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CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 3559

AN ORDINANCE relating to the licensing of "panorams," "previews," "picture arcades," or "peep shows"; amending Sections 2, 6, 7, 8, 9, 10, 11 and 12 of Ordinance No. 3480, and Sections 5.44.010, 5.44.050, .060, .070, .080, .090, .100 and .110 of the Bellevue City Code; repealing Sections 13 and 14 of Ordinance No. 3480 and Sections 5.44.120 and .130 of the Bellevue City Code; and adding a new Section 5.44.160 to the Bellevue City Code.

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

Section 1. Section 2 of Ordinance No. 3480 and Bellevue City Code Section 5.44.010 are hereby amended to read as follows:

5.44.010 Definitions.

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

A. "Clerk" means the City of Bellevue employee or agent appointed by the City Manager as licensing official under this Chapter.

B. "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 and panoram device as used in this Chapter do not include games which employ pictures, views or video displays, or gambling devices regulated by the state.

C. "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 as used in this Chapter does not include movie or motion picture theater auditoriums capable of seating more than five people.

D. "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.

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Section 2. Section 6 of Ordinance No. 3480 and Bellevue City Code Section 5.44.050 are hereby amended to read as follows:

5.44.050 License Fees - Term - Assignment - Renewals

A. The license year shall be from January first to December thirty-first of each year. All licenses shall expire on the thirty-first of December each year. Except as hereinafter provided, all license fees shall be payable on an annual basis. Annual license fees shall be as follows:

Panoram Premises License	\$100.00 per annum plus \$10.00 per annum for each device
Panoram Device License	\$ 30.00 per annum for each device
Panoram Operator License	\$725.00 per annum.

B. License fees shall not be prorated, except that if the original application for license is made subsequent to June 30th in any year, the license fee for the remainder of that year shall be one-half of the annual license fee. Licenses issued under this Chapter may not be assigned or transferred to other operators, premises or devices.

C. Applications for renewal of licenses issued under this Chapter shall be filed with the Clerk on or before the expiration date provided for in this Section in the same manner and accompanied by 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:

<u>Days Past Due</u>	<u>Percent of License Fee</u>
7-30	25%
31-60	50%
61 and over	100%

Section 3. Section 7 of Ordinance No. 3480 and Bellevue City Code Section 5.44.060 are hereby amended to read as follows:

5.44.060 License Application - Report by City Departments.

A. Any person seeking a panoram premises, panoram operator's or panoram device license shall file a written application with the Clerk on a form provided by the Clerk for that purpose. The Clerk, upon presentation of such application and before acting upon the same, shall refer such application to Police Department, which shall make a full investigation as to the truth of the statements contained therein, and to the City Design & Development and Fire Departments, and the King County Health Department, which shall investigate and provide

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information to the Clerk concerning compliance of the premises and devices sought to be licensed with this and other applicable City and State health, zoning, building, fire and safety ordinances and laws.

B. The following information shall accompany each application for a license:

1. Panoram Premises License.

- a. The name, address and telephone number of each person applying for the license;
- b. The name, address and telephone number of each person holding an ownership, leasehold or interest in the panoram premises;
- c. The name, address and telephone number of the manager or other person responsible for the operation of the premises;
- d. The address of the premises;
- e. The number of panoram devices to be located on the premises;
- f. A sketch or drawing sufficient to show the layout of the premises, including all information necessary to determine whether the premises comply with the provisions of this Chapter.

2. Panoram Device License.

- a. The name, address and telephone number of each person applying for the license;
- b. The name, address and telephone number of each person holding an ownership, leasehold or other interest in the panoram device;
- c. The name, address and telephone number of each person responsible for the operation of the panoram.
- d. The address at which the panoram device is to be located.
- e. A description, including make, model and serial number of the device.

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3. Panoram Operator License.

- a. The name, address and telephone number of each person applying for the license;
- b. The name, address and telephone number of each person holding an ownership, leasehold or other interest in each panoram device.
- c. A list of all panoram devices and premises at which panoram devices are located together with a description, including make, model and serial number of all panoram devices.

Section 4. Section 8 of Ordinance No. 3480 and Bellevue City Code Section 5.44.070 are hereby amended to read as follows:

5.44.070 Inspection of Panoram Premises.

A. Applicants for any license authorized to be issued under this Chapter shall allow the premises and devices sought to be licensed to be inspected by authorized inspectors from the City Fire, Police and Design & Development Departments, and the King County Health Department, for the purpose of determining whether they comply with this Chapter.

B. Licensees operating premises and devices licensed under this Chapter shall hold those areas upon the premises which are accessible to the public and the devices therein open for routine regulatory inspections by the City during normal business hours.

Section 5. Section 9 of Ordinance No. 3480 and Bellevue City Code Section 5.44.080 are hereby amended to read as follows:

5.44.080 Issuance of Licenses.

A. After an investigation, the Clerk shall issue the applicable license or licenses authorized by this Chapter if the Clerk finds:

1. That the business for which a license is required herein will be conducted in a building, structure and location which complies with the requirements and meets the standards of this Chapter; and

2. That the applicant, his or her employee, agent, partner, director, officer, stockholder or manager has not knowingly made any false, misleading or fraudulent statement of material fact in

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the application for a license, or in any report or record required to be filed with the Clerk.

B. The decision of the Clerk regarding issuance of any license shall be rendered within 30 days of the date of filing of the application.

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

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

A. After an investigation and upon the recommendation of the Chief of Police, Director of the Department of Design & Development, Fire Chief or the King County Health Officer, the Clerk may, upon thirty days notice, temporarily or permanently 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 application 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.

B. If the Clerk finds that any condition set forth in Section 5.44.090.A of this Chapter exists, and that such condition constitutes a threat of immediate serious injury or damage to person or property, the Clerk may immediately suspend any license issued under this Chapter pending a hearing on the Clerk's decision to suspend or revoke the license, in which event the licensee shall be entitled to a hearing in accordance with Section 5.44.100 of this Chapter. The notice of immediate suspension of license given pursuant to this subsection shall set forth the basis for the Clerk's action and the facts supporting the Clerk's finding regarding the condition found to exist that constitutes a threat of immediate serious injury or damage to person or property.

Section 7. Section 11 of Ordinance No. 3480 and Bellevue City Code Section 5.44.100 are hereby amended to read 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

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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 ten days of receiving notice of the action from which appeal is taken.

B. The Hearing Examiner, upon receipt of a timely notice of appeal, shall set a date for a de novo hearing of such appeal. The Examiner shall hear testimony, take evidence, and may hear oral argument and receive written briefs. Except in cases of summary suspension of licenses because of the threat of immediate serious injury or damage to person or property pursuant to Section 5.44.090B of this Chapter, the filing of such appeal shall stay the action of the Clerk, pending the decision of the Examiner. In cases of summary suspension of licenses because of the threat of immediate serious injury or damage to persons or property pursuant to Section 5.44.090B, the Examiner shall render a decision within five (5) days of the conclusion of the hearing.

C. The decision of the Hearing Examiner on an appeal from a decision of the Clerk shall be based upon a preponderance of the evidence. The burden of proof shall be on the Clerk.

D. The decision of the Hearing Examiner shall be final unless appealed to the Superior Court within twenty (20) days of the date the decision is entered.

Section 7. Section 12 of Ordinance No. 3480 and Bellevue City Code Section 5.44.110 are hereby amended to read as follows:

5.44.110 Premises Regulations.

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. The interior of every panoram station shall be visible from a continuous main aisle and shall not be obscured by any curtain, door, wall, or other enclosure.

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, in compliance with the City of Bellevue Building Code (Chapter 23.10 of the Bellevue City Code), at all times when the premises are

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open or when any member of the public is permitted to enter and remain therein.

Section 9. Section 13 of Ordinance No. 3480 and Bellevue City Code Section 5.44.120 are hereby repealed.

Section 10. Section 14 of Ordinance No. 3480 and Bellevue Code Section 5.44.130 are hereby repealed.

Section 11. A new Section 5.44.160 is hereby added to Chapter 5.44 of the Bellevue City Code to read as follows:

5.44.160 Compliance

All persons regulated pursuant to this Chapter shall comply with this Chapter within thirty (30) days of the effective date of this Ordinance.

Section 12. This ordinance shall take effect and be in force thirty days after final passage by the City Council.

PASSED by the City Council this 2<sup>nd</sup> day of December, 1985, and signed in authentication of its passage this 2<sup>nd</sup> day of December, 1985.

(SEAL)



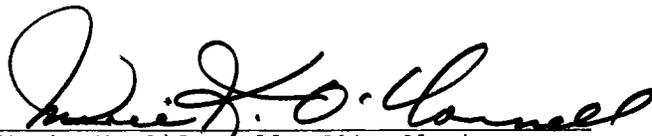
Cary E. Bozeman, Mayor

Approved as to form:



Richard L. Andrews, City Attorney

Attest:



Marie K. O'Connell, City Clerk

Published December 6, 1985