

Adult Entertainment Establishments  
Jefferson County,  
Kentucky

## CHAPTER 111: ADULT ENTERTAINMENT ESTABLISHMENTS

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## GENERAL PROVISIONS

### § 111.01 DEFINITIONS.

For the purpose of this ordinance, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ADULT ENTERTAINMENT ACTIVITY, ACTIVITIES or ADULT ENTERTAINMENT ESTABLISHMENT shall mean one or more of the activities defined below:

#### (1) ADULT AMUSEMENT ARCADE.

An establishment having as one of its principal uses one or more of the following: customer-operated motion picture devices, peep shows, viewing areas and/or similar

devices either coin, token or slug operated or which, in consideration of an entrance fee, display matter distinguished or characterized by an emphasis on depictions of sexual activities, as hereinafter defined, or which other male or female persons who expose to view of the customer the bare female breast below a point immediately above the top of the areola, human genitals, pubic region or buttocks, even if partially or completely covered by translucent material, or human or simulated male genitals in a discernibly turgid state, even if completely or opaquely covered.

(2) ADULT BOOK STORE. An establishment having as one of its principal uses the sale, rent or display of pictures, books, periodicals, magazines, appliances and similar material which are distinguished or characterized by their emphasis or depictions of sexual activities as hereinafter defined.

(3) ADULT ENTERTAINMENT PROVIDER. A commercial establishment, such as a hotel or motel, which in addition to providing as the major part of its business, services unrelated to depictions of sexual activities as herein defined, makes entertainment (either live or on film or video tape) available to its customers, which entertainment has as a dominant theme or is characterized or distinguished by an emphasis on matter depicting, describing or relating to sexual activities, if such establishment advertises the availability of such adult entertainment at its establishment. The advertisement of such materials shall not include the posting of a card or handbill on or near a television set in a hotel or motel room advising room guests that such adult movies are available upon request of the guest, or advertising informing the public of the availability of commercial channels.

(4) ADULT MOTION PICTURE THEATER. An establishment having as one of its principal uses the presentation of motion pictures, slide projections and other similar material having as a dominant theme or characterized or distinguished by an emphasis on matter depicting, describing or relating to sexual activities, as hereinafter defined, for observation by persons therein. The nature and extent of advertisements for such matter may be considered in determining whether the activity is one of the establishment's principal uses.

(5) ADULT STAGE SHOW THEATER.

An establishment having as one of its principal uses the presentation of live performances of humans or animals having as a dominant theme or characterized or distinguished by an emphasis on matter depicting, describing or relating to sexual activities, as hereinafter defined, for observation by persons therein.

(6) ADULT VIDEO CASSETTE RENTAL CENTER. A commercial establishment which has as one of its principal business uses the rental or sale of video cassettes which depict material distinguished or characterized by an emphasis on depictions of sexual activities as hereinafter defined.

(7) CABARET. An establishment which features as one of its principal uses, entertainers and/or waiters and/or bartenders, male or female impersonators and/or

persons, either male or female, who expose to public view the patrons of the entertainment any time the bare female breast below a point immediately above the top of the areola, human genitals, pubic region or buttocks, even if partially or completely covered by translucent material, and/or human or simulated male genitals in a discernibly turgid state, even if completely and opaquely covered.

(8) **COMMERCIAL SEXUAL ENTERTAINMENT CENTER.** Any commercial establishment not otherwise described herein which as one of its principal uses makes available matter, services or entertainment appealing to adult sexual interests if the establishment or its entertainment, services or goods are advertised by or on behalf of the establishment in a manner patently designed to appeal to such adult sexual interests.

(9) **MASSAGE PARLOR.** An establishment for treating the human body by rubbing, stroking, kneading, tapping or similar treatment with the hand or any other part of the human body which promotes its services in a manner designed to appeal to the patron's sexual interest.

(10) **SELF-DESIGNATED ADULT ENTERTAINMENT CENTER.** Any establishment which designates all or a portion of its premises as for adults only and has a policy of excluding minors from its premises or from a portion of its premises or which advertises so as to convey the impression that the services, entertainment, matter or goods available at the premises or at the portion of the premises designated for adults only are characterized or distinguished by depictions of sexual activities, as herein defined.

**DIRECTOR.** The Director of the Jefferson County Office of Community Outreach or his designee.

**EMPLOYEE.** Any person hired by or suffered or permitted to work in an establishment engaging in adult entertainment activities whether that person receives remuneration or compensation directly from the operator or owner of the establishment, from patrons of the establishment or from any other source whether by contract of employment or otherwise.

**ESTABLISHMENT.** A business entity or endeavor, fixed, or travelling, including its owners, operators, directors, shareholders, partners, employees and possessions

**LICENSEE.** A person who is the holder of a valid license under this ordinance and shall also include an agent, servant, or employee of or other person acting on behalf of a licensee whenever a licensee is prohibited from doing a certain act under this ordinance.

**MATTER.** Any book, magazine, newspapers, or other printed or written material or any picture, drawing, photograph, motion picture, video cassette film or other pictorial representation or mechanical, chemical, or electrical reproduction or any other articles, equipment, machines or materials.

**OPERATOR.** Any individual, partnership, corporation or business entity who establishes and/or maintains a business as its owner or manager and may also mean LICENSEE as defined hereabove.

**OWNER.** Any individual, partnership, corporation or business entity who has legal title to real estate, with or without accompanying actual possession thereof, or has all or part of the beneficial ownership of any real estate and a right to present use of enjoyment thereof, including a mortgage in possession.

**PERSON.** Any individual, partnership, corporation or business entity.

**PRINCIPAL USE.** A substantial or significant use, but not necessarily a majority of the business activity or stock in trade. The fact that a business may have one or more other principal uses unrelated to adult entertainment shall not relieve the business from the provisions of this ordinance applicable to adult entertainment establishments. The fact that an establishment dedicates a section or area of the business premises for a business purpose or activity which would otherwise require licensing under this ordinance if such purpose or activity were the sole business or activity of the establishment may be considered evidence of a PRINCIPAL USE.

**SEXUAL ACTIVITIES.** Partial or complete male and/or female nudity in conjunction with:

- (1) Depiction of human genitals in a state of sexual stimulation;
- (2) Acts of human masturbation, sexual intercourse or sodomy; or
- (3) Holding or other erotic touching of human genitals, pubic region, buttocks or breasts. (Ord. 24-1987, adopted and effective 9-22-87)

## **§ 111.02 ADMINISTRATION.**

The Director is empowered to enact from time to time whatever rules and regulations are deemed necessary for the orderly and complete administration of this ordinance at such times, in the discretion of the Director, as the need arises for such rules and regulations. All regulations shall be submitted to the Fiscal Court and shall become effective within 30 days of submission unless disapproved by the Fiscal Court prior to that date. All licensees and persons with license applications pending shall be mailed copies of all such regulations and they shall be published one time in the newspaper as soon as practical after they become effective.

(Ord. 24-1987, adopted and effective 9-22-87)

Penalty, see § 111.99

## **RESTRICTIONS AND OPERATING REQUIREMENTS**

#### § 111.15 SIGNS.

An establishment engaging in an adult entertainment activity, except as otherwise provided by laws which may be more restrictive, may not have more than one sign outside, flush to the wall, facial style, not to exceed in size ten feet in length (horizontal to the ground) and three feet in width (vertical to-the ground) with no flashing lights and with no lettering, wording or pictorial or representational matter which is distinguished or characterized by an emphasis on depictions of sexual activities as defined in § 111.01. (Ord. 24-1987, adopted and effective 9-22-87)

Penalty, see § 111.99

#### § 111.16 MATERIAL NOT TO BE SUBJECT TO PUBLIC VIEW.

An establishment engaging in an adult entertainment may not display its stock in trade or matter depicting, describing, or relating to sexual activities in such manner as to be subject to public view from outside the establishment, including but not limited to view from public sidewalks, streets, arcades, hallways or passageways.

(Ord. 24-1987, adopted and effective 9-22-87)

Penalty, see § 111.99

#### §111.17 EMPLOYEE AGE REQUIREMENT.

(A) An operator or his employee engaging in an adult entertainment activity shall not permit a person under 18 years of age to be employed by nor to enter his establishment, except that such establishments operating as a Self-Designated Adult Entertainment Center may permit persons under 18 years of age on that portion of the premises not otherwise dedicated to any adult entertainment activity, provided such establishment monitors the area designated for adult entertainment activity so as to insure persons under 18 years of age are prevented from entering the areas. Such exemption for Self-Designated Adult Entertainment Centers shall not apply to the employment of persons under 18 years of age at such establishments. This ordinance shall not be construed to be an exemption from or in conflict with any requirement found in any statute, ordinance, regulation or other provision of law applicable to a licensee or potential licensee hereunder which is more stringent in terms of an age requirement for employees.

(B) An operator engaging in an adult entertainment activity shall, at all times, cause the entrance of his establishment to be so attended as to insure compliance with the requirements contained in division (A) of this ordinance.

(Ord. 24-1987, adopted and effective 9-22-87; Am. Ord. 14-1988, adopted and effective 7-26-88)

Penalty, see § 111.99

#### § 111.18 RESTRICTED HOURS.

An establishment licensed to engage in adult entertainment shall not permit any person to conduct, show, state or perform any entertainment, whether live or on film or video tape or to perform massage between the hours of 2:00 a.m. and 6:00 a.m. (Ord. 24-1987, adopted and effective 9-22-87) Penalty, see § 111.99

#### § 111.19 CONSTRUCTION REQUIREMENTS.

(A) An adult amusement arcade, except as otherwise provided by laws which may be more restrictive, shall meet the requirements set forth in this ordinance:

(B) Any wall or partition which is situated so as to create a viewing area in which any amusement device or viewing screen is located shall be constructed of not less than one hour fire-restrictive material and shall contain no hole or other perforation.

(C) A person who operates or causes to be operated an adult amusement arcade which exhibits on the premises in a viewing room of less than 150 square feet of floor space, a film, video cassette or other video reproduction which depict specified sexual activities as defined in § 111.01 shall comply with the following requirements:

(1) The interior of the premises shall be configured in such a manner that there is a unobstructed view from a manager's or cashier's station of every area of the premises to which any patron is permitted access for any purpose excluding restrooms. Restrooms may not contain video reproduction equipment. The view required in this ordinance must be by direct line of sight from the manager's or cashier's station.

(2) it shall be the duty of the owners and operator, and it shall also be the duty of any agents and employees present in the premises to ensure that the view area specified in division (C)(1) of this ordinance remains unobstructed by any doors, walls, merchandise, display racks or other materials at all times.

(3) No viewing room may be occupied by more than one person at a time.

(D) There shall be no fewer than two doorways, each of a width not less than 36 inches, which provides ingress or egress from any room in which an amusement device or viewing area is located, provided, however, that one doorway shall be sufficient in the event the Chief of the Division of Fire or Fire Marshall, or his designee, should so determine. The doorway or doorways shall be unlocked during business hours.

(E) Over every doorway which provides egress from any room in which an amusement device or viewing area is located there shall be maintained an internally illuminated exit sign with letters at least five inches in height.

(F) A light level of no less than one foot candle at floor level shall be maintained in every portion of the establishment to which the public is admitted.

(G) All persons regulated pursuant to this ordinance must comply with the terms and conditions of this ordinance within sixty (60) days after the effective date of this ordinance.

(Ord. 24-1987, adopted and effective 9-22-87)

Penalty, see § 111.99

## § 111.20 LOCATION RESTRICTIONS.

(A) The public entrance to an establishment engaging in adult entertainment activities shall not be located within 1000 feet of any building containing a public or private elementary, middle or secondary school, institution or higher education or business college, or any park-mall or park-like area of open space under the control of a governmental agency, or any building used for a place of religious worship, or any building used for a governmental function or public library. Such distance shall be measured along a straight line from the nearest property line of the real estate on which the building or public park-line area is located to the entrance to such establishment engaging in an adult entertainment activity.

(B) The public entrance to an establishment engaging in adult entertainment activities may not be located within 1,000 feet of an area zoned R-E, R-1, R-2, R-3, R-4, R-5, R-5A, R-6, R-7, OR-1, OR-2, OR-3 or from an area used for residential purposes. Such distance shall be measured along a straight line from the boundary line of the newest area zoned or used for residential purposes to the entrance to such establishment engaging in an adult entertainment activity.

(C) The public entrance to an establishment engaging in adult entertaining activities shall not be located within 1,000 feet of the public entrance of another adult entertainment activity establishment.

(D) The public entrance to an establishment engaging in adult entertainment shall not be located within 500 feet of the public entrance of an establishment licensed to serve alcoholic beverages.

(Ord. 24-1987, adopted and effective 9-22-87)

Penalty, see § 111.99

## LICENSING PROVISIONS

### § 111.35 LICENSE REQUIRED.

Thirty days after the effective date of this ordinance, no operator shall maintain, operate or conduct an establishment engaging in adult entertainment activities, defined under § 111.01, unless such person has made an application for a license, and thereafter no operator shall own, operate or be employed at an establishment engaging in adult entertainment activities which has sought and been denied a license hereunder, and unless all dancers, performers, and entertainers appearing at the establishment have obtained the license required by §§ 111.35 through 111.43 of this ordinance.



(Ord. 24-1987, adopted and effective 9-22-87)  
Penalty, see § 111.99

#### § 111.36 LICENSE APPLICATION; CONTENTS.

(A) The owner or operator of an establishment intending to engage or engaging under a previously issued license in an adult entertainment activity shall make application for a license with the Director in accordance with this ordinance.

(B) Such application shall be in writing, under oath, and shall be in the form prescribed by the Director and shall contain the following information together with such further information as the Director may require.

(1) The name and location of the establishment and the name and business address of the applicant.

(2) The name, address, date of birth, social security number and photograph of a natural person with an ownership interest in the licensee, such natural person to be determined as follows:

(a) If the licensee is one or more natural persons, then all such natural persons shall comply, or any one natural person may comply for the licensee upon certification that he owns a greater share of the licensee than any other person.

(b) if the licensee is a partnership then the natural person designated as the managing general partner in the partnership agreement (a copy of which is to be attached to the license application) shall comply, but if the partnership agreement designates no natural person as a managing general partner, then the natural person or persons who by virtue of his/their interest or holding in the partnerships and/or corporations which have formed the partnerships own equal greater shares of the licensee shall comply.

(c) If the licensee is a corporation, the natural person, if any, who owns a greater number of shares than any other person shall comply, but if the person owning the greatest number of shares is not a natural person, then the natural person or persons who by virtue of his/their interests or holdings in one or more partnerships or other corporations that own shares in the licensee own a greater portion of the shares in the licensee than any other individual natural person shall comply.

(3) The name and address of all directors and officers of any licensee or applicant which is a corporation, and the name and address of the licensee's designated agent for service of process.

(4) in the event the applicant or licensee is not the owner of record of the real property on which the licensed establishment is located or to be located, the application shall include a notarized statement from the owner of record of the real property acknowledging that an adult entertainment establishment is to be located on the real

property upon the issuance of the license. The applicant also shall furnish the name and address of the owner of record of the real property and a copy of the lease or rental agreement or memorandum thereof.

(5) The name, address, date of birth, social security number and photograph of all persons engaged in the day to day management of the licensed premises. If the licensee is to engage in the sale, rental or showing of books or movies distinguished or characterized by an emphasis on matter depicting or relating to sexual activities as herein defined, then all persons designated to engage in the selection of such books and movies to be offered for sale or rental or to be shown on the licensed premises, shall be included in the provisions of this division (E). All persons who at any time shall be responsible for attending the entrance of the establishment for the purpose of insuring compliance with the provisions of § 111.38 of this ordinance shall be included in the provisions of this division.

(6) The name, address, date of birth, social security number and photograph of the individual designated by the applicant to undertake to keep the applicant, if licensed, at all times in compliance with the restrictions, requirements and conditions hereof and with the rules and regulations promulgated by the director pursuant to § 111.02 of this ordinance together with the sworn affidavit of the individual stating that he has received a copy of this ordinance, that he understands the restrictions, requirements and conditions hereof, and that he willfully undertakes on behalf of the applicant to comply therewith.

(7) The name, address, date of birth, social security number and photograph of the individual designated by the applicant or licensee to be responsible for keeping the information required hereunder current at all times together with a sworn affidavit of the individual stating that he has received a copy of this ordinance, that he understands the requirements hereof pertaining to disclosure of information and that he willfully undertakes on behalf of the applicant to comply therewith.

(8) The name and addresses of any rental agent of the property on which the establishment is located.

(9) The nature of the activity or activities to be engaged in at such location.

(10) All criminal convictions other than traffic violations of the applicants, owners, directors, partners, or employees whose names are required pursuant to § 111.36. Any such person who is on parole shall submit to the Director the terms of such parole.

(11) The name and address of any person to whom the applicant wants mail notice to be given in case of violation or other matters affecting the license hereunder.

(12) A photograph or drawing of any signs displayed or proposed to be displayed on the exterior of the establishment and a statement of the dimensions of such signs.

(13) Proof of registration with the Louisville/Jefferson County Revenue Commission and proof of compliance with county occupational license fee laws.

(14) A certificate of occupancy where required and in all other cases, a letter of compliance issued by the Zoning Administrator of Jefferson County or his designee certifying that the business is in compliance with applicable zoning laws or has nonconforming use rights and that the proposed use will not constitute an enlargement or expansion of the scope of such nonconforming rights,

(15) A certificate from the State Fire Marshall or other fire marshal having authority to enforce fire codes within that fire district, that all applicable fire regulations have been met and, in the case of an adult amusement arcade, that all requirements of § 111.19 of this ordinance have been met.

(16) A statement from the Director of the Public Works and Community Development or his designee that the premises comply with applicable provisions of the Uniform Kentucky Building Code, as adopted by Jefferson County, and in the case of an adult amusement arcade that all requirements of § 111.19 have been met.

(17) A statement from the Director of Public Health of the Louisville and Jefferson County Board of Health or his designee that the premises are adequately ventilated and contain public restrooms which satisfy the requirements of 902 KAR 10:010.

The Director of Public Health or his designee shall cause the premises of each licensee to be inspected quarterly to determine continued compliance with the premises of this ordinance.

(Ord. 24-1987, adopted and effective 9-22-87)

Penalty, see § 111.99

#### §111.37 INFORMATION TO BE CURRENT; DIRECTOR TO BE NOTIFIED OF CHARGES.

The information required by § 111.36 shall be at all times current even after the granting of a license by the Director. It shall be the responsibility of the operator or other person designated in the license application to notify the Director no later than the close of the first business day after the effective date of any changes, alterations or modifications in any information contained in the application including, but not limited to: name of the establishment; any change of address of the owner or operator of the establishment; any change in the corporate information required for the application; names and addresses of employees; names and addresses of the owners of the property on which the establishment is located; names and addresses of any rental agents of the property on which the establishment is located; name and address of designated agent for service of process; nature of the activity or activities to be engaged in at the establishment; and the name and address of any person the applicant wants mail notice to be given in case of violation or other matters affecting the license.

(Ord. 24-1987, adopted and effective 9-22-87)

Penalty, see § 111.99

#### § 111.38 ISSUANCE OF LICENSE.

The Director will cause the premises to be inspected after such application has been received and all application requirements of § 111.36 have been complied with. The Director shall then issue a license forthwith if all restrictions, requirements, conditions and all applicable requirements of this ordinance and other applicable law have been met, except that no license will be issued if the applicant or any owner, operator, director, partner, shareholder or employee has been convicted of any offense set forth in KRS 529.010 to 529.080 (prostitution); KRS 506.030 (if such solicitation pertains to a prostitution offense under KRS Chapter 529), KRS 510.150 (sexual offense), and KRS 531.010 to 531.040 (Distribution of obscene matter and use of a minor to distribute obscene material), within the last five years.

However, the granting of a license does not certify compliance with all applicable laws nor does it stop the county from enforcement of all applicable laws or ordinances. If inspection reveals failure to comply with any restrictions, requirements or conditions herein, the Director shall notify the applicant in writing of that fact, stating what failures have been discovered, allowing a reasonable time to correct such defects and informing the applicant of the appeal procedure if the applicant does not agree with the Director's decision. The Director shall certify annually to the Fiscal Court that the inspections required by this ordinance have been completed.

(Ord. 24-1987, adopted and effective 9-22-87)

Penalty, see § 111.99

#### § 111.39 DISPLAY OF LICENSE.

Any license granted hereunder shall at all times be conspicuously posted and displayed in a public area so as to be open to view of the patrons and proper public authorities.

(Ord. 24-1987, adopted and effective 9-22-87)

Penalty, see § 111.99

#### § 111.40 INSPECTIONS.

Application for or granting of a license hereunder is deemed to permit periodic inspections of the public areas of any establishment requiring a license under this ordinance for the purpose of verifying compliance with the terms and conditions of this ordinance.

(Ord. 24-1987, adopted and effective 9-22-87)

#### § 111.41 UNLICENSED ESTABLISHMENTS OR ACTIVITIES PROHIBITED.

(A) immediately upon the effective date of this ordinance no person shall operate, own or be employed at an unlicensed adult entertainment activity defined under § 111.01, such conduct having been prohibited under the prior Ordinance No. 5, Series 1978, as heretofore amended. All licenses presently held by adult entertainment establishments

shall remain in full force and effect without the necessity of reapplication until the annual renewal date set forth in § 111.42. However, current licenses shall be subject to regulation by the terms of this ordinance and shall be in full compliance with this ordinance within 60 days after the effective date hereof. All pending applications at the time of the effective date hereof and new applications received thereafter shall be subject immediately to the terms of this ordinance.

(B) No owners shall permit adult entertainment activities to operate on his property without such adult entertainment activities being properly licensed except as permitted under division (A) of this ordinance.

(C) No person shall permit himself to be an operator or an employee at an adult entertainment activity which has not been validly licensed hereunder, except as permitted under division (A) of this ordinance.

(Ord. 24-1987, adopted and effective 9-22-87)

Penalty, see § 111.99

#### § 111.42 LICENSE YEAR; LICENSE FEES.

All licenses shall be for the fiscal year, July 1, to June 30 or the remaining portion of such fiscal year. The annual license fee shall be \$1,000. All license fees shall be remitted to the County Treasurer. Annual fees may be prorated at the rate of \$100 per month for the remaining full months of the current fiscal year, but not to exceed \$1,000. Application for renewal of a license shall be made on or before March 15 of each year and accompanied by the annual fee of \$1,000. Such application shall also contain any changes in the information required by § 111.36 which have occurred since the previous application.

(Ord. 24-1987, adopted and effective 9-22-87)

Penalty, see § 111.99

#### § 111.43 EMPLOYEE LICENSE REQUIRED.

(A) Any person intending to be an employee at an adult entertainment establishment shall make application for a license with the Director in accordance with this ordinance. The application shall be in writing, under oath, and shall be in the form prescribed by the Director and shall include:

(1) The legal name of the applicant;

(2) Any and all names used by the applicant in the course of performance of his/her duties as a dancer, performer or entertainer;

(3) The applicant's residence address;

(4) The applicant's date of birth;  
and

(5) The applicant's social security number;

(6) A recent photograph of the applicant;

(7) The licensee's fingerprints.

(B) The applicant shall submit with his/her application an annual license fee of \$25. The Director shall grant the applicant the license promptly after receiving a report from the Jefferson County Police that the applicant has not been convicted in the past five years of an offense set forth in KRS 529.010 to .KRS 529.080 (prostitution) or KRS 510.010 to 510.150 (sexual offenses). The license so granted shall expire on June 30 of each year and shall be reissued by the Director upon application therefore by the employee unless the Director is informed that the applicant has been convicted in the past five years of any of the above set forth offenses. Within 30 days after the effective date of this ordinance, no person shall be an employee at an adult entertainment establishment without having obtained the license required by this § 111.36.

(Ord. 24-1987, adopted and effective 9-22-87)

Penalty, see § 111.99

#### § 111.44 SUSPENSION, REVOCATION OR NONRENEWAL.

(A) The Director may refuse to renew any establishment license or may suspend any such license granted under this ordinance if the Director finds on the basis of substantial evidence presented at the hearing that a licensee, applicant, owner or operator has:

(1) Failed to comply with the restrictions, requirements and conditions herein or with such regulations as may be enacted by the Director pursuant to § 111.02 of this ordinance;

(2) Knowingly provided false information to gain or to maintain a license, or has willfully failed to keep the information required under §§ 111.35 through 111.43 current; or

(3) Engaged in conduct which has resulted in the licensed premises being used for or the site of illegal activities, whether under this ordinance, state or federal law, by the licensee or its agents, employees or patrons.

(B) At any hearing in division (A) of this ordinance, the Director shall consider all relevant evidence pertaining to the substantive charges requiring the hearing including any evidence in mitigating the charges.

(C) When the Director determines to hold a hearing pursuant to this ordinance he shall serve written notice of the hearing and of the specific matter or charges to be determined. The notice shall be served upon the licensee or applicant at the address listed for the licensee or applicant in the application at least 20 days in advance of the hearing. Service of notice shall be deemed complete upon certified mailing, return

receipt requested, or personal delivery. At the hearing the Director shall afford the licensee or applicant an opportunity to be represented by an attorney, to present evidence, to cross-examine adverse witnesses and otherwise to rebut the evidence presented against the licensee. Within 20 days after the hearing the Director shall publish his findings and shall determine the sanction, if any, to be imposed on the licensee or upon the owner of the licensed premises, which may include suspension of a licensee's license for a period not to exceed five years. If the licensee's license is suspended all persons listed on the application, whether as a partner, director, officer, owner, part owner or operator, managing partner may also be suspended from participating in adult entertainment activities for a period not to exceed five years if the Director finds that such persons knew or reasonably should have known of the violation for which the license is suspended and failed to take steps promptly to cure the violation.

(D) The findings and rulings of any hearing before the Director shall be a final determination of the issues raised and may be appealed to a court of competent jurisdiction, but shall be enforced during the pendency of any such appeal unless otherwise ordered by the court.

(Ord. 24-1987, adopted and effective 9-22-87)

Penalty, see § 111.99

#### § 111.99 PENALTY.

Any person who violates any provision of this ordinance or who knowingly provides false information in an attempt to gain or maintain a license, shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than \$250 nor more than \$500 or imprisonment not to exceed 50 days, or both, for each offense. Any person cited hereunder for a failure to meet a requirement hereof may be cited again for said failure one or more days after a prior citation and in such case each citation shall constitute a separate offense.

(Ord. 24-1987, adopted and effective 9-22-87)