

ORDINANCE NO. 04-20

**AN ORDINANCE OF MADISON COUNTY, KENTUCKY, ESTABLISHING REGULATIONS FOR SEXUALLY EXPLICIT ENTERTAINMENT ACTIVITIES AND ESTABLISHMENTS.**

WHEREAS, the Madison County Fiscal Court, Kentucky, finds that certain sexually explicit entertainment activities which may become located near areas zoned for residential use, schools and public parks, and malls and similar open spaces that cater to use by family groups and children, would adversely affect the viability of such nearby properties for such purposes; that the conditions of such operations may contribute to an increased incidence of crime and juvenile delinquency; that certain sexually explicit entertainment facilities tend to attract undesirable clientele that discourage neighborhood residents from undertaking civic improvements and cause residents and businesses to move elsewhere and/or may frustrate attempts to attract new residents and businesses to come into a particular area; and;

WHEREAS, sexually oriented businesses require special supervision in order to protect and preserve the health, safety and welfare of the patrons of such businesses as well as the citizens of Madison County;

WHEREAS, licensing is a legitimate means of accountability to ensure that operators of sexually oriented businesses comply with reasonable regulations, and to ensure that operators do not allow their establishments to be used as places of illegal sexual activity or solicitation;

WHEREAS, there is convincing documented evidence that sexually oriented businesses, because of their very nature, have a deleterious effect on both the existing businesses around them and the surrounding residential areas adjacent to them, causing increased crime and the downgrading of property values;

WHEREAS, it is recognized that sexually oriented businesses, due to their nature, have serious objectionable operational characteristics, particularly when they are located in proximity to each other, thereby contributing to urban blight and downgrading the quality of life in the adjacent area;

WHEREAS, The Madison Fiscal Court wants to prevent these adverse effects and thereby protect the health, safety and welfare of the citizens; protect the citizens from increased crime; preserve the quality of life; preserve the property values and character of surrounding neighborhoods and deter the spread of urban blight;

WHEREAS, the Commonwealth of Kentucky, acting by and through its legislature, has heretofore enacted legislation, codified as KRS 82.088, making

findings concerning and addressing the secondary effects of sexually explicit entertainment activities or establishments upon local communities; and

WHEREAS, the Madison County Planning and Development Office has reviewed studies of the effects which certain sexually explicit entertainment activities or establishments as that term is hereinafter defined, exert upon neighborhood integrity, retail trade, property values, and the quality of neighborhoods, commercial districts, and urban life, and has reported same to the Madison Fiscal Court, having examined the findings incorporated in studies of this issue conducted in and by other communities, including Minneapolis, Minnesota; St. Paul, Minnesota; Indianapolis, Indiana; Garden Grove, California; Austin, Texas; Beaumont, Texas; Newport News, Virginia; Bellevue, Washington; St. Croix County, Wisconsin; Dallas, Texas; Manatee County, Florida; Outagamie County, Wisconsin; New Hanover City, North Carolina; Phoenix, Arizona; Whittier, California, together with summaries of similar studies conducted by numerous other municipalities, counties, or communities;

WHEREAS, it is not the intent of this ordinance to suppress any speech activities protected by the First Amendment, but to enact a content neutral ordinance that addresses the secondary effects of sexually oriented businesses;

NOW, THEREFORE, be it ordained by the Madison County Fiscal Court, Kentucky, as follows:

## **SECTION I**

This ordinance to be used in conjunction with the Madison County Land Use Regulations, such sections to read as follows:

### **SEXUALLY EXPLICIT ENTERTAINMENT**

#### **DEFINITIONS**

As used in this Ordinance, unless the context clearly indicates or requires a different meaning:

(1) "Sexually explicit entertainment activity or activities" or "Sexually explicit entertainment establishment" shall mean one or more of the following activities:

a. "Sexually explicit amusement arcade." An establishment having as one of its principal uses one or more of the following: customer-operated motion picture devices, peep shows, viewing areas, or similar devices either coin, token, or slug operated, or which, in consideration of an entrance fee, display material distinguished or characterized by an emphasis on depictions of sexual

activities, as defined in this section, or which offer male or female persons who expose to view of the customer the bare female breast below a point immediately above the top of the areola, human genitals, pubic region, or buttocks, even in partially or completely covered by translucent material, or human or simulated male genitals in a discernible turgid state even if completely or opaquely covered.

b. “Sexually explicit book store.” An establishment having as one of its principal uses the sale, rent, or display of pictures, books, periodicals, magazines, appliances, and similar material which are distinguished or characterized by their emphasis on depictions of sexual activities as hereinafter defined, or an establishment with a substantial segment or section devoted to the sale, rental, or display of such material.

c. “Sexually explicit entertainment provider.” A commercial establishment, such as a hotel or motel, which in addition to providing as the major part of its business services unrelated to depictions of sexual activities as herein defined, makes entertainment, either live or on film or video tape, available to its customers, which entertainment has as a dominant theme or is characterized or distinguished by an emphasis on matter depicting, describing, or relating to sexual activities, if such establishment advertises the availability of such sexually explicit entertainment. The advertisement of such materials shall not include the position of a card or hand bill on or near a television set in a hotel or motel room advising room guests that such sexually explicit movies are available upon request of the guest, or advertising informing the public of the availability.

d. “Sexually explicit escort or escort service.” A person or business which is held out to the public to be available for hire and which for monetary consideration agrees to consort with or accompany another or others to or about social affairs, entertainments, or places of amusement or within any place of public resort or within any private quarters and advertise, communicate, or offers that sexually explicit entertainment activity will be provided.

e. “Sexually explicit motion picture theater.” An establishment having or advertising as having as one of its principal uses the presentation of motion picture, slide projections, or other similar material having as a dominant theme or characterized or distinguished by an emphasis on matter depicting, describing, or relating to sexual activities, as defined in this Ordinance, for observation by persons therein.

f. “Sexually explicit stage-show theater.” An establishment having as one of its principal uses the presentation of live performances of

humans or animals having as a dominant theme or characterized or distinguished by an emphasis on matter depicting, describing, or relating to sexual activities, as defined in this Ordinance, for observation by persons therein.

g. "Sexually explicit video cassette center." A commercial establishment which has as one of its principal uses the rental or retail sale of video cassettes which depict material distinguished or characterized by an emphasis on or depictions of sexual activities as defined in this Ordinance and which does not provide an on-premises showing of such materials.

h. "Cabaret." An establishment which features, as a principal use of its business, entertainers, waiters, bartenders, male or female impersonators, or persons, either male or female, who expose to public view of the patrons of the establishment at any time the bare female breast below a point immediately above the top of the areola, human genitals, pubic region, or buttocks, even if partially or completely covered by translucent material, or human or simulated male genitals in a discernible turgid state.

i. "Commercial sexual entertainment center." Any commercial establishment not otherwise described in this section which makes available material, services, or entertainment appealing to sexual interests, including but not limited to a bath house, swingers' club, or similar establishment if the establishment or its entertainment, services, or goods are advertised by or on behalf of the establishment in a manner patently designed to appeal to such adult sexual interests.

j. "Self-designed sexually explicit entertainment center." Any establishment which designates all or a portion of its premises as for adults only, or has a policy of excluding minors from its premises or from a portion of its premises and which makes available services, entertainment, or goods at the premises or at the portion of the premises designated for adults only which are characterized or distinguished by depictions of sexual activities as defined in this Ordinance.

k. "Taxi dance hall." An establishment operated as a public dance hall where dance partners, either male or female, are available for hire for a monetary consideration payable either by the dance or as part of an entrance fee or membership fee.

l. "Massage parlor." An establishment for treating the human body by rubbing, stroking, kneading, tapping, or similar treatment with the hand which promotes its services in a manner designed to appeal to the patron's sexual interest.

(2) "Director" shall mean the Financial Director of the Madison County Government, or his/her designee.

(3) "Employee" shall mean any person hired by or suffered or permitted to work in an establishment engaging in sexually explicit entertainment activities whether that person received remuneration or compensation directly from the operator or owner of the establishment, from patrons of the establishment, or from any other source, whether by contract of employment or otherwise.

(4) "Establishment" shall mean a business entity or endeavor, fixed, mobile, or traveling, including its owners, operators, directors, shareholders, partners, employees, and possessions.

(5) "Licensee" shall mean a person who is the holder of a valid license under this Ordinance also including an agent, servant, or employee of, or other person acting on behalf of a licensee, whenever a licensee is prohibited from doing a certain act under this Ordinance.

(6) "Operator" shall mean any individual, partnership, corporation, or business entity with all such individuals, partners, shareholders, officers and directors over the age of eighteen, who established or maintains a business as its owner or manager and shall also mean licensee as defined in this Ordinance.

(7) "Owner" shall mean any individual, partnership, corporation, or business entity who has legal title to real estate, with or without accompanying actual possession thereof, or has all or part of the beneficial ownership of any real estate and a right to present use and enjoyment thereof, including a mortgage in possession.

(8) "Person" shall mean any individual, partnership, corporation, or business entity.

(9) "Principal use" shall mean a substantial or significant use. Any of the following criteria shall constitute evidence that an establishment is engaging in sexually explicit entertainment activity as a principal use:

a. Contains more than 15% of its stock in trade in material distinguished or characterized by an emphasis in sexual activity.

b. Devotes more than 15% of its floor space which is open to either the public generally or to members of the public other than minors for the display of material distinguished or characterized by an emphasis on sexual

activities.

c. Has more than a total of 200 square feet provided for the display, storage or sale of material distinguished or characterized by an emphasis on sexual activities.

d. Advertises in a manner visible from the outside of the business premises the availability of material or entertainment distinguished or characterized by an emphasis on sexual activities.

(10) "Sexual activities" shall mean depiction of human genitals in a state of sexual stimulation, acts of human masturbation, sexual intercourse, or sodomy, holding or other erotic touching of human genitals, pubic region, buttocks, or breasts.

#### RESTRICTIONS, REQUIREMENTS, AND CONDITIONS

(1) An establishment engaging in a sexually explicit entertainment activity, except as otherwise provided by laws which may be more restrictive, may not have more than one outside flush to the wall, facial style sign, not to exceed in size ten feet in length (horizontal to the ground) and three feet in width (vertical to the ground) with no flashing lights and with no lettering, wording, or pictorial or representational matter which is distinguished or characterized by an emphasis on depictions of sexual activities as defined in this Ordinance.

(2) An establishment engaging in a sexually explicit entertainment may not display its stock in trade or matter depicting, describing, or relating to sexual activities in such manner as to be subject to public view from outside the establishment, including but not limited to view from public sidewalks, streets, arcades, hallways, or pass ways.

(3) An operator of an establishment engaging in a sexually explicit entertainment activity or sexually explicit escort service or his employee shall not permit a person under 18 years of age to be employed by or to enter his establishment or to be a patron of such service; provided, however, that a licensed sexually explicit entertainment establishment which devotes only a portion of its business premises to sexually explicit entertainment or material may permit the public, generally including minors, to enter the portions of the premises within which no sexually explicit entertainment or material is visible or on display. This provision shall not be construed to be an exemption from or in conflict with any requirement found in any statute, ordinance, regulation, or other provision of law applicable to a licensee or potential licensee hereunder which is more stringent in terms of an age requirement for employees.

(4) An operator engaging in a sexually explicit entertainment activity shall, at all times, cause the entrance of his establishment to be so attended as to insure compliance with the requirements contained in this Ordinance, above.

(5) An establishment licensed to engage in sexually explicit entertainment shall not provide such entertainment between the hours of 12:00 midnight and 6:00 a.m.

(6) A sexually explicit amusement arcade, except as otherwise provided by laws which may be more restrictive, shall meet the following requirements:

a. Any wall or partition which is situated so as to create a viewing area in which any amusement device or viewing screen is located shall be constructed of not less than one hour fire-restrictive material and shall contain no hole or other perforation.

b. A person who operates or causes to be operated a sexually explicit amusement arcade which exhibits on the premises in a viewing room of less than 150 square feet of floor space, a film, video cassette, or other video reproduction which depicts sexual activities as defined in this Ordinance, shall comply with the following requirements:

1. The interior of the premises shall be configured in such a manner that there shall be an unobstructed, direct line of sight view from a manager's or cashier's station of every area of the premises to which any patron is permitted access for any purpose, excluding restrooms. Restrooms may not contain video reproduction equipment.

2. It shall be the duty of the owners and operators, and it shall also be the duty of any agents and employees present in the premises to ensure that the view area specified in this Ordinance above remains unobstructed by any doors, walls, merchandise, display racks, or other materials at all times.

3. No viewing room may be occupied by more than one person at a time.

c. There shall be no fewer than two doorways, each of a width no less than 36 inches, which provide ingress or egress from any room in which an amusement device or viewing area is located; provided, however, that one doorway shall be sufficient in the event the Building Inspector should so determine. The doorway or doorways shall be unlocked during business hours.

d. Over every doorway, which provides egress from any room in

which an amusement device or viewing area is located, there shall be maintained an internally illuminated exit sign with letters at least five inches in height.

e. A light level of no less than ten-foot candles at floor level shall be maintained in every portion of establishment to which the public is admitted.

f. All persons regulated pursuant to this section must comply with the terms and conditions of this ordinance within 60 days after the effective date of this ordinance.

(7) The public entrance to a sexually explicit entertainment establishment shall not be located nearer than 1,000 feet from any church, synagogue, or other permanent place of worship, licensed day care center, public or private elementary, middle, or secondary school, institution of higher learning, or business college, or any park, mall, or park-like area of open space under the control of a governmental agency. Such distance shall be measured along a straight line from the nearest property line of the real estate on which that building or public park-like area is located to the entrance to such establishment engaging in a sexually explicit entertainment activity.

(8) The public entrance to a sexually explicit entertainment establishment shall not be located nearer than 1,000 feet from any area zoned residential. Such distance shall be measured along a straight line from the boundary line of the nearest area zoned for residential purposes to the entrance to such establishment engaging in a sexually explicit entertainment activity.

(9) The public entrance to a sexually explicit entertainment establishment shall not be located nearer than 750 feet from the public entrance of another sexually explicit entertainment activity establishment. Such distance shall be measured in a straight line from the nearest entrance to a building containing an existing sexually explicit entertainment establishment to the entrance or proposed entrance to the building containing the proposed new sexually explicit establishment.

(10) Notwithstanding the provisions of the immediately preceding sections, above to the contrary, any person who has been issued a sexually explicit entertainment license which is in effect as of the effective date of this ordinance and any person who is lawfully engaged in an sexually explicit entertainment activity defined under this ordinance, who obtains a license therefore within the time required by this ordinance may continue to engage in the sexually explicit entertainment activity in which such person is lawfully engages as of the effective date of this Ordinance as a non-conforming use subject to the limitations of KRS 100.253 and such other restrictions on non-conforming uses as are provided by

law.

(11) No adult entertainer, dancer or escort shall be permitted to have any physical contact with any other adult entertainer, dancer, escort, employee, patron or spectator while that adult entertainer, escort or dancer is performing.

(12) No alcoholic beverage shall be present, stored, or consumed on any premises licensed for adult entertainment.

#### LICENSING.

(1) The owner or operator of an establishment intending to engage, or engaging, under a previously issued license, in a sexually explicit entertainment activity, or the owner or operator of a sexually explicit escort or escort service, shall make application for a license with the Director in accordance with this Section, all applications must be accompanied by a non-refundable \$1,000.00 investigation fee. A separate license is required for each separate or assumed name under which an owner or operator conducts business. Such application shall be in writing, under oath, and shall be in the form prescribed by the Director and shall contain the following information together with such further information as the Director may require:

a. The name and location of the establishment and the name and business address of the applicant.

b. The name, address, date of birth and Social Security number of a natural person with an ownership interest in the licensee, such natural person to be determined as follows:

1. If the licensee is one or more natural persons, then all such natural persons shall comply, or any one natural person may comply for the licensee upon certification that he owns a greater share of the licensee than any other person.

2. If the licensee is a partnership, then the natural person designated as the managing general partner in the partnership agreement, a copy of which is to be attached to the license application, shall comply, but if the partnership agreement designates no natural person as a managing general person, then the natural person who by virtue of his interest or holding in the partnerships or corporations which have formed the partnership owns a greater share of the licensee than any other single natural person shall comply.

3. If the licensee is a corporation, the natural person, if any,

who owns a greater number of shares than any other person shall comply, but if the person owning the greatest number of shares is not a natural person, then the natural person who by virtue of his interests or holding in one or more partnerships or other corporations which own share in the licensee owns a greater portion of the share in the licensee than any other individual natural person shall comply.

c. The name and address of all directors and officers of any licensee or applicant, which is a corporation, and the name and address of the licensee's designated agent for service or process.

d. In the event the applicant or licensee is not the owner of record of the real property on which the licensed establishment is located or to be located, the application shall include a notarized statement from then owner of record of the real property acknowledging that a sexually explicit entertainment establishment is to be located on the real property upon the issuance of the license. The applicant also shall furnish the name and address of the owner of record of the real property and a copy of the lease or rental agreement.

e. The name, address, date of birth, and Social Security number of all persons engaged in the day-to-day employment or contract labor on the license premises. If this licensee is to engage in the sale, rental, or showing of books or movies distinguished or characterized by an emphasis on matter depicting or relating to sexual activities as defined in this ordinance, then all persons designated to engage in the selections of such books and movies to be offered for sale or rental or to be shown on the licensed premises, shall be subject to the provisions of this paragraph. All persons who at any time shall be responsible for attending the entrance of the establishment for the purpose of insuring compliance with the provisions of this ordinance shall be subject to the provisions of this paragraph.

f. The name, address, date of birth, and Social Security number of the individual designated by the applicant to undertake to keep the applicant, if licensed, at all times in compliance with the restrictions, requirements, and conditions of this ordinance and with the rules and regulation promulgated by the Director together with the sworn affidavit of the individual stating that he has received a copy of this ordinance, and he/she willfully undertakes on behalf of the applicant to comply therewith.

g. The name, address, date of birth and Social Security number of the individual designated by the applicant or licensee to be responsible for keeping the information required hereunder current at all times together with a sworn affidavit of that individual stating that he has received a copy of this

ordinance, that he understands the requirements hereof pertaining to disclosure of information, and that he willfully undertakes on behalf of the applicant to comply therewith.

h. The name and addresses of any rental agent of the property on which the establishment is located.

i. The nature of the activity or activities to be engaged in at such locations.

j. All criminal convictions of any offense set forth in KRS Chapter 528 (gambling), KRS Chapter 529 (prostitution), KRS 506.030 (if such solicitation pertains to an offense of solicitation of prostitution under KRS 529), KRS Chapter 510 (sexual offenses), KRS Chapter 531 (pornography) or any similar law of the United States of America or sister states of the Commonwealth of Kentucky within the last five years of the applicants, owners, directors, partners, or employees whose names are required pursuant to ordinance. Any such person who is on parole for any of the offenses set forth above shall submit to the Director the terms of such parole.

k. The name and address of any person to whom the applicant wants mail notice to be given in case of violation or other matters affecting the license hereunder.

l. A photograph or drawing of any signs displayed or proposed to be displayed on the exterior of the establishment and a statement of the dimensions of such signs.

m. Proof of compliance with the occupational license fee laws of the Madison County.

n. A certificate of occupancy where required and, in all other cases, a letter of compliance issued by the Code Administrator certifying that the business is in compliance with applicable zoning laws or has nonconforming use rights and that proposed use will not constitute an enlargement or expansion of the scope of such nonconforming rights.

o. A certificate from the Building Inspector or his/her designee that all applicable building code regulations have been met, and in the case of a sexually explicit amusement arcade, that all requirements have been met.

p. A statement from the Building Inspector or his designee that the premises comply with applicable provisions of the Kentucky Building Code, as adopted by the County.

q. A statement from the Madison County Health Department Director or his designee that the premises are adequately ventilated and contain public restrooms, which satisfy the requirements of 902 KAR 10:010. The County Health Department Director or his designee shall cause the premises of each licensee to be inspected annually to determine continued compliance with the provisions of this section.

r. If the application is for a sexually explicit escort service, the application must also include:

1. The hours that the escort service will be open to the public, including the hours any escorts are with a patron;

2. The methods of promotion the health and safety of escorts and protecting them from assault, battery and rape;

3. The methods of supervising the escorts to prevent the escort from charging the patron any fee in addition to the fee paid to the escort service by the patron;

4. The methods of supervising the escorts to prevent the escort from soliciting acts of prostitution or offering to provide sexual stimulation or sexual gratification; and.

5. The method of compensating the escorts.

(2) The information required by this ordinance above shall be at all times current even after the granting of a license by the Director. It shall be the responsibility of the operator or other person designated in the license application to notify the Director no later than the close of the first business day after the effective date of any changes, alterations, or modifications in any information contained in the application including, but not limited to: name of the establishment, any change in the corporate information required for the application, names and addresses of employees, names and addresses of the owners of the property on which the establishment is located, name and address of designated agent for service of process, nature of the activity or activities to be engaged in at the establishment, and the name and address of any person the applicant wants mail notice to be given in case of violation or other matters affecting the license. In addition, each sexually explicit escort service licensed pursuant to this ordinance shall keep a current list of all escorts providing service to it. This list must contain the name, address and work permit card information for each escort and shall be available upon request to the Director, his designee

and to any law enforcement officer.

(3) The Director will cause the premises to be inspected after such application has been received and all application requirements are in compliance. The Director shall then issue a license forthwith if all restrictions, requirements, conditions, and all applicable requirements of this Chapter and other applicable laws have been met, except that no license will be issued if the applicant or any owner, operator, director, partner, shareholder, or employee has been convicted of any offense set forth in KRS Chapter 528 (gambling), KRS Chapter 529 (prostitution), KRS 506.030 (if such solicitation pertains to an offense of solicitation of prostitution under KRS 529), KRS 510 (sexual offenses), KRS Chapter 531 (pornography), or any similar law of the United States of America or sister states of the Commonwealth of Kentucky, within the last five years. Provided, however, the granting of a license does not certify compliance with all applicable laws nor does it estop the county from enforcement of all applicable law or ordinances. If inspection reveals failure to comply with any restrictions, requirements, or conditions herein, the Director shall notify the applicant in writing of that fact, stating what failures have been discovered, allowing a reasonable time to correct such defects and informing the applicant of the appeal procedure if the applicant does not agree with the Director's decision.

(4) Any license granted presume to this section shall at all times be conspicuously posted and displayed in a public area so as to be open to view of the patrons and proper public authorities.

(5) Application for or granting of a license according to this section is deemed to permit periodic inspections of any establishment required to have a license under this ordinance by the Director or his/her designee or any Madison County law enforcement officer for the purpose of verifying compliance with the terms and conditions of this ordinance.

(6) Thirty days after the effective date of this ordinance, no operator shall maintain, operate, or conduct an establishment engaging in sexually explicit entertainment activities defined under this ordinance, and thereafter no operator shall own, operate, or be employed at an establishment engaging in sexually explicit entertainment activities which has sought and been denied a license according to this section, and unless all dancers, performers, and entertainers appearing at the establishment and escorts have obtained the work permit card required by this ordinance, below.

(7) No owner shall permit sexually explicit entertainment activities to be conducted on his property unless and until such is properly licensed according to this section, except as permitted under this ordinance, above.

(8) No person shall permit himself to be an operator or an employee at a sexually explicit entertainment activity or sexually explicit escort or escort service which has not been validly licensed according to this Section, except as permitted under this ordinance, above.

(9) All licenses shall be for the fiscal year, July 1 to June 30, or the remaining portion of such fiscal year. The annual license fee, other than for sexually explicit escort services, shall be \$2,500.00 and shall be pro-rated at the rate of \$200.00 per month. The annual license fee for sexually explicit escort services shall be \$5,000.00 and shall be pro-rated at the rate of \$400.00 per month. All license fees shall be paid to the County Finance Director. Application for renewal of a license shall be made on or before June 30 of each year and accompanied by the annual fee along with any occupational license fee required by this ordinance. Such application shall also contain any changes in the information required by this ordinance, above which have occurred since the previous application.

(10) Any person intending to be employed or to work in any capacity at a sexually explicit entertainment establishment or sexually explicit escort service shall prior to engaging in same make application for a work permit card with the Director in accordance with this section. Such application shall be in writing, under oath, and shall be in the form prescribed by the Director and shall include: The legal name of the applicant; any and all names used by the applicant in the course of performance of the applicant's duties as a dancer, performer, or entertainer; the applicant's residence address; the applicant's date of birth; the applicant's Social Security number; a recent photograph of the applicant; and the applicant's fingerprints. The applicant shall submit with his application a one-time non-refundable fee of \$100.00. The Director shall grant the applicant the work permit card promptly after receiving a report from the Madison County Sheriff that the applicant has not been convicted in the past five years of an offense set forth in KRS Chapter 529 (prostitution), pandering, or under KRS Chapter 510 (sexual offenses), or of trafficking in a controlled substance, or any similar law of the United States of America or sister states of the Commonwealth of Kentucky. The work permit card so granted shall remain valid unless the Director is informed that the applicant has been convicted in the past five years of an offense set forth in KRS Chapter 529 (prostitution), or an offense set forth in KRS Chapter 510 (sexual offenses), or pandering or of trafficking in a controlled substance, or any similar law of the United States of America or sister states of the Commonwealth of Kentucky. A work permit card shall be replaced if lost or stolen for a fee of \$50.00. After the effective date of this Chapter, no dancer, performer, or entertainer shall dance, perform, or otherwise be occupied in the providing of entertainment at a sexually explicit entertainment establishment or sexually explicit escort service without having obtained the work permit card

required by this Chapter. The work permit card must be carried in the possession of the person at all times the person is working or employed on behalf of the sexually explicit entertainment establishment or sexually explicit escort service. A separate work permit card is required in each name under which the person will provide sexually explicit entertainment or sexually explicit escort services.

## SECTION II

Section 402.7.3 of the Madison County Land Use Regulations, Kentucky, shall be amended so that such section shall read as follows:

Adult oriented businesses of sexually explicit entertainment activities and establishments shall be a permitted use only in RC-10, Hazardous Industrial, Land Use Districts. Such businesses shall not be permitted in other Land Use Zones in Madison County.

## SECTION IV

All ordinances or parts of ordinances in conflict herewith are repealed. This ordinance shall be published according to law.

This Ordinance No. 04-20 shall become effective on the date of the second reading and adoption.

**DATE OF FIRST READING:** April 27, 2004

**MOTION BY:** Roger Barber

**SECONDED BY:** Billy Ray Hughes

VOTE:

YES

NO

JUDGE, KENT CLARK  
MAGISTRATE LARRY COMBS  
MAGISTRATE ROGER BARGER  
MAGISTRATE WILLIAM TUDOR  
MAGISTRATE BILLY RAY HUGHES

✓  
✓  
✓  
✓  
✓

DATE OF SECOND READING: May 11, 2004

MOTION BY: Larry Combs

SECONDED BY: Roger Barger

VOTE:

YES

NO

JUDGE, KENT CLARK  
MAGISTRATE LARRY COMBS  
MAGISTRATE ROGER BARGER  
MAGISTRATE WILLIAM TUDOR  
MAGISTRATE BILLY RAY HUGHES

✓  
✓  
✓  
✓  
✓

*Kent Clark*

MADISON COUNTY JUDGE EXECUTIVE

Attest:

*William E. Galbraith*  
MADISON COUNTY CLERK



KENT CLARK - MADISON COUNTY JUDGE/EXECUTIVE  
COURTHOUSE - 101 WEST MAIN STREET  
RICHMOND, KENTUCKY 40475

**MADISON COUNTY  
FISCAL COURT**

# Fax

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