
Title 6
BUSINESS LICENSES AND REGULATIONS

Chapter 6.01
GENERAL LICENSING PROVISIONS

6.01.010 Definitions.

In this title, the words and phrases used, unless the context otherwise indicates, shall have the following meanings:

- (1) "Abatement" means the termination of any license or permit violation by lawful and reasonable means as determined by the licensing authority or his/her duly appointed representative.
- (2) "Applicant" means any person who is applying for a license or permit issued pursuant to any license or permit ordinance.
- (3) "Application" means any form designed by the licensing authority for use in securing a new license or permit or on a renewal basis.
- (4) "Bath" means any container, receptacle, or facility used for refreshing, washing or soaking all or any part of the human body. The term includes, but is not limited to, a Finnish bath, hot tub, Japanese bath, sauna, Swedish bath, Turkish bath, and baths provided by air, steam, vapor, water, or electric cabinet.
- (5) "Business premises" means the entire building in which an activity or business is located together with the entire tract of land under one ownership upon which the building is located.
- (6) "Carnival" means every device, institution or assemblage of devices or institutions for the purpose of providing entertainment, amusement, sport, pastime or merriment for the patrons thereof and shall include roller coaster, merry-go-rounds, swings, Ferris wheel, games of shooting, throwing, pitching, phenomenal exhibitions or everything of like character.
- (7) "Circus" means any institution whose general occupation is that of exhibiting wild animals, feats, horsemanship, animal stunts, acrobatic or aquatic sports for admission to which a fee is charged.
- (8) "County" means Snohomish County.
- (9) "Engaged in business" means, includes, and has reference to a particular occupation or continuing course of commercial activity in which a person is regularly or habitually engaged for the purpose of livelihood or gain.
- (10) "Entertainment" means any act or event causing amusement, diversion or the agreeable passing of time.
- (11) "Examiner" means the county hearing examiner or other hearing examiner appointed by the Snohomish County council.
- (12) "Fire marshal" means the Snohomish county fire marshal or any of his authorized representatives.

- (13) "Float" means (1) with respect to boating tournaments or exhibitions, any anchored man-made structure unattached to the shore where any vessel may dock; or (2) with respect to parades, a low, flat, decorated vehicle for carrying exhibits, tableaux, etc. in a parade.
- (14) "Health officer" means the health officer or any authorized representative of the Snohomish health district.
- (15) "Idling speed" means that speed of any motorboat while underway while its propulsion machinery is set at the machine's slowest possible speed.
- (16) "Length" as it refers to vessels means the overall distance measured in a straight line parallel to the centerline from the foremost part of the vessel to the aftermost part of the vessel, excluding bowsprits, bumpkins, rudders, outboard motors and brackets, and similar fittings and attachments.
- (17) "License" means any document issued by the licensing authority which authorizes a person, to conduct an activity in Snohomish county as provided by this title.
- (18) "Licensee" means any person to whom a license or renewal of license has been issued pursuant to this title.
- (19) "Licensing authority" means the duly elected auditor of Snohomish county or any duly authorized representative.
- (20) "Massage" means the treatment of a human body by another person by rubbing, kneading, hitting or any other manipulation, including the use of equipment, machinery, or appliances in connection with the foregoing.
- (21) "Massage parlor" means any place where massages are given or furnished for, or in expectation of, any fee, compensation or monetary consideration.
- (22) "Motorboat" means any vessel underway under propulsion in whole or in part by machinery. The term shall include seaplanes while taxiing and/or while otherwise not subject to any valid state or federal law or regulation governing the operation of seaplanes.
- (23) "Operator" means any person in actual physical control of any vessel.
- (24) "Owner" means any person having an interest in or right of possession of any property or business, or any person having control, custody or possession of an animal.
- (25) "Parade" means any march or procession consisting of people, animals, bicycles, vehicles in excess of 10 in number or combinations thereof, except wedding processions and funeral processions, upon any county road, sidewalk, alley or other county property which does not comply with normal and usual traffic, regulations or controls.
- (26) "Permit" means any document issued by the licensing authority which authorizes a person to conduct an activity in Snohomish County as provided by this title.
- (27) "Person" means any individual, partnership, firm, joint stock company, corporation, association, trust, estate, limited liability company, limited liability partnership or other legal entity.

(28) "Property" means any tangible property including, but not limited to goods, wares, merchandise, animals, livestock, and land.

(29) "Public bathhouse or hot tub" means any place where baths or hot tubs of any kind are given or furnished to the public for or in expectation of a fee or other compensation.

(30) "Public bathhouse or hot tub employee" means any person who works for a public bathhouse or hot tub.

(31) "Public event/assembly" means any gathering or assembly of 100 or more persons who have been charged admission or made a contribution towards the costs of such gathering or assembly at a single place for the purpose of amusement, entertainment, education or similar common purpose. Such definition shall not include any assembly or gathering conducted for religious, political, or other constitutionally protected purpose.

(32) "Race-type boat" means any motorboat operated at a speed in excess of 35 miles per hour.

(33) "Rowboat" means a small boat propelled by the use of oars or paddles.

(34) "Run" means a sponsored, organized procession to contend in a race consisting of people, bicycles, wheelchairs, other non-motorized vehicles, or combinations thereof containing 10 or more persons upon a county road, sidewalk, alley or other county property. "Run" shall not include any training event or race participated in solely by means of a bona fide school track team or teams.

(35) "Safety buoy" means any buoy established as herein provided and constructed to conform to the State Uniform Waterway Marking System.

(36) "Safety buoy line" means the straight line between any two safety buoys or the straight line between any safety buoy and the point on the shoreline closest to such safety buoys.

(37) "Sailboat" means any vessel propelled by sail or in part by sail and in part manually.

(38) "Sheriff" means the sheriff of Snohomish county or any duly appointed deputy sheriff of Snohomish county.

(39) "Shoreline" means the land bordering any existing body of water.

(40) "Vessel" means any type of watercraft used or capable of being used as a means of marine transportation.

(41) "Visible" as it refers to the hours of darkness, means capable of being seen on a dark night with a clear atmosphere; as it refers to the daylight hours, means capable of being seen on a dull day with the atmosphere clear of fog, haze, or rain.

(42) "Water-ski" means to plane over the water with or without any floating device while being towed by any vessel. The term shall include water-skiing, freeboarding, aquaplaning and similar devices and/or activities.

(43) "Wharf" means any manmade structure attached to the shore and to which any vessel may dock.

All other terms, phrases or words not defined by this chapter shall be known by their common and ordinary meaning and usage in the English language.

(Added Ord. 83-156, § 2, December 29, 1983; Amended Ord. 86-099, § 3, November 12, 1986; Amended Ord. 86-119, § 2, January 7, 1987; Amended Ord. 87-038, § 3, June 3, 1987; Amended Ord. 87-068, § 1, July 16, 1987; Amended Ord. 87-101, § 1, November 23, 1987; Amended Ord. 90-028, April 25, 1990; Amended Ord. 91-102, July 31, 1991; Amended Ord. 94-047, § 1, June 20, 1994, Eff date July 9, 1994; Amended Ord. 96-045, § 2, June, 24, 1996, Eff date Sept. 26, 1997; Amended Ord. 97-020, § 1, May 7, 1997, Eff date July 1, 1997; Amended Ord. 97-043, § 1, June 11, 1997, Eff date June 23, 1997; Amended Ord. 97-058, § 1, July 16, 1997, Eff date July 27, 1997; Amended Ord. 02-083, December 4, 2002, Eff date December 20, 2002).

6.01.020 License or permit required.

Licenses or permits are required for regulation and control of certain businesses, occupations and activities within the unincorporated areas of the county. This title shall be deemed an exercise of the police power of the state of Washington and of the county of Snohomish to protect the public health, safety and welfare. Its provisions shall be liberally construed for these purposes.

6.01.030 Authority and duties of the licensing authority.

(1) The licensing authority is authorized to make and enforce rules and regulations, consistent with the provisions of any license/permit ordinance or state law, necessary for the performance of the purposes stated in [SCC 6.01.020](#).

(2) The licensing authority shall have the authority to suspend or revoke any license or permit issued upon a showing of violation of any of the provisions of any license/permit ordinance; PROVIDED, HOWEVER, That such suspension or revocation shall not relieve the licensee, or permit holder, of the other penalties provided for in this chapter.

(Added Ord. 83-156, § 2, December 29, 1983; Amended Ord. 86-099, November 12, 1986; Amended Ord. 87-038, § 4, June 3, 1987).

6.01.040 Application - Procedures - General.

(1) No license or permit required by this title shall be issued unless written application has been made with the licensing authority. The licensing authority shall provide application forms for each license/permit under this chapter, which shall require such information as the licensing authority deems appropriate, in addition to the information required by the various licensing/permit provisions of this title, as now existing or hereafter amended.

(2) The applicant must complete and sign the application. If the application is for a partnership, a partner must sign and the names of the partners in full shall be given with their current residences. If the application is for a corporation, an authorized officer thereof must sign and the names of the current residences of all of the officers and directors or trustees of the corporation shall be given together with the location of the principal office or place of business of such corporation.

(3) For those licenses or permits which require an investigation, such investigation shall be conducted by the sheriff in accordance with the criteria outlined in [SCC 6.01.047](#). The investigation shall include fingerprinting the applicant and, to the extent practicable, a full investigation of the truth of the statements in the application and all other matters which might tend to aid in the determination of whether to grant the license/permit. The sheriff shall inform the licensing authority in writing within 30 days of receipt of the application as to the results in his investigation and his recommendation as to the disposition of the application. The sheriff may request an extension to complete his investigation of no more than 30 days, which request shall be granted upon a showing of reasonable cause.

(4) For those licenses or permits which require additional reviews or inspections for compliance with appropriate codes for building, zoning, fire and health or any other statute or regulation, each appropriate department director will, within 30 days after receipt of a copy of the application from the licensing authority, inform the licensing authority in writing of the results of their respective inspections and their recommendations as to the disposition of the application. A department director may request an extension not to exceed 30 days for the purpose of completing the review or inspection, which request shall be granted upon a showing of reasonable cause.

(5) The licensing authority, acting on behalf of the county shall approve or deny all applications for licenses or permits required hereunder.

(6) No license/permit shall be issued pursuant to the provisions of this title to the following persons:

(a) Any person who is under 18 years of age at the time of application except as may specifically otherwise be provided in this title.

(b) Any person who has been convicted of a felony or misdemeanor, excluding minor traffic violations, if the felony or misdemeanor for which he was convicted directly relates to the license sought or any activity to be conducted hereunder, and

(i) the time elapsed from the felony is less than five years from date of application; or

(ii) the time elapsed since the misdemeanor is less than three years from date of application.

This subsection shall not preclude the consideration of any prior conviction of a felony or misdemeanor as a factor in determining whether or not a license or permit should be issued.

(c) Any person who is not qualified under any specific provision of this title for any particular license/permit for which application is made.

(d) Any partnership or corporation having as a partner, member of the board of directors, corporate officer or stockholder holding over 20 percent of the stock, any one of whom does not meet the qualifications of this section.

(e) Any person whose license/permit is under suspension at the time of application for a license/permit.

(f) Any person who has had a license/ permit revoked within a period of six months prior to the date of making application for a license/ permit hereunder.

(g) Any person who at the time of application is in default in the payment of any sum due Snohomish County for any license/permit.

(h) Any person who has any outstanding penalties or fines related to any license/permit issued by Snohomish County.

(7) The licensing authority shall have discretionary authority to issue or deny a license/permit to any person who has been convicted of a felony if the felony for which convicted directly relates to the license sought or any activity to be conducted hereunder, and the time elapsed from the felony is greater than five years but less than 10 years. This subsection shall not preclude the consideration of any prior conviction of a felony or misdemeanor as a factor in determining whether or not a license or permit should be issued.

(8) No license/permit shall be issued unless the premises where the activity is to be conducted complies with the requirements of all governmental agencies, including, but not limited to, federal, state, city and county laws or ordinances relating to buildings, fire, health, sanitation, zoning, taxation, public safety, and all other requirements and conditions specifically set forth in other sections of this title. Issuance of a license/permit shall not be deemed to constitute approval or waiver of non-compliance by the applicant.

(9) The filing of an application for a license/ permit shall not give the applicant any right to engage in the activity covered prior to the issuance of a license or permit.

(10) All license applicants must present one of the following pieces of identification to the licensing authority:

(a) Driver's license of any state or "identi-card" issued by the Washington state department of licensing pursuant to RCW 46.20.117;

(b) United States military identification;

(c) Passport.

(Added Ord. 83-156, § 2, December 29, 1983; Amended Ord. 86-099, § 6, November 12, 1986; Amended Ord. 86-119, § 3, January 7, 1987; Amended Ord. 87-038, § 5, June 3, 1987; Amended Ord. 94-047, § 2, June 20, 1994, Eff date July 9, 1994).

6.01.045 Application - Form and content.

All application forms for licenses or permit activities shall be designed by the licensing authority. Such applications shall contain at the minimum the following required items:

(1) The true name, home address, telephone number, and age of the applicant;

(2) The name, address, and telephone number of the business premises or proposed business premises if different than the response given in [SCC 6.01.045\(1\)](#);

(3) Whether the applicant is a sole proprietorship, partnership or corporation. If a partnership, the application shall set forth names, residence addresses and telephone numbers of all persons, whether general or limited partners, sharing in the profits of said business and the respective ownership share of each. If a corporation, it shall set forth the name, residence address and telephone number of each of its officers, directors and shareholders, and the number of shares held by each if there are fewer than 10 shareholders. It shall set forth all persons having any interest in the real or personal property at the premises, and any persons sharing in the proceeds of the business;

(4) Whether the applicant or anyone owning an interest in the business or proposed business has ever been convicted or forfeited bail to any crime, the name of the court in which the case was filed, the circumstances and the disposition of the case;

(5) If the applicant is a sole proprietorship or a partnership, stating whether the proprietor or the partners are of legal age;

(6) The principal occupation of the proprietor of the proposed business if a sole proprietorship; if a partnership, the principal occupation of all partners; and if a corporation, the principal business enterprises of such corporation;

(7) All assumed names or aliases which have been or are used by any person whose name appears on the application;

(8) Name, address and telephone number of any registered agent required under RCW 23A.08.090;

(9) Date and place of incorporation or organization;

(10) Name, address and telephone number of a person to contact in case of an emergency; and

(11) Such other information as the licensing authority may reasonably require in connection with the application.

(Added Ord. 83-156, § 2, December 29, 1983; Amended Ord. 86-099, § 7, November 12, 1986; Amended Ord. 87-038, § 6, June 3, 1987).

6.01.046 Application - Photographs or fingerprinting requirements.

If the specific license or permit requires photographs or fingerprints:

(1) Such applicants, or party signing the application, must submit to fingerprinting by the sheriff or arrangements as prescribed by the sheriff with other local law enforcement agencies, and such fingerprints shall be retained in the application file, a copy of which may be forwarded to the Washington State Patrol, Identification Section, or other agency.

(2) The licensing authority may require that applicants be photographed when applications are submitted. If the licensing authority does not do so, each applicant, or party signing the application, shall submit four 2" x 2" photographs taken within the last six months of the date of application showing three full face and one full length front-facing shot. These photographs shall be provided at the expense of the applicant. The license/permit, when issued, shall have affixed to it a photograph of the applicant, or the party signing the application, shall be posted at all times in a conspicuous place in the establishment where such license/permit is enjoyed, and shall not be tampered with in any manner.

(3) On renewal of a license/permit requiring photographs, applicants must be photographed as described in [SCC 6.01.046\(2\)](#). Resubmission for fingerprinting or investigation by the sheriff is in the discretion of the sheriff if no significant changes have occurred.

(Added Ord. 83-156, § 2, December 29, 1983; Amended Ord. 86-099, § 8, November 12, 1986; Amended Ord. 87-038, § 7, June 3, 1987; Amended Ord. 87-068, § 2, July 16, 1987).

6.01.047 Investigation required.

If the license or permit requires an investigation, the director shall forward to the sheriff the applicant's application with any supporting documents. The sheriff shall investigate the following:

(1) Whether any outstanding criminal violations/charges exist.

(2) Whether any legitimate complaints exist regarding the applicant's past business practices that would have any bearing or effect on the issuance of the license/permit under consideration.

(3) Whether the person is prohibited by law from engaging in this type of activity.

(4) Whether the application should otherwise be disapproved based upon public safety considerations.

Within 30 days following the receipt of the application from the licensing authority, the sheriff shall make a written recommendation on the issuance of the license/permit as set out in [SCC 6.01.040](#).

(Added Ord. 83-156, § 2, December 29, 1983; Amended Ord. 86-099, § 9, November 12, 1986; Amended Ord. 87-038, § 8, June 3, 1987).

6.01.050 Fees.

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(1) A fee shall be paid in full at the time of application as set out in this section. An applicant who proposes to conduct activities at more than one location shall pay a separate fee for each location for which a license may be issued. A fee is not refundable.

(2) Fees for the following licenses and permits are established as follows:

Standard License and Permit Fees

6.06 SCC): (a) Kennels, boarding facilities, animal shelters, grooming parlors, and pet shops (chapter

(i) Private kennel-breeding: \$25.00 per year;

(ii) Private kennel-non-breeding: \$25.00 per year;

(iii) Commercial kennel,

(1) 1-15 dogs -- \$200 per year

(2) 16-20 dogs -- \$250 per year

(3) 21-25 dogs -- \$300 per year

(iv) Boarding facility:

(1) 1-15 runs -- \$200 per year

(2) 16-20 runs -- \$250 per year

(3) 21+ runs -- \$300 per year

(v) Animal shelter: \$300 per year

(vi) Grooming parlor or Pet Shop: \$200 per year

(vii) Combination of commercial kennel, boarding facility, or animal shelter with a grooming parlor, or pet shop -- each additional classification: \$50.00 per year.

(b) Public bathhouse or hot tubs and public bathhouse or hot tub employees chapter 6.47 and chapter 6.49 SCC):

- (i) Public bathhouse or hot tub: \$500.00 per year;
- (ii) Public bathhouse or hot tub employee: \$100.00 per year.
- (c) Adult entertainment dance studios and employees (chapter 6.25 SCC):
 - (i) Adult entertainment dance studio: \$350.00 per year;
 - (ii) Adult entertainer: \$55.00 per year;
 - (iii) Adult entertainment dance studio manager: \$55.00 per year.
- (d) Pawnbrokers and secondhand dealers (chapter 6.19 SCC):
 - (i) Pawnbroker: \$300.00 per year;
 - (ii) Secondhand dealer: \$250.00 per year;
- (e) Public events assemblies (chapter 6.37 SCC):
 - (i) Public events/assemblies: \$200.00 per event filed sixty (60) days or more prior to the event.
 - (ii) Public events/assemblies: \$350.00 per event filed thirty (30) to fifty-nine (59) days prior to the event.
 - (iii) Public events/assemblies: \$500.00 per event filed less than thirty (30) days prior to the event.
- (f) Fun runs and parades (chapter 6.39 SCC):
 - (i) Fun runs: \$75.00 per event filed sixty (60) days or more prior to the event;
 - (ii) Fun runs: \$150.00 per event filed thirty (30) to fifty-nine (59) days prior to the event.
 - (iii) Fun runs: \$250.00 per event filed less than thirty (30) days prior to the event.
 - (iv) Parades: \$75.00 per event filed sixty (60) days or more prior to the event;
 - (v) Parades: \$150.00 per event filed thirty (30) to fifty-nine (59) days prior to the event.
 - (vi) Parades: \$250.00 per event filed less than thirty (30) days prior to the event.
- (g) Boating tournaments and exhibitions (chapter 6.40 SCC):
 - (i) Boating events: \$200.00 per event filed sixty (60) days or more prior to the event.
 - (ii) Boating events: \$350.00 per event filed thirty (30) to fifty-nine (59) days prior to the event.
 - (iii) Boating events: \$500.00 per event filed less than thirty (30) days prior to the event.

- (h) Application process (chapter 6.01 SCC):
 - (i) Fingerprinting: actual cost;
 - (ii) Advertisement of application: actual cost;
 - (iii) Photograph: actual cost;
 - (iv) Background check: actual cost
- (i) License/permit (chapter 6.01 SCC):
 - (i) License or permit replacement: \$20.00 per reissue;
 - (ii) License or permit information change: \$20.00 per reissue.
- (j) Approval processes of hearing examiner (chapter 6.01 SCC):
 - (i) Appeal filing fee -- see SCC 2.02.125 (1);
 - (ii) Appeal document reproduction: \$.25 per page.
- (k) Pawnbroker and secondhand dealer employees (chapter 6.20 SCC):
 - (i) Employees: \$100.00 per year.
- (l) Adult businesses and employees (chapter 6.30):
 - (i) Adult business location: \$265.00;
 - (ii) Adult business employees: \$115.00;
 - (iii) Adult business manager: \$115.00.

(Added Ord. 83-156, § 2, December 29, 1983; Amended Ord. 86-099, § 10, November 12, 1986; Amended Ord. 86-119, § 4, January 7, 1987; Amended Ord. 87-012, § 1, February 9, 1987; Amended Ord. 87-101, § 2, November 23, 1987; Amended Ord. 90-028, June 25, 1990; Amended Ord. 91-102, July 3, 1991; Amended by Amended Ord. 93-029, April 21, 1993; Amended Ord. 93-060, July 28, 1993, Eff date Aug. 9, 1993; Amended Ord. 93-077, Sept. 8, 1993, Eff date Jan. 1, 1994; Amended Ord. 94-047, § 3, June 20, 1994, Eff date July 9, 1994; Amended Ord. 96-045, § 3, June 24, 1996, Eff date Sept. 26, 1997; Amended Ord. 97-020, § 2, May 7, 1997, Eff date July 1, 1997; Amended Ord. 97-043, June 11, 1997, Eff date June 23, 1997; Amended Ord. 97-058, § 2, July 16, 1997, Eff date July 27, 1997; Amended Ord. 97-077, § 1, Aug 27, 1997, Eff date Sept. 26, 1997; Amended Ord. 97-088, § 1, Oct. 15, 1997, Eff date Oct. 31, 1997; Amended Ord. 02-083, December 4, 2002, Eff date December 20, 2002; Amended by Ord. 08-149, Nov. 24, 2008, Eff date Jan. 1, 2009).

6.01.060 Public notice and comment.

(1) Prior to the issuance of any new license or permit, the licensing authority shall publish the following information from license/permit applications in the county's official newspaper:

- (a) Name of applicant;

(b) Location of proposed business or other activity;

(c) Type license/permit requested.

A fee required under [SCC 6.01.050](#)(2) shall be paid by each applicant to cover this cost in addition to the business license/permit fees.

(2) Prior to issuance of any new license or permit, any citizen or business in Snohomish County may petition the licensing authority to consider denying the issuance of any license/permit applied for. Such petition must be submitted in writing and contain the following information:

(a) Name and address of petitioner; and

(b) The grounds and/or facts for requesting a denial of the license/permit.

(3) The licensing authority shall cause an investigation of all protests and alleged facts and may deny the license/permit if the allegations are true and are a proper cause for denial. The licensing authority shall submit a copy of any protests to the applicant in person or by certified mail who may respond thereto in writing within 10 days of receipt of such protest. If such statements are untrue or are not a proper cause for denial, the licensing authority may issue the license/permit in accordance with [SCC 6.01.075](#).

(4) Petitions by the public must be submitted to the licensing authority within five working days following the date of publication for consideration.

(Added Ord. 83-156, § 2, December 29, 1983; Amended Ord. 86-099, § 11, November 12, 1986; Amended Ord. 87-038, § 9, June 3, 1987).

6.01.070 Protest by public officials.

The sheriff, director of planning and development services, prosecuting attorney, director of public works, fire marshal, health district director or any other county official, while an application is pending for any license/permit provided for under the provisions of this chapter, may petition the licensing authority to deny the license/permit. The petitioner shall file a copy of the petition with the licensing authority who shall promptly submit a copy of the petition to the applicant in person or by certified mail. The applicant may respond thereto in writing within 10 days of receipt of the petition. If the petition fails to set forth in detail alleged facts that show the issuance of the license/permit will result in a violation of the zoning or license/permit code, or violation of other laws, the petition shall be summarily stricken by the licensing authority and the licensing authority may direct the license/permit to be issued. If the petition does set forth such allegations, the licensing authority shall direct an investigation of said allegations and may deny the license/permit if the allegations are found to be true.

(Added Ord. 83-156, § 2, December 29, 1983; Amended Ord. 86-099, § 12, November 12, 1986; Amended Ord. 87-038, § 10, June 3, 1987; Ord. 95-004, § 19, Feb. 15, 1995, Eff date Feb. 27, 1995).

6.01.075 Licensing authority to issue license or permit.

The licensing authority shall issue the desired license or permit to the applicant if it appears that:

(1) The statements in the application are true and complete; and

(2) No valid petition has been filed by a public official or public within the prescribed time as established in [SCC 6.01.060](#) and 6.01.070; and

(3) All necessary fees have been paid; and

(4) The requirements specified in this chapter and the chapter relating to the specific license or permit have been satisfied.

(Added Ord. 83-156, § 2, December 29, 1983; Amended Ord. 86-099, § 13, November 12, 1986; Amended Ord. 87-038, § 11, June 3, 1987).

6.01.080 Forms, terms of license, duplicate.

(1) All licenses or permits issued pursuant to any license/permit ordinance shall be in a form prescribed by the licensing authority and shall be subject to such conditions as are required by this chapter or the licensing authority.

(2) Any license/permit issued pursuant to the provisions of this title except those licenses for which a different term is specified, shall expire one year from the date of issuance unless sooner revoked in the manner provided for in this title.

(3) Any licensee/permit holder who makes a change in trade or corporate name or who loses or misplaces his license or permit or wishes to revise his license may obtain a new license or permit from the director without the necessity of submitting a new application by the payment of a fee to the director as contained in [SCC 6.01.050](#)(2), provided the license/permit has not expired.

(Added Ord. 83-156, § 2, December 29, 1983; Amended Ord. 86-099, § 14, November 12, 1986; Amended Ord. 87-038, § 12, June 3, 1987).

6.01.100 Renewal.

(1) A license/permit issued under this title, except as otherwise provided, may be renewed by the licensing authority if, upon application, it appears that the applicant meets the requirements of [SCC 6.01.075](#).

(2) The licensing authority shall notify each license/permit holder by mail of the requirements of this section not less than 30 days prior to expiration of the outstanding license/permit.

(3) Failure to submit a renewal application and pay the appropriate fee prior to expiration of a license/permit shall, as a condition of renewal, result in assessment of a penalty in the amount of 25 percent of the regular license/permit fee or \$25.00, whichever is greater.

(4) The penalty set out in this section is in addition to any civil or criminal sanctions that may be imposed for any activity, act, or conduct undertaken without a license or permit required by this title.

(Added Ord. 83-156, § 2, December 29, 1983; Amended Ord. 86-099, § 15, November 12, 1986; Amended Ord. 87-038, § 13, June 3, 1987).

6.01.110 Display, change of name.

(1) Any license or permit issued pursuant to any license/permit ordinance shall be posted in a conspicuous place at the place of business of the licensee or permit holder as prescribed by the licensing authority.

(2) A license or permit holder shall notify the licensing authority of any change in his address, business name, or in the officers, directors, or partners of such person, within 14 days of any such change and shall comply with [SCC 6.01.080](#).

(Added Ord. 83-156, § 2, December 29, 1983; Amended Ord. 86-099, § 16, November 12, 1986; Amended Ord. 87-038, § 14, June 3, 1987).

6.01.111 Disclaimer.

No license/permit issued by Snohomish County shall be construed as an endorsement by Snohomish County, including any endorsement of any licensee or activity incidental to any licensed activity. The county assumes no liability or responsibility of any sort as a result of the issuance of any license/ permit.

(Added Ord. 83-156, § 2, December 29, 1983).

6.01.120 Inspections - Right of entry.

(1) Whenever necessary to enforce any of the provisions of this title, or whenever the licensing authority and/or sheriff has reasonable cause to believe that a licensee or permit holder is operating in violation of any provisions of this title, the licensing authority and/or sheriff may enter the place of business or other activity at all reasonable times to carry out an inspection or perform any other duty imposed by this title.

(2) The licensing authority and/or sheriff shall take the following steps in conducting an inspection:

(a) If the place of business or other activity is occupied, the licensing authority and/or sheriff shall first present proper credentials to the licensee, permit holder, or other person having control of the place of business or other activity and demand entry.

(b) If the place of business or other activity is unoccupied, the licensing authority and/or sheriff shall first make reasonable effort to locate the licensee or permit holder or other person having control of the place of business or other activity and demand entry.

(3) No licensee, permit holder, or person having control of the place of business or other activity shall fail, after proper demand, to admit the licensing authority and/or sheriff while acting within the scope of his employment to any place of business or other activity licensed or permitted under this title. No person shall interfere with the licensing authority and/or sheriff in the performance of his duty.

(Added Ord. 83-156, § 2, December 29, 1983; Amended Ord. 86-099, § 17, November 12, 1986; Amended Ord. 87-038, § 15, June 3, 1987).

6.01.130 Enforcement.

(1) The licensing authority and/or sheriff is authorized and directed to enforce the terms and provisions of all license/permit ordinances. If it is determined, through investigation, inspection, or other means that any person has failed to comply with any provision of any business license/permit ordinance, then the director may issue a notice and order under this title.

(2) The licensing authority and the sheriff shall have the right to pick up a license or permit when a license or permit has been suspended or revoked, to be held by the director where the license/permit could be used as evidence in an administrative hearing.

(Added Ord. 83-156, § 2, December 29, 1983; Amended Ord. 86-099, § 18, November 12, 1986; Amended Ord. 87-038, § 16, June 3, 1987).

6.01.135 Notice and order.

(1) The licensing authority shall issue a notice and order, pursuant to [SCC 6.01.130](#)(1), directed to the person whom the licensing authority has determined to be in violation of any of the terms and provisions of this chapter or license/permit ordinance. The notice and order shall contain:

- (a) The street address, when available, and a legal description sufficient for identification of the premises upon which the violation occurred;
- (b) A statement that the licensing authority has found a violation of this chapter or the terms of any license/permit ordinance, with a brief and concise description of the conditions found to be a violation of business license/permit;
- (c) A statement of any action taken or required to be taken as determined by the licensing authority. If the licensing authority has determined to assess a civil penalty, the order shall so state and require that the penalty be paid within a certain time from the date of the order as determined by the licensing authority to be reasonable;
- (d) A written statement of any action taken by the licensing authority;
- (e) A statement that failure to comply with the instructions or remedies outlined in the notice and order will constitute sufficient grounds for suspension or revocation of the license by the licensing authority;
- (f) A statement advising:
 - (i) that the licensee/permit holder may appeal the notice and order to the Snohomish County hearing examiner pursuant to the provisions of [SCC 2.02.125](#) and [SCC 6.01.151](#);
 - (ii) that any per diem civil penalty shall not accrue during the pendency of such administrative appeal; and
 - (iii) that the failure to file a timely and complete appeal will constitute a waiver of all rights to an administrative appeal under county code.

(2) The notice and order, and any amended or supplemental notice and order, shall be served upon the person either personally or by mailing a copy of such notice and order by certified mail with return receipt requested to such person at his address as it appears on the license or permit. Service by certified mail in the manner herein provided shall be effective on the date of the mailing. Proof of service of the notice and order shall be made at the time of service by a notarized verification or a written declaration under penalty of perjury executed by the person effecting service, declaring the time, date, and manner in which service was made.

(Added Ord. 83-156, § 2, December 29, 1983; Amended Ord. 86-099, § 19, November 12, 1986; Amended Ord. 87-038, § 17, June 3, 1987; Amended Ord. 93-077, Sept. 8, 1993, Eff date Jan. 1, 1994).

6.01.140 Procedure for suspension, revocation.

(1) To suspend or revoke any license or permit, the licensing authority must issue a notice and order as prescribed in [SCC 6.01.135](#).

(2) Failure to comply with any notice and order or the failure to appeal such action as described in [SCC 6.01.135](#)(1)(f) automatically forfeits the right of the licensee or permit holder to further administrative appeals as described in this chapter.

(3) The licensing authority may rely on statements filed by the fire marshal, prosecuting attorney, sheriff or other public official alleging facts exist which constitute grounds for suspension or revocation of a license/permit title in determining whether or not to suspend or revoke a license or permit. The licensing authority may also rely on facts and circumstances otherwise brought to his attention in determining whether or not to suspend or revoke a license or permit.

(4) The notice and order for suspension or revocation will be served as set out in [SCC 6.01.135\(2\)](#). Such suspension or revocation shall become effective 15 days from the date of service, unless the person affected thereby files a written appeal as authorized by [SCC 6.01.151](#).

(5) The licensing authority shall notify the sheriff and the prosecuting attorney and any appropriate county department of any action taken by him relative to the suspension or revocation of any license/permit issued under this chapter.

(Added Ord. 83-156, § 2, December 29, 1983; Amended Ord. 86-099, § 20, November 12, 1986; Amended Ord. 87-038, § 18, June 3, 1987; Amended Ord. 93-077, Sept. 8, 1993, Eff date Jan. 1, 1994).

6.01.141 Grounds for suspension.

The licensing authority may suspend any license/permit issued under this title if there is a violation of this chapter or the applicable business license ordinance. A suspension shall be for a period of not more than 30 days for the first violation and not more than 60 days for the second or more violation within a one year period immediately preceding the event for which action is taken.

(Added Ord. 83-156, § 2, December 29, 1983; Amended Ord. 86-099, § 21, November 12, 1986; Amended Ord. 87-038, § 19, June 3, 1987).

6.01.142 Grounds for revocation.

The director may revoke any license/permit issued under this chapter if:

- (1) The license/permit was issued by mistake or procured by fraud or false representation of any fact; or
- (2) The licensee/permit holder has violated or failed to comply with any of the provisions of this chapter or any business license ordinance; or
- (3) The licensee/permit holder, or any of his servants, agents, or employees acting within the scope of their employment, commits a felony or misdemeanor in connection with any activity conducted incidental to the license/permit or on the premises upon which a licensed/permitted activity is conducted; or
- (4) The licensee/permit holder or any of his servants, agents, or employees acting within the scope of their employment, have violated any law relating to the sale or possession of intoxicating liquor; the use, possession or sale of narcotic or dangerous drugs or violated any law relating to public morality and decency; or
- (5) Any licensee/permit holder has knowingly violated, or advised, encouraged or assisted the violation of any court order or injunction in the course of conducting business; or
- (6) Three notice and orders have been issued to the licensee/permit holder within the previous 12 months; or
- (7) The licensee/permit holder has failed or refused to obey any rule; regulation; or notice and order of the licensing authority, sheriff and/or their agent(s); or

(8) The licensee/permit holder has failed to pay all penalties or fines unless a formal appeal has been filed in compliance with [SCC 6.01.151](#).

(Added Ord. 83-156, § 2, December 29, 1986; Amended Ord. 86-099, § 22, November 12, 1986; Amended Ord. 87-038, § 20, June 3, 1987).

6.01.151 Appeals - Procedure.

(1) Any person who has been served with a notice and order pursuant to [SCC 6.01.135](#) or whose application for a license/permit has been denied may appeal to the hearing examiner. Appeals shall be filed and processed pursuant to the provisions of [chapter 2.02](#) SCC.

(2) At the hearing on a notice and order appeal, the licensing authority shall have the burden of proving the violation, which burden shall be met by a preponderance of the evidence. At the hearing on an appeal from the denial of a license/permit, the appellant shall have the burden of proof, which burden shall be met by a preponderance of the evidence.

(3) The decision of the hearing examiner on any such appeal shall be final and conclusive with an optional right of reconsideration as provided in SCC 2.02.167 and may then be reviewable by an action for writ of review filed in Snohomish County superior court as provided in [chapter 2.02](#) SCC.

(Added Amended Ord. 93-077, Sept. 8, 1993, Eff date Jan. 1, 1994; Amended Ord. 96-003, § 17, Feb. 21, 1996, Eff date April 1, 1996).

6.01.170 Death or incapacity of licensee.

In the event of the incapacity, death, receivership, bankruptcy, or assignment for benefit of creditors of any licensee/permit holder, then his guardian, executor, administrator, receiver, trustee in bankruptcy or assignee for benefit of creditors may, upon written authority from the licensing authority, continue the business of the licensee/ permit holder on the premises for the duration of the license/permit, unless sooner terminated. Any such successor wishing to continue the license shall provide information as requested by the licensing authority.

(Added Ord. 83-156, § 2, December 29, 1983; Amended Ord. 86-099, § 25, November 12, 1986; Amended Ord. 87-038, § 22, June 3, 1987).

6.01.180 Limitation of transfers and reapplications.

(1) No person may transfer a license/permit issued pursuant to this title: PROVIDED, That in the event of the withdrawal of a partner, the license/permit may be transferred to the remaining partner or partners.

(2) No reapplication for a license/permit shall be made within a period of 90 days following a denial of such license.

(3) No change shall be made in the officers, partners, board of directors, or stockholders holding over 20 percent of the stock of any licensee/ permit holder unless they comply with [SCC 6.01.040\(6\)](#).

(4) Unless otherwise specifically provided, no licensee/permit holder shall change location without reapplying for a license. No portion of any license fee shall be refundable.

(Added Ord. 83-156, § 2, December 29, 1983; Amended Ord. 86-099, § 26, November 12, 1986).

6.01.185 Effect of facilities licensing agreement.

A facilities licensing agreement authorizing a person to conduct an activity or event on property owned by the county shall not mitigate, excuse, or otherwise have any effect on the requirements of this title.

(Added Ord. 83-156, § 2, December 29, 1983; Amended Ord. 86-099, § 26, November 12, 1986).

6.01.190 Liability insurance.

Unless otherwise provided, such applicant for any license/permit under this title shall at all times maintain in full force and effect a policy of bodily injury/property damage liability insurance to cover said applicant, his servants, agents, or employees in the conduct of the business or activity being licensed. The certificate of insurance shall be filed with the licensing authority. The licensing authority must be given written notice in the event of cancellation of said policy either by the company or the insured.

Insurance certificates provided by any insurance company or underwriter containing the language "endeavor to" and "but failure to mail such notice shall impose no obligation or liability of any kind upon the company" or similar language will not be acceptable.

(Added Ord. 83-156, § 2, December 29, 1983; Amended Ord. 86-099, § 28, November 12, 1986; Amended Ord. 87-038, § 23, June 3, 1987).

6.01.200 Bond.

Unless otherwise provided, the applicant for any license/permit under this title shall at all times maintain in full force and effect any bonding requirements set forth by any license/permit ordinance. A bond shall be filed with the licensing authority with written endorsements that the licensing authority must be notified in writing in the event of cancellation by either the bonding agency or the licensee/permit holder.

(Added Ord. 83-156, § 2, December 29, 1983; Amended Ord. 86-099, § 29, November 12, 1986; Amended Ord. 87-038, § 24, June 3, 1987).

6.01.210 Civil penalty.

In addition to or as an alternative to any other penalty provided herein or by law, any person who engages in any activity for which a license or permit is required pursuant to the provisions of this title while his or her license or permit is suspended or revoked, who fails to obtain a license or permit prior to engaging in the activity for which a license or permit is required, or who otherwise violates any county license or permit law shall pay a civil penalty of \$50.00 per day for the first violation or \$100.00 per day for the second and subsequent violations for each day of operation without a license or in violation of law, and shall be subject to such further penalties as set forth herein. The civil penalty may be assessed and collected by use of all appropriate legal remedies, including the procedures set out in [SCC 6.01.135](#).

(Added Ord. 83-156, § 2, December 29, 1983; Amended Ord. 86-099, § 30, November 12, 1986).

6.01.220 Criminal penalties.

Except as otherwise specifically provided for, any person violating or failing to comply with any of the provisions of this title shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine in any sum not exceeding \$1,000 or by imprisonment in the county jail for a period not exceeding 90 days, or both. Each day that any person conducts any business, calling, profession, trade, occupation or activity in violation of any provisions of this chapter shall constitute a separate offense and be punished as such.

(Added Ord. 83-156, § 2, December 29, 1983; Amended Ord. 86-099, § 31, November 12, 1986).

6.01.225 Public nuisance.

Any activity, act, or conduct undertaken without a license or permit required by this title constitutes a public nuisance and such activity, act, or conduct may be abated by the licensing authority or sheriff by securing an appropriate order from the court.

(Added Ord. 83-156, § 2, December 29, 1983; Amended Ord. 86-099, § 32, November 12, 1986; Amended Ord. 87-038, § 25, June 3, 1987).

6.01.226 Remedies not exclusive.

The remedies for violation of this title set out in this title are not exclusive.

(Added Ord. 83-156, § 2, December 29, 1983; Amended Ord. 86-099, § 33, November 12, 1986).

6.01.230 Applicability of amendments.

The adequacy of applications for licenses or permits filed before the effective date of any amendments to this title shall be determined by the provisions in effect on the date of filing such application. All applications filed after the effective date shall be processed in accordance with the terms of the amendments. Any license/permit issued under prior provisions of the Snohomish County Code shall be subject to all provisions of this title, as amended, which are not in conflict with the express terms of any such license/permit.

(Added Ord. 83-156, § 2, December 29, 1983; Amended Ord. 86-099, § 34, November 12, 1986).

6.01.240 Severability.

Should any section, subsection, paragraph, sentence, clause or phrase of any license/permit ordinance be declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of such license/permit ordinance.

(Added Ord. 83-156, § 2, December 29, 1983; Amended Ord. 86-099, § 35, November 12, 1986).

Chapter 6.06 KENNELS, GROOMING PARLORS, AND PET SHOPS

6.06.001 General provisions.

Unless specified otherwise in this chapter, the general provisions contained in [chapter 6.01](#) SCC shall apply to this license.

(Ord. 82-109 § 2, adopted November 11, 1982).

6.06.002 Special provisions.

In addition to the conditions specified in this chapter, all businesses and activities classified herein shall comply with the provisions and conditions stated in [Title 9](#), [Title 10](#), and [Title 30 SCC](#).

(Ord. 82-109 § 2, adopted November 11, 1982; Amended Ord. 86-099, § 37, November 12, 1986; Ord. 02-098, December 9, 2002, Eff date February 1, 2003).

6.06.005 Definitions.

The following words and phrases used in this chapter shall have the meanings set forth below or as defined in 6.01 SCC unless the context indicates otherwise:

- (1) "Adult dog or cat" means any dog or cat six months of age or older.
- (2) "Agricultural pursuits" means the use of land primarily for the production of crops and livestock or fur farming.
- (3) "Animal" means any member of the classes: amphibian, fish, reptile, bird, marsupial or non-human mammal.
- (4) "Animal control agency" means the agency designated in SCC 9.01.040.
- (5) "Animal control officer" means any individual employed, contracted or appointed by the animal control agency for the purpose of enforcing this code or any other code, or the laws of the state of Washington.
- (6) "Animal hospital" means a facility at which a licensed veterinarian provides medical treatment and consultation for animals which may stay temporarily at the facility for medical procedures or observation.
- (7) "Animal shelter" means a facility that accepts from the public impounded, stray, homeless, abandoned or unwanted animals for temporary housing for a period of time not to exceed 6 months.
- (8) "Boarding facility" means a place where more than one animal is kept by contractual arrangement with the owner, whether for compensation or not, for any purpose other than medical treatment, breeding, or permanent disposal.
- (9) "Cat" means a domesticated *Felis catus*.
- (10) "Commercial kennel" means a place where the owner or occupant of the property keeps at least four and not more than 25 total dogs including puppies and does not have a private kennel license as set forth herein.
- (11) "Foster care" or "Rescue" or "Placement" means providing temporary care for dogs and cats from a licensed animal shelter at a private residence for a period of time not to exceed 6 months.
- (12) "Grooming parlor" means any establishment, public or private, where animals are bathed, clipped, or combed for compensation.
- (13) "Pet shop" means any person or establishment that acquires, holds, or offers animals not bred and whelped from the facility for the purpose of sale or resale to the public.
- (14) "Private kennel - breeding" means a place at or adjoining a private residence where at least four but not more than 10 dogs of which at least one has not been neutered or spayed, are owned, kept or maintained by the persons residing on said property, for the purpose of hunting, training, field work, obedience trials, other competition, breeding, the enjoyment of the species or for any other purpose. Dogs under the age of 6 months shall not be included for purposes of determining the total number of dogs within the private kennel provided that they are bred and whelped from the adult dogs within the private kennel. Upon request, it shall be the duty of the kennel owner to provide to the licensing authority, evidence that dogs are under the age of 6 months and are bred and whelped from the adult dogs within the private kennel.

(15) "Private kennel - non-breeding" means a place at or adjoining a private residence where at least four but not more than 10 adult dogs of which all have been neutered or spayed, are owned, kept or maintained by the persons residing on said property, for the purpose of hunting, training, field work, obedience trials, other competition, the enjoyment of the species or for any other purpose.

(Added Ord. 97-020, § 4, May 7, 1997, Eff date July 1, 1997; Amended Ord. 02-081, December 4, 2002, Eff date December 19, 2002; Ord. 06-136, Feb. 28, 2007, Eff date March 16, 2007).

6.06.007 License Required.

It is unlawful for any person to own, keep or maintain on their premises 4 or more dogs unless a private kennel, commercial kennel, animal shelter, boarding facility, grooming parlor or pet shop license has been issued to the premises pursuant to this chapter.

(Added Amended Ord. 02-081, December 4, 2002, Eff date December 19, 2002)

6.06.008 Limitation on Number of Dogs.

It is unlawful for any person to own, keep or maintain on their premises more than 25 dogs. Licensed pet shops, boarding facilities or animal shelters shall not be subject to this limitation.

(Added Amended Ord. 02-081, December 4, 2002, Eff date December 19, 2002)

6.06.009 Insurance Exemption

Private kennel-breeding/non-breeding facilities and commercial kennel facilities as defined in this chapter are exempt from the requirements set forth in section [6.01.190 SCC](#).

(Added Amended Ord. 02-081, December 4, 2002, Eff date December 19, 2002)

6.06.010 Private kennel -- Breeding/non-breeding license required.

It is unlawful for any person to keep, operate or maintain a private kennel - breeding or non-breeding as defined in this chapter within Snohomish County without a valid private kennel license -- breeding or non-breeding.

(Ord. 82-109 § 2, adopted November 11, 1982; Amended Ord. 86-099, § 38, November 12, 1986; Amended Ord. 97-020, § 5, May 7, 1997, Eff date July 1, 1997; Amended Ord. 02-081, December 4, 2002, Eff date December 19, 2002).

6.06.012 Private kennel -- Breeding/non-breeding requirements for obtaining license.

The licensing authority may issue a license for a private kennel (breeding or non-breeding) upon application by the owner and only if the licensing authority is satisfied that all the following requirements are met:

(1) All open run areas shall be completely surrounded by fencing according to the size, type and characteristic of the breed set back at least 30 feet from all property lines. For purposes of this section "open run area" means that area, within the property lines of the premises on which the private kennel is to be maintained, where dogs are sheltered and maintained. If there is no open run area set aside for sheltering or maintaining the dogs within the property lines of the premises, the 30-foot setback does not apply. If the premises does not

contain an open run area, its property line must be completely surrounded by fencing according to the size, type and characteristic of the breed. Kennel applicants located on a corner lot must also meet fencing requirements identified in [SCC 30.23.100](#);

(2) No commercial signs or other display advertising the private kennel are permitted on the property except for the signs advertising the sale of the allowable offspring set forth in this section and as prescribed in [SCC 30.28.050\(1\)\(f\)](#);

(3) The licensing authority may require additional setbacks, fencing, screening or soundproofing as necessary to insure the compatibility of the private kennel with the surrounding neighborhood. In determining such compatibility, the licensing authority may consider the following:

(a) Statements regarding approval/disapproval of surrounding neighbors relative to operation and maintenance of a private kennel by the applicant at the address listed on the private kennel application;

(b) Past history of animal control complaints relating to dogs owned or kept by the applicant at the address listed on the private kennel application;

(c) Facility specifications/dimensions in which the dogs are to be maintained; and

(d) Size, type and characteristics of breed of dogs to be kept at proposed private kennel;

(4) Food and water shall be provided in sufficient amounts to ensure normal growth in puppies and maintenance of normal body weight in adults;

(5) Food and water receptacles shall be accessible to all dogs and shall be located so as to prevent contamination by dirt and excreta;

(6) Adequate shelter shall be provided to protect the animal from excessive heat or cold, sunlight, rain, snow, wind and other elements. The determination of adequacy of shelter is made by the licensing authority and is based on the size of the animal;

(7) Private kennels-breeding shall provide written instructions and educational material on care, feeding, and responsible pet ownership, as well as licensing forms, to each dog purchaser.

(Added Ord. 97-020, § 6, May 7, 1997, Eff date July 1, 1997; Amended Ord. 02-081, December 4, 2002, Eff date December 19, 2002; Ord. 02-098, December 9, 2002, Eff date February 1, 2003).

6.06.013 Special private kennel license.

Persons possessing a valid exhibitor/breeding kennel license issued by the licensing authority prior to the enactment of this chapter and owning more than 10 dogs may be eligible at no charge for a special private kennel license, provided the following conditions are met:

(1) the applicant must make application for the special private kennel license within 30 days of notification by the licensing authority. The special private kennel license will retain the expiration of the valid exhibitor/breeding license;

(2) the special private kennel license shall be valid only for those specific dogs in the possession of the applicant at the time of issuance, and is intended to allow pet owners to possess dogs beyond the limits imposed by this chapter until such time as the death or transfer of such dogs reduces the number possessed to the legal limit set forth in this chapter; and

(3) the licensing authority may deny any application for a special private kennel license based on past violations of animal control regulations by the applicant, complaints from neighbors regarding the applicant's dogs, or if the animals are maintained in inhumane conditions.

(Added Ord. 97-020, § 7, May 7, 1997, Eff date July 1, 1997).

6.06.015 License required - Facilities other than a private kennel.

It is unlawful for any person to keep, operate or maintain a commercial kennel, boarding facility, animal shelter, grooming parlor, or pet shop as defined in this chapter within Snohomish county without a valid license as required by this chapter. Any license issued under the provisions of this chapter shall be conspicuously displayed at the establishment to which such license was issued.

(Added Ord. 97-020, § 8, May 7, 1997, Eff date July 1, 1997; Amended Ord. 02-081, December 4, 2002, Eff date December 19, 2002).

6.06.016 Requirements for obtaining license - Animal Facilities other than a private kennel.

The licensing authority may issue a license for a commercial kennel, boarding facility, animal shelter, grooming parlor or pet shop upon application by the owner and only if the licensing authority is satisfied that in addition to any other requirements applicable under this title, all of the following requirements are met:

- (1) shelter shall be provided for all animals and shall be structurally sound, maintained in good repair, constructed to protect the animals from injury, contain the animals and restrict the entry of other animals;
- (2) each animal shall be provided with adequate floor space to allow the animal to turn about freely and to stand, sit and lie down in a comfortable, normal position;
- (3) electrical power shall be supplied in conformance with applicable electrical codes adequate to supply sufficient heating and lighting for the animals according to the species;
- (4) animals which are caged, closely confined or restrained shall be permitted daily to exercise in a yard or area suitable for that purpose and for an appropriate length of time depending on their size, age and species;
- (5) food and bedding shall be placed and stored in facilities which provide adequate protection against infestation or contamination by insects or rodents. Any perishable foods shall be refrigerated;
- (6) food and water shall be provided in sufficient amounts to ensure normal growth in immature animals and maintenance of normal weight in adults;
- (7) food and water receptacles shall be accessible to all animals and shall be located to prevent contamination by dirt and excreta;
- (8) provisions shall be made on a daily basis for the removal and disposal of animal and food wastes, contaminated bedding, dead animals, and debris. Disposal facilities shall be maintained in a sanitary condition, free from the infestation or contamination of insects, rodents or disease, and shall be free from obnoxious or foul odors;

(9) dirtied or soiled utensils and equipment and open containers of animal food shall be stored in an area of the facility not accessible to the public;

(10) sick, diseased or injured animals shall not be sold. They shall be separated from healthy, normal animals, and shall be removed from display and kept in isolation quarters with adequate ventilation to prevent contamination of healthy animals and humans;

(11) no employee, keeper or owner shall misrepresent any information pertaining to any animal to a consumer;

(12) no employee, keeper or owner shall knowingly sell a sick, diseased and/or injured animal;

(13) adequate care and feeding instructions, responsible pet ownership education material and licensing information shall be provided, in writing, to each animal purchaser;

(14) private kennel and/or commercial kennel owners and/or operators may not purchase and/or acquire animals for the purpose of resale without first obtaining a pet shot license;

(15) private kennel owners, commercial kennel owners or pet shop owners determined to be knowingly selling sick, diseased and/or injured animals shall have their license suspended for 6 months for the first violation; suspended for 1 year for the second violation; revoked permanently for the third violation;

(16) any other requirements applicable under this chapter.

(Added Ord. 97-020, § 9, May 7, 1997, Eff date July 1, 1997; Amended Ord. 02-081, December 4, 2002, Eff date December 19, 2002; Ord. 06-136, Feb. 28, 2007, Eff date March 16, 2007).

6.06.017 Special commercial kennel license.

Persons possessing a valid commercial kennel license issued by the licensing authority prior to the enactment of this chapter and owning more than the newly established limit of 25 dogs may be eligible at no charge for a special commercial license if the following conditions are met:

(1) the applicant must make application for a special commercial kennel license within thirty days of notification by the licensing authority;

(2) the special commercial kennel license shall be valid for those specific dogs in the possession of the applicant at the time of issuance, and is intended to allow the kennel owner to possess animals beyond the limits established in this chapter until such time as the death, transfer or sale of such animals reduces the number possessed to the legal limit set forth by this chapter;

(3) the applicant for a special commercial kennel license shall be required to fulfill all other requirements and qualifications for a commercial kennel established by this chapter.

(Added Ord. 97-020, § 10, May 7, 1997, Eff date July 1, 1997).

6.06.018 Additional requirements for boarding facilities, animal shelters, grooming parlors and pet shops.

The following additional requirements apply to any boarding facility, animal shelter, grooming parlor or pet shop owner/ operator licensed pursuant to [SCC 6.06.015](#) :

(1) washroom facilities shall include sinks with hot and cold running water and toilets, and shall be convenient to encourage frequent washing of utensils and equipment and general cleanliness;

(2) during business hours, there shall be an employee or keeper on duty at all times whose responsibility shall be the care and supervision of any animals on the premises;

(3) employees, keepers or owners shall make provisions to feed, water and do the necessary cleaning of animals on a daily basis on days the establishment is closed.

(Added Amended Ord. 02-081, December 4, 2002, Eff date December 19, 2002)

6.06.019 Additional requirements for commercial kennels.

Prior to the issuance of a license for a commercial kennel, all open run areas shall be completely surrounded by fencing according to the size, type and characteristic of the breed, set back at least thirty feet from all property lines. For purposes of this section "open run area" means that area, within the property lines of the premises on which the commercial kennel is to be maintained, where dogs are sheltered and maintained. If there is no open run area set aside for sheltering or maintaining the dogs within the property lines of the premises, the thirty-foot setback does not apply. If the premises does not contain an open run area, its property line must be completely surrounded by fencing according to the size, type and characteristic of the breed. Kennel applicants located on a corner lot must also meet fencing requirements identified in SCC 30.28.040;

(Added Amended Ord. 02-081, December 4, 2002, Eff date December 19, 2002)

6.06.020 Additional requirements for a boarding facility, animal shelter or pet shop.

Any boarding facility, animal shelter, or pet shop licensed pursuant to [SCC 6.06.015](#) shall meet the following requirements:

(a) the surface of all primary kennel runs shall be made of concrete or a similar, non-absorbent material except that outside areas used strictly as exercise yards need not be surfaced in concrete or a similar non-absorbent material;

(b) kennel runs sharing a common wall or fence shall have a moisture resistant barrier separating the two runs which the top shall be a minimum of 24 inches in height from the ground;

(c) adequate fencing shall be provided to keep animals within and to prevent the entrance of other animals.

(Added Amended Ord. 02-081, December 4, 2002, Eff Date December 19, 2002)

6.06.021 Indoor facility requirements.

The following additional requirements apply to any commercial kennel, boarding facility, animal shelter, grooming parlor or pet shop owner/operator licensed pursuant to [SCC 6.06.015](#) with an indoor housing facility:

(1) the facility shall provide sufficient lighting and temperature controls to protect the animals from conditions to which they are not normally acclimatized;

(2) the facility shall be adequately ventilated to provide for the health of the animals and assist in the removal of foul and obnoxious odors and provisions shall be made so that the volume of air within the enclosed indoor facility shall be changed three or more times an hour. This may be accomplished through the periodic opening of doors and windows. If fans or ventilating equipment are used, they shall be constructed in conformance with current standards of good engineering practice with respect to noise and minimization of drafts;

(3) the housing facilities shall be constructed to provide natural or artificial light as may be necessary to provide sufficient illumination to inspect and clean the facility. Such lighting shall be of good quality, well

distributed within the facility and in an amount and location which will protect the animals from excessive illumination;

(4) the housing facility shall use disposal methods and drainage systems that rapidly remove water and excreta during cleaning of the facility. All indoor housing facilities for animals shall be maintained in a clean and sanitary condition and an effective disinfectant safe to humans and animals shall be used in the cleaning of the facility;

(5) the housing facility shall contain interior wall, ceiling and floor surfaces made of materials which are resistant to the absorption of moisture and odors, if surfaces are not originally resistant to moisture or odors they shall be treated with sealant or paint which make them resistant. In addition, interior walls shall be constructed so that the interface with floor surfaces is sealed to prevent the accumulation of moisture or debris.

(Added Ord. 97-020, § 11, May 7, 1997, Eff date July 1, 1997; Amended Ord. 02-081, December 4, 2002, Eff date December 19, 2002).

6.06.025 Outdoor facility requirements.

The following additional requirements apply to any commercial kennel, boarding facility, animal shelter or pet shop owner/operator licensed pursuant to [SCC 6.06.015](#) with an outdoor housing facility:

(1) the facility shall maintain quiet hours between 10:00 pm and 6:00 am Monday through Friday and 10:00 pm and 8:00 am Saturday and Sunday.

(2) the facility shall use disposal methods and drainage systems that rapidly remove water and excreta during cleaning of the facility under any weather or temperature condition.

(Added Ord. 97-020, § 12, May 7, 1997, Eff date July 1, 1997; Amended Ord. 99-090, § 1, Nov. 3, 1999, Eff date Nov. 14, 1999; Amended Ord. 02-082, December 4, 2002, Eff date December 19, 2002).

6.06.030 Grooming parlor -- Additional licensing requirements.

The following additional requirements apply to any grooming parlor owner/operator required to obtain a license pursuant to [SCC 6.06.015](#):

(1) the grooming parlor shall not board animals but keep them only for the period of time necessary to perform the business of grooming;

(2) restraints shall be provided for the animal while it is being groomed so that it shall not be harmed;

(3) the owner/operator shall sterilize all equipment after each animal has been groomed;

(4) the owner/operator shall not leave animals unattended during the drying process;

(5) the owner/operator shall not prescribe treatment or medicine that is the province of a licensed veterinarian as provided in RCW 18.92.010;

(6) the owner/operator shall not put more than one animal in each cage;

(7) the grooming parlor shall be constructed so that all floors and walls in rooms, pens and cages used to retain animals or in areas where animals are bathed, clipped, combed, groomed or treated be impervious to water and can readily be cleaned;

(8) hot and cold water shall be conveniently available and a large sink or tub provided (minimum size twenty-four inches by eighteen inches by twelve inches). All plumbing fixtures and pipes shall be in compliance with current plumbing code as adopted by the county;

(9) all cages, pens, kennels used for holding animals, grooming tables and washing basins shall be kept clean and disinfected between use of each animal.

(Added Ord. 97-020, § 13, May 7, 1997, Eff date July 1, 1997; Amended Ord. 99-090, § 2, Nov. 3, 1999, Eff date Nov. 14, 1999; Amended Ord. 02-081, December 4, 2002, Eff date December 19, 2002).

6.06.035 Terms and license fees.

The fees for the licenses described in this chapter are established and contained in [SCC 6.01.050\(2\)](#). The term for these licenses is one year from the date of issuance.

(Added Ord. 97-020, § 14, May 7, 1997, Eff date July 1, 1997).

6.06.040 Reproduction limitations.

A private kennel-breeding shall limit total dog reproduction to no more than five litters per license year. .

(Ord. 82-109 § 2, adopted November 11, 1982; Amended Ord. 86-099, § 40, November 12, 1986; Amended Ord. 97-020, § 15, May 7, 1997, Eff date July 1, 1997; Amended Ord. 02-081, December 4, 2002, Eff date December 19, 2002).

6.06.050 Foster Care

Any animal shelter licensed under the provisions of this chapter providing a foster care or rescue or placement program for dogs and cats shall provide those individuals serving as the providers with documentation identifying the individual as a bona fide care provider and a description of the animal in their care. A shelter placing an adult dog or cat in foster care or rescue or placement shall provide a collar with an identification tag establishing the animal as an animal from their shelter. All animals placed in foster care or rescue or placement in unincorporated Snohomish county must maintain a current Snohomish county regional pet license. The shelter placing the animal shall be responsible to maintain records with license tag numbers of the whereabouts of each animal placed with a care provider including the name and address of the provider and the length of time the animal has been in foster care or rescue or for placement. These records must be available for inspection upon demand of the licensing authority. No dog or cat shall remain in foster care or rescue or placement for more than six months. Any dog or cat remaining over six months shall lose its identity as a foster care or rescue or placement animal and is subject to the licensing requirements set forth in SCC 9.04

Any individual providing care on behalf of a licensed shelter may not shelter more than 3 adult dogs at any given time. In addition, if a care individual or* facility keeps, maintains or houses at least 4 adult dogs for more than 6 continuous months, the individual provider must obtain a private kennel licenses pursuant to SCC 6.06.007.

*Reviser Note: The text shown above in the second paragraph of SCC 6.06.050 in italic font was added by Ordinance No. 06-136 but was not indicated with addition marks.

(Added Amended Ord. 02-081, December 4, 2002, Eff date December 19, 2002; Ord. 06-136, Feb. 28, 2007, Eff date March 16, 2007)

6.06.070 Kennels, grooming parlors, and pet shops -- Inspection.

In addition to the right of entry for inspection purposes established under [SCC 6.01.120](#), it shall be the right of the licensing authority, county health authority or the county animal control agency to make or cause to be made such inspections as may be necessary to ensure compliance with provisions of this chapter. The owner or keeper of a kennel, boarding facility, animal shelter, grooming parlor, or pet shop shall admit to the premises for the purpose of making inspection, any officer, agent or employee of the licensing authority, county health authority, or animal control agency at any reasonable time when admission is requested.

(Ord. 82-109 § 2, adopted November 11, 1982; Amended Ord. 86-099, § 43, November 12, 1986; Amended Ord. 87-038, § 27, June 3, 1987; Amended Ord. 02-081, December 4, 2002, Eff Date December 19, 2002).

6.06.080 Maintenance of unsanitary, nauseous, foul or offensive establishment -- Unlawful.

It shall be unlawful to keep, use or maintain within the county a kennel, pet shop or grooming parlor which is unsanitary, nauseous, foul or offensive, or in any way detrimental to public health and/or safety.

(Ord. 82-109 § 2, adopted November 11, 1982; Amended Ord. 86-099, § 44, November 12, 1986).

6.06.090 Relation to other laws.

The classification of a facility defined in this chapter of Title [6](#) SCC shall not affect the classification of that facility under categories and definitions used in other titles of the Snohomish County Code.

(Added Ord. 86-099, § 45, November 12, 1986; Amended Ord. 02-081, December 4, 2002, Eff date December 19, 2002).

Chapter 6.07 MESSAGE PARLORS

6.07.001 General provisions.

Unless specified otherwise in this chapter, the general provisions contained in [chapter 6.01](#) SCC shall apply to this license.

(Ord 82-109 § 2, adopted November 11, 1982).

6.07.010 Exemptions.

The provisions in this chapter do not apply to:

- (1) Persons giving massage treatments or baths in a private residence or a private social or athletic club not open to the public generally.
- (2) Athletic coaches or trainers affiliated with public or private educational institutions or athletic organizations.
- (3) Students enrolled in schools of massage performing such practices of massage as are incidental to their course of study.

(4) Any massage treatments given in any hospital, duly licensed nursing or convalescent home, or by physical therapists duly licensed, who treat patients only upon written prescription of a licensed doctor of medicine, or by any other person licensed by the state of Washington to treat the sick, injured, or infirm, or by any nurse under the direction of a person so licensed.

(5) Licensed beauty operators and barbers who perform only such acts of massage as are customarily given in beauty salons and barbershops for purposes of beautification only.

(6) Licensed massage therapists as defined in [SCC 6.01.010](#)(40).

(Ord. 82-109 § 2, adopted November 11, 1982; Amended Ord. 86-099, § 48, November 12, 1986).

6.07.020 License required.

It shall be unlawful to conduct, operate, or maintain a massage parlor without a license as provided in this chapter.

(Ord. 82-109 § 2, adopted November 11, 1982; Amended Ord. 86-099, § 49, November 12, 1986).

6.07.030 License fees.

The fees for this license are established by and are contained in [SCC 6.01.050](#)(2).

(Ord. 82-109 § 2, adopted November 11, 1982; Amended Ord. 86-099, § 50, November 12, 1986).

6.07.050 Health authority approval.

No license or renewal of license to conduct a massage parlor shall be issued or renewed without first having had such inspection and approval as shall be required by the county health authority having jurisdiction over the matter.

(Ord. 82-109 § 2, adopted November 11, 1982; Amended Ord. 86-099, § 51, November 12, 1986).

6.07.060 Investigation required.

Applicants seeking a license under this chapter shall be investigated according to the provisions outlined in [SCC 6.01.047](#) of the general provisions.

(Ord. 82-109 § 2, adopted November 11, 1982).

6.07.065 Fingerprinting requirements.

Applicants seeking a license under this chapter shall be fingerprinted by the sheriff as specified in [SCC 6.01.046](#)(1).

(Ord. 82-109 § 2, adopted November 11, 1982).

6.07.066 Photographs required.

Applicants seeking a license as prescribed by this chapter shall submit photographs as specified in [SCC 6.01.046](#)(2).

(Ord. 82-109 § 2, adopted November 11, 1982).

6.07.080 Liquor, controlled substances - Prohibited.

(1) Liquor, as that term is defined by the Washington state alcoholic beverage control act, shall not be distributed or consumed on any premises under regulation of this chapter, unless the premises are licensed to serve the same by the Washington state liquor control board.

(2) Controlled substances, as defined by the Washington state uniform controlled substances act, shall not be distributed or consumed on any premises under regulation of this chapter.

(Ord. 82-109 § 2, adopted November 11, 1982).

6.07.090 Hours.

All massage businesses shall be closed, and all service performed therein discontinued between the hours of 2:00 a.m. and 8:00 a.m.

(Ord. 82-109 § 2, adopted November 11, 1982).

6.07.100 List of services - Required - Records to be kept.

A list of all services offered with a brief description of what the service entails, along with the cost for such services, must be posted in a prominent place. All business transactions with customers must be conducted in accordance with the posted list of services. Daily records must be kept of the number of customers, the time of the service, and the amount of money paid by these customers for services, including gratuities. Such records shall be maintained at the premises for at least three years, and shall be open to inspection by the director, sheriff, or county health authority during business hours.

(Ord. 82-109 § 2, adopted November 11, 1982; Amended Ord. 86-099, § 52, November 12, 1986).

6.07.110 Prohibited activity.

It shall be unlawful for any owner, proprietor, manager, employee, or agent of any facility to intentionally touch or manipulate the genitals of a customer in any manner, and such activity shall be grounds for revocation of the business license, as well as the employee license, whether the owner knew of, or encouraged the act, or whether the customer requested or acquiesced in the act.

(Ord. 82-109 § 2, adopted November 11, 1982).

6.07.120 Employees.

It shall be unlawful for any owner, proprietor, manager, or person in charge of any facility regulated by this chapter to employ in such establishment any person under the age of 18 years of age.

(Ord. 82-109 § 2, adopted November 11, 1982).

6.07.130 Unlawful to employ unlicensed person.

It shall be unlawful for any owner, proprietor, manager, or person in charge of any facility regulated by this chapter, to employ in such establishment, any person who does not have a valid employee license issued pursuant to this chapter.

(Ord. 82-109 § 2, adopted November 11, 1982).

6.07.140 Unlawful to admit certain persons.

It shall be unlawful for any owner, proprietor, manager, or person in charge of any facility regulated by this chapter or any employee or agent of such establishment to admit anyone under the age of 18 years of age and permit them to remain in or about such premises, unless such person under the age of 18 years is accompanied by his or her parent or legal guardian, or to knowingly harbor, admit, receive or permit to be or remain in or about such premises, any person under the influences of any controlled substance, or any person who, by his conduct on such premises, tends in any way to corrupt the public peace or morals. .

(Ord. 82-109 § 2, adopted November 11, 1982).

Chapter 6.09 ANIMAL ADVISORY BOARD

6.09.010 Animal advisory board established -- Duties.

There is hereby established a Snohomish county animal advisory board, hereinafter referred to as "advisory board," to:

- (1) assist the licensing authority and animal control by reviewing and recommending policies relating to animal licensing and animal control;
- (2) advise and assist the licensing authority and animal control in making recommendations to the executive and the county council regarding revisions to [chapter 6.06](#) and [Title 9](#), SCC;
- (3) serve as an advisory board regarding the actions or decisions of the Licensing Authority when exercising the discretionary provisions of [chapter 6.06](#); and
- (4) submit a written report to the County Council annually; and
- (5) to the extent funds are available in the Animal Benefit Bequest Fund to support such activities, the advisory board may promote public education and awareness of responsible pet ownership and organize, promote and sponsor programs and special events held for the benefit of animals in Snohomish County. The advisory board shall obtain approval from the Snohomish County Auditor prior to organizing, promoting, sponsoring or participating in such activities, programs or events and prior to spending or dedicating any funds..

(Added Ord. 97-020, § 18, May 7, 1997, Eff date July 1, 1997; Ord. 03-156, Jan. 7, 2004, Eff date Jan. 18, 2004).

6.09.020 Membership.

The advisory board shall be composed of the following members: six members who shall be licensed Snohomish County kennel owners; and three members who shall represent a broad range of interests relating to animal issues and shall reside within the county.

Appointments shall be pursuant to [SCC 2.03.030](#) and 2.03.040.

(Added Ord. 97-020, § 18, May 7, 1997, Eff date July 1, 1997).

6.09.025 Meeting and election of officers.

The advisory board shall meet as necessary at the call of the licensing authority or chair. The advisory board shall adopt by-laws and elect its chair, vice-chair and secretary from within the board membership.

(Added Ord. 97-020, § 18, May 7, 1997, Eff date July 1, 1997).

6.09.030 Terms of members.

Subject to other provisions in this chapter, terms of the board members shall be for three years. Initial appointments shall be staggered terms as follows: two members shall be appointed to one-year terms, two members shall be appointed to two-year terms, and three members shall be appointed to three-year terms.

(Added Ord. 97-020, § 18, May 7, 1997, Eff date July 1, 1997).

6.09.040 Vacancies.

A position shall become vacant upon expiration of the term, provided that the existing board member shall continue to serve until his or her successor is appointed. A position also shall become vacant upon the death, resignation, removal, or change of residence outside the geographic area of appointment of a member. Vacancies shall be filled by appointment. An appointment to fill a vacancy for any reason other than the expiration of a term shall be only for the balance of the full term of the position being filled.

(Added Ord. 97-020, § 18, May 7, 1997, Eff date July 1, 1997).

6.09.050 Removal.

Any member of the advisory board may be removed by the council for neglect of duty or malfeasance in office, or pursuant to [SCC 2.03.080](#).

(Added Ord. 97-020, § 18, May 7, 1997, Eff date July 1, 1997).

Chapter 6.19

PAWNBROKERS AND SECONDHAND DEALERS

6.19.001 General provisions.

Unless specified otherwise in this chapter, the general provisions contained in [chapter 6.01](#) SCC shall apply to this chapter.

(Added Ord. 83-156, § 2, Dec. 29, 1983).

6.19.005 Definitions.

The following words and phrases used in this chapter shall have the meanings set forth below unless the context indicates otherwise:

- (1) "Antique" means any article that because of its age, rarity, or historical significance has a monetary value greater than its original value.
- (2) "Antique dealer" means any person engaged, in whole or in part in the business of purchasing, selling, trading, or bartering antiques.
- (3) "Consignment store operator" means any person who operates a place of business where goods not owned by the operator are offered for sale on behalf of the owner in return for a fee.
- (4) "Intermittent seller" means any person who sells or exchanges secondhand household or recreational equipment from a residence less than four times per calendar year. Secondhand household and recreational equipment includes but is not limited to: furniture, tools, dishes, skis and fishing equipment. (5) "Pawnbroker" means any person engaged in whole or in part in the business of loaning money upon the taking or receiving of personal property as security for the repayment of such loans or any person who shall keep any store, shop, room or place where such goods are so taken or received.
- (6) "Secondhand dealer" means any person engaged in whole or in part in the business of purchasing, selling, trading, or bartering secondhand personal property, including metal, junk, or melted metals; PROVIDED, That the term shall not apply to any person who:
 - (a) Is an intermittent seller of personal property, an antique dealer, a consignment store owner or a used book dealer as defined by this chapter;
 - (b) Is engaged in any activity which requires a license under chapter 46.70 RCW, motor vehicle dealers, or chapter 46.80 RCW, motor vehicle wreckers;
 - (c) Is engaged in the purchase and/or sale of bottles, cans, or paper solely as a part of the process of recycling such bottles, cans, or paper;
 - (d) Is engaged in the purchase and/or sale of junk metal as a part of the process of recycling such junk metal;
 - (e) Any person conducting a sale of secondhand personal property under any legal forfeiture, foreclosure, liquidation, or any repossession pursuant to the terms of any contract of sale or incidental to any legal action.
- (7) "Used book dealer" means any person or business engaged in whole or in part in the business of selling, exchanging, displaying, or offering for sale or exchange used books.
- (8) "Secondhand personal property" means any item of personal property offered for sale which is not new, including metals in any form (except junk metal purchased or sold as a part of the process of recycling) and furs. Unless a single item is valued at \$75.00 or more, secondhand personal property does not include postage stamps, coins that are legal tender, bullion in the form of fabricated hallmarked bars, used books, and clothing.

(Added Amended Ord. 94-047, § 5, June 20, 1994, Eff date July 9, 1994; Amended Ord. 97-088, § 3, Oct. 15, 1997, Eff date Oct. 31, 1997).

6.19.090 Reasonable attorney fees allowed in actions concerning contested ownership.

In an action brought by an owner to recover goods in possession of a licensee, or an action brought by a licensee against an owner, or a person claiming ownership, to determine title or ownership of any item, the prevailing party is entitled to reasonable attorney fees and costs.

(Added Ord. 83-156, § 2, Dec. 29, 1983; Amended Ord. 86-119, § 13, January 7, 1987; Amended Ord. 94-047, § 12, June 20, 1994, Eff date July 9, 1994).

6.19.010 License and additional requirements.

(1) It is unlawful for any person to engage in a business as a pawnbroker or secondhand dealer without first having obtained a license. The license shall include a photograph of the licensee.

(2) For transactions involving the items listed below where a single item is valued at more than \$75.00, [SCC 6.19.030](#), [6.19.050](#), [6.19.070](#) and [6.19.080](#) shall apply:

- (a) postage stamps;
- (b) coins that are legal tender;
- (c) bullion in the form of fabricated hallmarked bars;
- (d) used books;
- (e) clothing.

(Added Ord. 83-156, § 2, Dec. 29, 1983; Amended Ord. 86-119, § 6, January 7, 1987; Amended Ord. 94-047, § 6, June 20, 1994, Eff date July 9, 1994; Amended Ord. 97-088, § 4, Oct. 15, 1997, Eff date Oct. 31, 1997).

6.19.020 License fees.

The fees for these licenses are established by and are contained in [SCC 6.01.050](#)(2). The term for this license is one year from date of issuance.

(Added Ord. 83-156, § 2, Dec. 29, 1983; Amended Ord. 86-119, § 7, January 7, 1987; Amended Ord. 97-088, § 5, Oct. 15, 1997, Eff date Oct. 31, 1997).

6.19.021 Investigation required.

Applicants seeking a license under this chapter shall be investigated according to the procedures outlined in [SCC 6.01.047](#).

(Added Ord. 83-156, § 2, Dec. 29, 1983; Amended Ord. 86-119, § 8, January 7, 1987).

6.19.022 Fingerprinting required.

Applicants seeking a license as prescribed by this chapter shall be fingerprinted by the sheriff as specified in [SCC 6.01.046](#)(1).

(Added Ord. 83-156, § 2, Dec. 29, 1983).

6.19.030 Records of transactions.

(1) Except as otherwise provided in this chapter, all licensees shall maintain a book or permanent record of transactions at the place of business. The entries in the book or permanent record shall be legibly written in the English language, at the time of each transaction and shall contain the following information:

- (a) The date of the transaction;
- (b) The name, date of birth, sex, height, weight, race, color of hair, address and telephone number of the person with whom the transaction is made;
- (c) The address of the place where the transaction occurred, if different than above;
- (d) A description of the property pledged or bought, including all brand names; model numbers or names; serial numbers; initials, engravings or other identifying marks; in the case of jewelry, also including the size, number, pattern, and color of stone or stones; in the case of audio or video recordings, also including the title of every item; and in the case of firearms, also including the caliber, barrel length, type of action and whether it is a pistol, rifle, or shotgun; provided that when the article bought or received is furniture, or the contents of any house or room actually inspected on the premises, a general record of the transaction shall be sufficient;
- (e) The price paid or the amount loaned for each item purchased or exchanged;
- (f) The names, addresses, and telephone numbers of all persons witnessing the transaction;
- (g) The type and identifying number of identification used by the person with whom the transaction was made, which shall consist of a valid driver's license or identification card issued by any state or two pieces of identification one of which shall be current government issued picture identification, and a copy of the picture identification presented, unless a copy of the picture identification is already in the book or permanent record, matches the person selling or pledging the property, and such fact is noted in the entry;
- (h) The number of any pawn ticket issued;
- (i) The signature of the person selling or pledging the property; and
- (j) A legible right thumb print of the person selling or pledging the property, on a form to be furnished by the sheriff's office; provided that when the person does not have a right thumb, a legible left thumb print shall be recorded; and
- (k) The nature of the transaction, a number identifying the transaction, the store identification as designated by the sheriff or the name and address of the business, and the name of the person or employee conducting the transaction, and the location of the property.

(2) Employees shall record all transactions which they make in the licensee's permanent record as required above.

(Added Ord. 83-156, § 2, Dec. 29, 1983; Added Ord. 86-119, § 9, January 7, 1987; Amended Ord. 94-047, § 7, June 20, 1994, Eff date July 9, 1994; Amended Ord. 97-088, § 6, Oct. 15, 1997, Eff date Oct. 31, 1997; Amended by Ord. 09-013, Mar. 18, 2009, Eff date Mar. 29, 2009).

6.19.050 Reports to sheriff.

(1) Except as otherwise provided in this chapter, all licensees shall transmit to the sheriff's office, on a form to be furnished by the sheriff's office, a transcript of all transactions conducted on the preceding day. This transmittal shall take place within a time specified by the sheriff, provided that the time allowed shall not be less than 24 hours. This information may be transmitted to the sheriff electronically, by facsimile transmission, by delivery of a paper copy, or by other means approved by the sheriff.

(2) Every licensee having reason to believe that any property in his possession is lost or stolen, shall report the fact to the sheriff, together with the name of the owner, if known, the date and the name of the person from whom the property was received.

(Added Ord. 83-156, § 2, Dec. 29, 1983; Amended Ord. 86-119, § 10, January 10, 1987; Amended Ord. 94-047, § 8, June 20, 1994, Eff date July 9, 1994; Amended by Ord. 09-013, Mar. 18, 2009, Eff date Mar. 29, 2009).

6.19.070 Removing goods from shop.

No secondhand personal property bought or received in pledge by any licensee shall be removed from the place of business within 30 days of receipt, except when redeemed by the owner.

(Added Ord. 83-156, § 2, Dec. 29, 1983; Amended Ord. 86-119, § 11, January 7, 1987; Amended Ord. 94-047, § 9, June 20, 1994, Eff date July 9, 1994; Amended Ord. 97-088, § 7, Oct. 15, 1997, Eff date Oct. 31, 1997).

6.19.080 Receiving goods from certain people unlawful.

No licensee shall receive in pledge or purchase any property from any person who is:

- (1) under 18 years of age; or
- (2) under the influence of alcohol; or
- (3) under the influence of drugs; or
- (4) attempting to pledge or sell any property which the licensee knows or suspects to be stolen; or
- (5) known to the licensee as having been convicted of burglary, robbery, theft, or possession of or receiving stolen property within the past 10 years whether the person is acting in his or her own behalf or as the agent of another. The sheriff shall be authorized to provide licensees a list of convicted felons from who they may not purchase property.

(Added Ord. 86-119, § 12, January 7, 1987; Amended Ord. 94-047, § 10, June 20, 1994, Eff date July 9, 1994).

6.19.100 Hours of operation.

It shall be unlawful for any licensee not exempt from this section to transact any business between the hours of 9:00 p.m. and 6:00 a.m. unless special permission is given by the licensing authority following approval by the sheriff.

(Added Ord. 83-156, § 2, Dec. 29, 1983; Amended Ord. 86-119, § 14, January 7, 1987; Amended Ord. 87-038, § 30, June 3, 1987; Amended Ord. 94-047, § 13, June 20, 1994, Eff date July 9, 1994).

6.19.110 Penalty for violations.

Every licensee or his/her employee shall be guilty of a gross misdemeanor and subject to penalties of RCW 9A.20.021, if the licensee or employee commits any of the actions described below.

- (1) Fails to make an entry of any material matter in his book or record as provided in [SCC 6.19.030](#); or
- (2) Makes a false entry in the book or record described in [SCC 6.19.030](#); or
- (3) Falsifies, obliterates, destroys or removes from his place of business the book or record described in [SCC 6.19.030](#); or
- (4) Reports any material matter relevant to a transaction falsely to the sheriff; or
- (5) Fails to furnish the sheriff, upon request, with a full, true and correct transcript of all transactions as provided for in [SCC 6.19.050](#). Saturday's business may be reported on Monday; or
- (6) Fails to report promptly to the sheriff the possession of any property which he has reason to believe has been lost or stolen, together with the name of the owner, if known, the date, and the name of the person from whom the property was received by him; or
- (7) Removes or allows to be removed from his place of business any property, as described in [SCC 6.19.070](#); or
- (8) Knowingly receives any property from any person described in [SCC 6.19.080](#); or
- (9) Removes, alters, or obliterates any manufacturer's make, model, or serial number, personal identification number, or identifying marks engraved or etched upon an item of personal property that was purchased, consigned, or received in pledge. In addition, an item shall not be accepted for pledge or a secondhand purchase where the manufacturer's make, model, or serial number, personal identification number, or identifying marks engraved or etched upon an item of personal property have been removed, altered, or obliterated; or
- (10) Knowingly violates any other provision of this chapter.

(Added Ord. 86-119, § 15, January 7, 1987; Amended Ord. 94-047, § 14, June 20, 1994, Eff date July 9, 1994; Amended Ord. 97-088, § 9, Oct. 15, 1997, Eff date Oct. 31, 1997).

6.19.115 Unlawful to employ unlicensed person.

It shall be unlawful for any licensee to employ any person who does not have a valid employee license issued pursuant to [chapter 6.20](#) SCC.

(Added Amended Ord. 94-047, § 15, June 20, 1994, Eff date July 9, 1994; Amended Ord. 97-088, § 10, Oct. 15, 1997, Eff date Oct. 31, 1997).

6.19.120 State law applicable in other instances.

The requirements of chapter 19.60 RCW shall govern all matters not governed by chapters [6.19](#) or [6.20](#) SCC.

(Added Amended Ord. 94-047, § 16, June 20, 1994, Eff date July 9, 1994; Amended Ord. 97-088, § 11, Oct. 15, 1997, Eff date Oct. 31, 1997).

Chapter 6.20

PAWNBROKERS AND SECONDHAND DEALER EMPLOYEES

6.20.001 General provisions.

Unless specified otherwise in this chapter, the general provisions contained in [chapter 6.01](#) SCC shall apply to this license. The words and phrases used in this chapter shall have the meaning set forth in sections [6.01.010](#) and [6.19.005](#) SCC unless the content indicates otherwise.

(Added Ord. 86-119, § 16, January 7, 1987; Amended Ord. 97-088, § 13, Oct. 15, 1997, Eff date Oct. 31, 1997).

6.20.010 License required.

It is unlawful for any person to be employed by a licensee under [chapter 6.19](#) SCC without first having obtained a license. The license shall include a photograph of the licensee. Exempt from this requirement are intermittent sellers of personal property as defined by [SCC 6.19.005](#).

(Added Ord. 86-119, § 16, January 7, 1987; Amended Ord. 94-047, § 18, June 20, 1994, Eff date July 9, 1994; Amended Ord. 97-088, § 14, Oct. 15, 1997, Eff date Oct. 31, 1997).

6.20.020 License fees and terms.

The fee for this license is established by and is contained in [SCC 6.01.050](#). The term for this license is one year from date of issuance.

(Added Ord. 86-119, § 16, January 7, 1987; Amended Ord. 97-088, § 15, Oct. 15, 1997, Eff date Oct. 31, 1997).

6.20.021 Investigation required.

Applicants seeking a license under this chapter shall be investigated according to the procedures outlined in [SCC 6.01.047](#).

(Added Ord. 86-119, § 16, January 7, 1987).

6.20.025 Fingerprinting required.

Applicants seeking a license as prescribed by this chapter shall be fingerprinted by the sheriff as specified in [SCC 6.01.046](#)(1).

(Added Ord. 99-003, § 2, Feb. 17, 1999, Eff date March 10, 1999).

6.20.030 Records of transactions.

Every licensee under this chapter shall record transactions in the pawnbroker or secondhand dealer's permanent record as required by [SCC 6.19.030](#).

(Added Ord. 86-119, § 16, January 7, 1987; Amended Ord. 94-047, § 19, June 20, 1994, Eff date July 9, 1994; Amended Ord. 97-088, § 16, Oct. 15, 1997, Eff date Oct. 31, 1997).

6.20.050 Reports to sheriff.

Every licensee under this chapter having reason to believe that any property in his possession is lost or stolen shall report the fact to the sheriff, together with the name of the owner, if known, the date and the name of the person from whom the property was received.

(Added Ord. 86-119, § 16, January 7, 1987; Amended Ord. 94-047, § 20, June 20, 1994, Eff date July 9, 1994; Amended Ord. 97-088, § 17, Oct. 15, 1997, Eff date Oct. 31, 1997).

6.20.070 Removing goods from shop.

No secondhand personal property bought or received in pledge shall be removed from the place of business within 30 days of receipt, except when redeemed by the owner.

(Added Ord. 86-119, § 16, January 7, 1987; Amended Ord. 94-047, § 21, June 20, 1994, Eff date July 9, 1994; Amended Ord. 97-088, § 18, Oct. 15, 1997, Eff date Oct. 31, 1997).

6.20.080 Receiving goods from certain people unlawful.

No licensee under this chapter shall receive in pledge or purchase any property from any person who is:

- (1) under 18 years of age; or
- (2) under the influence of alcohol; or
- (3) under the influence of drugs; or
- (4) attempting to pledge or sell any property which the employee knows or suspects to be stolen; or
- (5) known to the licensee as having been convicted of burglary, robbery, theft, or possession of or receiving stolen property within the past 10 years whether the person is acting in his or her own behalf or as the agent of another. The sheriff shall be authorized to provide licensees a list of convicted felons from whom they may not purchase property.

(Added Ord. 86-119, § 16, January 7, 1987; Amended Ord. 94-047, § 22, June 20, 1994, Eff date July 9, 1994; Amended Ord. 97-088, § 19, Oct. 15, 1997, Eff date Oct. 31, 1997).

6.20.100 Hours of operation.

It shall be unlawful for any licensee under this chapter to transact any business between the hours of 9:00 p.m. and 6:00 a.m. unless special permission be given by the licensing authority following approval by the sheriff.

(Added Ord. 86-119, § 16, January 7, 1987; Amended Ord. 87-038, § 31, June 3, 1987; Amended Ord. 97-088, § 20, Oct. 15, 1997, Eff date Oct. 31, 1997).

6.20.110 Penalty for violations.

Every licensee under this chapter shall be guilty of a gross misdemeanor and subject to penalties of RCW 9A.20.021, if the licensee commits any of the actions described below:

- (1) Fails to make an entry of any material matter in the book or record as provided for in [SCC 6.20.030](#); or
- (2) Makes a false entry in the book or record described in [SCC 6.20.030](#); or

(3) Falsifies, obliterates, destroys or removes from his place of business the book or record described in [SCC 6.20.030](#); or

(4) Reports any material matter relevant to a transaction falsely to the sheriff; or

(5) Fails to furnish the sheriff, upon request, a full, true and correct transcript of all transactions as provided for in [SCC 6.20.030](#). Saturday's business may be reported on Monday; or

(6) Fails to report promptly to the sheriff the possession of any property which he has reason to believe has been lost or stolen, together with the name of the owner, if known, the date, and the name of the person from whom the property was received by him; or

(7) Removes or allows to be removed from the place of business any property, as described in [SCC 6.20.070](#); or

(8) Knowingly receives any property from any person described in [SCC 6.20.080](#); or

(9) Removes, alters, or obliterates any manufacturer's make, model, or serial number, personal identification number, or identifying marks engraved or etched upon an item of personal property that was purchased, consigned, or received in pledge. In addition, an item shall not be accepted for pledge or a secondhand purchase where the manufacturer's make, model, or serial number, personal identification number, or identifying marks engraved or etched upon an item of personal property have been removed, altered, or obliterated; or

(10) Knowingly violates any other provision of this chapter.

(Added Ord. 86-119, § 16, January 7, 1987; Amended Ord. 94-047, § 23, June 20, 1994, Eff date July 9, 1994; Amended Ord. 97-088, § 21, Oct. 15, 1997, Eff date Oct. 31, 1997).

6.20.120 State law applicable in other instances.

The requirements of chapter 19.60 RCW shall govern all matters not governed by chapters [6.19](#) or [6.20](#) SCC.

(Added Amended Ord. 94-047, § 24, June 20, 1994, Eff date July 9, 1994; Amended Ord. 97-088, § 22, Oct. 15, 1997, Eff date Oct. 31, 1997).

Chapter 6.25

ADULT ENTERTAINMENT DANCE STUDIOS, ADULT ENTERTAINERS AND ADULT ENTERTAINMENT DANCE STUDIO MANAGERS

6.25.010 General provisions.

Unless specified otherwise in this chapter, the general provisions contained in [chapter 6.01](#) SCC shall not apply to the licenses required under this chapter.

(Added Ord. 86-099, § 59, November 12, 1986).

6.25.020 Definitions.

For the purpose of this chapter the words and phrases used in this section shall have the following meanings unless the context otherwise requires:

(1) "Adult 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 unclothed or in such costume, attire or clothing 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 wearing any device or covering exposed to view which simulates the appearance of any portion of the pubic region, anus, buttocks, vulva or genitals, or human male genitals in a discernibly turgid state, even if completely covered; 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 activities:

(i) Human genitals in a state of sexual stimulation or arousal;

(ii) Acts of human masturbation, sexual intercourse or sodomy; or

(iii) Fondling or other erotic touching of human genitals, pubic region, buttocks, or female breasts;
or

(c) Any exhibition, performance or dance intended to sexually stimulate any patron and conducted in a premises where such exhibition, performance or dance is performed for, arranged with or engaged in with fewer than all patrons on the premises at that time, with separate consideration paid, either directly or indirectly, for such performance, exhibition or dance. For purposes of example and not limitation, such exhibitions, performances or dances are commonly referred to as table dancing, couch dancing, taxi dancing, lap dancing, private dancing or straddle dancing.

(2) "Adult entertainer" means any person who provides live adult entertainment within an adult entertainment dance studio as defined in this section whether or not a fee is charged or accepted for such entertainment.

(3) "Adult entertainment dance studio" means any premises to which any member of the public is invited or admitted and where adult entertainment is provided on a regular basis as a substantial part of the premises activity.

(4) "Applicant control person" means: (1) if a sole proprietorship, the sole proprietor; (2) if a non-publicly held partnership, whether general or limited, each partner and their respective ownership interest; or (3) if a non-publicly held corporation, every officer, director, shareholder owning 51% or more interest and any shareholder owning 50% or less who hold a significant interest in the business based on responsibility for management.

(5) "Employee" means any and all persons, including manager and adult entertainers, who work in or at or render any services directly related to the operation of an adult entertainment dance studio, regardless of whether that person is deemed statutory employee, common law employee or independent contractor.

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

(7) "Member of the public" means any customer, patron, club member, or person, other than an employee as defined in this section, who is invited or admitted to an adult entertainment dance studio.

(8) "Operator" means any person operating, conducting or maintaining an adult entertainment dance studio.

(9) "Person" means any individual, partnership, firm, joint stock company, corporation, association, trust, estate, limited liability company, limited liability partnership or other legal entity, however organized.

(10) "Sexual conduct" means acts of: (a) sexual intercourse within its ordinary meaning; or (b) any contact between persons involving the sex organs of one person and the mouth or anus of another; or (c) masturbation, manual or instrumental, of oneself or of one person by another; or (d) touching of the sex organs or anus, of oneself or of one person by another.

(11) "Licensing authority" means the duly elected auditor of Snohomish county or any duly authorized representative.

(Added Ord. 86-099, § 59, November 12, 1986; Amended Ord. 96-045, § 5, June 24, 1996, Eff date Sept. 26, 1997; Amended Ord. 97-077, § 2, Aug 27, 1997, Eff date Sept. 26, 1997).

6.25.030 Adult entertainment dance studio license required.

No person shall operate an adult entertainment dance studio without a valid adult entertainment dance studio license issued by the licensing authority.

(Added Ord. 86-099, § 59, November 12, 1986; Amended Ord. 87-101, § 3, November 23, 1987; Amended Ord. 96-045, § 6, June 24, 1996, Eff date Sept. 26, 1997).

6.25.040 Prima facie evidence of adult entertainment dance studio.

It shall be prima facie evidence that a business is an adult entertainment dance studio when one or more adult entertainers displays or exposes any portion of the breast below the top of the areola or any portion the pubic region, anus, buttocks, vulva and/or genitals.

(Added Ord. 86-099, § 59, November 12, 1986; Amended Ord. 96-045, § 7, June 24, 1996, Eff date Sept. 26, 1997).

6.25.050 Adult entertainment dance studio license -- Application, issuance.

(1) Application for an adult entertainment dance studio license shall be made to the licensing authority on a form prepared and made available by the licensing authority.

(2) An application for an adult entertainment dance studio license shall be signed by the applicant and shall contain or set forth the following information:

(a) The name, any aliases or previous names, address, telephone number, driver's license number, if any, social security number, if any and principal occupation, and age of the applicant and each applicant control person;

(b) The name, address, and principal occupation of the managing agent or agents of the business;

(c) For the applicant and each applicant control person, list any other licenses currently held for similar adult entertainment or sexually oriented businesses, including motion picture theaters and panorams, as defined in SCC [30.28.015\(5\)\(f\) and \(O\)](#), whether from the county or another city, county or state, and the names and addresses of each licensed business;

(d) For the applicant and each applicant control person, list prior licenses held for similar adult entertainment or sexually oriented businesses, whether from the county or from another city, county or state, providing the names, addresses and dates of operation for such businesses, and whether any business license or adult entertainment license has been revoked or suspended, and the reason therefor;

(e) For the applicant and all applicant control persons, list any and all criminal convictions or forfeitures within five years immediately preceding the date of 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 applicant and all applicant control persons, a description of business, occupation or employment history for the three years immediately preceding the date of application;

(g) The business name, business address, and the business telephone number of the establishment or proposed establishment together with a description of the nature of the business and a scale drawing or diagram showing the configuration of the premises for the proposed adult entertainment dance studio, 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 entertainment dance studio shall include building plans which demonstrate conformance with this chapter;

(h) Any applicant or applicant control person registered with the Washington Secretary of State shall submit a current certificate of good standing;

(i) The names, addresses, telephone numbers and principal occupation of every person, partnership, or corporation having any interest in the real or personal property utilized or to be utilized by the business or proposed business;

(j) Authorization for the county, its agents and employees to seek information to confirm any statements set forth in the application;

(k) Each applicant shall verify, under penalty or perjury, that the information contained in the application is true.

(3) The licensing authority may request other information or clarification when necessary to determine compliance with this chapter.

(4) Each application shall be accompanied by a non-refundable fee as provided in SCC [6.01.050\(2\)](#). The fee shall not be prorated.

(5) As soon as practicable following receipt of a completed application for an adult entertainment dance studio license, the licensing authority shall transmit copies of the application to the sheriff, health officer, fire marshal, and department of planning and development services for their investigation and review to determine compliance of the proposed adult entertainment dance studio with the laws and regulations which each department administers. Each department shall, within 25 days of the date of such application, inform the licensing authority in writing of the results of its investigation and review. No license may be issued unless each department reports that the application and premises comply with the relevant laws.

(6) Within 30 days of receipt of a completed application for an adult entertainment dance studio license and payment of the fee, the licensing authority shall issue the license, except that the licensing authority shall deny the application if issuance of a license is prohibited by SCC [6.25.050](#)(6) or if the licensing authority determines that the applicant has made a false, misleading or fraudulent statement of material fact on the application for a license. A person aggrieved by denial of a license under this subsection may appeal the denial to the Snohomish county hearing examiner. The appeal shall be filed and processed as set forth in [chapter 2.02](#) SCC.

(7) An adult entertainment dance studio license shall expire on December 31 of the year in which it is issued.

(8) An adult entertainment dance studio license shall not be issued to any person under the age of 18 years.

(9) An adult entertainment dance studio 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 establishment.

(10) A license issued to an adult entertainment dance studio is not transferable.

(11) It is the responsibility of the licensee issued a license under this section to keep the information on the license current at all times.

(12) The licensee shall notify the licensing authority of any change in address, business name, or in the officers, directors or partners of such business, within 14 days of any such change and shall supply the same information as required for an initial adult entertainment dance studio license application.

(Added Ord. 86-099, § 59, November 12, 1986; Amended Ord. 87-101, § 4, November 23, 1987; Amended Ord. 96-045, § 8, June 24, 1997, Eff date Sept. 26, 1997; Amended Ord. 97-077, § 3, Aug. 27, 1997, Eff date Sept. 26, 1997; Ord. 02-098, December 9, 2002, Eff date February 1, 2003).

6.25.060 Other licenses/permits not waived.

(1) The issuance of an adult entertainment dance studio license shall not be construed or act as absolving the licensee of complying with the requirements of any governmental agencies, including, but not limited to, federal, state, city and county laws or ordinances relating to buildings, fire, health, sanitation, zoning, taxation, public safety, and all other requirements and conditions provided by law.

(2) The filing of an application for a license under this chapter shall not give the applicant the right to engage in the activity covered prior to the issuance of a license.

(Added Ord. 86-099, § 59, November 12, 1986; Amended Ord. 96-045, § 9, June 24, 1997, Eff date Sept. 26, 1997)

6.25.070 Adult entertainment dance studio license --Renewal.

An adult entertainment dance studio license may be renewed by following the application procedure set out in SCC [6.25.050](#). It shall be the duty of the licensee to make application for renewal prior to the expiration of an outstanding license. A decision of the licensing authority to deny an application for renewal shall be stayed and the prior license shall remain in effect during administrative and judicial review of that decision.

(Added Ord. 86-099, § 59, November 12, 1986; Amended Ord. 96-045, § 10, June 24, 1997, Eff date Sept. 26, 1997; Amended Ord. 97-077, § 4, Aug. 27, 1997, Eff date Sept. 26, 1997).

6.25.080 License for managers and adult entertainers required.

No person shall work as a manager or adult entertainer without a valid manager's or adult entertainer's license issued by the licensing authority.

(Added Ord. 86-099, § 59, November 12, 1986; Amended Ord. 87-101, § 5, November 23, 1987; Amended Ord. 96-045, § 11, June 24, 1997, Eff date Sept. 26, 1997).

6.25.090 Manager's and adult entertainer's license -- Application, issuance.

(1) Application for a manager's or adult entertainer's license shall be made to the licensing authority on a form prescribed by the licensing authority.

(2) An application for a manager's or adult entertainer's license shall be verified and shall contain or set forth the following information:

(a) The applicant's name, home addresses (current and former), home telephone number, date of birth, social security number, alias (past or present), and stage name;

(b) The business name and address where the applicant intends to dance or work;

(c) Authorization for the county, its agents and employees to investigate and confirm any statement set forth in this application.

(3) With the application the applicant shall present documentation that he or she has attained the age of 18 years. Any of the following shall be accepted as documentation of age:

(a) A motor vehicle operator's license issued by any state bearing the applicant's date of birth and photograph;

(b) An identification card issued by any governmental agency bearing the applicant's date of birth and photograph;

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

(d) An immigration card issued by the United States of America.

(4) Each applicant shall be photographed and fingerprinted as set out in SCC [6.01.046](#).

(5) Each application shall be accompanied by a non-refundable fee as provided in SCC [6.01.050](#)(2). The fee shall not be prorated.

(6) Upon receipt of a completed application for a manager's or adult entertainer's license and proof of compliance with SCC [6.25.090](#)(4) required by this chapter, the licensing authority shall issue the license. As soon as possible, following the issuance of a manager's or adult entertainer's license, the licensing authority shall transmit copies of the application and license to the sheriff's office.

(7) A manager's or adult entertainer's license shall expire on December 31 of the year in which it is issued.

(8) A manager's or adult entertainer's license shall entitle a manager or adult entertainer to perform or work only at the location indicated on the manager's or adult entertainer's license. If a manager or adult entertainer changes his or her location where employed or performing during the license term, the license certificate must be returned to the licensing authority for reissuance, upon payment of the fee set out in SCC [6.01.050\(2\)](#), indicating the new location of employment.

(9) A manager's or adult entertainer's license shall not be issued to any person under the age of 18.

(10) It is the responsibility of all managers and adult entertainers issued a license under this section to keep the information on their license current and accurate at all times.

(Added Ord. 86-099, § 59, November 12, 1986; Amended Ord. 87-101, § 6, November 23, 1987; Amended Ord. 96-045, § 12, June 24, 1997, Eff date Sept. 26, 1997; Amended Ord. 97-077, § 5, Aug. 27, 1997, Eff date Sept. 26, 1997).

6.25.100 Manager's or adult entertainer's license -- Renewal.

A manager's or adult entertainer's license may be renewed by following the application procedure set out in SCC [6.25.090](#). It shall be the duty of the licensee to make application for renewal prior to the expiration of an outstanding license.

(Added Ord. 86-099, § 59, November 12, 1986; Amended Ord. 96-045, § 13, June 24, 1997, Eff date Sept. 26, 1997).

6.25.110 Adult entertainment dance studio regulations.

(1) No person shall advertise, or cause to be advertised, an adult entertainment dance studio without a valid adult entertainment dance studio license issued pursuant to this chapter.

(2) No later than March 1 of each year an adult entertainment dance studio licensee shall file a verified report with the licensing authority showing the licensee's gross receipts for the preceding calendar year.

(3) An adult entertainment dance studio licensee shall maintain and retain for a period of two years the names, addresses, and ages of all adult entertainers and managers.

(4) No adult entertainment dance studio licensee shall employ as a manager or adult entertainer a person under the age of 18 years or a person not licensed pursuant to this chapter.

(5) No person under the age of 18 years shall be admitted to an adult entertainment dance studio.

(6) An adult entertainment dance studio shall be closed between 2:00 a.m. and 8:00 a.m.

(7) No adult entertainment dance studio licensee shall serve, sell, distribute, or suffer the consumption or possession of any intoxicating liquor or controlled substance upon the premises of the licensee.

(8) An adult entertainment dance studio license issued pursuant to this chapter shall be conspicuously displayed at the place of businesses during normal business hours.

(9) Manager and adult entertainer licenses issued pursuant to this chapter shall be maintained on the premises of the business during normal business hours.

(10) No adult entertainment shall be visible outside of the adult entertainment dance studio, nor any photograph, drawing, sketch or other pictorial or graphic representation which includes lewd matter as defined in RCW 7.48A or display of sexually explicit material in violation of RCW 9.68.130.

(11) No member of the public shall be permitted during normal business hours to enter into any of the non-public portions of the adult entertainment dance studio, which shall include but are not limited to: the dressing rooms of the adult entertainers or other rooms provided for the benefit of employees, and the kitchen and storage areas. Provided, that persons delivering goods and materials, food or beverages, or performing maintenance or repairs to the premises or equipment on the premises may be permitted into non-public areas to the extent required to perform their job duties.

(Added Ord. 86-099, § 59, November 12, 1986; Amended Ord. 87-101, § 7, November 23, 1987; Amended Ord. 96-045, § 14, June 24, 1997, Eff date Sept. 26, 1997; Amended Ord. 97-077, § 6, Aug. 27, 1997, Eff date Sept. 26, 1997).

6.25.112 Manager on premises.

(1) A licensed manager shall be on duty at an adult entertainment dance studio premises at all times that adult entertainment is being provided. The name of the manager on duty shall be prominently displayed during business hours.

(2) The licensed manager on duty shall not be an adult entertainer. It shall be the responsibility of the manager to verify that any employee or adult entertainer working or performing within the establishment possesses a current and valid employee's or adult entertainer's license as required by this chapter.

(3) The license manager shall not permit any violations of this chapter to occur.

(Ord. 96-045, § 15, June 24, 1997, Eff date Sept. 26, 1997).

6.25.115 Additional requirements for adult entertainment dance studios.

Every adult entertainment dance studio shall be physically arranged in such a manner that:

(1) **Performance Area.** The performance area of the adult entertainment dance studio where adult entertainment is performed 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 6 feet from all areas of the premises to which members of the public have access. A continuous railing three to five feet in height above the floor and located at least six feet from all points of the performance area shall separate the performance area and the patron seating areas. The stage and the entire portion of cubicles, rooms or stalls wherein adult entertainment is provided must be visible from the common areas of the premises and at least one manager's station. Visibility shall not be blocked or obstructed by doors, curtains, drapes or any other obstruction whatsoever.

(2) **Illumination.** Sufficient lighting shall be provided in and 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 all parts of such premises shall be illuminated so that patrons or others on any part of the premises shall be able to read the Washington State Liquor Control Board card or other written instrument, printed in eight-point type.

(3) Signs. A sign at least two feet by two feet, with letters at least one inch high shall be conspicuously displayed in the public area(s) of the adult entertainment dance studio, stating each of the following:

(a) A list of any and all adult entertainment provided on the premises with the specific fee or charge in dollar amounts for each adult entertainment listed; and

(b) "THIS ADULT ENTERTAINMENT DANCE STUDIO IS REGULATED BY SNOHOMISH COUNTY. DANCERS ARE:

A. NOT PERMITTED TO ENGAGE IN ANY TYPE OF SEXUAL CONDUCT

B. NOT PERMITTED TO APPEAR SEMI-NUDE OR NUDE, EXCEPT ON STAGE

C. NOT PERMITTED TO ACCEPT TIPS OR GRATUITIES IN ADVANCE OF THEIR PERFORMANCE

D. NOT PERMITTED TO ACCEPT TIPS OR GRATUITIES DIRECTLY FROM PATRONS WHILE PERFORMING UPON ANY STAGE AREA."

(Ord. 96-045, § 16, June 24, 1997, Eff date Sept. 26, 1997).

6.25.117 Standards of conduct.

The following standards of conduct must be adhered to by employees of any adult entertainment dance studio while in any area in which members of the public are allowed to be present:

(1) No employee or adult entertainer shall be unclothed or in such less than opaque and complete 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 region, anus, buttocks, vulva or genitals except upon a stage at least 18 inches above the immediate floor level and removed at least 6 feet from the nearest member of the public.

(2) No employee or adult entertainer mingling with members of the public shall be unclothed or in less than opaque and complete attire, costume or clothing as described in subdivision (1) of this section, nor shall any male employee or adult entertainer appear at any time with his genitals in a discernibly turgid state, even if completely and opaquely covered.

(3) No employee or adult entertainer mingling with members of the public 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, genitals, anus, buttocks, or any portion of the pubic region or human male genitals in a discernibly turgid state, even if completely and opaquely covered.

(4) No employee or adult entertainer shall caress, fondle or erotically touch any member of the public.

(5) No employee or adult entertainer shall encourage or permit any member of the public to caress, fondle or erotically touch any employee or adult entertainer.

(6) No employee or adult entertainer shall sit on the lap of a member of the public or separate the legs of a member of the public.

(7) No employee or adult entertainer shall perform simulated nonobscene acts of sexual conduct except upon a stage at least 18 inches above the immediate floor level and removed at least 6 feet from the nearest member of the public.

(8) No employee or adult entertainer mingling with members of the public shall conduct any dance, performance or exhibition in or about the non-stage areas of the adult entertainment dance studio unless that dance, performance or exhibition is performed at a torso-to-torso distance of no less than 4 feet from the member or members of the public for whom the dance, performance or exhibition is performed.

(9) 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 adult entertainer. No adult entertainer performing upon any stage area shall be permitted to accept any form of gratuity offered directly to the adult entertainer by any member of the public. Any gratuity offered to any adult entertainer performing upon the stage area must be placed into a receptacle provided for receipt of gratuities by the adult entertainment dance studio or provided through a manager on duty on the premises. Any gratuity or tip offered to any adult entertainer or employee conducting any performance, dance or exhibition in or about the non-stage area of the adult entertainment dance studio shall be placed into the hand of the adult entertainer or employee or into a receptacle provided by the adult entertainer or employee, and not upon the person or into the clothing of the adult entertainer or employee.

(10) No employee or adult entertainer shall perform actual acts of sexual conduct as defined in this chapter, or any act which constitutes a violation of RCW 7.48A, the Washington Moral Nuisances Statute.

(Ord. 96-045, § 17, June 24, 1997, Eff date Sept. 26, 1997).

6.25.120 Inspections.

All books and records required to be kept pursuant to this chapter shall be open to inspection by the licensing authority, sheriff, or their agents during the hours when the adult entertainment dance studio is open for business. The purpose of such inspection shall be to determine if the books and records meet the requirements of this chapter.

(Added Ord. 86-099, § 59, Nov. 12, 1986; Amended Ord. 87-101, § 8, Nov. 23, 1987; Amended Ord. 96-045, § 18, June 24, 1997, Eff date Sept. 26, 1997).

6.25.125 Activities not prohibited -- Liquor licenses.

(1) This chapter shall not be construed to prohibit:

- (a) Plays, operas, musicals or other dramatic works which are not obscene;
- (b) Classes, seminars and lectures held for serious scientific or educational purposes; or
- (c) Exhibitions or dances which are not obscene.

These exemptions shall not apply to the sexual conduct defined in SCC [6.25.020\(10\)](#), or the sexual conduct described in RCW 7.48A.010(2)(b)(ii) and (iii).

(2) Whether or not an 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 contemporary 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.

(3) This chapter does not apply to taverns and premises maintaining liquor licenses and which are subject to the rules and regulations of the Washington State Liquor Control Board.

(Ord. 96-045, § 19, June 24, 1997, Eff date Sept. 26, 1997; Amended Ord. 97-077, § 7, Aug. 27, 1997, Eff date Sept. 26, 1997).

6.25.130 Enforcement.

The licensing authority and/or sheriff are authorized and directed to enforce the terms and provisions of this chapter.

(Added Ord. 86-099, § 59, Nov. 12, 1986; Amended Ord. 87-101, § 9, Nov. 23, 1987; Amended Ord. 96-045, § 20, June 24, 1997, Eff date Sept. 26, 1997).

6.25.135 Suspension and revocation.

(1) The licensing authority may, at any time upon the recommendation of the sheriff or as provided below suspend or revoke any license issued under this chapter:

(a) Where such license was procured by fraud or false representation of fact; or

(b) For the violation of, or failure to comply with the provisions of this chapter or any other similar local or state law by the licensee or by any of its servants, agents or employees when the licensee knew or should have known of the violations committed by its servants, agents, or employees; or

(c) For the conviction of the licensee of any crime or offense involving prostitution, promoting prostitution, or transactions involving controlled substances as defined in RCW Article 69.50 committed on the premises, or the conviction of any of the licensee's servants, agents or employees of any crime or offense involving prostitution, promoting prostitution, or transactions involving controlled substances as defined in RCW Article 69.50 committed in the licensed premises when the licensee knew or should have known of the violations committed by its 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, statutes or regulations are found, the licensing authority shall suspend a license issued under this chapter for 30 days for the first violation, 90 days for the second violation and 120 days for the third and subsequent violations within a 24 month period, not including periods of suspension.

(3) No license suspended under the provisions of this chapter may be renewed during any period of suspension.

(4) The licensing authority may revoke a license upon the grounds for a suspension when a license has been suspended three times within a 24 month period, not including periods of suspension.

(5) The procedure for suspension and revocation is initiated by the service of a notice and order issued by the licensing authority, pursuant to SCC [6.01.135](#) and [6.01.140](#). The notice and order must be served on the licensee by certified mail or in person and will effectively suspend or revoke the license 15 days after service

unless the licensee effectively appeals the notice and order. The procedure for appeal of the notice and order is set out in SCC [6.01.151](#) which allows for a review by the Snohomish county hearing examiner. The appeal shall be filed and processed as set forth in the provisions of [chapter 2.02](#) SCC. During the hearing, the licensing authority shall have the burden of proof to establish the violations giving cause to suspend or revoke the license. The decision of the hearing examiner will become a final decision if no appeal is filed within 10 days of receipt of the final decision of the hearing examiner. The licensee then has the right to appeal the hearing examiner's decision by writ of certiorari under RCW 7.16 and SCC [2.02](#) to the Snohomish County Superior Court. The enforcement powers of the licensing authority to suspend or revoke licenses granted under this chapter are stayed during the appeal to the hearing examiner, superior court and all judicial review.

(Ord. 96-045, § 21, June 24, 1997, Eff date Sept. 26, 1997).

6.25.140 Disclaimer.

The provisions of SCC [6.01.111](#) apply to licenses and activities governed by this chapter.

(Added Ord. 86-099, § 59, November 12, 1986).

6.25.150 Civil penalty.

The provisions of SCC [6.01.210](#) apply to licenses and activities governed by this chapter.

(Added Ord. 86-099, § 59, November 12, 1986).

6.25.160 Criminal penalty.

The provisions of SCC [6.01.220](#) apply to licenses and activities governed by this chapter.

(Added Ord. 86-099, § 59, November 12, 1986).

6.25.170 Public nuisance.

The provisions of SCC [6.01.225](#) apply to licenses and activities governed by this chapter.

(Added Ord. 86-099, § 59, November 12, 1986).

6.25.180 Nonexclusive remedies.

The provisions of SCC [6.01.226](#) apply to licenses and activities governed by this chapter.

(Added Ord. 86-099, § 59, November 12, 1986).

6.25.190 Severability.

If any portion of this chapter, or its application to any person or circumstance, is held invalid, the remainder or application to other persons or circumstances shall not be affected.

(Added Ord. 86-099, § 59, November 12, 1986).

Chapter 6.28

SEXUALLY-ORIENTED ADULT ARCADES (PANORAMS)

6.28.001 Definitions.

The following words and phrases used in this chapter shall have the meanings set forth below unless the context indicates otherwise:

- (1) "Adult entertainment" means any exhibition, performance or medium which is distinguished or characterized by:
 - (a) Acts of masturbation, sexual intercourse or sodomy; or
 - (b) Fondling or other touching of the human genitals, pubic region, buttocks or female breast; or
 - (c) Human genitals in a state of sexual stimulation or arousal; or
 - (d) Displays of less than completely and opaquely covered human genitals, pubic region, anus, buttocks, or female breast below the top of the areola; or
 - (e) Human male genitals in a discernibly turgid state even if completely covered; or
 - (f) Any exhibition, performance or dance conducted in a premises where such exhibition, performance or dance is performed within the view of one or more members of the public and is intended or is likely to sexually stimulate any member of the public;
 - (g) Adult entertainment shall not include the following:
 - (i) Plays, operas, musicals, or other dramatic works which are not obscene;
 - (ii) Classes, seminars and lectures which are held for serious scientific or educational purposes;
 - (iii) Exhibitions or dances which are not obscene.
 - (h) For this chapter, any exhibition, performance, dance or other medium is obscene:
 - (i) Which the average person, applying contemporary community standards, would find, when considered as a whole, appeals to the prurient interest; and
 - (ii) Which explicitly depicts or describes patently offensive representations or descriptions, applying contemporary community standards, of sexual conduct as described in RCW 7.48A.010(2)(b); and
 - (iii) Which, when considered as a whole, and in the context in which it is used, lacks serious literary, artistic, political or scientific value.
- (2) "Employee" means any and all persons who work in or at or render any services directly related to the operation of an adult arcade (panoram) premises regardless of whether that person meets the criteria of a statutory employee, common law employee or independent contractor.

(3) "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 adult entertainment occurring at the adult arcade (panoram) premises.

(4) "Member of the public" is defined as any customer, patron or person, other than an employee, who is invited or admitted to an adult arcade.

(5) "Panoram premises" or "adult arcade" means any premises on which any panoram device is located and to which members of the public are admitted. The term panoram premises as used in this chapter does not include movie or motion picture theater auditoriums capable of seating more than five people.

(6) "Panoram," "preview," "picture arcade," "adult arcade device," "panoram device," or "peep show" means any device which, for payment of a fee, membership fee or other charge, is used to exhibit or display a picture, view or other graphic display of adult entertainment. The terms panoram and panoram device as used in this chapter do not include games which employ pictures, views, or video displays or gambling devices regulated by the state or by SCC 6.36.

(7) "Panoram station" means the portion of any panoram premises on which a panoram device is located and from which the panoram picture, view or graphic display is to be viewed.

(Added Ord. 94-128, § 2, Jan. 5, 1995, Eff date Jan. 16, 1995; Amended Ord. 96-043, § 2, June 24, 1996, Eff date July 6, 1996).

6.28.005 Adult arcade (panoram) location license.

It is unlawful to display, exhibit, expose, or maintain upon any premises, any adult arcade device which is used by a viewer in a booth or stall, without a license to do so, to be designated a "panoram location license"; provided that no license is required if all such devices are contained in a single common area and are not separated by partitions, screens, booths or any other physical barrier or obstruction; provided, further, that no license is required if no fee, membership fee, deposit, purchase, or other charge is paid for using or viewing the adult arcade device or for entering or remaining upon the premises. Each place of business shall have a separate license and the same shall at all times be conspicuously posted and maintained therein. The licensing authority shall prescribe the form of such license, number the same, and shall indicate thereon the number of such devices to be operated thereunder, and the location.

(Added Ord. 94-128, § 2, Jan. 5, 1995, Eff date Jan. 16, 1995; Amended Ord. 96-043, § 3, June 24, 1996, Eff date July 6, 1996).

6.28.010 Adult arcade (panoram) device license.

It is unlawful to own and exhibit or display for use, or to place by lease or otherwise for use, exhibit or display with another, any adult arcade device without a license to be designated a "panoram device license" for each device. Panoram device licenses shall be issued for devices at specific locations only and shall not be transferable. The licensing authority shall prescribe the form of such licenses and number the same. Panoram device licenses shall be securely attached to each such device in a conspicuous place.

(Added Ord. 94-128, § 2, Jan. 5, 1995, Eff date Jan. 16, 1995; Amended Ord. 96-043, § 4, June 24, 1996, Eff date July 6, 1996).

6.28.015 License fees.

The license year shall be from January 1st to December 31st. Annual fees shall be as follows:

(1) Panoram location license two hundred sixty-five (\$265.00) per year for each location;

(2) Panoram device license one hundred twenty-five (\$125.00) per year for each device.

(Added Ord. 94-128, § 2, Jan. 5, 1995, Eff date Jan. 16, 1995; Amended Ord. 96-043, § 5, June 24, 1996, Eff date July 6, 1996).

6.28.020 License application-Report by county departments.

Any person seeking a panoram location license or panoram device license shall file a written application with the licensing authority for that purpose. The licensing authority, upon presentation of such application and before acting upon the same, shall refer such application to the sheriff's office, which shall make a full investigation as to the truth of the statements contained therein, and shall forward the location license applications only to the fire marshal, the Snohomish health district, and the department of planning and development services, which shall investigate and provide information to the licensing authority concerning compliance of the premises and devices sought to be licensed with this and other applicable county and state health, zoning, building, fire and safety ordinances and laws.

(Added Ord. 94-128, § 2, Jan. 5, 1995, Eff date Jan. 16, 1995; Amended Ord. 96-043, § 6, June 24, 1996, Eff date July 6, 1996).

6.28.030 Inspection of adult arcade (panoram) premises.

(1) Applicants for any license authorized to be issued under this chapter shall allow the premises and devices sought to be licensed to be inspected in accordance with subsection (2) of this section by authorized inspectors from the licensing authority, sheriff's office, fire marshal's office, Snohomish health district, and department of planning and development services.

(2) Licensees operating premises and devices licensed under this chapter shall hold open for routine regulatory inspections by the county during normal business hours, those areas upon the premises which are accessible to the public.

(Added Ord. 94-128, § 2, Jan. 5, 1995, Eff date Jan. 16, 1995; Amended Ord. 96-043, § 7, June 24, 1996, Eff date July 6, 1996).

6.28.040 Issuance of licenses.

(1) After an investigation, the licensing authority shall issue the applicable license or licenses authorized by this chapter if the licensing authority finds:

(a) That the business for which a license is required herein will be conducted in a building, structure and location which complies with the requirements and meets the standards of the applicable health, zoning, building, fire and safety laws of the state, and the ordinances of the county, as well as the requirements of this chapter;

(b) That the applicant, his or her employee, agent, partner, director, officer, stockholder or manager has not knowingly made any false, misleading or fraudulent statement of material fact in the application for a license, or in any report or record required to be filed with the licensing authority;

(c) That the applicant has not had a panoram location, or panoram device license revoked by the county within two years of the date of the application; and

(d) That the applicant, and all employees, agents, partners, directors, officers, or managers of the applicant have attained the age of 18 years.

(2) The decision of the licensing authority regarding issuance of any license shall be rendered within 30 days of the date of filing of the application.

(Added Ord. 94-128, § 2, Jan. 5, 1995, Eff date Jan. 16, 1995; Reenacted Ord. 96-055 § 2, July 17, 1996).

6.28.050 Applicable general provisions of the license code.

(1) The provisions included in Snohomish County Code [chapter 6.01](#), including those governing suspension or revocation of licenses and appeals therefrom, are applicable to the administration and enforcement of all licenses required by this chapter.

(2) If provisions in the specific licensing regulations of this chapter are inconsistent with the provisions of Snohomish County Code [chapter 6.01](#), the provisions in the specific licensing regulations of this chapter shall control.

(3) The provisions of Snohomish County Code Chapter 6.30.020 through 6.30.055 shall apply to managers and employees of adult arcades.

(Added Ord. 94-128, § 2, Jan. 5, 1995, Eff date Jan. 16, 1995; Amended Ord. 96-043, § 8, June 24, 1996, Eff date July 6, 1996).

6.28.060 Persons under 18 years of age prohibited.

(1) It is unlawful for any person under the age of 18 years to be in or upon any premises for which a panoram location license is required.

(2) It is unlawful for any owner, operator, manager, or other person in charge of premises for which a panoram location license is required, to knowingly permit or allow any person under the age of 18 years to be in or upon such premises.

(Reenacted Ord. 96-055 § 3, July 17, 1996).

6.28.070 Specifications of premises.

(1) The entire interior of the panoram premises shall be arranged in such a manner so that each panoram station therein is entered from a continuous main aisle at least five feet (5') in width.

(2) The view from the continuous main aisle of any person inside a station shall not be obstructed except by a door, curtain or other screening device of no greater dimensions than that permitted in this section; and in no event may the view from the continuous main aisle into the station be obstructed, or the station be designed in such a way as to prevent the determination of the number of persons therein.

(3) The bottom of any door, curtain or screening device shall not be less than twenty-seven inches (27") above the floor of the panoram station in panoram stations where the occupant sits in a chair or on a seating surface to view the panoram. In panoram stations where the occupant stands to view the panoram, the bottom of any door, curtain or screening device shall not be less than thirty-six inches (36") above the floor of the panoram station.

(4) No panoram station having a door, curtain or other screening device at its entrance shall contain any chair or other seating surface unless the door, curtain or screening device provides, at a location between sixty-six inches (66") and seventy-eight inches (78") above the floor, an opening twelve inches (12") in height and at least twenty-four inches (24") in width which provides an unobstructed view through either open space or clear and clean window glass, to the side walls and back wall of the station. Any chair or seating surface in such panoram station shall not provide a seating surface more than twenty inches (20") in either length or width and shall not be higher than twenty (20") inches from the floor. There shall be no more than one (1) such chair or seating surface in any panoram station.

(5) Doors to areas on the premises which are available for use by persons other than the licensee or employees of the licensee shall not be locked during business hours.

(6) Sufficient lighting shall be provided in and 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 all parts of such premises shall be illuminated so that patrons or others on any part of the premises shall be able to read the Washington State Liquor Control Board card or other written instrument, printed in eight-point type. A copy of the Washington State Liquor Control Board card, printed in eight-point type, is shown in Figure 1. It or an accurate photocopy or other reproduction thereof is presumed admissible in any judicial proceedings commenced under this chapter.

(7) The entire floor area of a panoram station must be level with the continuous main aisle. No steps or risers are allowed in any such station.

(8) There shall be permanently posted and maintained in at least two conspicuous locations on the interior of every panoram premises a sign stating substantially the following: "Occupancy of any station (booth) is at all times limited to only one person. There is to be no masturbation in the panoram stations (booths) or on the panoram premises. Violators are subject to criminal prosecution under [SCC 6.01.220](#)."

(9) The licensee shall not operate or maintain any warning system or device, of any nature or kind, for the purpose of warning customers or patrons or any other persons occupying panoram stations located on the licensee's premises that sheriff's deputies or county health, fire, licensing, or building inspectors are approaching or have entered the licensee's premises.

WASHINGTON STATE LIQUOR CONTROL BOARD

OLYMPIA

Lighting Regulation (WAC 314-16-030) (Printed in 8 point type)

All holders of retail licenses for the sale of liquor for consumption on the premises shall provide in and about the parts of said premises, which are open to and used by the public, sufficient lighting so that all objects are plainly visible at all times and all parts of such premises shall be illuminated so that patrons on any part of the premises on which intoxicating liquor is served shall be able to read a menu or liquor list printed in 8 point type.

Note: If unable to read this you need more light. Retain this card for future reference.

LIQ 478-61-4/96

(Added Ord. 94-128, § 2, Jan. 5, 1995, Eff date Jan. 16, 1995; Amended Ord. 96-043, § 9, June 24, 1996, Eff date July 6, 1996).

6.28.080 Unlawful acts.

The following unlawful acts are punishable under the criminal penalties identified in [SCC 6.01.220C](#):

- (1) A panoram station subject to the requirements of this chapter may only be occupied by one (1) person at any one time. It is unlawful for any person to occupy such a station at the same time it is occupied by any other person.
- (2) It is unlawful to stand or kneel on any chair or seating surface in a panoram station.
- (3) It is unlawful for any owner, operator, manager, employee or other person in charge of premises for which a panoram location license is required, to warn, or aid and abet the warning of, customers or patrons or any other persons occupying panoram stations located on the licensee's premises that sheriff's deputies or county health, fire, licensing or building inspectors are approaching or have entered the licensee's premises.
- (4) It shall be unlawful to masturbate in a panoram station or in the panoram premises.

(Added Ord. 94-128, § 2, Jan. 5, 1995, Eff date Jan. 16, 1995; Amended Ord. 96-043, § 10, June 24, 1996, Eff date July 6, 1996).

Chapter 6.30 ADULT BUSINESSES AND EMPLOYEES

6.30.005 General provisions.

Unless specified otherwise in this chapter, the general provisions contained in [chapter 6.01](#) SCC shall apply to licenses required by this chapter.

(Added Ord. 96-044, § 2(part), June 24, 1996, Eff date July 6, 1996).

6.30.010 Definitions.

In addition to the definitions contained in [SCC 6.01.010](#) the words and phrases in this chapter, unless the context otherwise indicates, shall have the following meanings:

(1) "Adult entertainment" means:

(a) Any exhibition, performance or medium which is distinguished or characterized by displays of less than completely and opaquely covered human genitals, pubic hair, pubic area, perineum, anus, buttocks, or female breast below the top of the areola; or

(b) Any exhibition, performance or dance conducted in a premises where such exhibition, performance or dance is performed within the view of one or more members of the public and is intended or is likely to sexually stimulate any member of the public.

(2) "Adult entertainment book store" means any business from which minors are excluded and in which the purchase, rental, viewing or use of books, magazines, newspapers, movie films, devices, slides, or other photographic or written reproductions distinguished or characterized by their emphasis on matter depicting, describing, or relating to adult entertainment or adult entertainment material make up 25% or more of the stock in trade.

(3) "Adult entertainment business" means any establishment or premises other than a business subject to chapter 6.25 or 6.28 SCC, which:

(a) Engages in adult sales practice; or

(b) Has at least 25% of its trade in the display, barter, rental, or sale of a medium which meets the criteria of adult entertainment as defined by this chapter including but not limited to: adult entertainment bookstores, adult entertainment movie theaters, adult tanning salons, escort businesses and nude house cleaning businesses.

(4) "Adult hotel" means a hotel, motel, or similar commercial establishment which offers a sleeping room for rent for a period of time less than 10 hours or allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than 10 hours.

(5) "Adult entertainment movie theater" means any establishment, from which minors are excluded and where the principal use of the premises consists of the showing of motion pictures, slides, or photographic or other visual reproductions, where the subject matter meets the criteria of adult entertainment as defined in this chapter and where fees of any kind are charged. This definition shall include establishments wherein the above mentioned medium is the major attraction on a regular basis and establishments wherein the above mentioned medium is shown at least 25% of the showing time of the theater.

(6) "Adult sales practice" means any activity which is distinguished or characterized by a person being in a state of partial nudity while conducting or otherwise engaged in retail sales of goods or services under circumstances where such conduct is likely to be viewed by a member of the public.

(7) "Adult tanning salon" means any establishment which offers tanning services to a member of the public and in which adult entertainment takes place.

(8) "Customer" means a person patronizing a business for which an adult business license is required by this chapter.

(9) "Employee" means any and all persons who work in or at or render any services directly related to the operation of an adult entertainment business regardless of whether that person meets the criteria of a statutory employee, common law employee or independent contractor.

(10) "Escort" means a person who, for consideration, agrees or offers to act as a companion, guide, or date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.

(11) "Escort business" means a person or business association who furnishes, offers to furnish, or advertises to furnish escorts.

(12) "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 adult entertainment occurring at any place offering adult entertainment.

(13) "Member of the public" means any person other than a manager or employee as defined in this section.

(14) "Nude or state of nudity" means a state of dress or undress such that any of the body parts described in the county's lewd conduct ordinance, SCC 10.04.025, is exposed to view or covered with anything other than a full and opaque covering within the meaning of that ordinance.

(15) "Nude house cleaning business" means a person or business which offers house cleaning services in which the house cleaner is in a state of nudity.

(16) "State of partial nudity" means a state of dress or undress not constituting a state of nudity in which any of the following body parts or portions thereof is exposed to view or covered with anything other than a full and opaque covering:

(a) Any part of the buttocks or anal cleft; or

(b) Any part of the female breast located below the top of the areola.

(c) Items commonly known as pasties, G-strings, T-backs, dental floss, and thongs; body paint, body dye, tattoos, latex, tape, or any similar substance applied to the skin surface; any substance that can be washed off the skin; or any substance designed to simulate or which by its nature simulates the appearance of the anatomical area beneath it, is not full and opaque covering within the meaning of this subsection.

(17) "Stock in trade" means the greater of: (a) the retail dollar value of all prerecorded video tapes, discs, books, magazines or similar material readily available for purchase, rental, viewing or use by patrons of the establishment, excluding material located in any storeroom or other portion of the premises not regularly open to patrons; or (b) the total number of titles of all prerecorded video tapes, discs, books, magazines, or similar material readily available for purchase, rental, viewing or use by patrons of the establishment excluding material located in any storeroom or other portion of the premises not regularly open to patrons.

(Added Ord. 96-044, § 2(part), June 24, 1996, Eff date July 6, 1996; Amended by Ord. 09-130, Dec. 9, 2009, Eff date Jan. 7, 2010).

6.30.015 Adult businesses-License required.

No person shall operate within unincorporated Snohomish County an adult entertainment business, an adult hotel, an adult tanning salon, an escort business, or a nude house cleaning business without a valid adult business license issued by the licensing authority. No escort business or nude house cleaning business shall provide services within unincorporated Snohomish County without a valid license issued by the licensing authority.

(Added Ord. 96-044, § 2(part), June 24, 1996, Eff date July 6, 1996).

6.30.020 License fees and term.

The fees for the licenses required by this chapter are contained in [SCC 6.01.050](#)(2). The terms for these licenses is one year from date of issuance.

(Added Ord. 96-044, § 2(part), June 24, 1996, Eff date July 6, 1996).

6.30.025 Investigation required.

Applicants seeking a license under this chapter shall be investigated according to the provisions outlined in [SCC 6.01.047](#).

(Added Ord. 96-044, § 2(part), June 24, 1996, Eff date July 6, 1996).

6.30.030 Fingerprinting required.

Applicants seeking a license under this chapter shall be fingerprinted by the sheriff as specified in [SCC 6.01.046](#)(1).

(Added Ord. 96-044, § 2(part), June 24, 1996, Eff date July 6, 1996).

6.30.035 Photograph required.

Applicants seeking an employee or manager license as required by this chapter shall submit photographs as specified in [SCC 6.01.046](#)(2).

(Added Ord. 96-044, § 2(part), June 24, 1996, Eff date July 6, 1996).

6.30.040 Underage employees.

It shall be unlawful for any owner, proprietor, manager, or person in charge of any facility regulated by this chapter, to have an employee in such establishment, under the age of 18 years.

(Added Ord. 96-044, § 2(part), June 24, 1996, Eff date July 6, 1996).

6.30.045 Unlawful to employ unlicensed person.

It shall be unlawful for any owner, proprietor, manager, or person in charge of any escort business, nude house cleaning business, adult tanning salon, or business using an adult sales practice, as regulated by this chapter, to employ in such establishment, any person who does not have a valid employee license as required by [SCC 6.30.055](#).

(Added Ord. 96-044, § 2(part), June 24, 1996, Eff date July 6, 1996; Amended by Ord. 09-130, Dec. 9, 2009, Eff date Jan. 7, 2010).

6.30.050 Manager license required.

No person shall work as a manager in nude house cleaning business, escort business, adult tanning salon, or business using an adult sales practice, as regulated by this chapter, without a valid license issued by the licensing authority.

(Added Ord. 96-044, § 2(part), June 24, 1996, Eff date July 6, 1996; Amended by Ord. 09-130, Dec. 9, 2009, Eff date Jan. 7, 2010).

6.30.055 Employee license required.

(1) It shall be unlawful for any person to work in the following adult entertainment businesses, in the capacities outlined below, without a license as provided for in this chapter:

- (a) "nude house cleaning"--any person actually performing or assisting in the performance of nude house cleaning, as defined in this chapter;
- (b) "escort business"--any person acting as an escort as defined by this chapter;
- (c) "adult tanning salons"--any person performing any services in a closed room while the patron is present; or
- (d) business using an "adult sales practice"—any person who is in a state of partial nudity while conducting or otherwise engaged in retail sales of goods or services.

(2) All licenses required shall be invalid as to any adult entertainment business during any period in which the employer is not engaged in business whether by reason of choice or failure of the employer to operate a business or by reason of lapse, suspension or revocation of employer's license.

(3) An employee license shall entitle the employee to work only at the adult entertainment business indicated on the employee's license. If an employee changes his or her employment during the license term, the license certificate must be returned to the licensing authority or reissuance, upon payment of the fee set out in [SCC 6.01.050](#) (2)(ii), indicating the new place of employment.

(Added Ord. 96-044, § 2(part), June 24, 1996, Eff date July 6, 1996; Amended by Ord. 09-130, Dec. 9, 2009, Eff date Jan. 7, 2010).

6.30.060 Exclusions.

- (1) This chapter shall not be construed to prohibit:
- (a) Plays, operas, musicals, dramatic works, or other exhibitions or performances that constitute protected speech under the federal or state constitution and which are not obscene;
 - (b) Classes, seminars and lectures held for serious scientific or educational purposes;
 - (c) Conduct of licensed adult entertainers within adult entertainment dance studios operating pursuant to chapter 6.25 SCC; or

(d) The act of breastfeeding or expressing breast milk.

(2) For this chapter, any exhibition, performance, dance or other medium is obscene:

(a) Which the average person, applying contemporary community standards, would find, when considered as a whole, appeals to the prurient interest; and

(b) Which explicitly depicts or describes patently offensive representations or descriptions of

(i) Ultimate sexual acts, normal or perverted, actual or simulated; or

(ii) Masturbation, fellatio, cunnilingus, bestiality, excretory functions or lewd exhibition of the genitals or genital area; or

(iii) Violent or destructive sexual acts including but not limited to human or animal mutilation, dismemberment, rape or torture; and

(c) Which, when considered as a whole, and in the context in which it is used, lacks serious literary, artistic, political, or scientific value.

(Added Ord. 96-044, § 2(part), June 24, 1996, Eff date July 6, 1996; Amended by Ord. 09-130, Dec. 9, 2009, Eff date Jan. 7, 2010).

6.30.065 Severability.

Should any section, subsection, paragraph, sentence, clause or phrase of this chapter be declared unconstitutional or invalid for any reason, such decision shall not effect the validity of the remaining portions of this chapter.

(Added Ord. 96-044, § 2(part), June 24, 1996, Eff date July 6, 1996).

6.30.070 Standards of conduct.

The following standards of conduct shall be adhered to by any adult business for which a license is required by this chapter:

(1) No person under the age of 18 years shall enter or remain in any establishment or premises in which an employee is in a state of nudity or partial nudity.

(2) No employee shall be in a state of partial nudity under circumstances where such conduct is likely to be observed by a member of the public other than a customer.

(3) No employee shall be in a state of nudity under circumstances where such conduct is likely to be observed by a member of the public, except that an employee who is employed as an escort or nude house cleaner may be in a state of nudity when observed by a customer.

(4) No employee who is employed as an escort or nude house cleaner shall be in a state of nudity when observed by a customer unless the employee is removed at least 6 feet from the nearest customer.

(5) No male employee shall be visible to a member of the public with his genitals in a discernibly turgid state, even if completely and opaquely covered.

(6) No employee shall caress, fondle or erotically touch any employee or member of the public.

(7) No employee shall encourage or permit any member of the public to caress, fondle or erotically touch any employee or member of the public.

(Added Ord. 09-130, Dec. 9, 2009, Eff date Jan. 7, 2010)

6.30.075 Notice to public.

Any business for which an adult business license is required by this chapter shall by signage and other reasonable means put potential customers on notice that the business is an adult business from which persons under the age of 18 years are excluded. Such notice for a business establishment or premises shall include at least one sign conspicuously displayed at each entrance which shall have horizontal and vertical dimensions of least two feet by two feet and state "ADULTS ONLY" in bold letters at least six inches in height.

(Added Ord. 09-130, Dec. 9, 2009, Eff date Jan. 7, 2010)

6.30.080 Prima facie evidence of adult sales practice.

It shall be prima facie evidence of an adult sales practice when a person other than an adult entertainer as defined in SCC 6.25.020 engages in the retail sale of goods or services while in a state of partial nudity under circumstances where such conduct is likely to be viewed by a member of the public.

(Added Ord.09-130, Dec. 9, 2009, Eff date Jan. 7, 2010)

6.30.085 Signs.

In addition to any restriction on signs imposed by chapter 30.27 SCC or other law, it shall be unlawful for an adult business for which a license is required by this chapter to display a sign as defined in SCC 30.91S.310 which is obscene, deceptive, misleading, or false, or which proposes a transaction which is illegal.

(Added Ord.09-130, Dec. 9, 2009, Eff date Jan. 7, 2010)

6.30.090 Enforcement.

The licensing authority and sheriff are authorized and directed to enforce the provisions of this chapter.

(Added Ord. 09-130, Dec. 9, 2009, Eff date Jan. 7, 2010)

6.30.095 Nuisance declared.

(1) Any adult entertainment business operated, conducted or maintained in violation of this chapter shall be, and the same is declared to be, unlawful and a public nuisance. The county 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 may 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 business contrary to the provisions of this chapter.

(2) Any adult entertainment business operated, conducted or maintained contrary to the provisions of chapter 7.48A RCW shall be, and the same is declared to be, unlawful and a public and moral nuisance and the prosecuting attorney may, in addition to or in lieu of any other remedies set forth in this chapter, commence an action or actions to enjoin, remove or abate such public and moral nuisance, or impose a civil penalty, in the manner provided by chapter 7.48A RCW.

(Added Ord. 09-130, Dec. 9, 2009, Eff date Jan. 7, 2010)

6.30.100 Additional enforcement.

The remedies provided for in this chapter are not exclusive, and the county 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 this chapter.

(Added Ord. 09-130, Dec. 9, 2009, Eff date Jan. 7, 2010)

6.30.105 Relation to other laws.

(1) This chapter shall not limit application of Chapter 10.04 SCC and other laws prohibiting public nudity except as expressly provided therein. Pursuant to SCC 10.04.025, any public exposure of a person in a state of nudity, other than employees working as escorts or nude house cleaners in adult businesses operating pursuant to this chapter, must be conducted within an adult entertainment dance studio operating pursuant to chapter 6.25 SCC.

(2) This chapter shall not be construed to limit application of other federal, state, and local laws that may apply to adult businesses or employees subject to this chapter, including but not limited to laws relating to public health and workplace safety.

(Added Ord. 09-130, Dec. 9, 2009, Eff date Jan. 7, 2010)

Chapter 6.36 AMUSEMENT DEVICES AND GAME TABLES

6.36.001 General provisions.

Unless specified otherwise in this chapter, the general provisions contained in [chapter 6.01](#) SCC shall apply to this chapter.

(Added Ord. 83-156, § 2, Dec. 29, 1983).

6.36.005 Definitions.

The following words or phrases used in this chapter shall have the meanings set forth below or as defined in [6.01](#) SCC:

(1) "Amusement device" means any coin operated or remote controlled machine, device, contrivance, apparatus or appliance, mechanical, electrical or hand propelled, designed to be used in whole or in part as an instrument or instrumentally for engaging in the use and exercise of skill by one or more persons in playing a game for the amusement and entertainment of the player or players and which is maintained commercially for such purpose.

(2) "Amusement device location" means any establishment offering amusement devices for play or entertainment.

(Added Ord. 97-043, § 3, June 11, 1997, Eff date June 23, 1997).

6.36.010 Payoffs prohibited.

No amusement device or game table shall be used for the purpose of awarding any money or object of value other than free games or extended play, to the player or players, and shall not contain any mechanism which varies the chance of winning free games or the number of free games which may be won, depending on the number of coins inserted into the device; PROVIDED That in no event shall a machine be so designed and equipped as to render it of practical utility only as a device to be used for gambling.

(Added Ord. 83-156, § 2, Dec. 29, 1983; amended Ord. 97-043, § 4, June 11, 1997, Eff date June 23, 1997).

6.36.020 Operation without licenses prohibited.

(1) No person shall operate or possess any amusement device as defined by this chapter without first securing an amusement device location license.

(Added Ord. 83-156, § 2, Dec. 29 1983; Amended Ord. 86-119, § 18, January 7, 1987; Amended Ord. 87-038, § 35, June 3, 1987; Amended Ord. 97-043, § 5, June 11, 1997, Eff date June 23, 1997).

6.36.070 License fees and term.

The fees for this license are established by and are contained in SCC [6.01.050](#). The term for this license shall be one year from date of issuance.

(Added Ord. 83-156, § 2, Dec. 29, 1983; Amended Ord. 86-119, § 21, January 7, 1987; Amended Ord. 97-043, § 6, June 11, 1997, Effective June 23, 1997).

6.36.100 Nuisance.

Any operation of amusement device or gaming tables without a license as required by this chapter or contrary to law, or any activities on the premises where any such device and/or table is kept in such a manner as to constitute a nuisance may be abated by the sheriff or the licensing authority, including closing of any premises upon which such operation or nuisance occurs, seizure of any devices or table being so unlawfully operated, or seeking an order to abate or enjoin such unlawful operation or nuisance. Disposal of any property seized shall be as provided in RCW 7.48.090 through 7.48.110.

(Added Ord. 83-156, § 2, Dec. 29, 1983; Amended Ord. 87-038, § 37, June 3, 1987).

6.36.110 Additional enforcement.

Notwithstanding the existence or use of any other remedy, the licensing authority may seek legal or equitable relief to enjoin any acts or practices which constitute a violation of this chapter.

(Added Ord. 83-156, § 2, Dec. 29, 1983; Amended Ord. 86-119, § 22, January 7, 1987; Amended Ord. 87-038, § 38, June 3, 1987).

6.36.120 Exclusions.

The definitions in this chapter shall not include any amusement game or gambling device as defined in RCW 9.46.020(1) or 9.46.020(9) and amendments, or any game or other activity subject to the provisions of [chapter 4.50](#) SCC. Nothing in this chapter shall legalize any activity which shall constitute gambling under RCW 9.46.020(8), or any other conduct or activity prohibited by law.

(Added Ord. 83-156, § 2, Dec. 29, 1983).

6.36.130 Exemptions.

Amusement devices in operation during the annual Evergreen State fair pursuant to facilities licensing agreements under SCC [2.32.150](#) are exempt from the requirements of this chapter.

(Added Ord. 86-119, § 23, January 7, 1987).

Chapter 6.39

PARADES AND RUNS ON COUNTY PROPERTY

6.39.010 General provisions.

Unless specified otherwise in this chapter, the general provisions contained in [chapter 6.01](#) SCC shall apply to this license.

(Added Ord. 83-156, § 2, Dec. 29, 1983).

6.39.020 Permits required.

No person shall conduct any parade or run or knowingly participate in any such parade or run upon any county road, sidewalk, alley or other county property unless or until a permit to conduct such parade or run has been obtained from the licensing authority.

(Added Ord. 83-156, § 2, Dec. 29, 1983).

6.39.030 Parade or run for commercial purposes prohibited.

No permit shall be issued authorizing the conduct of a parade or run which the licensing authority finds is proposed to be held for the sole purpose of advertising any product, goods, wares, merchandise or events, and is designed to be held for private profit, excepting, however, political parades.

(Added Ord. 83-156, § 2, Dec. 29, 1983; Amended Ord. 87-038, § 45, June 3, 1987).

6.39.040 Interfering with or obstructing a parade or run prohibited.

All persons, except those participating in the parade or run, shall keep off roads, sidewalks, alleys, and other county property temporarily closed for any parade or run. It is unlawful for any person to leave any vehicle upon any road, sidewalk, alley, or other county property knowing that the same has been cleared for parade or run purposes. It is unlawful for any pedestrian, equestrian or the operator of any vehicle to pass through or drive between the vehicles, units or floats composing a parade authorized by this section; PROVIDED That this shall not prohibit the operation of emergency vehicles or prevent the passage of such vehicles or persons at intersections where traffic is controlled by a police officer.

(Added Ord. 83-156, § 2, Dec. 29, 1983).

6.39.050 Action contrary to permit or consent of permittee prohibited.

No person may knowingly join or participate in any parade or run conducted under a permit in violation of any of the terms of said permit, nor knowingly join or participate in any permitted parade or run without the consent or over the objections of the permit holder, nor in any manner interfere with its progress or orderly conduct.

(Added Ord. 83-156, § 2, Dec. 29, 1983).

6.39.060 Police escort required.

All parades and runs shall have a police escort which may be appointed by the sheriff.

(Added Ord. 83-156, § 2, Dec. 29, 1983).

6.39.070 Permit fees.

The fees for this license are established by and are contained in [SCC 6.01.050\(2\)\(k\)](#).

(Added Ord. 83-156, § 2, Dec. 29, 1983).

6.39.080 Additional fees.

If the sheriff or director of public works, director of the office of community affairs, or airport manager conclude that the activity involved will result in increased costs to his respective department, he shall advise the licensing authority of the estimated amount thereof. The licensing authority shall require payment of such estimated sum or sums from the applicant prior to issuance of the permit. Such moneys collected by the licensing authority shall be placed in a trust until the event is concluded. Departments will submit their final billing to the licensing authority within five working days following the conclusion of the event. Should additional payment be required, the licensing authority shall issue a formal bill to the permit holder. In the event that a refund is due the licensing authority shall issue a refund to the permit holder. Furthermore, the licensing authority shall credit the appropriate department based on their final billing.

(Added Ord. 83-156, § 2, Dec. 29, 1983; Amended Ord. 87-038, § 46, June 3, 1987).

6.39.090 Application for permit.

Any person who wants to conduct a parade or run shall apply to the licensing authority for a permit not less than 60 days in advance of the date of the proposed parade or run. The application for such permit shall be made in writing on a form approved by the licensing authority. In order that adequate arrangements may be made for the proper protection of the parade or run and the public, the application shall contain the following questions and conditions:

- (1) The name of the applicant, the sponsoring organization, the parade or run chairperson, and the address and telephone numbers of each;
- (2) The purpose of the parade or run;
- (3) A description of the individual floats, marching units, vehicles and bands and a description of any sound-amplification equipment to be used (parades only);
- (4) The assembly area and time therefor;
- (5) The starting time;

- (6) The minimum and maximum speeds (parades only);
- (7) The route of the parade or run;
- (8) The portions of any public road, sidewalk, alley, parking lot or other county property to be traversed or otherwise used by such parade or run;
- (9) The maximum number of units and the maximum and minimum intervals of space to be maintained between the units of such parade or run (parades only);
- (10) The maximum length of such parade or run in miles or fractions thereof;
- (11) The disbanding area and disbanding time;
- (12) The number of persons required to monitor the parade or run;
- (13) The number and type of vehicles involved, if any;
- (14) The material and maximum size of any sign, banner, placard, or carrying device therefor (parades only);
- (15) That the materials used in the construction of floats used in the parade shall be of fire-retardant materials and shall be subject to such requirements concerning fire safety as may be determined by the fire marshal of the county (parades only);
- (16) That the permittee shall advise the participants in the parade or run of the terms and conditions of the permit prior to the commencement of such parade or run;
- (17) That any wilful delay or wilful stopping of any parade or run, except when reasonably required for the safe and orderly conduct of the parade or run, shall constitute a violation of the permit;
- (18) That the vehicles and floats used in the parade may be subject to safety inspections by the sheriff and fire marshal, and such vehicles and floats may not participate in the parade or motorcade until they have successfully completed such inspection;
- (19) Any permitted activity will be conducted in a lawful manner; and
- (20) Any other requirements found by the licensing authority to be reasonably necessary for the protection of any person or property.

(Added Ord. 83-156, § 2, Dec. 29, 1983; Amended Ord. 87-038, § 47, June 3, 1987).

6.39.100 Submittal to sheriff and director of public works.

Upon receipt of any application as provided in [SCC 6.39.090](#), the licensing authority forthwith shall submit copies thereof to the sheriff and the director of public works, director of office of community affairs and/or the airport manager if it appears that such event is to be conducted upon property subject to his control. The sheriff and other public officials so notified, shall each notify the licensing authority in writing within 30 days of his approval or disapproval of the application with terms and estimated costs, if any, to be collected prior to the issuance of a permit.

(Added Ord. 83-156, § 2, Dec. 29, 1983; Amended Ord. 87-038, § 48, June 3, 1987).

6.39.110 Denial of permit.

The licensing authority shall deny a parade or run permit if the licensing authority concludes that:

- (1) The applicant has not satisfied the general provisions contained in [chapter 6.01](#) SCC; or
- (2) Such parade or run will interfere with another parade or run for which a permit has previously been issued or requested; or
- (3) The applicant refuses to agree to comply with all conditions of the permit; or
- (4) The purpose of the activity is contrary to [SCC 6.39.040](#); or
- (5) Bond and insurance as required by [SCC 6.39.130](#) and 6.39.140 has not been fulfilled.

(Added Ord. 83-156, § 2, Dec. 29, 1983; Amended Ord. 87-038, § 49, June 3, 1987).

6.39.120 Contents of permit.

On each permit, the licensing authority shall specify:

- (1) Name of permit holder;
- (2) Address;
- (3) Name of sponsoring organization if other than permit holder;
- (4) Date the event begins and concludes;
- (5) Statement of whether all conditions have been met as required in [SCC 6.39.090](#). If not, what conditions have not been addressed;
- (6) Signature of permit holder;
- (7) Approval by licensing authority.

(Added Ord. 83-156, § 2, Dec. 29, 1983; Amended Ord. 87-038, § 50, June 3, 1987).

6.39.130 Indemnity - Performance bond.

No permit shall be issued for a parade or run until the applicant has filed with the licensing authority a bond approved by the county risk manager to pay for any costs reasonably anticipated to be incurred in removing debris, litter or papers from the street, or other material deposited thereon as a result of said permitted activity; PROVIDED That the risk manager, at his discretion, may in appropriate cases, make a specific finding that such a bond is not necessary at the time of the issuance of such permit and waive said bond.

(Added Ord. 83-156, § 2, Dec. 29, 1983; Amended Ord. 87-038, § 51, June 3, 1987).

6.39.140 Indemnity - Insurance.

The applicant shall agree that in the event the permit is granted, the following indemnity agreement applies to the event:

The permit holder assumes the risk of all damage, loss, cost and expense and agrees to indemnify and hold harmless Snohomish County from and against any and all liability which may accrue to or be sustained by Snohomish County on account of any claim, suit or action made or brought against Snohomish County for the death of or injury to persons or destruction of property involving the permit holder and its employees or agents sustained in connection with the performance of the permit except the sole negligence and wilful misconduct of Snohomish County, its employees acting within the scope of their employment, and such indemnification shall extend to and include attorney's fees and the cost of establishing the right to indemnification hereunder in favor of Snohomish County.

Insurance: A certificate of comprehensive general liability insurance policy shall be filed with the licensing authority prior to the issuance of the permit which names Snohomish County, its officers and employees, as an additional insured as respects activities in connection with this permit. The certificate shall be approved by the risk manager.

This insurance shall contain a "cross liability" endorsement which reads substantially as follows:

The inclusion of more than one insured under this policy shall not affect the rights of any insured as respects any claim, suit or judgment made or brought by or for any other insured or by or for any employee of any other insured. This policy shall protect each insured in the same manner as though a separate policy has been issued to each except that nothing herein shall operate to increase the company's liability beyond the amount or amounts for which the insurer would have been liable had only one insured been named. The insurance required herein will be an amount not less than \$500,000 combined single limit bodily injury and property damage.

In addition, applicant must comply with language under [SCC 6.01.190](#).

(Added Ord. 83-156, § 2, Dec. 29, 1983; Amended Ord. 87-038, § 52, June 3, 1987).

6.39.150 Officials to be notified.

Immediately upon the granting of a permit for a parade or run, the licensing authority shall send a copy thereof to the following:

- (1) The executive;
- (2) The fire marshal;
- (3) The sheriff;
- (4) The director of public works, the director of the office of community affairs, and/or airport manager, if such activity is conducted in whole or part upon any property under their control.

(Added Ord. 83-156, § 2, Dec. 29, 1983; Amended Ord. 87-038, § 53, June 3, 1987).

Chapter 6.40 BOATING EXHIBITIONS/TOURNAMENTS

6.40.001 General provisions.

Unless specified otherwise in this chapter, the general provisions contained in [chapter 6.01](#) SCC shall apply to this license.

(Added Ord. 83-156, § 2, Dec. 29, 1983).

6.40.010 General - Sponsorship.

It shall be unlawful for any person to sponsor any vessel and/or water-ski regattas, tournaments, exhibitions, races or other events upon or in any lake within Snohomish County, unless a permit has been issued in accordance with this chapter.

(Added Ord. 83-156, § 2, Dec. 29, 1983).

6.40.020 Participation.

It shall be unlawful for any person to participate in any vessel and/or water-ski regattas, tournaments, exhibitions, races or other events upon or in any lake within Snohomish County, except in accordance with a permit issued pursuant to this chapter.

(Added Ord. 83-156, § 2, Dec. 29, 1983).

6.40.030 Boating exhibition, tournament permits authorized.

The county may by permit authorize the conduct of vessel and/or water-ski regattas, tournaments, races, or other events upon or in any lake in Snohomish County not otherwise restricted by state or federal regulation; PROVIDED, That such permits shall not authorize motorboat regattas, tournaments, races or other events upon or in lakes where motorboats are otherwise prohibited. Such permits shall be supplementary to any assembly permit otherwise required.

Within the area designated for the event and during the time specified in the permit, all or part of the sections of this code relating to operator qualifications or equipment qualifications may be waived; PROVIDED, That such waiver is requested in writing by the sponsor and noted upon the permit.

(Added Ord. 83-156, § 2, Dec. 29, 1983).

6.40.040 Permit application.

Any person desiring to sponsor such events shall apply to the county licensing authority and comply with [SCC 6.01.040](#), General Licensing Provisions of Title 6, Business Licenses and Regulations.

The application must be submitted at least 60 days in advance of the commencement of such events for a permit. In addition, the following information shall be provided:

- (1) The name and address of sponsor;
- (2) The lake and the general water area of said lake where said events shall be held;
- (3) The hours and dates of such events including the hours and dates of any trial practices or preliminary events;
- (4) The type or nature and extent of such events;
- (5) Plans drawn to scale showing the course and outer restricted area; the outer restricted area to be of such size as to permit safe passage of any vessel or swimmer outside its perimeter; all such plans to show the

nature and location of all buoys and markers and other floating devices that are existing or to be temporarily placed upon the water;

- (6) The provisions that shall be made by the sponsor for patrolling to prevent the unauthorized entry of nonparticipants into the water areas;
- (7) The safety and rescue measures that shall be provided by the sponsor to ensure the safety of the life, limb, and property of participants and other persons;
- (8) All concessions and incidental activities to be conducted in connection with the event;
- (9) Land area under control of applicant and promoters for the purpose of accommodating anticipated crowds and preventing pressure of trespassers on private property;
- (10) Such other information as the county may require to fully inform it of the nature and extent of such event.

(Added Ord. 83-156, § 2, Dec. 29, 1983; Amended Ord. 87-038, § 54, June 3, 1987).

6.40.050 Permit - Fee.

The fees for this permit are established by and are contained in [SCC 6.01.050\(2\)\(m\)](#). In addition, the applicant shall pay the cost of publication and of posting of notices provided for herein. No permit shall be issued hereunder unless the applicant demonstrates that he will meet the conditions, limitations and restrictions of this chapter. Said application fee shall be nonrefundable.

(Added Ord. 83-156, § 2, Dec. 29, 1983).

6.40.060 Permit application referral.

Upon receipt of an application for permit, the county licensing authority shall take the following action:

- (1) Refer copies of the application:
 - (a) To the parks division manager for his comments on desirability of the event and for the posting of notices at each public access to the lake involved;
 - (b) To the county sheriff for comments on the qualifications of patrol personnel, on traffic safety and on noise problems; and
 - (c) To the health district for comments on the adequacy of sanitation facilities.

(Added Ord. 83-156, § 2, Dec. 29, 1983; Amended Ord. 87-038, § 55, June 3, 1987; Amended Ord. 93-066, Aug. 18, 1993, Eff date Aug. 28, 1993).

6.40.070 Permit issuance.

Permits hereunder may be issued when it is determined by the licensing authority that the permit when taken in conjunction with all other applications and permits issued during the same calendar year for the subject lake will not result in a frequency or duration of such activity as will cause an unreasonable interference with other water users on the lake and that when the conditions of the permit are met, there will be no unreasonable hazard to the safety, comfort and repose of others, whether water users, landowners or road users on or in the vicinity

of the lake, and that the conditions in the permit will not contain a lesser standard than that specified in this chapter.

(Added Ord. 83-156, § 2, Dec. 29, 1983; Amended Ord. 87-038, § 56, June 3, 1987).

6.40.080 General conditions of use.

Permits for any regatta, tournament race or other event are subject to the following minimum limitations and conditions:

(1) That the plan, map and text showing the course restricted area, location of buoys and markers and other safety equipment, shore and upland under control of the applicants, with parking areas located thereon, together with attendant and participant areas and toilet facilities, shall when approved or approved as modified bind the applicants and promoters to the state locations, terms and conditions;

(2) That all buoys, markers and other safety equipment, and toilet facilities, shall be in place not later than two hours prior to time specified for any activity permitted by the permit;

(3) That the qualifications of the traffic-control persons, crowd-control persons and restricted-area-patrol persons specified in the permit have been approved by the sheriff in accordance with the conditions of the permit and of this chapter and that such persons are on duty not later than one hour prior to the period specified on the permit for which their use will be required. Use of alcohol, narcotic drugs by any of the above-specified personnel during any period for which they are required to be on duty shall void the permit;

(4) That during any competition emergency medical aid personnel and equipment specified in the permit are on duty at the stations specified in the permit;

(5) That the applicant and promoters shall remove all temporarily placed equipment immediately at the termination of permitted events and shall remain liable for damages sustained as a result of their failure to do so and for the cost of removal;

(6) That applicant is responsible for control and cleanup of any oil spill or other pollution caused by the event;

(7) That applicant must meet any health department requirements that are applicable;

(8) That any special conditions imposed are complied with.

(Added Ord. 83-156, § 2, Dec. 29, 1983).

6.40.085 Insurance requirements.

The applicant shall agree that in the event the permit is granted, the following indemnity agreement applies to the event: The permit holder assumes the risk of all damage, loss, cost and expense and agrees to indemnify and hold harmless Snohomish County from and against any and all liability which may accrue to or be sustained by Snohomish County on account of any claim, suit or action made or brought against Snohomish County for the death of or injury to persons or destruction of property involving the permit holder and its employees or agents sustained in connection with the performance of the permit except the sole negligence and wilful misconduct of Snohomish County, its employees acting within the scope of their employment, and such indemnification shall extend to and include attorney's fees and the cost of establishing the right to indemnification hereunder in favor of Snohomish County.

Insurance: A certificate of comprehensive general liability insurance policy shall be filed with the licensing authority prior to the issuance of the permit which names Snohomish County, its officers and employees, as an additional insured as respects activities in connection with this permit. The certificate shall be approved by the risk manager.

This insurance shall contain a "cross liability" endorsement which reads substantially as follows:

The inclusion of more than one insured under this policy shall not affect the rights of any insured as respects any claim, suit or judgment made or brought by or for any other insured or by or for any employee of any other insured. This policy shall protect each insured in the same manner as though a separate policy had been issued to each except that nothing herein shall operate to increase the company's liability beyond the amount or amounts for which the insurer would have been liable had only one insured been named. The insurance required herein will be an amount not less than \$500,000 combined single limit bodily injury and property damage.

In addition, applicant must comply with language under [SCC 6.01.190](#) and the policy will include coverage for any damage caused by wake or any motorboat operating as a result or as a participant in any event within the restricted area.

(Added Ord. 83-156, § 2, Dec. 29, 1983; Amended Ord. 87-038, § 57, June 3, 1987).

6.40.090 Restricted area designation - Effect.

When buoys and markers provided for in the permit are installed and in place during the period of time specified in the permit, it shall be unlawful for any person or vessel to be in the restricted area of the water unless such person is an applicant or promoter or participant in the permitted activity or is a county administrative or law enforcement person or a person providing emergency aid.

(Added Ord. 83-156, § 2, Dec. 29, 1983).

Chapter 6.46 TOBACCO VENDING MACHINES

(Repealed by Ord. 93-060)

Chapter 6.47 PUBLIC BATHHOUSES AND HOT TUBS

6.47.001 General provisions.

Unless specified otherwise in this chapter, the general provisions contained in [chapter 6.01](#) SCC shall apply to this license.

(Added Ord. 86-099, § 62, November 12, 1986).

6.47.010 Exemptions.

The provisions in this chapter do not apply to:

(1) Baths or hot tubs located in a private residence or a private social or athletic club not open to the public generally.

(2) Baths or hot tubs located in public or private educational institutions or athletic organizations.

(3) Treatments given in any hospital, duly licensed nursing or convalescent home, or by physical therapists duly licensed, who treat patients only upon written prescription of a licensed doctor of medicine, or by any other person licensed by the state of Washington to treat the sick, injured, or infirm, or by any nurse under the direction of a person so licensed.

(Added Ord. 86-099, § 62, November 12, 1986).

6.47.020 License required.

It shall be unlawful to operate or maintain a public bathhouse or hot tub without a license as provided in this chapter.

(Added Ord. 86-099, § 62, November 12, 1986).

6.47.030 License fees.

The fees for this license are established by and are contained in [SCC 6.01.050\(2\)](#).

(Added Ord. 86-099, § 62, November 12, 1986).

6.47.050 Health authority approval.

No license or renewal of license to conduct a public bathhouse or hot tub shall be issued or renewed without first having had such inspection and approval as shall be required by the county health authority having jurisdiction over the matter.

(Added Ord. 86-099, § 62, November 12, 1986). (Added Ord. 86-099, § 62, November 12, 1986).

6.47.060 Investigation required.

Applicants seeking a license under this chapter shall be investigated according to the provisions outlined in [SCC 6.01.047](#).

(Added Ord. 86-099, § 62, November 12, 1986).

6.47.065 Fingerprinting requirements.

Applicants seeking a license under this chapter shall be fingerprinted by the sheriff as specified in [SCC 6.01.046\(1\)](#).

(Added Ord. 86-099, § 62, November 12, 1986).

6.47.066 Photographs required.

Applicants seeking a license as prescribed by this chapter shall submit photographs as specified in [SCC 6.01.046\(2\)](#).

(Added Ord. 86-099, § 62, November 12, 1986).

6.47.080 Liquor, controlled substances - Prohibited.

(1) Liquor, as that term is defined by the Washington state alcoholic beverage control act, shall not be distributed or consumed on any premises under regulation of this chapter, unless the premises are licensed to serve the same by the Washington state liquor control board.

(2) Controlled substances, as defined by the Washington state uniform controlled substances act, shall not be distributed or consumed on any premises under regulation of this chapter.

(Added Ord. 86-099, § 62, November 12, 1986).

6.47.090 Hours.

All businesses shall be closed, and all service performed therein discontinued between the hours of 2:00 a.m. and 8:00 a.m.

(Added Ord. 86-099, § 62, November 12, 1986).

6.47.100 List of services - Required - Records to be kept.

A list of all services offered with a brief description of what the service entails, along with the cost for such services, must be posted in a prominent place. All business transactions with customers must be conducted in accordance with the posted list of services. Daily records must be kept of the number of customers, the time of the service, and the amount of money paid by these customers for services, including gratuities. Such records shall be maintained at the premises for at least three years, and shall be open to inspection by the licensing authority, sheriff, or county health authority during business hours.

(Added Ord. 86-099, § 62, November 12, 1986; Amended Ord. 87-038, § 60, June 3, 1987).

6.47.110 Prohibited activity.

It shall be unlawful for any owner, proprietor, manager, employee, or agent of any facility to intentionally touch or manipulate the genitals of a customer in any manner, and such activity shall be grounds for revocation of the business license, as well as the employee license, whether the owner knew of, or encouraged the act, or whether the customer requested or acquiesced in the act.

(Added Ord. 86-099, § 62, November 12, 1986).

6.47.120 Employees.

It shall be unlawful for any owner, proprietor, manager, or person in charge of any facility regulated by this chapter to employ in such establishment any person under the age of 18 years of age.

(Added Ord. 86-099, § 62, November 12, 1986).

6.47.130 Unlawful to employ unlicensed person.

It shall be unlawful for any owner, proprietor, manager, or person in charge of any facility regulated by this chapter, to employ in such establishment, any person who does not have a valid employee license issued pursuant to [chapter 6.49](#) SCC.

(Added Ord. 86-099, § 62, November 12, 1986).

6.47.140 Unlawful to admit certain persons.

It shall be unlawful for any owner, proprietor, manager, or person in charge of any facility regulated by this chapter or any employee or agent of such establishment to knowingly harbor, admit, receive or permit to be or remain in or about such premises, any person under the influences of any controlled substance, or any person who, by his conduct on such premises, tends in any way to corrupt the public peace or morals.

(Added Ord. 86-099, § 62, November 12, 1986).

Chapter 6.49

PUBLIC BATHHOUSE AND HOT TUB EMPLOYEES

6.49.001 General provisions.

Unless specified otherwise in this chapter, the general provisions contained in [chapter 6.01](#) SCC shall apply to this license.

6.49.020 License required.

(1) It shall be unlawful for any person to work for a public bathhouse or hot tub that does not possess a current and valid license as provided by [chapter 6.47](#) SCC or who does not possess a license as provided for in this chapter.

(2) All licenses required herein shall be invalid as to any premises during any period in which the employer is not engaged in business whether by reason of choice or failure of the employer to operate a business or by reason of lapse, suspension or revocation of employer's license.

(3) A public bathhouse or hot tub employee license shall entitle a public bathhouse or hot tub employee to work only at the business indicated on the public bathhouse or hot tub employee's license. If a public bathhouse or hot tub employee changes his or her place of employment during the license term, the license certificate must be returned to the licensing authority for reissuance, upon payment of the fee set out in [SCC 6.01.050\(2\)](#), indicating the new place of employment.

(Added Ord. 86-099, § 63, November 12, 1986; Amended Ord. 87-038, § 61, June 3, 1987).

6.49.030 Exemptions.

The provisions of this chapter do not apply to:

(1) Baths or hot tubs located in a private residence or a private social or athletic club not open to the public generally;

(2) Baths or hot tubs located in public or private educational institutions or athletic organizations; or

(3) Treatments given in any hospital, duly licensed nursing or convalescent home, or by physical therapists duly licensed, who treat patients only upon written prescription of a licensed doctor of medicine, or by any other person licensed by the state of Washington to treat the sick, injured, or infirm, or by any nurse under the direction of a person so licensed.

(Added Ord. 86-099, § 63, November 12, 1986).

6.49.035 License fees.

The fees for this license are established by and are contained in [SCC 6.01.050\(2\)](#).

(Added Ord. 86-099, § 63, November 12, 1986).

6.49.036 Fingerprinting required.

Applicants seeking a license as prescribed by this chapter shall be fingerprinted by the sheriff as specified in [SCC 6.01.046\(1\)](#).

(Added Ord. 99-004, § 2, February 17, 1999, Eff date March 10, 1999).

6.49.037 Investigation required.

Applicants seeking a license under this chapter shall be investigated according to the provisions outlined in [SCC 6.01.047](#).

(Added Ord. 99-004, § 3, February 17, 1999, Eff date March 10, 1999).

6.49.042 Photographs required.

Applicants seeking a license as prescribed in this chapter shall submit photographs as specified in [SCC 6.01.046\(2\)](#).

(Added Ord. 86-099, § 63, November 12, 1986).

6.49.090 Prohibited activity.

It shall be unlawful for any employee or agent of any facility to intentionally touch or manipulate the genitals of a customer in any manner, and such activity shall be grounds for revocation of the employee's license.

(Added Ord. 86-099, § 63, November 12, 1986).

Chapter 6.62

COORDINATION OF NAMES AND PLATS AND CONDOMINIUMS

6.62.010 Purpose.

It is declared to be the purpose of this chapter to regulate, control and coordinate the naming of condominiums developed pursuant to chapter 64.32 or 64.34 RCW and plats so as to avoid duplication of names. It is in the public interest to so regulate the naming of plats and condominiums to prevent confusion in the public and private sectors as it relates to the building, development and sales of lots, plats, condominiums and condominium units in Snohomish County.

(Res. 79-301, adopted October 3, 1979; Amended Ord. 91-108, August 7, 1991).

6.62.020 Naming of plats.

As an initial step in the processing of an application for plat approval as required by chapter 30.41A SCC, the department of public works shall check the name of the proposed plat against the names of plats and condominiums in the records of the Snohomish County auditor. If the name of the proposed plat is the same as that of any recorded plat or condominium, the department of public works shall advise the applicant in writing of such fact. The applicant shall thereupon amend his application and submit a substitute name which shall be different from the name of any plat or condominium contained in the records of the Snohomish County auditor. No plat bearing the same name as any plat or condominium recorded in the records of the Snohomish County auditor shall be granted.

(Res. 79-301, adopted October 3, 1979; Ord. 02-098, December 9, 2002, Eff date February 1, 2003).

6.62.030 Naming of condominiums.

Before accepting a declaration of condominium or amendment to a declaration of condominium changing the name of an existing condominium sought to be filed pursuant to chapter 64.32 RCW, or chapter 64.34 RCW, the Snohomish County auditor shall check the name of the condominium therein against the names of plats and condominiums contained in the records of the Snohomish County auditor. If the name of the proposed declaration is the same as the name of any plat or condominium on file in the office of the Snohomish County auditor, the auditor shall notify the filing party and return any declaration or amended declaration sought to be filed to such filing party. The declaration or amended declaration shall be accepted for filing upon the filing party changing the name therein to a name other than that of a plat or condominium filed in the records of the Snohomish County auditor.

(Res. 79-301, adopted October 3, 1979; Amended Ord. 91-108, August 7, 1991).

6.62.040 Reservation of name.

(1) Any person intending to file a plat or declaration of condominium may reserve the name therefor by filing a written request on such form as may be required by the auditor and paying a fifty dollar filing fee. The request must set forth the name and address of the person filing the request and the name requested to be reserved. If the auditor finds that the plat or condominium name has not been previously used or reserved, the auditor shall reserve the name for the exclusive use of the person filing the request for a period of one year.

(2) The reservation of a plat or condominium name may be renewed from year to year after the initial reservation. To renew a plat or condominium name reservation, the person for whom the name was reserved must file a written request on such form as may be required by the auditor and pay a twenty-five dollar renewal fee on or before the expiration of the existing reservation or renewal thereof. The right of renewal may be transferred to any other person by the filing of an acknowledged notice of transfer, which notice shall state the name and address of the transferee.

(Res. 79-301, adopted October 3, 1979; Amended by Amended Ord. 09-020, April 8, 2009, Eff date April 26, 2009).

6.62.050 Severability.

If any section, word, phrase, clause, or sentence of the resolution codified in this chapter is declared invalid, it shall have no effect on the remaining words, phrases, clauses, or sentences of the resolution. Those sections of

the resolution codified in this chapter not declared invalid shall remain in full force and effect as if each had been independently enacted by the board of county commissioners.

(Res. 79-301, adopted October 3, 1979).

Chapter 6.64

CONVERSION OF RENTAL UNITS TO CONDOMINIUMS

Article I. General Provisions

6.64.010 Purpose.

The purpose of this chapter is to alleviate hardships on citizens of Snohomish County by providing for fair disclosure of conversions of residential rental units to condominium apartments, protection of tenants in units being converted, mitigation of hardships caused by conversion displacement, and housing code inspection and compliance prior to sale of a converted apartment.

(Res. 79-339, adopted November 13, 1979).

6.64.020 Definitions.

For the purpose of this chapter, the following terms shall have the meanings set forth below:

- (1) "Building" means a building as defined in RCW 64.32.010(5).
- (2) "Building department" means the Snohomish County department of planning and development services.
- (3) "Condominium" means real property:
 - (a) Which is subject to a declaration filed pursuant to Chapter 64.32 RCW, the Horizontal Regimes Act, or Chapter 64.34 RCW, the Condominium Act; or
 - (b) In which there is private ownership of individual units and common ownership of common areas.
- (4) "Conversion" means the filing of a declaration pursuant to Chapter 64.32 RCW or Chapter 64.34 RCW, or the sale by a developer of condominium apartments that were previously rental units.
- (5) "Developer" means any person, firm, partnership, joint venture, corporation or any other entity or combination of entities or successors who, as an owner, undertakes the conversion, sale, or offering for sale of condominium apartments. "Developer" shall also include the developer's agent or any other person acting on behalf of the developer.
- (6) "Director" means the director of the Snohomish County department of planning and development services and his or her designee.
- (7) "Eviction" means any effort by a developer to deprive a tenant of possession of a rental unit or to terminate a tenancy by lawful or unlawful means.

(8) "Housing code" means the Uniform Housing Code of Snohomish County prescribed in [chapter 30.53C SCC](#).

(9) "Offer to sell to tenant" means a written offer to sell a condominium apartment to the tenant at a specified price and on specified terms.

(10) "Offer to sell to the public" means any advertisement, inducement, solicitation, or attempt by a developer to encourage any person other than a tenant to purchase a rental unit as a condominium apartment.

(11) "Person" means any natural person, corporation, partnership, association, trust, other entity, or any combination thereof.

(12) "Prospective purchaser" means any person, including existing tenants or subtenants, who expresses an interest to a developer in purchasing a condominium apartment or to whom a developer solicits or offers to sell a condominium apartment.

(13) "Rental unit" means any housing unit, other than a single-family dwelling or units in a single-family dwelling, which is occupied pursuant to a lawful rental agreement, oral or written, express or implied, which was not owned as a condominium unit on the effective date of this chapter.

(14) "Tenant" means any person who:

(a) Occupies a rental unit or holds a valid lease, express or implied, at the time of the developer's giving written notice as required by [SCC 6.64.040](#), or the giving of notice of termination as required by RCW 59.18.200, because of conversion to a condominium, whichever is first; or

(b) Enters into the occupancy of a rental unit after the giving of either of such notice to any other tenant, without the owner advising such person that the unit might be sold or offered for sale as a condominium unit.

Where more than one person is a tenant, as defined above, in a single rental unit, any or all of them may exercise the rights given hereunder; PROVIDED, That one or more tenants cannot waive the rights of their covenants as provided in this chapter, that any or all tenants in a single rental unit shall not be entitled to accept an offer to purchase more than one rental unit, and that any rights of a tenant under a written lease with the owner shall be superior to the rights of his/her subtenant.

(Res. 79-339, adopted November 13, 1979; Amended Ord. 91-108, August 7, 1991; Ord. 95-004, § 20, Feb. 15, 1995, Eff date Feb. 27, 1995; Amended Ord. 96-033, § 2, June 12, 1996, Eff date July 31, 1996; Ord. 02-098, December 9, 2002, Eff date February 1, 2003).

Article II. Application

6.64.030 Application.

(1) In General. This chapter shall apply only to the conversion, offers of sale, and sale of rental units which have not been converted to condominium apartments by the filing of a declaration of condominium as provided in chapter 64.32 RCW or chapter 64.34 RCW before the effective date of this chapter.

(2) To Tenants. The provisions of Article III providing protection to tenants shall apply only to tenants as defined in [SCC 6.64.020\(14\)](#).

(Res. 79-339, adopted November 13, 1979; Amended Ord. 91-108, August 7, 1991).

Article III. Tenant Protections

6.64.040 Notice and offer to sell to tenant.

At the time of giving notice of termination as required by RCW 59.18.200 because of conversion to a condominium or before selling or offering to sell to the public any rental unit as all or part of a condominium apartment, whichever comes first, the developer shall serve each tenant a written notice offering to sell unit or units, as condominium apartment, to the tenant. Such notice shall contain the legal descriptions, prices, and all other terms and conditions at which such units are offered for sale, such other terms and conditions as are required by this chapter, a letter form for advising the developer that the tenant wishes the offer to continue for more than 45 days as provided herein, and a statement in format approved by the director, of the tenant's rights under this chapter.

The offer to purchase the unit occupied by a tenant or in which the tenant otherwise has a leasehold interest shall be exclusive to such tenant for 45 days from the date of receipt of the notice.

A tenant's right to accept any offer contained in the notice shall cease 45 days after receipt of the notice by the tenant unless the tenant advises the developer in writing within 45 days of receipt of such notice that he or she wishes the offer to continue for an additional 45 days.

The rights of a tenant to accept an offer to purchase a unit other than those sold or contracted to be sold pursuant to the exclusive offer stated above shall continue for an additional 45 days.

Subject to any prior rights under the 45-day exclusive offer stated above, and the prior rights to possession of any other tenant, the rights of a tenant whose written acceptance of the offer to sell on any unit is first received by the developer shall be prior to the rights of other tenants.

(Res. 79-339, adopted November 13, 1979).

6.64.050 Tenant's right to rescind.

A tenant may rescind an earnest money agreement or any other acceptance of an offer of sale or exercise of first right of refusal by delivery to the developer, by registered or certified mail return receipt requested, written notice of revocation within 10 days of acceptance of the offer. Upon receipt of a timely revocation the developer shall immediately refund any deposit, earnest money, or other funds, and the parties shall have no further rights or liabilities under the purchase agreement. Developers shall include in their sales contracts a clause informing purchasers of their rights under this section. The clause shall be located either immediately above the purchaser's signature or under a separate conspicuous caption entitled "Purchaser's Right to Cancel." In addition, each binding sale agreement shall provide that the prevailing party in any action to enforce rights under the agreement shall be entitled to reasonable attorney's fees.

(Res. 79-339, adopted November 13, 1979).

6.64.060 Limitations on evictions.

A developer shall not evict any tenant or force any tenant to vacate his or her rental unit because of the expiration of the tenancy of such tenant or to avoid any requirements of this chapter for 90 days following receipt of the notice required by [SCC 6.64.040](#) or of notice of termination as provided in RCW 59.18.200. This

provision shall not prevent a tenant from evicting or forcing his or her subtenant to vacate upon the expiration of the subtenant's tenancy, in any manner provided by law.

(Res. 79-339, adopted November 13, 1979; Amended Ord. 91-108, August 7, 1991).

6.64.070 Tenants right to vacate.

A tenant receiving notices as required by [SCC 6.64.040](#) may terminate his or her tenancies as otherwise provided by law.

(Res. 79-339, adopted November 13, 1979).

6.64.080 No rent raises during notice periods.

During the period of 90 days following receipt of the notice required by [SCC 6.64.040](#) or notice of termination as provided by RCW 59.18.200, whichever is later, the rent of a tenant may not be raised.

(Res. 79-339, adopted November 13, 1979).

6.64.090 Termination of tenant's rights.

A tenant's rights as provided in [SCC 6.64.040](#) shall cease upon:

- (1) His or her voluntary relinquishing possession or otherwise surrendering or assigning his or her leasehold interests, or waiver of his or her rights under such section, in writing; PROVIDED, That prior to such relinquishment, surrender, or waiver, the developer has given the tenant all notices theretofore required by this chapter, and such relinquishment is not induced by the developer by fraud, threats, coercion, or otherwise with the tenant of avoiding provisions of this chapter;
- (2) A tenant's accepting any offer to sell or otherwise purchasing or contracting to purchase any unit as a condominium unit;
- (3) A tenant is ejected for good cause; or
- (4) Upon sale of all units in the condominiums in conformance with this chapter.

(Res. 79-339, adopted November 13, 1979).

6.64.100 Service of notice.

All notices, offers, disclosures, documents, acceptances and other writings required by this chapter shall be personally served upon the intended recipient or served by registered or certified mail, return receipt requested. Service by mail upon any tenant in possession shall be to the address of the tenant's rental unit. Service by mail to any tenant not in possession shall be to the last known address of such tenant, or lacking such address, to the address of such tenant's rental unit. The developer shall indicate his or her mailing address in the notices required by [SCC 6.64.040](#) and [6.64.050](#).

(Res. 79-339, adopted November 13, 1979).

Article IV. Consumer Protection

6.64.110 Mandatory housing code inspection and repairs.

Prior to giving notice to a tenant as required by [SCC 6.64.040](#) or otherwise offering any converted rental unit for sale:

- (1) The developer shall request in writing a housing code inspection of the building by the building department;
- (2) The building department shall conduct a compliance inspection, fees for which shall be paid by the developer, and within seven days of the developer's request advise the developer in writing of the housing code violations discovered on inspection;
- (3) All violations discovered on inspection shall be corrected by the developer;
- (4) The building department, upon the developer's request shall inspect corrections and repairs of violations, and, if such have been corrected to the satisfaction of the building department, issue a certificate of inspection and repairs. The certificate shall state only the violations discovered by the building department's inspection, that such have been corrected, and that the certificate makes no representation, guarantee or warranty with respect to such corrections or that all housing and building code violations have been corrected; and
- (5) The developer shall provide a copy of the inspection report and certificate to each tenant, with the notice served pursuant to [SCC 6.64.040](#) and to every other prospective purchaser before offering to sell any converted unit to such purchaser.

No developer shall use the department's certificate in any advertising or indicate to anyone, in any fashion, for the purpose of inducing a person to purchase a condominium apartment, that Snohomish County or any of its agencies has "approved" the building or any unit for sale or that any such building or unit is in any particular condition.

(Res. 79-339, adopted November 13, 1979).

6.64.120 Required disclosures.

In addition to the disclosures required by other sections of this resolution, the developer shall make available the following information to tenants, and prospective purchasers, and the building department at least seven days before any purchase commitment is signed, or, in the case of tenants with the written notice provided by [SCC 6.64.040](#):

- (1) Copies of all documents filed pursuant to the Horizontal Property Regimes Act, chapter 64.32 RCW, or the Condominium Act, chapter 64.34 RCW;
- (2) An itemization of the specific repairs and improvements made to the entire building during the six months immediately preceding the offer of sale;
- (3) An itemization of the repairs and improvements to be completed before close of sale;
- (4) A statement of the services and expenses which are being paid for by the developer but which will in the future be terminated, or transferred to the purchaser or owners' association;

(5) An accurate estimate of the useful life of the building's major components and mechanical systems (foundation, exterior walls, exterior wall coverings other than paint or similar protective coating, exterior stairs, floors and floor supports, carpeting in common areas, roof cover, chimneys, plumbing system, heating system, water heating appliances, mechanical ventilation system, and elevator equipment); for each system and component whose expected life cannot be accurately estimated, the developer shall provide a detailed description of its present condition and an explanation of why no estimate is possible; and

(6) An itemized statement in budget form of the estimated monthly costs of owning the condominium apartment that the purchaser intends to buy. The itemization shall include but shall not be limited to:

(a) Payments on purchase loan;

(b) Taxes;

(c) Insurance;

(d) Utilities (which shall be listed individually);

(e) Homeowner's assessments;

(f) The projected monthly assessment needed for replacing building components and systems whose life expectancy is less than five years; and

(g) A statement of the budget assumptions concerning occupancy and inflation factors.

(Res. 79-339, adopted November 13, 1979).

6.64.130 Warranty on repairs.

Each developer shall warrant for one year from the date of completion all improvements and repairs disclosed pursuant to this chapter.

(Res. 79-339, adopted November 13, 1979).

6.64.140 Unlawful acts.

It shall be unlawful for any developer, agent of a developer or other person:

(1) To make or cause to be made in any disclosure or other document required by this chapter any statement or representation that is knowingly false or misleading;

(2) To make or cause to be made any oral representation which differs materially from the statements in any disclosure or other documents required by this chapter;

(3) To make any false statement with respect to any rights of a tenant or other prospective purchaser as provided by this act;

(4) By threat, bribe or coercion to deprive or attempt to deprive any tenant of any rights, including the right to possession, provided by this chapter.

(Res. 79-339, adopted November 13, 1979).

Article V. Administration, Enforcement Penalties

6.64.150 Administration.

The director is authorized and directed to adopt, promulgate and amend administrative rules consistent with the provisions of this chapter and necessary to carry out his duties hereunder. The director is authorized to adopt a fee schedule for inspection required by this chapter, and charge such fees and such other fees as may be applicable. Failure of a developer to pay such fee shall be deemed a violation of this resolution.

(Res. 79-339, adopted November 13, 1979).

6.64.160 Complaints.

Any person subjected to any unlawful practice as set forth in this resolution may file a complaint in writing with the director. The director is hereby authorized and directed to receive complaints and conduct such investigations as are deemed necessary. Whenever it is determined that there has been a violation of this chapter, the director may, at his discretion:

(1) Attempt to conciliate the matter by conference or otherwise and secure a written conciliation agreement; and/or

(2) Refer the matter to the prosecuting attorney for criminal prosecution. (Res. 79-339, adopted November 13, 1979).

(Res. 79-339, adopted November 13, 1979).

6.64.170 Penalties.

Any person who violates any provision of this chapter, fails to comply with any provision of this chapter, or deliberately attempts to avoid the application of this chapter shall, upon conviction, be fined a sum not to exceed \$250.00. Each day's violation or failure to comply shall constitute a separate offense. Any such person shall also be subject to all civil penalties and procedures provided in [chapter 30.85 SCC](#).

(Res. 79-339, adopted November 13, 1979; Ord. 02-098, December 9, 2002, Eff date February 1, 2003).

6.64.180 Severability.

If any section, subsection, sentence, clause, phrase or other portion of this chapter is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and an independent provision and such decision shall not affect the validity of the remaining portions thereof.

(Res. 79-339, adopted November 13, 1979).

6.64.190 Effective date.

This chapter shall be effective on the 1st day of January, 1980.

(Res. 79-339, adopted November 13, 1979)

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