

**ORDINANCE AMENDING THE MUNICIPAL CODE OF THE TOWN OF
SPRING HILL AND THE ZONING AND THE LICENSING AND
REGULATION OF ADULT ENTERTAINMENT AND ADULT
BUSINESSES**

WHEREAS, the Board of Mayor and Aldermen for the Town of Spring Hill (the “Board”) may, pursuant to its Charter and general laws of the State of Tennessee, enact regulatory ordinances protecting and promoting the general welfare, health, and safety of its citizens; and,

WHEREAS, the Board has heretofore amended the Zoning Regulations for the Town of Spring Hill regulate the location of sexually oriented businesses; and,

WHEREAS, the Board has determined that locational criteria alone do not adequately protect the health and general welfare of the people of the Town of Spring Hill; and,

WHEREAS, the Board has determined that permitting and/or licensing is a legitimate and reasonable means of accountability to ensure that operators of adult entertainment establishments comply with reasonable regulations and to ensure that operators do not knowingly allow their establishments to be used as places for illegal sexual activity or solicitation; and,

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 which addresses the secondary effects of adult entertainment establishments; and,

WHEREAS, the Spring Hill Regional Planning Commission has reviewed and does recommend adoption of the foregoing Ordinance; and

WHEREAS, a public hearing was held hereon by this Board, and

WHEREAS, the Board desires to amend the Spring Hill Municipal Code to regulate adult entertainment establishments in order to promote and secure the general welfare, health, and safety of the citizens of the Town of Spring Hill.

NOW, THEREFORE, BE IT THEREFORE ORDAINED BY THE BOARD OF MAYOR AND ALDERMEN OF THE TOWN OF SPRING HILL, TENNESSEE, that

Section Purpose and Findings.

(A) PURPOSE. It is the purpose of this ordinance to regulate adult entertainment establishments to promote the health, safety, morals and general welfare of the citizens of the Town of Spring Hill. The provisions of this ordinance have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials or entertainment. Similarly, it is not the intent nor effect of this ordinance to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented materials or entertainment to their intended market.

(B) FINDINGS. Based on evidence concerning the adverse secondary effects of adult uses on the community presented in hearings and reports made available to the Board, and on findings incorporated in the DLS d/b/a Diamonds and Lace Showbar v. The City of Chattanooga, 107 F.3d 403 (6th Cir. 1997); DLS, Inc. a/b/a of Renton v. Playtime Theaters, Inc., 475 U.S. 41(1986); Coleman A. Young v. American Mini-Theaters, Inc., 427 U.S. 50 (1976); and studies and judicial opinions concerning the adverse secondary effects of adult uses on communities such as Austin, Amarillo, and Beaumont, Texas; Phoenix and Tucson, Arizona; Minnesota (see report of the Attorney General's Working Group Northend Cinema, Inc. v. Seattle, 90 Wash.2d 706, 585 P.2d 1153 (1978); and Houston, Texas; (see SDJ, Inc. v. City of Houston, 837 F.2d 1268 (5th Cir. 1988); as well as newspaper articles (see Peep Shows Role Unregulated (Tennessean, April 8, 1991) reports from the Police Department, the Board finds:

1. Unlawful and unhealthy activities that are occurring within adult entertainment establishments are presently uncontrolled by the operators of these establishments and, there is presently no mechanism to control the unhealthy and unlawful activities that are occurring within these establishments or to make the owners and operators of these establishments responsible for the activities that occur on their premises.

2. Certain employees of adult entertainment establishments engage in a higher incidence of certain types sexually oriented criminal activity, unhealthy and illegal sexual contact, and other unlawful activities at these business than employees of other establishments.

3. Sexual acts, including homosexual and heterosexual masturbatory acts and oral and anal sex acts, are a regular occurrence at adult entertainment establishments, especially those establishments where there are private or semi-private booths or cubicles for viewing films, videos, or live sex shows.

4. Offering and providing such space, areas and rooms where such activities take place creates conditions that generate prostitution and other crimes, as well as unhealthy conditions.

5. Persons frequent certain adult theaters, adult bookstores, and adult video stores for the purpose of providing sex withing the premises of such adult theaters, adult bookstores, and adult video stores and patrons frequent certain adult theaters, adult bookstores, adult nightclubs, and adult video for purposes of procuring prostitutes.

6. At least fifty communicable diseases may be spread by activities currently occurring in adult entertainment, including, but not limited to, syphilis, gonorrhea, human immune-deficiency virus infection (HIV), genital herpes, hepatitis B, hepatitis Non A, hepatitis Non B, amebiasis, and shigella infections.

7. Since 1981 and to the present, there have been an increasing cumulative number or reported cases of acquired immune-deficiency virus (HIV) in the United States:

600 cases in 1982	8,555 in 1985	68,959 in 1994
2,200 in 1983	336,522 between 1986/1992	61,614 in 1995
4,600 in 1984	77,641 in 1993	and 36,693 cases in 1996.

And in Tennessee:

3 cases in 1982	345 in 1987	2,380 in 1992
7 in 1983	666 in 1988	1,308 in 1993

28 in 1984	1,012 in 1989	818 in 1994
70 in 1985	1,389 in 1990	1,018 in 1995
161 in 1986	1,820 in 1991	and 965 cases in 1996;

8. As of February 28, 1993, there have been 2,521 reported cases of AIDS in Tennessee with 1,502 deaths being reported. Of those 2,521 cases 2,340 were males and 181 were females.

9. The number of cases of early syphilis in the United States has risen with

33,613 cases reported in 1982	27,883 in 1986
32,698 in 1983	35,147 in 1987
28,607 in 1984	40,117 in 1988
27,131 in 1985	44,540 in 1989
	45,200 in 1990

10. The number of cases or early syphilis in Tennessee has grown with

1,150 in 1982	2,766 in 1989
1,013 in 1983	1,989 in 1990
1,014 in 1984	2,011 in 1991
1,168 in 1985	2,786 in 1992
1,160 in 1986	2,572 in 1993
1,330 in 1987	2,312 in 1994
1,910 in 1988	2,035 in 1995
	And 1,807 in 1996

11. The number of cases of gonorrhea in the United States reported annually remains at a high level, with 960,633 civilian cases reported in 1982:

900,435 in 1983	780,905 in 1987
878,556 in 1984	719,536 in 1988
911,419 in 1985	773,151 in 1989
900,868 in 1986	and 611,932 through November 1990

and in Tennessee:

32,444 in 1982	23,740 in 1987	15,197 in 1994
30,896 in 1983	19,336 in 1988	13,894 in 1995
30,749 in 1984	19,557 in 1989	11,710 in 1996
32,110 in 1985	56,762 through Dec. 1992	
26,455 in 1986	14,285 in 1993	

12. The Surgeon-General of the United States in his report of October 22, 1986 has advised the American public that AIDS and HIV infection may be transmitted through sexual contact, intravenous drug abuse, exposure to infected blood and blood components, and from an infected mother to her newborn.

13. According to the best scientific evidence, AIDS and HIV infection, as well as syphilis and gonorrhea, are principally transmitted by sexual acts.

14. According to the best scientific evidence, numerous other diseases and infestations, including chlamydia, pelvic inflammatory disease, chancroid, herpes, hepatitis B, lympho-granuloma venereum, granuloma inguinale, genital warts, trichomoniasis, scabies, pediculosis, amebiasis, giardiasis, and others are transmitted by sexual acts.

15. Conditions in some adult entertainment establishments are unsanitary and unhealthy; in part, because the activities conducted there are unhealthy, and in part, because the owners and operators of the facilities fail to regulate the unhealthy and unsanitary activities and fail to maintain the facilities in a sanitary and healthy condition.

16. The United States Center for Disease Control has issued universal precautions, including housekeeping and disinfection guidelines, for the prevention of transmission of the HIV virus and other diseases. These guidelines should be followed anytime there is the potential for exposure to blood and other body fluids.

17. Staff members of the police and health departments have observed semen, blood, fecal matter and urine within the public areas of adult entertainment establishments. These unhealthy conditions are worse in areas within adult entertainment establishments where persons view sexually oriented films, sexually oriented movies, adult videos or witness sexually oriented live entertainment.

18. Permitting entertainers to be in close contact with patrons initiates the change of money which may reasonably be expected to serve as an opportunity to solicit for and inducement to agree to unprotected and/or illegal sexual activity, including prostitution and thus poses a threat to both groups by promoting the spread of communicable diseases, and encouraging crime.

19. When the previously described activities characteristic of adult entertainment establishments are present within the Town of Spring Hill, other activities which are illegal or unhealthy may tend to accompany them, concentrate around them and be aggravated by them. Such other activities include, but are not limited to, prostitution, pandering, solicitation for prostitution, lewd and lascivious behavior, exposing minors to harmful materials and possession, distribution and transportation of obscene materials.

20. The findings noted in paragraph 1 through 19 raise substantial governmental concerns.

21. Adult entertainment establishments should be reasonably regulated in order to protect those substantial governmental concerns.

22. A reasonable license procedure is an appropriated and effective mechanism to place the burden of that reasonable regulation on the owners and operators of adult entertainment establishments. Further, such a licensing procedure will place a heretofore nonexistent incentive on the operator to see that the adult entertainment establishment is run in a manner that is consistent with the health, safety and welfare of its patrons and employees, as well as the citizens of Town of Spring Hill. It is appropriate to require reasonable assurance that the licensee is the actual operator of the adult entertainment establishments, fully in possession and control of the premises and the activities occurring therein.

23. Removal of door on booths wherein patrons view sexually oriented movies, sexually oriented films, adult videos, or sexually oriented live entertainment and requiring sufficient lighting in premises with booths advances the substantial governmental interest of curbing the illegal and unsanitary sexual activity occurring at adult entertainment establishments.

24. The prevention of sexual contact between patrons and employees at adult entertainment establishments is unrelated to the suppression of free expression, but serves to address the concerns raised in the findings contained herein.

25. Prohibiting dancers and patrons from engaging in sexual fondling and caressing in adult theaters or adult cabarets would reduce the opportunity for prostitution and thus should deter prostitution and other crimes of sexual nature.

26. The disclosure of certain information by those persons ultimately responsible for the day-to-day operation and maintenance of an adult entertainment establishment is substantially related to the significant governmental interest of preventing the spread of sexually transmitted diseases and reducing or eliminating the criminal activity associated with adult entertainment establishments.

27. It is desirable in the prevention of the spread of communicable diseases and in the investigation of criminal activity, to obtain a limited amount of information regarding certain operators and employees who either engage in the conduct which this ordinance is designed to prevent or are likely to be witnesses to such activity.

28. A substantial rational relationship between adult entertainment establishments and sexually related crimes establishes a compelling justification for barring those persons who have committed crimes from the management of such businesses.

29. The fact that an applicant for an adult use license has been convicted of a sexually-related crime leads to a rational inference that the applicant is more likely to engage in conduct in contravention of this ordinance.

30. The barring of such individuals from management of adult uses of period of years serves a deterrent to and prevents the conduct which lead to the transmission of sexually transmitted diseases and to the promotion of that criminal activity associated with adult uses.

31. The general welfare, health an safety of the citizens the Town of Spring Hill will be promoted by the enactment of this ordinance.

BE IT FURTHER ORDAINED BY THE BOARD OF MAYOR AND ALDERMEN OF THE TOWN OF SPRING HILL, TENNESSEE,

that the Municipal Code of Spring Hill, Tennessee be amended as follows:

Title 5 of the Municipal Code of the Town of Spring Hill is amended to include the following Chapter 11:

Chapter 11
Licensing and Regulation of Adult Business:

11-101 Definitions.

a. Definitions

For the purpose of this chapter, the words and phrases used herein shall have the following meanings, unless otherwise clearly indicated by the context:

1. Adult entertainment means the regular presentation, for the fee or incidentally to another service, of material or exhibitions distinguished or characterized by an emphasis on matter depicting describing, or relating to “specified sexual activities” or “specified anatomical areas” as defined below for observation by patrons therein.

2. Adult entertainment establishment means any commercial establishment -- including but not limited to “adult bookstore”, “adult video store”, “adult theater”, “adult nightclub”, sexual encounter center, massage parlor, rap parlor, lingerie modeling, or sauna -- which for a fee or incidentally to another service, regularly presents material or exhibitions distinguished or characterized by an emphasis on matter depiction, describing, or relating to “specified sexual activities” or “specified anatomical areas” as defined below for observation by patrons therein. Adult entertainment establishment further means any commercial establishment to which the public patrons or members are invited or admitted and which are so physically arranged as to provide booths, cubicles, rooms, compartments or stalls separate from the common areas of the premises for the purpose of viewing sexually oriented motion pictures, sexually-oriented movies, sexually oriented films, adult videos, or wherein an entertainer provides sexually oriented entertainment to a member of the public, a patron or a member.

(a) Adult bookstore means an establishment having any of its stock and trade in books, magazines, other periodicals, or any other items which are distinguished or characterized by their emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" as defined below for observation of the patrons therein; or in conjunction therewith has facilities for the presentation of sexually oriented entertainment, including but not limited to sexually oriented films, or sexually oriented live entertainment, for observation by patrons therein.

(b) Sexually oriented means any exhibition of any motion pictures, films, videos, or live performance, display or dance of any type, removal of articles of clothing or appearing unclothed, pantomime, modeling, or any other personal service offered customers which has a significant or substantial portion of such performance any actual or simulated performance of "specified sexual activities" or exhibition and viewing of "specified anatomical areas".

(c) Adult theater means an enclosed building regularly used for presenting films, motion pictures, video cassettes, slides, or other photographic reproductions or other material depicting or relating to "specified sexual activities" or "specified anatomical areas", as defined below, for observation by patrons therein.

(d) Adult nightclub means a theater, concert hall, auditorium nightclub, bar, restaurant, or similar commercial establishment which regularly features live performances that are characterized by any actual or simulated performance of "specified sexual activities" or the exposure of "specified anatomical areas", as defined below.

(e) Adult video stores means a commercial establishment having any stock in "adult videos" -- as defined below -- which are rented or sold and presented for a fee or incidentally to another service; or in conjunction therewith, regularly presents on the premises sexually oriented motion pictures or sexually oriented films, "adult videos", or sexually oriented live exhibitions which are distinguished or characterized by an emphasis on matter depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas" as defined below for observation by patrons therein.

(f) Adult services means a video, CD, laser disk, or similar medium with a cover that depicts, "specified anatomical areas" or a transparent or less than opaque cover through which "specified sexual activities" or "specified anatomical areas" can be viewed.

3. Aggravated rape as defined in The Tennessee Code Annotated § 39-15-502.
4. Aggravated sexual battery as defined in The Tennessee Code Annotated § 39-15-504.
5. 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 entertainment establishment.
6. Entertainer means any persons, including independent contractors, who work in or at or render any service directly related to the operation of an adult entertainment establishment.
7. Indecent exposure as defined in The Tennessee Code Annotated § 39-15-511.
8. Location means a single site for which only one use and occupancy permit would be required.
9. Obscenity as defined in The Tennessee Code Annotated § 39-17-901 (10) through (14).
10. Operator means any person, partnership, or corporation operating, conducting or maintaining an adult entertainment establishment.
11. Prostitution as defined in The Tennessee Code Annotated § 39-13-512.
12. Patronizing prostitution as defined in The Tennessee Code Annotated § 39-15-13-512.
13. Promoting prostitution as defined in Tennessee Code Annotated § 39-15-13-512.
14. Rape as defined in The Tennessee Code Annotated § 39-15-503.
15. Rape of a child as defined in The Tennessee Code Annotated § 39-15-522.
16. Sexual battery as defined in The Tennessee Code Annotated § 39-15-505.

17. Sexual exploitation of a minor as defined in The Tennessee Code Annotated § 39-17-1003 § 39-17-1004 and § 39-17-1005.

18. Specified sexual activities mean
(a) Human genitals in a state of sexual stimulation or arousal;
(b) Acts of human masturbation, sexual intercourse or sodomy;
(c) Fondling or erotic touching of human genital, public region, buttock or female breasts.

19. Specified anatomical areas mean
(a) Less than completely and opaquely covered:
(i) Human genitals, public region,
(ii) Buttocks:
(iii) Female breast below a point immediately above the top of the areola, and

(b) Human male genitals in a discernible turbid state, even if completely opaquely covered.

20. Statutory rape as defined in The Tennessee Code Annotated § 39-15-506.

A. Establishment

An adult entertainment licensing board is hereby created and designated the Town of Spring Hill Adult Entertainment Licensing Board (herein "board").

B. Membership -- Terms

1. The board shall consist of nine members, who shall be the then duly-elected Mayor and Aldermen of the Town of Spring Hill, and who shall serve as *ex officio* members of such board and shall continue to be eligible so long as they serve on the Board of Mayor and Aldermen of the Town of Spring Hill.

2. Any vacancy other than the expiration of terms shall be filled for the un-expired term by the Board of Mayor and Aldermen.

D. Meetings -- Quorum required -- Minutes and transcript

1. The board shall hold one regular meeting each quarter at a time fixed by the board, and may hold such special meetings as may be necessary.

2. The attendance of at least a majority of the members of the board, not including unfilled positions, shall be required to constitute quorum for the purpose of transacting business.

3. Minutes shall be kept of the meetings in permanent form and a record shall be kept of the action of the board with respect to every application for a license and/or a permit. The concurring vote of a majority of the members present and voting shall be necessary for the granting, revoking, suspending or any other action involving licenses or permits.

4. No transcript of the proceedings had before the board shall be in any form other than narrative, unless the board shall have been requested to provide for an exact copy of the testimony by an interested party at least twenty-four hours prior to a board meeting. The cost of an exact copy shall be borne by the person requesting the same.

E. Powers and duties.

1. The board shall have jurisdiction over the licensing, regulating and controlling of all adult entertainment establishments as provided herein, located in the Town of Spring Hill.

2. The board may promulgate such bylaws, rules and regulations not inconsistent with state law, the Town of Spring Hill charter, or any ordinance, as it deems appropriate for the conducting of its business.

3. The board has the authority to subpoena witnesses to testify before the board.

F. Inspectors -- Authority.

The board is empowered to employ suitable person(s) as inspectors which inspectors shall not hold any service status. The board shall prescribe the duties of such inspectors so as to enforce the applicable provisions of this title.

G. Procedures for Hearings.

This section shall apply to all hearings by the board including but not limited to hearings for revocation suspension, or denial of a license/permit.

1. Upon receiving written request for a hearing, the board shall send the party requesting the hearing a notice stating the time and place of the hearing and the right to be represented by counsel.

2. At the hearing, the party requesting the hearing shall appear on his/her own behalf or be represented by counsel. All witnesses shall be sworn. The chair shall allow the party requesting the hearing to present witnesses on his/her own behalf and to cross-examine all witnesses testifying against him/her.

3. All decision of the board shall be in writing, setting forth the findings of the board, and shall be signed by the chair or vice-chair. Any decisions of the board to deny a renewal, suspend, or revoke a license/permit shall not take effect earlier than ten (10) days after the date the decision was rendered to allow the effected party adequate time to seek judicial review.

4. Minutes shall be kept of all proceeding before the board in permanent form and a record shall be kept of all actions of the board with respect to all hearings.

5. A record (which may consist of a tape or similar electronic recording) shall be made of all oral proceedings. The record must be maintained by the board for a period of ninety days. Such record or any art thereof shall be transcribed at the request of any party at such party's expense.

6. Any party desiring a court reporter to be present at the hearing must arrange for the court reporter to be present.

Section 11-102 License Required.

A. Except as provided in subsection F below, from and after the effective date of this ordinance, no adult entertainment establishment shall be operated or maintained within the Town of Spring Hill without first obtaining a license to operate issued by the board.

B. Any person, partnership, or corporation which desires to operate more than one (1) adult entertainment establishment must have a license for each establishment.

C. Only one license may be issued for each adult entertainment establishment location.

D. No license or interest in a license may be transferred to any person, partnership or corporation.

E. It shall be unlawful for any entertainer or operator to work in or about, or to perform any service directly related to the operation of any unlicensed adult entertainment establishment. It shall be unlawful for any employee to knowingly work in or about, or to knowingly perform any service directly related to the operation of any unlicensed adult entertainment establishment while adult entertainment is being presented.

F. All existing adult entertainment establishments at the time of the passage of this ordinance must submit an application for a license within one hundred twenty (120) day of the effective date of this ordinance. If a license is not applied for within said one hundred-twenty-day period, then such existing adult entertainment establishment shall cease operations.

Section 11-103 Application for license.

a. Application

1. Any person, partnership, corporation or any other entity desiring to secure a license shall make application to the board. The applicant to the board. The applicant shall file the original application with six copies. The original application shall be dated by the board and held in the files of the board. a copy of the application shall be distributed promptly by the board to: the police department, the department of codes administration, the health department, the fire department, and to the applicant.

2. Application forms shall be available at the office of the board.

3. The application form shall include all the information indicated in subsection (5) (a) through (1) hereof.

4. The following persons must obtain a license: any partner of a partnership who will participate in the day to day operation of the business, any officer or director of a corporate applicant, and any stockholder holding a majority controlling percentage of the stock of a corporate applicant and who will participate in the day to day operation of the business.

5. The applicant shall furnish the following information under oath:

(a) Name and address, including all aliases (business address is sufficient);

(b) 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 (for the purpose of facilitation the police investigation into the applicants criminal background);

(d) The business, occupation or employment of the applicant for five (5) years immediately preceding the date of the application (for the purpose of facilitating the police investigation into the applicants criminal background.

(e) Whether the applicant previously operated in this or any other county, city or state under an adult entertainment establishment license or similar business license. Whether the applicant has ever had such a license revoked or suspended, the reason therefore, and the business entity or trade name under which the applicant operated that was subject to the suspension or revocation;

(f) All violations, convictions, or any or pleas of nolo contendere to any crime of rape, aggravated rape, aggravated sexual assault, statutory rape, rape of a child, sexual exploitation of a minor, indecent exposure, prostitution, patronizing prostitution, promoting prostitution, obscenity or other similar crimes of a sexual nature, or any crime involving moral turpitude.

(g) All citations issued and sustained by a court within the past two years for violations of any provisions of the Town of Spring Hill Municipal Code applicable to adult entertainment establishments.

(h) Fingerprints and two (2) portrait photographs at least two (2)

inches by two (2) inches of the applicant, (for the purpose of facilitation the police investigation into the applicants criminal background).

(I) The address of the adult entertainment establishment to be operated by the applicant.

(j) If the applicant is a corporation the application shall specify the name of the corporation the date and state of incorporation the name and address of the registered agent and the name and address of all officers and directors of the corporation, and any stockholder holding a majority controlling percentage of the stock of a corporate applicant and who will be involved in the day to day operation of the business.

(k) If the applicant is a partnership, joint venture, or any other type of business the application shall specify the name and address of all persons who will be involved in the day to day operation of the business.

(l) a statement by the applicant that he/she is familiar with the provisions of this ordinance and is in compliance with them.

6. If the applicant intends to have both, stalls, cubicles, or rooms on the premises for the purpose of viewing sexually oriented movies, sexually oriented films, or adult videos, or sexually oriented live exhibitions, then along with the application, the applicant shall provide the board with his/her application a diagram, drawn to scale, of the premises including but not limited to the location and layout of all booths, stalls, cubicles, or rooms and the location of the clerk/managers stand or counter. Though the diagram shall be drawn to scale, it does not have to be professionally prepared.

B. Inspections

1. The police department, building inspector and fire department, shall, upon receipt of a copy of the application, inspect the premises to insure that the establishment complies with the Town of Spring Hill code including the applicable zoning ordinances, fire code, statutes, ordinance sand regulation and the health cod statutes, ordinances and regulations.

2. The police department, building inspector, and fire department, shall complete their respective inspections and shall communicate the results of their

respective inspections to the board in writing within thirty (30) days of receipt of the application. The writing shall end with one of the following statements:

The location at Spring Hill City Hall complies with the relevant and applicable code sections and applicable rules and regulations of the board.

The location at Spring Hill City Hall does not comply with the relevant and applicable code sections or does not comply with the relevant and applicable rules and regulations of the board. It is in violation of the following provisions: Section numbers of code violations.

3. If the building/structure has a valid use and occupancy permit, the applicant shall provide the board with a copy of the valid use and occupancy permit which shall be made part of the file.

C. Board Action on Inspection Results.

1. Within twenty (20) days of receiving the results of the investigation conducted by the police department, codes department, fire department, and health department the board will meet and determine if the applicant is in compliance with the applicable statutes, ordinances, and regulation. If the board determines that the applicant is in compliance with the applicable statutes, ordinances, and regulations, including but not limited to the zoning code, and the applicant has not committed any of the crimes listed herein, is at least eighteen years of age, and has not given any false or misleading information on the application or omitted any material facts from the application then the board shall grant the license.

2. Any applicant convicted of or who pleaded nolo contendere to any crime of rape, aggravated rape, aggravated sexual assault, statutory rape, rape of a child, sexual exploitation of a minor, indecent exposure, prostitution, patronizing prostitution, promoting prostitution, obscenity, or other similar crime of a sexual nature, or any crime involving moral turpitude in any jurisdiction shall be ineligible to receive a permit for the time period described below. Such denial and the reason for the denial shall be mailed to the applicant within ten (10) days of receiving the results of the investigation. The applicant may re-apply to the board once the time period has expired.

(a) If the conviction or plea was for a misdemeanor violation then the

applicant shall be ineligible to receive a permit for two (2) years from the date of the conviction, plea, or release from confinement impose for the conviction whichever is later.

(b) If the conviction or plea was for a felony violation then the applicant shall be ineligible to receive a permit for five (5) years from the date of the conviction, plea, or release from confinement imposed for the conviction whichever is later.

(c) The time is computed from the date of the application to the date of the conviction, plea, or release from confinement based on the conviction.

3. If it is determined by the board, using the application and investigation information, that the applicant has violated the provision of the zoning code applicable to adult entertainment with the past two years, then the applicant is ineligible for a license for one (1) year from the date the citation was sustained. A violation of the zoning code shall be evidenced by a citation which has been sustained by the Municipal Court for the Town of Spring Hill.

4. If in the course of the investigation it is discovered any false or misleading statement or information was given on the application, or material facts were omitted from the applicant, the board shall deny the application. Moreover, the applicant shall be ineligible to receive a permit for one (1) year from the date of the application which contained the misleading statements or omissions unless the omission or misleading statement referred to the age of the applicant.

BE IT FURTHER ENACTED that all ordinances or partial ordinances in conflict herewith be the same hereby are repealed or modified as the case may be.

BE IT FURTHER ENACTED that this ordinance shall take effect from and after its passage the public welfare demanding it.

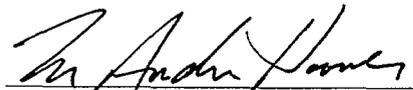
This ordinance is passed and adopted on second reading after a public hearing before the Board of Mayor and Aldermen on October 18, 1999, and after due publication.


MAYOR

ATTEST:


CITY RECORDER

APPROVED AS TO FORM:


CITY ATTORNEY

Passed on 1st Reading September 20, 1999

Passed on 2nd Reading October 18, 1999