

Chapter 6.270 - ADULT ENTERTAINMENT

Sections:

6.270.010 - Findings of fact.

Based on public testimony and other evidence and information before it, the Seattle City Council makes the following findings of fact:

- A. Certain conduct occurring on premises offering adult entertainment is detrimental to the public health, safety, and general welfare of the citizens of the City and therefore, such conduct must be regulated as provided herein.
- B. Regulation of the adult entertainment industry is necessary because in the absence of such regulation significant criminal activity has historically and regularly occurred.
- C. It is necessary to license entertainers in the adult entertainment industry to prevent the exploitation of minors; to ensure that each such entertainer is an adult; and to ensure that such entertainers have not assumed a false name, which would make regulation of the entertainer difficult or impossible.
- D. It is necessary to have a licensed manager on the premises of an establishment during the establishment's hours of operation so that there will at all necessary times be an individual responsible for the overall operation of the establishment, including the actions of patrons, entertainers and other employees.
- E. The license fees required herein are nominal fees imposed as necessary regulatory measures designed to help defray the substantial expenses incurred by the City in regulating the adult entertainment industry.
- F. Businesses providing adult entertainment are increasingly associated with ongoing prostitution, disruptive conduct and other criminal activity which is currently not subject to effective regulation and which constitutes an immediate threat to the public peace, health and safety.

(Ord. 116541 § 1, 1993; Ord. 114225 § 1(part), 1988.)

6.270.020 - Application of other provisions.

The licenses provided for in this chapter are subject to the general provisions of the New Seattle License Code set forth in Chapter 6.202 as now or hereafter amended. In the event of a conflict between the provisions of Chapter 6.202 and this chapter, the provisions of this chapter shall control. (Ord. 114225 § 1(part), 1988.)

6.270.030 - Definitions.

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

- A. "Adult entertainment" means any exhibition, performance or dance of any type conducted in a premises where such exhibition, performance or dance involves a person who:
 - 1. Is unclothed or in such attire, costume or clothing as to expose to view any portion of the breast below the top of the areola or any portion of the pubic region, anus, buttocks, vulva or genitals; or
 - 2. Touches, caresses or fondles the breasts, buttocks, anus, genitals or pubic region of another person, or permits the touching, caressing or fondling of his/her own breasts, buttocks, anus, genitals or pubic region by another person, with the intent to sexually arouse or excite another person.
- B. "Adult entertainment premises" means any premises to which the public, patrons or members are invited or

admitted and wherein an entertainer provides adult entertainment to a member of the public, a patron, or a member; but does not include that portion of an establishment licensed or required to be licensed as a "panoram" or "peepshow" under the provisions of Chapter 6.42.

- C. "Department" means the Department of Finance and Administrative Services of The City of Seattle.
- D. "Director" means the Director of the Department of Finance and Administrative Services of The City of Seattle and shall include his or her authorized representatives.
- E. "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 an adult entertainment premises.
- F. "Entertainer" means any person who provides adult entertainment within an adult entertainment premises as defined in this section, whether or not a fee is charged or accepted for entertainment.
- G. "Entertainment" means any exhibition or dance of any type, pantomime, modeling or any other performance.
- H. "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 entertainment premises.
- I. "Natural person" means any individual.
- J. "Operator" means any person operating, conducting or maintaining an adult entertainment business.
- K. "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.
- L. "Public place" means any area generally visible to public view and includes streets, sidewalks, bridges, alleys, plazas, parks, driveways, parking lots, and automobiles whether moving or not.
- M. "Reckless" or "recklessly" means a person knows of and disregards a substantial risk that a wrongful act may occur and his or her disregard of such substantial risk is a gross deviation from conduct that a reasonable person would exercise in the same situation.

(Ord. 123361, § 222, 2010; Ord. 120794 § 177, 2002; Ord. 120181 § 104, 2000; Ord. 118397 § 91, 1996; Ord. 117169 § 113, 1994; Ord. 116541 § 2, 1993; Ord. 114225 § 1(part), 1988.)

6.270.040 - Adult entertainment premises license.

- A. It is unlawful for any person to operate or maintain an adult entertainment premises in The City of Seattle unless the owner, operator or lessee thereof has obtained from the Director of Finance and Administrative Services a license to do so, to be designated an "adult entertainment premises license."
- B. 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 entertainment premises.

(Ord. 123361, § 223, 2010; Ord. 120794 § 178, 2002; Ord. 117169 § 114, 1994; Ord. 114225 § 1(part), 1988.)

6.270.050 - License for managers and entertainers.

Commencing December 5, 1988, it shall be unlawful for any person to work as an entertainer or manager at an adult entertainment premises without having first obtained from the Director of Finance and Administrative Services a license to do so, to be designated as an "adult entertainer's license," or an "adult entertainment manager's license," respectively.

(Ord. 123361, § 224, 2010; Ord. 120794 § 179, 2002; Ord. 117169 § 115, 1994; Ord. 114225 § 1(part), 1988.)

6.270.060 - License fees.

The license year for all fees required under this Chapter 6.270 shall be from January 1 to December 31. All license fees shall be payable on an annual basis, which fees shall be as follows:

- A. Adult entertainment premises license: \$905 per year;
- B. Adult entertainer's license: \$170 per year;
- C. Adult entertainment manager's license: \$216 per year; and
- D. The Director shall review annually the licensing fees in this Section 6.270.060 and may make any necessary adjustments in a Director's Rule to ensure the fees achieve full cost recovery of the Department's administrative, enforcement, and other regulatory costs based on, but not limited to consideration of the following factors:
 1. The projected costs and annual budget allotted for administrative, enforcement, and regulatory costs across the adult entertainment industry; and
 2. The need for increased enforcement to reduce illegal activity.

(Ord. 125703, § 3, 2018; Ord. 125449, § 8, 2017; Ord. 120978 § 3, 2002; Ord. 118395 § 14, 1996; Ord. 116466 § 1, 1992; Ord. 114225 § 1(part), 1988.)

6.270.070 - License applications.

- A. Adult Entertainment Premises License. All applications for an adult entertainment premises license shall be submitted in the name of the person proposing to conduct such adult entertainment on the premises, shall be signed by such person and notarized or certified as true under penalty of perjury, and shall be accompanied by written evidence sufficient to show that such person is the owner, operator, or lessee of the premises. All applications shall be submitted on a form supplied by the Director of Finance and Administrative Services, and shall require the following information:
 1. The name, residence address, home telephone number, date and place of birth, and social security number of the applicant;
 2. The business name, address and telephone number of the establishment;
 3. The names, residence addresses, residence telephone numbers, social security numbers and dates of births of any partners, corporate officers and directors;
 4. Such information as the Director, by rule, may require concerning the identity of corporate shareholders;
 5. Addresses of the applicant for the five years immediately prior to the date of application;
 6. A description of the adult entertainment or similar business history of the applicant; whether such person or entity, in previously operating in this or another city, county or state, has had a business license revoked or suspended, the reason therefor, and the activity or occupation subjected to such action, suspension or revocation;
 7. A description of the business, occupation, or employment of the applicant for the three years immediately preceding the date of application;
 8. Such license shall include the name of at least one natural person whose name and mailing address, which shall be an address located within the State of Washington, shall appear on the adult entertainment premises license and who shall receive notices from the Department.
 9. A failure to provide information required by this subsection will constitute an incomplete application and will not be processed.

- B. Manager's or Entertainer's License. All applications for an adult entertainment manager's license or adult entertainer's license shall be signed by the applicant and notarized or certified as true under penalty of perjury. All application submitted on a form supplied by the Director, and shall require the following information:
1. The applicant's name, home address, home telephone number, date and place of birth, social security number, and any stage names or nicknames used in entertaining;
 2. The name and address of each business at which the applicant intends to work as a manager or entertainer;
 3. The applicant shall present documentation that he or she has attained the age of 18 years. Any 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,
 - e. Any other picture identification bearing the applicant's photograph and date of birth issued by a governmental agency, or
 - f. Such other form of identification as the Director deems, by rule, to be acceptable;
 4. Failure to provide information required by this subsection will constitute an incomplete application and will not be processed.

(Ord. 123493, § 3, 2010; Ord. 123361, § 225, 2010; Ord. 120794 § 180, 2002; Ord. 117169 § 116, 1994; Ord. 116541 § 3, 1993; Ord. 114225 § 1(part), 1988.)

6.270.080 - License—Applicant investigation.

The Director shall investigate an application for a license required in Section 6.270.070 by requesting criminal records from appropriate City agencies.

(Ord. 123493, § 4, 2010; Ord. 114225 § 1(part), 1988.)

6.270.090 - Issuance of licenses.

- A. Adult entertainment premises license. Within 30 days of receipt by the Director of a complete application for an adult entertainment premises license, including all submittals and information required by this Chapter 6.270, the Director shall issue or deny the adult entertainment premises license. If the Director fails to issue or deny the license within the 30 day period, the license is deemed issued on the last day of the 30 day period. The Director shall deny the adult entertainment premises license, and shall notify the applicant in writing of the reasons for denial and the opportunity to appeal, if the Director finds any of the following:
1. The application does not meet the requirements of this Chapter 6.270; or
 2. The applicant, his or her employee, agent, partner, director, officer, or manager has knowingly made any false, misleading or fraudulent omission or statement of material fact in the application for a license, or in any report or record required to be filed with the Director; or
 3. The applicant or any employee, agent, partner, director, officer, or manager of the applicant has not attained the age of 18 years; or
 4. The applicant or his or her employee, agent, partner, director, officer, or manager is currently the subject

of a final adult entertainment premises license suspension or revocation order issued pursuant to this Chapter 6.270 that became final less than one year prior to the date that the pending application was submitted; or

5. The applicant has not provided written evidence that the applicant is the current owner, operator, or lessee of the premises to be licensed; or
 6. The license may be otherwise denied under Section 6.202.230.
- B. Adult Entertainment Manager's and Adult Entertainer's Licenses. Within three business days of receiving a complete application, including all submittals and information required by this Chapter 6.270, the Director shall issue or deny an adult entertainment manager's license or an adult entertainer's license. If the Director fails to issue or deny the license within the three day period, the license is deemed issued on the last day of the three day period. The Director shall deny an application for an adult entertainment manager's license or an adult entertainer's license, and shall notify the applicant in writing of the reasons for the denial and the opportunity to appeal, if the Director finds any of the following:
1. The applicant is less than 18 years old; or
 2. The applicant has failed to provide any of the submittals or information required to be supplied according to this Chapter 6.270; or
 3. The applicant has knowingly made any false, misleading or fraudulent statement or omission of material fact in the application for a license; or
 4. The applicant is currently the subject of a final license suspension or revocation order issued pursuant to this Chapter 6.270 that became final less than one year prior to the date that the pending application was submitted; or
 5. The license may be otherwise denied under Section 6.202.230.

(Ord. 123493, § 5, 2010; Ord. 114225 § 1(part), 1988.)

6.270.100 - Standards of conduct and operation.

- A. The following standards of conduct must be adhered to by employees of any adult entertainment premises:
1. No employee or entertainer shall be unclothed, clothed in less than opaque attire, or shall move or remove such attire, or allow such attire to be moved or removed so as to expose to view any portion of the 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 (18) inches above the immediate floor level and removed at least six (6) feet from the nearest patron.
 2. No employee or entertainer shall perform acts of or acts which simulate:
 - a. Sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation, or any sexual acts which are prohibited by law;
 - b. The touching, caressing or fondling of the breasts, buttocks or genitals; or
 - c. The displaying of the pubic region, anus, vulva or genitals; except as provided for in subdivision 1 of this subsection.
 3. No employee or entertainer mingling with the patrons shall be unclothed or in less than opaque and complete attire, costume or clothing as described in subdivision 1 of this subsection.
 4. No employee or entertainer shall knowingly:
 - a. Touch, caress or fondle the breast, buttocks, anus, genitals or pubic region of another person; or

- b. Permit the touching, caressing or fondling of his or her own breasts, buttocks, anus, genitals or pubic region; or
 - c. Permit any person upon the premises to touch, caress, or fondle the breasts, buttocks, anus, genitals or pubic region of another person.
5. No manager or operator shall knowingly permit any person upon the premises to touch, caress, or fondle the breasts, buttocks, anus, genitals or pubic region of another person.
 6. No employee or entertainer shall wear or use any device or covering exposed to view which simulates the breast below the top of the areola, vulva or genitals, anus, buttocks, or any portion of the pubic region.
 7. No employee or entertainer shall use artificial devices or inanimate objects to depict any of the prohibited activities described in this subsection.
 8. No entertainer of any adult entertainment premises shall be visible from any public place during the hours of his or her employment, or apparent hours of his or her employment, on the premises.
 9. No entertainer shall solicit, demand or receive any payment or gratuity from any patron for any act prohibited by this chapter.
 10. No entertainer shall demand or collect any payment or gratuity from any patron for entertainment before its completion.
 11. A sign shall be conspicuously displayed in the common area of the premises, and shall read as follows:

THIS ADULT ENTERTAINMENT
ESTABLISHMENT IS REGULATED
BY THE CITY OF SEATTLE.
ENTERTAINERS ARE:

- a. Not permitted to engage in any type of sexual conduct;
 - b. No employee or entertainer shall be unclothed, clothed in less than opaque attire, or shall move or remove such attire, or allow such attire to be moved or removed so as to expose to view any portion of the 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 (18") above the immediate floor level and removed at least six feet (6') from the nearest patron.
 - c. Not permitted to demand or collect any payment or gratuity from any patron for entertainment before its completion.
12. No manager or operator shall knowingly or recklessly permit or allow any employee or entertainer to violate any provision of this chapter.
- B. At any adult entertainment premises, the following are required:
1. 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 entertainment premises.
 2. Sufficient lighting shall be provided in and about the parts of the premises which are open to and used by the public so that all objects are plainly visible at all times.
 3. No entertainment shall be provided in any areas from which any other person may be prevented from entering, whether by a locking door or in any other manner.

- C. This chapter shall not be construed to prohibit protected expression, such as:
 - 1. Plays, operas, musicals, or other dramatic works that are not obscene;
 - 2. Classes, seminars and lectures held for serious scientific or educational purposes that are not obscene; or
 - 3. Exhibitions, performances, expressions or dances that are not obscene.
- D. For purposes of this chapter, an activity is "obscene" if:
 - 1. Taken as a whole by an average person applying contemporary community standards the activity appeals to a prurient interest in sex;
 - 2. The activity depicts patently offensive representations, as measured against community standards, of:
 - a. Ultimate sexual acts, normal or perverted, actual or simulated, or
 - b. Masturbation, fellatio, cunnilingus, bestiality, excretory functions, or lewd exhibition of the genitals or genital area; or violent or destructive sexual acts, including but not limited to human or animal mutilation, dismemberment, rape or torture; and
 - 3. The activity taken as a whole lacks serious literary, artistic, political, or scientific value.
- E. No manager, owner, entertainer or employee shall operate or maintain any warning procedures or device, of any nature or kind, for the purpose of warning any other person that police officers or City health, fire, licensing or building inspectors are approaching or have entered the adult entertainment premises.
- F. It is unlawful for any person to violate any of the provisions of this Section 6.270.100.

(Ord. 116541 § 4, 1993; Ord. 114225 § 1(part), 1988.)

6.270.110 - License—Posting and display.

- A. Every adult entertainer shall post his or her license in his or her work area so it is readily available for inspection by City authorities responsible for enforcement of this chapter.
- B. Every person, corporation, partnership, or association licensed under this chapter as an adult entertainment premises or adult entertainment manager shall post such license in a conspicuous place and manner on the licensed premises.
- C. Each manager and/or operator shall be responsible for maintaining a daily log, on a form provided by the Director, of all employees, entertainers, and managers working at the adult entertainment premises each day. The log shall list the employee's entertainer's and manager's name as it is listed on his/her license, license number, stage name, if any, the time he/she arrived at the adult entertainment premises, and the time he/she left the adult entertainment premises. Each employee, entertainer and manager shall sign his/her name in the daily log each time he/she arrives and leaves the adult entertainment premises.
- D. It is unlawful for any person to violate any of the provisions of this Section 6.270.110.

(Ord. 116541 § 5, 1993; Ord. 114225 § 1(part), 1988.)

6.270.120 - Manager on premises.

- A. A licensed manager shall be on duty at an adult entertainment premises during the adult entertainment premises' hours of operation. The name of the manager on duty shall be prominently posted during business hours.
- B. Any adult entertainment premises found to be operating without a manager on duty shall be immediately closed until a licensed manager arrives for duty at the adult entertainment premises pursuant to Section

6.270.120 A.

- C. The manager shall verify that each entertainer performing while the manager is on duty possesses a current and valid entertainer's license, as required by this chapter. The manager shall verify that such adult entertainment license is posted in the manner required by Section 6.270.110.

(Ord. 116541 § 6, 1993; Ord. 114225 § 1(part), 1988.)

6.270.130 - Hours of operation.

It is unlawful for any adult entertainment premises to be conducted, operated, or otherwise open to the public between the hours of two-thirty a.m. (2:30 a.m.) and ten a.m. (10:00 a.m.).

(Ord. 114225 § 1(part), 1988.)

6.270.140 - Persons under eighteen (18) years of age prohibited.

- A. It is unlawful for any person under the age of eighteen (18) years to be in or upon any premises for which an adult entertainment premises license is required. Only the following types of identification will be accepted as proof of age:
1. A motor vehicle operator's license issued by any state, bearing the applicant's photograph and date of birth;
 2. A state-issued identification card bearing the applicant's photograph and date of birth;
 3. An official passport issued by the United States of America;
 4. An immigration card issued by the United States of America;
 5. Any other picture identification bearing the applicant's photograph and date of birth by a governmental agency.
- B. It is unlawful for any owner, operator, manager, or other person in charge of a premises for which an adult entertainment premises license is required, to knowingly permit or allow any person under the age of eighteen (18) years to be in or upon such premises.

(Ord. 116541 § 7, 1993; Ord. 114225 § 1(part), 1988.)

6.270.150 - Suspension or revocation of premises license.

In addition to the reasons set forth in SMC Section 6.202.230 as now or hereafter amended, an adult entertainment premises license may be suspended or revoked upon a finding that:

- A. The licensee permitted or authorized his or her employees, agents, entertainers or managers to violate any of the provisions of this chapter; or
- B. The adult entertainment manager permitted or authorized any violation of any of the provisions of this chapter by any person.

(Ord. 114225 § 1(part), 1988.)