

Renton Slams Sex Shops

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AN INFLATABLE MAN AND WOMAN lounge against the wall; he in boxers, she in gauzy lingerie. A frumpy, long-haired brunette in jeans and a sweatshirt sits behind the counter chatting with a local.

Jessica Cutshall, the 21-year-old cashier, says about 60 people visit Adults-Only each day. The Renton porn shop, located in the residential Highland neighborhood, and housed in the Harrington Square Mall along with the Christian Armory Bookstore and Tequila Tim's Bar and Grill, draws about 30 people this Sunday. It's the gamut of sex fiends, from single mothers to 18-year-old boys to a regular 90-year-old customer. However, Highland's horniest may soon have to go elsewhere to choose from the video selection -- alphabetized by "actress" or displayed according to "series," and featuring titles like *Sinnocence* and *Raunch Ranch*.

An ordinance currently being considered by Renton city lawmakers may put the store out of business. The ordinance may also be the first in the state to regulate adult retail businesses. In its current form, it will require that all retail sex shops be located at least 1,000 feet from churches, schools, parks, and daycare centers. Those businesses that don't conform to the distance rules must move within a year to the city's industrial area south of Interstate 405. City officials estimate about six businesses would be affected by the proposed law.

Many Washington cities currently regulate sex businesses that offer on-site entertainment, such as peep shows and dancers, but none so far have ventured into regulating stores where people take items home for use.

"We're not trying to outlaw porn stores," says a neighbor who has led protests against Adults-Only for two years. "We just want to move them to an appropriate place. This is not a healthy environment to try to raise kids in. Highland's Elementary School is 389 feet away from the store, and kids walk past it every day." In July 1998, flames were fanned when two 12-year-old boys evidently found a discarded adult video box lying in the Adults- Only parking lot. Neighbors began protesting the store alone in the summer of 1997, when they saw a sign go up announcing the opening of Adults-Only. Picketing immediately, and soon the picket lines were manned seven days a week. A new community organization even sprung from the protests: the Highlands Community Association.

Renton Mayor Jesse Tanner says the city's proposed ordinance isn't an attempt to legislate morality. "It's an attempt to legislate immorality," he says. Tanner also says the content of stores such as Adults-Only may not be protected free speech because of court decisions upholding community obscenity standards.

However, obscenity standards are not easily met to rezone or close down a business. The Supreme Court has consistently decided on the side of free speech. The most famous case involved *Hustler* publisher Larry Flynt. The precedent makes obscenity a difficult standard to prove. Not much falls within the parameters of the obscene, says Jerry Sheehan, legislative director for the ACLU of Washington: "It is not a catch-all referring to sex." And, although the common test for obscenity is the community standard referred to by Tanner and others, it does not refer to individual communities distinct from other areas or other cities. "The Supreme Court has found that community standard doesn't mean Seattle versus Tukwila. It means the state as a whole," Sheehan says.

Attorney Gil Levy, a Seattle attorney who defends sexually oriented businesses, says he's not surprised that cities are now attempting to regulate retail-only sex businesses. Once they set stricter regulations on businesses with video-viewing booths and peep shows, it was just a matter of time until other sex businesses were targeted as well.

Until recently, the assumption was that zoning restrictions could not be applied to retail-only adult stores (as they are to theaters, peep shows, and strip clubs) because people don't hang around these businesses, Levy says: "People go there, purchase their video, and go home." The situation in Renton challenges the status quo protection of retail-only establishments.

The retail-only standard exemption from zoning laws is founded in the 1991 *World Wide Video v. Tukwila* case, in which the court decided that retail-only adult stores were exempt from zoning restrictions applied to establishments where patrons stay on the premises for a while.

"Renton, and all these other little reactionary cities, are trying to get around the Tukwila ordinance by saying these businesses have nuisance attributes," Levy says.

Adults-Only owner Ron Harbin says his store is not a nuisance. "In two years, there hasn't been one police incident at my store, except last year when someone broke in," Harbin says. "What they're saying is that my store is a pariah of society, and I have to prove it's not. They should have to prove that it is. Where's the proof? Why don't they just let the forces of free enterprise dictate whether I'll stay or not?"

Intern Erica Hall contributed to this report.