

CHAPTER 6.35

ADULT CONCESSIONS

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6.35.010: Purpose: This Chapter regulates adult businesses of all types. It is the purpose of this Chapter to regulate adult concessions to promote the health, safety, and general welfare of the citizens of Kennewick, and to establish reasonable and uniform regulations of adult concessions within the City. The provisions of this Chapter have neither the purpose or effect of imposing a limitation or restriction on the content of any communicative materials including sexually orientated materials. Similarly, it is not the intent or effect of this Chapter to restrict or deny access by adults to sexually orientated materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually orientated material to their intended market. Neither is it the intent or effect of this Chapter to condone or legitimize the distribution of obscene material. See also KMC 18.75.260. (Ord. 3563 Sec. 1, 1995)

6.35.020: Class: Adult concessions are Class II licenses. (Ord. 3563 Sec. 1, 1995)

6.35.030: Definitions: The definitions in KMC 18.09.025 apply in this Chapter. For the purpose of this Chapter and unless the context plainly requires otherwise, the following definitions are adopted:

(1) "Adult Concession" means any adult bookstore, adult mini- theater, adult motion picture theater, adult panoram establishment, adult retail store, adult hotels or motels, or live adult entertainment establishments.

(2) "Live Adult Entertainment Establishment" means any building or portion of a building to which any member of the public is invited or admitted and where any employee or

entertainer, on a regular basis or as a substantial part of the premises activity, conducts any exhibition, performance or dance of any type which contains:

- (a) specified sexual activities;
- (b) any display of specified anatomical areas; or
- (c) any conduct intended to sexually stimulate any member of the public, including (but not limited to) any such exhibition, performance or dance performed for, arranged with or engaged in with fewer than all members of the public on the premises at that time, with separate consideration paid either directly or indirectly for such activity, and commonly referred to as table dancing, couch dancing, taxi dancing, lap dancing, private dancing or straddle dancing.

(3) "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 concession.

(4) "Entertainer" means any person who provides live adult entertainment within an adult concession as defined in this Section whether or not a fee is charged or accepted for entertainment.

(5) "Entertainment" means any exhibition or dance of any type, pantomime, modeling or any other performance.

(6) "Manager" means any person who manages, directs, administers or is in charge of, the affairs or conduct of any portion of any activity involving adult entertainment occurring at any adult concession.

(7) "Operator" means any person applying for or operating, conducting or maintaining any adult concession; and "Operator Control Person" means all partners, corporate officers and directors and any other individuals in the Operator's business organization who hold a significant interest in the adult concession business, based on the responsibility for management of the adult concession business.

(8) "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.

(9) "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.

(10) "Sexual Conduct" means any act of:

- (a) sexual intercourse within its ordinary meaning, occurring upon any penetration, however slight;
- (b) any penetration of the vagina or anus, however slight, by an object;
- (c) any contact between persons, involving the sex organs of one person, whether clothed or unclothed, and the mouth or anus of another, whether clothed or unclothed;
- (d) masturbation, manual or instrumental, of oneself or of one person by another; or
- (e) touching of the sex organs or anus, whether clothed or unclothed, of oneself or of one person by another. (Ord. 3696 Sec. 1, 1997: Ord. 3611 Sec. 1, 1995: Ord. 3563 Sec. 1, 1995)

6.35.040: License Required:

- (1) A person may not operate an adult concession without a valid license to do so.

(2) No person shall work as an entertainer providing live adult entertainment at any adult business without having first obtained an entertainer's license.

(3) No person shall work as a manager at an adult concession without having first obtained a manager's license. (Ord. 3696 Sec. 2, 1997; Ord. 3563 Sec. 1, 1995)

6.35.050: Licensing Fee:

(1) The annual fee for a license to operate an adult concession is two hundred fifty dollars (\$250.00).

(2) The annual fee for the entertainer's license is seventy-five dollars (\$75.00).

(3) The annual fee for the manager's license is seventy-five dollars (\$75.00). (Ord. 5008 Sec. 15, 2003; Ord. 3696 Sec. 3, 1997; Ord. 3563 Sec. 1, 1995)

6.35.060: General Requirements: All adult concessions must meet the following standards:

(1) The premises must be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access at an illumination of not less than one footcandle as measured at the floor level.

(2) It shall be the duty of the owners and manager, and any employees present to ensure that the illumination described above is maintained at all times that any patron is present in or on the premises, with the exceptions of an adult mini-theater and adult motion picture theater.

(3) At no time shall any live entertainment, merchandise or any film or movie being shown be visible from outside the establishment.

(4) No sexual conduct is permitted.

(5) No business, except adult motels, may remain open at any time between the hours of two o'clock (2:00) A.M. and six o'clock (6:00) A.M. weekdays and Saturdays and two o'clock (2:00) A.M. and ten o'clock (10:00) A.M. Sundays. (Ord. 3563 Sec. 1, 1995)

6.35.070: Operator's License: Notwithstanding anything to the contrary in KMC Chapter 6.01, this section shall govern the issuance of adult concession operator licenses.

(1) All applications for an operator's license shall be submitted to the license officer in the name of the person or entity proposing to conduct an adult concession on the business premises and shall be signed by such person and certified as true under penalty of perjury. Each applicant for an operator's license must be at least eighteen (18) years of age. All applications shall be submitted on a form supplied by the city, which shall require the following information:

(a) For the operator and for each operator 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 operator or any partner, corporate officer, or director of the operator holds any other licenses under this chapter for any adult concession or sexually oriented business, including motion picture theaters and panoramas, 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 operator and operator control persons in owning or operating the adult concession or other sexually oriented businesses, providing names, addresses and dates of operation for such businesses, and whether any business license or adult concession license has been revoked or suspended, and the reason therefor.
 - (e) For the operator and all operator 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 operator and all operator 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 adult concession, 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 operator and operator control persons, taken within six months of the date of application showing only the full face.
 - (j) A complete set of fingerprints for the operator or each operator control person, by Kennewick police department employees.
 - (k) A scale drawing or diagram showing the configuration of the premises for the proposed adult concession, including a statement of the total floor space occupied by the business, and marked dimensions of the interior of the premises. Performance areas, seating areas, manager's office and stations, restrooms and service areas shall be clearly marked on the drawing. An application for a license for an adult concession shall include building plans which demonstrate conformance with KMC 6.35.130.
- (2) An application shall be deemed complete upon the operator's provision of all information requested above, including identification of "none" where that is the correct response, and the operator's verification that the application is complete. The license officer 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 must be paid at the time of filing an application in order to defray the costs of processing the application.
- (4) If any person or entity acquires, subsequent to the issuance of an adult concession 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 license officer, no later than 21 days following such acquisition. The notice required shall include the information required for the original adult concession license application.
- (5) The adult concession 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 adult concession. The permit shall be posted in a conspicuous place at or near the entrance to the adult concession so that it can be easily read at any time the business is open.

(6) No person granted an adult concession license pursuant to this chapter shall operate the adult concession business under a name not specified on the license, nor shall any person operate an adult concession under any designation or at any location not specified on the license.

(7) Upon receipt of the complete application and fee, the license officer shall provide copies to the Health Department, Fire Department, Police Department and the Building Inspector for their investigation and review to determine compliance of the proposed adult concession 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 license officer 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 adult concession license approved prior to premises construction shall contain a condition that the premises may not 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 adult concession 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.

(8) An adult concession license shall be issued by the license officer within 30 days of the date of filing a complete license application and fee, unless the license officer 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 license officer 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 license officer finds that the applicant has failed to meet any of the requirements for issuance of an adult concession license, the license officer shall deny the application in writing and shall cite the specific reasons therefor, including applicable law. If the license officer 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 license officer that the license was sought until notification by the license officer that the license has been denied, but in no event may the license officer extend the application review time for more than an additional 20 days. (Ord. 3696 Sec. 4, 1997; Ord. 3563 Sec. 1, 1995)

6.35.080: Entertainer's and Manager's License: Notwithstanding anything to the contrary in KMC Chapter 6.01, this section shall govern the issuance of adult concession entertainer and manager licenses.

(1) Each applicant for a manager's or entertainer's license shall complete an application on forms provided by the city containing the information identified below. Each applicant for a manager's or entertainer's license shall be at least eighteen (18) years of age. A copy of the application shall be provided to the police department for its review, investigation and recommendation. All applications for a manager's or entertainer's license shall be signed by the applicant and certified to be true under penalty of perjury. The manager's or entertainer'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 Kennewick police department employees, social security number, and any stage names or nicknames used in entertaining.
 - (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; or
 - (v) Any other identification that the city determines to be acceptable.
 - (d) A complete statement of all 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, except parking violations or minor traffic infractions.
 - (e) A description of the applicant's principal activities or services to be rendered.
 - (f) Two two-inch by two-inch color photographs of applicant, taken within six months of the date of application showing only the full face.
 - (g) Authorization for the city, its agents and employees to investigate and confirm any statements set forth in the application.
 - (h) Every entertainer shall provide his or her license to the adult concession manager on duty on the premises prior to his or her performance. The manager shall retain the licenses of the entertainers readily available for inspection by the city at any time during business hours of the adult concession.
- (2) The license officer may request additional information or clarification when necessary to determine compliance with this chapter.
- (3) An adult concession manager's or an entertainer's license shall be issued by the license officer within 14 days from the date the complete application and fee are received unless the license officer determines that the applicant has failed to provide any information required to be supplied according to this chapter, has made any false, misleading or fraudulent statement of material fact in the application, or has failed to meet any of the requirements for issuance of a license under this chapter. If the license officer determines that the applicant has failed to qualify for the license applied for, the license officer shall deny the application in writing and shall cite the specific reasons therefor, including applicable laws. If the license officer has failed to approve or deny an application for an adult concession manager's license within 14 days of filing of a complete application, the applicant may, subject to all other applicable laws, commence work as an adult concession manager in a duly licensed adult concession until notified by the license officer that the license has been denied, but in no event may the license officer extend the application review time for more than an additional 20 days.
- (4) An applicant for an entertainer'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 fourteenth day following the filing of the complete application and fee, unless the license officer has failed to approve or deny the license application in which case the temporary license shall be valid until the license officer approves or denies the application, or until the final determination of any appeal from a denial of the application. In

no event may the license officer extend the application review time for more than an additional 20 days. (Ord. 3696 Sec. 5, 1997; Ord. 3563 Sec. 1, 1995)

6.35.090: Manager: A manager shall be on the premises of any adult concession at all times that entertainment is being offered or provided or the business is open. It shall be the responsibility of the manager, as well as of the owner or operator, to ensure:

- (1) That all entertainers, employees and patrons abide by and comply with the standards of conduct set forth in this Chapter;
- (2) That all persons who offer or provide live adult entertainment within the premises possess a current and valid entertainer's license;
- (3) That no patron is admitted onto the premises or is served or entertained therein if such patron is obviously under the influence of alcohol or drugs;
- (4) That no sexual conduct is allowed on the premises of an adult concession at any time;
- (5) That the name(s) of the manager(s) on duty and his or her license shall be prominently posted during business hours;
- (6) That the licensed manager(s) on duty shall not be an entertainer;
- (7) That the manager shall maintain visual observation of each member of the public at all times any entertainer is present in the public or performance areas of the adult concession. When there is more than one public or performance area, or public or performance areas are of a size or configuration that one manager is unable to observe each entertainer and each member of the public at all times, then additional managers licensed under this chapter must be on duty to ensure that such visual observation is maintained at all times; and
- (8) That the manager shall ensure that the actions of the entertainers, all other employees and members of the public comply with all requirements of this chapter. (Ord. 3696 Sec. 6, 1997; Ord. 3563 Sec. 1, 1995)

6.35.100: Live Adult Entertainment Establishments: In addition to the general requirements of KMC 6.35.060 and KMC 6.35.070, every place offering live adult entertainment shall be physically arranged so that:

- (1) The stage on which live adult entertainment is provided and all other areas of the premises to which the public has access, except restrooms, shall be visible from the common areas of the premises. Visibility shall not be blocked or obscured by doors, curtains, drapes or any other obstruction whatsoever.
- (2) No live adult entertainment occurring on the premises shall be visible at any time from any public place.
- (3) The stage on which live adult entertainment is provided shall be a stage or platform at least 18 inches in elevation above the level of the patron seating areas, and shall be separated by a distance of at least eight feet from all areas of the premises to which members of the public have access. A continuous railing at least three feet in height and located at least eight feet from all points of the performance area shall separate the performance area and the patron seating areas. (Ord. 3696 Sec. 7, 1997; Ord. 3563 Sec. 1, 1995)

6.35.110: Mini-theaters and Motion Picture Theaters: Every mini-theater and motion picture theater offering adult entertainment must meet the following standards:

- (1) Seats must be equipped with immovable armrests between the seats. No bench seats allowing for more than one person in a seat is permitted.

(2) A manager or other employee must walk through the theater portion of the building at ten (10) minute intervals when a film is showing and the lights are down. This employee and the manager or owner must ensure that no sexual conduct occurs in the theater, either by patrons or employees.

(3) Full house lights must comply with KMC 6.35.060(1), and must come on for at least ten (10) minutes at the end of each feature. (Ord. 3563 Sec. 1, 1995)

6.35.120: Adult Panoram Theaters: Every adult panoram theater must meet the following standards:

(1) Every adult panoram theater must have a manager's station located in the common area of the premises.

(2) The interior of the premises of an adult panoram theater must be configured so there is an unobstructed view from the manager's station of every area of the premises to which any patron is permitted access except restrooms. Restrooms may not contain video reproduction equipment.

(3) If the premises has two (2) or more managers' stations, then the interior of the premises shall be configured so there is an unobstructed view of every area of the premises to which any patron is permitted access from at least one of the managers' stations. The view required in this subsection must be by direct line-of-sight from the managers' station.

(4) The owners, manager, and any employees present in the premises, must ensure that the view area specified in subsection (2) remains unobstructed by any doors, walls, merchandise, display racks or other materials at all time and that no patron is permitted access to any area of the premises which has been designated as an area in which patrons will not be permitted.

(5) No viewing room may be occupied by more than one person at any time. (Ord. 3563 Sec. 1, 1995)

6.35.130: Standards of Operation and Conduct: Every adult concession shall comply with the following standards of operation and the following standards of conduct must be adhered to by employees and entertainers of all adult concessions:

(1) No employee or entertainer may touch, fondle or caress any patron for the purpose of arousing or exciting the patron's sexual desires.

(2) No employee or entertainer shall allow a patron to touch an employee or entertainer and no patron shall touch, fondle or caress an employee or entertainer for the purpose of arousing or exciting the sexual desires of either.

(3) A list of any and all entertainment provided on the premises must be posted and conspicuously displayed in the common areas of each place offering live adult entertainment. The list must show the fee or charge for each entertainment.

(4) No employee or entertainer may solicit, demand or receive any payment or gratuity from any patron for any act prohibited by this Chapter.

(5) No entertainer may be visible from any public place while engaged in live adult entertainment.

(6) No merchandise, films videos, posters, books or other material that relates to "specified sexual activities" or "specified anatomical areas" as defined in KMC 18.09.025, shall be visible from any public place at any time.

(7) A sign, no less than twelve inches by twelve inches (12" x 12"), with lettering no smaller than one-half inch by one-half inch (1/2" x 1/2"), shall be conspicuously displayed in the common areas of the premises, and shall read as follows:

***THIS ADULT ENTERTAINMENT ESTABLISHMENT IS REGULATED BY
THE CITY OF KENNEWICK - KENNEWICK MUNICIPAL CODE 6.35.***

ENTERTAINERS ARE:

1. *Not permitted to engage in any type of sexual conduct; and*
2. *Not permitted to be unclothed or in such less than opaque and complete attire, costume or clothing so as to expose to view any portion of the pubic region, buttocks, genitals or vulva or anus except upon a stage at least eighteen inches from the immediate floor level and removed at least eight feet from the nearest patron.*

(8) No manager of an adult concession may employ any person under the age of eighteen (18) years as an entertainer or employee or allow an entertainer on his premises who is under eighteen (18).

(9) No person under the age of eighteen (18) years may be admitted onto the premises of an adult concession for any purpose.

(10) No person under the age of eighteen (18) years may be employed as a manager or entertainer for an adult concession.

(11) No illegal drugs may be sold, served, allowed or consumed by employees, entertainers, managers or patrons on the premises of any adult concession.

(12) No patron who is obviously intoxicated by alcohol or drugs may be allowed onto the premises of an adult concession.

(13) No sexual conduct shall be allowed on the premises of an adult concession.

(14) No employee or entertainer may be unclothed or in such attire, costume or clothing so as to expose to view any portion of the female breast below the top of the areola, or any portion of the pubic hair, anus, buttocks, vulva or genitals, except upon a stage at least eighteen inches (18") above the immediate floor level and removed at least eight feet (8') from the nearest patron.

(15) No employee or entertainer may wear or use any device or covering exposed to view which simulates the breast of a female below the top of the areola, vulva, or genitals, anus or buttocks, or any portion of the pubic hair except upon a stage at least eighteen inches (18") above the immediate floor level and removed at least eight feet (8') from the nearest patron.

(16) No employee or entertainer mingling with members of the public shall conduct any dance, performance or exhibition (including, without limitation, the activity specified in KMC 6.35.030(2)(c)) in or about the nonstage area of the adult concession unless that dance, performance or exhibition is performed at a distance of no less than four feet measured torso-to-torso from any member of the public. No employee or entertainer may touch, fondle or caress any patron for the purpose of arousing or exciting the patron's sexual desires, sit on a patron's lap or separate a patron's legs.

(17) No employee or entertainer is permitted to be unclothed or in less than opaque and complete attire, costume or clothing, so as to expose to view any portion of the pubic region, buttocks, genitals, vulva, or anus, except upon a stage at least eighteen inches (18") from the immediate floor level and removed at least eight feet (8') from the nearest patron. (Ord. 3696 Sec. 8, 1997; Ord. 3563 Sec. 1, 1995)

6.35.140: Tipping: No tip or gratuity offered to or accepted by an adult entertainer may be offered or accepted prior to any performance, dance or exhibition provided by the entertainer.

No entertainer performing upon any stage area shall be permitted to accept any form of gratuity offered directly to the entertainer by any member of the public. Any gratuity offered to any entertainer performing upon any stage area must be placed into a receptacle provided for receipt of gratuities by the adult cabaret or provided through a manager on duty on the premises. Any gratuity or tip offered to any adult entertainer conducting any performance, dance or exhibition in or about the nonstage area of the adult cabaret shall be placed into the hand of the adult entertainer or into a receptacle provided by the adult entertainer, and not upon the person or into the clothing of the adult entertainer. (Ord. 3696 Sec. 9, 1997; Ord. 3563 Sec. 1, 1995)

6.35.150: Dramatic Works and Obscenity:

- (1) This chapter shall not be construed to prohibit:
 - (a) Plays, operas, musicals, or other dramatic works that are not obscene;
 - (b) Classes, seminars and lectures which are held for serious scientific or educational purposes and which are not obscene; or
 - (c) Exhibitions, performances, expressions or dances that are not obscene.

These exemptions shall not apply to the actual sexual conduct described in RCW 7.48A.010(2)(b).

(2) Whether or not activity is obscene shall be judged by consideration of the following factors:

- (a) Whether the average person, applying contemporary community standards, would find that the activity taken as a whole appeals to a prurient interest in sex; and
- (b) Whether the activity depicts or describes in a patently offensive way, as measured against community standards, sexual conduct as described in RCW 7.48A.010(2)(b); and
- (c) Whether the activity taken as a whole lacks serious literary, artistic, political or scientific value. (Ord. 3696 Sec. 10, 1997)

6.35.160: License Suspension and Revocation: Notwithstanding anything in KMC Chapter 6.01 to the contrary, this chapter shall govern the suspension or revocation of adult concession licenses.

(1) The license officer may, as provided in subsection 2 below, suspend or revoke any license issued under the provisions of this chapter at any time where the same was procured by fraud or false representation of fact; or for the violation of, or failure to comply with the provisions of this chapter by the licensee or by any of his servants, agents or employees when the licensee knew or should have known of the violations committed by his servants, agents or employees; or for 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 the conviction of any of his 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 premises in which his adult concession is conducted when the licensee knew or should have known of the violations committed by his servants, agents or employees.

(2) A license procured by fraud or misrepresentation shall be revoked. Where other violations of this chapter or other applicable ordinances, statute 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 third and subsequent

violations within a 24-month period, not including periods of suspension. The license officer, or on review the appeals commission, may also assess a penalty of not less than twenty five dollars (\$25.00) nor more than five hundred dollars (\$500.00). They may also order that compensatory damages or restitution be paid to anyone injured as a result of violation.

(3) The license officer shall provide at least 10 days' prior written notice to the licensee of the decision to suspend or revoke the license. Such notice shall inform the licensee of the right to appeal the decision and shall state the effective date of such revocation or suspension and the grounds for revocation or suspension. Such appeals shall be processed under KMC Chapter 4.04. The decision of the license officer or appeals commission shall be stayed during the pendency of any timely appeal except as provided in subsection 4 below.

(4) Where the Kennewick Building Department, Fire Department or Health Department find that any condition exists upon the premises of an adult concession which constitutes a threat of immediate serious injury or damage to persons or property, said official may immediately suspend any license issued under this chapter pending a hearing in accordance with subsection 3 above. The official shall issue notice setting forth the basis for the action and the facts that constitute a threat of immediate serious injury or damage to persons or property, and informing the licensee of the right to appeal the suspension to the hearing body under the same appeal provisions set forth in subsection 3 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. (Ord. 3696 Sec. 11, 1997)

6.35.170: Enforcement:

(1) Non-exclusive Remedies. The remedies found in this chapter and KMC Chapter 6.01 are not exclusive, and, the city may seek any other legal or equitable relief, including but not limited to enjoining any acts or practices which constitute or will constitute a violation of any business license, ordinance or other regulations herein adopted.

(2) Public Nuisance. Any adult concession operated, conducted, or maintained in violation of this chapter or any law of the City of Kennewick 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 an adult concession contrary to the provisions of this chapter.

(3) Moral Nuisance. Any adult concession 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. (Ord. 3696 Sec. 12, 1997)

6.35.180: Severability: If any portion of this chapter, or its application to any person or circumstances, is held invalid, the validity of the chapter as a whole, or any other portion thereof, and its application to other persons or circumstances, shall not be affected. (Ord. 3696 Sec. 13, 1997)