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ORDINANCE NO. 267

AN ORDINANCE OF THE CITY OF WOODINVILLE, WASHINGTON, AMENDING CHAPTERS 17.19, 21.04, 21.06, AND 21.08 OF THE WOODINVILLE MUNICIPAL CODE, TO CLARIFY THE SCOPE AND APPLICATION OF CERTAIN PROVISIONS RELATING TO THE REGULATION, LICENSING AND ZONING OF SEXUALLY ORIENTED BUSINESSES, AND SETTING AN EFFECTIVE DATE THEREFOR.

WHEREAS, on December 12, 1994 the City Council of the City of Woodinville ("City") adopted Ordinance No. 99, imposing certain licensing and operational regulations upon sexually oriented businesses in order to mitigate and reduce unacceptable adverse secondary effects associated with and caused by activities occurring within adult businesses; and

WHEREAS, due to recent court decisions, the City Council desires to amend and revise its existing licensing and operational regulations for sexually oriented businesses; and

WHEREAS, the City Council takes notice of and specifically relies upon the experiences of and studies prepared by other cities and counties in combating the negative secondary effects of sexually oriented businesses; and

WHEREAS, based upon public testimony and other information presented on this subject to the City Council, during the adoption of Ordinance No. 99, as well as additional evidence presented to the City Council concurrent with the adoption of this ordinance, the

City Council finds that there are important and substantial government interests providing a constitutional basis for the reasonable regulation of the time, place, and manner under which sexually oriented businesses can operate; and

WHEREAS, it is not the intent of this ordinance to unreasonably suppress any speech activities protected by the First Amendment of the United States Constitution or Article I, Section 5 of the Washington State Constitution, but to enact regulations which address the deleterious secondary effects of sexually oriented businesses;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF WOODINVILLE, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Amendment to Section 17.19.010 of the Woodinville Municipal Code. Section 17.19.010 of the Woodinville Municipal Code is hereby amended to read as follows:

17.19.010 Purpose and intent.

It is the purpose of this chapter to regulate sexually oriented businesses and related activities, including the activities of sexually oriented business patrons, in order to promote health, safety, morals, and general welfare of the citizens of the City of Woodinville, and to establish reasonable and uniform regulations to prevent the deleterious location of sexually oriented businesses within the City. It is not the intent of the City that it should be the purpose or effect of this chapter to impose a limitation or restriction on the content of any communicative materials, including sexually oriented materials. Similarly, it is not the intent of the City that it should be the effect of this chapter to restrict or deny access by adults to sexually oriented materials protected by the State or Federal Constitutions, or to deny access by the distributors and exhibitors of sexually oriented material to their intended market. Neither is it the intent of the City that it should be the purpose or effect of this chapter to condone or legitimize the distribution of obscene materials.

Section 2. Amendment to Section 17.19.060 of the Woodinville Municipal

Code. Section 17.19.060 of the Woodinville Municipal Code is hereby amended to read as

follows:

17.19.060 Permit required.

....

(4) An application shall be deemed complete upon receipt of all the information and documents requested by this section. Where necessary to determine compliance with this chapter, the City Clerk may request information or clarification in addition to that provided in a complete application. The completed application shall contain the following information and shall be accompanied by the following documents:

(a) If the applicant is:

(i) An individual/sole proprietor, the individual/owner shall state his/her legal name and any aliases, stage names, or previous names, date of birth, social security number and submit satisfactory proof that he/she is 18 years of age or older.

(ii) A partnership, the partnership shall state its complete name, and the legal names of all partners, including their dates of birth, social security numbers, and submit satisfactory proof that each is 18 years of age and whether the partnership is general or limited, and a copy of the partnership agreement, if any.

(iii) A corporation, the corporation shall state its complete name, the date of its incorporation, evidence that the corporation is in good standing under the laws of the State of Washington, the legal names, dates of birth, social security numbers, proof that each is 18 years of age or older and the capacity of all officers, directors and principal stockholders, the name of the registered corporate agent, and the address of the registered office for service of process.

(iv) As a part of the application process, each officer, director, or principal stockholder, as defined above, shall provide the City Clerk with an affidavit attesting to their identity and relationship to the corporation. Principal stockholder shall mean those persons who own 10 percent or greater interest in the sexually oriented business.

(b) Whether the applicant or any other individuals listed pursuant to subsection (4)(a)(i), (ii) and (iii) above within a four-year period immediately preceding the date of the application has

been convicted of a specified criminal activity and, if so, the specified criminal act involved, the date of conviction and the place of conviction.

(c) Whether the applicant or any of the other individuals listed pursuant to this section has, within the last four years, had a previous permit or license under this chapter or other similar ordinances from another city or county denied, suspended, or revoked, including the name and location of the sexually oriented business for which the permit or license was denied, suspended, or revoked, the entity denying the same, as well as the date of the denial, suspension, or revocation.

(d) Whether the applicant or any other entity listed pursuant to this section holds any other permits and/or licenses under this chapter, et seq. or other similar sexually oriented business license from another city or county and, if so, the names and locations of such other permitted businesses.

(e) The single classification of permit for which the applicant is filing.

(f) The location of the proposed sexually oriented business, including a legal description of the property, street address, and telephone number(s), if any.

(g) The applicant's mailing address and residential address.

(h) Two two-inch by two-inch black and white photographs of the applicant, including any corporate applicants, taken within six months of the date of the application, showing only the full face of the same. The photographs shall be provided at the applicant's expense. The license, when issued, shall have affixed to it one such photograph of the applicant.

(i) The applicant or each corporate applicant's driver's license number, Social Security number, and or his/her State or federally issued tax identification number.

(j) Each application shall be accompanied by a complete set of fingerprints of each person required to be a party to the application, including all corporate applicants as defined above, utilizing fingerprint forms as prescribed by the Chief of Police or his/her designee.

(k) In the case of all sexually oriented businesses, a sketch or diagram showing the configuration of the premises, including a statement of total floor space occupied by the business. The sketch or diagram must be professionally prepared and accepted by the City, and it must be drawn to a designated scale or drawn with marked dimensions of the interior of the premises to an accuracy of plus or minus six inches.

(l) Applicants for a pen-nit and/or license under this chapter shall have a continuing duty to promptly supplement application information required in the event that said information changes in any way from what is stated on the application. The failure to comply with said continuing duty within 30 days from the date of such change by supplementing the application on file with the City Clerk or his/her designee shall be grounds for suspension of a pen-nit and/or license.

(m) In the event the City Clerk or his/her designee determines or learns at any time that the applicant has improperly completed the application for a proposed sexually oriented business permit or license, he/she shall promptly notify the applicant of such fact and allow the applicant 10 days to properly complete the application. (The time period for granting or denying a permit shall be stayed during the period in which the applicant is allowed an opportunity to properly complete the application).

(n) The applicant must be qualified according to the provisions of this section, must have a current City business license, and the premises must be inspected and found to be in compliance with health, fire, and building codes of the City.

(o) The applicant shall be required to pay a preliminary nonrefundable processing fee established by resolution at the time of filing an application under this section. This is a processing fee. License fees shall also be required in the event the application is approved.

(p) The fact that a person possesses other types of State or City permits and/or licenses does not exempt him/her from the requirement of obtaining a sexually oriented business permit.

(q) The application form for licenses and permits issued under this chapter shall contain a provision providing that under penalty of perjury the applicant verifies that the information contained therein is true to the best of his/her knowledge.

(r) If any person or entity acquires, subsequent to the issuance of an adult business license, a significant interest in the licensed adult entertainment facility, notice of such acquisition shall be provided in writing to the City Clerk within twenty-one (21) calendar days following such acquisition and the person acquiring the interest shall submit a complete application to the City Clerk pursuant to WMC 17.19.060 within forty-five (45) calendar days of acquiring such interest. For the purpose of this section, "significant interest" means principal responsibility for management or operation of an adult entertainment facility.

Section 3. Amendment to Section 17.19.070 of the Woodinville Municipal

Code. Section 17.19.070 of the Woodinville Municipal Code is hereby amended to read as follows:

17.19.070 Investigation and application.

(1) Upon receipt of an application properly filed with the City Clerk, and upon payment of the nonrefundable processing fee, the City Clerk or his/her designee shall immediately stamp the application as received and shall immediately thereafter send photocopies of the application to other City departments or other agencies responsible for enforcement of health, fire, and building codes and laws. Each department or agency shall promptly conduct an investigation of the application and the proposed sexually oriented business. Said investigation shall be completed within 20 working days of receipt of the application by the City Clerk or his/her designee, unless circumstances support extending the same. If ~~so~~ such circumstances exist, the City shall inform the applicant of the same and why, and said extension shall not exceed ten (10) additional calendar days from the original expiration of the twenty (20) day time period stated above. At the conclusion of its investigation, each department or agency shall indicate on the photocopy of the application its recommendation as to approval or disapproval of the application, date it, sign it, and in the event it recommends disapproval, state the specific reasons therefor, citing applicable laws or regulations.

(2) In the event the proposed adult entertainment facility is in a state of construction at the time of the inspection, then each interested department or agency shall make a preliminary determination of approval or disapproval based on the drawings submitted in the application. Any adult business license approved prior to final construction of the adult entertainment facility shall contain a condition that the adult entertainment facility shall not open for business until the facility has been inspected and determined to be in compliance with applicable laws and regulations and substantially conforms with the drawings submitted with the application.

~~(2)~~ (3) A department or agency shall recommend disapproval of an application if it finds that the proposed sexually oriented business will be in violation of any provision of any statute, code, ordinance, regulation, or other law in effect in the City, or if the applicant does not meet the conditions as specified in this chapter. After its indication of approval or disapproval, each department or

agency shall immediately return the photocopy of the application to the City Clerk or his/her designee.

Section 4. Amendment to Section 17.19.080 of the Woodinville Municipal

Code. Section 17.19.080 of the Woodinville Municipal Code is hereby amended to read as follows:

17.19.080 Issuance of permit.

....

(3) Denial of Application for Permit. The City Clerk or his/her designee shall deny the application for any of the following reasons:

(a) An applicant is under 18 years of age or will be employing a person under 18 years of age.

(b) An applicant is overdue on his/her payment to the City of taxes, fees, fines, or penalties assessed against him/her or imposed upon him/her in relation to a sexually oriented business.

(c) An applicant has failed to provide information required by this section or the application for the issuance of the permit, or has falsely answered a question or request for information on the application form.

(d) The applicant has failed to comply with any provision or requirement of this chapter.

(e) ~~The applicant has failed to comply with any City codes or other State or Federal regulations or court order.~~ The premises to be used for the proposed sexually oriented business are not in compliance with applicable laws and ordinances.

(f) The applicant has been convicted, forfeited bail or other adverse finding for a specified criminal activity within the four years prior to the application date.

Section 5. Amendment to Section 17.19.100 of the Woodinville Municipal

Code. Section 17.19.100 of the Woodinville Municipal Code is hereby amended to read as follows:

17.19.100 Licenses for managers, and entertainers, escorts, or nude or semi-nude models of sexually oriented business required - Fee.

~~(1) No person shall work as a manager or entertainer at any sexually oriented business without having first obtained the~~

~~appropriate entertainer's or manager's license from the City Clerk. Each such applicant shall not be required to obtain a sexually oriented business permit, but shall complete an application containing the information identified in WMC 17.19.060(4) and the same procedures shall be followed as set forth in WMC 17.19.050 through 17.19.080. A nonrefundable processing fee established by resolution shall accompany the application.~~

~~(2) The annual fee for such a license shall be established by resolution. The amount shall be used for the cost of administration and enforcement of this chapter.~~

~~(3) This license expires annually on December 31st and must be renewed by January 1st.~~

~~(4) The applicant must be 18 years of age or older and not qualify for denial as set out in WMC 17.19.080(2) and (3).~~

(1) No person shall work or perform as a manager, entertainer, escort, or nude or semi-nude model at an adult entertainment facility without a valid manager's or entertainer's license issued by the City Clerk.

(2) All applications shall be submitted to the City Clerk on a form supplied by the City and shall contain or be accompanied by all of the following information and documents:

(a) The date of the application;

(b) The legal name, any previous names, any aliases, any driver's license number, any social security number, and the date of birth of the applicant.

(c) Documentation that the applicant has attained the age of eighteen years. Any of the following shall be accepted as documentation of age:

(i) A valid driver's license issued by any state bearing the applicant's photograph and date of birth;

(ii) A valid identification card issued by any state bearing the applicant's photograph and date of birth;

(iii) An official passport issued by the United States of America;

(iv) An immigration card issued by the United States of America; or

(v) Any other form of identification that the City Clerk determines to be acceptable.

(d) The height, weight, hair and eye color of the applicant.

(e) The present mailing and residential address of the applicant.

(f) The name and address of the adult entertainment facility at which the applicant will work or perform.

(g) A description of the principal activities or services to be rendered by the applicant at the adult entertainment facility.

(h) Two (2) two-inch by two-inch color photographs of the applicant, taken within six (6) months of the date of the application, showing the full face of the applicant. The photographs shall be provided at the expense of the applicant.

(i) A complete set of fingerprints of the applicant, taken by a designated City official, on a form adopted and approved by the City of Redmond Police Department.

(j) A statement whether the applicant has been convicted of a specified criminal offense, and if so, the date, place, and jurisdiction of each specified criminal offense.

(k) A statement whether the applicant holds any license issued under this chapter or under a similar ordinance from another city or county, and if so, the operating names and locations of the other licensed businesses.

(l) A statement whether the applicant has had a previous license issued under this chapter denied, suspended, or revoked, and if so, the name and location of the adult entertainment facility for which the license was denied, suspended, or revoked, as well as the date of the denial, suspension, or revocation.

(m) Authorization for the City, its agents, and employees to seek information to confirm any statements or other information set forth in the application.

(3) The applicant shall verify under penalty of perjury that the information contained in the application is true to the best of his or her knowledge.

(4) An application shall be deemed complete upon receipt of all the information and documents requested by this section. Where necessary to determine compliance with this chapter, the City Clerk may request information or clarification in addition to that provided in a complete application.

(5) Each manager's and entertainer's license application shall be accompanied by a non-refundable application fee, the amount of which shall be established by resolution.

(6) In addition to the requirements of this chapter, an applicant for a manager's or entertainer's license must also obtain any other permits or licenses required by state or local laws or regulations.

Section 6. Amendment to Section 17.19.110 of the Woodinville Municipal

Code. Section 17.19.110 of the Woodinville Municipal Code is hereby amended to read as follows:

17.19.110 Temporary licenses for models and escorts managers and entertainers.

~~No person shall work as a model at a nude or semi-nude model studio or as an escort as defined herein without having first obtained a model or escort license from the City Clerk.~~

~~(1) Each such applicant shall not be required to obtain a sexually oriented business permit, but shall complete an application containing the information identified in WMC 17.19.060(4) above and the same procedures shall be followed as set forth in WMC 17.19.050 through 17.19.080. A nonrefundable processing fee established by resolution shall accompany the application.~~

~~(2) The annual fee for such a license shall be established by resolution. The amount shall be used for the cost of administration and enforcement of this chapter.~~

~~(3) This license expires annually on December 31st and must be renewed by January 1st.~~

~~(4) The applicant must be 18 years of age or older and not qualify for denial pursuant to WMC 17.19.080.~~

An applicant for a manager's or entertainer's license shall be issued a temporary license upon the City's receipt of a complete license application and fee. Said temporary license shall expire automatically on the fifteenth day following filing of a complete application and fee, unless the City Clerk has failed to approve or deny the license application, in which case the temporary license shall be valid until the City Clerk approves or denies the application, or until the final determination of any appeal from a denial of the application. In no event may the City Clerk extend the application review time for more than an additional twenty (20) days.

Section 7. Amendment to Section 17.19.130 of the Woodinville Municipal

Code. Section 17.19.130 of the Woodinville Municipal Code is hereby amended to read as follows:

17.19.130 Manager on premises.

(1) A licensed manager shall be on duty at all sexually oriented business premises at all times during which the business is open to customers, whether the business provides live or other performances. The manager shall be stationed at a location within the facility where he or she shall have an unobstructed view of all public portions of the facility.

....

Section 8. Amendment to Section 17.19.160 of the Woodinville Municipal

Code. Section 17.19.160 of the Woodinville Municipal Code is hereby amended to read as follows:

17.19.160 Specifications - Adult cabarets and adult theaters.

(1) Separation of Sexually Oriented Live Entertainment Performance Area. The portion of adult cabaret, adult theater or any other premises in which sexually oriented business live entertainment is performed shall be a stage or platform at least 24 eighteen (18) inches in elevation above the level of the patron seating areas, and shall be separated by a distance of at least six ten (10) feet from all areas of the premises to which patrons have access. A continuous railing at least three feet in height and located at least six feet from all points of the sexually oriented live entertainment performance area shall separate the performance area and the patron areas.

(2) Lighting. ~~Sufficient lighting shall be provided and equally distributed in and about the parts of the premises which are open to and used by patrons so that all objects are plainly visible at all times, and so that on any part of the premises which is open to and used by patrons a program, menu, or list printed in eight point type will be readable by the human eye with 20/20 vision from two feet away.~~ A minimum lighting level of thirty (30) lux semi-cylindrical measured at thirty (30) inches from the floor on ten (10) foot centers shall be provided and equally distributed in and about the

public portions of the cabaret or theater, including the patron seating areas, so that all objects are plainly visible at all times.

Section 9. Amendment to Section 17.19.170 of the Woodinville Municipal

Code. Section 17.19.170 of the Woodinville Municipal Code is hereby amended to read as follows:

17.19.170 Standards of conduct and operation applicable to adult cabarets.

(1) Standards for Patrons, Employees and Entertainers. The following standards of conduct must be adhered to by patrons, entertainers and/or employees of adult cabarets at all times live performances are provided:

....

~~(g) No entertainer shall be visible from any public place outside the premises during the actual or apparent hours of his/her employment or performance on the premises. No activity or entertainment occurring at or in an adult cabaret, nor any photograph, drawing, sketch or other pictorial or graphic representation of any specified sexual activities or specified anatomical areas, shall be visible at any time from outside the adult cabaret.~~

....

(2) Standards for Owner or Operator of Adult Cabarets or Adult Theaters. At any adult cabaret or adult theater where live performances are provided:

....

~~(b) Sufficient lighting shall be provided in or 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, and allows for the reading of a program, menu, or list printed in eight point type by the human eye with 20/20 vision from two feet away. A minimum lighting level of thirty (30) lux semi-cylindrical measured at thirty (30) inches from the floor on ten (10) foot centers shall be provided and equally distributed in and about the public portions of the cabaret or theater, including the patron seating areas, so that all objects are plainly visible at all times.~~

Section 10. Amendment to Section 17.19.180 of the Woodinville Municipal

Code. Section 17.19.180 of the Woodinville Municipal Code is hereby amended to read as

follows:

17.19.180 Regulations.

All adult bookstores, adult novelty stores, adult arcades, or adult video stores having facilities for customers' viewing of depictions of human nudity and/or sexual conduct of any nature, including depictions of specified sexual activities, shall comply with the following regulations:

- (1) Construction/Maintenance.

....

(b) All areas shall be maintained in a clean and sanitary condition at all times, ~~with sufficient lighting so that all objects are plainly visible at all times or listed print in eight-point type will be readable by the human eye with 20/20 vision from two feet away.~~ A minimum lighting level of thirty (30) lux semi-cylindrical measured at thirty (30) inches from the floor on ten (10) foot centers shall be provided and equally distributed in and about the public portions of the cabaret or theater, including the patron seating areas, so that all objects are plainly visible at all times.

....

Section 11. Amendment to Section 17.19.250 of the Woodinville Municipal

Code. Section 17.19.250 of the Woodinville Municipal Code is hereby repealed as follows:

17.19.250 Barkers prohibited.

~~The use of "barkers" as defined herein by any sexually-oriented business, or business offering sexually-oriented material, shall be prohibited.~~

Section 12. Amendment to Section 17.19.270 of the Woodinville Municipal

Code. Section 17.19.270 of the Woodinville Municipal Code is hereby amended to read as

follows:

17.19.270 Denial, suspension or revocation of license or permit - Procedures - Appeal.

(1) When the City Clerk refuses to grant a license or permit under this chapter, or revokes the same, he/she shall notify the applicant in writing of the same, describing the reasons therefor, and shall inform the applicant of his right to appeal to the City Council within 10 days of the date of the written notice by filing a written notice of appeal with the City Clerk containing a statement of the specific reasons for the appeal and a statement of the relief requested.

(2) Whenever the City Clerk has found or determined that any violation or change in circumstances of this chapter has occurred, s/he shall issue a notice of violation and suspension or revocation ("notice") to the licensee or permit holder.

(3) The notice shall include the following:

- (a) Name(s) of person(s) involved;
- (b) Description of the violation(s), including date and section of this chapter violated;
- (c) Description of the administrative action taken;
- (d) Rights of appeal as set forth above.

(4) The notice shall be served either personally or by mailing a copy of the notice by certified mail, postage prepaid, return receipt requested, to the licensee at his or her last known address. Proof of personal service shall be made at the time of service by a written declaration under penalty of perjury, executed by the person effecting the service, declaring the time, date, and the manner by which service was made. The decision may be appealed to the City Council if request for appeal is filed with the City Clerk within 10 days of receipt of the notice. Said request shall be in writing, state specific reasons for the appeal, and the relief requested.

(5) The suspension or revocation of a license shall be immediately effective unless a stay thereof is specifically requested in the written request for an appeal. If a request for such a stay is made, the licensee may continue to engage in the activity for which the license was issued pending the decision of the City Council, unless the license was suspended or revoked based on a threat of immediate serious injury to public health or safety.

(6) Within 10 days of receiving a timely appeal, the City Clerk shall forward the administrative record of the licensing decision to the City Council.

(7) When an applicant has appealed the City Clerk decision according to the stipulations herein, the City Council shall review

the administrative record at the next regularly scheduled meeting for which proper notice can be given. Written notice of the date and time of the scheduled meeting will be given to the applicant by the City Clerk by mailing the same, postage prepaid, to the applicant at the address shown on the license or permit application.

(8) If the licensee appeals the notice to the City Council, the licensee shall be afforded a reasonable opportunity to be heard as to the violation and action taken. The applicant and City Clerk or his representative shall be given an opportunity to argue the merits of the appeal before the City Council. Oral argument by each party shall not exceed 10 minutes and shall be limited to the administrative record before the Council.

(9) The City Council shall uphold the City Clerk's decision unless it finds the decision is not supported by substantial evidence in the administrative record. The City Clerk shall have the initial burden of proof.

(10) The City Council shall issue a written decision within 10 days of hearing the appeal. The Council may uphold the City Clerk's decision and deny the permit, overrule the City Clerk's decision and grant the permit, or remand the matter to the City Clerk for further review and action. The City Clerk shall complete further action or review within 30 days of receiving the remand.

(11) Decision by the City Council shall constitute final administrative review. Applicant shall be responsible for the cost of any preparation of record for appeal.

(12) Either party may seek judicial review of a final decision of the City Council as provided by law. If a licensee timely appeals a decision of the City Council, the licensee may continue to engage in the activity for which the license was issued pending the decision of the court, unless the license was suspended or revoked based on a threat of immediate serious injury to public health or safety.

(13) Applicant shall be responsible for the cost of any preparation of record for appeal.

Section 13. Amendment to Section 21.04.100 of the Woodinville Municipal

Code. Section 21.04.100 of the Woodinville Municipal Code is hereby amended to read as follows:

21.04.100 General business zone.

....

(3) Subject to the requirements of section 21.08.070(B) of this code, the location and operation of sexually oriented businesses within the general business zone is consistent with the purposes of that zone.

Section 14. Amendment to Section 21.04.130 of the Woodinville Municipal Code. Section 21.04.130 of the Woodinville Municipal Code is hereby amended to read as follows:

21.04.130 Industrial zone.

....

(3) Subject to the requirements of section 21.08.070(B) of this code, the location and operation of sexually oriented businesses within the industrial zone is consistent with the purposes of that zone.

Section 15. Amendment to Section 21.06.015 of the Woodinville Municipal Code. Section 21.06.015 of the Woodinville Municipal Code is hereby amended to read as follows:

21.06.015 Adult Use Facility Sexually oriented business.

~~Adult use facility: an enterprise predominantly involved in the selling, renting or presenting for commercial purposes of books, magazines, motion pictures, films, video cassettes, cable television, live entertainment, performance or activity distinguished or characterized by a predominant emphasis on the depiction, simulation or relation to "specified sexual activities" as defined in this chapter for observation by patrons therein. Examples of such establishments include, but are not limited to, adult book or video stores and establishments offering panorams, peep shows or topless or nude dancing. For purposes of this chapter, "sexually oriented business" shall have the same meaning as defined in 17.19.030 WMC.~~

Section 16. Amendment to Chapter 21.06 of the Woodinville Municipal

Code. Section 21.06.116 is hereby enacted to read as follows:

21.06.116 Community Center.

Community center: a facility that serves the public and is generally of a public service, non-commercial nature. Such a use may include: food banks, clothing banks, and other non-profit social service organization; non-profit recreational facilities; and non-profit arts centers.

Section 17. Amendment to Section 21.06.615 of the Woodinville Municipal

Code. Section 21.06.615 of the Woodinville Municipal Code is hereby repealed as follows:

21.06.615 — Specified sexual activities.

~~Specified sexual activities: human genitalia in a state of sexual stimulation or arousal; acts of human masturbation, sexual intercourse or sodomy; or erotic fondling, touching or display of human genitalia, pubic region, buttock, or female breast.~~

Section 18. Amendment to Section 21.08.070 of the Woodinville

Municipal Code. Section 21.08.070 of the Woodinville Municipal Code is hereby amended to read as follows:

21.08.70 Retail/wholesale land uses.

....

B. Development Conditions

....

- (11) Sexually oriented businesses shall be prohibited within:
(a) Six hundred sixty feet of the perimeter of the building or point of access in which any other sexually oriented business is located; or

- (b) Three hundred thirty feet from any office zone or residential zone, except the single-family residential zoned areas to the west and east of the north industrial neighborhood sexually oriented business overlay district; or
- (c) Three hundred thirty feet of any school, licensed daycare, ~~public~~ park, community center, public library, or church which conducts religious or educational classes for minors; or
- (d) Three hundred thirty feet of the Woodinville Fire and Life Safety District Station No. 31.
- (e) For purposes of this subsection, "park" shall have the same definition as provided in WMC 21.06.428, but shall not include segments of trails for hikers, equestrians, bicyclists, or off-road recreational vehicles that are not contained within a larger recreation area.

....

Section 19. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 20. Effective Date. This ordinance or a summary thereof consisting of the title shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after publication.

PASSED by the City Council of the City of Woodinville this 19th day of June, 2000.

APPROVED:

MAYOR, RANDY RANSOM

RANDOLPH C. RANSOM

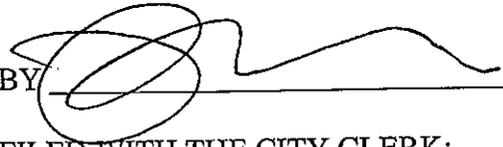
ATTEST/AUTHENTICATED:

Sandra C. Steffler, CMA

CITY CLERK, SANDRA STEFFLER

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY:

BY


FILED WITH THE CITY CLERK: 6-20-00
PASSED BY THE CITY COUNCIL: 6-19-00
PUBLISHED: 6-26-00
EFFECTIVE DATE: 7-1-00
ORDINANCE NO. 267

