

CHAPTER 127

ADULT ENTERTAINMENT BUSINESS

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127.01 DEFINITIONS.

1. "Applicant" means any person applying for a permit to operate or conduct an Adult Entertainment Business, and in addition thereto includes all partners in a partnership and all stockholders of a corporation.
2. "Adult Entertainment Business" means those places of commerce commonly referred to as strip joints, or juice bars i.e. a commercial establishment having as its stock in trade any live or recorded entertainment or performance presented for commercial purposes, that consists in whole or in part of human genitalia, human buttocks, or the human female breast nipples; "Adult Entertainment Business" also means those places of business commonly called "adult book stores" or "adult theaters," i.e. commercial establishments having as its stock in trade books, films, video cassettes, magazines and other material which is distinguished or characterized by an emphasis on subject matter depicting or describing sex acts, acts of human masturbation, human nudity or sexual intercourse in which human sexual organs are shown as so engaged, or acts of fondling or adult touching of genitalia, or showing the covered male genitals in a discernibly turgid or erect state.
3. "Establishment" means the opening of any "Adult Entertainment Business" as a new business, the relocation of such business, the addition of such business, the addition of such business activity to that of any other business, or a conversion of an existing business location to any of the uses and activities defined as an "Adult Entertainment Business."

127.02 COMPLIANCE REQUIRED. No person shall operate, own or conduct and "Adult Entertainment Business" without compliance with the provisions of this chapter.

127.03 PERMITS FOR ADULT ENTERTAINMENT BUSINESSES. The following provisions shall apply to permits for Adult Entertainment Businesses:

1. Premise Standards. No person shall operate, own, conduct, carry on or permit to be operated, owned, conducted or carried on any adult

entertainment business in the City of Grimes unless the premises at which such business is located meets the minimum standards set forth in Section 127.05 of this Chapter and unless a permit to operate the adult entertainment business is obtained from the City in compliance with the provisions of this Chapter.

2. Application Procedures. Any person seeking a permit to operate an adult entertainment business shall make application to the City Clerk. The Clerk shall cause an investigation of such application to be made by the County Sheriff to determine if the applicant is of good moral character. The Clerk shall also cause an investigation to be made by the Fire Department and Building Official to determine that all requirements of this Chapter have been satisfied and the applicant has fully complied with all applicable ordinances and regulations relating to the buildings, zoning, fire and health.

3. Application Contents. The application shall contain the following:

A. Personal. The full name, address, and social security number of the applicant.

B. Business Information. The full name of the business and the address of the premises for which the application is being made.

C. Criminal Record. The criminal record of the applicant, if any.

D. Statement of Truth. A statement that the contents of the application are true.

E. Age. proof that the applicant is an adult.

F. Type of Business. The type of business entity such as sole proprietorship, partnership, or corporation and, in the case of a corporation, the names and addresses for all the officers and the directors of the corporation.

G. Background of Management. All information required herein of any applicant shall also be provided for every person who, directly or indirectly, has any right to participate in the management, control, or oversight of the business to be conducted at the premises of the proposed adult entertainment business. In addition, the applicant shall outline information about any previous or current adult entertainment businesses operated by the applicant.

H. Owner of the Building. The name and address of the owner of the building where the adult entertainment business will be located.

I. Copies of the Lease or Rental Agreement. A certified copy of any lease or rental agreement governing the applicants' rights in the premises shall be attached to the application.

J. Signatures. The signatures of the applicant or applicants if the application is in the name of a corporation, the signature of each officer of the corporation or director is required on the application.

4. Issuance of Permits. The building, fire and health departments and the County Sheriff shall make a written report of their investigations and shall submit such reports to the City Clerk within forty-five (45) days of the date of application. The Clerk shall place the matter before the Council. If the Council finds that the applicant has fully complied with all the requirements of this Chapter and all applicable ordinances and codes regulating fire, building, health and zoning, and that the applicant is of good moral character, the Council shall authorize the issuance of a permit to conduct an adult entertainment business at the location designated in the application. Said permit shall expire one (1) year from the date of issuance.

5. Separate Permit for Each Place of Business. Each adult entertainment business shall have a separate permit for each place of business which will be valid only for the business conducted at that location.

6. Permit to be Displayed. Each adult entertainment business shall display its permit conspicuously in the lobby or waiting area where such permit may be readily observed by all persons entering the premises.

7. Sale or Transfer. No adult entertainment business permit issued under this Chapter shall be sold or transferred. The purchaser or purchasers of any adult entertainment business or of the majority of the stock of any corporation which owns or operates an adult entertainment business shall obtain a new permit before operating such adult entertainment business at the location for which the permit has been issued.

127.04 SUSPENSION OR REVOCATION OF PERMIT. The adult entertainment business permit may be suspended or revoked for violation of the provisions of this Chapter or for failure to comply with the applicable fire regulations, building regulations, or health ordinances or for permitting any employee of the adult entertainment business to violate the provisions of this Chapter. Upon receiving

information indicating that grounds for suspension or revocation of an adult entertainment business permit exists, the Clerk shall cause an investigation of such grounds to be made by the appropriate City department or departments and shall advise the Council in writing of the results of the investigation. If the Council determines that the report reveals the probable existence of grounds for suspension or revocation, it shall direct written notice by ordinary mail to the permittee named on the application for the adult entertainment business at the address listed on the permit of the intention to hold a public hearing on the question of whether the permit for the adult entertainment should be suspended or revoked and upon the grounds thereof stating the date and time for such hearing. Upon said hearing, if the Council determines that such cause does exist, and if the determination is the first determination for that permittee, the Council may suspend the permit for up to one month, and there upon such permittee shall cease any business at that location or at any other location for the period of the suspension. If the determination is the second such determination for that permittee, the Council may revoke the permit at that location and no business permit shall be issued nor shall such business be conducted at that location for a period of one year, nor shall the permittee be permitted to conduct any other adult entertainment business in the City for that period.

127.05 HEALTH STANDARDS. No adult entertainment business shall be established, maintained, or operated in the City that does not conform to or comply with the following standards:

1. Lighting. Each room where any adult entertainment business activities are performed or offered shall be provided with a minimum of four foot candles as measured four feet above the floor.
2. Water. Hot and cold running water shall be provided at all times.
3. Storage. Closed cabinets shall be provided and used for the storage of all equipment and supplies. All disposable materials and towels shall be kept in covered containers or cabinets which containers or cabinets shall be kept separate from storage cabinets.
4. Surfaces. All tables, dance floors, stages, bathing areas, and all floors shall have surfaces which may be readily cleaned.
5. Facilities Provided. Adequate bathing, dressing, locker and toilet facilities shall be provided for all employees at any given time. All employee lockers shall be lockable. In the event that both male and female employees are to be working simultaneously, separate bathing, dressing, locker and toilet facilities shall be provided.

6. Building Conditions and Cleanliness. All walls, ceilings, floors, tables, chairs, stages, countertops, and all other physical facilities shall be in good repair and maintained in a clean and sanitary condition. Bathing, dressing, locker, and toilet rooms shall be thoroughly cleaned each day the business is in operation. Bathtubs and showers shall be thoroughly cleaned after each use.
7. Service Sink and Janitor Room. The premises shall be equipped with a service sink for custodial services which sink shall be located in a janitorial room or custodial room separate from the adult entertainment business service rooms.
8. Food and Beverage. All food and beverage consumption shall comply with applicable health ordinances.
9. Animals. Animals, except for seeing eye dogs, shall not be permitted in any adult entertainment business.
10. Building Regulations. All adult entertainment businesses shall continuously comply with all applicable building, fire, or health ordinances and regulations.

127.06 UNLAWFUL ACTS. The following acts shall be unlawful:

1. Patron Sexual Actions. No adult entertainment business patron receiving or conducting any commercial business shall engage in sexual relations with any employee while the employee is performing a commercial service.
2. Adult Entertainment Business Employees Sexual Actions. No employee of any adult entertainment business shall masturbate, fondle, caress, or touch the genital area of a patron.

127.07 PROTECTION. To protect the public safety, and the safety of all employees and patrons of an Adult Entertainment Business, every permittee who owns or operates an adult entertainment business must provide at least one law enforcement or trained professional security person on the premises of each adult entertainment business establishment during all business hours. All building openings, entries, windows, etc., shall be constructed, located, covered, or screened in such a manner as to prevent a view into the interior of such building from any pedestrian sidewalk, walkway, street or other public or semi-public area.