Adult Entertainment Licensing and Regulation
Warren County,
Mississippi
ORDINANCE REGARDING ADULT ENTERTAINMENT; REQUIRING LICENSES FOR ADULT ENTERTAINMENT BUSINESSES AND MANAGERS, ENTERTAINERS AND EMPLOYEES THEREOF; RESTRICTING THE LOCATION OF SUCH BUSINESSES AND THE HOURS OF OPERATION THEREOF; SETTING MINIMUM AGE REQUIREMENTS FOR MANAGERS, ENTERTAINERS, EMPLOYEES AND PATRONS THEREOF AND OTHER RELATED MATTERS

WHEREAS, the Laws of the State of Mississippi vest the Warren County Board of Supervisors with the authority to enact laws for the protection and preservation of public health; safety and the general welfare of the citizens of Warren County; and

WHEREAS, the Warren County Board of Supervisors finds that it is necessary for the protection and preservation of public health, safety and the general welfare of the citizens of Warren County, as well as to protect and preserve the quality of the residential neighborhoods, public facilities, religious facilities and commercial districts of Warren County and the quality of urban life in general, to regulate adult entertainment businesses and the managers, entertainers and employees thereof; and

WHEREAS, the Warren County Board of Supervisors is cognizant of the experiences of municipalities and other counties in counteracting and minimizing the specific adverse impacts of businesses providing adult entertainment as defined hereinafter, including, but not limited to, nude and semi-nude dancing and adult theaters;

NOW, THEREFORE, the Warren County Board of Supervisors does ordain as follows:

SECTION 1: FINDINGS OF FACT

The Board of Supervisors makes the following findings of fact:

A. Certain conduct occurring on premises offering adult entertainment is detrimental to public health, safety and the general welfare of the citizens of Warren County and therefore such conduct must be regulated as provided herein.

B. Regulation of the adult entertainment industry is necessary because, in the absence of such regulation, activity detrimental to public health, safety and the general welfare of the citizenry has historically and regularly occurred in communities where adult entertainment businesses have located, specifically including, but not limited to, criminal activity.

C. Businesses providing adult entertainment are increasingly associated with ongoing prostitution, disruptive conduct and other criminal activity which are currently not subject to effective regulation and which constitute a threat to the public peace, and the health, safety and general welfare of the citizens of Warren County.
D. It is necessary to license entertainers in the adult entertainment industry to prevent the exploitation of minors; to insure that each such entertainer is an adult; to insure that such entertainers have not been convicted of certain criminal offenses; and to insure that such entertainers have not assumed a false name, which would make regulation of the entertainer difficult or impossible.

E. It is necessary to have a licensed manager on the premises of establishments offering adult entertainment at such times as such establishments are offering adult entertainment so that there will at all necessary times be an individual responsible for the overall operation of the establishment, including the actions of patrons, entertainers and other employees.

F. It is necessary to limit the location of adult entertainment businesses to protect and preserve the quality of residential neighborhoods, public facilities, religious facilities, and commercial districts and the quality of urban life in general.

G. The license fees herein are nominal fees imposed as necessary regulatory measures designed to help defray the substantial expenses incurred by the County in regulating adult entertainment businesses.

SECTION 2: APPLICATION OF OTHER PROVISIONS

The licenses provided in this Ordinance are subject to the general ordinances of Warren County as now exist or hereafter amended. In the event of a conflict between the general ordinances of Warren County and this Ordinance, the provisions of this Ordinance shall control. Further, the City of Vicksburg has adopted an ordinance establishing zoning regulations for adult entertainment businesses, establishing licensing provisions and other regulations. In the event of a conflict between this Ordinance and the ordinance adopted by the City of Vicksburg, the ordinance of the City of Vicksburg shall control where such business is located within the corporate limits of the City of Vicksburg and where managers, entertainers and employees are seeking licenses to work for such businesses located within the corporate limits of the City of Vicksburg, pursuant to Section 193-40(1), Mississippi Code of 1972, as amended.

SECTION 3: DEFINITIONS

For the purposes of this Ordinance and unless the content plainly requires otherwise, the following definitions are adopted:

A. "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:
a. Is unclothed or in such attire, costume, or clothing as to expose to view any portion of the breast below the top of the areola or any portion of the pubic region, anus, buttocks, vulva or genitals; or

b. Touches, caresses or fondles the breast, buttocks, anus, genitals or pubic region of a patron, or permits the touching, caressing or fondling of their own breasts, buttocks, anus, genitals or pubic region by a patron.

2. Any showing, depiction, or transmission through books, magazines, periodicals, photographs, films, motion pictures, video cassettes, slides, or any electronically or mechanically operated image producing device of any type, where such showing, depiction, or transmission involves depicting a person or persons who are:

a. Unclothed or in such active, costume, or clothing as to expose to view any portion of the breast below the top of the areola or any portion of the pubic region, anus, buttocks, vulva or genitals; or

b. Touching, caressing or fondling the breast, buttocks, anus, genitals or pubic region of a patron, or permitting the touching, caressing or fondling of their own breasts, buttocks, anus, genitals or pubic region by a patron.

B. The definition of Adult Entertainment Businesses shall include the following:

1. Adult Arcade: An establishment where, for any form of consideration, one or more motion picture projectors, slide projectors, or similar machines, for viewing by five or fewer persons each, are used to show films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by emphasis upon the depiction or description of "specified sexual activities" or "specified anatomical areas".

Notwithstanding any language or definitions used herein, this definition does not permit any acts or displays which violate the obscenity statutes or any other laws of the State of Mississippi.

2. Adult Bookstore: An establishment which has as a substantial portion of its stock-in-trade and offers for sale or lease for any form of consideration any one or more of the following:

a. Books, magazines, periodicals, or other printed matter, or photographs, films, motion pictures, video cassettes, slides or other visual representations which are characterized by an emphasis upon the depiction or description of "specified sexual activities" or "specified anatomical areas",

b. Instruments, devices or paraphernalia which are designed for use in connection with "specified anatomical areas".
Notwithstanding any language or definitions used herein, this definition does not permit any acts or displays which violate the obscenity statutes or any other laws of the State of Mississippi.

3. Adult Cabaret: A nightclub, bar, restaurant, theater, or similar establishment which regularly features live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities", or films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by an emphasis upon the depiction or description of "specified sexual activities" or "specified anatomical areas".

Notwithstanding any language or definitions used herein, this definition does not permit any acts or displays which violate the obscenity statutes or any other laws of the State of Mississippi.

4. Adult Motion Picture Theater: An establishment where, for any form of consideration, films, motion pictures, video cassettes, slides or similar photographic reproductions are shown, and in which a substantial portion of the total presentation time is devoted to the showing of material which is characterized by an emphasis upon the depiction or description of "specified sexual activities" or "specified anatomical areas".

Notwithstanding any language or definitions used herein, this definition does not permit any acts or displays which violate the obscenity statutes or any other laws of the State of Mississippi.

5. Ancillary Definitions:

a. "Specified Anatomical Areas":

1) Less than completely and opaquely covered:

a) human genitals, pubic region,
b) buttocks,
c) anus,
d) That portion of the human female breast encompassed within an area falling below the horizontal line one would have to draw to intersect a point immediately above the top of the areola. This definition shall include the entire lower portion of the female breast

2) Human male genitals in a discernibly turgid state even if completely and opaquely covered.

Notwithstanding any language or definitions used herein, this definition does not permit any acts or displays which violate the obscenity statutes or any other laws of the State of Mississippi.
b. "Specified Sexual Activity,": Human genitals in a state of sexual stimulation or arousal; acts of human masturbation, sexual intercourse, or sodomy; If fondling or other erotic touchings of human genitals, pubic regions, buttocks or female breasts; flagellation or torture in the context of a sexual relationship; masochism, erotic or sexually oriented torture, beating or the infliction of physical pain; erotic touching, fondling or other such contact with an animal by a human being; or human excretion, urination, menstruation, vaginal or anal irrigation as part of or in connection with any of the activities set forth in this section.

Notwithstanding any language or definitions used herein, this definition does not permit any acts or displays which violate the obscenity statutes or any other laws of the State of Mississippi.

c. "Adult entertainment premises" means any premises to which the public, patrons or members are invited or admitted and wherein any adult entertainment is provided to a member of the public, a patron or a member.

d. "Employee" means any and all persons, including but not limited to, managers, entertainers, and independent contractors, who work in or render any services directly related to the operation of an adult entertainment business.

e. "Entertainer" means any person who on any occasion provides adult entertainment within an adult entertainment premises as defined in this section, whether or not a fee is charged or accepted for entertainment, or whether or not the entertainer; is paid.

f. "Entertainment" means exhibition or dance of any type, pantomime, modeling or any other performance.

g. "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 entertainment business.

h. "Operator" means any person operating, conducting or maintaining an adult entertainment business.

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

j. "Public place" means any area generally visible to public view and includes streets, sidewalks, bridges, alleys, plazas, parks, driveways, parking lots, and automobiles whether moving or not.

SECTION 4: LOCATION RESTRICTIONS FOR ADULT ENTERTAINMENT BUSINESSES
A. An adult entertainment business may not be operated within one thousand (1,000) feet of:

1. a church, synagogue or regular place of religious worship,
2. a public, parochial or private elementary or secondary school,
3. a community college, college or university,
4. the boundary of any platted residential subdivision or any residential structure which is occupied as a residence, located either within a platted residential subdivision or outside such a residential subdivision,
5. a public park,
6. a library,
7. a licensed day-care center,
8. a public or private hospital or clinic,
9. a public or private extended care facility or nursing home.
10. another adult entertainment business.

B. An adult entertainment business may not be located in the same building or structure, or portion thereof, in which another adult entertainment business is located.

C. For purposes of this Ordinance, such linear measurement shall be made in a straight line, without regard to intervening structures or objects, from the nearest portion of the building or structure used as a part of the premises where an adult entertainment business is located to the nearest property line of the premises of the facilities enumerated in Subsection A above.

D. For the purpose of Subsection C above, the distance between any two (2) adult entertainment businesses shall be measured in a straight line, without regard to intervening structures or objects, from the closest exterior wall of the structure in which each such business is located.

SECTION 5. ADULT ENTERTAINMENT BUSINESS LICENSE

A. General:

1. It is unlawful for any person to operate or maintain an adult entertainment business in Warren County unless the owner, operator or lessee thereof has obtained from the Chancery Clerk a license to do so, to be designated an "adult entertainment business licensees. Further, it is unlawful for an 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 entertainment business.

2. Adult Entertainment Business Licenses as referred to in this Ordinance shall be licenses limited to the following classifications:

a. adult bookstore;
b. adult video store or adult theater including an arcade or booths;
c. adult dancing establishment including cabaret, bar or dance hall.

3. An Adult Entertainment Business License for a particular adult entertainment business shall be limited to one (1) classification of license.

B. License Application:

1. Filing: All applications for an adult entertainment business shall be submitted in the name of the person proposing to own or operate such a business; shall be signed by such person and sworn under penalty of perjury and shall be submitted on a form supplied by the Chancery Clerk.

2. Contents: The contents of the application shall include the following information and shall be accompanied by the following documents:

a. If the applicant is an individual, his legal name, any aliases, date of birth, Social Security number or taxpayer identification number, residence address.

b. If the applicant is a partnership:

1) The full and complete name of the partnership;

2) The legal names of all partners, dates of birth, Social Security numbers, residence address and all aliases used by each of the partner whether the partnership is general or limited; and

3) If in existence, a copy of the partnership agreement.

c. If the applicant is a corporation:

1) The exact and complete corporate name, the date of its incorporation, evidence that the corporation is in good standing, and tax identification number;

2) The legal names, dates of birth and all aliases used, Social Security numbers, residence address, and the capacity of all officers, directors and principal stockholders;

3) The name of the registered corporate agent and the address of the registered office for service of process; and

4) The current local residential and legal domiciliary residential address of the principal stockholders of the corporation. When the principal stockholder is a corporate or other legal entity, the application must trace back the ownership through any layers of corporate organization to the eventual principal stockholder who is a person.

d. If the applicant intends to conduct this establishment under a name other than that of the applicant, the applicant shall state the establishment's fictitious name and the county
of registration, all legal names, dates of birth, Social Security numbers and all aliases used by all interested persons.

e. Whether the applicant or any other interested individual listed pursuant to any subsection above holds any other licenses required to be engaged in adult entertainment businesses and if so, the names and locations of other licensed establishments.

f. The single classification of license for which the applicant is filing.

g. A description of the adult entertainment or similar business history of the applicant; whether such person or entity, in previously operating in another city, county or state, has had a business license revoked or suspended, the reason therefor and complete information regarding the criminal records of all partners, corporate officers, directors, key employees, including arrests, pending charges and convictions.

h. The location of the proposed establishment, including a legal description of the property site and a legal street address.

i. The applicants mailing address.

j. A site plan and survey drawn to appropriate scale of the proposed establishment indicating, but not limited to, all property lines, rights-of-way, the location of buildings, parking areas and spaces, driveways.

k. A floorplan drawn to appropriate scale of the establishment, proposed or existing, including, but not limited to, all windows, doors, entrances and exits, fixed structural interior features, improvements to be made which shall be indicated or calculated in terms of percentage of increase of floor size.

l. The name and phone number of the person for the representatives of Warren County to contact to schedule the required inspections.

m. The phone number of the existing or proposed establishment.

n. The name, address and phone number of the owner(s) of the land, building or premises, if not the applicant. The owner(s) shall also sign the application acknowledging the application of these regulations to him, her, them or it as owner(s) of the premises.

o. Whether preceding the date of the application, the applicant or any other individuals listed pursuant to Subsections a, b or c above have ever been convicted of a felony crime involving moral turpitude, prostitution, obscenity, controlled substances or any other crime of a sexual nature, and if so, identify the act involved, the date of conviction, and the place of conviction.
p. Authorization for Warren County, its agents and employees, to seek information to confirm the statements set forth in the application.

3. Copies: Applicant shall supply a minimum of six (6) copies of the application, or more as may be required, to the Chancery Clerk.

4. Completeness: An application shall not be considered complete until the application satisfies the requirements set out above.

5. Application Fee: Each application shall be accompanied by a non-refundable fee of $1,200.00 to defray the costs of processing of the application and which will be applied as the license fee for the first year.

C. Approval or Denial of License:

1. In the event the applicant has not satisfied the application requirements, the applicant shall be notified within ten (10) days of filing the application of such fact with a detailed list of reasons and the application shall be automatically denied.

2. If any owner, operator or employee of the adult entertainment business has been convicted of a felony crime involving moral turpitude, prostitution, obscenity, controlled substances or a felony crime of any sexual nature within five (5) years preceding application, the license will be denied.

3. If the applicant or other interested parties as listed above are not twenty-one (21) years of age, the license will be denied.

4. If the applicant, his agent, representatives or manager has made any false or misleading statement in the application, the license will be denied.

5. If the application has satisfied the requirements of this Ordinance, the Chancery Clerk shall notify the applicant and issue the license to the applicant upon payment of the appropriate annual license fee within forty-five (45) days of receipt of the application.

D. Investigation: Upon the filing of an application for an Adult Entertainment Business License required by this Ordinance, the Chancery Clerk shall forward copies to the Sheriff, the Warren County Building Official, the Warren County Fire Coordinator and the Warren County Health Department.

1. Within thirty (30) days of the date of the application, the Sheriff shall investigate the statements set forth in the application and report to the Chancery Clerk whether or not the information collected by the Sheriff confirms the information included in the application.

2. Within thirty (30) days of the date of the application, the Warren County Building Official shall inspect the proposed establishment and report to the Chancery Clerk
whether the location of the proposed establishment conforms with the siting restrictions included in this Ordinance and whether the establishment complies with the restrictions of the Southern Building Code.

3. Within thirty (30) days of the date of the application, the Warren County Fire Coordinator shall examine the proposed establishment and report to the Chancery Clerk whether it complies with the regulations of the Fire Prevention Code.

4. All communications regarding approval or denial shall be issued by and through the Chancery Clerk. Any recommendations or statements issued by the receiving officials shall not be deemed to create a detrimental reliance or an estoppel as to the provisions of this Ordinance.

E. Notice: If the application is denied, the Chancery Clerk shall notify the applicant, stating specifically the reasons for the denial. Notification shall be sent by certified United States Mail, return receipt requested, to the address on the license application which shall be considered the applicant's correct mailing address.

SECTION 6: ADULT ENTERTAINMENT BUSINESS LICENSE PROVISIONS

A. Contents: An Adult Entertainment Business License shall state on its face the name of the licensed business, local residential and legal domiciliary residential address of the licensee, the name of the establishment, the street address of the establishment, the classification of the license, the date of application, the application number, the date of license issuance, and the date of license expiration.

B. Term: All licenses issued under this Ordinance shall be annual licenses which shall commence running on October 1, on which date they shall have been paid for, and shall expire on September 30 of the following year. If a license is issued after October 1, but by March 31, of the following year, the applicant shall pay the prorated license fee. If a license is issued after March 31, but by October 1 of the same year, the applicant shall pay one-half the appropriate license fee.

C. Renewal: Licenses shall be entitled to renewal annually subject to the provisions of this Ordinance. Prior to the October 1 expiration date, the annual license may be renewed by presenting the license for the previous year and by paying the appropriate license fee.

D. Expiration: A license shall expire for failure to obtain in hand a renewal by October 1.

E. Annual License Fee:

1. The annual license fee for Adult Entertainment Businesses is $1,200.00 per license.

2. The annual license fees collected under this Ordinance are declared to be regulatory fees which are collected for the purpose of examination and periodic inspection of Adult
Entertainment Businesses by the appropriate departments or authorities, including the Health Department, in order to make sure the environment in the premises is sanitary. These regulatory fees are in addition to and not in lieu of any taxes or fees imposed by the City of Vicksburg, Warren County, or the State of Mississippi.

3. The fee schedule may be revised pursuant to resolution adopted by the Board of Supervisors when necessary to insure the fees cover the costs of administering and enforcing this Ordinance.

SECTION 7: LICENSING OF MANAGERS, ENTERTAINERS AND EMPLOYEES OF ADULT ENTERTAINMENT BUSINESSES

A. General: All managers, employees and entertainers associated with the management and operations of an Adult Entertainment Business shall obtain a license prior to engaging in the management, working for or performing in an Adult Entertainment Business.

B. License Applications:

1. All applications for a manager's, employee's or entertainer's license shall be signed by the applicant and sworn under penalty of perjury. All applications shall be submitted on a form supplied by the Chancery Clerk and shall require the following information:

   a. The applicant's name, home address, home telephone number, date and place of birth, social security number or taxpayer identification 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 as a manager, employee or entertainer, and the names and addresses of all adult entertainment businesses where the applicant has previously worked;

   c. A complete statement of the applicant's criminal background, including all arrests, convictions, and pending charges;

   d. The applicant shall present documentation that he or she has attained the age of twenty-one (21) years. Any of the following shall be accepted as documentation of age:

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

      2) A state-issued identification card bearing the applicant's photograph and date of birth;

      3) An official passport issued by the United States of America;

      4) An immigration card issued by the United States of America;
5) Any other picture identification issued by a governmental entity.

e. The application shall provide two (2) "two-inch by two-inch" black and white photographs of the applicant, taken within six (6) months of the date of the application, showing only the full face of such applicants. Such photographs shall be provided at the applicant's expense. The license, when issued, shall have affixed to it such photograph of the applicant.

f. Authorization for Warren County to seek such information to confirm statements set forth in the application.

2. Each application shall be accompanied by a nonrefundable fee of One Hundred Dollars ($100.00) to defray the costs of processing the application, which fee shall be applied as the license fee for the first year.

C. Applicant Investigation: Upon filing for application of such license, the Chancery Clerk shall forward copies to the Sheriff and within thirty (30) days of the date of the application, the Sheriff shall investigate the statements set forth in the application and report to the Chancery Clerk whether or not the information collected by the Sheriff confirms the information in the application.

D. Denial of Application:

1. If the manager, employee or entertainer has been convicted of a felony crime involving moral turpitude, prostitution, obscenity, controlled substances or a felony crime of any sexual nature within five (5) years preceding the investigation, the application will be denied.

2. If the manager, employee or entertainer has made any false or misleading statements in the application, the application will be denied.

SECTION 8: ADULT ENTERTAINMENT BUSINESS MANAGER’S, ENTERTAINER’S AND EMPLOYEE’S LICENSE

A. Contents: An adult entertainment business manager's, entertainer's or employee's license shall state on its face the name of the licensee, the local residential and legal domiciliary residential address of the licensee, the name of the adult entertainment business with which the applicant is associated, the date of license issuance and the date of license expiration, and the license number.

B. Term: All licenses issued to managers, employees and entertainers of adult entertainment businesses under this Ordinance shall be an annual license, which shall commence running on October 1, on which date said license shall have been paid for, and shall expire on September 30 of the following year. If a license is issued after October 1, but by March 31 of the following year, the applicant shall pay a prorated
license fee. If a license is issued after March 31, but by October 1 of the same year, the applicant shall pay one-half of the license fee.

C. Renewal: Licensees shall be entitled to renew their licenses annually, subject to the provisions of this Ordinance. Prior to the October 1 expiration date, the annual license may be renewed by presenting the license for the previous year and by paying the appropriate license fee.

D. Expiration: A license shall expire for failure to obtain a renewal in hand by October 1.

E. Annual License Fee:

1. The annual license for managers, entertainers and employees of adult entertainment businesses shall be One Hundred Dollars ($100.00) per year.

2. The annual license fees collected under this Ordinance are declared to be regulatory fees which are collected for the purpose of examination and periodic review of the statements provided on the applicant's application by the Sheriff. These regulatory fees are in addition to, and not in lieu of, any taxes or fees imposed by the City of Vicksburg, Warren County or the State of Mississippi.

SECTION 9: TRANSFER OF LICENSES

A. An Adult Entertainment Business license shall not transfer its license to another person, partnership or corporation, or otherwise surrender possession, control and operation of the licensed Adult Entertainment Business to such person, partnership or corporation. Further, said licensee shall not transfer its license to another physical location.

B. A licensed manager, employee or entertainer of an Adult Entertainment Business shall not transfer his or her license to another person or physical location.

C. Any attempted transfer of a license, either directly or indirectly, in violation of this section of this Ordinance is hereby declared void and the license shall be deemed abandoned and the license shall be forfeited and revert to the Chancery Clerk.

SECTION 10: REGULATORY PROVISIONS

A. General Requirements: Each Adult Entertainment Business and its manager, employees, entertainers, agents or other representatives, shall observe the following general requirements, regulations and standards of conduct:

1. Conform to all applicable building codes, statutes, ordinances and regulations whether federal, state or local;
2. Conform to all applicable fire statutes, codes, ordinances and regulations whether federal, state or local;

3. Conform to all applicable health statutes, codes, ordinances and regulations whether federal, state or local;

4. Conform to all applicable zoning regulations and land use laws;

5. Keep the Adult Entertainment Business license and the name of the manager on duty posted in a conspicuous place at the establishment at all times, which license and name of manager on duty shall be available for inspection upon request at all times by the public;

6. No Adult Entertainment Business shall operate or conduct business or remain open to the public between the hours of 2:00 o'clock a.m. and 10:00 o'clock a.m.

7. No person under the age of twenty-one (21) years shall be allowed or permitted on the premises of an Adult Entertainment Business.

B. Premises Requirements:

1. At any Adult Entertainment Business premises, no showing, transmission or depiction of anyone shall be made of:

   a. Anyone unclothed or in such less than opaque and complete attire, costume or clothing so as to expose to view any portion of the breast below the top of the areola or any portion of the pubic region, anus, buttocks, vulva or genitals.

   b. Anyone engaged in acts of:

       1) Sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation, or any sexual acts which are prohibited by law.

       2) The displaying of the pubic region, anus, vulva or genitals. At any Adult Entertainment Business premises, the following are required:

           a. Neither the performance nor any photograph, drawing, sketch or other pictorial or graphic representation thereof displaying any portion of the breast below the top of the areola or any portion of the pubic hair, buttocks, genitals or anus may be visible outside the adult entertainment premises.

           b. Sufficient lighting shall be provided in and about the parts of the premises which are open to and used by the public so that all objects are plainly visible at all times.
c. A sign not less than two (2) feet by two (2) feet, with bold face print not less than 24 point, shall be conspicuously displayed in the common area of the premises, visible from the main entrance, and shall read as follows:

THIS ADULT ENTERTAINMENT ESTABLISHMENT IS REGULATED BY WARREN COUNTY, MISSISSIPPI. ENTERTAINERS ARE:

1. Not permitted to engage in any type of sexual conduct;

2. Not permitted at any time to be unclothed or in such less than opaque and complete attire, costume or clothing so as to expose to view any portion of the breasts below the top of the areola, any portion of the pubic region, buttocks, genitals, vulva or anus;

3. Not permitted to perform any exhibition, performance or dance except upon a stage at least eighteen (18) inches above the immediate floor level and removed at least six (6) feet from the nearest patron;

4. Not permitted to demand or collect any payment or gratuity from any patron for entertainment before its completion.

C. Employee or Entertainer Conduct: The following standards of conduct upon the premises must be adhered to by employees and entertainers of any adult entertainment premises:

1. No employee or entertainer shall at any time be unclothed or in such less than opaque and complete attire, costume or clothing so as to expose to view any portion of the breast below the top of the areola or any portion of the pubic region, anus, buttocks, vulva or genitals.

2. No employee or entertainer shall at any time engage in any exhibition, performance or dance except upon a stage at least eighteen (18) inches above the immediate floor level and removed at least six (6) feet from the nearest patron.

3. Except as provided in Section 11 of this Ordinance, no employee or entertainer shall perform acts of, or acts which simulate:

   a. Sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation, or any sexual acts which are prohibited by law.

   b. The displaying of the public region, anus, vulva or genitals.

4. No employee or entertainer mingling with the patrons shall be unclothed or in less than opaque and complete attire, costume or clothing as described in subpart (1) of this subsection.
5. No employee or entertainer shall knowingly permit any person upon the premises to touch, caress or fondle the breasts, buttocks, anus or genitals of any other person.

6. No employee or entertainer shall touch, caress or fondle the breasts, buttocks, anus or genitals of any other person.

7. No employee or entertainer shall wear or use any device covering exposed to view which stimulates the breast below the top of the areola, vulva or genitals, anus, buttocks or any portion of the pubic region.

8. No employee or entertainer shall use artificial devices or inanimate objects to depict any of the prohibited activities described in this subsection.

9. No entertainer of any adult entertainment premises shall be visible from any public place during the hours of his or her employment, or apparent hours of his or her employment, on the premises.

10. No entertainer shall solicit, demand or receive any payment or gratuity from any patron for any act prohibited by this chapter.

11. No entertainer shall demand or collect any payment or gratuity from any patron for entertainment before its completion.

D. Special Requirements:

1. Prohibition of Alcoholic Beverages, Light Wine and Beer.

a. No person or employee shall expose to public view his or her human genitals, pubic region or the human buttocks or any simulation thereof in any establishment which serves or allows the consumption of alcoholic beverages, light wine and/or beer.

b. No person owning, maintaining, or operating an establishment serving alcoholic beverages shall suffer or permit any person or employee to expose to public view his or her human genitals, pubic region or the human buttocks or any simulation thereof within the establishment which serves or allows the consumption of alcoholic beverages, light wine and/or beer.

c. No person shall cause and no person maintaining, owning or operating an establishment serving alcoholic beverages, light wine and/or beer shall suffer or permit the exposition of any graphic representation, including pictures or projection of film which depict "specified anatomical areas", engage in any "specified sexual activities" or any other sexual act prohibited by law or any simulation thereof, within any establishment which serves or allows the consumption of alcoholic beverages, light wine and/or beer.

E. Penalties:
1. Whenever in this Ordinance any act is prohibited or is made or declared to be unlawful or an offense, or whenever the doing of any act is required or the failure to do any act is declared to be unlawful, the violation of any such provision of this Ordinance shall be punished by a fine not exceeding One Thousand ($1,000.00) Dollars or imprisonment for a term not exceeding six (6) months, and the cost of prosecution, or by both such fine and imprisonment in the discretion of the Justice Court. Each day any violation of any provision of this Ordinance occurs shall continue shall constitute a separate offense.

2. In addition to the penalties hereinabove provided, any condition caused or permitted to exist in violation of any of the provisions of this Ordinance shall be deemed a public nuisance and may be, by Warren County, abated as provided by law, and each day that such condition continues shall be regarded as a new and separate offense.

SECTION 11: EXCEPTIONS

A. This Ordinance shall be construed not to prohibit:

1. Plays, operas, musicals or other dramatic works that are not obscene;

2. Classes, seminars and lectures held for serious scientific or educational purposes that are not obscene; or

3. Exhibitions, performances, expressions or dances that are not obscene.

4. Movies or films "R-Rated" or less as designated by the Motion Picture Association.

B. For purposes of this Ordinance, an activity is "obscene" if:

1. Taken as a whole by an average person applying contemporary community standards the activity appeals to a prurient interest in sex;

2. The activity depicts offensive representations, as measured against community standards, of:

   a. Ultimate sexual activities, normal or perverted, actual or simulated, or

   b. Masturbation, fellatio, cunnilingus, bestiality, excretory functions, or lewd exhibition of the genitals or genital area; or violent or destructive sexual acts, including but not limited to human or animal mutilation, dismemberment, rape or torture; and

3. The activity taken as a whole lacks serious literary, artistic, political or scientific value.

SECTION 12: ADDITIONAL PROHIBITIONS
A. No person shall touch, caress or fondle the breasts, buttocks, anus or genitals of any employee, entertainer or manager while a patron of any adult entertainment business and on or in the premises of said business.

B. Controlled substances shall not be distributed or consumed by any person on the premises unless in accordance with a valid prescription issued by a practitioner licensed by the State of Mississippi or equivalent licensing authority.

SECTION 13: ENFORCEMENT

A. Any violation of the provisions of this Ordinance shall be a misdemeanor and shall be subject to a fine not to exceed One Thousand Dollars ($1,000.00), or to imprisonment for a term not to exceed six (6) months, or both such fine and imprisonment. Each day such violation continues shall be considered an additional and separate offense.

B. Notwithstanding any other provisions of this Ordinance, any violation of this Ordinance by an operator, manager, employee or entertainer shall be subject to license suspension or revocation as follows:

1. Suspension. The Chancery Clerk shall suspend the license of any person licensed as an operator, manager or entertainer for a period of fifteen (15) days upon determination by the Clerk of a first violation of this Ordinance by the licensee.

2. Suspension. The Chancery Clerk shall suspend the license of any person licensed as an operator, manager or entertainer for a period of forty-five (45) days upon determination by the Clerk of a second violation of this Ordinance by licensee.

3. Revocation. The Chancery clerk shall revoke the license of any person licensed as an operator, manager or entertainer upon determination by the Clerk of a third violation of this Ordinance within three (3) years. The period of revocation shall be one (1) year.

SECTION 14: NOTICE OF VIOLATION, SUSPENSION AND REVOCATION PROCEDURES

A. Whenever the Chancery Clerk has found or determined that any violation of this Ordinance has occurred, the Chancery Clerk is authorized to issue a Notice to the licensee.

B. The Notice shall include the following:

1. Name of person involved;

2. Description of violation including date and section or Ordinance violated;

3. Description of action taken;

C. Service of Notice shall be either personally or by mailing a copy of the Notice by certified mail, postage prepaid, return receipt requested, to such person at his/her last known address. Proof of personal service shall be made at the time of service by written declaration under penalty of perjury executed by the person effecting the service, declaring time, date and the manner by which service was made.

D. If the applicant contests the Notice, the applicant shall be afforded a reasonable opportunity to be heard and action taken, subject to the following:

1. The hearing shall be before the Board of Supervisors of Warren County;

2. The applicant shall have ten (10) days from personal service of the Notice, or fifteen (15) days from date of mailing of the Notice, to request a hearing;

3. The Mississippi Rules of Evidence shall apply at the hearing;

4. Ten (10) days notice of the hearing shall be given to the person involved;

5. The County shall prove by a perponderance of evidence that the violation has occurred.

6. A decision concerning the violation and action to be taken shall be rendered upon a majority vote of the Board of Supervisors.

E. The suspension or revocation shall not be effective pending appeal to the Board of Supervisors, as set forth in this Ordinance.

F. The licensee shall have fourteen (14) days from the decision of the Board of Supervisors to file with the Warren County Circuit Court for judicial review of the decision.

SECTION 15: REGULATION OF OBSCENITY SUBJECT TO STATE LAW

Notwithstanding any definition or use permitted herein, this Ordinance does not permit the distribution of obscene materials or the performance of obscene acts as defined in Section 97-29-103, Mississippi Code of 1972, as amended; all such prohibited materials and prohibited acts are expressly prohibited hereby.

SECTION 16: SIGNS AND ADVERTISING

A. Adult Entertainment Businesses shall not publicly display any signs or advertisements which include sexually-oriented materials.
B. For purposes of this Section, any material is sexually-oriented if the material consists of representations or descriptions of actual or simulated masturbation, sodomy, excretory functions, exhibition of the genitals or female breasts, sado-masochistic abuse (for the purpose of sexual stimulation or gratification), homosexuality, lesbianism, bestiality, sexual intercourse, or physical contact with a person's clothed or unclothed genitals, pubic area, buttocks, or the breasts of a female for the purpose of sexual stimulation, gratification or perversion.

C. For the purpose of this Section, "public display" means if the sign, advertisement or other material is on or in a billboard, viewing screen, theater stage or marquee, newsstand, display rack or similar place so that it is easily visible from a public street, public road or sidewalk or from areas of public businesses in which minors are customary business invitees.

SECTION 17: SEVERABILITY

If any section, sentence, clause or phrase of this Ordinance should be held to be invalid or unconstitutional by a Court of competent jurisdiction, such invalidation or finding of unconstitutionality shall not effect the validity or constitutionality of any other section, sentence, clause or phrase of this Ordinance.

SECTION 18: EFFECTIVE DATE

This Ordinance shall become effective thirty (30) days after its adoption by the Board of Supervisors and subsequent to the notice and hearing process required by Section 19-5-103, Mississippi Code of 1972, as amended.

ORDAINED this the _ day of _, 1993.

WARREN COUNTY BOARD OF SUPERVISORS

PRESIDENT

MEMBERS

ATTEST:

CHANCERY CLERK