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CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 4735

AN ORDINANCE amending Ordinance No. 346, Sections 1, 2, 4, and 8; Ordinance No. 2070, Sections 3, 4, and 5; Ordinance No. 4602, Sections 1, 2, 4, 6, and 7; Ordinance No. 4692, Sections 1, 3, 5, 6, and 8; Ordinance No. 4695, Section 1; and Bellevue City Code Sections 5.08.010, .020, .040, .060, .070, and .090; clarifying regulation of adult entertainment; and providing time limits for issuance of licenses and appeals from licensing decisions.

WHEREAS, the City Council finds it necessary to modify regulations for adult cabaret businesses to clarify definition, licensing and appeal provisions, increase their enforceability, and eliminate certain portions of existing regulations, Now, Therefore,

THE CITY COUNCIL OF THE CITY OF BELLEVUE, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. Ordinance No. 346, Section 1, Ordinance No. 4602, Section 1, Ordinance No. 4692, Section 1 and Bellevue City Code Section 5.08.010 are hereby amended to read as follow:

5.08.010 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

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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 breast;

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 premises activity. 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, with separate consideration paid, either directly or indirectly, for such performance, exhibition or dance and which is commonly referred to as table dancing, couch dancing, taxi dancing, lap dancing, private dancing or straddle dancing.
- C. "Applicant" means the individual or entity seeking a cabaret license in the City of Bellevue.
 - D. "Applicant control persons" 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

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business, based on responsibility for management of the adult cabaret business.

- 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, eating place, directly selling, serving or providing the public, with or without charge, food or liquor. The words "music and entertainment" as used herein shall not apply to radios or mechanical devices.
- F. "Clerk" shall mean 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 such 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 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.

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- N. "Sexual conduct" means acts of (a) sexual intercourse within its ordinary meaning, occurring upon any penetration, however slight; or (b) any penetration of the vagina or anus, however slight, by an object; or (c) any contact between persons involving the sex organs of one person and the mouth or anus of another; or (d) masturbation, manual or instrumental, of oneself or of one person by another; or (e) touching of the sex organs or anus, whether clothed or unclothed, of oneself or of one person by another.

Section 2. Ordinance No. 346, Section 2, Ordinance No. 4602, Section 2, and Bellevue City Code Section 5.08.020 are hereby amended to read as follows:

5.08.020 License required.

- A. It is unlawful for any person to conduct, manage or operate a cabaret 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 person to conduct, manage or operate an adult cabaret 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.
- 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 is the holder of a valid and subsisting license from the City to do so.
- E. It is unlawful for any manager to work in an adult cabaret unless such person is the holder of a valid and subsisting license from the City to do so.

Section 3. Ordinance No. 346, Section 4, Ordinance No. 2070, Section 5, Ordinance No. 4602, Section 4, and Bellevue City Code Section 5.08.040 are hereby amended to read as follows:

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5.08.040 Application.

- A. Cabaret License. Any person desiring a cabaret license required under the provisions of this chapter shall file written application with the clerk on forms provided by the clerk for that purpose. All applications shall be signed by the applicant and notarized or certified as true under penalty of perjury. A failure to provide all information required on the form will constitute an incomplete application and will not be processed. The clerk upon presentation of a complete application and before acting upon the same shall refer such application to the police department for a full investigation as to the truth of the statements contained therein, and as to any or all other matters which would aid the clerk in determining whether or not such application should be granted. After the police department has reported back to the clerk the result of such investigation, and within fourteen days of the date of filing of the complete application, if the clerk is satisfied that the statements contained in such application are true and that the applicant meets all requirements of this chapter, the clerk shall issue the license applied for, provided however, that if the application does not meet the requirements of this code, then the clerk shall deny such license application.
- B. 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, 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.
 - b. If a partnership, whether general or limited; and 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.

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- c. 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 panoramas, from the City or another city, county or state, and if so, the names and addresses of each other licensed business.
- d. 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.
- e. 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.
- f. 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.
- g. Authorization for the City, its agents and employees to seek information to confirm any statements set forth in 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 (2) 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.

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- j. A complete set of fingerprints for the applicant or each applicant control person, by Bellevue Police Department employees.
 - k. A scale drawing or diagram showing the configuration of the premises for the proposed 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 Bellevue City Code Section 5.08.070.
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 non-refundable application fee 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 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 twenty-one (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

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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 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 adult cabaret with the laws and regulations which each department administers. Each department shall, within thirty 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 is not yet constructed, the departments shall base their recommendation as to premises compliance on their review of the drawings submitted in the application. Any adult cabaret 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. A department shall recommend denial of a license under this subsection if it finds that the proposed adult cabaret 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.
9. An adult cabaret license shall be issued by the clerk within thirty 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

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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 an adult cabaret 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 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 20 days.

C. Adult Cabaret Manager and Entertainer Licenses.

1. No person shall work as a manager, assistant manager or entertainer at an adult cabaret without an entertainer's or manager's license from 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 non-refundable application fee of \$ 100 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 Bellevue 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.
 - c. Documentation that the applicant has attained the age of eighteen years. Any two of the following shall be accepted as documentation of age:

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- 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 be acceptable.
 - 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 (5) 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 (2) two inch by two inch color photographs of applicant, taken within six months of the date of application showing only the full face.
 - g. Authorization for the City, its agents and employees to investigate and confirm any statements set forth in the application.
 - h. Every adult entertainer shall provide his or her 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.

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3. An adult cabaret manager's or an adult entertainer's license shall be issued by the clerk within 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 an adult cabaret manager's license within fourteen days of filing of a complete application, the applicant may, subject to all other applicable laws, commence work as an adult cabaret manager in a duly licensed adult cabaret 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 20 days.
4. An applicant for an adult entertainer's license shall be issued a temporary license upon receipt of a complete license application and fee. Said temporary license will automatically expire on the fourteenth day following the filing of the complete application and fee, unless the clerk has failed to approve or deny the license application in which case the temporary license shall be valid until the clerk approves or denies the application, or until the final determination of any appeal from a denial of the application. In no event may the clerk extend the application review time for more than an additional 20 days.

Section 4. Ordinance No. 346, Section 4, Ordinance No. 2070, Section 3, and Bellevue City Code Section 5.08.060 are hereby amended to read as follows:

5.08.060 Appeal.

- A. Denial of License. Any person aggrieved by the action of the clerk in refusing to issue or renew any license issued under this chapter shall have the right to appeal such action to the Hearing Examiner, or to such other hearing body as may hereafter be established by the city council for the hearing of license appeals, by filing a notice of appeal

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with the clerk within ten days of notice of the refusal to issue or renew. The appeal shall be processed under Process VI, Bellevue City Code (Land Use Code) Section 20.35.600, *et seq.* The hearing Examiner or other hearing body shall set a date for hearing such appeal, to take place within 45 days of the date of receipt of the notice of appeal. At such hearing the appellant and other interested persons may appear and be heard, subject to rules and regulations of the Hearing Examiner or other hearing body. The Hearing Examiner or other hearing body shall render its decision on the appeal within 15 days following the close of the appeal hearing.

- B. Appeal to Superior Court. Any person aggrieved by the decision of the Hearing Examiner or hearing body may appeal to the Superior Court for a writ or certiorari, prohibition or mandamus as provided in Bellevue City Code (Land Use Code) Section 20.35.635.

Section 5. Ordinance No. 4602 Section 6, Ordinance No. 4692, Section 6, Ordinance No. 4695, Section 1, are hereby amended to read as follows:

5.08.070 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 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 eighteen 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.

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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 erotically touch any member of the public. No employee or entertainer shall encourage or permit any member of the public to caress, fondle or erotically touch any employee or entertainer.
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 RCW 7.48A, the Washington Moral Nuisances Statute, or Chapter 10A.88 of the Bellevue City Code.
6. No employee or entertainer mingling with members of the public shall conduct any dance, performance or exhibition in or about the non-stage area of the adult cabaret unless that dance, performance or exhibition is performed at a distance of no less than four feet from any member of the public.
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 area 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 non-stage 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 of eighteen years or more. It is unlawful for any owner, operator, manager

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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.

2. Neither the performance nor any photograph, drawing, sketch or other pictorial or graphic representation thereof displaying any portion of the breasts 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.

No member of the public shall be permitted at any time to enter into any of the non-public 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 non-public areas to the extent required to perform their job duties.

- C. The responsibilities of the manager of an adult cabaret shall include but are not limited to:

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 areas 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

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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 as described in Section 5.08.070.A.1 is provided shall be a stage or platform at least eighteen 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 height shall be conspicuously displayed in the public area(s) of the premises stating the following:

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THIS ADULT CABARET IS REGULATED BY THE CITY OF BELLEVUE. 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. Record keeping 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 ordinance.
 - 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 twenty-four hours notice to the licensee.
5. Inspections.

In order to insure 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

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premises are operated in accordance with the requirements of this ordinance. It is hereby expressly declared that unannounced inspections are necessary to insure compliance with this ordinance.

- E. It is unlawful for any adult cabaret to be operated or otherwise open to the public between the hours of two a.m. and ten 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 described in RCW 7.48A.010(2)(b).

- G. Whether or not activity is obscene shall be judged by consideration of the following factors:
 - 1. Whether the average person, applying contemporary community standards, would find that the activity taken as a whole appeals to a prurient interest in sex; and
 - 2. Whether the activity depicts or describes in a patently offensive way, as measured against community standards, sexual conduct as described in RCW 7.48A.010(2)(b); and
 - 3. Whether the activity taken as a whole lacks serious literary, artistic, political or scientific value.

Section 6. Ordinance No. 346, Section 8, Ordinance No. 2070, Section 4, Ordinance No. 4602, Section 7, and Bellevue City Code Section 5.08.090 are hereby amended to read as follows:

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5.08.090 License suspension and revocation--Hearing.

- A. The clerk may, upon the recommendation of the chief of police or his designee and as provided in Subsection B below, 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 or any of the provisions of Chapter 10A.88 of this code or any other similar local or state law by the licensee or by any of his servants, agents or employees when the licensee knew or should have known of the violations committed by his servants, agents or employees; or for the conviction of the licensee of any crime or offense involving prostitution, promoting prostitution, or transactions involving controlled substances (as that term is defined in RCW Chapter 69.50) committed on the premises, or the conviction of any of his servants, agents or employees of any crime or offense involving prostitution, promoting prostitution, or transactions involving controlled substances (as that term is defined in RCW Chapter 69.50) committed on the premises in which his cabaret is conducted when the licensee knew or should have known of the violations committed by his servants, agents or employees.
- 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 ten 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 and shall state the effective date of such revocation or suspension and the grounds for revocation or suspension. Such appeals shall be processed under Process VI, Bellevue City Code (Land Use Code) Section 20.35.600 *et seq.* The Hearing Examiner or other hearing body shall render its decision within 15 days following the close of the appeal hearing. 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

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or mandamus as provided in Bellevue City Code (Land Use Code) Section 20.35.635. The decision of the clerk shall be stayed during the pendency of any appeal except as provided in Subsection D below.

- D. Where the Bellevue Building Official or Fire Marshall or their designees or the King County Health Department find that any condition exists upon the premises of a cabaret or adult cabaret which constitutes a threat of immediate serious injury or damage to persons or property, said official may immediately suspend any license issued under this chapter pending a hearing in accordance with Subsection C above. The official shall issue notice setting forth the basis for the action and the facts that constitute a threat of immediate serious injury or damage to persons or property, and informing the licensee of the right to appeal the suspension to the Hearing Examiner or other designated hearing body under the same appeal provisions set forth in Subsection C above, provided, however, that a suspension based on threat of immediate serious injury or damage shall not be stayed during the pendency of the appeal.

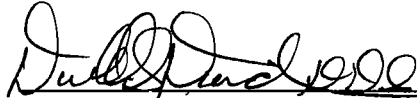
Section 7. This Ordinance shall take force and be in effect thirty days after its passage and legal publication.

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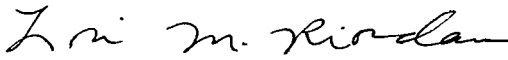
PASSED by the City Council this 23rd day of January, 1995, and signed in authentication of its passage this 23rd day of January, 1995.

(SEAL)


Donald S. Davidson, DDS, Mayor

Approved as to form:

Richard L. Andrews, City Attorney


Lori M. Riordan, Assistant City Attorney

Attest:


Myrna L. Basich, City Clerk

Published January 27, 1995