

ORDINANCE NO. 229

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF UNIVERSITY PLACE, WASHINGTON, AMENDING SECTION 5.15.090(A)(6) OF THE CITY OF UNIVERSITY PLACE MUNICIPAL CODE TO CHANGE THE DISTANCE THAT ADULT ENTERTAINERS REMAIN AWAY FROM PATRONS FROM FOUR FEET TO TEN FEET DURING PERFORMANCES**

WHEREAS, on December 8, 1998, the United States Court of Appeals for the Ninth Circuit ruled that the City of Kent's ordinance requiring nude dancers to perform at least ten feet from patrons does not violate the First Amendment of the United States Constitution; and

WHEREAS, the City Council of the City of University Place desires to license and regulate adult entertainment establishments as restrictively as possible in the interest of the public health, safety and welfare, while at the same time being consistent with the legal safeguards of free speech; and

WHEREAS, the nearness of adult entertainment performers and patrons can promote problems of sexual contact, prostitution, and related crimes, and to further diminish the proximity of performers and patrons is expected to ease these problems; and

WHEREAS, concerns about crime and public sexual activity are legitimate and compelling reasons for the most constitutionally strict regulation as permitted to protect the public health, safety and general welfare; NOW, THEREFORE,

**THE CITY COUNCIL OF THE CITY OF UNIVERSITY PLACE, WASHINGTON, DOES HEREBY ORDAIN AS FOLLOWS:**

Section 1. Section 5.15.090(A)(6) is hereby amended to read as follows:


An employee mingling with a member of the public shall not conduct a dance, performance, or exhibition in or about the nonstage area of the live adult entertainment establishment unless that dance, performance, or exhibition is performed at a distance of at least ~~ten~~ four feet from the member of the public for whom the dance, performance, or exhibition is performed. The distance of ~~ten~~ four feet is measured from the torso of the dancer to the torso of the member of the public.

Section 2. Copy to be Available. One copy of this Ordinance shall be available in the Office of the City Clerk for use and examination by the public.


Section 3. Severability. If any provision of this Ordinance or its application to any person or circumstance is held invalid, the remainder of the Ordinance or the application of the provision to other persons or circumstances by a court of competent jurisdiction shall not be affected.

Section 4. Publication and Effective Date. A summary of this ordinance consisting of its title shall be published in the official newspaper of the City. This Ordinance shall be effective five (5) days after its publication.

PASSED BY THE CITY COUNCIL ON APRIL 5, 1999.

  
Debbie Klosowski, Mayor

ATTEST:

  
Susan Matthew, City Clerk

APPROVED AS TO FORM:

  
Timothy X. Sullivan, City Attorney

Published: April 8, 1999  
Effective Date: April 14, 1999