

ORDINANCE NO. 2584

AN ORDINANCE amending Chapter 5.36 of the Camas Municipal Code by revising the license regulations for sexually oriented businesses; amending Section 18.07.030 Table - 1 relating to permitted, conditional, prohibited, and temporary zoning use regulations in commercial, industrial and high technology districts; and repealing Chapter 18.37 of the Camas Municipal Code, which contained zoning regulations for adult entertainment businesses.

WHEREAS, the City recognizes the importance of freedom of expression in a democratic society; and

WHEREAS, there are no sexual oriented businesses operating in the City of Camas, and

WHEREAS, the City takes notice of the experience of other cities and counties in attempting to combat the specified adverse impacts of sexually oriented businesses, including semi-nude dancing as a substantial portion of their business operations; and

WHEREAS, the City of Camas has considered and relied upon studies and information from other cities concerning the specified adverse impacts of sexually oriented businesses, and

WHEREAS, the resources considered by the City are set forth in Exhibit "C" attached hereto and by this reference incorporated herein; and

WHEREAS, the City finds that sexually oriented businesses have, historically, led to an increase in prostitution, sexually transmitted disease, drug and alcohol offenses, and other criminal activity; and

WHEREAS, Sexually oriented business uses sometimes are fronts for or operated by persons associated with organized criminal activities and the need to scrutinize such sexually oriented businesses is enhanced; and

WHEREAS, the City recognizes the need to prohibit behavior which may be harmful to its citizens; and

WHEREAS, establishments where nude, topless or erotic dancing are offered may present the opportunity to engage in activity which the Constitution does not protect and which is detrimental to the public health, safety and welfare; and

WHEREAS, the operation of such establishments should be regulated and monitored; and

WHEREAS, the Planning Commission has held public a workshop and public hearing, and recommended licensing and operational ordinances which will recognize the constitutional right of all legitimate businesses to function while reasonably restricting time and manner of such

businesses; and

WHEREAS, the law enforcement resources available for responding to problems associated with or created by sexually oriented business establishments are limited and are best conserved by regulating and licensing sexually oriented business establishments; and

WHEREAS, the City has determined that there are deleterious secondary effects of sexually oriented businesses that can be minimized through the adoptions of specific licensing and premises operational requirements that are specifically and narrowly tailored to alleviate these harmful effects;

NOW, THEREFORE, be it ordained by the Council of the City of Camas as follows:

Section I

Chapter 5.36 of the Camas Municipal Code is hereby amended to provide as set forth in Exhibit "A" attached hereto and by this reference incorporated herein.

Section II

Section 18.07.030 Table - 1 is amended as set forth in Exhibit "B" attached hereto and by this reference incorporated herein.

Section III

Chapter 18.37 of the Camas Municipal Code, which contained zoning regulations for adult entertainment businesses, being the same is hereby repealed.

Section IV

This Ordinance shall take force and be in effect five (5) days from and after its publication according to law.

PASSED BY the Council and APPROVED by the Mayor this 3rd day of ~~April~~<sup>May</sup>, 2010.

SIGNED: Paul Di  
Mayor

ATTEST: John M. Augin  
Clerk

APPROVED as to form:

Shirley Mays  
City Attorney

## EXHIBIT A

### Chapter 5.36 Sexually Oriented Businesses

5.36.010	Purpose
5.36.020	Findings
5.36.030	Definitions
5.36.040	Licenses
5.36.050	Licenses prohibited
5.36.060	Licenses – Business
5.36.070	Licenses – Managers, Entertainers
5.36.080	Licenses – Fees, Terms, Renewals
5.36.090	Issuance of licenses
5.36.100	License suspension or revocation
5.36.110	Appeals
5.36.120	Standard of conduct and operation
5.36.130	Location requirements
5.36.140	Violation – Penalty

#### 5.36.010 Purpose

This chapter is intended to protect the general public health, safety, and welfare through the regulation of the operations of sexually oriented businesses. The regulations set forth in this chapter are intended to prevent health and safety problems in and around public places of sexually oriented businesses, and to prevent dangerous and unlawful conduct in and around public places of sexually oriented businesses through effective land use planning and reasonable regulation in light of the findings set forth in Section 5.36.020, and to regulate the display of adult materials by other commercial establishments.

#### 5.36.020 Findings

The uses and activities defined and regulated in this chapter are detrimental to the public health, safety, and welfare of the citizens of Camas, and to the reasonable and orderly growth and development of the City, and must be reasonably regulated for the following reasons:

- A. Numerous communities have experienced negative secondary impacts from sexually oriented businesses.
- B. The city may rely on the experience of other communities in assessing the present and future need for regulation of sexually oriented businesses and the type of regulation appropriate for such uses.
- C. The city of Camas Comprehensive Plan strongly supports a policy that adjacent land uses be compatible.
- D. Sexually oriented business land uses are incompatible with certain sensitive land uses such as residences, churches, parks, day care facilities, and schools.
- E. Adjacency of residential uses to sexually oriented businesses reduces the desirability and value of residential property.
- F. Sexually oriented businesses are perceived to negatively impact the character and value of established neighborhoods.

## EXHIBIT A

- G. Experience elsewhere has shown that concentration of sexually oriented businesses degrades the quality of the areas in which they are concentrated and causes a decline in desirability and value of surrounding properties.
- H. Even in dispersal models, sexually oriented businesses may be expected to have adverse secondary impacts on adjacent commercial and business uses unless subject to reasonable regulation relating to exterior décor and signage.
- I. Increased levels of criminal activity occur in and around sexually oriented businesses which impact health and safety resources.
- J. On-premises criminal activity may be expected to occur in sexually oriented businesses unless such premises are subject to reasonable regulations to licensure, interior design, and on-premises conduct of licensees and patrons.
- K. Utilization of one thousand (1000) feet as the requisite spacing between each sexually oriented business and other sexually oriented businesses, and between sexually oriented businesses and churches, parks, day care facilities, schools, and existing residential zones, will provide adequate separation while providing adequate locations for prospective sexually oriented businesses.
- L. Implementation of a modified dispersal approach to the regulation of sexually oriented businesses, together with reasonable regulation of licensure of such uses, is the least restrictive alternative means available to accomplish the substantial governmental interest in protecting and preserving the quality of the city's neighborhoods while still preserving adequate site opportunities for sexually oriented business enterprises and those who which to patronize such businesses.
- M. The public welfare is served by screening adult materials from view of minors.

### 5.36.030 Definitions

Unless otherwise specifically defined, the terms used in this chapter shall have the following meanings:

- A. "Applicant" means the individual or entity seeking a sexually oriented business license in the city of Camas.
- B. "Applicant control persons" means all partners, corporate officers, and directors and any other individuals in the applicant's business organization who hold a significant interest in the sexually oriented business, based on responsibility for management of the business.
- C. "Clerk" means such city employees or agents as the city administrator shall designate to administer this chapter, or any designee thereof.
- D. "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 any sexually oriented business.
- E. "Entertainer" means any person who provides sexually oriented entertainment within a live sexually oriented business as described in this section, whether or not a fee is charged or accepted for entertainment.
- F. "Liquor" means all beverages defined in RCW 66.04.200.
- G. "Live sexually oriented business" means any commercial premises to which any member of the public is invited or admitted, and where an entertainer provides sexually oriented entertainment to any member of the public.
- H. "Manager" means any person who manages, directs, administers, or is in charge of the affairs and/or conduct of any portion of any activity involving sexually oriented entertainment occurring at the live sexually oriented business, and includes assistant manager working with or under the direction of a manager to carry out such purposes.

## EXHIBIT A

- I. "Member of the public" means a customer, patron, club member, or person, other than an employee, who is invited or admitted to a sexually oriented business establishment.
- J. "Nude or seminude" means a state of complete or partial undress in such costume, attire, or clothing so as to expose any portion of the female breast below the top of the areola or any portion of the pubic region, anus, buttocks, vulva, or genitals, or human genitals in a discernibly turgid state, even if completely and opaquely covered.
- K. "Person" means any individual, partnership, corporation, trust, incorporated or unincorporated association, marital community, joint venture, governmental entity, or other entity or group of persons however organized.
- L. "Sexual conduct" means acts of:
  - 1. Sexual intercourse within its ordinary meaning, occurring upon any penetration, however slight; or
  - 2. Any penetration of the vagina or anus, however slight, by any object; or
  - 3. Any contact between persons involving the sex organs of one person and the mouth or anus of another; or
  - 4. Masturbation, manual or instructional, of oneself or of one person by another; or
  - 5. Touching of the sex organs or anus, whether clothed or unclothed, of oneself, or of one person by another.
- M. "Sexually oriented business (enterprise)" means an establishment to which customers are invited or permitted access, and which, for consideration of any kind, sexually oriented materials are displayed, viewed, or purchased, to include the following enterprises:
  - 1. Adult Bookstore. "Adult bookstore" means a sexually oriented business, or segment thereof, which offers print and/or electronic media including, but not limited to books, magazines, periodicals, records or audio tapes, CD's, DVD's, or other printed or pictorial matter, and other forms of access to sexually oriented materials constituting or containing sexually oriented material which is offered to customers;
  - 2. Arcade. "Arcade" means sexually oriented business, or segment thereof, which provides rooms, booths, or devices, whether referred to as arcades, panoramas, peep shows, preview rooms, reading rooms, or viewing booths, and regardless of the method of activation or operation, in which or upon which are produced graphic displays or other pictorial or visual images of sexually oriented material for the on- premises display to five (5) or fewer customers at any one time;
  - 3. Encounter Center. "Encounter center" means a sexually oriented business, or segment thereof, whether referred to as lotion studio, massage parlor, sexy reading room, spa, steam bath, or sauna, wherein either employees or customers, or both, display and have direct physical contact with specified anatomical areas (as listed in 4b, below) of one another, or engage in specified sexual activity with or in the presence of one another;
  - 4. Live Entertainment. "Live entertainment" means:
    - a. Any exhibition, performance, or dance of any type conducted in a premises where such exhibition, performance, or dance involves a person who is nude or seminude; or
    - b. Any exhibition, performance, or dance of any type conducted in a premises where such exhibition, performance, or dance is distinguished or characterized by a predominant emphasis on the depiction, description, simulation, or relation to the following specified sexual activity:
      - i. Human genitals in a state of sexual stimulation or arousal;
      - ii. Acts of human masturbation, sexual intercourse, or sodomy; or

## EXHIBIT A

- iii. Fondling or other erotic touching of human genitals, pubic region, buttocks, or female breast; or
  - iv. Any exhibition, performance, or dance which is intended to sexually stimulate any member of the public and which is conducted on a regular basis or as a substantial part of the premises activity. This includes, but is 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 performance, exhibition or dance, and which is commonly referred to as table dancing, couch dancing, taxi dancing, lap dancing, private dancing, or straddle dancing.
5. Lounge. "Lounge" means a sexually oriented business, or segment thereof, including any bar, cabaret, lounge, tavern, theater, concert hall, auditorium, or similar structure, regardless of whether such enterprise dispenses alcohol or is regulated by or under the authority of the state of Washington, wherein the live on-premises display of sexually oriented material either by employees or customers, or both, is provided or permitted;
  6. Motels. "Motels" means a commercial establishment, including hotel, motel, or similar public accommodation which:
    - a. Offers sleeping rooms for rent at a reduced rate for a period of time that is less than ten (10) hours, or
    - b. Provides to its customers facilities for on-premise viewing of sexually oriented material not transmitted over the airways.
    - c. Evidence that such establishment has, on more than three (3) occasions in any period of ten (10) consecutive days, engaged in conduct described in (6)(a) of this section shall constitute prima facie evidence that such establishment is a sexually oriented motel;
  7. Movie Theater. "Movie theater" means a sexually oriented business, or segment thereof, wherein motion picture films, video cassettes, DVD's, cable television, or any other such visual media in which sexually oriented materials constitute a predominant theme are regularly displayed on-premises to more than five (5) customers at any one time;
  8. Studio. "Studio" means a sexually oriented business, or segment thereof, wherein models are provided who engage in or display sexually oriented material while being observed, painted, painted upon, sketched, drawn, sculptured, photographed, or otherwise depicted by customers;
  9. Video Store. "Video store" means a sexually oriented enterprise, or segment thereof, which offers still photographs, motion picture film, recorded images or pictorial representations, audio or video tapes, CD's, DVD's, or other printed or pictorial matter, and other forms of materials constituting or containing sexually oriented materials for off-premise display.
- N. "Sexually Oriented Material" means any material, conveyed or communicated by live performance, still photograph, print and/or electronic media including, but not limited to books, magazines, audio and video tapes, CD's, DVD's, printed or pictorial matter, motion picture film, slide, video cassette, recorded graphic or visual imagery, human conduct, or any other forms of access or medium which material is intended to provide sexual stimulation or sexual gratification, and which is distinguished or characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas (as listed in 4b, above). "Sexually Oriented Material" also includes any instrument, device, or paraphernalia designed for use in connection with specified sexual activities.

## EXHIBIT A

### 5.36.040 Licenses required

- A. It is unlawful for any person to conduct, manage, or operate a sexually oriented business unless such person is the holder of a valid and current license from the City obtained in the manner provided in this chapter.
- B. It is unlawful for any entertainer, employee, or manager to knowingly work in or about, or to knowingly perform any service or entertainment directly related to the operation of an unlicensed sexually oriented business.
- C. It is unlawful for any entertainer to perform in a sexually oriented business unless such a person is the holder of a valid and current license from the city.
- D. It is unlawful for any manager to work in a sexually oriented business unless such person is the holder of a valid and current license from the city.
- E. Licenses issued under this chapter shall not be assignable.

### 5.36.050 Licenses prohibited

Licenses shall not be issued to:

- A. A person who has not attained the age of twenty-one (21), except that a license may be issued to person who has attained the age of eighteen (18) years in a sexually oriented business where no intoxicating liquors are served or provided.
- B. A person whose place of business is conducted by a manager or agent, unless such manager or agent possesses the same qualifications required of the licensee, or in the case of a manager of a sexually oriented business, the manager has obtained a manager's license.
- C. A partnership, unless all the members thereof are qualified to obtain a license as provided in this Chapter. Such license shall be issued to the manager thereof.
- D. A corporation, unless all the officers and directors thereof are qualified to obtain a license as provided herein. Such license shall be issued to the corporation.
- E. A limited liability company, unless all members and managers thereof are qualified to obtain a license as provided herein. Such license shall be issued in the name of the limited liability company.
- F. Any business which is not registered with the Washington State Department of Revenue.
- G. A person who has been convicted of a crime involving moral turpitude in the last five (5) years.
- H. A person or entity who misrepresents or conceals any material fact made in an application for a license or in support thereof.
- I. A person convicted of the felony possession and/or distribution or sale of illegal narcotics.
- J. A person convicted of prostitution, soliciting a prostitute, or allowing prostitution.
- K. A person with any felony conviction within the last five (5) years.
- L. A person without U.S. Citizenship, work visa, green card or other documentation sufficient to demonstrate the ability to lawfully work in the United States.

### 5.36.060 Licenses – Business

All applications for a sexually oriented business license shall be submitted in the name of the person or entity proposing to conduct such activity on the business premises, and shall be signed by such person or his agent, and certified as true under penalty of perjury. All applications shall be submitted on a form supplied by the city clerk or designee together with the following information necessary to complete the application:

## EXHIBIT A

- A. For the applicant and for each applicant control person, provide: names; any aliases or previous names; driver's license number, if any; social security number; business, mailing, and residential addresses; and business telephone number.
- B. If a partnership, whether general or limited, and if a corporation, the date and place of incorporation, evidence that it is in good standing under the laws of the State of Washington, and the name and address of any registered agent for service of process.
- C. Whether the applicant or any party, corporate officer, or director of the applicant holds any other licenses under this chapter, or any license for a similar sexually oriented business, including motion picture theaters and panorams, from the city or any other city, county, or state, and if so, the names and addresses of each of the other licensed businesses.
- D. A summary of the business history of the applicant and applicant control persons in owning or operating an adult entertainment or other sexually oriented businesses, providing names, addresses, and date of operation for such other licensed businesses, and whether any business license, sexually oriented business license, or adult entertainment license has been revoked or suspended, and the reason therefore.
- E. The business license applicant shall provide the business account number assigned by the Washington State Department of Revenue. Said account shall be in good standing and without delinquencies.
- F. For the applicant and all applicant control persons, any and all criminal convictions or forfeitures within five (5) 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 the court, and disposition.
- G. For the applicant and all applicant control persons, a description of business, occupation, or employment history for the three (3) years immediately preceding the date of the application.
- H. Authorization for the city, its agents and employees to seek information to confirm any statements set forth in the application.
- I. The location and doing-business-as (DBA) name of the proposed sexually oriented business, 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.
- J. Two (2) two-inch by two-inch (2" x 2") color photographs of the applicant and applicant control persons, taken within six (6) months of the date of application showing only full face.
- K. A complete set of fingerprints for the applicant and each applicant control person, taken by Camas police department employees.
- L. A scale drawing or diagram showing the configuration of the premises for the proposed sexually oriented business, including a statement of the total floor area 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 a sexually oriented business shall include building plans which demonstrate conformance with CMC Section 5.36.120(D).
- M. A non-refundable application fee as set forth by City Council resolution.

## EXHIBIT A

### 5.36.070 Licenses – Managers and Entertainers

- A. No person shall work as a manager, assistant manager, or entertainer at a sexually oriented business without a managers or entertainers license from the city. Each applicant for a managers or entertainers license shall complete an application on forms provided by the city containing the information identified below, together with a non-refundable application fee. The managers or entertainers license applications shall require the following information:
1. The applicant's name, any previous names, home address, telephone number, date and place of birth, social security number, fingerprints taken by Camas police department employees, and any stage names or aliases used in entertaining.
  2. The name and address of each business where the applicant intends to work.
  3. Documentation that the applicant has attained the age of eighteen (18) years. Any two of the following shall be accepted as documentation of age:
    - a. A motor vehicle operators license issued by any state bearing the applicant's photograph and date of birth;
    - b. A state-issued identification card bearing the applicant's photo and date of birth;
    - c. An official passport issued by the United States of America;
    - d. An immigration card issued by the United States of America; or
    - e. Any other identification that the city determines to be acceptable.
  4. A complete statement of all convictions of the applicant for any misdemeanor or felony violations in this City or any other city, county, or state within five years immediately preceding the date of the application, except parking violations or minor infraction.
  5. A description of the applicant's principal activities or services to be rendered.
  6. Two (2) two-inch by two-inch (2" x 2") color photographs of the applicant and applicant control persons, taken within six (6) months of the date of application showing only full face.
  7. Authorization for the city, its agents and employees to investigate and confirm any statements set forth in the application.
- B. Every entertainer shall provide his or her license to the live sexually oriented business manager on duty on the premises prior to his or her performance. The manager shall retain the licenses of the entertainer readily available for inspection by the city at any time during business hours of the sexually oriented business.

### 5.36.080 Licenses – Fees, terms, renewals

- A. Any application for a license under this chapter, shall be accompanied by payment of fees as established by City Council resolution, and will be for original applications, transfer applications, or renewal application.
- B. Issuance of a license under this chapter shall be subject to a licensing fee as established by City Council resolution.
- C. There shall be no prorating of license fees set out in this section, and such licenses shall expire on the thirty-first (31) day of December of each year, except that in the event that the original application is made subsequent to June 30<sup>th</sup>, then one-half of the annual fees may be accepted for the remainder of said year.
- D. Renewal of licenses.
1. Applications for renewal of sexually oriented business licenses shall be made to the clerk no later than thirty (30) days prior to the expiration the license, and. The renewal license

## EXHIBIT A

for the sexually operated business shall be issued in the same manner as set forth in Section 5.36.060, above, and fees as set forth by City Council resolution.

2. Applications for renewal of a managers or entertainers license shall be made no later than fourteen (14) days prior to the expiration of the license, and shall be accompanied by a two (2) two-inch by two-inch (2" x 2") color photographs of the applicant and applicant control persons, taken within six (6) months of the date of application showing only full face. The renewal license for a manager or entertainer shall be issued in the same manner as set forth in Section 5.36.070, above, and fees as set forth by City Council Resolution.
3. Applications that are not made on or before the stated dates shall be assessed an additional charge, computed as a percentage of the license fee, as follows:
  - a. Seven (7) to thirty (30) days past due: 25% of the fee;
  - b. Thirty-one (31) to sixty (60) days past due: 50% of the fee;
  - c. Sixty-one (61) or more days over due: 75% of the fee.
4. The clerk shall renew a license upon application unless the city is aware of facts that would disqualify the applicant from being issued the license for which he or she seeks renewal, and further provided that the application complies with all provisions of this chapter as now enacted or as the same may hereafter be amended.

### 5.36.090 Issuance of licenses

#### A. Submittal:

1. Each applicant shall verify, under the penalty of perjury, that the information contained in the application is true.
2. A nonrefundable application fee must be paid at the time of filing an application in order to defray the costs of processing the application.
3. An application shall be deemed complete upon the applicant's provision of all information requested above, including identification of "none" where that is the correct response, and the applicant's verification that the application is complete.
4. The clerk or designee may request information or clarification in addition to that provided in a complete application where necessary to determine compliance with this chapter.
5. Upon the request of the applicant the clerk may grant an extension of time in which to provide all information required for a complete license application.

#### B. Review:

1. Upon receipt of the complete application and application fee, the clerk shall provide copies to the police, fire, and community development departments for their investigation and review to determine compliance of the proposed sexually oriented business with the laws and regulations which each department administers.
2. Each department shall, within thirty (30) days of the date of such application, inspect the application and premises, and shall make a written report back to the clerk whether such application and premises comply with the laws administered by each department.
3. No license may be issued unless each department reports that the application and premises comply with the relevant laws. In the event the premises are not yet constructed, the departments shall base their recommendation as to the premises compliance on their review of drawings submitted in the application. Any sexually oriented business license approved prior to premises construction shall contain a condition that the premises may not open for business until the premises have been

## EXHIBIT A

inspected and determined to be in substantial conformance with the drawings submitted with the application.

4. After investigation by the police department the clerk shall issue the applicable license or licenses authorized by this chapter if the clerk finds:
  - a. that the applicant complies with all of the requirements of this chapter;
  - b. that the applicant, his or her employee, agent, partner, director, office, stockholder, or manager has not 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; and
  - c. that the sexually oriented business is to be conducted on premises properly zoned for such use.

### C. Decision:

A decision on a sexually oriented business license shall be issued by the clerk within thirty (30) days of the date of the filing of a complete license application, unless the city determines that the applicant has failed to meet one or more 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. If the clerk fails to approve or deny the license within thirty (30) days of the date of filing of a complete application and fee, the applicant shall be permitted, subject to all other applicable laws, to operate the business for which the license was sought until notification by the clerk that the license has been denied, but in no event may the clerk extend the review time for more than an additional twenty (20) days.

1. A decision on a sexually oriented business manager's or entertainer's license shall be issued by the clerk within fourteen (14) days from the date the complete application and application fee are received, unless the clerk determines that the applicant has failed to provide any information required by 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. No decision approving a license shall be valid until a licensing fee is paid and the license issued.
2. If the clerk has failed to approve or deny an application under this section within fourteen (14) days of filing of a complete application, the applicant may, subject to all other applicable laws, commence work as a manager or entertainer in a duly licensed sexually oriented business until notified by the clerk that the license has been denied, but in no event may the clerk extend the application review time more than an additional twenty (20) days.
3. A department shall recommend denial of a license under this subsection if it finds that the proposal is not in compliance with the requirements of this chapter or other law in effect in the city. A recommendation for denial shall cite specific reasons therefore, including applicable law.
4. If the clerk determines that the applicant has failed to qualify for the license applied for, the clerk shall deny the application in writing and shall cite the specific reasons therefore, including applicable law.
5. If the city finds that the applicant has failed to meet any of the requirements for issuance of a sexually oriented business license, the clerk shall deny the application in writing, and shall cite the specific reasons therefore, including applicable law.
6. If an application is denied there shall be no reapplication for one (1) year following the date of the previous application.

## EXHIBIT A

- D. The sexually oriented business license, if granted, shall state on its face the name of the person or person to whom it is issued, the expiration date, the DBA name, and the address of the licensed sexually oriented business. The permit shall be posted in a conspicuous place at or near the entrance to the business so that it can be easily read at any time the business is open.
- E. If any person or entity acquires, subsequent to the issuance of a sexually oriented business license, a significant interest based on the responsibility for management or operation of the licensed premises or the licensed business, notice of such acquisition shall be provided in writing to the city clerk no later than twenty-one (21) days following such acquisition. The notice required shall include the information required for the original sexually oriented business license application.
- F. No person granted a sexually oriented business license pursuant to this chapter shall operate such establishment under a name not specified on the license, nor shall any person operate an establishment under any designation, or at any location not specified on the license.

### 5.36.100 License suspension or revocation

- A. Grounds. The city clerk may suspend or revoke any license issued pursuant to this chapter for a period of time not to exceed one (1) year 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, operation, or location of the sexually oriented business for which the license was issued does not comply with the requirements of this chapter, or fails to meet the requirements of the zoning code relating to the siting of sexually oriented businesses;
  - 3. The licensee, his or her employee, agent, partner, director, officer, manager, or entertainer has violated or permitted violation of any of the provisions of this chapter, or is convicted of committing a crime on the premises of the sexually oriented business.
  - 4. At any time during the license period a person becomes ineligible.
- B. Notice. Upon determining that grounds for revocation or suspension exist, the city clerk shall send the licensee a notice of intent to revoke or suspend the license. Such notice shall set forth the grounds for suspension and/or revocation. The licensee shall be permitted to respond to the allegations in the notice of revocation or suspension for a period of ten (10) days following issuance of the notice of intent to revoke or suspend the license. Thereafter the city clerk shall determine whether to suspend or revoke the license.

### 5.36.110 Appeals

Any person aggrieved by the action of the city in refusing to issue or renew any license issued under this chapter may seek review of the city's decision by filing a request for review before the city council. The council shall conduct a hearing at which the aggrieved party may appear, be heard, and submit evidence on his or her behalf for consideration by the council. Any such request for review shall be heard by the city council no later than the second regularly scheduled council meeting following filing of the notice of appeal.

Any person aggrieved by any decision of the city council denying a license shall be reviewable for unlawful, arbitrary, capricious, or corrupt action or non-action may appeal to the superior court by a writ of review before the superior court of Clark County.

## EXHIBIT A

### 5.36.120 Standards of conduct and operation – Sexually oriented business

- A. The following standards of conduct must be adhered to by managers, employees, and entertainers of any sexually oriented business:
1. No employee or entertainer shall be unclothed or in such attire, costume or clothing so as to expose 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 (18) inches from the immediate floor level and removed at least eight (8) feet from the nearest member of the public.
  2. No employee or entertainer shall 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 and/or buttocks, or any portion of the pubic hair except upon a stage at least eighteen (18) inches above the immediate floor level and removed at least eight (8) feet from the nearest member of the public.
  3. No employee or entertainer shall fondle, touch, or caress any patron for the purpose of arousing or exciting the patron's sexual desires, or sit on a patrons lap, or separate a patron's legs.
  4. No employee or entertainer shall allow a patron to touch an employee or entertainer on the breast, in the pubic area, buttocks, or anal area. No employee or entertainer shall encourage or permit any member of the public to touch, fondle, or caress an employee or entertainer for the purpose of arousing or exciting the sexual desires of either party.
  5. No employee or entertainer shall perform actual or simulated acts of sexual conduct as defined in this chapter, or any act which constitutes a violation of Chapter 7.48A RCW, the Washington Nuisance Statute.
- B. At any sexually oriented business, the following are required:
1. No person under the age of eighteen (18) shall be shall be employed by a sexually oriented business.
  2. No person under the age of eighteen (18) shall be admitted to a sexually oriented business.
  3. No person under the age of eighteen (18) shall be licensed as a manager or entertainer for a sexually oriented business.
- C. A licensed manager shall be on the premises of a sexually oriented business at all times that the business is open to members of the public. The licensed manager shall not permit any violations of this chapter to occur.
- D. Premises – Specifications.
1. The performance area of any sexually oriented business shall be a stage or platform at least eighteen (18) inches in elevation above the level of the patron seating area, and shall be separated by a distance of at least eight (8) feet from all areas of the premises to which members of the public have access. A continuous railing affixed to the floor and measuring at least three (3) feet in height, and located at least eight (8) feet from all points of the performance area shall separate the performance area and the patron seating areas.
  2. Sufficient illumination shall be provided in and about the parts of any live sexually oriented business which is open to and used by the public so that all objects are plainly visible at all times. Such illumination shall be not less than ten (10) foot candles at floor level at all times when the premises are open to the public, or when any member of the public is permitted to enter and remain therein.

## EXHIBIT A

3. The stage on which live sexually oriented business is provided 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.
4. No live sexually oriented business activities occurring on the premises shall be visible at any time from any public place *outside the premises*.
- E. All sexually oriented businesses shall be closed between 2:00 a.m. and 10:00 a.m.
- F. It is the duty of all licensees issued licenses under this chapter to keep the information on their license applications current at all times and available for inspection by city officials when the premises are open for business. The purpose of such inspection shall be to determine if the licensed premises are operated in accordance with the requirements of this chapter. It is hereby expressly declared that unannounced inspections are necessary to ensure compliance with this chapter.

### 5.36.130 Location requirements

- A. **Conflicting Uses.** No sexually oriented business enterprise shall be licensed if the same is hereinafter located within one thousand (1,000) feet of any residential zone, school, church, day care facility, or park. Measurements, for the purposes of this section, shall be made on a straight line, without regard to structures or objects, from the nearest point of the property line of the sexually oriented business to the nearest point on the property line of such school, church, day care facility, park, or zone boundary line of a residential zone.
- B. **Other sexually oriented businesses.** No sexually oriented business shall be licensed nor conduct any business within one thousand (1,000) feet of any other sexually oriented business operating under a current and valid sexually oriented business license. Measurements, for the purposes of this section, shall be made on a straight line, without regard to structures or objects, from the nearest point of the property line of the sexually oriented business to the nearest point on the property line of the applicant's sexually oriented business.

### 5.36.140 Violation – Penalty

Any person violating any of the provisions of this chapter shall be guilty of a gross misdemeanor, and upon conviction thereof, shall be punishable by a fine not to exceed five thousand dollars (\$5,000), or imprisonment in jail not to exceed one year, or by both such fine and imprisonment. Each separate day or any portion thereof during which any violation of any provision of this chapter occurs or continues shall be deemed a separate and distinct offense.

## EXHIBIT B

Repeal and replace CMC 18.07.030 Table 1

**18.07.030 Table 1--Commercial, industrial and high technology land uses.**

KEY: P = Permitted Use

C = Conditional Use

X = Prohibited Use

T = Temporary Use

	NC	DC	CC	RC	MX	LI/BP	LI	HI
<b>Commercial</b>								
Animal kennel, commercial/boarding <sup>6</sup>	X	X	X	C	X	X	X	X
Animal shelter <sup>6</sup>	X	X	X	C	X	X	C	P
Antique shop <sup>6</sup>	P	P	P	P	P	X	X	P
Appliance sales and service <sup>6</sup>	X	P	P	P	P	X	C	P
Automatic teller machines (ATM) <sup>6</sup>	P	P	P	P	P	P <sup>5</sup>	P	P
Automobile repair (garage) <sup>6</sup>	X	C	C	P	X	X	P	P
Automobile sales, new or used <sup>6</sup>	X	C	X	P	X	X	P	P
Automobile service station <sup>6</sup>	X	C	C	P	X	X	P	P
Automobile wrecking <sup>6</sup>	X	X	X	X	X	X	X	C
Bakery (wholesale) <sup>6</sup>	X	X	X	P	X	P <sup>5</sup>	P	P
Bakery (retail) <sup>6</sup>	P	P	P	P	P	P <sup>5</sup>	P	P
Banks, savings and loan	X	P	P	P	P	P <sup>5</sup>	P	P
Barber and beauty shops <sup>6</sup>	P	P	P	P	P	P <sup>5</sup>	P	P
Boat building <sup>6</sup>	X	X	X	C	X	X	C	P
Boat repair and sales <sup>6</sup>	X	C	X	P	X	X	P	P
Book store <sup>6</sup>	C	P	P	P	P	P <sup>5</sup>	P	P
Bowling alley/billiards <sup>6</sup>	X	P	X	P	P	X	P	P
Building, hardware and garden supply store <sup>6</sup>	X	C	C	P	P	X	P	P
Bus station <sup>6</sup>	X	P	C	P	C	X	P	P
Cabinet and carpentry shop <sup>6</sup>	X	C	C	P	C	P <sup>5</sup>	P	P
Candy and confectionery store <sup>6</sup>	P	P	P	P	P	P <sup>5</sup>	P	P
Cart vendors <sup>6</sup>	C	P	C	P	C	P <sup>5</sup>	P	P
Cemetery <sup>6</sup>	X	X	X	C	X	X	C	P
Clothing store <sup>6</sup>	C	P	P	P	P	X	P	P
Coffee shop or cafe <sup>6</sup>	P	P	P	P	P	P <sup>5</sup>	P	P
Convention center <sup>6</sup>	X	C	X	C	C	P	C	X
Day care center <sup>6</sup>	C	P	P	C	P	P <sup>5</sup>	C	C
Day care, adult	P	P	P	P	P	P	P	P
Day care, family home <sup>6</sup>	P	P	P	P	P	P <sup>5</sup>	P	X

## EXHIBIT B

Repeal and replace CMC 18.07.030 Table 1

	NC	DC	CC	RC	MX	LI/BP	LI	HI
Day care, mini-center <sup>6</sup>	P	P	P	P	P	P <sup>5</sup>	P	X
Delicatessen (deli) <sup>6</sup>	P	P	P	P	P	P <sup>5</sup>	P	P
Department store <sup>6</sup>	X	P	C	P	P	X	P	X
Equipment rental <sup>6</sup>	C	C	C	C	C	P <sup>5</sup>	P	P
Feed store <sup>6</sup>	X	X	X	P	X	X	P	P
Fitness center/sports club <sup>6</sup>	X	P	P	P	P	P <sup>5</sup>	P	P
Funeral home <sup>6</sup>	X	P	C	P	P	X	X	X
Florist shop <sup>6</sup>	P	P	P	P	P	P <sup>5</sup>	P	X
Food delivery business <sup>6</sup>	X	P	C	P	C	X	P	X
Furniture repair and upholstery <sup>6</sup>	X	P	C	P	P	X	P	P
Furniture store <sup>6</sup>	X	P	C	P	P	X	P	X
Gas/fuel station <sup>6</sup>	X	C	C	P	X	X	P	P
Gas/fuel station with mini market <sup>6</sup>	X	C	C	P	X	X	P	P
Grocery, large scale <sup>6</sup>	X	P	C	P	P	X	P	P
Grocery, small scale <sup>6</sup>	X	P	C	P	P	X	P	P
Grocery, neighborhood scale <sup>6</sup>	P	P	P	P	P	P <sup>5</sup>	P	X
Hospital, emergency care <sup>6</sup>	X	C	P	P	P	X	P	X
Hotel, motel <sup>6</sup>	X	C	C	P	P	X	P	X
Household appliance repair <sup>6</sup>	X	C	C	P	P	X	P	P
Industrial supplies store <sup>6</sup>	X	C	X	C	C	X	C	P
Laundry/dry cleaning (commercial)	X	X	X	P	X	X	P	P
Laundry/dry cleaning (retail) <sup>6</sup>	P	P	P	P	P	P <sup>5</sup>	P	P
Laundry (self-serve)	P	P	P	P	P	X	P	P
Liquor store <sup>6</sup>	X	C	C	P	C	X	C	C
Machine shop <sup>6</sup>	X	X	X	C	C	P <sup>5</sup>	C	P
Medical or dental clinics (outpatient) <sup>6</sup>	C	P	P	P	P	P <sup>5</sup>	P	P
Mini-storage/vehicular storage <sup>6</sup>	X	X	C	C	X	X	P	P
Manufactured home sales lot <sup>6</sup>	X	X	X	P	X	X	P	P
Newspaper printing plant <sup>6</sup>	X	P	C	C	X	X	P	P
Nursery, plant <sup>6</sup>	X	C	C	C	C	X	C	P
Nursing, rest, convalescent, retirement home <sup>6</sup>	C	P	P	P	P	X	X	X
Office supply store <sup>6</sup>	X	P	P	P	P	P <sup>5</sup>	P	P
Pawnshop <sup>6</sup>	X	X	X	X	X	X	C	C
Parcel freight depots <sup>6</sup>	X	C	X	P	X	P <sup>5</sup>	P	P
Pet shops <sup>6</sup>	X	P	P	P	P	X	P	C



**EXHIBIT B**

Repeal and replace CMC 18.07.030 Table 1

	<b>NC</b>	<b>DC</b>	<b>CC</b>	<b>RC</b>	<b>MX</b>	<b>LI/BP</b>	<b>LI</b>	<b>HI</b>
Metal fabrication and assembly	X	X	X	X	X	X	X	P
Hazardous waste treatment--on-site	X	X	X	X	X	X	X	P
Paper, pulp or related products	X	X	X	X	X	X	X	P
Signs or other advertising structures	X	X	X	C	C	P	C	P
Electronic equipment	X	X	X	X	X	P	P	P
Paper, pulp or related products	X	X	X	X	X	X	X	P
<b>Heavy Industry</b>								
High-tech industry	X	X	X	X	P	P <sup>2</sup>	X	X
Musical instruments, toys, novelties	X	X	X	X	C	X	C	P
Optical goods	X	C	C	C	C	P <sup>5</sup>	P	P
Packaging of prepared materials	X	X	C	P	C	P <sup>5</sup>	C	P
Scientific and precision instruments	X	X	X	X	X	P	P	P
<b>Recreational, Religious, Cultural</b>								
Auditorium <sup>6</sup>	C	P	P	P	P	X	P	P
Community club <sup>6</sup>	C	P	P	P	P	X	P	P
Church <sup>6</sup>	P	P	P	P	P	X	P	P
Golf course/driving range <sup>6</sup>	P	X	P	P	X	P <sup>5</sup>	P	P
Library <sup>6</sup>	C	P	P	P	P	X	P	P
Museum <sup>6</sup>	C	P	P	P	P	X	P	P
Recreational vehicle park <sup>6</sup>	X	X	X	C	X	X	P	P
Open space <sup>6</sup>	P	P	P	P	P	P	P	P
Park or playground	P	P	P	P	P	P	P	P
Sports fields <sup>6</sup>	C	X	P	P	P	X	P	P
Trails	P	P	P	P	P	P	P	P
<b>Educational</b>								
College/university <sup>6</sup>	P	P	P	P	P	X	P	P
Elementary school <sup>6</sup>	P	P	P	P	P	X	P	P
Junior or senior high school <sup>6</sup>	P	P	P	P	P	X	P	P
Private, public or parochial school <sup>6</sup>	P	P	P	P	P	X	P	P
Trade, technical or business college <sup>6</sup>	P	P	P	P	P	P	P	P
<b>Residential Uses</b>								
Adult family home	C	P	P	X	P	X	P	X
Assisted living	C	P	P	X	P	X	X	X
Bed and breakfast	P	P	P	X	P	X	P	X
Boarding house	C	P	P	X	P	X	P	X
Designated manufactured home	X	X	X	X	P	X	X	X

## EXHIBIT B

Repeal and replace CMC 18.07.030 Table 1

	NC	DC	CC	RC	MX	LI/BP	LI	HI
Duplex or two-family dwelling	X	C	X	X	P	X	P	X
Group home	C	P	P	X	P	X	P	X
Home occupation	P	P	P	X	P	X	P	X
Housing for the disabled	P	P	P	X	P	X	X	X
Apartment	X	P	X	X	P	X	P	X
Residence accessory to and connected with a business	P	P	P	X	P	X	P	X
Single-family attached (e.g. rowhouses)	X	C	X	X	P	X	X	X
Single-family dwelling	X	X	X	X	P	X	X	X
<b>Communication, Utilities and Facilities</b>								
Major telecommunication facility <sup>6</sup>	X	X	X	X	X	X	X	C
Minor telecommunication facility	P	P	P	P	P	P	C	P
Wireless communications facility <sup>3, 6</sup>								
Facilities, minor public	P	P	P	P	C	P	C	P
Facility, essential <sup>6</sup>	X	X	C	C	C	P	C	C
Railroad tracks and facilities <sup>6</sup>	C	C	C	C	C	X	C	C
<b>Temporary Uses</b>								
Temporary sales office for a development <sup>4</sup>	T	T	T	T	T	T	T	T

1. See CMC Chapter 5.36 "Sexually Oriented Businesses" for additional regulations for siting sexually oriented businesses.
2. Similar uses are permitted in the zone district only at the discretion of the community development director or designee.
3. See CMC Chapter 18.35 "Telecommunication Ordinance" for wireless communication uses permitted according to the zone district.
4. See CMC Chapter 18.47 "Temporary Uses" for additional regulations.
5. See secondary use provisions of LI/BP zone.
6. See CMC Chapter 18.19 "Design Review" for additional regulations. CMC Chapter 18.19 is not applicable to development in the LI/BP zone.

**EXHIBIT B**

Repeal and replace CMC 18.07.030 Table 1

EXHIBIT "C"

**Table of Contents for Adult Entertainment Record – Book 1**

1	Camas, WA	Draft Ordinance Chapter 5.36 Sexually Oriented Businesses Section 18.07.030 Table 1	Planning Department	
2	Amarillo, TX	A Report on Zoning and Other Methods of Regulation Adult Entertainment in Amarillo	Planning Department	09/12/1977
3	Beaumont, TX	Regulation of Adult Uses; Revised September 14, 1982 Issues and Analysis	Planning Department	09/14/1982
4	Bellevue, WA	A Study on the Need to Regulate the Location of Adult Entertainment Uses	Bellevue Planning Department	09/1987
5	Bellevue, WA	Planning Commission Minutes of Study Session		09/16/1987
6	Bothell, WA	Materials presented to the Bothell Planning Commission	Chief of Police	07/19/1984
7	Federal Way, WA	Adult Entertainment Legislative Record & Code Amendments	Federal Way City Attorney	08/09/1995
8	Garden Grove, CA	The Relationship Between Crime and Adult Business Operations on Garden Grove Boulevard	Richard McLeary, Ph.D. James W. Meeker, J.C., Ph.D.	10/23/1991

EXHIBIT "C"

Table of Contents for Adult Entertainment Record – Book 2				
9	Houston, TX	Legislative Report ... for the Regulation of Sexually Oriented Commercial Enterprises, Adult Bookstores, ...	Committee on the Proposed Regulation of Sexually Oriented Businesses	1983
10	Indianapolis, IN	Adult Entertainment Businesses in Indianapolis, An Analysis	Dept. of Metropolitan Development	02/1984
11	Kent, WA	Adult Use Zoning Study	Kent Planning Dept.	11/1982
12	Minneapolis, MN	An Analysis of the Relationship Between Adult Entertainment Establishments, Crimes, and Housing Values	Minnesota Crime Prevention Center, Inc.	10/1980
13	Minnesota	Report of the Minnesota Attorney General's Working Group on the Regulation of Sexually Oriented Businesses	Attorney General	06/06/1989
14	Phoenix, AZ	Relation of Criminal Activity and Adult Businesses	Phoenix Planning Department	05/1979
15	Seattle, WA	Director's Report Proposed Land Use Code Text Amendment Adult Cabarets	Dennis J. McLerran, Director Department of Construction & Land Use	03/24/1989
16		Blank section (intentional)		
17	Vancouver, WA	Adult Entertainment Business Zoning Text Change Background Materials	Jim McNamara Asst. City Attorney	09/02/1998
18	Vancouver, WA	Adult Entertainment Business Zoning Ordinance	Vernon Stoner City Manager	09/14/1998
19	Vancouver, WA	Amendment to Adult Entertainment Business Zoning Ordinance to add Requirement for Separation from Child Care Facilities	Vernon Stoner City Manager	09/14/1998
20		Articles from various publications regarding Adult Uses	Vernon Stoner City Manager	10/12/1998
21	Zoning Practice magazine	First Amendment Freedoms and Ask the Author excerpt	American Planning Association	October 2006
22	Planning & Environmental Law Commentary	Best Practices in First Amendment Land Use Regulations	Susan L. Trevarthen, AICP	June 2009
23	MRSC Website	Adult Entertainment Regulation, Court Decisions		
24	City of Camas	Sexually Oriented Business, Police reports from Vancouver, WA and Portland, OR (presented at 12/15/09 Planning Commission public hearing)	Mitch Lackey Camas Police Chief	12/15/2009

EXHIBIT "C"

Table of Contents for Adult Entertainment Record – Book 2 (Continued)				
25	City of Camas	Adult Entertainment Zoning Camas GIS – Land Use Analysis (presented at 12/15/09 Planning Commission public hearing)	Ken Kakuk GIS Coordinator	12/15/2009
26	City of Camas	Draft Camas Municipal Code (CMC) 5.36 Sexually Oriented Businesses Section 18.07.030 Table 1 (presented at 12/15/09 Planning Commission public hearing)	Planning Department	12/15/2009