

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 5191

AN ORDINANCE amending Ordinance No. 3480, Sections 2, 3, 6, 7, 10, 11, and 12; Ordinance No. 3559, Sections 1, 3, 6, 8, and 11; Ordinance No. 3659, Section 1; Ordinance No. 4129, Sections 2 and 3; and Bellevue City Code Chapter 5.44, Sections .010, .020, .050, .060, .090, .100, and 110; repealing Ordinance No. 3480, Sections 8 and 9; Ordinance No. 3559, Sections 4 and 5; Ordinance No. 4129, Section 4; and Bellevue City Code Chapter 5.44, Sections .070 and .080; and adding new sections .030, .120, .170, .180, .190, .200, and .210, providing for licensing and regulation of panoram premises.

WHEREAS, the City Council is committed to protecting the general welfare of the City through the enforcement of laws prohibiting obscenity, indecency, and sexual offenses while preserving constitutionally protected forms of expression; and

WHEREAS, the City has made a detailed review of available records, including studies from the city and county of Spokane, and Pierce County, the police records of various cities, and court decisions regarding panoram premises. The City Council finds that panoram premises require special supervision from the public safety agencies in order to protect and preserve the health, safety, and welfare of the patrons and employees of said business as well as the citizens of the City; and

WHEREAS, the City Council finds that concerns about crime and public sexual activity generated and/or occurring within or nearby the panoram premises are legitimate, substantial and compelling concerns of the City which demand reasonable regulation; and

WHEREAS, the City Council finds that panoram premises, due to their nature have secondary adverse impacts upon the health, safety, and welfare of the citizenry through increases in crime and opportunity for spread of sexually transmitted diseases; and

WHEREAS, there is convincing documented evidence that panoram premises have a detrimental effect on both the existing businesses around them and the surrounding residential areas adjacent to them, causing increased crime, the downgrading of quality of life and property values and the spread of urban blight. Reasonable regulation of the licensing, configuration, and standards of conduct of these facilities will provide for the protection of the community, protect residents, patrons, and employees from the adverse secondary effects of such panoram premises; and

WHEREAS, the City recognizes that panoram premises due to their very nature have serious objectionable operational characteristics, thereby having a deleterious impact upon the quality of life in the surrounding areas. It has been acknowledged by courts and communities across the nation that state and local governmental entities have a special concern in regulating the operation of such

businesses under their jurisdiction to ensure the adverse secondary effects of the establishments are minimized; and

WHEREAS, this ordinance is intended to protect the general public health, safety, and welfare of the citizenry of the City through the regulation of the licensing, configuration, and standards of conduct of panoram premises. The regulations set forth herein are intended to control health, safety, and welfare issues, the decline in neighborhood conditions in and around panoram premises, and to isolate dangerous and unlawful conduct associated with these facilities; and

WHEREAS, it is not the intent of this ordinance to suppress any speed activities protected by the First Amendment to the United States Constitution, or Article 1, Section 5 of the Washington State Constitution, but to enact content neutral legislation which addresses the negative secondary impacts of panoram premises; and

WHEREAS, it is not the intent of the City Council to condone or legitimize the distribution of obscene material, and the City Council recognizes that state and federal law prohibit the distribution of obscene material; now, therefore,

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

Section 1. Ordinance No. 3480, Section 2; Ordinance No. 3559, Section 1; and Bellevue City Code Section 5.44.010 are hereby amended as follows:

5.44.10 Definitions.

As used in this chapter, the following words and phrases shall have the following meanings unless the context clearly requires otherwise:

A. "Applicant" means the individual or entity seeking a panoram premises license in the City of Bellevue.

B. "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 panoram premises, based upon responsibility for management of the panoram premises.

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

D. "Employee" means any and all persons including managers and independent contractors who work in or at or render any services directly related to the operation of any panoram premises.

E. "Manager" means any person who manages, directs, administers or is in charge of the affairs or conduct of any portion of any activity involving a panoram premises, and includes assistant managers working with or under the direction of a manager to carry out such purposes.

F. "Operator" means any person operating, conducting or maintaining any panoram premises.

G. "Panoram," "preview," "picture arcade" or "peep show," means any device which, for payment of a fee, membership fee, or other charge, is used to view, exhibit or display a film or videotape. All such devices are denominated in this chapter by the terms "panoram" or "panoram device." The terms "panoram" or "panoram premises" do not include games which employ pictures, views or video displays, or gambling devices regulated by the state.

H. "Panoram premises" means any premises or portion of any premises on which any panoram device is located and to which members of the public are admitted. The term "panoram premises" does not include movie or motion picture theater auditoriums capable of seating more than five people.

I. "Panoram station" means the portion of any panoram premises on which a panoram device is located and where a patron or customer would ordinarily be positioned while watching the panoram device.

J. "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.

K. "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 panoram premises.

Section 2. Ordinance No. 3480, Section 3, and Bellevue City Code Section 5.44.020 are hereby amended as follows:

5.44.020 Panoram Premises license required.

A. It is unlawful to display, exhibit, expose or maintain upon any premises to which members of the public are admitted any panoram device without a valid and current license for such premises, to be designated a "panoram premises license."

B. It is unlawful for any person to conduct, manage or operate a panoram premises unless such person is the holder of a valid and subsisting license, to be designated a "panoram premises manger's license," from the city to do so, obtained in the manner provided in this chapter.

C. It is unlawful for any employee or manager to knowingly work in or about, or to knowingly provide any service related to the operation of an unlicensed panoram premises.

D. A separate license is required for each panoram premises and the same shall at all times be conspicuously posted and maintained therein.

E. The clerk shall prescribe the form of such license, number the same, and shall indicate thereon the number of panoram devices which may be operated thereunder, and the location of the licensed panoram premises.

Section 3. A new section is hereby added to Bellevue City Code Chapter 5.44, which shall read as follows:

5.08.030 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 which have attained the age of 18 years with respect to panoram premises where no intoxicating liquors are served or provided.

B. A person whose place of business is conducted by a manager or agent, unless such manager or agent possesses the same qualifications required of the licensee, or in the case of a manager of an adult panoram premises, the manager has obtained a manager's license.

C. A copartnership, unless all the members thereof are qualified to obtain a license as provided in this chapter. Such license shall be issued to the manager or agent thereof.

D. A corporation, unless all the officers and directors thereof are qualified to obtain a license as provided in this chapter. Such license shall be issued to the manager or agent thereof.

Section 4. Ordinance No. 3480, Section 6; Ordinance No. 3559, Section 2; Ordinance No. 4129, Section 2; and Bellevue City Code Section 5.44.050 are hereby amended as follows:

5.44.050 License – Fees – Term – Assignment – Renewals.

A. The license is valid for one year and shall be renewed annually. The Clerk shall have the authority to adjust the expiration date and to prorate the license fee of the license in order to coincide with State of Washington license expiration dates.

B. Licenses issued under this chapter may not be assigned or transferred to another operator, premises, or manager.

C. Applications for renewal of licenses issued under this chapter shall be filed with the clerk no later than 30 days prior to the expiration date provided for on the face of the panoram premises license and no later than 14 days prior to the expiration of the panoram premises manager's license in the same manner and accompanied by the payment of the same fees as are in effect for an original application for that license for the license year applied for. There shall be assessed and collected by the clerk an additional charge computed as a percentage of the license fee on renewal applications not made on or before the license expiration date, as follows:

Days Past Due	Percentage of License Fee
7-30	25%
31-60	50%
61 and over	75%

D. The Clerk shall renew a license upon application unless the clerk is aware of facts that would disqualify the applicant from being issued the license for which he or she seeks renewal, and further provided that the application complies with all provisions of this chapter as now enacted or as the same may hereafter be amended.

Section 5. Ordinance No. 3480, Section 7; Ordinance No. 3559, Section 3; Ordinance No. 4129, Section 3; and Bellevue City Code Section 5.44.060 are hereby amended as follows:

5.44.060 Application.

A. Panoram Premises license.

1. Any person seeking a panoram premises license shall file a written application with the clerk on a form provided by the clerk for that purpose. All panoram premises license applications shall be submitted in the name of the person or entity proposing to provide panoram devices on the business premises and shall be signed by such person and certified as true under penalty of perjury. All applications 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.

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 other panoram premises, 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 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 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 panoram premises, 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, by Bellevue police department employees.

k. A scale drawing or diagram showing the configuration of the premises for the proposed panoram premises, including a statement of the total floor space occupied by the business, and marked dimensions of the interior of the premises. Panoram stations, restrooms, manger's office and stations, restrooms, and service and sales areas shall be clearly marked on the drawing. An application for a license for a panoram premises shall include building plans which demonstrate conformance with BCC 5.44.110.

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 \$200.00 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 a panoram premises 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 panoram premises license.

6. The panoram premises 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 panoram premises. The permit shall be posted in a conspicuous place, at or near the entrance to the panoram premises so that it can be easily read at any time the business is open.

7. No person granted a panoram premises license pursuant to this chapter shall operate the panoram premises 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. The clerk, upon presentation of such application and before acting upon the same, shall provide copies to the police, fire, and planning and community development departments for their investigation and review to determine compliance of the proposed panoram premises with the laws and regulations which each department administers. Each department shall, within 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 *comply* 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 panoram premises license approved prior to premises construction shall contain a condition that the premises may not be 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 panoram premises 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. A panoram premises license shall be issued by the clerk within 30 days of the date of filing of 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 panoram premises 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 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 period time for more than an additional 20 days.

B. Panoram Premises Manager's License.

1. No person shall work as a manager or assistant manager at a panoram premises without a manager's license from the city. Each applicant for a manager'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 license shall be signed by the applicant and certified to be true under penalty of perjury. The manager'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, and social security number.

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 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;

v. Any other identification that the City determines to be acceptable.

d. A complete statement of all criminal 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, other than parking offenses or minor traffic infractions.

e. 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.

f. Authorization for the city, its agents and employees to seek information to confirm any statements set forth in the application.

g. Every panoram premises manager shall keep his or her license readily available for inspection by the City at any time during business hours of the panoram premises.

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

3. A panoram premises manager's license shall be issued by the clerk within 14 days of the date of filing of 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 panoram premises manager's 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 14 days of the date of filing of a complete application and fee, the applicant may, subject to all other applicable law, commence work as a panoram premises manager until notified by the clerk that the license has been denied, but in no event may the clerk extend the application review period time for more than an additional 20 days.

4. An applicant for a panoram premises manager'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 14th 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.

Section 6. Ordinance No. 3480, Section 8; Ordinance No. 3559, Section 4; Ordinance No. 4129, Section 4; and Bellevue City Code Section 5.44.070 are hereby repealed.

Section 7. Ordinance No. 3480, Section 9; Ordinance No. 3559, Section 5; and Bellevue City Code Section 5.44.080 are hereby repealed.

Section 8. Ordinance No. 3480, Section 10; Ordinance No. 3559, Section 6; and Bellevue City Code Section 5.44.090 are hereby amended to read as follows:

5.44.090 Suspension or revocation of licenses – Summary suspension.

A. After an investigation and upon the recommendation of the chief of police or his or her designee, director of the department of planning and community development, or the fire chief or his or her designee, the clerk may suspend or revoke any license issued pursuant to this chapter where one or more of the following conditions exist:

1. The license was procured by fraud or false representation of material fact in the applicant or in any report or record required to be filed with the clerk; or

2. The building, structure, equipment 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 or any other applicable standards or regulations of the city code relating to buildings, structures, equipment, and zoning; or

3. The failure of the licensee or any of his or her servants, agents or employees to comply with the provisions of Chapter 10A.88 BCC or any other similar local or state law when the licensee knows or should have known of the violations committed by his or her servants, agents or employees; or

4. 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 Chapter 69.50 RCW) committed on the premises; or

5. The conviction of any of the licensee's servants, agents or employees of any crime or offense involving prostitution, promoting prostitution, or transactions involving controlled substances (as that term is defined in Chapter 69.50 RCW) committed on the panoram premises when the licensee knew or should have known of the violations committed by his or her servants, agents or employees.

B. A license procured by fraud or misrepresentation shall be revoked. Where other violations of this chapter or another 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 a third and subsequent violation within a 24-month period, not including periods of suspension.

C. The clerk shall provide at least 10 day's prior written notice to the licensee of the decision to suspend or revoke the license. Such notice shall inform the licensee of the basis for the action and 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. The decision of the clerk shall be stayed during the pendency of any appeal except as provided in subsection D below.

D. If the Bellevue building official finds that any condition set forth in BCC 5.44.090A exists and that such condition constitutes a threat of immediate serious injury or damage to person or property, the building official may immediately suspend any license issued under this chapter pending a hearing in accordance with 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 9. Ordinance No. 3480, Section 11; Ordinance No. 3559, Section 7; and Bellevue City Code Section 5.44.100 are hereby amended as follows:

5.44.100 Appeal and hearing.

A. Any person aggrieved by the action of the clerk in refusing to issue or renew any license under this chapter or in temporarily or permanently suspending or revoking any license issued under this chapter shall have the right to appeal such action to the city of Bellevue 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 14 days of receiving notice of the action from which the appeal is taken. Such appeals shall be processed under Process II (LUC 20.35.250). 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 shall have the right to appeal 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 or mandamus as provided in LUC 20.35.250F.

B. Except in cases of summary suspension of licenses because of the threat of immediate serious injury or damage to person or property pursuant to BCC 5.44.090D, the filing of such appeal shall stay the action of the clerk, pending the decision of the examiner or other hearing body pending the decision of the examiner or other hearing body. In cases of summary suspension of licenses because of the threat of immediate serious injury or damage to persons or property pursuant to BCC 5.44.090D, the examiner or other hearing body shall render a decision within five days of the conclusion of the hearing.

C. Any person aggrieved by the decision of the hearing examiner shall have the right to appeal 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 or mandamus as provided in LUC 20.35.250F.

D. The decision of the clerk will remain stayed until final resolution of any appeal to the courts.

Section 10. Ordinance No. 3480, Section 12; Ordinance No. 3559, Section 8; Ordinance No. 3659, Section 1; and Bellevue City Code Section 5.44.110 are hereby amended as follows:

5.44.110 Premises regulation.

The clerk shall not license any panoram premises which do not conform to the following requirements, and shall revoke or suspend the license of any panoram premises, and the license of any operator thereof, which do not maintain conformity with the following requirements:

A. All panoram stations must be open to the public room so that the area and occupant inside the booths are fully and completely visible by direct line of sign to the manager located at the manager's station which shall be located in the main entrance way to the public room containing the panoram stations. No curtain, door, wall, merchandise, display rack, or other enclosure, material, or application may obscure in any way the manager's view of any portion of the activity or occupant of the panoram station.

B. The licensee shall not permit any doors to areas on the premises which are available for use by persons other than the licensee or employees of the licensee to be locked during business hours.

C. The licensee shall maintain illumination generally distributed in all parts of the premises available for use by the public so that all objects are plainly visible at all times when the premises are open or when any member of the public is permitted to enter and remain therein. A minimum lighting level of 30 lux horizontal, measured at 30 inches from the floor and on 10-foot centers is required for all areas of the panoram premises where members of the public are permitted.

D. 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.

E. Prior to the issuance of a license, the applicant must be qualified according to the provisions of all applicable City ordinances, the laws of the state of Washington and the United States. The premises must meet the requirements of all applicable laws, ordinances, and regulations including but not limited to the Uniform Building Code as adopted by the City of Bellevue. All premises and devices must be inspected prior to issuance of a license.

F. In order to ensure compliance with this ordinance all areas of a panoram premises that are open to members of the public must be open to inspection by agents and employees of the city during the hours when the premises are open for business. The purpose of such inspections must be to determine if the licensed premises are operated in accordance with the requirements of this ordinance. It is hereby expressly declared that unannounced inspections of panoram premises are necessary to ensure compliance with this ordinance.

G. A panoram premises may not be operated or otherwise open o the public between the hours of 2:00 a.m. and 10:00 a.m.

Section 11. A new section is hereby added to Bellevue City Code Chapter 5.44 which shall read as follows:

5.44.120 Standards of conduct and operation of panoram premises and personnel.

A. All employees of a panoram premises must adhere to the following standards of conduct:

1. An employee may not perform actual or simulated acts of sexual conduct as defined in this ordinance, or an act that constitutes a violation of Chapter 7.48A RCW, the Washington moral nuisance statute, or any provision regulating offenses against public morals.

2. An employee may not permit actual or simulated acts of sexual conduct as defined in this ordinance, or an act that constitutes a violation of Chapter 7.48A RCW, the Washington moral nuisance statute, or any provision regulating offenses against public morals by any other employee or member of the public.

B. At a panoram premises the following are required:

1. Admission must be restricted to persons of the age of eighteen years or older. An owner, operator, manager or other person in charge of the panoram premises may not knowingly permit or allow any person under the age of eighteen years to be in or upon the premises whether an owner, operator, manager, patron, member, customer, agent, employee, independent contractor, or in any other capacity. This section is not intended to be used in a prosecution of a minor on or within a panoram premises.

2. No photograph, drawing, sketch or other pictorial or graphic representation depicting 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 located outside of the adult entertainment establishment.

3. A member of the public may not be permitted at any time to enter into any of the nonpublic portions of the panoram premises that includes but is not limited to: rooms provided for the benefit of employees, or a storage areas. However, a person delivering goods, merchandise, or materials, 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 the person's job duties.

4. Restrooms may not contain video reproduction equipment and/or panoram devices.

5. All ventilation devices or openings between panoram booths must be covered by a permanently affixed louver or screen. No portion of a ventilation opening cover may be located more than one foot below the top of the booth walls or one foot from the bottom of booth walls. There may not be any other holes or openings between the booths.

6. No panoram booth or station may be occupied by more than one person.

7. There must be permanently posted and maintained in at least two conspicuous locations on the interior of all adult retail premises a sign stating substantially the following:

OCCUPANCY OF ANY STATION OR BOOTH IS AT ALL TIMES LIMITED TO ONE PERSON.

THERE MAY BE NO CRIMINAL ACTIVITY IN THE STATIONS, BOOTHS, OR ON THE PREMISES, INCLUDING BUT NOT LIMITED TO: SEXUALLY EXPLICIT CONDUCT (RCW 9.68a.011), ACTS OF PROSTITUTION, DRUG ACTIVITY, OR SEXUAL CONDUCT, AS DEFINED HEREIN.

VIOLATORS ARE SUBJECT TO CRIMINAL PROSECUTION.

Each sign must be conspicuously posted and not screened from the patron's view. The letters and numerals must be on a contrasting background and be no smaller than one inch in height.

8. Doors to areas of the panoram premises which are available for use by persons other than the owner, manager, operator, or their agents or employees, may not be locked during business hours.

9. No person may operate or maintain any warning system or device, of any nature or kind, for the purpose of alerting, warning, or aiding and abetting the warning of any patrons, members, customers, owners, operators, managers, employees, agents, independent contractors, or any other persons in the adult entertainment establishment, that police officers or City code enforcement, fire, licensing, or building inspectors are approaching or have entered the premises.

C. The responsibilities of the manager of a panoram premises shall include:

1. A licensed manager shall be on duty at a panoram premises at all times members of the public are present on the premises. The full name and license of the manger shall be prominently posted during business hours.

2. The manager licensed under this ordinance shall maintain visual observation from a manager's station of each member of the public. All panoram stations or booths must open to the public room so that the area and occupant inside the booths are

fully and completely visible by direct line of sight to the manager located at the manager's station which shall be located at the main entrance way to the public room containing the panoram stations or booths. No curtain, door, wall, merchandise, display rack, or other enclosure, material, or application may obscure in any way the manager's view of any portion of the activity or occupant of the panoram premises.

3. The manager shall be responsible for and shall ensure that the actions of members of the public, and all other employees shall comply with all requirements of this ordinance.

Section 12. Ordinance No. 3559, Section 11; and Bellevue City Code Section 5.44.160 are hereby amended to read as follows:

5.44.160 Compliance.

All persons regulated pursuant to this chapter shall comply with this chapter within 120 days of the effective date of the ordinance codified in this chapter.

Section 13. A new section is hereby added to Bellevue City Code Chapter 5.44 which shall read as follows:

5.44.170 Code Violations and Enforcement.

The remedies provided herein for violations of or failure to comply with provisions of this ordinance, whether civil or criminal, are cumulative and in addition to any other remedy provided by law.

Section 14. A new section is hereby added to Bellevue City Code Chapter 5.44 which shall read as follows:

5.44.180 Conflicting sections or provisions.

In the event there is a conflict or inconsistency between the sections and provisions set forth in this ordinance and those set forth elsewhere in the City Code, the sections and provisions of this ordinance govern and supersede those set forth elsewhere.

Section 15. A new section is hereby added to Bellevue City Code Chapter 5.44 which shall read as follows:

5.44.190 Ordinance not intended towards particular group or class.

A. It is the purpose of this ordinance to provide for and promote the health, safety and welfare of the general public, and not to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefited by the terms of this ordinance.

B. Nothing contained in this ordinance is intended or shall be construed to create or form the basis for any liability on the part of the City or its officers, employees, or agents for any injury or damage:

1. Resulting from the failure of any owner, operator, manager, or other person in the panoram premises to comply with the provisions of this ordinance;
2. By reason or in consequence of any inspection, notice, order, certificate, permission, or approval authorized or issued or done in connection with the implementation or enforcement pursuant to this ordinance; or
3. By reason of any action or inaction on the part of the City related in any manner to the implementation or enforcement of this ordinance by its officers, employees, or agents.

Section 16. A new section is hereby added to Bellevue City Code Chapter 5.44 which shall read as follows:

5.44.200 Nuisance declared.

A. Public Nuisance. Any panoram premises operated, conducted, or maintained in violation of this chapter or any law of the City of Bellevue 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 a panoram premises contrary to the provisions of this chapter.

B. Moral Nuisance. Any panoram premises 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.

Section 17. A new section is hereby added to Bellevue City Code Chapter 5.44 which shall read as follows:

5.44.210 Additional enforcement.

The remedies found in this ordinance are not exclusive, and the City may seek any other legal or equitable relief, including but not limited to enjoining an act or practice that constitutes or will constitute a violation of the provisions of this ordinance.

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Section 18. This Ordinance shall take force and be in effect thirty days after its passage.

Passed by the City Council this 6th day of December, 1999, and signed in authentication of its passage this 6th day of December, 1999.

(SEAL)

Mike Creighton, Mayor

Approved as to form:
Richard L. Andrews, City Attorney

Lori M. Riordan, Assistant City Attorney
Attest:

Myrna L. Basich, City Clerk
Published December 10, 1999