Ordinance No. 2687

["Beginning July 1, 1998"]

(Amending or Repealing Ordinances)

Secs. 15.02.006, 15.02.007, 15.02.008, 15.02.502 & 15.02.503 Amended by Ord. 3475:
ORDINANCE NO. 2687

AN ORDINANCE of the City of Kent, Washington, regarding the establishment of regulatory standards for adult bookstores and theatres in specified zones in the City of Kent.

WHEREAS, it is appropriate for the City of Kent to protect and preserve the quality of the City's neighborhoods, commercial districts and the quality of urban life,

WHEREAS, the Kent Planning Commission has held a public hearing on October 28, 1986 to consider standards to regulate certain types of adult uses,

WHEREAS, these standards have been reviewed in accordance with the State Environmental Policy Act and have been determined to have no significant adverse environmental impact on September 5, 1986,

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

Section 1. Section 15.08.270 - Adult Uses.

A. Adult uses, as defined in section 15.02.008, are prohibited within the area circumscribed by a circle which has a radius consisting of the following distances from the following specified uses or zones:

1. Within or within one thousand feet of any residential zone (RA, Al, AG, R1-7.2, R1-9.6, R1-12, R1-20, MR-D, MR-G, MR-M, MR-H, and MHP as provided in KCC Chapter 15.09) or any single or multiple family residential use.
2. One thousand feet of any public or private school.
3. One thousand feet of any church or other religious facility or institution.
4. One thousand feet of any public park.
B. The distances provided in this section shall be measured by following a straight line, without regard to intervening buildings, from the nearest point of the property or parcel upon which the proposed use is to be located, to the nearest point of the parcel of property or the land use district boundary line from which the proposed land is to be separated.

C. Violation of the use provisions of this section is declared to be a public nuisance per se, which shall be abated by the City Attorney under Washington State law, including procedures set forth in KCC 15.09.100.

D. Nothing in this section is intended to authorize, legalize, or permit the establishment, operation, or maintenance of any business, building, or use which violates any City ordinance or statute of the State of Washington regarding public nuisances, sexual conduct, lewdness, or obscene or harmful matter or the exhibition or public display thereof.

Section 2. Chapter 15.02 Definitions.

A. 15.02.006 Adult Bookstore. A commercial establishment which has a minimum of 20 percent of its stock in trade, books, magazines, or other periodicals distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" as defined herein. Such an establishment is customarily not open to the public generally but only to one or more classes of the public, excluding minors by virtue of age. It shall be a rebuttable presumption that 20 percent of a business' stock in trade is considered substantial.

B. 15.02.007 Adult Motion Picture Theatre. An Adult Motion Picture Theatre is an enclosed building used for presenting motion picture films, video cassettes, cable television, or any other such visual media, distinguished or characterized by an emphasis on matter depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas" as hereafter defined for observation by patrons therein. This term includes outdoor drive-in theatres or structures which present
similar films, movies, or other visual media depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas" as hereafter defined for observation by patrons.

C. 15.02.008 Adult Uses. For the terms of this code, adult uses shall include adult motion picture theatres adult drive-in theatres, and adult bookstores as defined herein.

D. 15.02.502 Specified Anatomical Areas.
   1. Less than completely and opaquely covered human genitals, pubic region, buttock, and female breast below a point immediately above the top of the areola; and
   2. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

E. 15.02.503 Specified Sexual Activities.
   1. Human genitals in a state of sexual stimulation or arousal;
   2. Acts of human masturbation, sexual intercourse or sodomy;
   3. Fondling or other erotic touching of human genitals, pubic region, buttock, or female breast.

F. 15.02.534 Used. The word "used" in the definition of "Adult Motion Picture Theatre" herein, describes a continuing course of conduct exhibiting "specific sexual activities" and "specified anatomical areas" in a manner which appeals to a prurient interest.

Section 3. Any act consistent with the authority and prior to the effective date of this ordinance is hereby ratified and confirmed.

Section 4. Effective Date. This ordinance shall take effect and be in force five (5) days from and after its passage, approval and publication as provided by law.

DAN KELLEHER, MAYOR
ATTEST:

[Signature]
MARIE JENSEN, CITY CLERK

APPROVED AS TO FORM:

[Signature]
BILL WILLIAMSON, ACTING CITY ATTORNEY

PASSED the 15 day of Dec., 1986.
APPROVED the 16 day of Dec., 1986.
PUBLISHED the 19 day of Dec., 1986.

I hereby certify that this is a true copy of Ordinance No. 2687, passed by the City Council of the City of Kent, Washington, and approved by the Mayor of the City of Kent as hereon indicated.

[Signature]
MARIE JENSEN, CITY CLERK

(SEAL)