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CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 3480

AN ORDINANCE providing for the licensing of "panorams," "previews," "picture arcades," or "peep shows"; regulating the arrangement of the interior and the conditions upon the premises; restricting lawful access to persons 18 years of age or older; requiring that the premises remain available to routine regulatory inspection by the City; and adding a new Chapter 5.44 to the Bellevue City Code.

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

Section 1. A new chapter 5.44, regulating "panorams," "previews," "picture arcades" or "peep shows," is hereby added to Title 5 of the Bellevue City Code to be entitled "Panorams, Previews, Picture Arcades and Peep Shows."

Section 2. A new section 5.44.010 is hereby added to Chapter 5.44 of the Bellevue City Code 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 exhibit or display a picture, view, or other graphic display. 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 from which the panoram picture, view or graphic display is to be viewed.

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Section 3. A new Section 5.44.020 is hereby added to the Bellevue City Code to read 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. A separate license is required for each panoram premises and the same shall at all times be conspicuously posted and maintained therein.

C. 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 4. A new Section 5.44.030 is hereby added to the Bellevue City Code to read as follows:

5.44.030 Panoram Operator's License Required.

It is unlawful to own and exhibit or display for public use, or to place with another, by lease or otherwise, for public use, exhibit or display, any panoram device without a valid and current license to be designated a "Panoram Operator's License." The Clerk shall prescribe the form of such license and shall number the same.

Section 5. A new Section 5.44.040 is hereby added to the Bellevue City Code to read as follows:

5.44.040 Panoram Device License Required.

A. It is unlawful to exhibit or display for public use any panoram device upon any panoram premises without first having obtained a license for each such panoram device, to be designated a "Panoram Device License."

B. Panoram Device Licenses shall be issued for specific panoram premises only and shall not be transferable.

C. The current Panoram Device License for each panoram device shall be securely attached to such panoram device in a conspicuous place.

D. The Clerk shall prescribe the form of such license and

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number the same.

Section 6. A new Section 5.44.050 is hereby added to the Bellevue City Code 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 day 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	\$ 30.00 per annum for each device
Panoram Device License	\$ 30.00 per annum for each device
Panoram Operator License	\$725.00 per annum plus \$25.00 per month per device;

Provided, that as to Panoram Operator Licenses, the monthly fees shall be paid quarterly within fifteen (15) days after the end of each quarter.

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 7. A new Section 5.44.060 is hereby added to the Bellevue City Code to read as follows:

5.44.060 License Application - Report by City Departments.

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 the 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, which shall investigate and provide 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.

Section 8. A new Section 5.44.070 is hereby added to the Bellevue City Code 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.

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 9. A new Section 5.44.080 is hereby added to the Bellevue City Code 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 the applicable health, zoning, building, fire and safety laws of the State of Washington and the ordinances of the City as well as the requirements of this Chapter;

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

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3. That the applicant has not had a panoram premises, panoram operator's or panoram device license revoked by the City within two years of the date of the application; and

4. That the applicant, and all employees, agents, partners, directors, officers or managers of the applicant, have attained the age of eighteen years.

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 10. A new Section 5.44.090 is hereby added to the Bellevue City Code to read as follows:

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

A. After an investigation and upon the recommendation of the Chief of Police, Director of the Department of Design & Development or Fire Chief, 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 fact in the application or in any report or record required to be filed with the Clerk;

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 the applicable health, zoning, building, fire and safety laws of the State of Washington and ordinances of the City of Bellevue and the requirements of this Chapter;

3. The licensee, his or her employee, agent, partner, director, officer or manager has knowingly allowed or permitted any act of sexual intercourse, sodomy, oral copulation, or masturbation to be committed in or upon the panoram premises, or has knowingly allowed or permitted the panoram premises to be used as a place in which solicitations for sexual intercourse, sodomy, oral copulation or masturbation occur.

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 an immediate threat of serious injury or damage to person or property, the Clerk may immediately suspend or revoke any license issued under this Chapter without prior opportunity to be heard, in which event the licensee shall be entitled to a hearing in accordance with Section

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5.44.100 of this Chapter. The notice of immediate suspension or revocation of license given pursuant to this subsection shall include the Clerk's finding regarding the condition found to exist and that it constitutes an immediate threat of serious injury or damage to person or property, and the reasons therefor.

Section 11. A new Section 5.44.100 is hereby added to the Bellevue City Code 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 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 hearing such appeal. The Examiner shall hear testimony, take evidence, and may hear oral argument and receive written briefs. Except in cases of summary suspension or revocation of licenses because of immediate threat of serious injury or damage to person or property pursuant to Section 5.44.090.B of this Chapter, the filing of such appeal shall stay the action of the Clerk, pending the decision of the Examiner.

C. In hearing an appeal from a decision of the Clerk, the Examiner must accord substantial weight to the decision of the Clerk and shall affirm the decision of the Clerk unless the Examiner finds that it was clearly erroneous in view of the entire record.

Section 12. A new Section 5.44.110 is hereby added to the Bellevue City Code 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 entire interior of the panoram premises shall be arranged in such a manner that the interior of every panoram station is visible from the entrance to the panoram premises, and in such a manner

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that the entire back of any person viewing a panoram device is visible when observed from the entrance to the premises.

B. No booths or enclosures of any kind shall be maintained for any panoram device. Panoram devices may be shielded as necessary from light or as necessary to prevent the panoram picture, view or graphic display from being viewed by any person who has not paid to see it; provided, that no such shield shall extend above the level of the top or below the level of the bottom of the picture, view or graphic display, nor shall any shield extend more than twelve inches horizontally from the front of the panoram picture, view or display.

C. 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.

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

Section 13. A new Section 5.44.120 is hereby added to the Bellevue City Code to read as follows:

5.44.120 Proximity to Schools Restricted.

No panoram premises license shall be issued for, nor shall any panoram device be used or operated in, any panoram premises which are located within 1000 feet of the grounds or building of any public or private elementary, middle, junior high or senior high school.

Section 14. A new Section 5.44.130 is hereby added to the Bellevue City Code to read as follows:

5.44.130 Access or Use by Persons Under 18 Prohibited.

It is unlawful for anyone under the age of eighteen years to be in or upon any panoram premises or to use any panoram device upon any panoram premises, and it is unlawful for any operator or owner of a panoram device or for any manager or other person in charge of any panoram premises to permit or allow anyone under eighteen years of age to be upon such premises or to use any such device.

Section 15. A new Section 5.44.140 is hereby added to the Bellevue City Code to read as follows:

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5.44.140 Violation a Misdemeanor.

Any person violating any of the provisions of this Chapter is guilty of a misdemeanor.

Section 16. A new Section 5.44.150 is hereby added to the Bellevue City Code to read as follows:

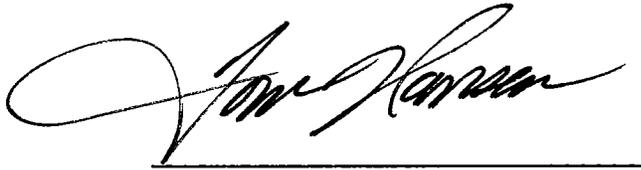
5.44.150 Severability.

If any section of this ordinance, or any portion of any section of this ordinance, or its application to any person or circumstances, is declared by a court of competent jurisdiction to be invalid, the remainder of the ordinance or the application of the provision to other persons or circumstances shall not be affected.

Section 17. This ordinance shall take effect and be in force thirty days after enactment by the City Council.

PASSED by the City Council this 18th day of March, 1985, and signed in authentication of its passage this 18th day of March, 1985.

(SEAL)

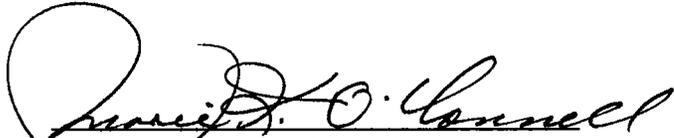


Thomas J. Hansen, Mayor Pro tem

Approved as to form:


Richard L. Andrews, City Attorney

Attest:


Marie K. O'Connell, City Clerk

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