ORDINANCE NO. 1837

AN ORDINANCE of the City of Kent, Washington, relating to Model Studios, defining certain words, requiring licenses, describing certain conduct as unlawful and prescribing penalties.

THE CITY COUNCIL OF THE CITY OF KENT, WASHINGTON, DO HEREBY ORDAIN AS FOLLOWS:

SECTION 1. DEFINITIONS.

A. MANAGER means a person other than a licensee, as defined in Section 2 below, who directly supervises and manages the activities of employees of a Model Studio.

B. MODEL means any person furnished for the purpose of being observed, viewed, depicted, painting or being painted in the course of business of a Model Studio.

C. MODEL STUDIO means any premises on which there is conducted primarily the business of furnishing persons as models who pose for the purpose of:

(1) being depicted by sketching, painting, drawing, sculpturing, photographing, or being otherwise depicted; or

(2) being painted on or upon by any other person, or painting on or upon any other person: for persons who pay a fee, gratuity, or other consideration for the right to so observe, view, depict, paint or be painted, or for the right to be admitted to, permitted to remain upon, or as a condition of remaining upon, the premises. Such definition shall expressly exclude any studio which functions as a part of and under the direct supervision of an institution, the curriculum for which is approved by the Office of the State Superintendent of Public Instruction of the State of Washington.
E. PREMISES means the entire area utilized by the business licensed hereunder and the public while utilizing the services.

F. SUBSTANTIAL CONNECTION means

(1) In a sole proprietorship, the individual owns, operates, manages or conducts, directly or indirectly, the establishment; or

(2) In a partnership, the individual shares in any potential profits of the establishment; or

(3) In a corporation, the individual is an officer, director, or a holder (directly or beneficially) of more than ten percent of any class of stock; or

(4) The individual furnishes more than ten percent of the capital of such establishment, whether in cash, goods or services.

SECTION 2. MODEL STUDIO - LICENSE APPLICATION.

A. It shall be unlawful to conduct, operate, or manage a Model Studio unless such establishment is licensed as herein-after provided. The fee for a Model Studio license and renewal shall be one thousand (1,000) dollars per year. The license shall expire one year from issuance.

B. No license or renewal of license to conduct, operate, or manage a Model Studio shall be issued or renewed except upon written application to the City Clerk, signed and sworn to by the person who intends to conduct, operate, or manage a Model Studio. Such application shall contain the following information:

(1) The business name, business address, and telephone number of the establishment or proposed establishment;

(2) In relation to each natural person having a substantial connection with such establishment or proposed establishment:

   (a) True name and any other name by which commonly known;

   (b) Residence address and telephone number;

   (c) Date and place of birth;
(d) Length of residence in King County, if less than one (1) year, prior address outside King County;

(e) Nature of relationship to establishment or proposed establishment;

(f) Whether within ten years of date of application, has pleaded guilty to or been convicted of violating any ordinance, resolution or law of any jurisdiction which in the judgment of the City Clerk would influence the conducting, operating or managing the business in a lawful manner. If so, full circumstances thereof including, but not limited to date, court and case disposition.

(3) In relation to each corporation or partnership having a substantial connection with such establishment of proposed establishment:

(a) Name of the corporation or partnership;

(b) Name of registered agent and address of registered office;

(c) Primary office address, if different from above;

(d) Date and place of incorporation or organization;

(e) Date and place of filing of Articles;

(f) Nature of relationship to establishment or proposed establishment;

(g) Names and residence addresses of all officers, directors, limited or general partners, and holders (directly or beneficially) of more than ten (10) percent of any class of stock;

(4) Such other and further information as the City Clerk may reasonably require to determine the advisability of license issuance. Incomplete or false information on such application shall be cause for immediate denial or revocation of a license.

SECTION 3. MODEL STUDIO - LICENSE ISSUANCE.
A. Upon the filing of any application for issuance or renewal of a Model Studio license, the City Clerk shall refer the same to the Kent Police Department with a request to investigate the statements contained in the application and to furnish a written report containing the results of investigation, together with other information concerning the background and character of all persons having a substantial connection with such establishment, as may aid the City Clerk in determining whether such license should be issued.

The City Clerk shall also refer the application to the Seattle-King County Health Department with a request to inspect the premises or proposed premises as to its sanitary and physical conditions and to submit a written report thereon. Inspections by the Director of the Seattle-King County Health Department or his duly authorized representative shall be made in accordance with rules and regulations, not inconsistent with the provisions of this ordinance, as may be adopted by said Director.

The City Clerk shall also refer the application to the Planning Department for coordination of housing, zoning and fire inspection of the premises with a request to submit a written report thereon.

If, from the reports and other information concerning the applicant, the premises, and persons having a substantial connection with such establishment or proposed establishment, the City Clerk deems the applicant to comply with all of the conditions required for licensing hereunder, she shall issue or renew the license for which application was made.

B. The City Clerk shall not issue or renew any license under this Chapter if the information received by her indicates that:

1. Any knowingly false statement was made in the license application;

2. Any person having a substantial connection with such establishment or proposed establishment, within ten (10) years of the date of application, has pleaded guilty to or been convicted of violating any ordinance, resolution or law of any jurisdiction which in the judgment of the City Clerk would influence the conducting, operating or managing the business in a lawful manner.
(3) Any premises on which such establishment or proposed establishment is located or sought to be located fails to meet health, safety, fire, zoning, or other valid standards established by regulations governing health and safety; provided, however, denial under this subsection shall be without prejudice to future application; or

(4) Another business establishment has filed for or been granted a license hereunder, the premises of which is within a radius of one (1) mile of the proposed establishment.

C. The City Clerk shall not issue a temporary license or permit until thirty (30) days have elapsed from the filing of the application and then only if the license or permit application is still being investigated by the City Clerk. Such temporary license or permit shall be issued for one month and is not renewable.

SECTION 4. UNLAWFUL CONDUCT.

A. In conducting, operating or managing a licensed Model Studio the Model Studio is required to:

(1) Have business premises available at all times for inspection as to conditions related to licensing and conduct regulated hereunder by the Seattle-King County Health Department, City of Kent Building Department and the City of Kent Police Department.

(2) Display during business hours all licenses required hereunder.

(3) Have a manager, licensed hereunder, or the Model Studio applicant on the premises at all times during which the Model Studio is open.

B. In conducting, operating or managing a licensed Model Studio, it shall be unlawful to

(1) employ any unlicensed manager or model as hereinafter provided;

(2) permit to remain in such establishment any person who is not eighteen (18) years of age or older;

(3) conduct or operate a Model Studio between the hours of 2:00 a.m. and 8:00 am.
SECTION 5. MANAGER OR MODEL LICENSE APPLICATION.

A. It shall be unlawful for any person to be employed as a "Manager" or "Model", as defined in Section 1 A and B herein, without a valid license. The fee for such license shall be five hundred (500) dollars per calendar year or portion thereof. Application for such license or renewal shall be made to the City Clerk.

B. All applications for issuance or renewal of a manager's or model's license shall be made to and filed with the City Clerk on forms furnished by her for such purpose, and be accompanied both by a certified copy of applicant's birth certificate and a color photograph of the applicant approximately one inch square. Such photograph, if the license applied for is issued, shall be affixed thereto in a manner designed to discourage alteration or substitution of photographs. This application shall state the true name of the applicant together with such other information concerning the background and character as may aid the City Clerk in determining whether such license should be issued, but not less than that required under Section 2 (B) (2) of this ordinance. Applicants shall not be less then eighteen years of age.

C. If the City Clerk finds that such application for license or renewal is in proper form, she shall;

(1) refer all applications with photographs to the City of Kent Police Department with a request to fingerprint the applicant, and to investigate the statements contained in the application, and to furnish a written report containing the results of his investigation, together with such other information as may aid the City Clerk in determining whether such license should be issued, and;

(2) refer all applications to the Seattle-King County Health Department with a request for a physical examination to ascertain if such applicant is free from contagious or infectious disease and to make a written report thereon.

D. The City Clerk shall examine the reports and recommendations described herein, and if from the reports and other
information concerning the background and character of the applicant, the City Clerk deems that the applicant has complied with all of the conditions required for licensing hereunder, she shall issue or renew the license applied for to the establishment for which the applicant works or desires to work.

E. The City Clerk shall not issue or renew any license under this Section if the information received by her indicates that:

1. any knowingly false statement was made in the application;
2. any applicant has within ten (10) years of date of application, pleaded guilty to or been convicted of violating any ordinance, resolution or law of any jurisdiction relating to prostitution; grand larceny; robbery; Section 3 (B) (1) or (2) of this ordinance; or violating any section or subsection of Title 9, Chapter 79 of the Revised Code of Washington (sex crimes);
3. any applicant fails to meet valid health standards.

F. The City Clerk may issue a temporary license for thirty (30) days. Such temporary license shall not be renewable.

SECTION 6. DENIAL OR REVOCATION OF LICENSE.

A. Any application for issuance or renewal of a license pursuant to this ordinance shall not be accepted by the City Clerk unless accompanied by the appropriate license fee. In the event an application for a license is refused, the entire amount tendered as the license fee shall not be returned to the applicant but a portion thereof, not to exceed one hundred (100) dollars, shall go to the City to defray the cost of examination and investigation.

B. Every license issued or renewed pursuant to this ordinance shall expire at midnight of the day a year from the date of issuance.

C. In addition to other penalties provided herein or by law, the City Clerk shall have the right to suspend or revoke any license issued pursuant to this ordinance upon showing that any establishment, premises, or person licensed hereunder has operated in violation of the provisions of this ordinance or has permitted or engaged in unlawful conduct on the premises.
SECTION 7. INSPECTION

Any Model Studio licensed herein shall be open to inspection by the Chief of Police of the City of Kent or his authorized deputy, the Director of Seattle-King County Department of Public Health or his authorized representative and the Building Official of the City of Kent or his authorized representative.

SECTION 8. RULES AND REGULATIONS.

The City Clerk is hereby authorized to make and enforce rules and regulations, not inconsistent with the provisions of this ordinance. It shall be unlawful to violate or fail to comply with any of said rules and regulations. All such rules and regulations, as promulgated by the City Clerk, shall be reduced to writing and mailed to each licensee for his information and for distribution to his employees.

SECTION 9. APPEALS

The Kent City Council shall have jurisdiction to hear appeals from the following orders of the City Clerk:

a. Denial of a license.

b. Suspensions or revocations of licenses issued under provisions of this ordinance.

The aggrieved party shall have the right to appeal the aforementioned orders of the City Clerk by giving a written notice thereof within seven (7) days after the entry of the order appealed from. The notice of appeal shall specify an address at which the appellant may be given notice of hearing on the appeal.

After the filing of such appeal, the Kent City Council shall set a time and place, not more than thirty (30) days from such notice of appeal for hearing thereon. At the hearing the appellant shall be entitled to appear in person and be represented by counsel and offer such evidence pertinent and material to the action of the City Clerk. Upon filing of notice of such appeal, the City Clerk shall immediately submit to the Kent City Council, such records, dates, reports and information as she may have in her possession supporting her order.
SECTION 10. PENALTY.

Every person as principal, agent or otherwise, who violates or fails to comply with the provisions of this ordinance shall be liable upon conviction thereof for the first offense to a fine of one hundred (100) dollars and for any subsequent offense to a fine of two hundred and fifty (250) dollars or to imprisonment for not more than six (6) months in City jail, or both such fine and imprisonment.

SECTION 11. SEVERABILITY.

Should any section, paragraph, sentence, clause or phrase of this ordinance or its application to any person or circumstance be declared unconstitutional or otherwise invalid for any reason, such decision shall not affect the validity of the remaining portions of this ordinance or its application to other persons or circumstances.

SECTION 12.

This Ordinance shall take effect and be in force five (5) days from and after its passage, approval and publication, as provided by law.

ATTEST:

MARIE JENSEN, CITY CLERK

APPROVED AS TO FORM:

DONALD E. MIRK, CITY ATTORNEY

PASSED the 20th day of August, 1973.

APPROVED the 21st day of August, 1973.

PUBLISHED the 22nd day of August, 1973.

I hereby certify that this is a true copy of Ordinance No. 1837, passed by the City Council of the City of Kent, Washington, and approved by the Mayor of the City of Kent as hereon indicated.

MARIE JENSEN, CITY CLERK