

**FRANKLIN COUNTY FISCAL COURT**

**ORDINANCE NO. 10, 2006 Series**

**AN ORDINANCE ESTABLISHING  
REGULATIONS AND LICENSING REQUIREMENTS  
FOR ADULT ENTERTAINMENT ESTABLISHMENTS**

WHEREAS, the Fiscal Court of Franklin County, Kentucky (the "County") is aware of numerous studies, reports, articles, judicial decisions, and the experience and legislative findings of other counties and municipalities around the country concerning the impacts, or "secondary effects," of sexually oriented businesses and the sale, distribution, and display of sexually oriented materials (collectively, "Sexually Oriented Business Activities") on the areas in which such Activities are located or take place; and

WHEREAS, Sexually Oriented Business Activities can cause or contribute significantly to increases in criminal activity in the areas in which they are located or take place, thereby taxing crime prevention, law enforcement, and public health services; and

WHEREAS, the law enforcement officials have engaged in law enforcement and judicial proceedings in response to prostitution and other criminal activity related to the operation of existing Sexually Oriented Business Activities, including the operation of existing Sexually Oriented Business Activities that allow and provide nude dancing and other similar conduct; and

WHEREAS, nude dancing and other similar conduct provided by Sexually Oriented Business Activities encourages prostitution, increases the frequency of sexual assaults, attracts or encourages other related criminal activity, increases the public health and safety risks associated with Sexually Oriented Business Activities, and otherwise causes or contributes significantly to the adverse impacts and secondary effects of Sexually Oriented Business Activities on the areas in which such Activities are located or take place; and

WHEREAS, Sexually Oriented Business Activities can cause or contribute significantly to the deterioration of residential neighborhoods, can impair the character and quality of such neighborhoods and the housing located therein, and can inhibit the proper maintenance and growth of such neighborhoods, limiting or reducing the availability of quality, affordable housing for area residents and reducing the value of property in such areas; and

WHEREAS, Sexually Oriented Business Activities can undermine the stability of other established business and commercial uses in the areas in which Sexually Oriented Business Activities are located or take place and can cause or contribute significantly to the deterioration of such other business and commercial uses, thereby causing or contributing to a decline in such uses, an inhibition on business and commercial growth, and a resulting adverse impact on local government revenues and property values; and

WHEREAS, Sexually Oriented Business Activities can have a dehumanizing and distracting influence on young people and students attending schools, can diminish or destroy

the enjoyment and family atmosphere of persons using parks, playgrounds, forest, and other public recreational areas, can interfere with or even destroy the spiritual experience of persons attending church, synagogue, or other places of worship, and can interfere with or even destroy the opportunity for solemn and respectful contemplation at cemeteries and similar facilities; and

WHEREAS, the presence of Sexually Oriented Business Activities is perceived by the public generally and by neighboring business owners and residents as an indication that the area in which such Activities occur or take place is in decline and deteriorating, a perception that can quickly lead to such decline and deterioration, prompting businesses and residents to flee the affected area to avoid the consequences of such decline and deterioration; and

WHEREAS, the exterior appearance, including signage, of Sexually Oriented Business Activities can have an adverse impact on young people and students, can contribute to the decline in property values associated with Sexually Oriented Business Activities, and can otherwise cause or contribute significantly to the adverse impacts and secondary effects of Sexually Oriented Business Activities on the areas in which such activities are located or take place; and

WHEREAS, the conduct of Sexually Oriented Business Activities, including specifically, but without limitation, adult cabarets that provide nude dancing and other similar conduct and the operation and use of adult booths, often encourages or allows sexual activities and prostitution, among other things, that place employees and patrons of such businesses at risk to exposure and contraction of sexually transmitted diseases, including specifically, but without limitation, the HIV virus, Acquired Immune Deficiency Syndrome, and venereal diseases; and

WHEREAS, the Members of the Franklin County Fiscal Court have determined that Sexually Oriented Business Activities will, unless properly regulated, have these and other severe adverse impacts and secondary effects on the County and its residents; and

WHEREAS, for the reasons set forth above, among others, the Members of the Franklin County Fiscal Court have found and determined that it is essential to the health, safety, and general welfare of the County and its residents to adopt comprehensive licensing regulations relating to Sexually Oriented Business Activities, to the distribution and display of sexually oriented materials, and to the types and operations of sexually oriented businesses that may locate in the unincorporated area of Franklin County, Kentucky; and

WHEREAS, the Members of Franklin County Fiscal Court have further found and determined that the regulations established pursuant to this Ordinance, including specifically, but without limitation, the prohibition on nude dancing, the prohibition on sexual contact between patrons and employees, and the prohibition on "straddle dances," are necessary to address, mitigate, and, if possible, eliminate the occurrence of prostitution, sexual assaults, and other related criminal activity and public health and safety risks related to or caused by Sexually Oriented Business Activities; and

WHEREAS, the Members of the Franklin County Fiscal Court have further found and determined that the establishment of the regulations provided in this Ordinance on the operation, maintenance, and structural aspects of Sexually Oriented Business Activities is necessary to minimize to the greatest extent possible, or to eliminate altogether, the public health and safety risks that customarily, but unnecessarily, exist in connection with such Activities; and

WHEREAS, the Members of the Franklin County Fiscal Court have further found and determined that the adult establishment age limitations and employee licensing requirements of this Ordinance are necessary to address, mitigate, and, if possible, eliminate the adverse impacts and secondary effects of Sexually Oriented Business Activities on the areas in which such Activities are located or take place and on the persons who are exposed to those Activities, to ensure that these Activities are established, managed, and operated in a safe and legal manner at all times, and to ensure that the unnecessary public health risks associated with Sexually Oriented Business Activities are minimized to the greatest extent possible, or eliminated altogether; and

WHEREAS, the Members of the Franklin County Fiscal Court have further found and determined that the limitations on the hours of operation of Sexually Oriented Business Activities set forth in this Ordinance are necessary to protect and secure neighboring uses, to control adverse noise and traffic impacts associated with Sexually Oriented Business Activities, to enhance enforcement and implementation of the regulations set forth herein, and to otherwise address, mitigate and, if possible, eliminate the adverse impacts and secondary effects of Sexually Oriented Business Activities; and

WHEREAS, the Members of the Franklin County Fiscal Court have further found and determined that the disclosure and background information requirements set forth in this Ordinance relating to the owners, operators, managers, employees, and others in a position of control over Sexually Oriented Business Activities are necessary in order for the County to implement and enforce the terms and conditions of this Ordinance, to aid in the prevention of crime related to Sexually Oriented Business Activities, to minimize to the greatest extent possible, or eliminate altogether, the public health risks associated with Sexually Oriented Business Activities, and to otherwise carry out the purposes and objectives of the regulations established herein; and

WHEREAS, the regulations established pursuant to this Ordinance are in no way based on the content of protected speech, if any, associated with Sexually Oriented Business Activities, and the purpose and intent of the regulations established pursuant to this Ordinance is not to restrict or prohibit protected speech, if any, associated with Sexually Oriented Business Activities, but rather is to address, mitigate, and, if possible, eliminate the adverse impacts and secondary effects of Sexually Oriented Business Activities on the areas in which such Activities are located or take place and to ensure that these Activities are established, managed, and operated in a safe and legal manner at all times; and

WHEREAS, the County has the power and authority to adopt and enforce the terms, conditions, and regulations established in this Ordinance pursuant to its general police powers to protect the public health, safety, morals, and general public welfare; all other applicable provisions of law;

NOW, THEREFORE, BE IT ORDAINED BY FRANKLIN COUNTY FISCAL COURT, COUNTY OF FRANKLIN, KENTUCKY, as follows:

Section 1. Recitals.

The foregoing recitals are incorporated herein as the findings and determinations of the Franklin County Fiscal Court.

Section 2. Short Title.

This Ordinance shall be known as, and may be referred to as, the Franklin County Adult Entertainment Use Ordinance.

Section 3. Definitions.

For the purposes of this Ordinance, the following terms, phrases, and words shall have the meanings given herein.

- A. Adult Booth. Any area of an Adult Entertainment Establishment set off from the remainder of such Establishment by one or more walls or other dividers or partitions and used to show, play, or otherwise demonstrate any Adult Materials or to view any live performance that is distinguished or characterized by an emphasis on the exposure, depiction, or description of Specified Anatomical Areas or the conduct or simulation of Specified Sexual Activities.
- B. Adult Entertainment Establishment. Any of the following Commercial Establishments, as defined herein:
  - 1. Adult Cabaret. Any Commercial Establishment that as a substantial or significant portion of its business features or provides any of the following:
    - (a) Persons who appear Semi-Nude.
    - (b) Live performances that are distinguished or characterized by an emphasis on the exposure, depiction, or description of Specified Anatomical Areas or the conduct or simulation of Specified Sexual Activities.

- (c) Films, motion pictures, video or audio cassettes, slides, computer displays, or other visual representations or recordings of any kind that are distinguished or characterized by an emphasis on the exposure, depiction, or description of Specified Anatomical Areas, or the conduct or simulation of Specified Sexual Activities.

- 2. **Adult Store.** Any Commercial Establishment (a) that contains one or more Adult Booths; (b) that has a substantial or significant portion of its business offers for sale, rental, or viewing any Adult Materials; or (c) that has a segment or section devoted to the sale or display of Adult Materials.
- 3. **Adult Theater.** Any Commercial Establishment that as a substantial or significant portion of its business features or provides (i) films, motion pictures, video or audio cassettes, slides, or other visual representations or recordings that are distinguished or characterized by an emphasis on the exposure, depiction, or description of Specified Anatomical Areas, or the conduct or simulation of Specified Sexual Activities; or (ii) live performances that are distinguished or characterized by an emphasis on the exposure, depiction, or description of Specified Anatomical Areas or the conduct or simulation of Specified Sexual Activities.

- C. **Adult Establishment Employee.** Any individual, including entertainers, who work in or at, or render any services directly related to the operation of, an Adult Entertainment Establishment; provided, however, that this definition shall not include persons delivering goods, materials (other than Adult Materials), food and beverages, or performing maintenance or repairs, to the Licensed Premises.
- D. **Adult Establishment License.** A license issued for an Adult Entertainment Establishment pursuant to the provisions of this Ordinance.
- E. **Adult Establishment Patron.** Any individual, other than an Adult Establishment Employee, present in or at any Adult Entertainment Establishment at any time when such Adult Entertainment Establishment is open for business; provided, however, that this definition shall not include persons delivering goods, materials (other than Adult Materials), food and beverages, or performing maintenance or repairs, to the Licensed Premises.
- F. **Adult Material.** Any of the following, whether new or used:

- (a) Books, magazines, periodicals, or other printed matter, or digitally-stored materials; or

(b) films, motion pictures, video or audio cassettes, slides, computer displays, or other visual representations or recordings of any kind, that are distinguished or characterized by an emphasis on the exposure, depiction, or description of Specified Anatomical Areas, or the conduct or simulation of Specified Sexual Activities.

2. Instruments, novelties, devices, or paraphernalia that are designed for use in connection with Specified Sexual Activities, or that depict or describe Specified Anatomical Areas.

- G. Sheriff. The Franklin County Sheriff or Sheriff's Department.
- H. Commercial Establishment. Any place where admission, services, performances, or products are provided for or upon payment of any form of consideration.
- I. Days. Calendar days, unless otherwise specifically set forth in this Ordinance.
- J. Licensed Premises. The place or location described in an Adult Establishment License where an Adult Entertainment Establishment is authorized to operate. No sidewalks, streets, parking areas, public rights-of-way, or grounds adjacent to any such place or location shall be included within the Licensed Premises.
- K. Licensee. Any person or entity that has been issued an Adult Establishment License pursuant to the provisions of this Ordinance.
- L. Nude or State of Nudity. A state of dress or undress that exposes to view (1) less than completely and opaquely covered human genitals; pubic region; anus; or female breast below a point immediately above the top of the areolae, but not including any portion of the cleavage of the female breast exhibited by a dress, blouse, shirt, leotard, bathing suit, or other wearing apparel, provided the areolae is not exposed; or (2) human male genitals in a discernibly turgid state, even if completely and opaquely covered, or any device or covering that, when worn, simulates human male genitals in a discernibly turgid state.
- M. Reviewing Departments. Office of the Franklin County Sheriff, the Franklin County Health Department, and the Frankfort-Franklin County Planning Commission.
- N. Semi-Nude. A state of dress or undress in which clothing covers no more than the genitals, pubic region, and areolae of the female breast, as well as portions of the body covered by supporting straps or devices or by other minor accessory apparel such as hats, gloves, and socks.

O. Specified Anatomical Areas. Any of the following:

1. Less than completely and opaquely covered human genitals; pubic region; buttocks; anus; or female breast below a point immediately above the top of the areolae, but not including any portion of the cleavage of the female breast exhibited by a dress, blouse, shirt, leotard, bathing suit, or other wearing apparel, provided the areolae is not exposed.
2. Human male genitals in a discernibly turgid state, even if completely and opaquely covered, or any device or covering that, when worn, simulates human male genitals in a discernibly turgid state.

P. Specified Sexual Activities. Any of the following:

1. Fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts.
2. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy.
3. Masturbation, actual or simulated.
4. Human genitals in a state of sexual stimulation, arousal, or tumescence.
5. Excretory functions as part of or in connection with any of the activities set forth in Paragraphs 1, 2, 3, or 4 of this definition.

Q. Straddle Dance. The use by any person, including specifically, but without limitation, an Adult Establishment Employee, of any part of his or her body to touch the genitals, pubic region, buttock, anus, or female breast of any Adult Establishment Patron or any other person, or the touching of the genitals, pubic region, buttock, anus, or female breast of any person by any Adult Establishment Patron. Conduct shall be a "Straddle Dance" regardless of whether the "touch" or "touching" occurs while the person is displaying or exposing any Specified Anatomical Area. Conduct shall also be a "Straddle Dance" regardless of whether the "touch" or "touching" is directed through a medium. Conduct commonly referred to by the slang terms "lap dance..... table dance," and "face dance" shall be included within this definition of Straddle Dance.

Section 4. Adult Establishment Licenses Generally.

A. Adult Establishment License Required. An Adult Establishment License shall be required to establish, operate, or maintain an Adult Entertainment Establishment within the unincorporated area of Franklin County.

- B. Operation Without License Prohibited. Except as provided in Subsection F of this Section with regard to Adult Entertainment Establishments existing prior to the effective date of this Ordinance, it shall be unlawful for any person not having a current and valid Adult Establishment License to establish, operate, or maintain an Adult Entertainment Establishment within the unincorporated area of Franklin County at any time after the effective date of this Ordinance.
- C. Operation in Violation of License Prohibited. It shall be unlawful for any Licensee to establish, operate, or maintain an Adult Entertainment Establishment within the unincorporated area of Franklin County except in the manner authorized by, and in compliance with, the provisions of this Ordinance and the Licensee's Adult Establishment License.
- D. Content and Display of License. Every Adult Establishment License shall be provided by the County and shall, at a minimum, prominently state on its face the name of the Licensee, the expiration date, and the address of the Adult Entertainment Establishment. Every Licensee shall cause the Licensee's Adult Establishment License to be framed, covered by glass, and hung at all times in plain view in a conspicuous place on the Licensed Premises so that it can be easily seen and read at any time by any person entering the Licensed Premises.
- E. License Term. Except as hereinafter provided, Adult Establishment Licenses shall be operative and valid, unless first terminated, suspended, or revoked, for a term of one year commencing on July 1 of the year following the year of issuance and terminating on June 30 of that same year. Adult Establishment Licenses issued after July 1 of any year for operations to commence in that year shall be operative and valid, unless first terminated, suspended, or revoked, for a term commencing on the date of issuance and terminating on June 30 of that same year.
- F. Renewal. An Adult Establishment License may be renewed only by making application as required for an initial License pursuant to Section 6 of this Ordinance. Application for renewal shall be made at least 30 days before the expiration of the then-current License term. The expiration of the License shall not be affected or extended by a renewal application that is made less than 30 days before expiration.

Section 5. Form and Submittal of License Application.

- A. Required Form. An application for an Adult Establishment License, or the renewal thereof, shall be made in writing to the Franklin County Planning and Zoning office on a form prescribed by the Franklin County Planning Commission and shall be signed (i) by the applicant, if the applicant is an individual; (ii) by at least one of the persons entitled to share in the profits of the organization and having unlimited personal liability for the obligations of the organization and the right to bind all other such persons, if the applicant is a partnership (general or limited), joint venture, or any other type of



organization where two or more persons share in the profits and liabilities of the organization; (iii) by a duly authorized agent, if the applicant is a corporation; or (iv) by the trustee, if the applicant is a land trust. The application shall be verified by oath or affidavit as to all statements made on or in connection with the application and any attachments thereto. Each application shall specifically identify the applicant and the Licensed Premises for which an Adult Establishment License is sought. Each initial or renewal application shall be accompanied by seven identical copies.

B. Administrative Processing Fee and Security.

1. Administrative Processing Fee. Every applicant for an Adult Establishment License or for the renewal of an existing Adult Establishment License shall pay an Administrative Processing Fee in the amount of \$200 by certified check to the County at the time of filing such application. The Administrative Processing Fee shall in all cases be non-refundable and shall be deposited in the general fund of the County.
2. Bond or Other Security. Each Adult Establishment License, and any renewals thereof, shall be conditioned on the acquisition and maintenance in good standing by the applicant and Licensee of a surety bond or other similar security in favor of the County in the amount of \$5,000 to the County. Before an Adult Establishment License may be issued, the applicant shall furnish such bond or security, and before an Adult Establishment License is renewed or reinstated following revocation or suspension, the Licensee shall submit evidence that the bond or other security, in the amount required pursuant hereto, remains in full force and effect. The bond or other security, or part thereof, for an Adult Entertainment Establishment shall be forfeited automatically pursuant to Section 16 of this Ordinance in order to reimburse the County for the County's costs in association with the proceedings related to any suspension or revocation of the License.

C. Required Information and Documents. Each application shall include the following information and documents:

1. (a) Individuals: The applicant's legal name, all of the applicant's aliases, the Applicant's business address and social security number, written proof of the applicant's age, the citizenship and place of birth of the applicant and, if a naturalized citizen, the time and place of the applicant's naturalization.
- (b) Corporations: The applicant corporation's complete name and official business address; the legal name, all aliases, and the ages, business addresses, and social security numbers of all of the directors, officers, and managers of the corporation and of every person owning or

controlling more than 50 percent of the voting shares of the corporation; the corporation's date and place of incorporation and the objects for which it was formed; proof that the corporation is a corporation in good standing and authorized to conduct business in the State of Kentucky; and the name of the registered corporate agent and the address of the registered office for service of process.

- (c) Partnerships (general or limited), limited liability companies, joint ventures, or any other type of organization where two or more persons share in the profits and liabilities of the organization: the applicant organization's complete name and official business address; the legal name, all aliases, and the ages, business addresses, and social security numbers of each partner (other than limited partners) or any other person or members of limited liability companies entitled to share in the profits of the organization, whether or not any such person is also obligated to share in the liabilities of the organization.
  - (d) Land trusts: The applicant land trust's complete name; the legal name, all aliases, and the business address of the trustee of the land trust; the legal name, all aliases, and the ages, business addresses, and social security numbers of each beneficiary of the land trust and the specific interest of each such beneficiary in the land trust; and the interest, if any, that the land trust holds in the Licensed Premises.
2. If a corporation or partnership is an interest holder that must be disclosed pursuant to Subparagraph 5.C.I(b) or 5.C.I(c) above, then such interest holders shall disclose the information required in said Subparagraphs with respect to their interest holders.
  3. The general character and nature of the business of the applicant.
  4. The length of time that the applicant has been in the business of the character specified in response to Paragraph 3 above.
  5. The location, including street address and legal description, and telephone number, of the premises for which the Adult Establishment License is sought.
  6. The specific name of the business that is to be operated under the Adult Establishment License.
  7. The identity of each fee simple owner of the Licensed Premises.
  8. A diagram showing the internal and external configuration of the Licensed Premises, including all doors, windows, entrances, exits, the fixed structural internal features of the Licensed Premises, plus the interior rooms, walls, partitions, stages, performance

areas, and restrooms. A professionally prepared diagram in the nature of an engineer's or architect's blueprint shall not be required; provided, however, that each diagram shall be oriented to the north or to some designated street or object and shall be drawn to a designated scale or with marked dimensions to an accuracy of plus or minus six inches and sufficient to show clearly the various interior dimensions of all areas of the Licensed Promises and to demonstrate compliance with the provisions of this Ordinance. The requirements of this Paragraph shall not apply for renewal applications if the applicant adopts a diagram that was previously submitted for the License sought to be renewed and if the Licensee certifies that the Licensed Promises has not been altered since the immediately preceding issuance of the License and that the previous diagram continues to accurately depict the exterior and interior layouts of the Licensed Premises. The approval or use of the diagram required pursuant to this Paragraph shall not be deemed to be, and shall not be interpreted or construed to constitute, any other County approval otherwise required pursuant to applicable County ordinances and regulations.

9. The names of each governmental body from which, within five years immediately prior to the date of the present application, the applicant, or any of the individuals identified in the application pursuant to Paragraphs 1 or 2 of this Subsection, has received a license or other authorization to conduct or operate a business (a) substantially the same as an Adult Entertainment Establishment, and the names and addresses of each such business; (b) requiring a federal, state, or local liquor license; or (c) requiring a federal, state, or local gaming license.
10. The specific type or types of Adult Entertainment Establishment(s) that the applicant proposes to operate in the Licensed Premises.
11. A copy of each Adult Establishment License, liquor license, and gaming license currently held by the applicant, or any of the individuals identified in the application pursuant to Paragraphs 1 or 2 of this Subsection.
12. Whether the applicant, or any of the individuals identified in the application pursuant to Paragraphs 1 or 2 of this Subsection, has been, within five years immediately preceding the date of the application, convicted of, or pleaded nolo contendere to, any Specified Criminal Act. As to each conviction, the applicant or other individual shall provide the conviction date, the case number, the nature of the misdemeanor or felony violation(s) or offense(s), and the name and location of the court.
13. Whether the applicant, or any of the individuals identified in the application pursuant to Paragraphs 1 or 2 of this Subsection, has had a license or other authorization to conduct or operate a business substantially the same as an Adult Entertainment Establishment or any business requiring either a liquor or gaming license, revoked or suspended, and, if so, the date and grounds for each such

revocation or suspension, and the name and location of the establishment at issue.

14. The name of the individual or individuals who shall be the day-to-day, on-site managers of the proposed Adult Entertainment Establishment. If the manager is other than the applicant, the applicant shall provide, for each manager, all of the information required pursuant to Subparagraph I (a) and Paragraphs 9, 11, 12, and 13 of this Subsection.

- D. Incomplete Applications Returned. Any application for an Adult Establishment License that does not include all of the information and documents required pursuant to Subsection C of this Section as well as the Administrative Processing Fee and bond or other security required pursuant to Subsection B of this Section, shall be deemed to be incomplete and shall not be acted on or processed by the Franklin County Planning Commission. The County Planning Commission shall, within five days of such submittal, return the incomplete application to the applicant along with a written explanation of the reasons why the application is incomplete.

#### Section 6. Processing of License Application.

- A. Reviewing Departments. Within three working days after receipt of a complete application for an Adult Establishment License that includes all of the information and documents required pursuant to Subsection 5.C of this Ordinance as well as the Administrative Processing Fee and bond or other security required pursuant to Subsection 5.B of this Ordinance, the Franklin County Planning Commission shall transmit a copy of the application to the Reviewing Departments.
- B. Reviewing Department Reports. Each of the Reviewing Departments shall, within 25 days after transmittal of the application thereto, (i) review the application; (ii) conduct such inspections of the proposed Licensed Promises and background investigations of the applicant and any of the individuals identified in the application pursuant to Paragraphs 5.C.1, 5.C.2, or 5.C.14 of this Ordinance, regarding matters within their respective jurisdictions, as shall be reasonably necessary to verify the information set forth in the application and to determine whether the proposed Adult Entertainment Establishment and Licensed Premises comply with the requirements of this Ordinance and other applicable laws, codes, ordinances, rules, and regulations; and (iii) prepare and submit to the Franklin County Planning Commission a written report regarding the results and findings of such reviews, inspections, and investigations.
- C. Franklin County Sheriff Review. The Franklin County Sheriff shall also conduct such inspections and investigations as the Sheriff's Department shall deem reasonably necessary to verify the information set forth in the application and to determine whether the proposed Adult Entertainment Establishment and Licensed Premises comply with

the requirements of this Ordinance and other applicable laws, codes, ordinances, rules, and regulations

- D. Reliance on Diagram. In the event that the Licensed Premises has not yet been constructed or reconstructed to accommodate the proposed Adult Entertainment Establishment, the Franklin County Planning Commission and the Reviewing Departments shall base their respective written reports, investigations, and inspections to the extent necessary, on the diagram submitted pursuant to Paragraph 5.C.8 of this Ordinance. Any Adult Establishment License issued prior to the construction or reconstruction necessary to accommodate the proposed Adult Entertainment Establishment shall contain a condition that the Adult Entertainment Establishment shall not open for business until the Licensed Premises has been inspected and determined to be in substantial compliance with the diagram submitted with the application. Approval or denial of applications, otherwise required herein, may be delayed pending review of the construction plans subject to the provisions of the Kentucky Building Code.
- E. Applicant Cooperation Required. An applicant for an Adult Establishment License shall cooperate fully in the inspections and investigations conducted by the Franklin County Planning Commission and the Reviewing Departments. The applicant's failure or refusal (i) to give any information reasonably relevant to the investigation of the application; (ii) to allow the Licensed Premises to be inspected; (iii) to appear at any reasonable time and place for examination under oath regarding the application; or (iv) to otherwise cooperate with the investigation and inspection required by this Ordinance, shall constitute an admission by the applicant that the applicant is ineligible for an Adult Establishment License and shall be grounds for denial of the License by the Franklin County Planning Commission.
- F. Time for Issuance or Denial. The Franklin County Planning Commission shall, within 30 days after submittal of a properly completed application, either issue an Adult Establishment License pursuant to the provisions of Subsection 7.A of this Ordinance or deny issuance of the Adult Establishment License pursuant to the provisions of Subsection 7.B of this Ordinance. The Franklin County Planning Commission shall issue or deny the License within said 45-day period regardless of whether or not the Franklin County Planning Commission has received all of the Reviewing Department reports.
- G. Decision Final. The action taken by the Franklin County Planning Commission to issue an Adult Establishment License pursuant to Subsection 8.A of this Ordinance or to deny issuance of an Adult Establishment License pursuant to Subsection 8.B of this Ordinance shall be final and shall be subject to judicial review. Appeals shall be filed within 30 days of the final decision issued by the Franklin County Planning Commission.

#### Section 7. Standards for Issuance or Denial of License

A. Issuance. The Franklin County Planning Commission shall issue an Adult Establishment License to an applicant if, but only if, the Franklin County Planning Commission finds and determines all of the following, based on the reports, investigations, and inspections conducted by the Franklin County Planning Commission and the Reviewing Departments and on any other credible information on which it is reasonable for the Franklin County Planning Commission to rely:

- I. All information and documents required by Section 6 of this Ordinance for issuance of an Adult Establishment License have been properly provided and the material statements made in the application are true and correct.
2. For Adult Stores and Adult Theaters, all persons identified in the application pursuant to Paragraphs 5.C.1, 5.C.2, or 5.C.14 of this Ordinance are at least 18 years of age and not under any legal disability. For Adult Cabarets, all persons identified in the application pursuant to Paragraphs 5.C.1, 5.C.2, or 5.C.14 of this Ordinance are at least 18 years of age and not under any legal disability.
3. No person identified in the application pursuant to Paragraphs 5.C.1, 5.C.2, or 5.C.14 of this Ordinance has been convicted of, or pleaded *nolo contendere* to, any Specified Criminal Act within five years immediately preceding the date of the application.
4. No person identified in the application pursuant to Paragraphs 5.C.1, 5.C.2, or 5.C.14 of this Ordinance has been convicted of, or pleaded *nolo contendere* to, any violation of a provision of this Ordinance within five years immediately preceding the date of the application.
5. No person identified in the application pursuant to Paragraphs 5.C.1, 5.C.2, or 5.C.14 of this Ordinance is overdue on payment to the County of taxes, fees, fines, or penalties assessed against, or imposed on, any such individual in connection to any Adult Entertainment Establishment.
6. No person identified in the application pursuant to Paragraphs 5.C.1, 5.C.2, or 5.C.14 of this Ordinance is residing with, or married to, a person (i) who has been denied an Adult Establishment License within 12 months immediately preceding the date of the application, (ii) whose Adult Establishment License has been revoked within 12 months immediately preceding the date of the application, or (iii) whose Adult Establishment License is under suspension at the time of application.
7. The Adult Entertainment Establishment and the Licensed Premises, and the proposed operation of the Adult Entertainment Establishment, comply with all then-applicable building, health, and life safety codes and regulations and have

received all necessary approvals required pursuant to the then-applicable provisions of the County Subdivision Guidelines.

8. The applicant has confirmed in writing and under oath as part of the application that the applicant has read this Ordinance, that the applicant is familiar with their terms and conditions, and that the Licensed Premises and the proposed Adult Entertainment Establishment and its proposed operation are and shall be in compliance therewith.

- B. Denial. If the Franklin County Planning Commission determines that the applicant has not met any one or more of the conditions set forth in Subsection A of this Section, then the Franklin County Planning Commission shall deny issuance of the Adult Establishment License and shall give the applicant a written notification and explanation of such denial. The Franklin County Planning Commission's notice of denial shall be delivered in person or by certified U.S. mail, postage prepaid, return receipt requested, addressed to the applicant's address as set forth in the application. The Adult Establishment License shall be deemed denied on the day that the notice of denial is delivered in person or three days after it is placed in the U.S. mail as provided in this Subsection.
- C. License Deemed To Be Issued. If the Franklin County Planning Commission does not issue or deny the Adult Establishment License within 45 days after the properly completed application is submitted, then the Adult Establishment License applied for shall be deemed to have been issued.
- D. Resubmittals. All resubmittals of applications, under this Ordinance shall be considered new applications subject to all fees required herein.

#### Section 8. Inspections by the County.

- A. Authority. The Franklin County Sheriff and other County representatives and departments with jurisdiction shall periodically inspect all Adult Entertainment Establishments as shall be necessary to determine compliance with the provisions of this Ordinance and all other applicable law.
- B. Licensee Cooperation. A Licensee shall permit representatives of the County to inspect the Licensed Premises and the Adult Entertainment Establishment for the purpose of determining compliance with the provisions of this Ordinance and all other applicable law at any time during which the Licensed Premises is occupied or the Adult Entertainment Establishment is open for business.
- C. Interference or Refusal Illegal. It shall be unlawful for the Licensee, any Adult Establishment Employee, or any other person to prohibit, interfere with, or refuse to

allow, any lawful inspection conducted by the County pursuant to this Ordinance or any other authority.

- D. Suspension or Revocation Any such prohibition, interference, or refusal shall be grounds for suspension or revocation of the Adult Establishment License pursuant to Section 16 of this Ordinance.

#### Section 9. Change in Information.

During the pendency of any application for, or during the term of, any Adult Establishment License, the applicant or Licensee shall promptly notify the Franklin County Planning Commission in writing (i) of any change in any material information given by the applicant or Licensee in the application for such License, including specifically, but without limitation, any change in managers of the Adult Entertainment Establishment or in the individuals identified in the application pursuant to Paragraphs 5.C.1 or 5.C.2 of this Ordinance; or (ii) if any of the events specified in Subsection 16.A of this Ordinance occur.

#### Section 10. Regulations Applicable To All Adult Entertainment Establishments.

- A. General Compliance. All Licensed Premises and Adult Entertainment Establishments shall comply with the provisions of this Ordinance; all other applicable County ordinances, resolutions, rules, and regulations; and all other applicable federal, state, and local laws.
- B. Hours of Operation. No Adult Entertainment Establishment shall be open for business at any time between the hours of 12:00 a.m. and 12:00 noon on any weekday or Saturday. No Adult Entertainment Establishment shall be open for business at anytime on any Sunday.
- C. Animals. No animals, except only for seeing-eye dogs required to assist the blind, shall be permitted at anytime at or in any Adult Entertainment Establishment or Licensed Promises.
- D. Restrooms. All restrooms in Adult Entertainment Establishments shall be equipped with standard toilets, sinks, and other traditional lavatory facilities. No Adult Materials or live performances shall be provided or allowed at any time in the restrooms of an Adult Entertainment Establishment. Separate male and female restrooms shall be provided for and used by Adult Establishment Employees and Adult Establishment Patrons.
- E. Restricted Access. No Adult Establishment Patron shall be permitted at anytime to enter into any of the non-public portions of any Adult Entertainment Establishment, including specifically, but without limitation, any storage areas or dressing or other rooms provided for the benefit of Adult Establishment



Employees. This subsection shall not apply to persons delivering goods and materials, food and beverages, or performing maintenance or repairs to the Licensed Premises; provided, however, that any such persons shall remain in such non-public areas only for the purposes and to the extent and time necessary to perform their job duties.

F. Specific Prohibited Acts.

- I. No Adult Establishment Employee or any other person at any Adult Entertainment Establishment shall appear, be present, or perform while Nude.
2. No Adult Establishment Employee or any other person at any Adult Entertainment Establishment shall perform or conduct any Specified Sexual Activity with or for any Adult Establishment Patron or any other Adult Establishment Employee or any other person.
3. Straddle Dances shall be prohibited at all Adult Entertainment Establishments. No Adult Establishment Patron or any other person at any Adult Entertainment Establishment shall perform or conduct any Specified Sexual Activity with or for any Adult Establishment Employee or any other Adult Establishment Patron or any other person.

G. Exterior Display. No Adult Entertainment Establishment shall be maintained or operated in any manner that causes, creates, or allows public viewing of any Adult Material, or any entertainment depicting, describing, or relating to Specified Sexual Activities or Specified Anatomical Areas, from any sidewalk, public or private right-of-way, or any property other than the lot on which the Licensed Premises is located. No portion of the exterior of an Adult Entertainment Establishment shall utilize or contain any flashing lights, search lights, or spotlights, or any other similar lighting systems, or any words, lettering, photographs, silhouettes, drawings, or pictorial representations of any manner except to the extent specifically allowed pursuant to Subsection I of this Section with regard to signs. This Subsection shall apply to any advertisement, display, promotional material, decoration, or sign; to any performance or show; and to any window, door, or other opening.

H. Signage Limitations. All signs for Adult Entertainment Establishments shall be flat wall signs. The maximum allowable sign area shall be one square foot of sign area per foot of lot frontage on a street, but in no event exceeding 32 square feet. The maximum number of signs shall be one per lot frontage. Signs otherwise permitted pursuant to this Ordinance shall contain only the name of the Adult Entertainment Establishment and/or (II) the specific type of Adult Entertainment Establishment conducted on the

Licensed Premises. Temporary signage shall not be permitted in connection with any Adult Entertainment Establishment.

- I. Noise. No loudspeakers or sound equipment audible beyond the Licensed Premises shall be used at any time.
- J. Manager's Station. Each Adult Entertainment Establishment shall have one or more manager's stations. The interior of each Adult Entertainment Establishment shall be configured in such a manner that there is a direct and substantially unobstructed view from at least one manager's station to every part of each area, except restrooms, of the Establishment to which any Adult Establishment Patron is permitted access for any purpose.
- K. Location Restrictions. The public entrance to the sexually oriented business shall not be located within 1,500 feet of any residence or building containing a public or private elementary, middle or secondary school, institution of higher education or business college, or any 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 property on which the building or park like area is located to the main entrance of the building of the licensed establishment engaging in a sexually oriented business.

Section 11. Special Regulations For Adult Booths.

- A. Prohibited Except in Adult Stores. Adult Booths shall be prohibited in all Adult Entertainment Establishments except Adult Stores.
- B. Occupancy and Prohibited Acts. Only one individual shall occupy an Adult Booth at any one time. No individual occupying an Adult Booth shall engage in any Specified Sexual Activities. No individual shall damage or deface any portion of an Adult Booth.
- C. Open Booth Requirement. In addition to satisfying the requirement of Subsection 10.K of this Ordinance, all Adult Stores containing Adult Booths shall be physically arranged in such a manner that the entire interior portion of each Adult Booth shall be visible from the common area of the Adult Store. To satisfy this requirement, there shall be a permanently open and unobstructed entrance way for each Adult Booth and for the entranceway from the area of the Adult Store that provides other Adult Materials to the area of the Adult Store containing the Adult Booths. Each of these entranceways shall not be capable of being closed or obstructed, entirely or partially, by any door, curtain, partition, drapes, or any other obstruction whatsoever that would be capable of wholly or partially obscuring the area of the Adult Store containing the Adult Booths or any person situated in an Adult Booth. It shall be unlawful to install Adult Booths within an

Adult Entertainment Establishment for the purpose of providing secluded viewing of Adult Materials or live performances.

D. Aisle Required. There shall be one continuous lighted main aisle along side the Adult Booths provided in any Adult Store. Each person situated in a Booth shall be visible at all times from the aisle.

E. Holes Prohibited. Except for the open Booth entranceway, the walls and partitions of each Adult Booth shall be constructed and maintained of solid walls or partitions without any holes or openings whatsoever.

F. Signage. A sign shall be posted in a conspicuous place at or near the entranceway to each Adult Booth that states (i) that only one person is allowed in an Adult Booth at any one time, (ii) that it is unlawful to engage in any Specified Sexual Activities while in an Adult Booth, and (iii) that it is unlawful to damage or deface any portion of an Adult Booth.

G. Age Limitations.

1. No Adult Establishment Employee or Adult Establishment Patron at an Adult Booth or a Licensed Premises that includes an Adult Booth shall be under the age of 18.
2. No person under the age of 18 shall be admitted to any Adult Booth or any Licensed Premises that includes and Adult Booth.
3. No person under the age of 18 shall be allowed or permitted to remain at any Adult Booth or at any Licensed Premises that includes an Adult Booth.
4. No person under the age of 18 shall be allowed or permitted to purchase or receive, whether for consideration or not, any Adult Material or other goods or services at or from any Adult Booth or any Licensed Premises that includes an Adult Booth.

## Section 12. Special Regulations For Adult Cabarets.

A. Performance Area. The performance area of an Adult Cabaret shall be limited to one or more stages or platforms permanently anchored to the floor (a "Cabaret Stage"). Each Cabaret Stage shall be at least 18 inches in elevation above the level of the patron seating areas. Each Cabaret Stage shall be separated by a distance of at least three (3) feet from all areas of the premises to which Adult Entertainment Patrons have access. A continuous barrier at least three feet in height and located at least three (3) feet from all points of each Cabaret Stage shall separate each Cabaret Stage from all patron seating

areas. The barrier shall consist of horizontal or vertical members spaced no more than nine inches apart and nine inches from the floor or the walls to which it is attached.

- B. Lighting. Sufficient lighting shall be provided and equally distributed throughout the public areas of the Adult Cabaret so that all objects are plainly visible at all times. A minimum lighting level of not less than 30 lux horizontal, measured at 30 inches from the floor and on 10-foot centers shall be maintained at all times for all areas of the Adult Cabaret where Adult Establishment Patrons are admitted.
- C. Tipping. No tip or gratuity from any Adult Establishment Patron may be offered or accepted for any performance by an Adult Establishment Employee on any Adult Cabaret Stage at any time prior to the completion of any such performance. No Adult Establishment Patron shall offer, and no Adult Establishment Employee having performed on any Cabaret Stage shall accept, any form of tip or gratuity offered directly to the Employee by the Adult Establishment Patron. Rather, following completion of a performance, all tips and gratuities to Adult Establishment Employees performing on any Cabaret Stage shall be placed into a receptacle provided for receipt of such tips and gratuities by the Adult Entertainment Establishment.
- D. Notice of Select Rules. A sign at least two feet by two feet, with letters at least one inch high shall be conspicuously displayed on or adjacent to every Cabaret Stage stating the following:

THIS ADULT CABARET IS REGULATED BY ORDINANCE OF THE  
FRANKLIN COUNTY FISCAL COURT. ENTERTAINERS ARE:

1. NOT PERMITTED TO ENGAGE IN ANY TYPE OF SEXUAL CONDUCT.
2. NOT PERMITTED TO APPEAR IN A STATE OF NUDITY.
3. NOT PERMITTED TO ACCEPT TIPS OR GRATUITIES FOR ANY PERFORMANCE UNTIL AFTER COMPLETION OF THE PERFORMANCE.
4. NOT PERMITTED TO ACCEPT ANY TIPS DIRECTLY FROM PATRONS EVEN AFTER COMPLETION OF THE PERFORMANCE. ANY SUCH TIPS MUST BE PLACED INTO THE RECEPTACLE PROVIDED BY MANAGEMENT.

- E. Age Limitations.

1. No Adult Establishment Employee or Adult Establishment Patron at an Adult Cabaret or a Licensed Premises used for an Adult Cabaret shall be under the age of 21.
2. No person under the age of 21 shall be admitted to any Adult Cabaret or to any Licensed Premises used for an Adult Cabaret.
3. ~~No person under the age of 21 shall be allowed or permitted to remain at any Adult Cabaret or any Licensed Premises used for an Adult Cabaret.~~
4. No person under the age of 21 shall be allowed or permitted to purchase or receive, whether for consideration or not, any Adult Material or other goods or services at or from any Adult Cabaret or any Licensed Premises used for an Adult Cabaret.

Section 13. Special Regulation For Adult Stores.

A. Windows and Signs. Window areas for Adult Stores shall not be covered or obstructed in any way. No signs or other obstructions shall be placed in the windows.

B. Age Limitations.

1. No Adult Establishment Employee or Adult Establishment Patron at an Adult Store or a Licensed Premises used for an Adult Store shall be under the age of 18.
2. No person under the age of 18 shall be admitted to any Adult Store or to any Licensed Premises used for an Adult Store.
3. No person under the age of 18 shall be allowed or permitted to remain at any Adult Store or any Licensed Premises used for an Adult Store.
4. No person under the age of 18 shall be allowed or permitted to purchase or receive, whether for consideration or not, any Adult Material or other goods or services at or from any Adult Store or any Licensed Promises used for an Adult Store.

Section 14. Special Regulations For Adult Theaters.

A. Seating. Each Adult Theater shall provide seating only in individual chair with arms or in seats separated from each other by immovable arms and not on couches, benches, or any other multiple person seating structures. The number of seats shall equal the maximum number of persons who may occupy the Adult Theater.

- B. Aisle. Each Adult Theater shall have a continuous main aisle alongside the seating area in order that each person seated in the Adult Theater shall be visible from the aisle at all times.
- C. Each Adult Theater shall have a sign posted in a conspicuous place at or near each entranceway to the auditorium or similar area that lists the maximum number of persons who may occupy the auditorium area, which number shall not exceed the number of seats in the auditorium area.
- D. Age Limitations.
1. No Adult Establishment Employee or Adult Establishment Patron at an Adult Theater or a Licensed Premises used for an Adult Theater shall be under the age of 18.
  2. No person under the age of 18 shall be admitted to any Adult Theater or to any Licensed Premises used for an Adult Theater.
  3. No person under the age of 18 shall be allowed or permitted to remain at any Adult Theater or any Licensed Premises used for an Adult Theater.
  4. No person under the age of 18 shall be allowed or permitted to purchase or receive, whether for consideration or not, any Adult Material or other goods or services at or from any Adult Theater or any Licensed Premises used for an Adult Theater.

#### Section 15. Licensee Responsibility For Employees.

Every act or omission by an Adult Establishment Employee constituting a violation of the provisions of this Ordinance shall be deemed to be the act or omission of the Licensee if such act or omission occurs either with the authorization, knowledge, or approval of the Licensee, or as a result of the Licensee's negligent failure to supervise the Adult Establishment Employee. The Licensee shall be punishable for any such act or omission in the same manner as if the Licensee committed the act or caused the omission. Accordingly, any such act or omission of any such Employee constituting a violation of the provisions of this Ordinance shall be deemed, for purposes of determining whether the Licensee's Adult Establishment License shall be revoked, suspended, or renewed, to be the act or omission of the Licensee.

#### Section 16. License Revocation or Suspension.

- A. Grounds. Pursuant to the procedures set forth in Subsection B of this Section, the Franklin County Planning Commission may suspend for not more than 30 days, or revoke, any Adult Establishment License if the Franklin County

Planning Commission, based on credible and reasonably reliable information and evidence, determines that any one or more of the following has occurred:

1. The Licensee has violated any of the provisions or requirements of this Ordinance or the Adult Establishment License issued pursuant hereto.
2. The Licensee (i) knowingly or negligently furnished false or misleading information or withheld information on any application or other document submitted to the County for the issuance or renewal of any Adult Establishment License or (ii) knowingly or negligently caused or suffered any other person to furnish or withhold any such information on the Licensee's behalf.
3. The Licensee has committed a felony or Specified Criminal Act on the Licensed Premises.
4. The Licensee authorizes, approves, or, as a result of the Licensee's negligent failure to supervise the Licensed Premises or the Adult Entertainment Establishment, allows, an Adult Establishment Employee, an Adult Establishment Patron, or any other person to (i) violate any of the provisions or requirements of this Ordinance or of the provisions or requirements of the Adult Establishment License issued pursuant hereto, or (ii) commit any felony or Specified Criminal Act on the Licensed Premises.
5. The Licensee, or any person identified pursuant to Paragraphs 5.C.1, 5.C.2, or 5.C.14 of this Ordinance becomes disqualified for the issuance of an Adult Establishment License at any time during the term of the License at issue.

B. Procedure. An Adult Entertainment Establishment License may be suspended for not more than 30 days or revoked pursuant to the terms and conditions set forth in this Subsection B.

- I. Notice. Upon determining that one or more of the grounds for suspension or revocation under Subsection A of this Section may exist, the Franklin County Planning Commission shall serve a written notice on the Licensee in person or by certified U.S. mail, postage prepaid, return receipt requested, addressed to the Licensee's address as set forth in the Licensee's application. The written notice shall, at a minimum, (i) state that Franklin County Planning Commission has determined that the Adult Establishment License may be subject to suspension or revocation pursuant to Subsection 16.A of this Ordinance;

- (ii) identify the specific grounds for the Franklin County Planning Commission's determination; and
- (iii) set a date for a hearing regarding the Franklin County Planning Commission's determination as to the possibility of suspension or revocation of the Adult Establishment License. The date of the hearing shall be no less than five days after service of the Franklin County Sheriff's notice, unless an earlier or later date is agreed to by the Licensee and the Franklin County Planning Commission.

2. Hearing. The hearing shall be conducted by the Franklin County Planning Commission, or, at the Franklin County Planning Commission's direction, by a hearing officer. At the hearing, the Licensee may present and submit evidence and witnesses to refute the grounds cited by the Franklin County Planning Commission for suspending or revoking the License and the County and any other persons may submit evidence to sustain such grounds. The administrative record compiled on the Adult Entertainment Establishment pursuant to Section 17 of this Ordinance shall be made part of the hearing record. Within three days after the close of the hearing, the Franklin County Planning Commission shall, having considered the record made at the hearing, render a decision in writing, setting forth the reasons for the decision. The action taken by the Franklin County Planning Commission shall be final and shall be subject to judicial review.
3. Notice and Effective Date of Suspension or Revocation. The Franklin County Planning Commission's written decision shall be served on the Licensee in person or by certified U.S. mail, postage prepaid, return receipt requested, addressed to the Licensee's address as set forth in the Licensee's application. Any suspension or revocation, as the case may be, shall take effect on the day that the Franklin County Planning Commission's written decision is delivered in person or three days after it is placed in the U.S. mail as provided in this paragraph.
4. Surrender of License and Security. Upon the suspension or revocation of an Adult Establishment License pursuant to this Ordinance, (i) the Franklin County Sheriff shall take custody of the suspended or revoked License; and (ii) such part or all of the bond or other security submitted for the Adult Entertainment Establishment pursuant to Paragraph 5.B.2 of this Ordinance shall be forfeited as the Franklin County Planning Commission shall deem necessary to reimburse the County for the costs associated with the proceedings related to the suspension or revocation at issue. Such bond or other security shall be replenished to equal the amount required pursuant to Paragraph 5.B.2 of this Ordinance prior to



the issuance of any now Adult Establishment License for the Licensed Premises or for the reinstatement of any suspended License.

Section 17.            Administrative Record.

The Franklin County Planning Commission shall cause to be kept in the Franklin County Planning Commission's office an accurate record of every Adult Establishment License application received and acted on, together with all relevant information and material pertaining to such application, any Adult Establishment License issued pursuant thereto, and any adult Entertainment Establishment operated pursuant to such Adult Establishment License.

Section 18.        Employee Registration and Record keeping by Licensee

A.    Registration. The Licensee of every Adult Entertainment Establishment shall register each of the Licensee's Adult Establishment Employees with the Franklin County Planning Commission by providing the following information to the Franklin County Planning Commission no later than the business day immediately preceding the day of commencement of the Employee's employment at the Adult Entertainment Establishment:

1.    Legal name.
2.    Any and all aliases.
3.    Current residential address and telephone number, and all residential addresses for the previous three years.
4.    Date of birth.
5.    Gender, height, weight, hair and eye color.
6.    Social security number.
7.    Date of commencement of employment.
8.    Specific job or employment duties.
9.    Whether the Employee, within three years immediately preceding the date of registration, has been convicted of any Specified Criminal Act. As to each such conviction, the Licensee shall provide the conviction date, the nature of the conviction, the case number, and the name and location of the court.
10.   The names of each governmental body, including the County, from which, within three years immediately preceding the date of registration, the Employee has received an Adult Establishment License, or any other official authorization to operate or to be employed at, an Adult Entertainment Establishment or a business substantially the same as an Adult Entertainment Establishment. For each such license or authorization, the Licensee shall provide the name and address of the business.

11. Whether the Employee has had any such license or authorization revoked or suspended, and, if so, the date and grounds for each such revocation or suspension, and the name and location of the establishment at issue.

B. Employee Register. The Licensee of every Adult Entertainment Establishment shall maintain a register of all of its Adult Establishment Employees. For each such Employee, the register shall include the following information:

1. Legal name.
2. Any and all aliases.
3. Current residential address and telephone number.
4. Date of birth.
5. Gender.
6. Social security number.
7. Date of commencement of employment.
8. Date of employment termination, if applicable.
9. Specific job or employment duties.

The register shall be maintained for all current employees and all employees employed at any time during the preceding 36 months. The Licensee shall make the register of its Adult Establishment Employees available for inspection by the County immediately upon demand at all reasonable times.

#### Section 19. Penalty.

Any person who violates, neglects, refuses to comply with, or assists or participates in any way in the violation of, any of the provisions or requirements of this Ordinance or of any of the provisions or requirements of any Adult Establishment License, shall be fined not more than \$500 for each such violation. Each day such violation continues shall constitute a separate offense. The Franklin County Planning Commission shall give written notice to any such person of any such violation and the fine imposed by serving a citation in person or by certified U.S. mail, postage prepaid, return receipt requested, addressed to the Licensee's address as set forth in the Licensee's application.

#### Section 20. Nuisance Declared.

Any Adult Entertainment Establishment established, operated, or maintained in violation of any of the provisions or requirements of this Ordinance or of any Adult Establishment License shall be, and the same is, declared to be unlawful and a public nuisance. The County may, in addition to or in lieu of any other remedies set forth in this Ordinance, commence an action to enjoin, remove, or abate such nuisance in the manner provided by law and shall take such other steps and apply to such court or courts as may have jurisdiction to grant such relief as will abate or remove such public nuisance, and restrain and enjoin any

person from establishing, operating, or maintaining an Adult Entertainment Establishment contrary to the provisions of this Ordinance.

Section 21. Computation of Time.

Unless otherwise specifically set forth in this Ordinance, the time within which any act required by this Ordinance is to be done shall be computed by excluding the first day and including the last day, unless the last day is Saturday, Sunday or a Federal or State of Kentucky holiday, in which case it shall also be excluded. If the day immediately following such Saturday, Sunday, or holiday is also a Saturday, Sunday, or holiday, then such succeeding day shall also be excluded.

Section 22. Severability.

In the event that any provision of this Ordinance, or any part thereof, or any application thereof to any person or circumstance, is for any reason held to be unconstitutional or otherwise invalid or ineffective by any court of competent jurisdiction on its face or as applied, such holding shall not affect the validity or effectiveness of any of the remaining provisions of this Ordinance, or any part thereof, or any application thereof to any person or circumstance or of said provision as applied to any other person or circumstance. It is hereby declared to be the legislative intent of the County that this Ordinance would have been adopted had such unconstitutional, invalid, or ineffective provisions not been included herein.

Section 23. Effective Date.

This Ordinance shall be in full force and effect from and after its passage and publication by the Franklin County Fiscal Court.


First reading at a regular meeting of the Franklin County Fiscal Court, held on the 4 day of August, 2006.

Approved on second reading at a regular meeting of the Franklin County Fiscal Court, held on the 1 day of September, 2006.

Franklin County Fiscal Court

  
Robert Roach, County Judge Executive

ATTEST:

  
Shirley Brown, Fiscal Court Clerk

