

CHAPTER 2-24

PUBLIC DECENCY ORDINANCE (Ordinance of 07/17/97 Revised: 06/18/15)

2-24-1 SHORT TITLE.

This Ordinance shall be known and may be cited as the "Public Decency Ordinance of Glynn County."

2-24-2 PURPOSE.

The purpose of this Ordinance is to regulate certain types of businesses to the end that the many types of criminal activities frequently engendered by such businesses and the adverse affect on property values and on the public, safety, and welfare of the County, and on its citizens and property, and on the character of its neighborhoods and development will be curtailed. This Ordinance is not Intended as a de facto prohibition of legally protected forms of expression, This Ordinance is intended to represent a balancing of competing interests, reduced criminal activity and protection of the neighborhoods and development through the regulation of adult entertainment businesses versus any legally protected rights of adult entertainment businesses and patrons. This ordinance is not intended to allow or license any business, establishment, or activity which would otherwise be unlawful.

2-24-3 DEFINITIONS.

For the purposes of this division, certain terms and words are defined as follows:

- A. **"Adult entertainment businesses"** are those businesses defined as follows:
1. **"Adult arcade"** means an establishment where, for any form of commercial consideration, one or more still or motion picture projectors, slide projectors, or similar machines, or other image producing machines, for viewing by five or fewer persons each, are regularly used to show films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas".
 2. **"Adult Bookstore", "Adult Novelty Store" or "Adult Video Store"** means a commercial establishment which has as a significant or substantial portion, defined as twenty (20) percent or more, of its stock-in-trade or derives a significant or substantial portion of its revenues or devotes a significant or substantial portion of its interior business or advertising to the sale, rental for any form of consideration, of 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 the depiction or description of "specified sexual activities" or "specified anatomical areas";
 - b. Instruments, devices, or paraphernalia which are designed for use or marketed primarily for stimulation of human genital organs or for sadomasochistic use or abuse of themselves or others.
 - c. An establishment may have other principal business purposes that do not involve the offering for sale rental or viewing of materials depicting or describing "specified sexual activities" or "specified anatomical areas", and still be categorized as adult bookstore, adult novelty store, or adult video store. Such other business purposes will not serve to exempt such establishments from being categorized as an adult bookstore, adult novelty store or adult video store so long as one of its principal- business purposes is offering for sale or rental, for some form of consideration, the specified materials which depict or describe "specified anatomical areas" or "specified sexual activities."
 - d. An establishment shall not be considered an "adult bookstore," "adult novelty store," or "adult video store," if (1) it derives less than 20% of its revenues from the sale or rental of items set forth in subsections a and/or b herein and (2) that portion of its premises displaying the items described in subsections a and b herein are completely separated from the rest of the business by walls and doors which completely separate that portion visually from the rest of the business premises and no one under 18 years of age is permitted in such portion of the store.
3. **"Adult cabaret"** means a nightclub, bar, restaurant bottle club, or similar commercial establishment, whether or not alcoholic beverages are served, which regularly features: (a) persons who appear nude or in a state of nudity or semi-nude; (b) live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities", or (c) films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas".
 4. **"Adult motel"** means a motel, hotel or similar commercial establishment which: (a) offers public accommodations, for any form of consideration, which provides patrons television

transmissions, video cassettes, slides with closed-circuit films, motion pictures, or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas" and which advertises the availability of this sexually oriented type of material by means of a sign visible from the public right-of-way, or by means of any off-premises advertising including but not limited to, newspapers, magazines, pamphlets or leaflets, radio or television, or (b) offers a sleeping room for rent for a period of time less than ten (10) hours; or (c) allows a tenant or occupant to sub-rent the sleeping room for a time period of less than ten (10) hours.

5. **"Adult motion picture theater"** means a commercial establishment where films, motion pictures, video cassettes, slides or similar photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas" are regularly shown for any form of consideration.
6. **"Adult theater"** means a theater, concert hall, auditorium, or similar commercial establishment which, for any form of consideration, regularly features persons who appear in a state of nudity or live performances which are characterized by exposure of "specified anatomical areas" or by "specified sexual activities."
7. **"Escort"** means a person who, for any form of consideration, agrees or offers to act as a companion, guide, or date for another person, or who agrees or offers to privately model lingerie or to privately perform nude or in a state of nudity or semi-nudity for another person or who agrees to provide a performance characterized by the exposure of "specified anatomical areas" or by "specified sexual activity."
8. **"Escort Agency"** means a person or business association who furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes for a fee, tip, or other consideration.
9. **"Massage parlor"** means any place where, for any form of consideration or gratuity, massage, alcohol rub, administration of fomentations, electric or magnetic treatments, or any other treatment manipulation of the human body which occurs as a part of or in connection with "specified sexual activities", or where any person providing such treatment, manipulation, or service related thereto, exposes his or her "specified anatomical areas". The definition of adult entertainment businesses shall not include the practice of massage in any licensed hospital, nor by a licensed hospital, nor by a licensed physician, surgeon, chiropractor or osteopath, nor by any nurse or technician working under the supervision of a licensed physician, surgeon, chiropractor or osteopath, nor by trainers for any amateur, semiprofessional or

professional athlete or athletic team or school athletic program.

10. **"Sexual encounter establishment"** means a business or commercial establishment, that as one of its primary business purposes, offers for any form of consideration, a place where two or more persons may congregate, associate, or consort for the purpose of "specified sexual activities" or the exposure of "specified anatomical areas" or activities when one or more of the persons is in a state of nudity or semi-nude. The definition of adult entertainment businesses shall not include an establishment where a medical practitioner, psychologist, psychiatrist, or similar professional person licensed by the state engages in medically approved and recognized sexual therapy.
- B. **"Chronic Criminal Activity"** means three (3) or more convictions for criminal activity occurring within any twelve (12) month period at any establishment.
- C. **"Conducting Business"** means providing or offering to provide goods, services and/or entertainment, as well as, soliciting for the provision of such goods, services and/or entertainment.
- D. **"Conviction"** means an adjudication of guilt by a judge or jury; plea of guilty or nolo contendere; any failure without just cause or legal excuse to comply with a valid court order to appear before a court to face criminal charge(s); and, any instances of fleeing a court's jurisdiction to avoid prosecution of any legally charged criminal offense(s).
- E. **"Employee"** means a person who works or performs in and/or for a adult entertainment business, regardless of whether or not said person is paid a salary, wage or other compensation by the operator of said business.
- F. **"Entity"** means any proprietorship, partnership, corporation, association, business trust, joint venture, joint-stock company, or other for profit or not for profit organization.
- G. **"Establishment"** means and includes any of the following:
 1. The opening or commencement of any such business as a new business;
 2. The conversion of an existing business, whether or not an adult entertainment business, to any of the adult entertainment business businesses defined in this chapter;
 3. The addition of any of the adult entertainment businesses defined in this chapter to any other existing adult entertainment business; or
 4. The relocation of any such adult entertainment business.

- H. **“Financial Interest”** means all direct ownership interest of the total assets or capital stock of a business entity where such ownership interest is ten (10%) percent or more; or any relationship from which or as a result of which, an individual has received, or is presently or in the future entitled to receive more than \$50.00 per year, or its equivalent; or holding a position in the business such as an officer, director, trustee, partner, employee or the like, or holding any portion of management.
- I. **“Licensing Official”** means the Finance Director for Glynn County or his/her designee.
- J. **"Nude, Nudity or State of Nudity"** means the showing of: (1) Human male or female genitals or area with less than a fully opaque; (2) Any portion of the anal cleft or cleavage of the male or female buttock; (3) The portion of the human female breast directly or laterally below a point immediately above the top of the areola with less than a fully opaque covering; this definition shall include the entire lower portion of the human breast, but shall not include any portion of the cleavage of the human female breast exhibited by a dress, blouse, shirt, leotard, bathing suit, or other clothing, provided the areola or nipple are not exposed; or (4) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.
- K. **"Operator"** means and includes the owner, permit holder, custodian, manager, operator or person in charge of any permitted or licensed premises.
- L. **"Permitted or Licensed Premises"** means any premises that require a license and/or permit and that is classified as an adult entertainment business.
- M. **"Permittee and/or Licensee"** means a person in whose name a permit and/or license to operate an adult entertainment business has been issued, as well as the individual listed as an applicant on the application for a permit and/or license.
- N. **"Person"** means any live human being aged ten (10) years or older, an individual, proprietorship, partnership, corporation, association, or other legal entity.
- O. **“Place Provided or Set Apart for Nudity”** means enclosed single sex public restrooms, enclosed single sex functional shower, locker and/or dressing room facilities, enclosed motel rooms and hotel rooms designed and intended for sleeping accommodations, doctor's offices, portions of hospitals, and similar places in which nudity or exposure is necessarily and customarily expected outside of the home and sphere of privacy constitutionally protected therein. This term shall not be deemed to include places where a person's conduct of being nude is used for his or her profit or where being nude is used for the promotion of business or is otherwise commercially exploited.

- P. **"Public building"** means any building owned, leased or held by the United States, the state, the county, the city, any special district, school district, or any other agency or political subdivision of Glynn County, the State of Georgia or the United States, which building is used for governmental purposes.
- Q. **"Public park" or "recreation area"** means public land which has been designated for park or recreational activities including but not limited to a park, playground, nature trails, swimming pool, reservoir, athletic field, basketball or tennis courts, pedestrian/bicycle paths, open space, wilderness areas, or similar public land within the county which is under the control, operation, or management of the county park and recreation authorities.
- R. **"Public Place"** means any location frequented by the public, or where the public is present or likely to be present, or where a person may reasonably be expected to be observed by members of the public. Public places include, but are not limited to, streets, sidewalks, parks, beaches, business and commercial establishments (whether for profit or not for profit, whether open to the public at large, or whether entrance is limited by a cover charge or membership requirement), hotels, motels, restaurants, night clubs, country clubs, cabarets, and meeting facilities utilized by any religious, social, fraternal or similar organization. Premises, or portions thereof, such as hotel rooms, used solely as a private residence, whether permanent or temporary in nature, shall not be deemed to be a public place.
- S. **"Religious institution"** means any church, synagogue, mosque, temple or building which is used primarily for religious worship and related religious activities.
- T. **"Residential District or Use"** means a single family, duplex, townhouse, multiple family, or mobile park or subdivision and campground as defined in the Glynn Code Zoning Ordinances and/or Subdivision Regulations.
- U. **"School"** means any public or private educational facility including but not limited to child day care facilities, nursery schools, preschools, kindergartens, elementary schools, primary schools, junior high schools, intermediate schools, vocational schools, secondary schools, middle schools, high schools, continuation schools, special education schools, junior colleges, and universities. School includes the school grounds, but does not include the facilities used primarily for another purpose and only incidentally as a school.
- V. **"Semi-Nude"** means a state of dress 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.
- W. **"Sexually oriented business"** means an adult arcade, adult bookstore, adult novelty shop, adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, massage parlor, sexual encounter

establishment, escort agency or nude model studio.

- X. **"Specified Anatomical Areas,"** as used in this division means and includes any of the following:
1. Less than completely and opaquely covered human genitals, pubic region, buttocks, anus, or female breasts below a point immediately above the top of the areolae; or
 2. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.
- Y. **"Specified Sexual Activities,"** as used in this Division, means and includes any of the following:
1. The fondling or other intentional 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; or
 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 subdivisions (1) through (4) of this subsection.
- Z. **"Substantial Enlargement of a Adult entertainment business"** means increase in the floor areas occupied by the business by more than fifteen (15%), as the floor areas exist on the date this ordinance is enacted.
- AA. **"Transfer of Ownership or Control of a Adult entertainment business"** means and includes any of the following:
1. The sale, lease or sublease of the business;
 2. The transfer of securities which constitute a controlling interest in the business, whether by sale, exchange or similar means;
 3. The establishment of a trust, gift or other similar legal devise which transfers ownership or control of the business, except for transfer by bequest or other operation of law upon the death of a person possessing the ownership or control.

2-24-4

REGULATIONS.

The following regulations apply to all adult entertainment businesses as described herein and located and/or conducting business or providing services within the unincorporated areas of Glynn County, Georgia. These regulations

shall apply to any business, service or activities taking place within Glynn County related to an adult entertainment business regardless of the actual, physical location or address of such establishment.

- A. It shall be unlawful for a licensee to employ, admit or permit the admission of minors within a licensed premises.
- B. It shall be unlawful for any person to sell, barter or give to any minor any service, material, device or thing sold or offered for sale by an adult entertainment businesses
- C. No adult entertainment business licensee shall employ or contract with any person to provide services or perform in said establishment who is a minor or a person not permitted for employment pursuant to this Ordinance.
- D. An adult entertainment business licensee shall maintain and retain for a period of two (2) years the names, addresses, dates of birth and social security numbers of all employees.
- E. An adult entertainment business shall be closed between 12:00 midnight and 8:00 a.m. Monday through Saturday, and all day on Sundays, and on Christmas Day.
- F. No booth, screen, partition or other obstruction shall be permitted within the interior of any adult entertainment business so as to prevent a clear, unobstructed view throughout the premises, except for separate offices, kitchens, restrooms, or areas not frequented by patrons.
- G. No premises for an adult entertainment business shall have any interior connections or doors with any other place of business.
- H. No adult entertainment business shall be operated such that the activity on the interior of the premises is visible from the exterior of the premises.
- I. No licensee shall permit the use of illegal drugs or controlled substances of any kind to be allowed, permitted, used, possessed or sold, and no gambling shall be allowed or permitted In or on the premises.
- J. No licensee shall permit an employee or owner to expose for public view his or her specified anatomical areas in a lewd and obscene fashion.
- K. Every act or omission of an employee constituting a violation of the provisions of this Ordinance shall be deemed 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 employee's conduct.

2-24-5

ADDITIONAL REGULATIONS APPLICABLE TO ANY ESTABLISHMENT, BUSINESS OR AGENCY PROVIDING OR OFFERING TO PROVIDE LIVE ADULT ENTERTAINMENT.

The following additional regulations apply to adult entertainment businesses or agencies which feature persons who appear in a state of nudity or semi-nudity or provide or offer to provide live adult entertainment characterized by exposure of "specified anatomical areas" or by "specified sexual activities" as described herein:

- A. All live dancing and entertainment shall occur on a platform intended for that purpose which is raised at least two (2) feet from the next highest level of the remainder of the floor with a fixed rail(s) at least thirty (30) inches in height as measured from the top of the platform. Said rails shall establish separations between performers and patrons.
- B. No live dancing or entertaining shall occur closer than ten (10) feet from any patron.
- C. No dancer, entertainer or employee shall fondle or caress any patron, dancer, entertainer, employee or any other person or thing so as to arouse or excite the sexual desires of him or herself or any other person.
- D. No patron shall pay or give any gratuity or tip to any dancer or entertainer.
- E. No dancer or entertainer shall solicit or accept any pay or gratuity or tip from any patron nor allow any patron to pay or give any gratuity to any dancer or entertainer.
- F. All areas of the licensed premises shall be fully lighted at all times when open for business, which shall mean illumination equal to a minimum of 50 foot candles per square foot.
- G. No licensee shall permit any employee to use artificial devices or inanimate objects to depict any of the prohibited activities described in this Ordinance.
- H. No licensee shall permit an employee to insert an object into her vagina or her or his anal orifice, except for personal hygiene or necessity and in no event shall the insertion be performed in a location or manner that would be visible to the public.
- I. No licensee shall permit an employee to engage in actual or simulated genital masturbation while on the premises.
- J. No licensee shall permit a male employee to exhibit an unclothed penis while on the premises.
- K. No licensee shall permit an employee or any other person to engage in, or simulate bestiality on the premises.

- L. No licensee shall permit an employee to engage in actual or simulated sexual activity with another person while on the licensed premises.
- M. No licensee shall permit an employee to sit upon or straddle the leg, legs, lap or body part of any patron therein or permit any performer to have any physical contact whatsoever with any patron on the licensed premises.
- N. No licensee shall permit or allow a patron to participate in any act or activity upon the licensed premises which an employee is prohibited from performing.
- O. Prohibitions contained in this section against paying, giving, accepting and soliciting tips or gratuities, as well as the distance requirements contained in subpart B above shall not apply to an employee of an establishment acting as a waiter, waitress, host, hostess, or bartender, provided such individual does not appear in a state of nudity or semi-nudity while so acting. While acting as a waiter, waitress, host, hostess or bartender, no employee shall engage in any "specified sexually activity"; display or expose any "specified anatomical area"; or fondle, caress or rub against any patron, dancer, entertainer, employee or any other person or thing so as to excite or arouse the sexual desires of him or herself or any other person.
- P. No licensee shall permit an employee to act as an escort or agree to act as an escort for any person under the age of 18 years.

2-24-6 LICENSE REQUIRED.

It shall be unlawful for any person, or legal entity to engage in, conduct or carry on, in or upon any premises within the unincorporated area of Glynn County any of the adult entertainment businesses defined in this Ordinance without an adult entertainment license. No license so issued shall condone or make legal any activity thereunder if the same is deemed illegal or unlawful under the laws of the State of Georgia or the United States or the Glynn County Code of Ordinances.

2-24-7 OPERATION OF UNLICENSED PREMISES UNLAWFUL.

It shall be unlawful for any person to operate an adult entertainment business unless such business shall have a currently valid license, which license shall not be under suspension or permanently or conditionally revoked.

2-24-8 PENALTIES.

A person who operates or causes to be operated an adult entertainment business without having a valid permit is subject to a suit for injunction as well as prosecution for the ordinance violation. Such violation shall be punishable by a fine of \$1,000.00 and/or sixty (60) days imprisonment, and if an injunction must be sought, attorneys fees and cost may be assessed at the discretion of the Court against the adult entertainment business. Each day or part of a day that the adult entertainment business is operated with knowledge that the necessary

permit does not exist shall constitute a separate violation.

2-24-9

APPLICATION FOR LICENSE.

- A. Any person or legal entity desiring to obtain a license to operate, engage in, conduct or carry on any adult entertainment business shall make application to the Licensing Official of Glynn County, Georgia, or his designated representative. Prior to submitting such application, a non-refundable fee, shall be paid to the Licensing Official of Glynn County to defray, in part, the cost of investigation and report required by this Ordinance. Said fee is hereby established in the amount of \$150.00. (#O-2015-06)
- B. The application for license does not authorize the engaging in, operation of conduct of or carrying on of any adult entertainment business.
- C. All licenses herein shall be a mere grant of privilege to carry on such business during the term of the license subject to all the terms and conditions imposed by this ordinance, related laws, applicable provisions of this Ordinance and other Ordinances and Resolutions of the county relating to such business.
- D. All licenses hereunder shall have printed on the front the following: "This license is a mere privilege subject to be suspended and revoked under the provisions of the Ordinances of Glynn County."
- E. A separate license shall be required for each location where goods or services which would constitute an adult entertainment business are made available to any customer(s).
- F. Where the applicant:
 - (1) is a corporation, any license shall be applied for and shall be issued to the corporation and either (1) the majority shareholder thereof, or (2) a person employed full time in a managing capacity by the corporation;
 - (2) is a partnership, any license shall be applied for by and shall be issued to the partnership and either (1) the managing general partner thereof, or (2) a person employed full time in a managing capacity by the partnership;
 - (3) is a sole proprietor, any license shall be applied for by and shall be issued to the sole proprietor if he is working full time in a managing capacity on the premises, and if not, then to the sole proprietor and a person employed full time in a managing capacity by the sole proprietor;
 - (4) for purposes of this subsection the words "managing capacity" shall mean the President or Chief Executive Officer or Managing or General Partner of a corporation or partnership, or person who

has responsibility for management of the operations at the location to be licensed.

2-24-10

APPLICATION CONTENTS; SUPPORTING DOCUMENTS.

- A. Application for license shall be written and on forms supplied by the Office of the Licensing Official of Glynn County. Such application shall state the name, address, social security number and date of birth of the applicants; and the nature and character of the business to be carried on.
- B. If the applicant is a corporation, the name of the corporation shall be set forth exactly as shown in its Articles of Incorporation or Charter, together with the state and date of incorporation, and the names, addresses, dates of birth and social security numbers of each of its current officers and directors as well as all stockholders holding more than five (5) percent of the outstanding shares of the corporation. If the applicant is a partnership, whether general or limited, the applicant shall set forth the name, residence address, dates of birth and social security numbers of the partners. If one (1) or more of the partners is a corporation, the provisions of this subsection pertaining to corporations shall apply.
- C. Address of the premises to be licensed.
- D. The name of the owner of the premises and, if leased, a copy of the Lease Agreement.
- E. A plat filed in triplicate, by a registered land surveyor licensed by the State of Georgia, showing the location of the proposed premises is consistent with the provisions contained in the Zoning Ordinance of Glynn County, Georgia.
- F. The name, address, social security number and date of birth of any and all persons who have a financial interest of any type in the entity which is applying for the license.
- G. Any other information reasonably required by the Licensing Official in verifying the right of the applicant to obtain a license.
- H. Should the requirements of this article dictate that more than one individual and/or entity apply for and a license issue to such applicants, then all such applicants shall, on such application, designate the name, address and telephone number of an individual resident of Glynn County, Georgia to act as agent for all applicant(s) licensee(s) for the purpose of receiving communications and notices under this Ordinance. A written consent by such person to serve as agent shall also be included in the application. Proof of delivery to said agent shall be conclusive proof of receipt by a licensee(s) of such notice, process or information.
- I. Each application must be complete in its entirety before being accepted by the County for filling and processing.

- J. All applicants for licenses as to any premises which is to be subsequently renovated or Improved shall furnish in triplicate plans and renderings of the premises as it is to exist at the time of opening. Any premises to be constructed or renovated prior to opening shall be constructed, renovated or built so as to be equal to and compatible with the appearance of buildings in the surrounding neighborhood or better. The premises shall comply with all building, health and similar County codes.
- K. Each application for an adult entertainment business license shall be verified and acknowledged under oath to be true and correct by:
 - (1) If the applicant is an individual, the individual;
 - (2) If by a partnership, by the manager or general partner;
 - (3) If a corporation, by the President of the corporation;
 - (4) If any other organization or association, by the chief administrative official.

2-24-11

NOTICE OF INTENT TO ENGAGE IN BUSINESS.

- A. All applicants for licenses hereunder shall give notice that application has been filed and of the purpose of making such application by publication of an advertisement once a week for four (4) consecutive weeks prior to the date of consideration of the application by the Board or Commissioners of Glynn County in the newspaper in which legal advertisements are published. The first advertisement shall not appear more than forty (40) days prior to the date of such consideration.

The advertisement shall be of type not smaller than ten (10) point capital and lower case and shall be at least a one-inch column. The advertisements shall appear on the same days as legal advertisements are regularly published.
- B. The notice shall contain a particular description of the location of the proposed business, the name of the applicant(s), the date, time and place or hearing, and a statement that any legal objections to the issuance must be made at or prior to the time of hearing, and, if prior to the time of hearing, must be in writing and received by the office of the Glynn County Licensing Official on or before the date and time of hearing.
- C. Applicants shall provide proof of such notice by providing the Board of Commissioners, at the time of the hearing on license issuance, the affidavit of the publisher of the newspaper in which said notice was published, which affidavit shall reflect the content of the notice and the date of publishing.
- D. The applicant shall cause to be placed upon the location of the proposed business a sign or signs stating the following: "Glynn County Adult Entertainment License Applied For. A hearing before the Board of

Commissioners of Glynn County shall be held on the _____ day of _____, 1997. All interested persons take notice." The blanks for the day and the month of the hearing must be filled in clearly and correctly by the applicant or his/her designee. The sign or signs shall be at least eighteen (18) inches by twenty-four (24) inches in size and shall face toward all public streets, sidewalks or other public property which adjoin or adjoins the location so as to be clearly visible by persons using such public area. The sign shall be posted on the property from the date of the first publication of the legal advertisement through the date of consideration by the Board of Commissioners.

2-24-12

APPLICATION; INVESTIGATION; ISSUANCE.

- A. The Licensing Official shall have a reasonable time, not to exceed sixty (60) days, to investigate the application and the background of the applicant(s) and inspect the licensed premises. Upon completion of the investigation, the Licensing Official shall not issue said license if he finds:
- (1) The application does not conform to all provisions of this Ordinance.
 - (2) The applicant has made a material misrepresentation in the application.
 - (3) The applicant has not fully cooperated in the investigation of the application.
 - (4) The applicant, if an individual, or any officers or directors or shareholders holding more than five (5) percent of the outstanding shares of the corporation, if the applicant is a corporation, or any of the partners, including limited partners, if the applicant is a partnership, has been convicted in a court, for any crime involving sexual assault, sexual battery, prostitution, rape, sexual offense against children, unnatural sex acts, public indecency, or any other sex act, whether attempted or consummated, prohibited by law for which (a) less than two (2) years have elapsed since the date of conviction or the date of release from confinement posed for the conviction, whichever is the later date, if the conviction is of a misdemeanor offense; or (b) less than five (5) years have elapsed since the date of conviction or the date of release from confinement for the conviction, whichever is the later date, if the conviction is of a felony offense; (c) less than five (5) years have elapsed since the date of the last conviction or the date of release from confinement for the last conviction whichever is the later date, if the convictions are of two or more misdemeanor offenses or combination of misdemeanor offenses occurring within any twenty-four (24) month period.
 - (5) The applicant, if an individual, or any officers or directors or shareholders holding more than five (5) percent of the outstanding shares of the corporation, if the applicant is a corporation, or any

of the partners, including limited partners, if the applicant is a partnership, has, during the past ten (10) years, had an adult entertainment business license or other similar license or permit denied or revoked in this county or any other local governmental jurisdiction located in or out of this state prior to the date of application.

- (6) The building, structure, equipment, or location of such business as proposed by applicant, would not comply with all applicable distance provisions of this Ordinance and would not qualify to receive a certificate of occupancy.
- (7) The applicant is not at least eighteen (18) years of age.
- (8) That on the date the business for which a license is required herein commences and thereafter, there will not be a responsible person on the premises to act as manager at all times during which the business is open.
 - A. Any applicant for a renewal or license whose application is rejected for any reason shall be required to wait twelve (12) months immediately following the date of notice of such rejection before re-applying for a license or renewal.
 - B. An annual license fee, established by resolution of the County and prorated on a calendar year basis, is paid to the Licensing Official of Glynn County. Said annual license fee is hereby resolved to be \$1,500.00. (#O-2015-06)
 - C. An applicant or permittee shall permit representatives of the County Health Department, Sheriffs Department, Police Department, Fire Department and Licensing Official's Office to inspect the premises of an adult entertainment business for the purpose of insuring compliance with the law, at any time before or after it is occupied or opened for business.
 - D. It shall be unlawful for an operator or any employee of an adult entertainment business to refuse to permit inspection(s) of the premises as set forth in subsection D above at any time that the establishment is occupied or open for business.

2-24-13

LICENSE RENEWAL

Licenses for adult entertainment businesses may be renewed on a calendar year basis provided that the licensee continues to meet the requirements set out in this Ordinance. The renewal fee for the adult entertainment business license shall be established by resolution of the Board of Commissioners of Glynn County. Said renewal fee it hereby resolved to be \$1,500.00. Renewal application shall be submitted by November 15 of each year prior to January 1 of

the year for which such license is requested. (#O-2015-06)

2-24-14 LICENSE NON-TRANSFERABLE.

No adult entertainment business license may be sold, transferred or assigned by a licensee, or by operation of law, to any other entity, person or persons. Any such sale, transfer or assignment, or attempted sale, transfer or assignment, shall be deemed to constitute a voluntary surrender of such license and such license shall thereafter be null and void; provided and excepting, however, that if the licensee is a partnership or corporation, and one or more of the partners or shareholders' as the case may be, should die, one or more of the surviving partners or shareholders who were partners or shareholders at the time of issuance of the license may acquire by purchase or otherwise, the interest of the deceased partner or shareholder without affecting a surrender or termination of such license, and in such case, the licensee shall immediately notify the Licensing Official of Glynn County. An adult entertainment business license issued to a corporation shall be deemed terminated and void when either any outstanding stock of the corporation is sold, transferred or assigned after the issuance of license, or any stock authorized but not issued at the time of the granting of a license hereunder is thereafter issued and sold, transferred or assigned.

2-24-15 CHANGE OF LOCATION.

No licensee shall change the location of the establishment without first obtaining a new license.

2-24-16 CHANGE OF NAME.

No licensee shall advertise, operate, conduct, manage, engage in, or carry on an adult entertainment business under any name other than his name and the name of the business as specified on his license.

2-24-17 MODIFICATION OF LICENSED PREMISES.

After issuance of any license, no change in the location of the building within the premises, customer entry locations, or other changes shall be made which would affect compliance with any distance or other requirement of this Ordinance.

2-24-18 LICENSE, REFUSAL.

If the Licensing Official following investigation of the applicant deems that the applicant does not fulfill the requirements as set forth in this Ordinance, he shall so notify the applicant(s) of such decision in writing and the basis thereof. Any such decision shall be final unless written notice of appeal is filed with and to the Board of Commissioners by any aggrieved party on or before the tenth day of the date of the decision of the Licensing Official. Such notice must set forth in detail the basis for the applicants disagreement with the decision of the Licensing Official. A hearing by the Board of Commissioners of the appeal shall occur

within ninety (90) days of its filing at a regular, called or special meeting of the Board.

2-24-19

**SUSPENSION; REVOCATION; APPEAL; VIOLATIONS/PENALTIES;
SERVICE OF NOTICE.**

(A) Suspension.

The Licensing Official shall suspend a license for a period of one hundred eighty (180) days if he determines that a licensee or an employee has violated any section of this Ordinance. If the Licensing Official deems a license suspension appropriate, he shall so notify the licensee of such decision in writing and the basis thereof. Such suspension shall take effect ten (10) days following the Licensing Official's notification unless a written appeal is filed with and to the Board of Commissioners by the aggrieved party on or before ten (10) days after the date the notice of suspension was mailed to the aggrieved party of the decision of the Licensing Official. A hearing by the Board of Commissioners on the appeal shall occur within ninety (90) days of its filing in a regular, called or special meeting of the Board. Enforcement of the suspension shall be stayed pending the Board's ruling on the licensee's appeal. If the suspension or revocation is affirmed upon review, revocation shall be effective immediately upon mailing of notice or actual notice of such decisions to the license holder.

(B) Revocation.

1. The Licensing Official shall revoke a license if a cause for suspension occurs and the license has been suspended within the past twelve (12) months.
2. The Licensing Official shall also revoke a license if he determines that:
 - a. A licensee gave false or misleading information in the material submitted during the application process.
 - b. A licensee or an employee knowingly operated the adult entertainment business during a period of time when the licensee's license was suspended.
 - c. A licensee or an employee has knowingly allowed any act of sexual intercourse, sodomy, or copulation, masturbation, or other illegal sexual conduct to occur in or on the licensed premises.
 - d. The owner or operator of the licensed establishment knowingly allowed a person under eighteen (18) years of age to enter the establishment.
 - e. Chronic criminal activity has taken place at the

establishment.

3. If the Licensing Official deems a license revocation appropriate, he shall so notify the licensee of such decision in writing and the basis thereof. Such revocation shall take effect ten (10) days following the Licensing Official's mailing of his written decision to the licensee unless a written appeal is filed with and to the Board of Commissioners by the aggrieved party on or before ten (10) days of the date of receipt by the aggrieved party of the decision of the Licensing Official. A hearing by the Board of Commissioners on the decision shall occur within ninety (90) days of its filing in a regular, called or special meeting of the Board. Revocation shall continue for a one (1) year period from the date revocation becomes effective.

(C) Appeal Procedure.

An applicant or licensee who has timely filed an appeal with the Board of Commissioners as allowed by this Ordinance shall be entitled to a hearing before the Board of Commissioners. At the time set for the hearing, the Board of Commissioners shall receive all relevant testimony in evidence from County staff or interested parties, and from the licensee or employee(s). In all hearings pursuant to this Ordinance, the following procedures shall apply:

1. The Chairman of the Board of Commissioners shall read or cause to be read the charges and specifications against the charged party.
2. The Board of Commissioners shall hear the evidence upon the charges and specifications as filed against the charged party and shall not consider any additional evidence beyond the scope of the charges and may exclude evidence which is purely cumulative or irrelevant to the issue(s) at hand. Any person who refuses to comply with the Boards' request that certain evidence be excluded shall be deemed out of order and may, at the discretion of the Board, be ordered by the Board to cease presentation of his or her case and forfeit any opportunity to respond to the assertions the opposing party.
3. The Board may, in its discretion, exclude any evidence it deems to be irrelevant, immaterial or unduly repetitious. Evidence may be admitted if it is the type commonly relied upon by reasonably prudent people in the conduct of their affairs. In applying this standard, the Board, in its discretion, may receive and consider evidence presented to it that would not be admissible in a court of law under Federal or Georgia Rules of Evidence. Decisions on admissibility of evidence shall be made by the Chairman of the Board of Commissioners and shall be binding unless overruled by vote of the entire Board.

4. The order of proof shall be as follows: The County representative shall present his evidence in support of the charges; the charged party shall then present his evidence. Evidence of each party may be supported by submission of pertinent documents. Each party shall be allowed to present pertinent rebuttal evidence.
5. The charged party and County may be represented by counsel, and may present, examine and cross-examine witnesses. Additionally, the Board of Commissioners may interrogate all parties and witnesses to obtain necessary information.
6. Should any license be revoked or suspended, all signs indicating that such businesses conducted on the premises shall be removed from the premises within ten (10) days of the effective date of the revocation or suspension and remain down during the period of revocation or suspension.

(E) Service of Notice.

1. Any notice required to be given under this Ordinance to any applicant, licensee or employee may be given either by personal delivery or certified United States Mail, postage prepaid, return receipt requested, addressed to the most recent address as specified in the application for license/permit, or such updated address which may have subsequently been provided in writing to the Licensing Official. Notices mailed as described above shall be deemed given on the second day subsequent to their deposit in the United States Mail.
2. It shall be the duty of each applicant, licensee and employee to furnish notice to the Licensing Official in writing of any change of mailing address.

2-24-20

ADULT ENTERTAINMENT BUSINESS EMPLOYEES.

A. Qualifications:

- (1) Employees of an adult entertainment business shall be not less than eighteen (18) years of age. No person shall be so employed who has been convicted in a court of any crime involving sexual assault, sexual battery, prostitution, rape, sexual offenses against children, unnatural sex acts, public indecency, or any other sex act, whether attempted or consummated, prohibited by law for which (a) less than two (2) years have elapsed since the date of conviction or the date of release from confinement imposed for the conviction, whichever is the later date, if the conviction is of a misdemeanor offense; (b) less than five (5) years have elapsed since the date of conviction or the date of release from confinement for the conviction, whichever is the later date, if the conviction is for a felony offense; (c) less than five (5) years have elapsed since the date of the last conviction or the date of release

from confinement for the last conviction, whichever is the later date, if the convictions are of two or more misdemeanor offenses or combination of misdemeanor offenses occurring within any twenty-four (24) month period.

- (2) No person who is convicted in a court of any the above-noted crimes while employed in an adult entertainment business shall thereafter be suffered or allowed by the licensee to work on any premises requiring license under this Ordinance for the applicable time period described above.
- (3) Application for permit shall be written and on forms supplied by the Office of the Licensing Official of Glynn County. Such application shall state the name (including "stage" names or any aliases ever used by the individual), address, social security number and date and place of birth of the applicant, the name and address of the employer the name and address of the place of employment and any other information reasonably required by the Licensing Official in verifying the right of the applicant to obtain a permit.

B. Approval for Employment:

- (1) A permit to work in or be employed by an adult entertainment business shall be required for all employees thereof.
- (2) No person requiring a permit may be employed by or suffered or allowed to work in an adult entertainment business until such person has filed an application, paid the fee to and obtained a work permit from the Licensing Official of Glynn County. The Licensing Official shall immediately issue said permit upon the filing of an application and payment of the fee, which permit shall be conditional and subject to revocation upon the determination by the Licensing Official following investigation of the applicant that the applicant is not qualified to be an employee under this Ordinance. Upon such determination the Licensing Official shall notify the applicant of such decision in writing and the basis thereof. Any such decision shall be final and revocation shall become effective unless a written appeal is filed with and to the Board of Commissioners by the aggrieved party on or before ten (10) days of the date of serving or mailing such decision to the aggrieved party of the decision of the Licensing Official. A hearing by the Board of Commissioners of the appeal shall occur within sixty (60) days of its filing at a regular, called or special meeting of the Board.
- (3) Any permit for employment issued hereunder shall expire twelve (12) months from the date of issuance unless earlier revoked. A non-refundable annual fee, established by resolution of the County, shall be paid to the Licensing Official of Glynn County to defray, in part, the cost of investigation and report required by this Ordinance. Said fee is hereby established In the amount of

\$50.00.

- (4) It shall be the duty of all licensees of an adult entertainment business to file with the Licensing Official of Glynn County the names of all employees with their home addresses, home telephone numbers, dates of birth, social security numbers and places of employment. Changes in the list of employees must be filed with the Licensing Official of Glynn County within three (3) days from the date of any such change.
- (5) Employees holding permits issued pursuant to this Ordinance shall at all times during their working hours have said permits available for inspection at the premises.

2-24-21 PUBLIC NUDITY

(A) **Prohibited Conduct**

It shall be unlawful for any person to knowingly or intentionally appear nude in a public place or in any other place that is readily visible to the public, except a place provided or set apart for nudity. It shall also be unlawful for any person or entity maintaining, owning, or operating any public place to operate and to knowingly, or with reason to know, permit or allow any person to appear nude in such public place, except a place provided or set apart for nudity. This section shall not be deemed to address photographs, movies, video presentations, or any other non-live performances.

(B) **Enforcement**

This Act may be prosecuted by Glynn County Police Department or other law enforcement agent or by private action brought by an aggrieved party in a court of competent jurisdiction.

2-24-22 VIOLATIONS AND PENALTIES

- (A) Any person violating any provision of this Ordinance shall be punishable by a fine not to exceed \$1,000.00 per violation, or by imprisonment for a period not to exceed sixty (60) days, or by both such fine and imprisonment.
- (B) The violation of provisions of this Ordinance by any person may be enjoined by instituting appropriate proceedings for injunction in any Court of competent jurisdiction or by issuing a citation for an ordinance violation returnable to the Glynn County Magistrate Court. Such action may be maintained notwithstanding that other adequate remedies at law exist.

2-24-23 COMPLIANCE.

All non-conforming adult entertainment businesses shall have ninety (90) days from the effective date of this Ordinance to come into compliance with all of the

terms, requirements and standards hereof. Any and all such adult entertainment businesses which are not in full compliance with said terms, requirements and standards at the end of said ninety (90) day period shall cease and desist such use and shall no longer operate such facility, facilities or business.

2-24-24 SEVERABILITY.

If any section, sentence, clause or paragraph of this Ordinance is for any reason held to be invalid or unconstitutional by a decision of any Court of competent jurisdiction such decision shall not affect the validity of the remaining portions of this Ordinance.

2-24-25 EFFECTIVE DATE.

Upon approval by the Board of Commissioners of Glynn County, this Ordinance shall become effective.

2-24-26 TO REPEAL CONFLICTING ORDINANCES.

All Ordinances or parts of Ordinances in conflict with this Ordinance are hereby expressly repealed. This ordinance shall not repeal any other ordinance not in conflict herewith, but shall apply cumulatively with such ordinance(s).