

Chapter 3

ALCOHOLIC BEVERAGES*

* **Cross References:** Definitions and rules of construction generally, § 1-2.

State Law References: The Beverage Law, F.S. Chs. 561--568; authority to establish and enforce ordinances dealing with sale of alcoholic beverages in unincorporated areas, F.S. § 125.01(1)(o).

Art. I. In General, § 3-0

Art. II. Alcoholic Beverages, §§ 3-1--3-9

Art. III. Public Nudity, §§ 3-10--3-19

Art. IV. Adult Entertainment, §§ 3-20--3-47

ARTICLE I.

IN GENERAL

Sec. 3-0. Definitions.

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

Adult bookstore: An establishment having as a substantial or significant portion of the items, materials, goods or products sold or rented, offered for sale or rent, displayed or exhibited classified as adult material, or where one (1) of the principal business purposes is the sale or rental of adult material. An establishment may have other principal business purposes or sell or rent other types of goods and still be an adult bookstore if it meets this definition.

Adult booth: A small enclosure inside an adult entertainment establishment accessible to any person, regardless of whether a fee is charged for access. The term "adult booth" includes, but is not limited to, a "peep show" booth, or other booth used to view "adult material" but does not include a restroom or foyer through which the public enters or exits the establishment.

Adult entertainment establishment: An adult theater, an adult bookstore, an adult performance establishment, a commercial physical contact parlor, or an escort service operated for commercial or pecuniary gain. "Operated for commercial or pecuniary gain" shall not depend upon actual profit or loss. An establishment with an adult entertainment license or an establishment advertising itself as an adult entertainment establishment is deemed to be an adult entertainment establishment.

Adult material: Any one (1) or more of the following regardless of whether it is new or used:

- (1) Books, magazines, periodicals, other printed matter, photographs, films, motion pictures, videotapes, slides, computer digital graphic recordings, other visual representations, tape recordings, or other audio matter which have as their primary or dominant theme matter depicting, illustrating, describing or relating to specified sexual activities or specified anatomical areas; or
- (2) Instruments, novelties, devices or paraphernalia which are designed for use in connection with specified sexual activities, excluding bona fide birth control devices.

Adult motel: Any motel, hotel, boardinghouse, roominghouse or other place of temporary lodging:

- (1) Where the word "adult" is used or included by the establishment to identify or name the establishment; or
- (2) Where the predominant or exclusive business or attraction of the establishment is the offering to customers of a product, service or entertainment which is intended to provide sexual stimulation or gratification to such customers, including an establishment which is distinguished by an emphasis on, or the promotion of, specified sexual activities or the presentation or rental of films, motion pictures, videocassettes, slides or other photographic reproductions, which have as their primary or dominant theme matters depicting, illustrating or relating to specified sexual activities or specified anatomical areas; or
- (3) Where any room with sleeping accommodations is rented or otherwise made available to a customer for a period of eight (8) hours or less and the customer is required to vacate such room before the 8:00 a.m. which follows the time of rental.

The term adult motel is included within the definition of adult theater.

Adult theater: An establishment which has adult booths where adult material may be viewed or any establishment which has an auditorium, rooms, or an open-air area where persons may view films, motion pictures, video cassettes, slides or other photographic reproductions which have as their primary or dominant theme matters depicting, illustrating, or relating to specified sexual activities or specified anatomical areas. Adult motels and adult booth or peep show arcades are considered to be adult theaters.

Adult performance establishment:

- (1) An establishment where any worker:
 - a. Engages in a private performance and/or acts as a private model for a customer, regardless of whether the worker engages in dancing or any particular activity; or
 - b. Wears and displays to a customer any covering, tape, pastie, or other device which simulates or otherwise gives the appearance of the display or exposure of any specified anatomical areas; or

- c. Offers, solicits or contracts to dance or perform with a customer in consideration for any tip, remuneration or compensation from or on behalf of that customer; or
 - d. Dances or performs with or within three (3) feet of a customer in consideration for any tip, remuneration or compensation from or on behalf of that customer.
- (2) This definition is not intended to apply, and it is an affirmative defense to an alleged violation of this article regarding operating an adult performance establishment without a license, if the alleged violator demonstrates either:
- a. that the establishment is a bona fide private club whose membership as a whole engages in social nudism or naturalism as in a nudist resort or camp, including nudist clubs chartered by the American Association for Nude Recreation, the Naturist Society, their appurtenant business components and places temporarily in use for traditional family-oriented naturism; or
 - b. that the predominant business or attraction of the establishment is not the offering to customers of a product, service or entertainment which is intended to provide sexual stimulation or gratification to such customers, and the establishment and its advertising is not distinguished by an emphasis on, or the promotion of, matters or persons depicting, describing, displaying, exposing, simulating or relating to specified sexual activities or specified anatomical areas.
- (3) Consistent with the decision of the Florida Supreme Court in the case of *Hoffman v. Carson*, 250 So.2d 891 (Fla. 1971), an adult entertainment establishment shall not be deemed a place provided or set apart for the purpose of exposing or exhibiting a person's sexual organs in a manner contrary to the first sentence of section 800.03, Florida Statutes.

Alcoholic beverages: A beverage containing more than one-half (1/2) of one (1) percent of alcohol by volume. It shall be prima-facie evidence that a beverage is an alcoholic beverage if there is proof that the beverage in question was or is known as beer, wine, whiskey, moonshine whiskey, shine, rum, gin, tequila, bourbon, vodka, scotch, scotch whiskey, brandy, malt liquor, or by any other similar name thereto, or was contained in a bottle or can labeled as any of the above names, or a name similar thereto, and the bottle or can bears the manufacturer's insignia, name or trademark. Any person who, by experience in the handling of alcoholic beverages, or who by taste, smell or drinking of such alcoholic beverages has knowledge of the alcoholic nature thereof, may testify as to his opinion about whether such beverage is an alcoholic beverage. Exception: this definition does not include any medicine or drug dispensed by drug stores or prescription shops for medical purposes.

Breast: A portion of the human female mammary gland (commonly referred to as the female breast) including the nipple and the areola (the darker colored area of the breast surrounding the nipple) and an outside area of such gland wherein such outside area is (i) reasonably compact and contiguous to the areola and (ii) contains at least the nipple and the areola and one-fourth (1/4) of the outside surface area of such gland.

Buttocks: (For a short general description see the last sentence of this subsection.) The area at the rear of

the human body (sometimes referred to as the gluteus maximus) which lies between two imaginary straight lines running parallel to the ground when a person is standing, the first or top such line being one-half (1/2) inch below the top of the vertical cleavage of the nates (i.e., the prominence formed by the muscles running from the back of the hip to the back of the leg) and the second or bottom such line being one-half (1/2) inch above the lowest point of the curvature of the fleshy protuberance (sometimes referred to as the gluteal fold), and between two imaginary straight lines, one (1) on each side of the body (the "outside lines"), which outside lines are perpendicular to the ground and to the horizontal lines described above and which perpendicular outside lines pass through the outermost point(s) at which each nate meets the outer side of each leg. Notwithstanding the above, Buttocks shall not include the leg, the hamstring muscle below the gluteal fold, the tensor fasciae latae muscle or any of the above-described portion of the human body that is between either (i) the left inside perpendicular line and the left outside perpendicular line or (ii) the right inside perpendicular line and the right outside perpendicular line. For the purpose of the previous sentence the left inside perpendicular line shall be an imaginary straight line on the left side of the anus (i) that is perpendicular to the ground and to the horizontal lines described above and (ii) that is one-third (1/3) of the distance from the anus to the left outside line, and the right inside perpendicular line shall be an imaginary straight line on the right side of the anus (i) that is perpendicular to the ground and to the horizontal lines described above and (ii) that is one-third (1/3) of the distance from the anus to the right outside line. (The above description can generally be described as covering one-third (1/3) of the buttocks centered over the cleavage for the length of the cleavage.)

Commercial physical contact:

- (1) Shall mean to manipulate, wash, scrub, stroke, or touch for commercial or pecuniary gain, another person's body tissues directly or indirectly (through a medium using any object, instrument, substance, or device.)
- (2) Exception: It is an affirmative defense to an alleged violation of this article regarding engaging in commercial physical contact or operating a commercial physical contact parlor if the alleged violator, business, or establishment can establish membership in one (1) of the following classes of persons or businesses and the activity alleged to be commercial physical contact is part of the bona fide practice of the profession or business of the person, which overlaps into the field regulated by this article:
 - a. Persons licensed as a massage therapist or apprentice massage therapist pursuant to Florida Statutes, Chapter 480 if providing massage services only in a massage establishment licensed under Chapter 480.
 - b. Persons licensed under the laws of Florida to practice medicine, surgery, osteopathy, chiropractic, naturopathy, or podiatry or persons licensed as a physician's assistant or holding a drugless practitioner's certificate.
 - c. Registered nurses under the laws of the Florida.

Commercial physical contact parlor: A business, establishment, or place operated for commercial or pecuniary gain, where any worker engages in commercial physical contact, or any business or establishment for which any portion is set aside, advertised, or promoted as a place where commercial physical contact occurs or

as a "body scrub salon", or as a "relaxation salon".

Conviction: A determination of guilt resulting from a plea or trial, regardless of whether adjudication was withheld or whether imposition of sentence was suspended.

Customer: Any person, excluding a worker or operator, who is:

- (1) Present at an establishment, regardless of whether that person has actually given any consideration or spent any money for goods or services; or
- (2) Has paid, or has offered, agreed, been solicited, or had someone else offer or agree on the person's behalf to pay any consideration, fee, gratuity or tip to an operator or worker of an adult entertainment establishment.

Educational institution: A premises or site upon which there is an institution of learning for minors, whether public or private, which conducts regular classes and/or courses of study required for eligibility to certification by, accreditation to, or membership in the State Department of Education of Florida, Southern Association of Colleges and Secondary Schools, or the Florida Council of Independent Schools. The term "educational institution" includes a premises or site upon which there is a nursery school, kindergarten, elementary school, junior high school, senior high school, or any special institution of learning. However, the term "educational institutional" does not include a premises or site upon which there is a vocational institution, professional institution or an institution of higher education, including a community college, junior college, four year college or university.

Entity: Any proprietorship, partnership, corporation, association, business trust, joint venture, joint-stock company or other for profit and/or not-for-profit organization.

Escort: Any person who, for commercial or pecuniary gain, compensation or tips agrees to, offers to or goes to any place, including a business, hotel, motel, residence or conveyance to do any of the following:

- (1) Provide private adult entertainment; or
- (2) Engage in private modeling or lingerie modeling; or
- (3) Display specified anatomical areas, strip naked or go topless.

Nothing in this definition shall be construed to legalize prostitution or other conduct prohibited by this article or other law.

Escort service: A person, business, establishment, or place operated for commercial or pecuniary gain, which:

- (1) Advertises as an "escort service" or "escort agency" or otherwise offers or advertises that it can furnish escorts, private dancers or private models; or

- (2) Offers or actually provides, arranges, dispatches or refers workers to act as an escort for a customer. However, it is an affirmative defense that a business is not an escort service if the person seeking to invoke this defense can demonstrate that the business is a bona fide dating or matching service which arranges social matches or dates for two persons who each wish to meet a compatible companion when neither of said persons solicits, accepts or receives any financial gain or any monetary tip, consideration or compensation for meeting or dating.

Establishment dealing in alcoholic beverages: Any business or commercial establishment (whether profit or not for profit and whether open to the public at large or where entrance is limited by cover charge or membership requirement) including those licensed by the state for the sale and/or service of alcoholic beverages of any alcoholic content or any bottle club, hotel, motel, restaurant, night club, country club; cabaret; meeting facility utilized by any religious, social, fraternal, or similar establishment where a product or article is sold, dispensed, served or provided, with the knowledge, actual or implied, that the same will be, or is intended to be mixed, combined with, or drunk in connection or combination with an alcoholic beverage on the premises or curtilage of said business or commercial establishment. A private residence is not an establishment dealing in alcoholic beverages.

Licensee: Any person, partnership, or corporation whose application for an adult entertainment establishment has been granted and who owns, operates or controls the establishment.

Nude or nudity: Any person insufficiently clothed in any manner so that any of the following body parts are not entirely covered with a fully opaque covering: (i) human genitals or pubic region, (ii) the human buttocks or (iii) the human female breast. Attire which is insufficient to comply with this requirement includes, but is not limited to, G-strings, T-backs, dental floss and thongs. Body paint, body dyes, tattoos, liquid latex whether wet or dried, and similar substances shall not be considered opaque covering.

Operator: Any person who engages in or performs any activity necessary to, or which facilitates the operation of an adult entertainment establishment, including but not limited to, the licensee, manager, owner, doorman, bouncer, bartender, disc jockey, sales clerk, ticket taker, movie projectionist, dispatcher, receptionist or attendant.

Person: Any live human being aged ten (10) years of age or older.

Places provided or set apart for nudity: Shall mean enclosed single sex public restrooms, enclosed single sex functional shower, locker and/or dressing room facilities, enclosed motel rooms and hotel rooms designed and intended for sleeping accommodations, doctor's offices, portions of hospitals, places set aside for traditional family-oriented naturism including nudist clubs chartered by the American Association for Nude Recreation, the Naturist Society, their appurtenant business components and places temporarily in use for traditional family-oriented naturism, and similar places in which nudity or exposure is necessarily and customarily expected outside of the home and the sphere of privacy constitutionally protected therein. This term shall not be deemed to include places where a person's conduct of being nude is used for his or her profit or where being nude is used for the promotion of business or is otherwise commercially exploited.

Private performance: Any modeling, posing or the display or exposure of any specified anatomical area by a worker of an adult entertainment establishment to a customer, while the customer is in an area not

accessible during such display to all other persons in the establishment or, while the customer or worker is in an area which is private or in which the customer or worker is totally or partially screened or partitioned during such display from the view of persons outside of the area.

Public place: Any location frequented by the public, or where the public is present or likely to be present, or where a person may reasonably be expected to be observed by members of the public. Public places include, but are not limited to, streets, sidewalks, parks, beaches, business and commercial establishments (whether for profit or not-for-profit and whether open to the public at large or where entrance is limited by a cover charge or membership requirement), bottle clubs, hotels, motels, restaurants, night clubs, country clubs, cabarets, and meeting facilities utilized by any religious, social, fraternal or similar organization. Premises, or portions thereof such as hotel rooms, used solely as a private residence, whether permanent or temporary in nature shall not be deemed to be a public place.

Sexually oriented business: A commercial physical contact establishment or escort service regardless of whether such business is licensed under this ordinance.

Specified anatomical areas:

- (1) Less than completely opaquely covered:
 - a. Human genitals or pubic region;
 - b. Any part of the human buttocks; or
 - c. Female breast.
- (2) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.
- (3) Any simulation of the above.

Specified criminal act:

- (1) A violation of section 3-47 of the Lake County Adult Entertainment Code; or
- (2) Any offense under Florida Statutes Chapter 794 regarding sexual battery, Chapter 796 regarding prostitution, Chapter 800 regarding lewdness and indecent exposure and/or Chapter 847 regarding obscene literature; or
- (3) An offense under an analogous statute of a state other than Florida, or an analogous ordinance of another county or city.

Specified sexual activity:

- (1) Human genitals in a state of sexual stimulation or arousal;

- (2) Acts of human anilingus, bestiality, buggery, cunnilingus, coprophagy, coprophilia, fellation, flagellation, masochism, masturbation, necrophilia, pederasty, pedophilia, sadism, sadomasochism, sapphism, sexual intercourse, sodomy or urolagnia;
- (3) Fondling or other erotic touching of human genitals, pubic region, buttock, anus or female breast;
or
- (4) Excretory functions as part of or in connection with any of the activities set forth in subsections (1), (2) or (3) above.

Straddle dance: Also known as "lap dance," "face dance," or "friction dance" shall mean either of the following acts at an establishment:

- (1) The use by a worker of any part of his or her body to touch the genital or pubic region of another person, or the touching of the genital or pubic region of any worker to another person. It shall be a "straddle dance" regardless of whether the "touch" or "touching" occurs while the worker is displaying or exposing any specified anatomical area. It shall also be a straddle dance regardless of whether the touch or touching is direct or indirect; or
- (2) The straddling of the legs of a worker over any part of the body of another person at the establishment, regardless of whether there is a touch or touching.

Worker: A person who works, performs, or provides services at an adult entertainment establishment or who is an escort, irrespective of whether said person is paid a salary or wage and shall include, but is not limited to, employees, independent contractors, sub-contractors, lessees, or sub-lessees who work or perform at an adult entertainment establishment.

(b) All other definitions located in Article I, Chapter 3, of the Lake County Code shall remain unchanged.

(Ord. No. 2000-106, § 2, 11-7-00; Ord. No. 2000-107, § 2, 11-7-00)

ARTICLE II.

ALCOHOLIC BEVERAGES*

* **Editors Note:** It should be noted that Ord. No. 2000-107, § 4, adopted Nov. 7, 2000 added the title for Art. II to read as herein set out. See the Code Comparative Table.

Sec. 3-1. Hours of sale.

(a) The hours of sale of alcoholic beverages for holders of licenses under the Beverage Law shall be extended to include the hours between 12:00 midnight and 2:00 a.m. The right to sell alcoholic beverages within the hours above set forth shall be in addition to the regular hours for the sale of alcoholic beverages as otherwise provided by the state. No package sales shall be made by any such establishment between the hours of 12:00

midnight and 2:00 a.m.

(b) The hours of sale, in establishments which hold a valid liquor, beer, or wine or all alcoholic license as issued by the state, for December 31, and January 1, of 1972, and for each year thereafter upon which December 31 is a Sunday, shall be from 4:00 p.m. on December 31 until 2:00 a.m. on January 1. This section shall pertain to the year 1972 and all subsequent years upon which December 31 falls upon a Sunday. (Ord. No. 1972-6, § III, 11-21-72; Ord. No. 1974-5, § I, 7-23-74)

State Law References: Hours of sale, F.S. § 526.14.

Sec. 3-2. Operating hours for licensed establishments.

No establishment which deals in alcoholic beverages in the county shall remain open for business or admit the public to, or permit the public to remain within, or to permit the consumption of alcoholic beverages in or upon such premises between the hours of 2:00 a.m. and 7:00 a.m. seven (7) days per week, provided that in the case of restaurants and hotels and motels, such establishments may be kept open for business during such hours, but no alcoholic beverages may be sold or consumed during such hours.

(Ord. No. 1978-1, §§ I, II, 1-3-78; Ord. No. 2000-107, § 5, 11-7-00)

Sec. 3-3. Nudity in establishments serving, selling, etc., alcoholic beverages.

All establishments dealing in alcoholic beverages shall comply with Article III, Chapter 3 regarding public nudity.

(Ord. No. 1983-7, §§ 1, 2, 4-5-83; Ord. No. 2000-107, § 6, 11-7-00)

Sec. 3-4. Warning signs regarding consumption of alcoholic beverages.

(a) *Definitions.* For the purpose of this section the following terms should be defined and applied as follows:

- (1) *Alcoholic beverage* means and includes alcohol, spirits, liquor, wine and beer.
- (2) *Vendor* means any person who owns or operates a business establishment which sells at retail any alcoholic beverage for off premises consumption.

(b) *Posting of signs.* All vendors of alcoholic beverages shall have posted in a conspicuous place in their premises a sign which is clearly visible and legible to all patrons entering the premises, which shall read as follows:

HEALTH
WARNING

ALCOHOL IN BEER, WINE
& LIQUOR CAN CAUSE:

BIRTH DEFECTS

ADDITION
DRUNK DRIVING

Never drink during pregnancy.

As little as one (1) drink a day can damage your unborn baby's brain.

Never drink before operating cars, boats or machinery.

Never mix alcohol with other drugs, including prescription drugs. (It can be fatal.)

Addiction Help Line: 360-1034

Endorsed by:

FLORIDA DEPT. OF HEALTH
FLORIDA DEPT. OF EDUCATION
FLORIDA HIGHWAY PATROL

MARCH OF DIMES BIRTH DEFECTS FOUNDATION

By order of the Board of County Commissioners	Ordinance No. 1998-75
Lake County, Florida	Adopted Sept. 15, 1998
	Effective Sept. 15, 1998

(c) *Violation; applicability.*

(1) Violation of this section shall be a misdemeanor punishable to the full extent of section 1-6 of this Code.

(d) This section shall be applied to all vendors of alcohol beverages in the county. Notwithstanding this provision, all incorporated municipalities within the county may by resolution or ordinance of their governing body exempt vendors of alcohol beverages within their municipal limits from the provisions of this section.

(Ord. No. 1989-7, §§ 1--3, 6-6-89; Ord. No. 1998-75, § 1, 9-15-98)

Editors Note: Ord. No. 1989-7, §§ 1--3, adopted June 6, 1989, not specifically amendatory of the Code, has been included herein as § 3-4 at the discretion of the editor.

Sec. 3-5. Silver Glen Springs Run.

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

(1) *Operator.* As used in this section, "operator" means:

a. The person in charge of or in command of or in actual physical control of a vessel upon

Silver Glen Springs Run;

- b. The person exercising control over or having responsibility for vessel navigation or safety while the vessel is underway upon Silver Glen Springs Run; or
- c. The person controlling or steering a vessel being towed by another vessel upon Silver Glen Springs Run.

(2) *Silver Glen Springs Run.* As used in this section Silver Glen Springs Run means that area in unincorporated Lake County which connects Silver Glen Springs to Lake George commencing at Silver Glen Springs and running easterly to and ending at Lake George situated in Sections 30 and 37, Township 14 South, Range 27 East.

(3) *Vessel.* As used in this section, "vessel" is synonymous with boat as referenced in section 1(b), Article VII of the State Constitution and also includes every description of watercraft, barge, airboat or similar craft used or capable of being used as a means of transportation on water.

(b) *Alcoholic beverages.* It shall be unlawful for any person to possess an alcoholic beverage(s) while in, on or under the waters of Silver Glen Springs Run. Accordingly, it shall be unlawful for any vessel to enter Silver Glen Springs Run with alcoholic beverages aboard said vessel. If a violation of this section occurs on a vessel, an alcoholic beverage shall be considered to be in the possession of the operator of such vessel if the alcoholic beverage is not in the possession of a passenger. An alcoholic beverage shall be considered to be in the possession of a passenger of a vessel if the alcoholic beverage is in the physical control of the passenger.

(c) *Enforcement.* The provisions of this section may be enforced by any local, state or federal law enforcement officer, acting within his or her jurisdiction.
(Ord. No. 2000-13, § 2, 3-21-00)

Sec. 3-6. Warning signs to be placed in public parks.

There shall be posted at each entrance of a public park in a place clearly visible to the public a warning sign in the following form:

ALCOHOLIC BEVERAGES PROHIBITED CONSENT TO INSPECTION

Every person entering this park, upon request by division staff or a law enforcement officer, shall exhibit the contents of any container, which may contain an alcoholic beverage. Compliance with such request is a condition of entry to this park.

(Ord. No. 2001-138, § 4, 11-6-01)

Sec. 3-7. Reserved.

Editors Note: Ord. No. 2008-9, § 2, adopted February 19, 2008, created § 3-7, keg registration, which was declared invalid by Order of the Circuit Court on October 15, 2008.

Secs. 3-8, 3-9. Reserved.

ARTICLE III.

PUBLIC NUDITY

Sec. 3-10. Legislative findings.

It is hereby found by the board of county commissioners, acting in its legislative capacity for the purpose of regulating the conduct of appearing nude in public places and for the purpose of regulating nudity and other conduct in establishments dealing in alcoholic beverages, that, considering what has happened in other communities, the acts prohibited below encourage or create the potential for the conduct of prostitution, attempted rape, rape, and assault in and around establishments dealing in alcoholic beverages; that actual and simulated nudity and sexual conduct, coupled with the consumption of alcoholic beverages in public places, begets and has the potential for begetting undesirable and unlawful behavior; that sexual, lewd, lascivious, and salacious conduct among patrons and employees within establishments dealing in alcoholic beverages results in violations of law and creates dangers to the health, safety, morals, and welfare of the public and those who engage in such conduct; and, it is the intent of this article to specifically prohibit nudity, gross sexuality and the simulation thereof in public places and establishments dealing in alcoholic beverages.

(Ord. No. 2000-107, § 3, 11-7-00)

Sec. 3-11. Scope.

All territory within the incorporated and unincorporated boundaries of Lake County shall be embraced by the provisions of this article.

(Ord. No. 2000-107, § 3, 11-7-00)

Sec. 3-12. Nudity and sexual conduct prohibited in establishments dealing in alcoholic beverages.

The following prohibitions and criteria shall apply within existing and/or newly created establishments dealing in alcoholic beverages and the curtilages thereof:

- (1) No person shall knowingly, intentionally or recklessly appear, or cause another person to appear nude or expose to public view his or her genitals, pubic area, vulva, or buttocks, or any simulation thereof.
- (2) No female person shall knowingly, intentionally or recklessly expose, or cause another female person to expose her breasts or any simulation thereof to public view.
- (3) No person or entity maintaining, owning, or operating an establishment dealing in alcoholic beverages shall encourage, allow or permit any person to appear nude or to expose to public view his or her genitals, pubic area, vulva, anus, or any portion of the buttocks from any vantage point whatsoever or simulation thereof.
- (4) No person or entity maintaining, owning, or operating an establishment dealing in alcoholic beverages shall encourage, allow or permit any female person to expose her breasts or any simulation thereof to public view.

- (5) No person shall engage in and no person or entity maintaining, owning, or operating an establishment dealing in alcoholic beverages shall encourage, allow or permit any sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation, lap dancing, straddle dancing, any sexual act which is prohibited by law, touching, caressing, or fondling of the breasts, buttocks, anus, or genitals, or the simulation thereof.
- (6) The prohibitions of this section shall not apply when a person appears nude in a place provided or set apart for nudity provided (i) such person is nude for the sole purpose of performing the legal function(s) that is customarily intended to be performed within such place provided or set apart for nudity and (ii) such person is not nude for the purpose of obtaining money or other financial gain for such person or for another person or entity.
- (7) This section shall not be deemed to address photographs, movies, video presentations, or other non-live performances.

(Ord. No. 2000-107, § 3, 11-7-00)

Sec. 3-13. Nudity prohibited in public places.

It shall be unlawful for any person to knowingly, intentionally, or recklessly appear, or cause another person to appear, nude in a public place or in any other place which is readily visible to the public, except as provided herein. It shall also be unlawful for any person or entity maintaining, owning, or operating any public place or establishment to encourage, suffer or allow any person to appear nude in such public place, except as provided herein. The prohibitions of this section shall not apply:

- (1) When a person appears nude in a place provided or set apart for nudity provided (i) such person is nude for the sole purpose of performing the legal function(s) that is customarily intended to be performed within such place provided or set apart for nudity and (ii) such person is not nude for the purpose of obtaining money or other financial gain for such person or for another person or entity; or
- (2) When the conduct of being nude can not legally be prohibited by this ordinance (i) because it constitutes a part of a bona fide live communication, demonstration or performance by a person wherein such nudity is expressive conduct incidental to and necessary for the conveyance or communication of a genuine message or public expression and is not a mere guise or pretense utilized to exploit the conduct of being nude for profit or commercial gain (see Board of County Commissioners vs. Dexterhouse, 348 So.2d 916 (Fla. 2d DCA 1977)) and as such is protected by the United States or Florida constitutions or (ii) because it is otherwise protected by the United States or Florida constitutions.

(Ord. No. 2000-107, § 3, 11-7-00)

Sec. 3-14. Exclusions.

Notwithstanding any other provision of this article, pursuant to § 383.015, Florida Statutes, a mother may breast feed her baby in any location, public or private, where the mother is otherwise authorized to be,

irrespective of whether the nipple of the mother's breast is uncovered during or incidental to the breast feeding.
(Ord. No. 2000-107, § 3, 11-7-00)

Sec. 3-15. Enforcement and penalties.

Any person or entity violating any of the provisions of this article shall be prosecuted in the same manner as misdemeanors are prosecuted. Such violations shall be prosecuted in the name of the State of Florida in a court having jurisdiction of misdemeanors by the prosecuting attorney thereof and, upon conviction shall be punished by a fine not to exceed five hundred dollars (\$500.00) or by imprisonment in the county jail not to exceed sixty (60) days or by both such fine and imprisonment. Each incident or separate occurrence of an act that violates this article shall be deemed a separate offense.

(Ord. No. 2000-107, § 3, 11-7-00)

Sec. 3-16. Injunctive relief.

In addition to the procedures provided herein, establishments dealing in alcoholic beverages that are not in conformity with these requirements shall be subject to appropriate civil action in the court of appropriate jurisdiction for abatement of any violation herein.

(Ord. No. 2000-107, § 3, 11-7-00)

Secs. 3-17--3-19. Reserved.

ARTICLE IV.

ADULT ENTERTAINMENT

Sec. 3-20. Title.

This chapter shall be known as and may be referred to as the "Lake County Adult Entertainment Code."
(Ord. No. 2000-106, § 3, 11-7-00)

Sec. 3-21. Authority.

This chapter is enacted under the home rule powers of Lake County in the interest of the health, peace, safety, morals, and general welfare of the citizens of Lake County and under the authority of Lake County to regulate the sale and consumption of alcoholic beverages under the Twenty-First Amendment to the Constitution of the United States.

(Ord. No. 2000-106, § 3, 11-7-00)

Sec. 3-22. Scope.

The Lake County Adult Entertainment Code shall be effective throughout the incorporated and unincorporated boundaries of Lake County.

(Ord. No. 2000-106, § 3, 11-7-00)

Sec. 3-23. Purpose.

The intent of the board of county commissioners in adopting this article is to establish reasonable and uniform regulations for the adult entertainment industry that will protect the health, safety, property values and general welfare of the people, businesses and industries of Lake County. It is not the intent of the board to legislate with respect to matters of obscenity. These matters are regulated by federal and state law, including Chapter 847 of the Florida Statutes.
(Ord. No. 2000-106, § 3, 11-7-00)

Sec. 3-24. Findings of fact.

Based on evidence and testimony presented at public hearings before the board of county commissioners and on the findings incorporated in the United States Attorney General's Commission on Pornography (1986); the publication entitled "Protecting Communities from Sexually Oriented Businesses," by Len L. Munsil, Southwest Legal Press, Inc. (1996); the publication entitled "Local Regulation of Adult Businesses," by Jules B. Gerard, West Group, Inc. (2000); "A Summary of a National Survey of Real Estate Appraisers Regarding the Effect of Adult Bookstores on Property Values," conducted by the Division of Planning, Department of Metropolitan Development, Indianapolis, January 1984; the publication entitled "Evidence of Secondary Adverse Effects of Sexually Oriented Businesses" prepared by the Florida Family Association, Inc. located in Tampa, Florida; the "Report to: The American Center for Law and Justice on the Secondary Impacts of Sex Oriented Businesses," by Peter R. Hecht, Ph.D. (1996); the Report of the Attorney General's Working Group on the Regulation of Sexually Oriented Businesses (Minnesota, June 6, 1989); and on the substance of and findings made or incorporated in studies accomplished in other communities and ordinances enacted in other communities including but not limited to Phoenix, Arizona; Garden Grove, California; Los Angeles, California; Whittier, California; Indianapolis, Indiana; Minneapolis, Minnesota; Cleveland, Ohio; Oklahoma City, Oklahoma; Amarillo, Texas; Austin, Texas; Beaumont, Texas; Houston, Texas; Seattle, Washington; and Orange County, Florida; the Board of County Commissioners hereby finds:

- (1) Establishments exist or may exist within the county where adult material constitutes a substantial portion of the material displayed, exhibited, distributed, rented or sold, or offered for rent or sale.
- (2) Establishments exist or may exist within the county and other nearby cities or counties in Central Florida where adult entertainment activities in the form of nude, semi-nude, or topless dancers, entertainers, performers, or other individuals, who, for commercial gain, perform or are presented while displaying or exposing specified anatomical areas or engage in straddle dancing or touching the customers.
- (3) Establishments exist or may exist within the county and other nearby cities or counties in Central Florida where sexually oriented services are offered for commercial or pecuniary gain in the form of commercial physical contact, escort services, or private modeling. The workers of such sexually oriented businesses operating in Central Florida engage in physical contact or touching with customers, including acts of prostitution, or encourage or entice the customers to engage in lewdness.
- (4) The activities described in subsection (1), (2) and (3) occur at establishments which operate

primarily for the purpose of making a profit and, as such, are subject to regulation by the county in the interest of the health, safety, economy, property values, and general welfare of the people, businesses, and industries of the county. A major industry which is important to the community's welfare is tourism by persons seeking to bring children to visit attractions and attend events who wish to stay in a community with a family atmosphere not dominated by commercialized sexual themes.

- (5) When the activities described in subsection (1), (2) and (3) are present in establishments, other activities which are illegal, unsafe or unhealthful tend to accompany them, concentrate around them, and be aggravated by them. Such other activities include, but are not limited to, prostitution, pandering, solicitation for prostitution, lewd and lascivious behavior, exposing minors to harmful materials, possession, distribution and transportation of obscene materials, sale or possession of controlled substances, and violent crimes against persons and property.
- (6) When the activities described in subsection (1), (2) and (3) are competitively exploited in establishments, they tend to attract an undesirable number of transients, blight neighborhoods, adversely affect neighboring businesses, lower real property values, promote the particular crimes described above, and ultimately lead residents and businesses to move to other locations.
- (7) The establishments in which the activities described in subsection (1), (2) and (3) occur are often constructed, in part or in whole of substandard materials, maintained in a manner reflecting disregard for the health and safety of the occupants, and have exterior signs or appearances that lower the surrounding property values and contribute to urban decline.
- (8) The activities described in subsection (1), (2) and (3) sometimes occur in establishments concurrent with the sale and consumption of alcoholic beverages which leads to a further increase in criminal activity, unsafe activity, disturbances of the peace and order of the surrounding community, creates additional hazards to the health and safety of customers and workers and further depreciates the value of adjoining real property harming the economic welfare of the surrounding community and adversely affecting the quality of life, commerce, and community environment.
- (9) In order to preserve and safeguard the health, safety, property values and general welfare of the people, businesses, and industries of the county it is necessary and advisable for the county to regulate the sale and consumption of alcoholic beverages at establishments where the activities described in subsection (1), (2) and (3) occur.
- (10) Physical contact or touching within establishments at which the activities described in subsection (1), (2) and (3) occur between workers exhibiting specified anatomical areas and customers poses a threat to the health of both and promotes the spread of communicable and social diseases.
- (11) In order to preserve and safeguard the health, safety and general welfare of the people of the county, it is necessary and advisable for the county to regulate the conduct of owners, managers, operators, agents, workers, entertainers, performers, and customers at establishments where the activities described in subsection (1), (2) and (3) occur.

- (12) The potential dangers to the health, safety and general welfare of the people of the county posed by permitting an establishment at which the activities described in subsection (1), (2) and (3) occur to operate without first meeting the requirements for obtaining a license under this article are so great as to require the licensure of such establishments prior to their being permitted to operate.
- (13) Requiring operators of establishments at which the activities described in subsection (1), (2) and (3) occur to keep records of information concerning workers and certain recent past workers will help reduce the incidence of certain types of criminal behavior by facilitating the identification of potential witnesses or suspects, and by making it difficult for minors to work in such establishments.
- (14) Prohibiting establishments at which the activities described in subsection (1), (2) and (3) occur from operating within set distances of educational institutions, religious institutions, residences, areas zoned or designated for residential use, and parks, at which minors are customarily found, will serve to protect minors from the adverse affects of the activities that accompany such establishments.
- (15) Straddle dancing, unregulated private performances, and enclosed adult booths in establishments at which the activities described in subsection (1), (2) and (3) occur have resulted in indiscriminate commercial sex between strangers and poses a threat to the health of the participants and promotes the spread of communicable and sexually transmitted diseases. Straddle dancing is primarily conduct rather than communication or speech.
- (16) Workers at adult entertainment establishments and sexually oriented businesses engage in a higher incidence of certain types of unhealthy or criminal behavior than workers of other establishments including a very high incidence of illegal prostitution or engaging in lewdness in violation of F.S. Ch. 796, operation without business tax receipts, and illegal unlicensed massage.
- (17) The practice of not paying workers at sexually oriented businesses and requiring them to earn their entire income from tips or gratuities from their customers who are predisposed to want sexual activity has resulted in an extremely high, nearly universal, incidence of prostitution and crimes related to lewdness by workers.
- (18) Sexually oriented businesses involve activities that are pure conduct engaged in for the purpose of making a profit, rather than speech or expressive activity and, therefore, are subject to and require increased regulation to protect the health, welfare and safety of the community.
- (19) Requiring sexually oriented businesses to post a listing of services provided and restrict services to those listed as well as maintaining worker records will discourage incidents of criminal behavior such as lewdness and prostitution thereby further safeguarding the health of both workers and customers and will assist facilitating the identification of potential witnesses or suspects if criminal acts do occur.

- (20) A high incidence of lewd acts by customers and lewd or obscene acts by workers occurs during private performances at adult entertainment establishments when such performances take place in an area not occupied by a group of customers and the performers and customers are confident that law enforcement personnel will not identify them or observe their illegal activities.

(Ord. No. 2000-106, § 3, 11-7-00; Ord. No. 2007-27, § 2, 6-5-07)

Sec. 3-25. Construction and severability.

This article shall be liberally construed to accomplish its purpose of licensing, regulating and dispersing adult entertainment and related activities. Unless otherwise indicated, all provisions of this article shall apply equally to all persons, regardless of sex. Additionally, if any portion of this article, or any application thereof is declared to be void, unconstitutional, or invalid for any reason, such portion or provision, or the application thereof, shall be severable from this article. The remaining portions and provisions of this article, and all applications thereof shall remain in full force and effect. No void, unconstitutional or invalid portion or proscribed provision, or application thereof, was an inducement to the enactment of this article.

(Ord. No. 2000-106, § 3, 11-7-00)

Sec. 3-26. Notice.

Any notice required under this article shall be accomplished by sending a written notification by certified mail to the mailing address set forth on the application for the license, which shall be considered the correct address for service unless and until the county manager or designee has been otherwise notified in writing by the applicant or licensee.

(Ord. No. 2000-106, § 3, 11-7-00)

Sec. 3-27. Immunity from prosecution.

Any law enforcement officer shall be immune from prosecution, civil or criminal, for reasonable, good faith trespass upon an adult entertainment establishment while acting within the scope of their authority.

(Ord. No. 2000-106, § 3, 11-7-00)

Sec. 3-28. License required; classifications; consent.

(a) *Requirement.* No adult entertainment establishment shall be permitted to operate without having been first granted an adult entertainment license by the county manager or designee.

(b) *Classifications.* Adult entertainment establishment licenses shall be classified as follows:

(1) Adult bookstore;

(2) Adult theater;

(3) Adult performance establishment;

(4) Escort service; or

(5) Physical contact parlor.

(c) *Single classification of license.* An adult entertainment license for a particular adult entertainment establishment shall be limited to one (1) classification of license per establishment.

(d) *Consent.* By applying for and/or receiving an adult entertainment license, the applicant shall be deemed to have consented to the provisions of this article and to the exercise by the county manager or designee of their respective responsibilities.

(Ord. No. 2000-106, § 3, 11-7-00)

Sec. 3-29. Application for license; application fee.

(a) *Required.* Any person desiring to operate an adult entertainment establishment shall file with the county manager or designee a sworn license application on standard application forms provided by the county manager or designee.

(b) *Contents of application.* The completed application shall contain the following information and shall be accompanied by the following documents:

(1) If the applicant is:

- a. An individual, the individual shall state their legal name, any aliases, residential address and telephone number, business address and telephone number, and submit satisfactory proof that they are at least eighteen (18) years of age or older; or
- b. A partnership, the partnership shall state its complete name, the names and residential addresses and residential telephone numbers of all partners involved in the daily operations of the establishment, the address of at least one (1) person authorized to accept service of process, and provide a copy of any existing partnership agreement; or
- c. A corporation, the corporation shall state its complete name, state the date of incorporation, provide evidence that the corporation is in good standing, provide a copy of the articles of incorporation and by-laws, state the names and capacity of all officers and directors, the name and address of the registered agent for service of process, and the name, residential address and residential telephone number of the person who makes the application on behalf of the corporation;

(2) If the applicant intends to conduct the establishment under a name other than that of the applicant, the applicant shall provide the establishment's fictitious name, county of registration and comply with § 865.09, Florida Statutes.

(3) Whether the applicant or any of the other individuals listed pursuant to subsection (1) above has, within the five-year period immediately preceding the date of the application, been convicted of a

specified criminal act, and, if so, the specified criminal act involved, the date of conviction and the place of conviction.

- (4) Whether the applicant or any of the other individuals listed pursuant to subsection (1) above has had a previous license under this article suspended or revoked, including the name and location of the establishment for which the license was suspended or revoked, as well as the date of the suspension or revocation, and whether the applicant or any other individuals listed pursuant to subsection (1) above has been a partner in a partnership, or an officer or director of a corporation whose license under this article has previously been suspended or revoked, including the name and location of the establishment for which the license was suspended or revoked, as well as the date of the suspension or revocation.
- (5) Whether the applicant or any other individuals listed pursuant to subsection (1) above holds any other adult entertainment licenses in Lake County, and, if so, the names and locations of such other licensed adult entertainment establishments.
- (6) The single classification of license for which the applicant is filing.
- (7) The location of the proposed establishment, including a legal description of the property site, and a legal street address.
- (8) A site plan drawn to scale of the proposed establishment, including, but not limited to:
 - a. All property lines, rights-of-way, and the location of buildings, parking areas and spaces, curb cuts and driveways, and distances from surrounding property in accordance with the applicable government land development regulations;
 - b. All windows, doors, entrances and exits, fixed structural features, walls, stages, partitions, projection booths, admission booths, adult booths, concession booths, stands, counters and similar structures; and
 - c. All proposed improvements or enlargements to be made, which shall be indicated and calculated in terms of percentage of increase in floor size.
- (9) A recent photograph of the applicant;
- (10) The applicant's social security number or the applicant's employer tax identification number and, if an individual, either the applicant's driver's license number or his state or federally issued identification card number; and
- (11) If the applicant is not the owner of the subject real property, the applicant shall produce both a notarized statement evidencing that the owner of the subject real property has approved of or consented to the application for an adult entertainment license, and a copy of the lease or other rental agreement along with any related documentation.

(c) *Application fee.* Each application shall be accompanied by a nonrefundable fee as set by resolution of the board of county commissioners. Such application fee shall be used to defray the costs and expenses incurred by the county manager or designee in reviewing the application. If the application for a license is approved and a license is granted, the fee shall be applied as a credit towards the annual license fee required for the first year as set forth in section 3-33 of this article.

(d) *False, incorrect or incomplete application.* In the event the county manager or designee determines or learns at any time that the applicant for a proposed establishment has not properly completed the application, the county manager or designee shall promptly notify the applicant of such fact and shall allow the applicant ten (10) days to correct or properly complete the application. The revised application shall then be promptly forwarded to the county manager or designee for review. The time period for granting or denying a license under section 3-31 shall be stayed during the period in which the applicant is allowed an opportunity to correct or properly complete the application, and, upon receipt of the revised application, the time period shall be extended for ten (10) days (from the thirty (30) days to forty (40) days).
(Ord. No. 2000-106, § 3, 11-7-00)

Sec. 3-30. Processing of application; investigation; findings.

(a) *Processing.* Upon receipt of an application properly filed with the county manager or designee and upon payment of the nonrefundable application fee, the county manager or designee shall immediately send photocopies of the application to the department of growth management. The county manager or designee shall solicit input on the application from the sheriff's office and the health department.

(b) *Investigation.* The county manager or designee shall promptly conduct an investigation of the applicant, application and the proposed establishment to determine whether false, incomplete or incorrect information was given on the application or whether the proposed establishment will be in violation of any provision of this article, or in violation of any building, fire, health, or zoning statute, Code, ordinance, regulation, or court order.

(c) *Findings.* At the conclusion of its investigation, each department shall prepare a report or memorandum and forward such report or memorandum to the county manager or designee and state therein whether the department finds that false, incorrect or incomplete information was provided on the application and whether the proposed establishment will be in violation of any provision of this article or of any building, fire, health or zoning statute, code, ordinance, regulation or court order.
(Ord. No. 2000-106, § 3, 11-7-00)

Sec. 3-31. Grant or denial of license.

(a) *Time period for granting or denying license.*

(1) The county manager or designee shall grant or deny a complete application for a license under this article within thirty (30) days from the date of its filing. Upon the expiration of the thirtieth day without a grant or denial, the applicant shall be permitted to begin operating the establishment as an adult entertainment establishment for which a license is sought, unless and until the county manager or designee notifies the applicant of a denial of the application and

states the reasons for that denial.

- (2) Notwithstanding the granting of an adult entertainment license under this article, or the language in subsection (a) above allowing an applicant to begin operating an establishment without such a license if the county manager or designee has not made a decision within the thirty-day period, nothing in this chapter exempts or excuses the licensee or applicant, whatever the case may be, from having to obtain any other required permits, licenses or certificates needed to lawfully operate a business, including a land use permit, building permit, business tax receipt or certificate of occupancy.

(b) *Granting of application for license.* If the county manager or designee has not made a finding that would require denial of the application, the county manager or designee shall grant the application, notify the applicant within seven (7) days of the granting by certified mail, return receipt requested, and issue the license to the applicant upon payment of the appropriate annual license fee, with credit of the application fee as provided in section 3-29(3).

(c) *Denying an application for license.*

- (1) The county manager or designee shall review the findings and deny the application for any of the following reasons:

- a. The application contains material false information or is incomplete;
- b. The applicant has failed to comply with a provision of the state statutes, including Chapter 607, Florida Statutes (regarding corporations), Chapter 620, Florida Statutes (regarding partnerships) or section 865.09, Florida Statutes (regarding fictitious names);
- c. The applicant or any of the other individuals listed pursuant to section 3-29(2)(a) has a license under this article which has been suspended or revoked, or was a partner in a partnership or an officer, director, or principle stockholder of a corporation which had such a license suspended or revoked during the previous two (2) years;
- d. The granting of an application would violate a statute or ordinance, or an order from a court of law which effectively prohibits the applicant from obtaining an adult entertainment establishment license.

- (2) If the county manager or designee denies the application, the county manager or designee shall within seven (7) days notify the applicant of the denial by certified mail, return receipt requested, and state the reasons for the denial.

(d) *Appeals.* Any decision of the county manager or designee pursuant to granting or denying a license under this article may be immediately reviewed as a matter of right by the circuit court upon the filing of the appropriate pleading by the aggrieved party.

(e) *Reapplication.* If a person re-applies for a license at a particular location within a period of one

(1) year from the date of denial of a previous application for a license at that location, and there has not been an intervening change in the circumstances which will lead to a different decision regarding the former reason(s) for denial, the application shall be rejected.

(Ord. No. 2000-106, § 3, 11-7-00; Ord. No. 2007-27, § 3, 6-5-07)

Sec. 3-32. Contents of license; term; renewal; expiration; cancellation.

(a) *Contents.* An adult entertainment license shall state the name of the licensee, the name of the owner of the real property, the name of the establishment, the street address of the establishment, the classification of the license, the date of the issuance, and the date of expiration.

(b) *Term.* All licenses issued under this article shall be annual licenses which shall commence running on October first, on which date they shall have been paid for, and shall expire on September thirtieth of the following year. If a license is issued after October first, but by March thirty-first of the following year, the applicant shall pay the applicable license fee in full. If a license is issued after March thirty-first, but by October first of the same year, the applicant shall pay one-half the applicable license fee.

(c) *Annual renewals.* Subject to other provisions of this article, a licensee desiring to renew the license shall by October first present the license for the previous year to the county manager or designee, update all information and documentation required for a license application, execute and have notarized a renewal statement on an approved form, and pay the applicable license fee.

(d) *Expiration.* A license that is not renewed by October first of any year shall expire. However, an expired license may be renewed by October thirty-first of the same year upon presentment of an affidavit stating that no adult entertainment activity has taken place at the establishment subsequent to expiration, upon payment of the applicable license fee, and upon payment of a penalty of ten (10) percent of the applicable license fee for the month of October, or fraction thereof.

(e) *Cancellation.* Any expired license not renewed by October thirty-first shall be canceled summarily by the county manager or designee.

(Ord. No. 2000-106, § 3, 11-7-00)

Sec. 3-33. Annual fee.

(a) *Levy.* There are hereby levied the following annual license fees under this article for an adult entertainment establishment:

- (1) Any establishment having a license for an adult bookstore, adult motel, adult performance establishment, escort service or physical contact parlor seven hundred fifty dollars (\$750.00);
- (2) An establishment having a license for an adult theater, as follows:
 - a. Having only adult booths thirty-five dollars (\$35.00) for each booth;
 - b. Having only a hall or auditorium three dollars and fifty cents (\$3.50) for each seat;

- c. Having only an area outdoors designed to permit viewing by customers seated in vehicles three dollars and fifty cents (\$3.50) for each parking space;
- d. Having a combination of subsections a., b., and/or c., the cumulative license fee applicable to each under each subsection;

(b) *Regulatory fees.* The annual license fees collected under this article are declared to be regulatory fees which are collected for the purpose of examination and inspection of adult entertainment establishments under this article and the administration thereof. These regulatory fees are in addition to and not in lieu of the local business taxes imposed by other ordinances.

(Ord. No. 2000-106, § 3, 11-7-00; Ord. No. 2007-27, § 4, 6-5-07)

Sec. 3-34. Transfer of license.

(a) *Requirements.* A licensee shall not partially or fully transfer the license to another person, and thereby partially or fully surrender possession, control and operation of the licensed establishment to such other person, unless and until such other person satisfies the following requirements:

- (1) Obtains a transferred license from the county manager or designee which provides that the applicant is now the licensee, which transferred license may be obtained only if the applicant has completed and properly filed an application pursuant to section 3-29, the application has been investigated, and the application has been granted by the county manager or designee under the provisions of this article.
- (2) Adduces satisfactory proof that the transfer will be or has been effectuated through a bona fide sale, lease, or other transaction; and
- (3) Pays a transfer fee of ten (10) percent of the applicable license fee.

(b) *Effect of suspension or revocation procedures.* No license may be transferred pursuant to subsection (a) above when the county manager or designee has notified the licensee that suspension or revocation proceedings have been or will be brought against the licensee.

(c) *No transfer to different location.* A licensee shall not transfer the license to another location.

(d) *Improper transfer void.* Any attempted transfer of a license either directly or indirectly in violation of this section is hereby declared void.

(Ord. No. 2000-106, § 3, 11-7-00)

Sec. 3-35. Changing name of establishment.

No licensee may change the name of an adult entertainment establishment unless and until the licensee gives the county manager or designee thirty (30) days written notice of the proposed name change, pays the county manager or designee a three dollar (\$3.00) change of name fee and complies with § section 865.09,

Florida Statutes.

(Ord. No. 2000-106, § 3, 11-7-00)

Sec. 3-36. Grounds for suspension.

For each of the following, all notices shall be served via certified mail, return receipt requested, or by personal service upon the licensee unless otherwise stated:

- (1) *Violation of building, fire, health or zoning laws.* In the event a county department learns or finds upon sufficient cause that a licensed adult entertainment establishment is operating in violation of a building, fire, health, or zoning law, whether federal, state, or local, contrary to the respective general requirements of this article, the county department shall promptly notify the licensee of the violation and shall allow the licensee a ten-day period in which to correct the violation. If the licensee fails to correct the violation before the expiration of the ten (10) days, the department shall notify the county manager or designee who shall forthwith suspend the license, and shall notify the licensee of the suspension by certified mail, return receipt requested. The suspension shall remain in effect until the department notifies the county manager or designee in writing that the violation has been corrected.
- (2) *Illegal transfer.* In the event the county manager or designee learns or finds upon sufficient cause that a licensee engaged in a license transfer contrary to section 3-34, the county manager or designee shall forthwith suspend the license, and notify the licensee of the suspension by certified mail, return receipt requested. The suspension shall remain in effect until the county manager or designee is satisfied that the requirements of section 3-34 have been met.
- (3) *Suspension for illegal conduct at establishment.*
 - a. In the event three (3) or more violations of specified criminal acts occur at an adult entertainment establishment within a two (2) year period, and convictions result from at least three (3) of the violations, the county manager or designee shall, upon receiving evidence of the three convictions, notify the licensee of a suspension of the license for a period of thirty (30) days.
 - b. In the event one (1) or more additional violations of any specified criminal act occurs at the same establishment within a period of two (2) years from the date of the last violation from which a conviction resulted in a thirty (30) day suspension under subsection (3)a., but not including any time during which the license was suspended for thirty (30) days, and a conviction results from one (1) or more of the violations, the county manager or designee shall, upon receiving evidence of the additional conviction after previous suspension, notify the licensee of a ninety (90) day suspension.
 - c. In the event one (1) or more additional violations of any specified criminal act occurs at the same establishment within a period of two (2) years from the date of the last violation from which the conviction resulted in a ninety (90) day suspension under subsection (3)b., but not including any time during which the license was suspended for ninety (90)

days, and a conviction results from one (1) or more of the violations, the county manager or designee shall, upon receiving evidence of the additional conviction after two previous suspensions, notify the licensee of a one hundred eighty (180) day suspension.

- (4) *Revocation for repeat convictions.* In the event one (1) or more additional violations of any specified criminal act occurs at an adult entertainment establishment which has had a license suspended for a period of one hundred eighty (180) days pursuant to subsection (3)c., and the violation occurs within a period of two (2) years from the date of the last violation from which the conviction resulted in a one hundred eighty (180) day suspension, but not including any time during which the license was suspended for one hundred eighty (180) days, the county manager or designee shall, upon receiving evidence of a conviction for the subsequent violation after three suspensions, forthwith notify the licensee that the license has been revoked.
- (5) *Revocation for false information.* In the event the county manager or designee receives evidence that a license was granted, renewed or transferred based upon false information, misrepresentation of fact, or mistake of fact, the county manager or designee shall forthwith notify the licensee of the revocation of the license.
- (6) *Transfer or renewal.* The transfer or renewal of a license pursuant to this article shall not defeat a suspension or revocation of a license or related proceedings.

(Ord. No. 2000-106, § 3, 11-7-00)

Sec. 3-37. Suspension and revocation proceedings.

(a) *Challenge to suspension or revocation.* If the county manager or designee notifies a licensee in writing of a suspension or revocation of a license, the suspension or revocation shall become effective within ten (10) days of service upon the licensee, unless the licensee files with the county manager or designee a written response stating why the suspension or revocation is in error or inappropriate along with a written request for an administrative hearing to determine whether the suspension or revocation will become effective. A suspension or revocation already in effect but not previously challenged in a suspension or revocation hearing may be challenged in the same manner but the suspension or revocation is not abated during the proceeding.

(b) *Hearing on suspension or revocation.* When a licensee files a written response and request for an administrative hearing, a public hearing to determine if the pending suspension or revocation will become effective and final shall be held in front of a hearing officer appointed by the county manager. The county manager or designee shall notify the appropriate county staff who shall schedule and provide the notice of hearing.

- (1) The hearing should be held within twenty (20) days of a written request for a hearing, or as soon thereafter as can reasonably be scheduled.
- (2) The participants before the hearing officer shall be the licensee, any witnesses of the licensee, county staff, any interested members of the public and any witnesses of the interested members of the public. Any interested member of the public who participates at the hearing shall provide a mailing address.

(3) Testimony and evidence may be submitted by any witness but shall be limited to matters directly relating to the grounds for suspension or revocation. Irrelevant, immaterial or unduly repetitious testimony or evidence may be excluded. All testimony shall be under oath.

(4) The hearing officer shall rendered a decision within ten (10) days.

(c) *Judicial review.* Any party, including the county, aggrieved by a decision of the hearing officer may challenge the decision in the Circuit Court for the Fifth Judicial Circuit. Such appeal shall be commenced by filing a writ of certiorari with the clerk of the Circuit Court not later than thirty (30) days after the final decision of the hearing officer. The record before the court shall consist of the complete record of the proceedings before the hearing officer. Judicial review of a suspension or revocation shall only be available after all administrative remedies have been exhausted.

(d) *Failure to appear at hearing.* If the licensee who requested an administrative hearing does not appear at the hearing after proper notice of the hearing date and time is served upon the licensee, then the county manager or designee shall issue to the licensee a second notice of final suspension or revocation served either by certified mail, return receipt requested to the licensee's record address or by hand-delivery to the licensee. The suspension or revocation shall take effect the day after the licensee receives notice of such final suspension or revocation.

(e) *Effect of final revocation.* If a license is revoked, the licensee of the adult entertainment establishment shall not be allowed to obtain another adult entertainment license for a period of two (2) years, and no adult entertainment license shall be issued again to any other person for the location upon which the adult entertainment establishment subject to the suspension or revocation proceeding was situated.

(Ord. No. 2000-106, § 3, 11-7-00)

Sec. 3-38. General requirements for all adult entertainment establishments.

Each adult entertainment establishment is subject to all of the following general requirements and shall:

- (1) Conform to all applicable building, fire, health, zoning and land use statutes, codes, ordinances and regulations, whether federal, state or local.
- (2) Maintain a report of all persons who are workers, or who were workers at the establishment or for the adult entertainment business during the previous month, which report shall contain the actual legal name, date of birth, residential address and stage name, if any, of each worker.
- (3) Keep the adult entertainment license posted in a conspicuous place at the establishment available for inspection by the public at any time.
- (4) Cover opaquely each window or other opening through which a person outside the establishment may otherwise see inside the establishment.
- (5) No exterior walls and/or surfaces of the establishment shall be painted in any manner that depicts

or simulates any specified anatomical areas, or any portion of a male or female form at or below the clavicle.

- (6) Install, construct, keep, maintain or allow only those signs at the establishment which comply with the applicable sign ordinances and the provisions of this subsection.
 - a. No sign shall contain any flashing lights, photographs, silhouettes, drawings or pictorial representations except for the logo of the establishment, provided that the logo does not depict any specified anatomical areas, or any portion of a male or female form at or below the clavicle.
 - b. No sign shall contain in the name or logo of the establishment, or otherwise, any words or material which depicts, describes, references or infers in any manner sexual activities, specified anatomical areas, or the display of specified anatomical areas.

- (7) Each entrance and exit shall remain unlocked when any customer is inside.

(Ord. No. 2000-106, § 3, 11-7-00)

Sec. 3-39. Adult bookstores.

In addition to the general requirement for an adult entertainment establishment contained in section 3-38, an adult bookstore shall not display merchandise or adult material in a manner that allows such merchandise or adult material to be visible from outside the establishment.

(Ord. No. 2000-106, § 3, 11-7-00)

Sec. 3-40. Adult theaters.

In addition to the general requirements for an adult entertainment establishment contained in section 3-38, an adult theater shall comply with each of the following special requirements:

- (1) If an adult theater contains a hall or auditorium area, the area shall have:
 - a. Individual separate seats, not couches, benches or the like to accommodate the number of persons allowed to occupy the area;
 - b. A continuous main aisle alongside of the seating areas in order that each person seated in the areas shall be visible from the aisle at all times;
 - c. A sign posted in a conspicuous place at or near each entrance to the hall or auditorium area which lists the maximum number of persons who may occupy the hall or auditorium area, which number shall not exceed the number of seats within the hall or auditorium area; and
 - d. Sufficient illumination so that persons in all areas of the auditorium can be seen.

- (2) If adult theaters contain adult booths, each adult booth shall have:
 - a. A sign posted in a conspicuous place at or near the entrance which states the maximum number of persons allowed to occupy the booth, which number shall correlate with the number of seats in the booth;
 - b. A permanently open entrance not less than thirty-two (32) inches wide and not less than six (6) feet high, which entrance shall not have any curtain rods, hinges, rails, or the like which would allow the entrance to be closed or partially closed by any curtain, door, or other partition.
 - c. Individual, separate seats, not couches, benches or the like which correlate with the maximum number of persons who may occupy the booth;
 - d. A well-illuminated continuous main aisle alongside the booth in order that each person situated in the booth shall be visible from the aisle at all times;
 - e. Except for the entrance, walls or partitions of solid construction without any holes or openings in such walls or partitions; and
 - f. Illumination by a light bulb of no less than twenty-five (25) watts.
- (3) If an adult theater is designed to permit outdoor viewing by customers seated in automobiles, it shall have the motion picture screen so situated, or the perimeter of the establishment so fenced, that the material to be seen by those customers may not be seen by other persons from any public right-of-way, property zoned for residential use, religious institution, educational institution or park.

(Ord. No. 2000-106, § 3, 11-7-00)

Sec. 3-41. Adult performance establishment.

In addition to the general requirements for an adult entertainment establishment contained in section 3-38, an adult performance establishment shall comply with each of the following special requirements:

- (1) Have a stage provided for the use by workers consisting of a permanent platform (or other similar permanent structure) raised a minimum of eighteen (18) inches above the surrounding floor and encompassing an area of at least one hundred (100) square feet; and
- (2) Any area in which a private performance occurs shall:
 - a. Have a permanently open entrance not less than thirty-two (32) inches wide and not less than six (6) feet high, which entrance shall not have any curtain rods, hinges, rails, or the like which would allow the entrance to be closed or partially closed by any curtain, door, or other partition; and

- b. Have a wall, floor to ceiling partition of solid construction without any holes or openings, which partition may be completely or partially transparent, and which partition separates the worker from the customer viewing the private performance.
- c. Have video equipment which continuously records the customer and the performer during all performances. The videotape shall record the actual time and date of each performance on the recorded image. The videotape equipment shall be kept in good working order. Videotapes shall be maintained for at least thirty (30) days after each performance and shall be made available for inspection upon request by a law enforcement officer.
- d. Have a notice prominently posted within all customer areas which states as follows in at least three (3) inch high black or red bold capital letters on a white background:

"THE CUSTOMER AND PERFORMER ARE BEING VIDEOTAPED DURING ALL PERFORMANCES AS REQUIRED BY LAKE COUNTY CODE SECTION 3-41."
- e. Not have any two-way mirrors, calling systems or other mechanisms or methods used to warn or forewarn a worker or customer inside the private performance area that another person is entering or may be about to enter the private performance area.
- f. Have at least one (1) manager station configured and positioned in a manner that allows an unobstructed view from the station to every area in the adult performance establishment in which any worker performs and every area in which any customer is permitted to observe or interact with any worker. The view required by this subsection shall be by direct line of sight from the manager's station. Such view shall enable each worker and any customer to see the manager and vice-versa. Each manager's station shall be continuously staffed by a person designated as a manager during all performances and shall not be staffed by any adult entertainment performers.

(Ord. No. 2000-106, § 3, 11-7-00)

Sec. 3-42. Sexually oriented businesses.

In addition to the general requirements for an adult entertainment establishment contained in section 3-38, a sexually oriented business shall comply with the following special requirements:

- (1) Post in an open and conspicuous place and file with the county manager or designee a list of the services provided by the sexually oriented business described in readily understandable language with a specification of the cost of such services. Actual services and prices offered or provided shall be limited to those listed.
- (2) Provide each customer, in advance, with a separate written customer contract setting forth and specifying the services to be rendered, the cost of said services, the actual full legal name of the worker to provide said services, and the actual name and date of birth of the customer to which the services are rendered. Actual services and prices offered or provided shall be limited to those specified.

- (3) Maintain a daily register recording all transactions on a form provided by the county manager or designee containing records of all customers with names, dates of birth, time expended, services purchased, mode of payment and names of all workers who provided services together with a copy of each customer contract.
- (4) Not increase the incentive or temptation for workers to engage in prostitution or lewdness by allowing any worker of the sexually oriented business to accept any tips or gratuities received directly from a customer in addition to the service fee amounts specified in the customer contract.

(Ord. No. 2000-106, § 3, 11-7-00)

Sec. 3-43. Commercial physical contact parlors.

In addition to the general requirements for an adult entertainment establishment contained in section 3-38, and the special requirements for a sexually oriented business contained in section 3-42, a commercial physical contact parlor shall comply with the following special requirements:

- (1) Operate only from a fixed physical commercial location at which are displayed its adult entertainment license and all other required local business taxes.
- (2) Provide clean linen and towels for each customer without any reuse of towels or linens without re laundering, provided, however, that heavy white paper may be substituted for sheets, provided that such paper is used only for one (1) customer, then discarded into a sanitary receptacle.
- (3) Provide closed cabinets for the storage of clean linen, towels and other materials used in connection with administering commercial physical contact.
- (4) Disinfect and sterilize all non-disposable instruments and materials after use on each customer.
- (5) Require each worker to wear a clean outer garment in the nature of a surgical gown when providing commercial physical contact, and at all other times during working hours conceal, with a fully opaque covering, all specified anatomical areas of his or her body.
- (6) Inform all customers in their customer contract to cover his or her specified anatomical areas by a towel, cloth, robe, undergarment, swimsuit or other similar fully opaque material while in the presence of the worker.
- (7) Disallow any animal, except a seeing eye dog, to be on the premises of the commercial physical contact parlor.
- (8) If both male and female customers are to be served simultaneously, provide two separate work areas for commercial physical contact, one (1) for males and one (1) for females.
- (9) Configure all work areas where commercial physical contact is to be provided so that the area is

readily visible at all times from common areas of the establishment outside of the work area.
(Ord. No. 2000-106, § 3, 11-7-00; Ord. No. 2007-27, § 5, 6-5-07)

Sec. 3-44. Escort services.

In addition to the general requirements for an adult entertainment establishment contained in section 3-38, and the special requirement for a sexually oriented business contained in section 3-42, an escort service shall comply with the following special requirements:

- (1) If offering or providing escorts within the county, an escort service must notify the county manager or designee of an authorized physical commercial location, which may or may not be within the county, from where the escort service operates and dispatches escorts.
- (2) Include in all advertising or promotional literature posted, placed, published, or distributed within the county the valid adult entertainment establishment license number issued by the county manager or designee unless the escort service does not refer, send, or dispatch escorts to any location within the jurisdictional limits of the county.
- (3) Ensure that every escort and worker of an escort service is provided or obtains, carries while working as an escort, and displays upon the request of any law enforcement officer, a business tax receipt to engage in the occupation of escort within the county. Exception: an escort or worker of an escort service who is a paid employee for whom taxes and social security payments are withheld and paid by the escort service, and who is not an independent contractor, may substitute and carry a copy of the adult entertainment escort service license of the employing escort service.

(Ord. No. 2000-106, § 3, 11-7-00; Ord. No. 2007-27, § 6, 6-5-07)

Sec. 3-45. Records and inspection of records.

(a) An adult entertainment establishment shall maintaining a worker record for each worker who currently works or performs at the establishment, and for each former worker who worked or performed at the establishment during the preceding one-year period.

- (1) The worker record shall contain the current or former worker's full legal name, including any aliases, and date of birth.
- (2) The worker record shall also describe the status of each worker i.e., whether the worker is a paid employee, sublessee, independent contractor, etc . . .
- (3) The worker record shall also contain a copy of a valid county business tax receipt or adult entertainment license for any lessee, sublessee, independent contractor, or subcontractor who is not an employee of the adult entertainment establishment.

(b) The original, or true and exact photocopies, of each required worker record, customer contract and daily register required by this article shall be kept available for inspection at the establishment at all times.

(c) Each operator of the establishment shall be responsible for knowing the location of the original, or true and exact copy, of each required worker record, customer contract and daily register and shall make available such records upon request of any law enforcement officer.
(Ord. No. 2000-106, § 3, 11-7-00; Ord. No. 2007-27, § 7, 6-5-07)

Sec. 3-46. Enforcement and penalties.

The provisions of this article may be enforced by a suit brought by the county in the circuit court to restrain, enjoin or prevent a violation of this article or by criminal prosecution as provided in § section 125.69, Florida Statutes.
(Ord. No. 2000-106, § 3, 11-7-00)

Sec. 3-47. Prohibited acts.

(a) *Operation without valid adult entertainment license.* It shall be unlawful for any person to be an operator of an adult entertainment establishment when:

- (1) The establishment does not have a valid adult entertainment license for the applicable classification;
- (2) The license of the establishment is under suspension;
- (3) The license of the establishment has been revoked or canceled; or
- (4) The establishment has a license which has expired.

(b) *Working at unlicensed establishment.* It shall be unlawful for any person to act as a worker of an adult entertainment establishment that the worker knows or should know does not have a valid license under this article, or which has a license which is under suspension, has been revoked or canceled, or has expired, or which does not have each applicable adult entertainment license conspicuously displayed.

(c) *Operation contrary to certain provisions.* It shall be unlawful for any person to be an operator of an adult entertainment establishment which does not satisfy all the general and special requirements of the establishment's particular license classification or to be an operator of an adult entertainment establishment where the entrance or exit to the establishment is locked when a customer is inside.

(d) *Worker performance prohibitions.* It shall be unlawful for a worker of an adult entertainment establishment to commit any of the following acts or for an operator of an adult entertainment establishment to knowingly or with reason to know, permit or allow any worker to commit any of the following acts:

- (1) Engage in straddle dancing with another person at the establishment.
- (2) Offer, contract or otherwise agree to engage in a straddle dance with another person at the establishment.

- (3) Engage in any specified sexual activity at the establishment.
- (4) Engage in nudity or display/expose any specified anatomical area at the establishment whether or not such establishment sells, offers for sale or allows consumption of alcoholic beverages.
- (5) Display or expose any specified anatomical area while simulating any specified sexual activity with any other person at the establishment.
- (6) Engage in a private performance unless such worker is in an area which complies with the requirements of section 3-41.
- (7) Intentionally touch the clothed or unclothed body of any person at the adult entertainment establishment, at any point below the waist and above the knee of the person, or to intentionally touch the clothed or unclothed breast of any female person.
- (8) Exception. Notwithstanding any provision to the contrary, it shall not be unlawful for any worker or operator of an adult entertainment establishment to expose any specified anatomical area during the worker's or operator's bona fide use of a restroom or dressing room which is used and occupied only by other workers or operators.

(e) *Touching of workers prohibited.* It shall be unlawful for any person in an adult entertainment establishment to intentionally touch the clothed or unclothed breast of a worker, or to touch the clothed or unclothed body of a worker at any point below the waist and above the knee of the worker.

(f) *Advertising prohibited.* It shall be unlawful for any operator of an adult entertainment establishment to advertise, encourage, or promote any activity prohibited by this article or any applicable state statute or ordinance.

(g) *Minors prohibited.* It shall be unlawful for an operator or worker of an adult entertainment establishment to knowingly, or with reason to know, permit or allow a person under eighteen (18) years of age to enter or remain in the establishment, purchase goods or services at the establishment or work or perform at the establishment.

(h) *Failure to maintain required records and licenses.*

- (1) It shall be unlawful to be an operator of an adult entertainment establishment at which the license required under this article and each record required under this article have not been compiled, are not maintained, or are not made available for inspection by a law enforcement officer upon request when the establishment is open for business.
- (2) It shall be unlawful to be a worker of an adult entertainment establishment who fails to obtain, carry and display upon demand of a law enforcement officer, while working in the adult entertainment occupation, a business tax receipt for the adult entertainment occupation in which the worker is engaged.

(3) Exception. It is an affirmative defense and subsection (2) does not apply to a worker of an adult entertainment establishment who is a paid employee for whom taxes and social security payments are withheld and paid to the federal government by the adult entertainment establishment, and who is not an independent contractor, except an employee who is an escort working away from the establishment premises who shall then be required to obtain, carry, and display to law enforcement officers, upon demand, a copy of the adult entertainment license of the employing escort service.

(i) *Exceeding occupancy limits.* It shall be unlawful for any person to occupy an adult booth in which booth there are more people than that specified on the posted sign required by this article.

(j) *Hours of operation.* It shall be unlawful between the hours of 2:00 a.m. and 7:00 a.m. of any day of the week for:

(1) An operator of an adult entertainment establishment to allow such establishment to remain open for business, or to allow or permit any worker to engage in a performance, solicit a performance, make a sale, provide a service, or solicit a service.

(2) A worker of an adult entertainment establishment to engage in a performance, solicit a performance, make a sale, solicit a sale, provide a service or solicit a service.

(k) *Alteration of license.* It shall be unlawful for any person to alter or otherwise change the contents or appearance of an adult entertainment license with the exception of the county manager or designee.

(l) *False or misleading statement in required documents.* It shall be unlawful for any person applying for an adult entertainment license to make a false or misleading statement or provide false or misleading information which is intended to facilitate the issuance of a license on the application. It shall also be unlawful for any person to provide false or misleading information in the records required to be kept by such adult entertainment establishment under this article.

(m) *Solicitation of personal advertising.* It shall be unlawful for any worker of an adult entertainment establishment while situated outside any structure at the adult entertainment establishment, or at a place at the adult entertainment establishment where the worker is visible from any public right-of-way or sidewalk, to display or expose specified anatomical areas or to engage in personal advertising, pandering, or solicitation, whether passive or otherwise, on behalf of the worker, any other worker, or the adult entertainment establishment. "Personal advertising" is defined as encouraging or enticing, by direct or indirect means, potential customers beyond the adult entertainment establishment to enter the adult entertainment establishment. Additionally, it shall be unlawful for an operator or any worker to permit, or allow any door that is visible from a public right-of-way or sidewalk to be opened or remain opened except when a person is entering or exiting the establishment.

(n) *Allowing customers to engage in specified sexual activity.* It shall be unlawful for a worker of an adult entertainment establishment to knowingly, or with reason to know, permit, entice or allow a customer to engage in any specified sexual activity at the establishment while remaining in the presence of a worker.

(o) *Prohibited acts by customers at sexually oriented business.* It shall be unlawful for any customer of a sexually oriented business to do any of the following acts or for a worker or operator of a sexually oriented business to knowingly permit, aid, assist or allow a customer to do any of the following:

- (1) Touch, massage, or manipulate directly, or indirectly, the body of any worker of the sexually oriented business at any point below the waist and above the knee of the worker.
- (2) Touch, massage, manipulate, display or expose any of the customer's own specified anatomical areas.
- (3) Engage in any specified sexual activity while in the sexually oriented business.

(p) *Prohibited acts by commercial physical contact workers.* It shall be unlawful for a worker of a commercial physical contact parlor to commit any of the following acts or for an operator of a commercial physical contact parlor to knowingly or with reason to know, permit, aid, assist or allow any worker to commit any of the following acts:

- (1) Fail to, while engaged in providing commercial physical contact, wear a clean outer garment in the nature of a surgical gown.
- (2) Display or expose specified anatomical areas to a customer at a commercial physical contact parlor.
- (3) Fail to require, at all times, all customers to cover the customer's specified anatomical areas by a towel, cloth, robe, undergarment, swimsuit or other similar fully opaque material while in the presence of the worker.
- (4) Perform commercial physical contact on a customer while not on the premises of a commercial physical contact parlor licensed under this article.
- (5) Engage in, or offer to engage in, any escort services or private modeling in relation to the commercial physical contact parlor.
- (6) Solicit or require a customer to remove any item of clothing as a prerequisite to providing commercial physical contact.
- (7) Solicit a tip or gratuity in exchange for a promise or suggestion of any act or enhanced service.

(q) *Prohibited acts by escort service workers.* It shall be unlawful for a worker of an escort service to commit any of the following acts or for an operator of an escort service to knowingly or with reason to know, permit, aid, assist or allow any worker to commit any of the following acts:

- (1) Enter a hotel, motel, or other transient place of lodging for the purpose of meeting or serving a customer without immediately meeting with the front desk or reception area personnel and (i)

providing a time of arrival and estimated time of departure, (ii) presenting a copy of the escort service's adult entertainment license and the escort's business tax receipt and (iii) identifying themselves, the escort service and the customer, and notifying front desk or reception area personnel upon departing the premises.

- (2) Distribute, place, post or leave any unsolicited business cards, advertisements, or promotional material on or within the premises of any other business.
- (3) Begin a meeting or service with any customer between 10:00 p.m. any day of the week and 9:00 a.m. of the following day or begin a meeting or service with a customer without first meeting said customer in a public place such as a bar or restaurant before accompanying the customer to any place which is not open and occupied by the public, such as a hotel room or residence.
- (4) Display or expose any specified anatomical area to a customer of an escort service or require, entice, or solicit a customer to remove any item of clothing or solicit a tip or gratuity from a customer in exchange for a promise or suggestion of any act or enhanced service.

(f) *Operation in violation of article.* It shall be unlawful for any adult entertainment establishment to operate in violation of any provision of this article.

(Ord. No. 2000-106, § 3, 11-7-00; Ord. No. 2007-27, § 8, 6-5-07)