

## CHAPTER 13

### ADULT ENTERTAINMENT ESTABLISHMENT AND RELATED ACTIVITIES

#### SECTION

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**5-1301. Intent.** It is the purpose of this ordinance to regulate adult establishments and related activities to promote the health, safety, morals, and general welfare of the citizens of the City of Paris, and to establish reasonable and uniform regulations for such business. The provisions of this ordinance are for the purpose of protecting the health, safety, and welfare of the citizens of Paris while allowing reasonable access by adults to sexually oriented materials protected by the First Amendment.

**5-1302. Definitions.** As used in this chapter, unless the context otherwise requires:

- A. “Adult establishment” means an establishment having at least twenty percent (20%) of its stock and trade in books, films, video cassettes, or magazines and other periodicals, which are distinguished or characterized by their emphasis on matter depicting, describing, or relating to “specific sexual activities” or “specific anatomical area” as defined below, or having twenty percent (20%) of its gross sales from such stock and trade.
- B. “Employee” means any and all persons, including independent contractors, who work in, or at, or render any services directly related to the operation of an adult bookstore.
- C. “Permittee” means any person, partnership, or corporation operating, conducting, or maintaining an adult bookstore.
- D. “Person” means an individual, partnership, limited partnership, firm, corporation, or association.

- E. "Specified anatomical areas" means:
1. Less than completely or opaquely covered:
    - (a) Human genitals;
    - (b) Pubic region;
    - (c) Buttock;
    - (d) Female breasts below a point immediately above the top of the areola; and
  2. Human male genitals in a discernibly turgid state, even if completely opaquely covered.
- F. "Specified sexual activities" means:
1. Human genitals in a state of sexual stimulation or arousal;
  2. Acts of human masturbation, sexual intercourse, or sodomy; or
  3. Fondling or erotic touching of human genitals, pubic region, buttocks, or female breasts.

**5-1303. License to Operate.** From and after the effective date of this section, no adult bookstore shall be operated or maintained in the City of Paris without first obtaining a license to operate issued by the City of Paris Business Office under the following terms and conditions:

- A. A license may be issued only for one (1) establishment at a fixed and certain place. Any person, partnership, or corporation which desires to operate more than one (1) adult bookstore must have a license for each.
- B. No license or interest in a license may be transferred to any person, partnership, or corporation.
- C. Any existing adult bookstore at the time of the passage of this ordinance must submit an application for a license within one hundred twenty (120) days of the effective date of this ordinance. If a license is not issued within such one hundred twenty (120) day period, then such existing adult bookstore shall cease to operate.

**5-1304. License to Operate – Application.** Any person, partnership, or corporation desiring to secure a license shall make application to the City Business Office. The application for a license shall be upon a form provided by the City. An applicant for a license shall include any partner or limited partner of the partnership applicant, and any officer or director of a corporate applicant, and any stockholder holding more than five percent (5%) of the stock of a corporate applicant if such person is actively engaged in the operation of the business. The following information shall be furnished under oath:

- A. The name and address, including all aliases;
- B. Written proof that the individual is at least eighteen (18) years of age;
- C. All residential addresses of the applicant for the past three (3) years;
- D. The business occupation or employment of applicant for five (5) years immediately preceding the date of the application; if the applicant operated an adult establishment during this period;
- E. All criminal statute, whether Federal or State or City ordinance violations for which conviction, forfeiture of bond or pleadings of nolo contendere have occurred, except minor traffic violations;
- F. Portrait photographs at least two (2) inches by two (2) inches of the applicant;
- G. The address of the adult bookstore to be operated by the applicant.

Within ten (10) days of receiving the application, the City shall notify the applicant that the application is granted, denied, or held for further investigation. Such additional investigation shall not exceed an additional thirty (30) days unless otherwise agreed to by the applicant. Upon the conclusion of such additional investigation, the City shall advise the applicant in writing whether the application is granted or denied (Ord. #909, 03/06/97).

**5-1305. License to Operate – Qualifications.** To receive a license to operate an adult bookstore, an applicant must meet the following standards:

- A. If the applicant is an individual:
  - 1. The applicant shall be at least eighteen (18) years of age.
  - 2. The applicant shall not have been convicted of or pleaded nolo contendere to a felony or other crime involving moral turpitude within ten (10) years immediately preceding the date of the application; and
  - 3. The applicant shall not have been convicted of or pleaded nolo contendere to any violation of the provisions of T.C.A. 7-51-1101 et. seq., or of this chapter.
- B. If the applicant is a corporation:
  - 1. All officers, directors and stockholders required to be named pursuant to this chapter shall be at least eighteen (18) years of age.
  - 2. No officer, director, or stockholder required to be named under this chapter shall have been convicted of or pleaded

nolo contendere to a felony or any crime involving moral turpitude within ten (10) years immediately preceding the date of the application; and

3. No officer, director, or stockholder required to be named pursuant to this chapter shall have been convicted of or pleaded nolo contendere to any violation of this chapter or of the provisions of T.C.A. 7-51-1101, et. seq.
- C. If the applicant is a partnership, joint venture, or any other type of organization where two (2) or more persons have a financial interest:
  1. All persons having a financial interest in the partnership, joint venture, or other type of organization shall be at least eighteen (18) years of age.
  2. No person having a financial interest in the partnership, joint venture, or other type of organization shall have been convicted of or pleaded nolo contendere to a felony or any crime involving moral turpitude within ten (10) years immediately preceding the date of the application.
  3. No person having financial interest in the partnership, joint venture, or other type of organization shall have been convicted of or pleaded nolo contendere to any violation of this chapter or of the provisions of T.C.A. 7-51-1101, et. seq.

**5-1306. Permit Renewal.** Every permit issued under this chapter will terminate at the expiration of one (1) year from the date of issuance unless sooner revoked and must be renewed before operation is allowed in the following year (Ord. #909, 03/06/97).

**5-1307. License to Operate – Location Restrictions.** Except as provided in this section, no adult bookstore shall be operated or maintained in the City limits of the City of Paris unless the following requirements are met:

- A. No such establishment may be operated in any business zone of the city of Paris except the B-1 zone.
- B. No such establishment may be located less than five hundred (500) feet from any church, school, public building, playground, or other public facility. The five hundred (500) feet shall be measured from the front door of the adult bookstore to the front door of the aforementioned premises by the normal course that a person would walk from one location to the other.
- C. No adult bookstore shall be located within five hundred (500) feet of any other adult bookstore. The five hundred (500) feet shall be measured from the front door of the adult bookstore to the front door of the aforementioned premises by the normal course that a person would walk from one location to the other.

**5-1308. Physical Design of Premises.** No persons shall own, operate, manage, rent, lease, or exercise control over any commercial building,

structure, premises, or portion or part thereof, which is an adult bookstore and which contains:

- A. Partitions between subdivisions of a room, portion or part of a building, structure, or premises having an aperture which is designed or constructed to facilitate sexual activity between persons on either side of the partition; or
- B. Booths, stalls, or partitioned portions of a room or individual rooms, used for the viewing of motion pictures or other forms of entertainment, having doors, curtains, or partial partitions, unless such booths, stalls, partitioned portions of a room or individual rooms so used shall have at least one (1) side open to adjacent public rooms so that the area inside is visible to persons in adjacent public rooms and is lighted in such a manner that the persons in the area used for viewing motion pictures are visible from the adjacent public rooms.

The City shall have the right to require the filing of plans, drawings, and photographs showing the clearance of the view as above required and may require filing of plans, drawings, and photographs with the Building Inspector's Office before the issuance of any permit as provided hereinbelow.

**5-1309. Hours of Operation.** No adult bookstore shall open to do business before 9:00 a.m. and no such establishment shall remain open after 11:00 p.m. No adult bookstore shall be open for business on a legal holiday as designated in T.C.A. 15-1-101 (Ord. #909, 03/06/97).

**5-1310. Register and Employees.** Deleted (Ord. #909, 03/06/97).

**5-1311. Duties of Permittee and Employees.** Every act or omission by an employee constituting a violation of the provisions of this part shall be deemed an act or omission of the permittee. A permittee shall be responsible for the conduct of all employees while on the licensed premises, and any act or omission of any employee constituting a violation of the provisions of this part shall be deemed the act or omission of the permittee for the purposes of determining whether the permittee's permit shall be revoked, suspended, or renewed.

**5-1312. Exterior of Premises.** It shall be unlawful for a permittee to allow the exterior portion of the business to have flashing lights, or any words, lettering, photographs, silhouettes, drawings, or pictorial representations of any type other than the name of the business and the hours of operation.

**5-1313. Signs.** Notwithstanding any other City ordinance, code or regulation to the contrary, it shall be unlawful for the permittee of such business to erect, construct, or maintain any sign for such business other than one (1) primary sign, which shall be attached to the face of the building. Such sign shall not contain any flashing or moving lights and shall be a flat sign not exceeding seventy-five (75) square feet in area and shall contain no photographs, silhouettes, drawings, or pictorial representations in any manner and may only contain the name of the business.

**5-1314. Minors Prohibited.** It shall be unlawful to allow a person who is younger than eighteen (18) years of age to enter or to be on the premises of such business. It shall be the duty of the permittee, or the permittee's employees, to insure that no person under the age of eighteen (18) enters said business.

**5-1315. Revocation, Suspension, or Annulment of Permit.** The City shall revoke, suspend, or annul a permit for any of the following reasons:

- A. Discovery that false or misleading information or data was given on any application or material facts were omitted from the application.
- B. The permittee or any employee violates any provisions of this part, or any rule or regulation adopted by the City pursuant to this part;
- C. The permittee becomes ineligible to obtain a license;
- D. Any cost or fee required to be paid by this chapter is not paid;
- E. Any intoxicating liquor or malt beverage is served or consumed on the premises.

The City, before revoking or suspending any permit, shall give the permittee at least ten (10) days written notice of the charges against the permittee and the opportunity for public hearing before the Board of Commissioners within ten (10) days of a request by the permittee for such hearing at which time the permittee may present evidence bearing upon the facts upon which such revocation, suspension, or annulment is based. At the conclusion of such hearing the Board of Commissioners shall issue a determination to reinstate, revoke, suspend for a period of time, or annul the permit. The City shall provide the permittee with the charges, which shall be specific and in writing. Any permittee whose license is revoked shall not be eligible to receive a permit for ten (10) years from the date of revocation (Ord. #909, 03/06/97).

**5-1316. Judicial Review of City Actions.** Deleted (Ord. #909, 03/06/97).

**5-1317. Severability.** The provisions of this ordinance are hereby declared to be severable. If any of its sections, provisions, exceptions, sentences, clauses, phrases, or parts be held unconstitutional or void, the remainder of this ordinance shall remain in full force and effect, it being the intent now declared that this ordinance shall have been adopted even if such unconstitutional or void matter had not been included therein (Ord. #909, 03/06/97).