



# REQUIRED INFORMATION FOR ESCORT, ESCORT BUREAUS AND INTRODUCTORY SERVICES APPLICATION

Business License Division, P.O. Box 2207, Greenville, SC 29602

(Please Print)

## Applicant's Information

1. Applicant's Name: \_\_\_\_\_
2. Present Residence Address And All Phone Or Page Numbers: \_\_\_\_\_  
\_\_\_\_\_
3. Each Resident For The Five-Year Period Immediately Preceding The Date Of Filing Of The Application, And The Inclusive Dates Of Each Such Address: \_\_\_\_\_  
\_\_\_\_\_
4. Copy Of South Carolina Drivers License
5. Attach Valid Proof Of Age And That The Application Is At Least 18 Years Of Age.
6. Social Security # \_\_\_\_\_ Height \_\_\_\_\_ Weight \_\_\_\_\_ Eye Color \_\_\_\_\_ DOB \_\_\_\_\_
7. Attach Two Current Two-Inch By Two Inch Photographs.
8. The Occupation Or Employment History For The Three-Year Period Immediately Preceding The Date Of The Filing Of The Application, And The Inclusive Dates Of Each: \_\_\_\_\_  
\_\_\_\_\_
9. Has The Applicant Ever Been Refused Any Similar License Or Permit; Or Has Had Any Similar License Or Permit Issued To Such Individual Or Business In The City Or Elsewhere Revoked Or Suspended: \_\_\_\_\_ Yes \_\_\_\_\_ No. If Yes, Explain: \_\_\_\_\_  
\_\_\_\_\_
10. List All Prior Criminal convictions Excepting Minor Traffic Offences: \_\_\_\_\_  
\_\_\_\_\_
11. Attach Copy Of Fingerprints.

## Business Information

1. Business Name: \_\_\_\_\_
2. Present Business Address And All Phone Or Pager Numbers: \_\_\_\_\_  
\_\_\_\_\_
3. Type Of Ownership: \_\_\_\_\_ Corporation \_\_\_\_\_ Partnership \_\_\_\_\_ Individual

Federal Identification Number \_\_\_\_\_ or Social Security Number

4. Attach All Documentation Of Corporate, Partnership Or Limited Partnership Status.
5. Give All Persons Associated With the Business Names, Resident Addresses, Phone Numbers, Date Of Birth, Social Security And Drivers License Numbers: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
6. Attach Two Current Two-Inch Photographs of All Persons Associated With The Business.
7. Attach Copy Of Fingerprints Of All Persons Associated With The Business.
8. The Corporation Or Partnership Shall Designate A Partner Or Officer To Act As The Responsible Managing Officer. Give Managing Officer's Name: \_\_\_\_\_  
This Person Shall Complete And Sign All Application Forms Required.
9. Each business Address For The Five-Year Period Immediately Preceding The Date of Filing Of The Application, And The Inclusive Date Of Each Such Address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
10. Has the Business Ever Been Refused Any Similar License Or Permit Or Has Had Any Similar License Or Permit Issued To Such Individual Or Business In The City Or Elsewhere Revoked Or Suspended: \_\_\_\_\_  
Yes \_\_\_\_\_ No. If Yes, Explain: \_\_\_\_\_  
\_\_\_\_\_
11. Give A Description Of Any Services To Be Provided: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
12. Give The Names, Phone Numbers And Resident Addresses of All Persons Employed As Escorts: \_\_\_\_\_  
\_\_\_\_\_

Attach All Necessary Forms To This Application And Return With The Application Fee. Upon Approval The License Fee Shall Be Paid In Full.

This Is To Certify That The Above Information Is True: \_\_\_\_\_  
(Applicant's Signature)



# REQUIRED INFORMATION FOR ESCORT PERMIT APPLICATION

(Please Print)

Date of Application: \_\_\_\_\_

12. Applicant's Name: \_\_\_\_\_

13. Name Of Company Applicant Associated With And Location: \_\_\_\_\_  
\_\_\_\_\_

14. Applicant's Address And Phone Numbers: \_\_\_\_\_  
\_\_\_\_\_

15. Each Resident Address For The Five Year Period Immediately Preceding The Date Of Filing Of The  
Application, And The Dates Of Each Address: \_\_\_\_\_  
\_\_\_\_\_

16. Copy of South Carolina Driver's License.

17. Attach Valid Proof Of Age And That The Application Is At Least 18 Years Of Age.

18. Height: \_\_\_\_\_ Weight: \_\_\_\_\_ Color Of Eyes: \_\_\_\_\_ Date Of Birth: \_\_\_\_\_

19. Attach Two Current Two-Inch By Two-Inch Photographs.

20. Occupation or Employment History For The Three-Year Period Immediately Preceding the Date Of The  
Filing Of The Application: \_\_\_\_\_  
\_\_\_\_\_

21. Has the Applicant Ever Been Refused Any Similar License or Permit or Had Any Similar License or  
permit Revoked: \_\_\_\_ Yes \_\_\_\_ No. If Yes, Explain: \_\_\_\_\_  
\_\_\_\_\_

22. Has The Applicant Had Any Prior Criminal Convictions Excepting Minor Traffic Offences:  
\_\_\_\_ Yes \_\_\_\_ No. If Yes, List All: \_\_\_\_\_  
\_\_\_\_\_

23. Attach Copy Of Fingerprints.

24. Give A Description Of Any Services To Be Provided: \_\_\_\_\_  
\_\_\_\_\_

Attach All Necessary Copies And Forms To This Application And Return With The Non-Refundable  
Application Fee. Upon Approval The Permit Fee Shall Be Paid In Full.

This Is To Certify That The Above Information Is True. \_\_\_\_\_

(Applicant's Signature)



# Escort Services Instructions

Business License Division, P.O. Box 2207, Greenville, SC 29602

1. The following applications must be completed.
  - Required Information For Escort, Escort Bureaus And Introductory Services Application
  - Required Information For Escort Permit Application
  - Business License Application
  - Background Check Application
  
2. Fees in addition to business license fee.
  - Escort bureau or introductory service license:
    - ❖ Application fee           \$75.00
    - ❖ Renewal fee               \$25.00
  
  - Escort Permit:
    - ❖ Application fee           \$35.00
    - ❖ Annual permit fee       \$25.00
    - ❖ Renewal fee               \$15.00
  
  - # Sexually oriented business permit, application fee:       \$100.00
  - # Sexually oriented business permit, annual permit fee:   \$500.00
  - # Sexually oriented business employee license:               \$ 25.00
  
3. Businesses/Individuals are subject to all ordinances of the City of Greenville, including, but not limited to, the sections of the ordinance below. **Please read the following sections of the ordinance/code carefully to see what is required to obtain an Escort Business License.**

## ARTICLE VI. ESCORTS, ESCORT BUREAUS AND INTRODUCTORY SERVICES

### Sec. 8-171. Purpose of article.

It is the purpose of this article to regulate escort bureaus and introductory services in order to promote the health, safety and general welfare of the citizens of the city.  
(Code 1985, § 6-13-1)

### Sec. 8-172. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Consideration means money or money's worth.

Escort means any person who receives financial consideration in an entertainment-oriented commercial relationship for consorting with or escorting another person in any public or private place within the city. Businesses regulated exclusively by state law, babysitting, housekeeping, nursing and limousine services are expressly excluded from this definition.

Escort bureau means any person who offers to furnish an escort for financial consideration.

Introductory service means any person who, for financial consideration, offers to assist any person in meeting any other person for social or personal purposes not connected with or forming part of another lawful business or professional activity.

Person financially interested, as to a corporation, means any person who is an officer or a director or any shareholder holding more than five percent of the shares thereof, and as to a noncorporate business shall include any person who shares in any financial gain attributable to the business as a proprietor or owner or on the basis of a percentage in excess of five percent of gross or ten percent of net revenue.

(Code 1985, § 6-13-2)

Cross reference(s)--Definitions generally, § 1-2.

**Sec. 8-173. Exemption for nonprofit organizations.**

An organization which is qualified for exemption from taxation of income is exempt from the terms of this article.

(Code 1985, § 6-13-3)

**Sec. 8-174. Licensing of escort bureaus and introductory services.**

(a) License required. It shall be unlawful for any person to act in the capacity of or engage in the activity of an escort bureau or an introductory service without a valid license issued pursuant to the provisions of this article. A separate license is required for each location or type of activity licensed pursuant to this article within the city.

(b) Filing of application. An applicant for an escort bureau license or an introductory service license shall file an application with the city revenue administrator, accompanied by a nonrefundable application fee.

(c) Contents of application. Unless otherwise provided in this article, the application shall contain the name and address of the activity and the following information about the applicant, any person financially interested in the activity to be licensed, any authorized local agents, and any managing employee of the activity to be licensed:

(1) The name, including any aliases, business trade names or styles.

(2) Present residence and businesses addresses and telephone numbers, as applicable.

(3) Each residence and business address for the five-year period immediately preceding the date of filing of the application, and the inclusive dates of each such address.

(4) South Carolina driver's license.

(5) Valid proof of age and that the applicant is at least 18 years of age.

(6) Height, weight, color of eyes and hair and date of birth.

(7) Two current two-inch by two-inch photographs.

(8) The business, occupation or employment history for the three-year period immediately preceding the date of the filing of the application.

(9) Information as to whether such individual or business has ever been refused any similar license or permit or has had any similar license or permit issued to such individual or business in the city or elsewhere revoked or suspended, and the reason therefor.

(10) All prior criminal convictions excepting minor traffic offenses.

(11) Fingerprints.

(12) If the applicant is a corporation, the name of the corporation, set forth exactly as shown in its articles of incorporation or charter, together with the state and date of incorporation, and the names, residence addresses and dates of birth of each of its current officers and directors and each stockholder holding more than five percent of the stock in the corporation. If the applicant is a partnership, the applicant shall set forth the names, residence addresses and dates of birth of each of the partners, including limited partners and profit interest holders. If the applicant is a limited partnership, the applicant shall furnish a copy of the certificate of limited partnership as filed with the county clerk. If one or more of the partners is a corporation, the provisions of this subsection pertaining to corporations shall apply. The corporation or partnership applicant shall designate one of its officers or general partners to act as its responsible managing officer. Such designated person shall complete and sign all application forms required of an individual applicant under this article, but only one application fee shall be charged.

(13) A description of any service to be provided.

(14) The names and residential addresses of all persons employed as escorts.

(d) Investigation and processing of application. The city revenue administrator shall have a reasonable period of time in which to investigate the application and background of the applicant and process the application through various city departments.

(e) Conditions for issuance. The city revenue administrator shall grant the license upon the following circumstances:

(1) The required fees have been paid.

(2) The application conforms in all respects to the provisions of this article.

(3) The applicant has not made a material misrepresentation of fact in the application.

(4) Neither the applicant, if an individual, nor any person financially interested, if a corporation, nor any of the partners (including limited partners), nor the holder of any profit interest, nor the manager or other person principally in charge of the operation of the existing or proposed escort bureau or introductory service, nor any

individual employed or contracted with to be an escort or to provide escort services, has been convicted of or pleaded nolo contendere to or guilty to any felony or to a misdemeanor involving moral turpitude within five years prior to the issuance of the license.

(5) The applicant has not had a license issued by another local authority, similar to the one issued pursuant to the provisions of this article, suspended or revoked for cause within the five-year period immediately preceding the date of the filing of the application.

(6) The escort bureau or introductory service complies with all applicable laws of the city, the county and the state.

(7) The applicant, manager or other person principally in charge of the operation of the business is at least 18 years of age.

(f) Denial. The city revenue administrator shall deny the license application if all of the requirements set forth in subsections (e)(1) through (7) of this section have not been met. In the event of denial, the applicant shall be notified by mail of the denial and the reasons therefor. The applicant may appeal such denial pursuant to the provisions of this Code.

(Code 1985, §§ 6-13-4, 6-13-6)

### **Sec. 8-175. Escort permit.**

(a) Required. It shall be unlawful for any person to act in the capacity of an escort within the city without a valid permit issued pursuant to the provisions of this article.

(b) Identification card. Each escort permit holder shall be issued an identification card. This card must be carried on the person of any individual while such person is engaged in the activity of an escort within the city. Such identification card shall be displayed upon request of any city police officer or other law enforcement official.

(c) Application.

(1) An applicant for a permit shall make application to the city revenue administrator.

(2) Each applicant shall furnish all applicable information required by section 8-174.

(3) The applicant must provide a two-inch by two-inch photograph and be fingerprinted by the police department.

(d) Investigation and background check. The city revenue administrator shall cause to be investigated the application and background of the applicant.

(e) Conditions for issuance. The city revenue administrator shall issue the permit if he finds that all of the requirements of this article have been met, and, in addition, if he finds that the following additional requirements have been met:

(1) The applicant has not had any permit or license issued by the city denied, suspended or revoked for cause relating to licensed activity by the city within five years immediately preceding the date of the filing of the application.

(2) The applicant is at least 18 years of age.

(3) The applicant has not been convicted of or pleaded nolo contendere to or guilty to any felony or to a misdemeanor involving moral turpitude within five years prior to the issuance of a permit.

(f) Denial. The revenue administrator shall deny the license application if the requirements of section 8-174 and this section have not been met. In the event of denial, the applicant shall be notified by mail of the denial and the reasons therefor. Denial may be appealed pursuant to the provisions of this Code.

(Code 1985, §§ 6-13-7--6-13-9)

### **Sec. 8-176. Notification of changes in information.**

Any changes in information required to be submitted by this article must be given to the city revenue administrator within ten days of any such change.

(Code 1985, § 6-13-10)

### **Sec. 8-177. Providing services to persons under 18 years of age.**

It shall be unlawful for a permittee or licensee under this article to provide escort or introduction services as described in this article to individuals under 18 years of age unless written authorization by a parent or legal guardian is issued to the escort when acting as such.

(Code 1985, § 6-13-11)

**Sec. 8-178. Term of licenses and permits; transfer.**

The term of a license or permit issued pursuant to the provisions of this article is one year. All licenses or permits issued pursuant to this article are nontransferable.

(Code 1985, § 6-13-5)

**Sec. 8-179. Renewal of licenses and permits.**

Any license or permit issued pursuant to the provisions of this article which has not been suspended or revoked may be renewed for a period of not to exceed one year on written application to the city revenue administrator made at least 45 days prior to the expiration date of the current valid license or permit. The renewal application shall be on a form provided by the city revenue administrator and shall contain all of the information required by either section 8-174 or section 8-175(c) as applicable.

(Code 1985, § 6-13-12)

**Sec. 8-180. License and permit fees.**

(a) Escort bureau or introductory service license. There shall be a nonrefundable application fee for the application required in section 8-174, as fixed from time to time by the city council and as set forth in the fee schedule in appendix A to this Code. Upon approval, an annual license may be issued. A nonrefundable renewal fee as set forth in the fee schedule shall accompany each application.

(b) Escort permit. There shall be a nonrefundable application fee for the application required in section 8-175, as fixed from time to time by the city council and as set forth in the fee schedule in appendix A to this Code. Upon approval, an annual permit fee as set forth in the fee schedule shall be assessed. A nonrefundable renewal fee as set forth in the fee schedule shall accompany each application.

(Code 1985, § 6-13-13)

**Sec. 8-181. Revocation or termination of license or permit.**

(a) Grounds for revocation. Any license or permit issued pursuant to this article shall be revoked upon any one or more of the following grounds:

(1) The licensee or permittee, any employee, agent or other person connected or associated with the license or permit as a partner, director, officer, stockholder or manager, or any person financially interested as defined in section 8-172 has violated any provision of this article in conducting an activity licensed under the provisions of this article.

(2) The licensee or permittee, any employee, agent or other person connected or associated with the license or permit as a partner, director, officer, stockholder or manager, or any person financially interested as defined in section 8-172 has made a material misrepresentation of fact in the application for any license or permit required in this article.

(3) The licensee or permittee, subsequent to the issuance of any license or permit, has been convicted of or entered a plea to a crime which is either a felony or a misdemeanor involving moral turpitude.

(4) The licensee or permittee has violated a provision of this article in conducting a licensed activity pursuant to this article.

(5) The licensee or permittee is a corporation and is not or is no longer qualified to transact business in the state.

(b) Notice of revocation. To revoke a license or permit, the city revenue administrator or his agent shall notify the licensee or permittee in writing, mailed to the address shown on the application or otherwise more recently of record, that the license or permit is revoked. The cause for such revocation shall be set forth in the notice.

(c) Failure to pay fees. Except as otherwise provided in this article, the license or permit shall terminate if the licensee or permittee fails to pay any license or permit fee owed either when due or by the end of any renewal period.

(d) Appeals. Appeals from the revocation or termination of a license or permit as provided for in this article may be appealed in accordance with the procedures in section 8-44.

(e) Surrender of revoked license or permit. A revoked license or permit shall be surrendered to the city revenue administrator on demand at the expiration of the appeals process.

(Code 1985, § 6-13-14)

**ARTICLE XII. SEXUALLY ORIENTED BUSINESSES\***

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\*Cross reference(s)--Zoning regulations for sexually oriented businesses, § 50-231 et seq.

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**Sec. 8-441. Purpose and intent of article.**

It is the purpose of this article to ensure reasonable protection against the ripple effect upon the community of the commercialization of sex and sexual activity, to regulate sexually oriented businesses to promote the health, safety, morals and general welfare of the citizens of the city, and to establish reasonable and uniform regulations to prevent the deleterious location and concentration of sexually oriented businesses within the city. The provisions of this article have neither the purpose nor the effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials. Similarly, it is not the intent or effect of this article to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented materials to their intended market. Neither is it the intent of this article to condone or legitimize the distribution of obscene material.

(Ord. No. 95-54, § 1, 8-14-95)

**Sec. 8-442. Definitions.**

(a) The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Adult arcade means any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically or mechanically controlled still or motion picture machines, projectors or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of specified sexual activities or specified anatomical areas.

Adult bookstore, adult novelty store or adult video store means a commercial establishment which has as a significant or substantial portion of its stock in trade, or derives a significant or substantial portion of its revenues from, or devotes a significant or substantial portion of its interior business or advertising to, the sale or rental, for any form of consideration, of any one or more of the following:

(1) Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, videocassettes, slides or other visual representations, which are characterized by the depiction or description of specified sexual activities or specified anatomical areas.

(2) Instruments, devices or paraphernalia designed for use in connection with specified sexual activities or marketed primarily for stimulation of human genital organs or for sadomasochistic use or abuse of themselves or others.

An establishment may have other principal business purposes that do not involve the offering for sale, rental or viewing of materials depicting or describing specified sexual activities or specified anatomical areas, and still be categorized as an adult bookstore, adult novelty store or adult video store. Such other business purposes will not serve to exempt such establishments from being categorized as an adult bookstore, adult novelty store or adult video store so long as one of its principal business purposes is offering for sale or rental, for some form of consideration, the specified materials which depict or describe specified anatomical areas or specified sexual activities.

Adult cabaret means a nightclub, bar, restaurant, bottle club or similar commercial establishment, without regard to whether or not alcoholic beverages are served, which regularly features:

(1) Persons who appear nude or nearly nude;



(2) Live performances which are characterized by the exposure of specified anatomical areas or by specified sexual activities; or

(3) Films, motion pictures, videocassettes, slides or other photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical areas.

Adult motel means a motel, hotel or similar commercial establishment which:

(1) Offers public accommodations, for any form of consideration, and which provides patrons with closed-circuit television transmissions, films, motion pictures, videocassettes, slides or other photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical areas, and which advertises the availability of this sexually oriented type of material by means of a sign visible from the public right-of-way, or by means of any off-premises advertising, including but not limited to newspapers, magazines, pamphlets or leaflets, radio or television;

(2) Offers a sleeping room for rent for a period of time less than ten hours; or

(3) Allows a tenant or occupant to subrent the sleeping room for a time period of less than ten hours.

Adult motion picture theater means a commercial establishment where motion pictures, videocassettes, slides or similar photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical areas are regularly shown for any form of consideration.

Adult theater means a theater, concert hall, auditorium or similar commercial establishment which, for any form of consideration, regularly features persons who appear in a state of nudity or near nudity or regularly features live performances which are characterized by exposure of specified anatomical areas or by specified sexual activities.

Employee means a person who works or performs in and/or for a sexually oriented business, regardless of whether or not the person is paid a salary, wage or other compensation by the operator of the business.

Establishment means and includes any of the following:

(1) The opening or commencement of any such business as a new business;

(2) The conversion of an existing business, whether or not a sexually oriented business, to any of the sexually oriented businesses defined in this article;

(3) The addition of any sexually oriented business to any other existing sexually oriented business; or

(4) The relocation of any such sexually oriented business.

Nearly nude means a state of dress in which clothing covers no more than the genitals, pubic region, and areolae of the female breast, as well as portions of the body covered by supporting belts, strips of cloth, straps or like devices, or a state of dress which leaves exposed a substantial portion of the buttocks so that the effect achieved by such appearance is approximately the same as viewing nudity.

Nude, nudity and state of nudity mean:

(1) The appearance of the human bare buttocks, anus, male genitals or female genitals, or the areola or nipple of the female breast; or

(2) A state of dress which fails to opaquely and fully cover a human buttocks, anus, male or female genitals, pubic region or areola or nipple of the female breast.

Nude model studio means any place where a person who appears nude or nearly nude or displays specified anatomical areas is provided to be observed, sketched, drawn, painted, sculptured, photographed or similarly depicted by other persons who pay money or any form of consideration.

Operator means and includes the owner, permit holder, custodian, manager, operator or person in charge of any permitted or licensed premises.

Permitted or licensed premises means any premises that requires a license and/or permit and that is classified as a sexually oriented business.

Permittee and licensee mean a person in whose name a permit and/or license to operate a sexually oriented business has been issued, as well as the individual listed as an applicant on the application for a permit and/or license.

Public building means any building owned, leased or held by the United States, the state, the county, the city, any special purpose district, a school district, or any other agency or political subdivision of the state or the United States, which building is used for governmental or other public purposes.

Public park or recreation area means public premises which have been designated for park or recreational activities, including but not limited to parks, playgrounds, nature trails, swimming pools, gymnasiums, recreational centers, reservoirs, athletic fields, basketball or tennis courts, pedestrian or bicycle paths, open space, wilderness areas or similar public premises within the city which are under the control, operation or management of the city park and recreation authorities or the equivalent state, county or recreation district authorities.

Religious institution means any church, synagogue, mosque, temple or building which is used primarily for religious worship and related religious activities.

Residential district means a geographical area recognized under the city zoning ordinance (chapter 50) as primarily occupied by dwelling units for single-family, two-family, multiple-family or manufactured home parks or subdivisions and campgrounds. It does not include other zoned districts intended primarily for industrial, service, commercial or office use but which permit residential uses.

Residential use means the lawful utilization of any structure as a dwelling unit for single-family, two-family or multiple-family occupation.

School means any public or private educational facility, including but not limited to child day care facilities, nursery schools, preschools, kindergartens, elementary schools, primary schools, intermediate schools, junior high schools, middle schools, high schools, vocational schools, secondary schools, continuation schools, special education schools, technical colleges, junior colleges and universities. The term "school" includes the school grounds, but does not include facilities used primarily for another purpose and only incidentally as a school.

Sexual encounter center means a business or commercial enterprise that, as one of its primary business purposes, offers for any form of consideration:

- (1) Physical contact in the form of wrestling or tumbling between persons of the opposite sex; or
- (2) Other activities between persons of the opposite sex or persons of the same sex, or both, when one or more of the persons are likely to be touching, fondling or caressing other persons on the genitals, pubic area, buttocks or female breast in a manner that would stimulate sexual arousal.

Sexually oriented business means an adult arcade, adult bookstore, adult novelty shop, adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, sexual encounter establishment or nude model studio.

Specified anatomical areas means any of the following:

- (1) Less than completely and opaquely covered human genitals, pubic region, buttocks, anus, or female breasts below a point immediately above the top of the areolae; or
- (2) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

Specified sexual activities means any of the following:

- (1) The fondling or other intentional touching of human genitals, pubic region, buttocks, anus, or

female breasts, regardless of whether such areas of the body are covered or not;

(2) Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy;

(3) Masturbation, actual or simulated;

(4) Human genitals in a state of sexual stimulation, arousal or tumescence; or

(5) Excretory functions as part of or in connection with any of the activities set forth in subsections (1) through (4) of this definition.

Substantial enlargement of a sexually oriented business means the increase in floor area occupied by the business by more than 25 percent, as the floor area exists on the effective date of the ordinance from which this article is derived.

Transfer of ownership or control of a sexually oriented business means any of the following:

(1) The sale, lease or sublease of the business.

(2) The transfer of securities which constitute a controlling interest in the business, whether by sale, exchange or similar means.

(3) The establishment of a trust, gift or other similar legal devise which transfers ownership or control of the business, except for transfer by bequest or other operation of law upon the death of a person possessing the ownership or control.

Youth activity center means a boys' club, a girls' club or any other facility which is not a school but which provides entertainment, recreation, crafts, tutorials or other quality of life enhancements for minors, whether a nonprofit facility or otherwise.

(b) Whenever any provision of this article shall prohibit or restrict an activity or condition used in subsection (a) of this section to define the various types of sexually oriented businesses, the fact that such activity or condition is used purely for definitional purposes shall not be construed as a contradiction or inconsistency with the substantive provisions of this article, and the described activity shall be prohibited or restricted as provided by the substantive provisions.

(Ord. No. 95-54, § 2, 8-14-95)

Cross reference(s)--Definitions generally, § 1-2.

### **Sec. 8-443. Permit required; application for permit.**

(a) Permit required. No person shall establish or operate a sexually oriented business without first obtaining a valid permit issued by the city for the operation of a sexually oriented business, which permit shall be in addition to any other permit or license required by municipal ordinance.

(b) Filing of application. An application for a permit must be made on a form provided by the city. Any person desiring to operate a sexually oriented business shall file with the city an original and two copies of a sworn permit application on the standard application form supplied by the city.

(c) Contents of application.

(1) The completed application shall contain the following information and shall be accompanied by the following documents:

a. If the applicant is an individual, the individual shall state the applicant's legal name and any aliases and submit satisfactory proof that he is at least 18 years of age. If the applicant is a partnership, the partnership shall state its complete name, and the names of all partners, and whether the partnership is general or limited, and shall provide a copy of the partnership agreement, if any. If the applicant is a corporation, the corporation shall state its complete name, the date of its incorporation, evidence that the corporation is in good standing under the laws of the state, the names and capacity of all officers, directors and principal stockholders, and the name of the registered corporate agent and the address of the registered office for service of process.

b. If the applicant intends to operate the sexually oriented business under a name other than that of the applicant, he must state the sexually oriented business's fictitious name and submit the required registration documents.

c. The application shall state whether the applicant or any of the other individuals whose identity is addressed in subsection (c)(1)a of this section has had a previous permit under this article or other similar sexually oriented business ordinances from another city or county denied, suspended or revoked. If so, the applicant shall include the name and location of the sexually oriented business for which the permit was denied, suspended or revoked; the date of the denial, suspension or revocation; and the name of governmental entity by which the permit was denied, suspended or revoked. The application shall also state whether the applicant or any other individual listed pursuant to subsection (c)(1)a of this section has been a partner in a partnership or an officer, director or principal stockholder of a corporation that is permitted under this article whose permit has previously been denied, suspended or revoked. If so, the applicant shall include the name and location of the sexually oriented business for which the permit was denied, suspended or revoked as well as the date of denial, suspension or revocation.

d. The application shall state whether the applicant or any other individual listed pursuant to subsection (c)(1)a of this section holds any other permits and/or licenses under this article or another similar sexually oriented business ordinance from another city or county and, if so, the names and locations of such other permitted businesses.

e. The application shall state the location of the proposed sexually oriented business, including a legal description of the property, street address, and telephone number, if any.

f. The application shall state the applicant's mailing addresses and residential addresses.

g. A recent photograph of the applicant shall be included.

h. The application shall state the applicant's driver's license number, social security number, and state or federally issued tax identification number.

i. The applicant shall submit a sketch or diagram showing the configuration of the premises, including a statement of total floorspace occupied by the business. The sketch or diagram need not be professionally prepared, but it must be drawn to a designated scale or drawn with marked dimensions of the interior of the premises to an accuracy of plus or minus six inches.

j. The applicant shall submit a current certificate and straight-line drawing prepared within 30 days prior to application by a South Carolina registered land surveyor depicting the property lines and the structures on premises located within 1,000 feet of the property to be certified. The applicant shall by separate document identify all existing or established uses within 1,000 feet of the property line of the premises for which a permit is sought. For purposes of this section, a use shall be considered existing or established if it is in existence at the time an application is submitted.

(2) If a person who wishes to operate a sexually oriented business is an individual, he must sign the application for a permit as applicant. If a person who wishes to operate a sexually oriented business is other than an individual, each individual who has a ten percent or greater interest in the business must sign the application for a permit as applicant. If a corporation is listed as owner of a sexually oriented business or as the entity which wishes to operate such a business, each individual having a ten percent or greater interest in the corporation must sign as applicant the application for a permit.

(3) If a person wishes to operate a sexually oriented business which shall exhibit on the premises videocassettes or other video reproductions which depict specified sexual activities or specified anatomical areas, then the person shall comply with the application requirements stated at section 8-451.

(d) Notification of changes in information. Applicants for a permit under this section shall have a

continuing duty to promptly supplement application information required by this section if the information changes in any way from what is stated on the application. The failure to comply with this continuing duty within 30 days from the date of such change by supplementing the application on file with the city shall be grounds for suspension of a permit.

(e) Incomplete applications. If the city, prior to issuance or denial of the permit, determines or learns that the applicant has improperly completed the application for a proposed sexually oriented business, the city shall promptly notify the applicant of such fact and allow the applicant ten days to complete properly the application. The time period for granting or denying a permit shall be stayed during the period in which the applicant is allowed an opportunity to complete properly the application. If the city, after issuance, determines that information requested was omitted or otherwise not properly provided, then such deficiency shall be a basis for suspension or revocation, in addition to penalties and remedies otherwise provided by law.

(f) Conditions for issuance; inspection of premises. The applicant must be qualified according to the provisions of this article and the premises must, after inspection, be found to be in compliance with the law by all state, county or municipal agencies and special purpose districts having jurisdiction, including health, fire and building departments. The applicant shall be responsible for arranging such inspections in accord with otherwise applicable procedures.

(g) Application fee. The applicant shall be required to pay a nonrefundable application fee at the time of an application under this section. The application fee shall be in addition to the annual permit fee otherwise required. The application fee shall be fixed from time to time by the city council and is set forth in the fee schedule in appendix A to this Code.

(h) Persons holding other licenses not exempt from permit. The fact that a person possesses other types of state, county or city permits and/or licenses does not exempt him from the requirement of obtaining a sexually oriented business permit.

(i) Consent to regulation. By applying for a permit under this section, the applicant shall be deemed to have consented to the provisions of this article and to the exercise by the city's police department and all other city agencies charged with enforcing the laws, ordinances and codes applicable in the city of their respective responsibilities under this article.

(j) List of employees. The applicant shall be required to provide the city with the names of any and all employees who are required to be licensed pursuant to section 8-450, and the requirement shall be a continuing requirement even after a permit is granted or renewed.

(Ord. No. 95-54, § 3, 8-14-95)

#### **Sec. 8-444. Issuance or denial of permit.**

(a) The city shall grant or deny an application for a permit under this article within 30 days from the date of its filing or the date of proper completion, if later than filing. Upon the expiration of the 30th day, unless the applicant requests and is granted a reasonable extension of time, the applicant shall be permitted to begin operating the business for which the permit is sought, unless and until the city notifies the applicant of a denial of the application and states the reasons for that denial.

(b) The city shall approve the issuance of a permit to an applicant within 30 days after receipt of an application unless it finds one or more of the following to be true:

(1) An applicant is under 18 years of age.

(2) An applicant or other person residing in the applicant's household or the applicant's spouse is overdue in payment to the city of taxes, fees, fines or penalties assessed or imposed in relation to a sexually oriented business.

(3) An applicant has failed to provide information required by this article for the issuance of the permit or has falsely answered a question or request for information on the application form.

(4) An applicant is residing with a person who has been denied a permit by the city to operate a sexually oriented business within the preceding 12 months, or residing with a person whose permit to operate a sexually oriented business has been revoked within the preceding 12 months.

(5) The premises to be used for the sexually oriented business have not been approved by the health department, the fire department and the building official or other governmental agency having jurisdiction over the premises as being in compliance with applicable laws and ordinances.

(6) The application or permit fees required by this article have not been paid.

(7) An applicant of the proposed establishment is in violation of or is not in compliance with one or more of the provisions of this article.

(8) The applicant has a permit under this article which has been suspended or revoked.

(9) An applicant has been convicted of a specified criminal act for which:

a. Less than two years have elapsed since the date of conviction or the date of release from confinement, whichever is the later date, if the conviction is of an offense with a potential jail or prison term of one year or less, for the specified criminal acts, which are sexual crimes against children, sexual abuse, rape, or crimes connected with another sexually oriented business, including but not limited to distribution of obscenity or material harmful to minors, prostitution, pandering, or tax violations.

b. Less than five years have elapsed since the date of conviction or the date of release from confinement, whichever is the later date, if the conviction is of an offense with a potential prison term of more than one year, for the specified criminal acts, which are sexual crimes against children, sexual abuse, rape, or crimes connected with another sexually oriented business, including but not limited to distribution of obscenity or material harmful to minors, prostitution, pandering, or tax violations.

c. Less than five years have elapsed since the date of conviction or the date of release from confinement, whichever is the later date, of the most recent conviction of two or more offenses with potential jail or prison terms of one year or less, for specified criminal acts, which are sexual crimes against children, sexual abuse, rape, or crimes connected with another sexually oriented business, including but not limited to distribution of obscenity or materials harmful to minors, prostitution, pandering or tax violations, for offenses occurring within any 24-month period.

The fact that a conviction is being appealed shall have no effect on disqualification of the applicant. An applicant who has been convicted of the specified criminal acts described in this subsection (9) may qualify for a sexually oriented business permit only when the time period required in this subsection has elapsed.

(10) An applicant operating a sexually oriented business in the city, at the time of application for another permit, or a renewal, knowingly has in his employment an unlicensed employee who is subject to the licensing provisions of section 8-450.

(c) The permit, if granted, shall state on its face the name of the person to whom it is granted, the expiration date, and the address of the sexually oriented business. The permit shall be posted in a conspicuous place at or near the entrance to the sexually oriented business so that it may be easily read at any time.

(d) If the city denies the application, it shall notify the applicant of the denial and state the reasons for the denial.

(e) If a person applies for a permit for a particular location within a period of 12 months from the date of denial of a previous application for a permit at the location, and there has not been an intervening change in the circumstances which could reasonably be expected to lead to a different decision regarding the former reasons for denial, the application shall be denied.

(Ord. No. 95-54, § 4, 8-14-95)

**Sec. 8-445. Permit fee.**

No sexually oriented business permit shall be issued without the owner or operator having first paid the annual sexually oriented business permit fee, nor shall any permit be renewed without the same fee first having been paid. The sexually oriented business permit fee shall be in addition to any other fee or tax which may be due in connection with the operation of a business within the city. The sexually oriented business permit fee shall be fixed from time to time by the city council and is set forth in the fee schedule in appendix A to this Code.

(Ord. No. 95-54, § 5, 8-14-95)

**Sec. 8-446. Expiration and renewal of permit.**

(a) Each permit issued under this article shall expire one year from the date of issuance and may be renewed only by application as provided in section 8-443; provided that, for renewals, filing of the original survey shall be sufficient provided the applicant certifies in writing that there has been no material change in the circumstances represented by the survey. Application for renewal shall be made at least 30 days before the expiration date, and when made less than 30 days before the expiration date the expiration of the permit will not be affected.

(b) When the city denies renewal of the permit, the applicant shall not be issued a permit for the same location under this article for one year from the date of denial; provided that if, subsequent to denial, the city finds that the basis for denial of the renewal of the permit has been corrected, the applicant shall be granted a permit if at least 90 days have elapsed since the date denial became final.

(Ord. No. 95-54, § 6, 8-14-95)

**Sec. 8-447. Suspension of permit.**

(a) The city shall suspend a permit issued under this article for a period not to exceed 30 days if it determines that a permittee, or an employee of a permittee, has:

- (1) Violated or is not in compliance with any section of this article;
- (2) Engaged in excessive use of alcoholic beverages while on the sexually oriented business premises;
- (3) Refused to allow an inspection of sexually oriented business premises as authorized by this article;
- (4) Knowingly permitted gambling by any person on the sexually oriented business premises;
- (5) Operated the sexually oriented business in violation of a building, fire, health or zoning statute, code, ordinance or regulation, whether federal, state or local, such determination being based on investigation by the division, department or agency charged with enforcing such rules or laws. In the event of such statute, code, ordinance or regulation violation, the city or its designee shall promptly notify the permittee of the violation and shall allow the permittee a seven-day period in which to correct the violation. If the permittee fails to correct the violation before the expiration of the seven-day period, the city shall forthwith suspend the permit and shall notify the permittee of the suspension. In the event of an emergency or other situation which is potentially life threatening, the time period provided in this subsection shall not apply and the city may take such immediate action as shall otherwise be appropriate;
- (6) Engaged in permit transfer contrary to section 8-449. If the city suspends a permit on the grounds that a permittee engaged in a permit transfer contrary to section 8-449, the city shall forthwith notify the permittee of the suspension. The suspension shall remain in effect until the applicable section of this article has been satisfied;
- (7) Operated the sexually oriented business in violation of the hours of operation provided in section 8-454; or
- (8) Knowingly employs a person who does not have a valid license as required in section 8-450 or knowingly permitted any patron, customer or member of the public to appear nude or nearly nude on the premises.

Such determination may be based upon information obtained by the enforcement officer from other inspection or enforcement officers of the city.

(b) If, at the end of the period of suspension, the violation has not been corrected, then the suspension shall remain in effect until the violation of the statute, code, ordinance or regulation in question has been corrected.

(Ord. No. 95-54, § 7, 8-14-95)

**Sec. 8-448. Revocation of permit.**

(a) The city shall revoke a permit if a cause of suspension listed in section 8-447 occurs and the permit has been suspended within the preceding 12 months.

(b) The city shall revoke a permit if it determines that:

(1) A permittee gave false or misleading information in the material submitted during the application process when the permittee knew or should have known the correct information;

(2) A permittee or an employee has knowingly allowed possession, use or sale of controlled substances in or on the premises;

(3) A permittee or an employee has knowingly allowed prostitution or solicitation for prostitution on the premises;

(4) A permittee or an employee knowingly operated the sexually oriented business during a period of time when the permittee's permit was suspended;

(5) A permittee has been convicted of a specified criminal act for which the time period required in section 8-444(b)(9) has not elapsed;

(6) On two or more occasions within a 12-month period, a person committed an offense, occurring in or on the permitted premises, constituting a specified act for which a conviction has been obtained, and the person was an employee of the sexually oriented business at the time the offenses were committed. The fact that a conviction is being appealed shall have no effect on the revocation of the permit;

(7) A permittee is delinquent by more than 30 days in payment to the city, county or state for any taxes or fees due;

(8) A permittee or an employee has knowingly allowed any act of sexual intercourse, sodomy, oral copulation, masturbation or any other specified sexual activities to occur in or on the permitted premises;

(9) A permittee has been operating more than one sexually oriented business under a single roof, except as may be addressed for preexisting nonconforming uses under provisions of the city zoning ordinance (chapter 50) relating to the sexually oriented businesses; or

(10) A permittee knowingly permitted an owner, operator, employee or agent to appear nude or nearly nude on the premises in the conduct of such person's duties.

(c) When the city revokes a permit, the revocation shall continue for one year and the permittee shall not be issued a sexually oriented business permit for one year from the date revocation becomes effective. If, subsequent to revocation, the city finds that the basis for revocation has been corrected, the applicant, for good cause, may be granted a permit if at least 90 days have elapsed since the date revocation became effective.

(Ord. No. 95-54, § 8, 8-14-95)

**Sec. 8-449. Transfer of permit; conduct of business at other than specified location.**

(a) A permittee shall not operate a sexually oriented business under the authority of a permit at any place other than the address designated in the permit, nor shall a permit be granted for any place other than that identified in the application.

(b) A permittee shall not transfer his permit to another.

(c) Any attempt to transfer a permit either directly or indirectly in violation of this section is hereby declared void and, in addition to any other penalties, the permit shall be deemed revoked as of the date of the attempted transfer.

(Ord. No. 95-54, § 9, 8-14-95)

**Sec. 8-450. Employee license.**

(a) Required; fee. Each individual to be employed in a sexually oriented business who engages in the services rendered by a nude model studio, a sexual encounter establishment, or a live performer or entertainer shall be required to obtain a sexually oriented business employee license. Each applicant shall pay a fee as fixed from time to time by the city council and as set forth in the fee schedule in appendix A to this Code. The fee is to cover reasonable administrative costs of the licensing application process.

(b) Application. Before any applicant may be issued a sexually oriented business employee license, the applicant shall submit, on a form to be provided by the city, the following information:

(1) The applicant's name or any other names, including stage names or aliases used by the individual.

(2) Age, date and place of birth.



- (3) Height, weight, hair and eye color.
  - (4) Present residence address and telephone number.
  - (5) Present business address and telephone number.
  - (6) State driver's license or identification number.
  - (7) Social security number.
  - (8) Acceptable written proof that the individual is at least 18 years of age.
  - (9) Attached to the application form, a color photograph of the applicant clearly showing the applicant's face, and the applicant's fingerprints on a form provided by the police department. Any fees for the photographs and fingerprints shall be paid by the applicant.
  - (10) A statement detailing the license or permit history of the applicant for the five years immediately preceding the date of the filing of the application, including whether such applicant, previously operating or seeking to operate in this city or any other city, county, city, state or country, has ever had a license, permit or authorization to do business denied, revoked or suspended, or had any professional or vocational license or permit denied, revoked or suspended. In the event of any such denial, revocation or suspension, the applicant shall state the date and the name of the issuing or denying jurisdiction, and describe in full the reasons for the denial, revocation or suspension. A copy of any order of denial, revocation or suspension shall be attached to the application.
  - (11) Whether the applicant has been convicted of a specified criminal act as defined in section 8-444(b)(9). This information shall include the date, place and nature of each conviction or plea of nolo contendere and identify the convicting jurisdiction.
- (c) Investigation; issuance. The city shall refer the sexually oriented business employee license application to the police department for an investigation to be made of such information as is contained on the application. The application process shall be completed within ten days from the date the completed application is filed. After the investigation, the city shall issue a license unless the information gathered establishes that one or more of the following findings is true:
- (1) The applicant has knowingly made any false, misleading or fraudulent statement of a material fact in the application for a license, or in any report or record required to be filed with the police department or other department of the city.
  - (2) The applicant is under 18 years of age.
  - (3) The applicant has been convicted of a specified criminal act as defined in section 8-444(b)(9) and the prescribed time period has not yet passed the from date of conviction or release from confinement, whichever is later.
  - (4) The sexually oriented business employee license is to be used for employment in a business prohibited by local or state law, statute, rule or regulation, or prohibited by particular provisions of this article.
  - (5) The applicant has had a sexually oriented business employee license revoked by the city within two years of the date of the current application.
- (d) Renewal.
- (1) A license granted pursuant to this section shall be subject to annual renewal by the city upon the written application of the applicant and a finding by the city in accord with the procedures of this article that the applicant has not been convicted of any specified criminal act as defined in section 8-444(b)(9) or committed any act during the existence of the previous license period which would be grounds to deny the initial permit application.
  - (2) The renewal of the license shall be subject to payment of a fee as set by a resolution of the city council.
- (Ord. No. 95-54, § 10, 8-14-95)

### **Sec. 8-451. Exhibition of films or videos in video booths.**

- (a) A person who operates or causes to be operated a video arcade or other sexually oriented business, other than a sexually oriented motel, which exhibits on the premises, in a viewing room of less than 150 square feet of floorspace, a film, videocassette or other video reproduction which depicts specified sexual activities or specified anatomical areas, shall comply with the following requirements:
- (1) Upon application for a sexually oriented business permit, the application shall be accompanied by a diagram of the premises showing a plan thereof specifying the location of one or more manager's stations and the

location of all overhead lighting fixtures, and designating any portion of the premises in which patrons will not be permitted. A manager's station may not exceed 32 square feet of floor area, with no dimension greater than eight feet. The diagram shall also designate the place at which this permit will be conspicuously posted, if granted. A professionally prepared diagram in the nature of an engineer's or architect's blueprint shall not be required; however, each diagram should be oriented to the north or to some designated street or object and should be drawn to a designated scale with marked dimensions sufficient to show the various internal dimensions of all areas of the interior of the premises to an accuracy of plus or minus six inches. The city may waive the requirement for this diagram for renewal applications if the applicant adopts a diagram that was previously submitted and certifies that the configuration of the premises has not been altered since it was prepared.

(2) The application shall be sworn to be true and correct by the applicant.

(3) No alteration in the configuration of the premises as shown may be made without the prior approval of the city.

(4) It is the duty of the owners, operators and permittees to ensure that at least one employee is on duty and situated at each manager's station at all times that any patron is present inside the premises.

(5) The interior of the premises shall be configured in such a manner that there is an unobstructed view from a manager's station of every area of the premises to which any patron is permitted access for any purpose, excluding restrooms. Restrooms may not contain video reproduction equipment. If the premises have two or more manager's stations designated, then the interior of the premises shall be configured in such a manner that there is an unobstructed view of each area of the premises to which any patron is permitted access for any purpose from at least one of the manager's stations. The view required in this subsection must be by direct line of sight from the manager's station.

(6) It shall be the duty of the owners, operators and permittees, and it shall also be the duty of any agents and employees present on the premises, to ensure that the view area specified in subsection (a)(5) of this section remains unobstructed by any doors, walls, merchandise, display racks or other materials or person at all times and to ensure that no patron is permitted access to any area of the premises which has been designated as an area in which patrons will not be permitted in the application filed pursuant to subsection (a) of this section.

(7) No viewing room may be occupied by more than one person at any one time. No holes, commonly known as "glory holes," shall be allowed in the walls or partitions which separate each viewing room from an adjoining viewing room or restroom.

(8) The premises shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access with an illumination of not less than 1.0 footcandle as measured at the floor level.

(9) It shall be the duty of the owners, operators and permittees, and it shall also be the duty of any agents and employees present on the premises, to ensure that the illumination described in subsection (a)(8) of this section is maintained at all times that any patron is present on the premises.

(b) A person having a duty under subsections (a)(1) through (9) of this section commits a violation of this Code if he knowingly fails to fulfill that duty.

(Ord. No. 95-54, § 11, 8-14-95)

### **Sec. 8-452. Prohibited conduct.**

(a) No person shall perform or permit to be performed at a sexually oriented business a dance or other physical performance for entertainment in which the performer is nude or nearly nude, nor shall any person in the performance of his duties or activities as operator or employee of a sexually oriented business carry out such duties nude or nearly nude.

(b) Any person, otherwise appropriately attired in accord with this Code, who performs a dance or other physical performance for entertainment at a sexually oriented business establishment shall at all times during the performance remain at least eight feet from any patron, invitee or member of the public. No operator of a sexually oriented business shall permit to be performed such dance or other physical performance at a distance less than eight feet from any patron, invitee or member of the public, or knowingly encourage, permit or acquiesce in any patron, invitee or member of the public approaching closer than eight feet to the performer during the performance.

(c) No patron of a sexually oriented business shall knowingly approach closer than eight feet to a dancer or person providing any other physical performance for entertainment while the performance is being presented, regardless of the amount of clothing worn by the patron or dancer or other performer.

(d) All operators of sexually oriented businesses at which dances or other physical performances for entertainment are provided shall post, in a conspicuous place near the performance area, a sign using at least three-inch lettering which states "CITY ORDINANCE: PATRONS MUST REMAIN AT LEAST EIGHT (8') FEET FROM PERFORMERS DURING PERFORMANCE, PENALTY: \$500.00 FINE, THIRTY (30) DAYS IN JAIL, OR BOTH."

(e) Nothing in this section shall be deemed to prohibit nudity or near nudity incidental to a theatrical performance or presentation which is part of a business operation or a not-for-profit operation, which is not otherwise subject to a defined activity qualifying as a sexually oriented business under the provisions of this Code.

(Ord. No. 95-54, § 12, 8-14-95)

#### **Sec. 8-453. Prohibitions regarding minors.**

No person shall operate or cause to be operated a sexually oriented business and, knowingly or with reasonable cause to know, permit, suffer or allow:

(1) Admittance of a person under 18 years of age to the business premises unless accompanied by a parent or guardian;

(2) A person under 18 years of age to remain at the business premises unless accompanied by a parent or guardian at all times;

(3) A person under 18 years of age to purchase goods or services at the business premises without the specific consent of a parent or guardian; or

(4) A person who is under 18 years of age to work at the business premises as an employee.

(Ord. No. 95-54, § 13, 8-14-95)

#### **Sec. 8-454. Hours of operation.**

No sexually oriented business shall open to do business before 10:00 a.m. Monday through Saturday or remain open after 12:00 midnight Monday through Saturday. No sexually oriented business shall open for business on a Sunday. This section shall not apply to an adult motel, or to a business whose hours of operation are regulated by state law.

(Ord. No. 95-54, § 14, 8-14-95)

#### **Sec. 8-455. Advertising; visibility of interior; exterior lighting.**

(a) No person shall operate or cause to be operated a sexually oriented business and advertise the presentation of any activity prohibited by any applicable state statute or local ordinance.

(b) No person shall operate or cause to be operated a sexually oriented business and display or otherwise exhibit the materials and/or performances at such sexually oriented business in any advertising which is visible outside the premises. This prohibition shall not extend to advertising of the existence or location of such sexually oriented business.

(c) No owner, operator, permittee or employee of a sexually oriented business shall allow any portion of the interior premises to be visible from outside the premises.

(d) All off-street parking areas and premises entries of the sexually oriented business shall be illuminated from dusk to closing hours of operation with a lighting system which provides an average maintained horizontal illumination of one footcandle of light on the parking surface and/or walkways. This required lighting level is established in order to provide sufficient illumination of the parking areas and walkways serving the sexually oriented business for the personal safety of patrons and employees and to reduce the incidence of vandalism and criminal conduct. The lighting shall be shown on the required sketch or diagram of the premises.

(Ord. No. 95-54, § 15, 8-14-95)

#### **Sec. 8-456. Inspections.**

(a) An applicant or permittee under this article shall permit representatives of the police department, health department, fire department, building codes department, zoning department, or other city departments or

agencies or such county and state agencies as may have jurisdiction to inspect the premises of a sexually oriented business for the purpose of ensuring compliance with the law at any time it is occupied or open for business.

(b) Any person who operates a sexually oriented business, regardless of whether or not a permit has been issued for the business under this article, or his agent or employee commits a violation of this Code if he refuses to permit such lawful inspection of the premises at any time that it is occupied or open for business.

(Ord. No. 95-54, § 16, 8-14-95)

**Sec. 8-457. Distribution of sexual devices prohibited.**

(a) It is unlawful for anyone to distribute anywhere within the city for commercial purposes, including free distribution for advertising, sale or offering for sale, any device, instrument or paraphernalia designed or marketed primarily for stimulation of human genital organs or for sadomasochistic use or abuse of themselves or others.

(b) Such devices, instruments or paraphernalia include but are not limited to phallic shaped vibrators, dildos, muzzles, whips, chains, bather restraints, racks, nonmedical enema kits, body piercing implements (excluding earrings or other decorative jewelry) or other tools of sadomasochistic abuse.

(Ord. No. 95-54, § 17, 8-14-95)

**Sec. 8-458. Exemptions and defenses.**

(a) A person appearing in a state of nudity or nearly nude and doing so in a modeling class is exempt from the provisions of this article and any other municipal ordinance prohibiting appearance in the nude, provided that the modeling class is:

(1) At a proprietary school licensed by the state, or a college, junior college or university supported entirely or partly by taxation;

(2) At a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college or university supported entirely or partly by taxation; or

(3) In a structure:

a. Which has no sign visible from the exterior of the structure and no other advertising that indicates a nude person is available for viewing;

b. Where, in order to participate in a class, a student must enroll at least three days in advance of the class; and

c. Where no more than one nude model is on the premises at any one time.

(b) It is a defense to prosecution for a violation of this article that an employee of a sexually oriented business, regardless of whether or not it is permitted under this article, exposed any specified anatomical area during the employee's bona fide use of a restroom, or during the employee's bona fide use of a dressing room which is accessible only to employees.

(Ord. No. 95-54, § 18, 8-14-95)

**Sec. 8-459. Enforcement.**

(a) The city manager shall be responsible for enforcement of this article by and through such officers and employees as he may designate from time to time to act on behalf of the city for purposes of application review, permit suspension or revocation, inspection, and any other act or assessment by the city provided for in this article.

(b) The city personnel charged with enforcement of this article and related state and local laws and codes shall be immune from prosecution for reasonable, good faith trespass upon a sexually oriented business while acting within the scope of authority conferred by this article.

(Ord. No. 95-54, § 19, 8-14-95)

**Sec. 8-460. Administrative review of denial, suspension or revocation of license or permit.**

After denial of an application, or denial of a renewal of an application, or suspension or revocation of a permit, the applicant or permittee under this article may seek prompt administrative review of such administrative action by a written notice of appeal to the city manager within ten calendar days of the date the applicant or permittee receives written notice of the denial, suspension or revocation. The city manager may hear the appeal

himself or, in his discretion, designate a special hearing officer. The hearing shall be held with reasonable promptness, but in no event more than 60 days after receipt of the written notice of appeal, absent extenuating circumstances, except by consent of both the city and the applicant or permittee.

(Ord. No. 95-54, § 20, 8-14-95)

Sec. 8-461--8-480. Reserved.