

Chapter 5.62

ADULT PANORAMS

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5.62.010 Definitions. For the purposes of this chapter and unless the context plainly requires otherwise, the following definitions are adopted:

- A. "Adult panoram establishment" or "adult panoram" means a business in a building or a portion of a building which contains device(s) which for payment of a fee, membership fee or other charge, is used to exhibit or display a picture, view, or other graphic display distinguished or characterized by emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas."
- B. "Applicant" means the individual or entity seeking a license to operate an adult panoram establishment. Upon issuance of a license, the applicant may be referred to as the "licensee."
- C. "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 business, based on responsibility for the management of the business.

- D. "Clerk" shall mean the City Clerk or Deputy City Clerk as appointed pursuant to the provisions of Chapter 2.28 Snohomish Municipal Code.
- E. "Employee or independent contractor" means any and all persons, including managers, and entertainers who work in or at or render any services directly related to the operation of an adult panoram.
- F. "Hearing Examiner" shall mean the Hearing Examiner as appointed pursuant to the provisions of Chapter 2.33 of the Snohomish Municipal Code.
- G. "Manager" means any person who manages, directs, administers or is in charge of the affairs and/or conduct of any portion of any activity at an adult panoram. An "assistant manager" shall be that person who, in the absence of the manager, shall undertake the duties of the manager as defined by this section.
- H. "Person" means any individual, partnership, corporation, trust, incorporated or unincorporated association, marital community, joint venture or other entity or group of persons, however organized.
- I. "Specified anatomical areas" means:
 - 1. Less than completely and/or opaquely covered human genitals, pubic region, buttock, or female breast below a point immediately above the top of the areola;

2. Human male genitals in a discernibly turgid state, even if completely or opaquely covered.

J. "Specified sexual activities" means:

1. Acts of human masturbation, sexual intercourse or sodomy;
2. Fondling or other erotic touching of human genitals, pubic region, buttock, or female breast;
3. Human genitals in a state of sexual stimulation or arousal.

5.62.020 License Required.

- A. It is unlawful for any person to conduct, manage or operate an adult panoram unless such person is the holder of a valid and subsisting license from the City to do so, obtained in the manner provided in this chapter.
- B. It is unlawful for any employee, independent contractor 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 panoram.
- C. It is unlawful for any manager or assistant manager to work in an adult panoram unless such person is the holder of a valid and subsisting license from the City to do so.
- D. It is unlawful to exhibit, display or provide for public use any panoram device upon any adult panoram establishment without having first obtained a license for each such panoram device.

5.62.030 Adult Panoram License.

- A. All applications for an adult panoram license shall be submitted to the Clerk in the name of the person or entity proposing to conduct said business 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:
 1. For the applicant and for each applicant control person, provide: names, any aliases or previous names, driver's license number, if any, Social Security number, if any, and business, mailing and residential address, and business telephone number.
 2. If a partnership, whether general or limited, the names and addresses of the partners; and if a corporation, date and place of incorporation, names and addresses of corporate officers, evidence that it is in good standing under the laws of Washington, and name and address of any registered agent for service of process.
 3. Whether the applicant or any partner, corporate officer, or director of the applicant holds any other licenses under this chapter or any license for adult entertainment, including adult motion picture theaters, adult drive-in theaters, or adult cabarets from the City or another city, county or state, and if so, the names and addresses of each other licensed business.
 4. A summary of the business history of the applicant and applicant control persons in owning or operating adult panorams, or adult cabarets, adult motion picture theaters, adult drive-

- in theaters, or bikini clubs, providing names, addresses and dates of operation for such businesses, and whether any business license has been revoked or suspended, and the reason therefor.
5. For the applicant and all applicant control persons, any and all criminal convictions or forfeitures within five (5) 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.
 6. For the applicant and all applicant control persons, a description of business, occupation or employment history for the three (3) years immediately preceding the date of the application.
 7. Authorization for the City, its agents and employees to seek information to confirm any statements set forth in the application.
 8. The location and doing-business-as name of the proposed adult panoram, 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.
 9. Two (2) two-inch by two-inch color photographs of the applicant and applicant control persons, taken within six (6) months of the date of application showing only the full face.
 10. A complete set of fingerprints for the applicant or each applicant control person taken by Snohomish Police Department employees.
 11. A scale drawing or diagram showing the configuration of the premises for the proposed adult panoram, including a statement of the total floor space occupied by the business, and marked dimensions of the interior of the premises. The location of each panoram device, seating areas, manager's office and manager's stations, restrooms and service areas shall be clearly marked on the drawing.
- B. 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.
 - C. A nonrefundable application fee of \$700.00 must be paid at the time of filing an application in order to defray the costs of processing the application. The annual renewal fee shall be \$500.00.
 - D. Each applicant shall verify, under penalty of perjury, that the information contained in the application is true.
 - E. If any person or entity acquires, subsequent to the issuance of a license under this chapter, 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 twenty-one (21) days following such acquisition. The notice required shall include the information required for the original license application.

- F. The adult panoram 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 panoram. The license shall be posted in a conspicuous place at or near the entrance to the adult panoram so that it can be easily read at anytime the business is open.
- G. No person granted a license pursuant to this chapter shall operate the business under a name not specified on the license, nor shall any person operate a business licensed under this chapter under any designation or at any location not specified on the license. A separate license shall be required for each location at which a business covered by this chapter is operated. A license shall be valid for one year, and must be annually renewed.
- H. Upon receipt of the complete application and fee, the Clerk shall provide copies to the police, fire and community development departments for their investigation and review to determine compliance of the proposed business with the laws and regulations which each department administers. Each department shall, within thirty (30) days of the date of such application, inspect the application and premises and shall make a written report to the Clerk whether such application and premises complies with the laws administered by each department. No license may be issued unless each department reports that the application and premises comply with the relevant laws. In the event the premises are not yet constructed, the departments shall base their recommendation as to premises compliance on their review of the drawings submitted in the application. Any license approved prior to premises construction shall contain a condition that the premises may not open for business until the premises have been inspected and determined to be in substantial conformance with the drawings submitted with the application and submitted with any application for a building permit. A department shall recommend denial of a license under this subsection if it finds that the proposed business is not in conformance with the requirements of this chapter or other law in effect in the City. A recommendation for denial shall cite the specific reason therefor, including applicable laws.
- I. A license shall be issued by the Clerk within thirty (30) days of the date of filing a complete license application and fee, unless the Clerk determines that the applicant has failed to meet any of the requirements of this chapter or provide any information required under this subsection or that the applicant has made a false, misleading or fraudulent statement of material fact on the application for a license. The Clerk shall grant an extension of time in which to provide all information required for a complete license application upon the request of the applicant. If the Clerk finds that the applicant has failed to meet any of the requirements for issuance of a license, the Clerk shall deny the application in writing and shall cite the specific reasons therefor, including applicable law. If the Clerk fails to issue or deny the license within thirty (30) days of the date of filing of a complete application and fee, the applicant shall be permitted, subject to all other applicable law, to operate the business for which the license was sought until notification by the Clerk that the license has been denied, but in no event may the Clerk extend the application review time for more than an additional twenty (20) days.

5.62.040 Adult Panoram Manager and Assistant Manager Licenses.

A. No person shall work as a manager or assistant manager at an adult panoram without a manager or assistant manager license from the City. Each applicant for a 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 for a manager or assistant manager. A copy of the application shall be provided to the Police Department for its review, investigation and recommendation. All applications shall be signed by the applicant and certified to be true under penalty of perjury. Each license application shall require the following information:

1. The applicant's name, home address, home telephone number, date and place of birth, fingerprints taken by Snohomish Police Department employees, and Social Security number.
2. The name and address of each business at which the applicant intends to work.
3. Documentation that the applicant has attained the age of eighteen (18) years. Any two of the following shall be accepted as documentation of age:
 - a. a motor vehicle operator's license issued by any state bearing the applicant's photograph and date of birth;
 - b. a state-issued identification card bearing the applicant's photograph and date of birth;

- c. an official passport issued by the United States of America;
- d. an immigration card issued by the United States of America; or
- e. any other identification that the City determines to be acceptable.

4. 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 (5) years immediately preceding the date of the application, except parking violations or minor traffic infractions.
5. A description of the applicant's principal activities or services to be rendered.
6. Two (2) two-inch by two-inch color photographs of applicant, taken within six (6) months of the date of application showing only the full face.
7. Authorization for the City, its agents and employees to investigate and confirm any statements set forth in the application.

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

C. A license shall be issued by the Clerk within fourteen (14) days from the date the complete application and fee are received unless the Clerk determines that the applicant has failed to provide any information required to be supplied according to this chapter, has made any false, misleading or fraudulent statement of material fact in the application, or has

failed to meet any of the requirements for issuance of a license under this chapter. If the Clerk determines that the applicant has failed to qualify for the license applied for, the Clerk shall deny the application in writing and shall cite the specific reasons therefor, including applicable laws. If the Clerk has failed to approve or deny an application for license within fourteen (14) days of filing of a complete application, the applicant may, subject to all other applicable laws, commence work until notified by the Clerk that the license has been denied, but in no event may the Clerk extend the application review time for more than an additional twenty (20) days.

- D. A license issued under this section shall be valid for one year and must be annually renewed. The annual renewal fee for a manager or assistant manager shall be \$75.00.

5.62.050 Panoram Device License. All applications for a panoram device license shall be submitted to the City Clerk on a form supplied by the City, which shall require the following information:

- A. The business name, address and telephone number of the location of the panoram device.
- B. The name, address and telephone number of the owner of the panoram device;
- C. A description of each of the panoram devices located at the location described in Subsection A above.

5.62.060 Denials of License. Should the person seeking a license under this chapter disagree with the Clerk's determination, the applicant must file a notice of nonacceptance with the City Attorney's

office within ten (10) working days of receipt of the notification of denial.

- A. The City shall, within five (5) working days following receipt of the notice of non-acceptance, apply to the Superior Court for a judicial determination as to whether the applicant's license was properly denied. The burden of showing that the applicant's license was properly denied shall rest on the City.
- B. If a preliminary judicial determination sustaining the City's denial of the subject license is not obtained within five (5) working days from the date the complaint is served, an interim license shall be issued under this chapter by operation of the law. The interim license shall issue in any event if a final judicial determination on the merits is not obtained within twenty (20) days from the date the complaint is filed. In such case, the interim license will remain in effect until a final judicial determination on the merits is reached; provided, however, that any delays caused or requested by the applicant shall be excluded from the above-mentioned twenty-day period.

5.62.070 Suspension or Revocation of Licenses--Notice--Summary Suspension or Revocation.

- A. The City Clerk may suspend or revoke any license issued pursuant to this chapter for a period of time not to exceed one year where one or more of the following conditions exist:
 - 1. The license was procured by fraud or false representation of fact in the application or in any report or record required to be filed with the Clerk;
 - 2. The building, structure, equipment, operation or location of the business

for which the license was issued does not comply with the requirements or fails to meet the standards of this chapter;

3. The applicant, applicant control person, manager or assistant manager has violated or permitted violation of any of the provisions of this chapter.
- B. The procedure for revoking or suspending a license under this chapter shall be the following: Upon determining that grounds for revocation or suspension exist, the City Clerk shall send the licensee a notice of intent to revoke or suspend the license. Such notice shall set forth the grounds for suspension or revocation and schedule a hearing before the Hearing Examiner. The Hearing Examiner is hereby specifically authorized to conduct said hearing in accordance with the following procedures (and not the procedures of Chapter 2.33 of the Snohomish Municipal Code):

1. The hearing shall be held no earlier than three (3) and no later than ten (10) working days from the date of notice of intent to revoke.
2. The licensee shall be permitted to present evidence in support of his position at the hearing.
3. Within two working days after the hearing, the Hearing Examiner shall notify the licensee in writing of his/her determination and reasons therefor.
4. Should the licensee disagree with the determination, he/she must file a notice of nonacceptance with the City Attorney's office within ten (10)

working days of receipt of the Hearing Examiner's determination.

5. In the event that a notice of non-acceptance is not filed, the Hearing Examiner's determination shall become final and the suspension/revocation shall be given immediate effect.
- C. The City shall, within five (5) working days following receipt of a notice of non-acceptance, file a complaint with the Superior Court enjoining the licensee from operating his/her business. The burden of proof shall be on the City. The status quo shall be maintained and the Clerk's determination of revocation or suspension shall not be effective until a final judicial determination on the merits affirming the suspension/revocation is rendered.

5.62.080 Standards of Conduct and Operation--Adult Panorams.

The following standards of conduct and operation must be adhered to by an adult panoram:

- A. Main Aisle. The entire interior of the panoram premises shall be arranged in such a manner so that each panoram station or device therein is entered from a continuous main aisle at least five (5) feet in width. The only access to a station or device shall be from the main aisles.
- B. View. The view from the continuous main aisle of any person inside a station shall not be obstructed except by a door, curtain or other screening device as permitted by this chapter.
- C. Doors. The bottom of any door, curtain or screening device shall be not less than twenty-seven (27) inches above the floor of the panoram station or device where

the occupant sits in a chair or on a seating surface to view the panoram. In panoram stations where the occupant stands to view the panoram, the bottom of any door, curtain or screening device shall not be less than thirty-six (36) inches above the floor of the panoram station.

- D. Restriction on Seating. No panoram station or device having a door, curtain or other screening device at its entrance shall contain any chair or other seating surface unless the door, curtain or screening device has at a location between sixty-six (66) and seventy-eight (78) inches above the floor an opening twelve (12) inches in height and at least twenty-four (24) inches in width which provides an unobstructed view through either open space or clear and clean window glass to the side walls and back walls of the station. Any chair or seating surface in such panoram station shall not provide a seating surface more than twenty (20) inches in either length or width, and shall not be higher than twenty (20) inches from the floor. There shall not be more than one such chair or seating surface in any panoram station. Occupancy of a station or device shall be limited to one (1) person.
- E. No Locking, No Holes. Doors, curtains or screening devices on panoram stations shall not be capable of being locked. There shall be no holes in partitions between panoram stations or devices.
- F. Interior Lighting. Sufficient interior lighting shall be provided and equally distributed throughout the public areas of the adult panoram so that all objects are plainly visible at all times and all parts of the public areas shall be illuminated so that patrons with normal vision on any part of the public areas of the premises shall be able to read written

textual material printed in 8 point type. A sample of 8 point type follows:

This is a sample of 8 point type.

- G. Floor-Level. The entire floor area of a panoram station or device shall be level with the continuous main aisle. No steps or risers shall be allowed in any such station.
- H. Signage. There shall be permanently posted and maintained in at least two conspicuous locations on the interior of every panoram premises a sign stating substantially the following:

"Occupancy of any station (booth) is at all times limited to only one person. There is to be no masturbation or exposure of genitals in the panoram stations (booths) or on the panoram premises. Violators are subject to criminal prosecution under either state law or local ordinance as may be adopted or amended from time to time."

The signs shall be conspicuously displayed in the public area of the premises. Letters shall be at least one (1) inch high and be on a sign at least two (2) feet by two (2) feet.

In addition, on each panoram station or device, a sign shall be conspicuously displayed containing the same message as above. The sign on each panoram device shall be of a minimum size of 8" by 11" and the letters should be at least 1/2" high.

- I. No Warning Devices. No warning system or device shall be permitted on the premises for the purpose of warning customers or patrons or any other persons occupying panoram devices or stations located on licensee's premises that police officers or City health, fire,

licensing or building inspectors are approaching or have entered the licensee's premises.

- J. Admission. Admission must be restricted to persons of the age of eighteen (18) years or more. It shall be unlawful for any owner, operator, manager, or other person in charge of an adult panoram to knowingly permit or allow any person under the minimum age specified to be in or upon such premises.
- K. Employees and Independent Contractors. All managers, employees and independent contractors shall be over the age of 18 years.

5.62.090 Record Keeping.

- 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 ordinance.
- B. Each adult panoram shall maintain and retain for a period of two (2) years the name, address and age of each person employed or otherwise retained as a manager or assistant manager. This information shall be open to inspection by the Clerk during hours of operation of the business upon twenty-four (24) hours' notice to the licensee.

5.62.100 Inspections. In order to insure compliance with this chapter, all areas of licensed adult panorams 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. It is hereby expressly declared that unannounced inspections are necessary to insure compliance with this chapter.

5.62.110 Misdemeanor. Any person knowingly violating any of the provisions of this chapter is guilty of a misdemeanor, and upon conviction thereof, shall be punished as provided in Section 9.04.050 Snohomish Municipal Code.

5.62.120 Severability. Each provision of this chapter is separate and severable from all other provisions of this chapter. The invalidity of any clause, sentence, paragraph, subdivision, section or portion of this chapter, or the invalidity of the application thereof to any person or circumstances shall not affect the enforcement of the remainder of this chapter to any person or circumstances. (Ord. 1880, March 1999)