

BBH:jrv
04/30/84

RESOLUTION NO. 84-5

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILL CREEK, WASHINGTON, DEFINING CERTAIN TERMS TO BE READ IN CONJUNCTION WITH RESOLUTION 84-4.

WHEREAS, the City of Mill Creek by Resolution 84-4 instructed the City staff not to issue any building or occupancy permit or grant any business license or any other license or permit to certain businesses and uses to allow sufficient time for the City to enact a Comprehensive Plan, a Zoning Ordinance, and adopt an official Zoning Map to regulate the appropriate locations for such businesses within the City, and

WHEREAS, the City staff is in need of guidance to determine what businesses are included, now, therefore,

THE CITY COUNCIL OF THE CITY OF MILL CREEK, WASHINGTON, HEREBY RESOLVES AS FOLLOWS:

Section 1. The following definitions shall govern the construction of the terms found in Resolution 84-4.

1. ADULT BOOKSTORE means a retail establishment in which:

- A. Ten percent or more of the "stock in trade" consists of books, magazines, posters, pictures, periodicals or other printed material distinguished or characterized by a predominant emphasis on pictorial matter depicting, describing or relating to "specified sexual activities" or "special anatomical areas"; or

- B. Any person is excluded by virtue of age from all or part of the premises generally held open to the public where books, magazines, posters, pictures, periodicals or other printed material distinguished or characterized by a predominant emphasis on pictorial matter depicting, describing or relating to "specified sexual activities" or "special anatomical areas" are displayed or sold.

"Stock in trade" for the purposes of this section shall mean either:

- (1) The dollar value of all books, magazines, posters, pictures, periodicals or other printed 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
- (2) The total volume of shelf space and display area.

2. ADULT NOVELTY SHOP means a retail establishment in which:

- A. Ten percent or more of the "stock in trade" consists of items, products or equipment distinguished or characterized by a predominant emphasis or simulation of "specified sexual activities" or "specified anatomical areas"; or
- B. Any person is excluded by virtue of age from all or part of the premises generally held open to the public where products or equipment distinguished or characterized by a predominant emphasis or simulation of "specified sexual activities" or "specified anatomical areas" are displayed or sold.

"Stock in trade" for the purposes of this section shall mean either:

- (1) The dollar value of all items, products or equipment readily available for purchase, rental, viewing or use by patrons of the establishments excluding material located in

any storeroom or other portion of the premises not regularly open to patrons; or

- (2) The total volume of shelf space and display area.
3. ADULT THEATRE means any premise used for presenting, for commercial purposes, motion picture films, video cassettes, cable television, or any other such visual media, distinguished or characterized by a predominant emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" for observation by patrons therein.
4. BINGO PARLORS means any premise used for a game in which prizes are awarded on the basis of designated numbers or symbols selected at random and in which no cards are sold except at the time and place of said game.
5. CARD ROOMS AND OTHER LEGALIZED GAMBLING OPERATIONS means any premise used for professional gambling as now or hereinafter defined in RCW 9.46.020(17). In the application of this definition any place where a gambling device as now or hereinafter defined in RCW 9.46.020(10) is found, shall be presumed to be intended to be used for professional gambling, provided however nothing herein is intended to prohibit the State Lottery established and operated pursuant to RCW 67.70.
6. MASSAGE means the treatment of the superficial parts of the body with or without the aid of soaps, oil or lotions, by rubbing, touching, stroking, tapping and kneading, provided no attempt is made to adjust or manipulate the articulations of the spine.
7. MASSAGE PARLOR means any premise used for the operation of a business where massages are given, provided however this definition does not apply to massage practiced:
 - A. At the athletic department of any institution maintained by the public funds of the State or any of its political subdivisions, any primary or secondary school or institution of higher education, or any nonprofit organization licensed under RCW 66.24.400 and 66.24.450, or any private athletic club where ten percent or less of the premise is devoted to the practice of massage.

- B. By any person licensed in this State to practice medicine, surgery, drugless therapy, cosmetology, barbering, physical therapy, osteopathy, osteopathy and surgery, chiropractic, podiatry, nursing or persons working under prescription, supervision or direction of any such person.
8. PREMISE means a tract of land with or without improvements including but not limited to a building, room, enclosure, vehicle, vessel or other place thereon.
9. SPECIFIED SEXUAL ACTIVITIES means:
- A. Acts of human masturbation, sexual intercourse or sodomy;
 - B. Fondling or other erotic touching of human genitals, pubic region, buttock or female breast.
 - C. Human genitals in a state of sexual stimulation or arousal.
10. SPECIFIED ANATOMICAL AREAS means:
- A. Less than completely and/or opaquely covered human genitals, pubic region, buttock, or female breast below a point immediately above the top of the areola.
 - B. Human male genitals in a discernably turgid state, even if completely or opaquely covered.
11. TOPLESS ENTERTAINMENT ESTABLISHMENTS means the operation of any business which employs or uses any person in the furtherance of such business while such person is unclothed or in such attire, costume or clothing as to expose to view any portion of the breast below the top of the areola or of any portion of the pubic hair, anus, cleft of the buttocks, vulva or genitals or to permit any person to perform acts or acts which simulate:
- A. Sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation, or any sexual acts which are prohibited by law.
 - B. The touching, caressing or fondling of the breast, buttocks, anus or genitals.

C. The displaying of the pubic hair, anus, vulva or
genitals.

or to permit any person to use artificial devices or
inanimate objects to depict any of the prohibited activ-
ities described above.

RESOLVED this 8th day of May,

1984.

CITY OF MILL CREEK

Sid Hanson
MAYOR, SID HANSON

ATTEST/AUTHENTICATED:

Michele Schutz
CITY CLERK, MICHELE SCHUTZ

FILED WITH THE CITY CLERK: 5-3-84
PASSED BY THE CITY COUNCIL: 5-8-84
RESOLUTION NO. 84-5