Adult Entertainment Establishments
Marion County, Indiana
ADULT ENTERTAINMENT ESTABLISHMENTS

ARTICLE I. DEFINITIONS

Sec. 807-1. Adult bookstore.

An establishment having as a preponderance of its stock in trade or its dollar volume in trade books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, slides, tapes, records or other forms of visual or audio representations which are distinguished or characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas,

(G.O. 20, 1995, § 1)

Sec. 807-2. Adult cabaret.

A nightclub, bar, theater, restaurant or similar establishment which frequently features live performances by topless or bottomless dancers, go-go dancers, exotic dancers, strippers, or similar entertainers, where such performances are distinguished or characterized by an emphasis on specified sexual activities or by exposure of specified anatomical areas or which regularly feature films, motion pictures, video cassettes, slides or other photographic reproductions which are distinguished or characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas for observation by patrons.

(G.O. 20, 1995, § 1)

Sec. 807-3. Adult drive-in theater.

An open lot or part thereof, with appurtenant facilities, devoted primarily to the presentation of motion pictures, films, theatrical productions, and other forms of visual productions, for any form of consideration, to persons in motor vehicles or on outdoor seats in which a preponderance of the total presentation time is devoted to the showing of materials distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas for observation by patrons.

(G.O. 20, 1995, § 1)

Sec. 807-4. Adult entertainment business.

An adult bookstore, adult motion picture theater, adult mini motion picture theater, adult motion picture arcade, adult cabaret, adult drive-in theater, adult live entertainment arcade, adult motel, or adult services establishment, which is not operating under a valid Indiana Alcoholic Beverage Commission permit for retail sales of wine, beer or liquor for on-premises consumption.

(G.O. 20, 1995, § 1)

Sec. 807-5. Adult live entertainment arcade.
Any building or structure which contains or is used for commercial entertainment where the patron directly or indirectly is charged a fee to view from an enclosed or screened area or booth a series of live dance routines, strip performances or other gyrational choreography, which performances are distinguished or characterized by an emphasis on specified sexual activities or by exposure of specified anatomical areas.
(G.O. 20, 1995, § 1)

Sec. 807-6. Adult mini motion picture theater.

An enclosed building with a capacity of more than five (5) but less than fifty (50) persons, used for presenting films, motion pictures, video cassettes, slides or similar photographic reproductions in which a preponderance of the total presentation time is devoted to the showing of materials which are distinguished or characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas for observation by patrons therein.
(G.O. 20, 1995, § 1)

Sec. 807-7. Adult motel.

A hotel, motel or similar establishment offering public accommodations for any form of consideration which provides patrons, upon request, with closed-circuit television transmissions, films, motion pictures, video cassettes, slides or other photographic reproductions which are distinguished or characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas
(G.O. 20, 1995, § 1)

Sec. 807-8. Adult motion picture arcade.

Any place to which the public is permitted or invited wherein coin or slug-operated or electronically, electrically or mechanically controlled still or motion picture machines, projectors or other image-producing devices are maintained to show images to five (5) or fewer persons per machine at any one (1) time, and where the images so displayed are distinguished or characterized by an emphasis on matter depicting or describing specified sexual activities or specified anatomical areas.
(G.O. 20, 1995, § 1)

Sec. 807-9. Adult motion picture theater.

An enclosed building with a capacity of fifty (50) or more persons used for presenting films, motion pictures, video cassettes, slides or similar photographic reproductions in which a preponderance of the total presentation time is devoted to showing of materials which are distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas for observation by patrons therein.
(G.O. 20, 1995, § 1)
Sec. 807-10. Adult service establishment.

Any building, premises, structure or other facility, or any part thereof, under common ownership or control which provides a preponderance of services involving specified sexual activities or display of specified anatomical areas
(G.O. 20, 1995, § 1)

Sec. 807-11. Specified anatomical areas.

Any of the following:

(1) Less than completely and opaquely covered human genitals, pubic region, buttocks, anus or female breasts below a point immediately above the top of the areolae; or

(2) Human male genitals in a discernible turgid state, even if completely and opaquely covered.
(G.O. 20, 1995, § 1)

Sec. 807-12. Specified sexual activities.

Any of the following:

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

(2) Acts of human masturbation, sexual intercourse or sodomy;

(3) Fondling or other erotic touching of human genitals, pubic regions, buttocks or female breasts;

(4) Flagellation or torture in the context of a sexual relationship;

(5) Masochism, erotic or sexually oriented torture, beating or the infliction of pain;

(6) Erotic touching, fondling or other such contact with an animal by a human being;

(7) Human excretion, urination, menstruation, vaginal or anal irrigation as part of or in connection with any of the activities set forth in (1) through (6) above.
(G.O. 20, 1995, § 1)

ARTICLE II. LICENSURE

Sec. 807-21. License required.

It shall be unlawful for any person to maintain or operate an adult entertainment business in the city without first obtaining a license therefor
Sec. 807-22. License fee.
The annual license fee shall be for the period of January first to December thirty-first and shall be seventy-five dollars ($75.00) for each business location, each stage, each motion picture or video screen, each closed circuit television and each motion picture or video screen, projector or other image-producing device. The maximum amount to be charged under this section for each business location shall be three thousand dollars ($3,000.00).

Sec. 807-23. Application for license.
All applications for licenses shall be made to the controller. The application for a license required by this article shall state, under oath, the following:

(1) Name and address of the applicant;

(2) The name and address of the business;

(3) Telephone number of the applicant;

(4) The state of incorporation (where applicable);

(5) The names of partners or corporate officers and their home addresses (where applicable);

(6) The names of all creditors of the applicant;

(7) The resident agent and principal office of the corporation (where applicable);

(8) The length of time the business has been in Indianapolis;

(9) Any previous location or location change of the business within two (2) years;

(10) The applicant's citizenship;

(11) Whether or not the applicant or any partner or corporate officer for the applicant business has ever been denied a license, had a license revoked or suspended;

(12) Whether or not the applicant or any partner or corporate officer of the applicant business has been arrested or convicted of a felony, misdemeanor or ordinance violation other than a minor traffic charge;

(13) Whether all city, county and state taxes have been paid;
(14) The seating capacity of the establishment;

(15) The number of business locations, stages, motion picture or video screens, closed circuit televisions and motion picture or video screens, projectors or other image-producing devices
(G.O. 20, 1995, § 1)

Sec. 807-24. Investigation.

Within thirty (30) days after receiving the application, the city license administrator shall notify the applicant that the application is granted or recommended for denial to the city controller, or held for further investigation. Such further investigation shall not exceed an additional thirty (30) days unless there are extenuating circumstances, in which case the controller shall give written notice of the extenuating circumstances to the applicant. The controller shall advise the applicant in writing after the extenuating circumstances have been satisfied, whether the application is granted or recommended to the city controller for denial.
(G.O. 20, 1995, § 1)

Sec. 807-25. Grounds for denial.

A license may be denied if the applicant:

(1) Where applicable, is not a corporation organized by law or authorized and qualified to do business in the state;

(2) Knowingly permits any illegal conduct or practice to take place on his premises or in the conduct of this business; or

(3) Fails to certify by affidavit that the business premises will not be used for illegal purposes;

(4) Has previously evaded the licensing provisions of this Revised Code.
(G.O. 20, 1995, § 1)

Sec. 807-26. Grounds for suspension or revocation.

A license granted under this article may be suspended or revoked if the licensee:
(1) Conducts the business or maintains the premises in such a manner as to create a nuisance to the public;

(2) Knowingly permits illegal conduct to take place on the premises or in the conduct of the business; or

(3) Violates section 807-28 or 807-29 of this Revised Code
(G.O. 20, 1995, § 1)
ARTICLE III. REGULATIONS

Sec. 807-27. Adult live entertainment arcade.

(a) It shall be unlawful to own or operate an adult live entertainment arcade which has individual booths, unless the booth meets the following requirements:

(1) Each booth shall have a rectangular shaped entranceway of not less than two (2) feet wide and six (6) feet high.

(2) There shall be no door, curtain or other obstruction blocking or closing off such entranceway so as to obstruct the visibility of a patron twenty-four (24) inches from the floor of the booth.

(b) It shall be unlawful for a patron to be present in a booth in an adult entertainment arcade unless this patron is visible from twenty-four (24) inches from the floor of the booth.

(c) It shall be unlawful for any owner to use or allow to be used a booth in an adult live entertainment arcade which does not meet the requirements as set out in subsection (a).

(d) In addition to such other penalties as are provided in this Revised Code, violation of this section shall be sufficient grounds for revocation of a license held under this article. (G.O. 20, 1995, § 1)


(a) An adult entertainment establishment shall be kept in a sanitary condition at all times. As a condition of licensure under this chapter, the controller or controller's designee shall have the right to enter any licensed premises at any time without notice to insure compliance with this chapter. The controller shall have the power to determine if such establishment is in a sanitary condition. For such purpose, the controller shall have, upon demand, the assistance of the administrator of the division of development services and the Health and Hospital Corporation of Marion County. If the controller shall determine, after investigation by the division of development services or the Health and Hospital Corporation of Marion County, that an unsanitary condition exists within an adult entertainment establishment, the controller shall suspend the establishment license for such premises until such unsanitary condition is rectified.

(b) No licensee under this article, or his employee, shall permit persons to congregate in a disturbing manner within such licensed establishment or on parking areas or other property immediately adjacent to or normally used for purposes of parking for the establishment, which property is under the control of the establishment owner or owners
or their lessee or lessor. A violation of this provision shall be sufficient grounds for the revocation of the license by the controller.

(c) No licensee under this article, or his employee, shall violate any state statute or city ordinance, or allow any other person to commit such a violation, within such establishment or on parking areas or other property immediately adjacent to or normally used for purposes of parking for such establishment, which property is under the control of the establishment owner or owners or their lessee or lessor. A violation of this provision shall be sufficient grounds for the revocation of the license by the controller. (G.O. 20, 1995, § 1)