliance with this chapter.

3. Upon receipt of the complete application and fee, the Clerk shall provide copies to the police department for its investigation and review for compliance with this chapter. Upon receipt of any complete application and fee for a license, the Clerk shall further issue a temporary license, pending disposition of the application or the completion of the term of any license suspension issued pursuant to this chapter. The temporary license shall expire upon issuance of a license or renewal thereof or notice of non-issuance. The holder of a temporary license is subject to all requirements, standards, and penalty provisions of this chapter.

5.10.050 Cabaret license fees.

A. Any person desiring to obtain a cabaret license shall first pay a license fee of \$250.00 per year.

B. Any person desiring to obtain an adult cabaret license shall first pay a license fee of \$500.00 per year.

C. Any person desiring to obtain an adult cabaret manager's license shall first pay a license fee of \$100.00 per year.

D. Any person desiring to obtain an adult cabaret entertainer's license shall first pay a license fee of \$100.00 per year.

5.10.060 Appeal.

A. Any person aggrieved by the action of the Clerk in refusing to issue or renew any license under this chapter or in temporarily suspending or permanently revoking any license under this chapter shall have the right to appeal such action to the City Hearing Examiner, or to such other hearing body as may hereafter be established by the City Council for the hearing of such appeals, by filing a notice of appeal with the Clerk within ten days of receiving notice of the action from which appeal is taken. The filing of such appeal shall stay the action of the Clerk.

B. The hearing body, upon receipt of a timely notice of appeal, shall set a date for a hearing of such appeal within 30 days from the date of such receipt, unless extended by mutual agreement or for good cause shown. The hearing shall be de novo. The hearing body shall hear testimony, take evidence and may hear oral argument and receive written briefs.

C. The decision of the hearing body on an appeal from a decision of the Clerk shall be based upon a preponderance of the evidence. The burden of proof shall be on the City.

D. Any person aggrieved by the decision of the hearing examiner or other designated hearing body shall have the right to appeal the decision to the superior court by writ of certiorari filed and served upon the City within fourteen calendar days after the date of the of the hearing examiner's or other hearing body's decision.

5.10.070 Standards of conduct and operation - Adult cabarets.

A. The following standards of conduct must be adhered to by employees of any adult cabaret while in any area of an adult cabaret in which members of the public are allowed to be present:

1. No employee or entertainer shall be unclothed or in such less than opaque and complete attire, costume or clothing so as to expose to view any portion of the female breast below

the top of the areola or any portion of the pubic region, anus, buttocks, vulva or genitals, except upon a stage at least 18 inches above the immediate floor level and removed at least eight feet from the nearest member of the public.

2. No employee or entertainer mingling with members of the public shall be unclothed or in less than opaque and complete attire, costume or clothing as described in subdivision 1 of this subsection, nor shall any male employee or entertainer at any time appear with his genitals in a discernibly turgid state, even if completely and opaquely covered, or wear or use any device or covering which simulates the same.

3. No employee or entertainer mingling with members of the public shall wear or use any device or covering exposed to view which simulates the breast below the top of the areola, vulva, genitals, anus, any portion of the pubic region, or buttocks.

4. No employee or entertainer shall caress, fondle, or touch any member of the public, including another entertainer unless both such entertainers are on a stage meeting the requirements of subsection (1) of this section, for the purpose of sexual arousal of either party. No employee or entertainer shall permit any member of the public to caress, fondle, or touch any employee or entertainer, for the purpose of sexual arousal of either party.

5. No employee or entertainer shall perform actual or simulated acts of sexual conduct as defined in this chapter, or any act which constitutes a violation of Chapter 7.48A RCW, the Washington Moral Nuisances Statute.

6. No employee or entertainer mingling with members of the public shall conduct any dance, performance or exhibition in or about the nonstage area of the adult cabaret unless that dance, performance or exhibition is performed at a distance of no less than four feet, measured from the forehead of the entertainer to the forehead of the customer paying for the dance, performance, or exhibition.

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

B. At any adult cabaret, the following are required:

1. Admission must be restricted to persons of the age 18 years or more. It is unlawful for any owner, operator, manager or other person in charge of an adult cabaret to knowingly permit or allow any person under the minimum age specified to be in or upon such

premises. A licensed manager or other employee shall verify the age of all members of the public seeking to enter an adult cabaret.

2. Neither the performance nor any photograph, drawing, sketch or other pictorial or graphic representation thereof displaying any portion of the breast below the top of the areola or any portion of the pubic hair, buttocks, genitals, and/or anus may be visible outside of the adult cabaret. The prohibition of this subsection (2) is intended to be limited to adult cabaret performances and representation of same, and is not intended to prohibit the activities enumerated in subsection (F) of this section.

3. No member of the public shall be permitted at any time to enter into any of the nonpublic portions of the adult cabaret, which shall include but are not limited to: the dressing rooms of the entertainers or other rooms provided for the benefit of employees, and the kitchen and storage areas; except that persons delivering goods and materials, food and beverages, or performing maintenance or repairs to the premises or equipment on the premises may be permitted into nonpublic areas to the extent required to perform their job duties.

4. The licensee shall not operate or maintain any warning system or device, of any nature or kind, for the purpose of warning customers or patrons or any other persons located on the licensee's premises that police officers or other city inspectors are approaching or have entered the licensee's premises.

C. At any adult cabaret, the following are required of managers:

1. A licensed manager shall be on duty at an adult cabaret at all times adult entertainment is being provided or members of the public are present on the premises. The name and license of the manager shall be prominently posted during business hours. The manager shall be responsible for verifying that any person who provides adult entertainment within the premises possesses a current and valid entertainer's license.

2. The licensed manager on duty shall not be an entertainer.

3. The manager or an assistant manager licensed under this chapter shall maintain visual observation of each member of the public at all times any entertainer is present in the public or performance areas of the adult cabaret. Where there is more than one performance area, or the performance area is of such size or configuration that one manager or assistant manager is unable to visually observe, at all times, each adult entertainer, each employee, and each member of the public, a manager or assistant manager licensed under this chapter shall be provided for each public or performance area or portion of a public or performance area visually separated from other portions of the adult cabaret.

4. The manager shall be responsible for and shall assure that the actions of members of the public, the adult entertainers and all other employees shall comply with all requirements of this chapter.

D. Premises - Specifications.

1. Performance Area. The performance area of the adult cabaret where adult entertainment is provided shall be a stage or platform at least 18 inches in elevation above the level of the patron seating areas, and shall be separated by a distance of at least eight feet from all areas of the premises to which members of the public have access. A continuous railing at least three feet in height and located at least eight feet from all points of the performance area shall separate the performance area and the patron seating areas. The stage and the entire interior portion of cubicles, rooms or stalls wherein adult entertainment is provided must be visible from the common areas of the premises and at least one manager's station. Visibility shall not be blocked or obstructed by doors, curtains, drapes or any other obstruction whatsoever.

2. Lighting. Sufficient lighting shall be provided and equally distributed throughout the public areas of the premises so that all objects are plainly visible at all times. A minimum lighting level of 30 lux horizontal, measured at 30 inches from the floor and on 10-foot centers is hereby established for all areas of the adult cabaret where members of the public are admitted.

3. Signs. A sign at least two feet by two feet, with letters at least one inch high shall be conspicuously displayed in the public area(s) of the premises stating the following:

THIS ADULT CABARET IS REGULATED BY THE CITY OF
SHORELINE. ENTERTAINERS ARE:

A. NOT PERMITTED TO ENGAGE IN ANY TYPE OF SEXUAL
CONDUCT

B. NOT PERMITTED TO APPEAR SEMI-NUDE OR NUDE,
EXCEPT ON STAGE

C. NOT PERMITTED TO ACCEPT TIPS OR GRATUITIES IN
ADVANCE OF THEIR PERFORMANCE

D. NOT PERMITTED TO ACCEPT TIPS DIRECTLY FROM
PATRONS WHILE PERFORMING UPON ANY STAGE AREA

4. Recordkeeping Requirements.

a. All papers, records, and things required to be kept pursuant to this chapter shall be open to inspection by the Clerk during the hours when the licensed premises are open for business, upon two days' written notice. The purpose of such inspections shall be to determine whether the papers, records, and things meet the requirements of this chapter.

b. Each adult entertainment business shall maintain and retain for a period of two years the name, address, and age of each person employed or otherwise retained or allowed

to perform on the premises as an adult entertainer, including independent contractors and their employees, as an entertainer. This information shall be open to inspection by the Clerk during hours of operation of the business upon 24 hours' notice to the licensee.

5. Inspections. In order to ensure compliance with this chapter, all areas of licensed adult cabarets which are open to members of the public shall be open to inspection by city agents and employees during the hours when the premises are open for business. The purpose of such inspections shall be to determine if the licensed premises are operated in accordance with the requirements of this chapter.

E. It is unlawful for any adult cabaret to be operated or otherwise open to the public between the hours of 2:00 a.m. and 10:00 a.m.

F. This chapter shall not be construed to prohibit:

1. Plays, operas, musicals, or other dramatic works that are not obscene;
2. Classes, seminars and lectures which are held for serious scientific or educational purposes and which are not obscene; or
3. Exhibitions, performances, expressions or dances that are not obscene.

These exemptions shall not apply to the sexual conduct defined in SMC 5.10.010(N), or the sexual conduct described in RCW 7.48A.010(2)(b)(ii) and (iii).

5.10.080 License term - Assignment - Renewals.

A. There shall be no prorating of the license fees set out in SMC 5.10.050, and such licenses shall expire on the thirty-first day of December of each year, except that in the event that the original application is made subsequent to June 30th, then one-half of the annual fee may be accepted for the remainder of said year. Licenses issued under this chapter shall not be assignable.

B. Application for renewal of licenses issued hereunder shall be made to the Clerk no later than 30 days prior to the expiration of adult cabaret licenses, and no later than 14 days prior to the expiration of cabaret licenses and adult cabaret manager and entertainer licenses. The renewal license shall be issued in the same manner and on payment of the same fees as for an original application under this chapter. There shall be assessed and collected by the Clerk, an additional charge, computed as a percentage of the license fee, on applications not made on or before said date, as follows:

Days Past Due	Percent of License Fee
7 - 30	10%
31 - 60	25%
61 and over	100%

C. The Clerk shall renew a license upon receipt of a complete application and fee, and subject to compliance with the provisions of SMC 5.10.040 regarding original licenses.

5.10.090 License suspension and revocation - Hearing.

A. The Clerk may suspend or revoke any license issued under the provisions of this chapter at any time where the same was procured by fraud or false representation of fact, or for the violation of, or failure to comply with, the provisions of this chapter.

B. A license procured by fraud or misrepresentation shall be revoked. Where other violations of this chapter or other applicable ordinances, statutes or regulations are found, the license shall be suspended for a period of 30 days upon the first such violation, 90 days upon the second violation within a 24-month period, and revoked for third and subsequent violations within a 24-month period, not including periods of suspension.

C. The Clerk shall provide at least 10 days' prior written notice to the licensee of the decision to suspend or revoke the license. Such notice shall inform the licensee of the right to appeal the decision to the hearing examiner or other designated hearing body, pursuant to SMC 5.10.060, and shall state the effective date of such revocation or suspension and the grounds for revocation or suspension. The decision of the Clerk shall be stayed during the pendency of any appeal.

5.10.100 Liquor regulations.

Any license issued pursuant to this chapter shall be subject to any applicable rules or regulations of the Washington State Liquor Control Board relating to the sale of intoxicating liquor.

In the event of a conflict between the provisions of this chapter and the applicable rules and regulations of the Washington State Liquor Control Board, the rules and regulations of the Washington State Liquor Control Board shall control.

5.10.110 Violation a misdemeanor.

Any person violating any of the provisions of this chapter is guilty of a misdemeanor.

5.10.120 Nuisance declared.

A. Public Nuisance. Any adult cabaret operated, conducted, or maintained in violation of this chapter or any law of the City of Shoreline or the state of Washington shall be, and the same is, declared to be unlawful and a public nuisance. The city attorney may, in addition to or in lieu of any other remedies set forth in this chapter, commence an action to enjoin, remove or abate such nuisance in the manner provided by law and shall take such other steps and apply to such court or courts as may have jurisdiction to grant such relief as will abate or remove such public nuisance, and restrain and enjoin any person from operating, conducting or maintaining an adult cabaret contrary to the provisions of this chapter.

B. Moral Nuisance. Any adult cabaret operated, conducted or maintained contrary to the provisions of Chapter 7.48A RCW, Moral Nuisance, shall be, and the same is declared to be, unlawful and a public and moral nuisance and the city attorney may, in addition to or in lieu of any other remedies set forth herein, commence an action or actions, to abate, remove and enjoin such public and moral nuisance, or impose a civil penalty, in the manner provided by Chapter 7.48A RCW.

5.10.130 Additional enforcement.

The remedies found in this chapter are not exclusive, and the city may seek any other legal or equitable relief, including but not limited to enjoining any acts or practices which constitute or will constitute a violation of any business license ordinance or other regulations herein adopted.

5.10.140 Severability.

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

Section 2. Effective Date. This ordinance shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after the date of publication.

PASSED BY THE CITY COUNCIL ON OCTOBER 13, 1997.


Mayor Connie King

ATTEST:


Sharon Mattioli, CMC
City Clerk

APPROVED AS TO FORM:


Bruce Disend
City Attorney

Date of Publication: October 15, 1997
Effective Date: October 20, 1997