

Article 10-9**REGULATION OF SEXUALLY
ORIENTED BUSINESSES****Sections:**

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10-901 Purpose of Findings.

The purpose of this chapter is to regulate sexually oriented businesses in the interests of the health, safety and general welfare of the citizens of Rock Springs, and to establish reasonable and uniform regulations to address the deleterious secondary effects that occur when sexually oriented businesses are concentrated in a given area. It is not the purpose of this ordinance to impose restrictions or limitations upon the content of any communication protected by the First Amendment to the United States Constitution, or Article 1 § 20 of the Wyoming Constitution, including sexually oriented materials.

Based on evidence and testimony

concerning the adverse secondary effects of adult uses on the community presented in public hearings and in reports made available to the governing body of the City of Rock Springs, and on findings incorporated in the cases of *City of Renton v. Playtime Theaters, Inc.*, 475 U.S. 41 (U.S. 1986), *Young v. American Mini Theaters*, 426 U.S. 50 (U.S. 1976), *Barnes v. Glen Theater, Inc.*, 501 U.S. 560 (U.S. 1991), *Abilene v. Dickinson County Commissioners*, 492 F.3d 1164 (10th Cir. 2007), *American Bush v. South Salt Lake*, 140 P.3d 1235 (Ut. 2006), *Arcara v. Cloud Books*, 478 U.S. 697 (U.S. 1986), *California v. LaRue*, 410 U.S. 948 (U.S. 1973), *City of Erie v. Pap's*, 529 U.S. 277 (U.S. 2000), *Heideman v. South Salt Lake*, 165 Fed. Appx. 627 (10th Cir. 2006), *Ino Ino v. Bellevue*, 937 P.2d 154 (Wa. 1997), and *Schad v. Ephraim* 452 U.S. 61 (U.S. 1981), on studies in other communities including, but not limited to, Phoenix, Arizona; Denver, Colorado; Adams County, Colorado; Dallas, Texas; Garden Grove, California; Philadelphia, Pennsylvania; Manatee County, Florida; and New York, New York; and also on findings from the Attorney General's Commission on Pornography, Final Report, 1986; Testimony presented to the Ohio House Civil and Commercial Law Committee: "Sexually Oriented Businesses An Insider's View by Former Dancer in Strip Clubs from Indiana", April 28, 2004; and, upon police records produced by the Rock Springs Police Department, the governing body finds as follows:

A. Sexually oriented businesses lend themselves to certain ancillary unlawful and unhealthy activities that are often uncontrolled by the operators of the establishments. Further, there is presently no mechanism in the City of Rock Springs to make the owners of these establishments responsible for the activities that may occur on their premises.

B. The documented evidence shows that sexually oriented businesses because of their very nature, have a deleterious effect on both existing

businesses around them and the surrounding residential areas adjacent to them, causing among other adverse secondary effects, increased crime and downgrading of property values.

C. The evidence shows that sexually oriented businesses, due to their nature, have serious objectionable operational characteristics, particularly when they are operating in close proximity to each other, thereby contributing to crime, lower property values, urban blight and downgrading of the quality of life in the adjacent area.

D. The evidence shows that sexually oriented businesses are frequently used for unlawful sexual activities including prostitution.

E. The evidence shows increased crime and unhealthful conduct tend to accompany, concentrate around and be aggravated by sexually oriented businesses including but not limited to prostitution, drug use and distribution, pandering, public indecency, public disturbances and exposing minors to harmful materials.

F. Sexually oriented businesses have operational characteristics which should be reasonably regulated in order to protect those substantial governmental concerns.

G. The general welfare, health, morals and safety of the citizens of the City of Rock Springs will be promoted by the enactment of this ordinance.

10-902 Definitions.

(a) "Adult cabaret" means any commercial premises, including any cabaret premises, to which any member of the public is invited or admitted and where an entertainer provides live adult entertainment to any member of the public.

(b) "Adult entertainment" means:

(1) Any exhibition, performance or dance of any type conducted in a premises where such exhibition, performance, or dance involves a person who is unclothed or in such costume, attire,

or clothing as to expose any portion of the female breast below the top of the areola or any portion of the pubic region, anus, buttocks, vulva or genitals, or wearing any device or covering exposed to view which simulates the appearance of any portion of the female breast below the top of the areola or any portion of the pubic region, anus, buttocks, vulva or genitals, or human male genitals in a discernibly turgid state, even if completely and opaquely covered; or

(2) Any exhibition, performance or dance of any type conducted in a premises where such exhibition, performance or dance is distinguished or characterized by a predominant emphasis on the depiction, description, simulation or relation to the following specified sexual activities:

a. Human genitals in a state of sexual stimulation or arousal,

b. Acts of human masturbation, sexual intercourse or sodomy, or

c. Fondling or other erotic touching of human genitals, pubic region, buttocks or female breast; or

(3) Any exhibition, performance or dance which is intended to sexually stimulate any member of the public and which is conducted on a regular basis or as a substantial part of the premises activity. This includes, but is not limited to, any such exhibition, performance or dance performed for, arranged with or engaged in with fewer than all members of the public on the premises at that time, with separate consideration paid, either directly or indirectly, for such performance, exhibition or dance and which is commonly referred to as table dancing, couch dancing, taxi dancing, lap dancing, private dancing or straddle dancing.

(c) "Applicant" means the individual or entity seeking a cabaret license in the city of Rock Springs.

(d) "Applicant control persons" means all partners, corporate officers and directors and any other individuals in the applicant's business organization who hold a significant interest in the adult cabaret

business, based on responsibility for management of the adult cabaret business.

(e) "Clerk" means such city employees or agents as the city shall designate to administer this chapter, or any designee thereof.

(f) "Employee" means any and all persons, including managers, entertainers and independent contractors who work in or at or render any services directly related to the operation of any cabaret.

(g) "Entertainer" means any person who provides adult entertainment within an adult cabaret as defined in this section, whether or not a fee is charged or accepted for entertainment.

(h) "Liquor" means all beverages defined in Section §12-1-101(a) of the Wyoming Statutes.

(i) "Manager" means any person who manages, directs, administers or is in charge of the affairs and/or conduct of any portion of any activity involving adult entertainment occurring at any adult cabaret, and includes assistant managers working with or under the direction of a manager to carry out such purposes.

(j) "Operator" means any person operating, conducting or maintaining an adult cabaret.

(k) "Person" means any individual, partnership, corporation, trust, incorporated or unincorporated association, marital community, joint venture, governmental entity, or other entity or group of persons however organized.

(l) "Member of the Public" means any customer, patron, club member, or person, other than an employee as defined in this section, who is invited or admitted to a cabaret.

(m) "Security Personnel" means any employee who is responsible for security within a sexually oriented business.

(n) "Sexually Oriented Business" means: An adult arcade, adult bookstore, adult cabaret, adult motel, or any combination of such businesses.

10-903 Nuisance Declared.

(a) Public nuisance. Any adult cabaret

operated, conducted, or maintained in violation of this chapter or any law of the city of Rock Springs or the State of Wyoming shall be, and the same is, declared to be unlawful and a public nuisance. The city attorney may, in addition to or in lieu of any other remedies set forth in this chapter, commence an action to enjoin, remove or abate such nuisance in the manner provided by law and shall take such other steps and apply to such court or courts as may have jurisdiction to grant such relief as will abate or remove such public nuisance, and restrain and enjoin any person from operating, conducting or maintaining an adult cabaret contrary to the provisions of this chapter.

10-904 License Required.

(a) It is unlawful for any person to conduct, manage or operate an adult cabaret unless such person is the holder of a valid and subsisting license from the city to do so, obtained in the manner provided in this chapter.

(b) It is unlawful for any entertainer, employee or manager to knowingly work in or about, or to knowingly perform any service or entertainment directly related to the operation of an unlicensed adult cabaret.

(c) It is unlawful for any entertainer to perform in an adult cabaret unless such person is the holder of a valid and subsisting license from the city to do so.

(d) It is unlawful for any manager to work in an adult cabaret unless such person is the holder of a valid and subsisting license from the city to do so.

10-905 License Prohibited to Certain Classes.

No license shall be issued to:

(a) A natural person who has not attained the age of 21 years.

(b) A person whose place of business is conducted by a manager or agent, unless such manager or agent possesses the same qualifications required of the licensee, or in the case of a manager of an adult cabaret, the manager has obtained a manager's license.

(c) A partnership, unless all

the members thereof are qualified to obtain a license as provided in this chapter. Such license shall be issued to the manager or agent thereof.

(d) A corporation, unless all the officers and directors thereof are qualified to obtain a license as provided herein. Such license shall be issued to the manager or agent thereof.

(e) Any person who has been convicted of any of the following crimes or their equivalents in another jurisdiction within five years prior to the submission of their application:

- (1) Prostitution;
- (2) Solicitation of prostitution;
- (3) Possession of a controlled substance with intent to distribute;
- (4) Indecent liberties with a minor;
- (5) Rape or sexual assault.
- (6) Dissemination of obscenity or illegal pornography;
- (7) sale, distribution or display of harmful material to a minor;
- (8) sexual performance by a child;
- (9) possession or distribution of child pornography; lewdness;
- (10) sexual battery;
- (11) Indecent exposure;
- (12) Engaging in organized criminal activity relating to a sexually oriented business;
- (13) Sexual assault;
- (14) Molestation of a child;
- (15) Distribution of a controlled substance;
- (16) Criminal attempt, conspiracy or solicitation to commit any of the foregoing offenses or offenses involving the same elements from any jurisdiction regardless of the exact title of the offense.

(Ord. No. 2008-09, 6/3/2008)

10-906 Application.

(a) Adult Cabaret License.

1. All applications for an adult cabaret license shall be submitted to the clerk in the name of the person or entity proposing to conduct an adult cabaret on the business premises and shall be signed by such person and certified as true under penalty of perjury. All applications shall be submitted on a form supplied by the city, which shall require the following information:

a. For the applicant and for each applicant control person, provide: Names, any aliases or previous names, driver's license number, if any, social security number if any, and business, mailing, and residential address, and business telephone number.

b. If a partnership, whether general or limited; and if a corporation, date and place of incorporation, evidence that it is in good standing under the laws of Wyoming, and name and address of any registered agent for service of process.

c. Whether the applicant or any partner, corporate officer, or director of the applicant holds any other licenses under this chapter or any license for similar adult entertainment or sexually oriented business, including motion picture theaters and panoramas, from the city or another city, county or state, and if so, the names and addresses of each other licensed business.

d. A summary of the business history of the applicant and applicant control persons in owning or operating the adult entertainment or other sexually oriented businesses, providing names, addresses and dates of operation for such businesses, and whether any business license or adult entertainment license has been revoked or suspended, and the reason therefor.

e. For the applicant and all applicant control persons, any and all criminal convictions or forfeitures within five years immediately preceding the date of the application, other than parking offenses or minor traffic infractions including the

dates of conviction, nature of the crime, name and location of court and disposition.

f. For the applicant and all applicant control persons, a description of business, occupation or employment history for the three years immediately preceding the date of the application.

g. Authorization for the city, its agents and employees to seek information to confirm any statements set forth in the application.

h. The location and doing-business-as name of the proposed adult cabaret, including a legal description of the property, street address, and telephone number, together with the name and address of each owner and lessee of the property.

i. Two two-inch by two-inch color photographs of the applicant and applicant control persons, taken within six months of the date of application showing only the full face.

j. A complete set of fingerprints for the applicant or each applicant control person.

k. A scale drawing or diagram showing the configuration of the premises for the proposed adult cabaret, including a statement of the total floor space occupied by the business, and marked dimensions of the interior of the premises. Performance areas, seating areas, manager's office and stations, restrooms and service areas shall be clearly marked on the drawing. An application for a license for an adult cabaret shall include building plans which demonstrate conformance with all applicable state and local laws.

2. An application shall be deemed complete upon the applicant's provision of all information requested above, including identification of "none" where that is the correct response, and the applicant's verification that the application is complete. The clerk may request other information or clarification in addition to that provided in a complete application where necessary to determine compliance with this chapter.

3. A nonrefundable

application fee must be paid at the time of filing an application in order to defray the costs of processing the application.

4. Each applicant shall verify, under penalty of perjury, that the information contained in the application is true.

5. If any person or entity acquires, subsequent to the issuance of an adult cabaret license, a significant interest based on responsibility for management or operation of the licensed premises or the licensed business, notice of such acquisition shall be provided in writing to the city clerk, no later than 21 days following such acquisition. The notice required shall include the information required for the original adult cabaret license application.

6. The adult cabaret license, if granted, shall state on its face the name of the person or persons to whom it is issued, the expiration date, the doing-business-as name and the address of the licensed adult cabaret. The permit shall be posted in a conspicuous place at or near the entrance to the adult cabaret so that it can be easily read at any time the business is open.

7. No person granted an adult cabaret license pursuant to this chapter shall operate the adult cabaret business under a name not specified on the license, nor shall any person operate an adult cabaret under any designation or at any location not specified on the license.

8. Upon receipt of the complete application and fee, the clerk shall provide copies to the police, fire, and public service departments for their investigation and review to determine compliance of the proposed adult cabaret with the laws and regulations which each department administers. Each department shall, within 30 days of the date of such application, inspect the application and premises and shall make a written report to the clerk whether such application and premises comply with the laws administered by each department. No license may be issued unless each department reports that the application and premises comply with the relevant laws. In the event the premises are not yet

constructed, the departments shall base their recommendation as to premises compliance on their review of the drawings submitted in the application. Any adult cabaret license approved prior to premises construction shall contain a condition that the premises may not open for business until the premises have been inspected and determined to be in substantial conformance with the drawings submitted with the application. A department shall recommend denial of a license under this subsection if it finds that the proposed adult cabaret is not in conformance with the requirements of this chapter or other law in effect in the city. A recommendation for denial shall cite the specific reason therefor, including applicable laws.

9. An adult cabaret license shall be issued by the clerk within 30 days of the date of filing a complete license application and fee, unless the clerk determines that the applicant has failed to meet any of the requirements of this chapter or provide any information required under this subsection or that the applicant has made a false, misleading or fraudulent statement of material fact on the application for a license. The clerk shall grant an extension of time in which to provide all information required for a complete license application upon the request of the applicant. If the clerk finds that the applicant has failed to meet any of the requirements for issuance of an adult cabaret license, the clerk shall deny the application in writing and shall cite the specific reasons therefor, including applicable law. If the clerk fails to issue or deny the license within 30 days of the date of filing of a complete application and fee, the applicant shall be permitted, subject to all other applicable law, to operate the business for which the license was sought until notification by the clerk that the license has been denied, but in no event may the clerk extend the application review time for more than an additional 20 days.

(b) Adult Cabaret Manager, Entertainer, and Security Personnel Licenses.

1. No person shall work as a

manager, assistant manager, entertainer, or as security personnel at an adult cabaret without an entertainer's, manager's, or security personnel license from the city. Each applicant for a manager's, entertainer's, or security personnel license shall complete an application on forms provided by the city containing the information identified below. A nonrefundable application fee of \$100.00 shall accompany the application. A copy of the application shall be provided to the police department for its review, investigation and recommendation. All applications for a manager's, entertainer's, or security personnel license shall be signed by the applicant and certified to be true under penalty of perjury. The manager's, entertainer's, or security personnel license application shall require the following information:

a. The applicant's name, home address, home telephone number, date and place of birth, fingerprints taken by Rock Springs Police Department employees, social security number, and any stage names or nicknames used in entertaining.

b. The name and address of each business at which the applicant intends to work.

c. Documentation that the applicant has attained the age of 21 years. Any two of the following shall be accepted as documentation of age:

i. A motor vehicle operator's license issued by any state bearing the applicant's photograph and date of birth;

ii. A state issued identification card bearing the applicant's photograph and date of birth;

iii. An official passport issued by the United States of America;

iv. An immigration card issued by the United States of America; or

v. Any other identification that the city determines to be acceptable.

d. A complete

statement of all convictions of the applicant for any misdemeanor or felony violations in this or any other city, county, or state within five years immediately preceding the date of the application, except parking violations or minor traffic infractions.

e. A description of the applicant's principal activities or services to be rendered.

f. Two two-inch by two-inch color photographs of applicant, taken within six months of the date of application showing only the full face.

g. Authorization for the city, its agents and employees to investigate and confirm any statements set forth in the application.

h. Every adult entertainer shall provide his or her license to the adult cabaret manager on duty on the premises prior to his or her performance. The manager shall retain the licenses of the adult entertainers readily available for inspection by the city at any time during business hours of the adult cabaret.

2. The clerk may request additional information or clarification when necessary to determine compliance with this chapter.

3. An adult cabaret manager's, adult entertainer's, or security personnel license shall be issued by the clerk within 14 days from the date the complete application and fee are received unless the clerk determines that the applicant has failed to provide any information required to be supplied according to this chapter, has made any false, misleading or fraudulent statement of material fact in the application, or has failed to meet any of the requirements for issuance of a license under this chapter. If the clerk determines that the applicant has failed to qualify for the license applied for, the clerk shall deny the application in writing and shall cite the specific reasons therefor, including applicable laws. If the clerk has failed to approve or deny an application for an adult cabaret manager's license within 14 days of filing of a complete application, the applicant may, subject to all other applicable laws,

commence work as an adult cabaret manager in a duly licensed adult cabaret until notified by the clerk that the license has been denied, but in no event may the clerk extend the application review time for more than an additional 20 days.

4. An applicant for an adult cabaret manager's, adult entertainer's, or security personnel license shall be issued a temporary license upon receipt of a complete license application and fee. Said temporary license will automatically expire on the fourteenth day following the filing of the complete application and fee, unless the clerk has failed to approve or deny the license application in which case the temporary license shall be valid until the clerk approves or denies the application, or until the final determination of any appeal from a denial of the application. In no event may the clerk extend the application review time for more than an additional 20 days.

(Ord. No. 1008-09, 6/3/2008)

10-907 Adult Cabaret License Fees.

(a) Any person desiring to obtain an adult cabaret license shall first pay a license fee of \$100.00 per year.

(b) Any person desiring to obtain an adult cabaret manager's license shall first pay a license fee of \$100.00 per year.

(c) Any person desiring to obtain an adult cabaret entertainer's license shall first pay a license fee of \$100.00 per year.

10-908 Appeal.

(a) Denial of License. Any person aggrieved by the action of the clerk in refusing to issue or renew any license issued under this chapter shall have the right to appeal such action to a hearing examiner, or to such other hearing body as may hereafter be established by the city council for the hearing of license appeals, by filing a notice of appeal with the clerk within 10 days of notice of the refusal to issue or renew. The hearing examiner or other hearing body shall set a date for hearing such appeal, to take place within 45 days of the date of receipt of the notice of appeal. At such hearing the appellant and other interested persons may

appear and be heard, subject to rules and regulations of the hearing examiner or other hearing body. The hearing examiner or other hearing body shall render its decision on the appeal within 15 days following the close of the appeal hearing.

(b) Appeal to District Court. Any person aggrieved by the decision of the hearing examiner or hearing body may appeal to the District Court for a writ of certiorari, prohibition or mandamus.

10-909 License Term—Assignment—Renewals.

(a) There shall be no prorating of the license fees set out in Section 10-906 above. Adult cabaret licenses shall expire on the thirty-first day of December of each year, Adult cabaret managers, adult entertainers, and security personnel licenses shall expire one year from the date of issuance. Licenses issued under this chapter shall not be assignable. (Ord. No. 2008-26, 12/16/2008).

(b) Application for renewal of adult cabaret licenses issued hereunder shall be made to the clerk no later than 30 days prior to the expiration of such adult cabaret licenses. The renewal licenses for adult cabaret managers, adult entertainers, and security personnel shall be issued in the same manner and on payment of the same fees as for an original application for said licenses under this chapter. The renewal license for adult cabarets shall also be issued in the same manner and on payment of the same fees as for an original application under this chapter. There shall be assessed and collected by the clerk, an additional charge, computed as a percentage of the adult cabaret license fee, on applications not made on or before said date, as follows:

Days Past Due	Percent of License Fee
7-30	25%
31-60	50%
61 and over	75%

(Ord. No. 2008-26, 12/16/2008).

(c) The clerk shall renew a license upon application unless the clerk is aware of facts that would disqualify the applicant

from being issued the license for which he or she seeks renewal, and further provided that the application complies with all provisions of this chapter as now enacted or as the same may hereafter be amended.

10-910 License Suspension and Revocation—Hearing.

(a) The clerk shall, upon the recommendation of the chief of police or his designee and as provided in subsection (b) below, suspend or revoke any license issued under the provisions of this chapter at any time where the same was procured by fraud or false representation of fact; or for the violation of, or failure to comply with the provisions of this chapter by any of his servants, agents or employees when the licensee knew or should have known of the violations committed by his servants, agents or employees; or for the conviction of the licensee of any crime or offense involving prostitution, promoting prostitution, or transactions involving controlled substances (as that term is defined in §35-7-1002 of the Wyoming Statutes) committed on the premises, or the conviction of any of his servants, agents or employees of any crime or offense involving prostitution, promoting prostitution, or transactions involving controlled substances on the premises in which his cabaret is conducted when the licensee knew or should have known of the violations committed by his servants, agents or employees. Further, the clerk shall immediately revoke the license of any licensee, if during the period of licensure, the licensee is convicted of (1) prostitution, (2) solicitation of prostitution, (3) possession of a controlled substance with intent to distribute, (4) Indecent liberties with a minor, (5) rape or sexual assault. Anyone convicted of these crimes, or their equivalents in another jurisdiction, shall not be eligible for another license under this ordinance.

(b) A license procured by fraud or misrepresentation shall be revoked. Where other violations of this chapter or other applicable ordinances, statutes or regulations

are found, other than convictions for the crimes enumerated in Section (a) above, a license under this ordinance shall be suspended for a period of 30 days upon the first such violation, 90 days upon the second violation within a 24 month period, and revoked for third and subsequent violations within a 24-month period, not including periods of suspension.

(c) The clerk shall provide at least 10 days' prior written notice to the licensee of the decision to suspend or revoke the license. Such notice shall inform the licensee of the right to appeal the decision to the hearing examiner or other designated hearing body and shall state the effective date of such revocation or suspension and the grounds for revocation or suspension. The hearing examiner or other hearing body shall render its decision within 15 days following the close of the appeal hearing. Any person aggrieved by the decision of the hearing examiner or other designated hearing body shall have the right to appeal the decision to the District Court. The decision of the clerk shall be stayed during the pendency of any appeal except as provided in subsection (d) below.

(d) Where the City of Rock Springs building official or fire marshal or their designees or the Sweetwater County health department find that any condition exists upon the premises of a cabaret or adult cabaret which constitutes a threat of immediate serious injury or damage to persons or property, said official may immediately suspend any license issued under this chapter pending a hearing in accordance with subsection (c) above. The official shall issue notice setting forth the basis for the action and the facts that constitute a threat of immediate serious injury or damage to persons or property, and informing the licensee of the right to appeal the suspension to the hearing examiner or other designated hearing body under the same appeal provisions set forth in subsection (c) above, provided, however, that a suspension based on threat of immediate serious injury or damage shall

not be stayed during the pendency of the appeal.

10-911 Liquor Regulations.

Any license issued pursuant to this chapter shall be subject to any rules or regulations of the State of Wyoming State Liquor Commission relating to the sale of intoxicating liquor. In the event of a conflict between the provisions of this chapter and the applicable rules and regulations of the Wyoming State Liquor Commission, the rules and regulations of the Wyoming State Liquor Commission shall control.

10-912 Requirements—Adult Cabaret.

At any adult cabaret, the following are required:

(a) Admission must be restricted to persons of the age of 21 years or more. It is unlawful for any owner, operator, manager or other person in charge of an adult cabaret to knowingly permit or allow any person under the minimum age specified to be in or upon such premises.

(b) Neither the performance nor any photograph, drawing, sketch or other pictorial or graphic representation thereof displaying any portion of the breasts below the top of the areola or any portion of the pubic hair, buttocks, genitals, and/or anus may be visible outside of the adult cabaret.

No member of the public shall be permitted at any time to enter into any of the nonpublic portions of the adult cabaret, which shall include but are not limited to: the dressing rooms of the entertainers or other rooms provided for the benefit of employees, and the kitchen and storage areas; except that persons delivering goods and materials, food and beverages, or performing maintenance or repairs to the premises or equipment on the premises may be permitted into nonpublic areas to the extent required to perform their job duties.

c) The responsibilities of the manager of an adult cabaret shall include but

are not limited to:

1. A licensed manager shall be on duty at an adult cabaret at all times adult entertainment is being provided or members of the public are present on the premises. The name and license of the manager shall be prominently posted during business hours. The manager shall be responsible for verifying that any person who provides adult entertainment within the premises possesses a current and valid entertainer's license.

2. The licensed manager on duty shall not be an entertainer.

3. The manager or an assistant manager licensed under this chapter shall maintain visual observation of each member of the public at all times any entertainer is present in the public or performance areas of the adult cabaret. Where there is more than one performance area, or the performance area is of such size or configuration that one manager or assistant manager is unable to visually observe, at all times, each adult entertainer, each employee, and each member of the public, a manager or assistant manager licensed under this chapter shall be provided for each public or performance area or portion of a public or performance area visually separated from other portions of the adult cabaret.

4. The manager shall be responsible for and shall assure that the actions of members of the public, the adult entertainers and all other employees shall comply with all requirements of this chapter.

10-913 Prohibition Against Minors in Sexually Oriented Businesses.

A person commits a misdemeanor if:

A. The person knowingly or with reasonable cause to know, permits or allows a person under the age of eighteen years to be admitted or remain on the premises of a sexually oriented business unless accompanied by a parent or guardian;

B. The person knowingly or with reasonable cause to know, permits or allows a person under the age of eighteen years age to purchase goods or services at the business premises without the specific consent of the parent or guardian;

C. The person knowingly or with reasonable cause to know, permits or allows a person under the age of eighteen years to work at the business as an employee.

D. The person is under the age of 21 and knowingly or with reasonable cause to know they are not old enough to enter, enters an adult cabaret.

E. The person is under the age of 18 and knowingly or with reasonable cause to know they are not old enough to enter, enters a sexually oriented business. (Ord. No. 2008-09, 6/3/2008).

10-914 Violation.

Any person violating any of the provisions of this chapter is guilty of a misdemeanor and is subject to a criminal penalty of up to six (6) months in jail and a \$750.00 fine.

10-915 Additional Enforcement.

The remedies found in this chapter are not exclusive, and, the city may seek any other legal or equitable relief, including but not limited to enjoining any acts or practices which constitute or will constitute a violation of any business license ordinance or other regulations herein adopted.

10-916 Severability.

If any portion of this chapter, or its application to any person or circumstances, is held invalid, the validity of the chapter as a whole, or any other portion thereof, and its application to other persons or circumstances, shall not be affected.

(Created by Ord. No. 2007-19, 11/20/07)

10-917 Effective Date.

This ordinance shall go into effect
March 1, 2008.

(Created by Ord. No. 2007-24, 12/18/07)