

ORDINANCE 890

CITY OF LACEY

AN ORDINANCE REQUIRING LICENSING AND REGULATING THE CONDUCT OF ADULT LIVE ENTERTAINMENT CENTERS AND ADDING A NEW CHAPTER, 5.34 TO THE LACEY MUNICIPAL CODE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LACEY, WASHINGTON, as follows:

Section 1. There is hereby added to the Lacey Municipal Code a new chapter, 5.34 to read as follows:

5.34.010 "The following words and phrases shall have the following meanings for purposes of this chapter:

(1) "Adult live entertainment center" means a business having, as parts of its trade, live dancers or entertainers who depict specific sexual activities or display specific anatomical areas as defined herein, included, but not limited to, topless dance centers, so-called exotic dance centers and body painting studios.

(2) "Entertainer" means any person who provides entertainment within an adult live entertainment center 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 any adult live entertainment center.

(5) "Operator" means any person operating, conducting or maintaining an adult live entertainment center.

(6) "Specific anatomical areas" means:

(a) Less than completely and opaquely covered human genitals, pubic region, buttocks and the female breasts below a point immediately above the top of the areola.

(b) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

(7) "Specific sexual activities" mean:

(a) Human genitals in a state of sexual stimulation, and or/

(b) Acts of human masturbation, sexual intercourse or sodomy, and/or

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

5.34.020. The following standards of conduct shall be adhered to by operators and employees of any adult live entertainment center:

(1) No person employed in the sale or service of food and/or drink within an adult live entertainment center 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 human

genitals, pubic region, buttocks and the female breasts below a point immediately above the top of the areola.

(2) No person employed or otherwise permitted to converse, dance or mingle with the patrons within an adult live entertainment center 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) this section

shall perform elsewhere within an adult entertainment center 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.

5.34.030 The following requirements shall be adhered to by any adult live entertainment center:

(1) There shall be posted and conspicuously displayed in the common areas of each adult live entertainment center 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 adult live entertainment center 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 adult live entertainment center shall be closed between twelve-thirty a.m. and eight a.m.

(7) No operator or employee of an adult live entertainment center 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 adult live entertainment center 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 adult live entertainment center 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 adult live entertainment center shall maintain and retain for a period of two years the names, addresses and ages of all persons employed as entertainers by the licensee.

5.34.040.

(1) No person, firm, partnership, corporation or other entity shall operate an adult live entertainment center without

first obtaining an adult live entertainment center license issued pursuant to this chapter.

(2) Applications for adult live entertainment center licenses shall be made to the Director of Finance.

(3) An application for an adult live entertainment center 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 as set by resolution of the city council, however, until such fee is set by such a resolution, the fee shall be \$250.00.

(5) Within five days of receipt of an application for an adult live entertainment center license, the director shall transmit copies of such application to the police department, building department and planning department.

(6) Within thirty days of receipt of an application for an adult live entertainment center license, the director 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 City's zoning code or other applicable land use laws and regulations, or the director is advised by the building department that the buildings upon the subject premises fail to meet the requirements of the building, fire, mechanical or plumbing codes applicable to the proposed use, or the director is informed by the police department that the owner, partner, or stock holder holding more than five

percent of the outstanding shares of the owning corporation has been convicted of or forfeited bail for any crime which may reasonably indicate a likelihood of future violation of the terms of this ordinance by such owner, partner, or stock holder. 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 adult live entertainment center license shall expire on December 31st of the year for which it is issued or renewed.

(8) An adult live entertainment center 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.

5.34.050.

(1) No person shall perform as an entertainer at an adult live entertainment center without first obtaining an entertainer's license issued by the Director of Finance.

(2) An application for an entertainer's license shall be verified and shall provide the following information:

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

(b) The name and address of the establishment 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.

(3) All applicants shall be required to be fingerprinted by the police department and submit a current facial view photograph.

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

(5) The Director shall transmit the application for an entertainers' license to the police department within five days after its receipt.

(6) The Director shall, within twenty days after receipt of the application, issue the entertainer's license unless the director is informed by the police department that the applicant has been convicted or forfeited bail to a crime or crimes which would indicate a reasonable likelihood that the applicant would violate the terms of this chapter if so licensed.

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

(8) 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.

5.34.060. The Director of Finance shall revoke an adult live entertainment center license or an entertainer's license issued pursuant to this chapter if the director finds any of the following conditions to exist:

(1) The licensee has made a false statement or given false information in connection with the application for the applicable license.

(2) The licensee has violated or permitted violation of any provisions of this chapter.

(3) The licensee has been convicted or forfeited bail to any of the crimes which would have caused the director to refuse to issue the license upon the initial or renewal application.

Appeal from either the denial of a license or the revocation of a license shall be made to the Hearings Examiner provided for in Chapter 2.40 of this code.

5.34.070. This chapter does not apply to premises which are primarily devoted to theatrical performances where there are seats arranged so that the 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.

5.34.080. 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 city attorney or other interested person.

5.34.090. 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. 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 police chief, city attorney or duly appointed agent of either.

Section 2. 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.

Section 3. The summary of this ordinance, which is attached hereto, is approved for publication.

PASSED BY THE CITY COUNCIL OF THE CITY OF LACEY, WASHINGTON, this 26th day of July, 1990.

CITY COUNCIL

Attest:

By Kay M Boyd  
Mayor

Charlotte M. Taylor  
City Clerk

Passed: July 26, 1990

Approved as to form:

Published: July 29, 1990  
(SUMMARY)

[Signature]  
City Attorney

SUMMARY FOR PUBLICATION  
ORDINANCE 890

CITY OF LACEY

The City Council of the City of Lacey, Washington, passed on July 26, 1990, Ordinance No. 888 entitled "AN ORDINANCE REGULATING THE CONDUCT OF ADULT LIVE ENTERTAINMENT CENTERS AND ADDING A NEW CHAPTER, 5.34 TO THE LACEY MUNICIPAL CODE."

A section by section summary of this ordinance is as follows:

Section 1 adds a new Chapter, 5.34 to the Lacey Municipal Code. The provisions of this new chapter designated as Sections 5.34.010 through 5.34.090 as specified in the ordinance require licensing and regulate the conduct of adult live entertainment centers. Section 5.34.010 of said chapter defines an adult live entertainment center as a business having live dancers or entertainers who depict specific sexual activities or display specific anatomical areas as defined in the ordinance and include but are not limited to topless dance centers, exotic dance centers and body painting studios.

Section 5.34.020 of the chapter prohibits employees serving food or drink or otherwise mingling with customers to be unclothed or exposed in a manner defined in the ordinance. "Entertainers" who are unclothed or exposed in a manner defined in the ordinance must perform on a stage at least 18 inches above the immediate floor level where patrons are located and a minimum distance of 6 feet from the nearest patron.

Section 5.34.030 of the chapter requires certain information to be posted, prohibits visibility of the entertainment activity from outside the building, requires security personnel to be employed, restricts admission to those persons 18 years or over, prohibits operations between the hours of 12:30 a.m. and 8:00 a.m., prohibits the serving of intoxicating liquor and sets forth additional regulatory provisions.

Section 5.34.040 of the chapter requires that the operator of such a business must first receive a license from the city, specifies the information that must be supplied as part of such license application, details the review that will be made by city departments and specifies that until such time as the council sets a fee by resolution that the fee for such license application shall be \$250.00.

Section 5.34.050 of the chapter requires entertainers in such businesses to obtain licenses prior to performing, specifies the information that must be provided, provides for review by the police department and specifies a \$50.00 license application fee.

Section 5.34.060 of the chapter specifies the grounds and procedures to be followed for revocation of either an operator's or an entertainer's license.

Section 5.34.070 of the chapter excludes certain theatrical performances from the provisions of the chapter.

Section 5.34.080 of the chapter declares that any such activity conducted contrary to the terms of the ordinance will constitute a public nuisance and may be enjoined.

Section 5.34.090 of the chapter declares a violation of the ordinance to be a misdemeanor.

Section 2 of the ordinance provides that if any provision of the ordinance is declared invalid it will not effect the remaining portions of the ordinance.

Section 3 approves this summary.

A copy of the full text of this ordinance will be mailed without charge to any person requesting the same from the City of Lacey.

Published: July 29, 1990.