

**REGULATIONS OF SEXUALLY ORIENTED ADULT BUSINESSES IN
WARREN COUNTY, TENNESSEE**

SECTION 1. DEFINITIONS

- A. **Adults-Only Bookstores:** An establishment having as a substantial or significant portion of its stock in trade, books, magazine, films for sale or viewing on premises by use of motion picture devices or other coin-operated means, and other periodicals which are distinguished or characterized by their principal emphasis on matters depicting, describing or relating to nudity, sexual conduct, sexual excitement or sadomasochistic abuse, as defined below or an establishment with a segment or section devoted to the sale or display of such material, for sale to patrons therein.
- B. **Adult Cabaret:** A nightclub, bar, restaurant, or similar commercial establishment which at any time features:
- (1) Persons who appear in a state of nudity; or
 - (2) Life performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities;" or
 - (3) Films, motion pictures, video cassettes, slides, electronic media (including but not limited to internet websites), or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas."
- C. **Adult Entertainment Center:** An enclosed building or part of an enclosed building, no portion of which enclosed building is licensed to sell liquor, which contains one or more coin-operated mechanisms which when activated permit a customer to view a live person unclothed or in such attire, costume, or clothing as to expose to view any portion of the female breast below the top of the areola, or any portion of the pubic hair, anus, cleft of the buttocks, vulva or genitals, or the charging of any admission or fee for the reviewing of any such activity.
- D. **Adults-Only Motion Picture Theaters:** An enclosed building used for presenting films, distinguished or characterized by an emphasis on matter depicting, describing or relating to "Specified Sexual Activities" or "Anatomical Areas" for observation by patrons therein.
- E. **Adult Motel:** A hotel, motel or similar commercial establishment which:
- (1) Offers accommodations to the public for any form of consideration; provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, electronic media (including internet websites), or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas," and has a sign visible from the public right-of-way which advertises the availability of this adult type of photographic reproductions; or
 - (2) Offers a sleeping room for rent for a period of time that is less than ten (10) hours; or
 - (3) Allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than ten (10) hours.
- F. **Massage Parlor:** An establishment or place primarily in the business of providing massage or tanning services for purposes of sexual stimulation or where one or more of the employees

exposes to public view of the patrons within said establishment, at any time, “specified anatomical areas.”

- G. **Nudity:** The showing of the human male or female genitals, pubic area, or buttocks with less than a fully opaque covering, or the showing of the female breast with less than a fully opaque covering of any portion thereof below the top of the nipple, or the depiction of covered male genitals in a discernibly turgid state.
- H. **Rap Parlor:** An establishment or place primarily in the business of providing nonprofessional conversation or similar services for adults.
- I. **Sauna:** An establishment or place primarily in the business of providing (i) steam bath, and (ii) massage services.
- J. **Sexual Conduct:** Acts of masturbation, homosexuality, sexually intercourse, or physical contact with a persons’ unclothed genitals, pubic area, buttocks, or, if such person be a female, her breast.
- K. **Sexual Excitement:** The condition of human male or female genitals when in a state of sexual stimulation or arousal.
- L. **Sadomasochistic Abuse:** Flagellation or torture by or upon a person clad in undergarments, a mask or bizarre costume, or the condition of being fettered, bound, or otherwise, physically restrained on the part of one so clothed.
- M. **Specified Criminal Activity:** Any of the following offenses: prostitution or promotion of prostitution; dissemination of obscenity; sale, distribution or display of harmful material to a minor; sexual performance by a child; possession or distribution of child pornography; public lewdness; indecent exposure; indecency with a child; engaging in organized criminal activity; rape; sexual assault; molestation; gambling; or distribution of a controlled substance; or any similar offenses to those described above under the criminal or penal code of this state or other states or countries; for which:
 - (1) Less than five years have elapsed since the date of conviction or plea of nolo contendere or the date of release from confinement imposed, whichever is the later date, if the conviction or plea is for a misdemeanor offense; or
 - (2) Less than ten years have elapsed since the date of conviction or plea of nolo contendere or the date of release from confinement imposed, whichever is the later date, if the conviction is of a felony offense; or
 - (3) Less than ten years have elapsed since the date of conviction or plea of nolo contendere or the date of release from confinement imposed for the last conviction or plea, whichever is the later date, if the conviction or pleas are for two or more misdemeanor offenses or combination or misdemeanor offenses or combination of misdemeanor offenses occurring within any 24-month period;

provided further that the fact that a conviction is being appealed shall have no effect whatsoever on the provisions of this article.

- N. **“Specified Sexual Activities”** or **“Anatomical Areas”** for observation by patrons therein. **“Specified Sexual Activities”** or **“Anatomical Areas”** for the purpose of these regulations are defined as follows:

- (1) Human genitals in a state of sexual stimulation or arousal;
- (2) Acts of human masturbation, sexual intercourse or sodomy;
- (3) Fondling or other erotic touching of human genitals, pubic region, buttock or female breast; and “Specified Anatomical Areas” as defined:

- (a) Less than completely and opaquely covered: (i) human genitals, pubic region; (ii) buttock; and (iii) female breast below a point immediately above the top of the areola.

SECTION 2. SPECIFIED CRIMINAL ACTIVITY BY OPERATORS, EMPLOYEES, ENTERTAINERS, AND OTHERS.

- A. No person may own or operate a sexually oriented business within the county if:
 - (1) He/she has a record of “specified criminal activity,” as defined in this article, if the owner or operator is an individual.
 - (2) Any officer, director, partner or other individual having at least one percent (1%) direct or beneficial financial interest in the operator has a record of “specified criminal activity,” as defined in this article, to work on the premises of the business.
- B. No operator of a sexually oriented business may allow any employee who has a record of “specified criminal activity,” as defined in this article, to work on the premises of said business.
- C. No operator of a sexually oriented business may allow any entertainer who has a record of “specified criminal activity,” as defined in this article, to perform on the premises of the business.
- D. No operator or employee of a sexually oriented business may knowingly allow any “specified criminal activity” to occur on the premises of the business.
- E. No operator or employee of a sexually oriented business may allow any patron or customer who has carried out any “specified criminal activity” on the premises of the business to reenter the premises.
- F. The Sheriff’s Department or the District Attorney General may at any time investigate the criminal record of any person who owns or will own at least one percent (1%) direct or beneficial interest in the business or of any employee of a sexually oriented business or any entertainer performing at a sexually oriented business.

SECTION 3. LOCATION RESTRICTIONS

- A. No adults-only bookstore, adult cabaret, adults-only motion picture theater, adult entertainment center, adult-motel, massage parlor, rap parlor, or sauna shall be operated or maintained within five thousand (5000) feet of the property line of lot devoted to residential use, a church, a state-licensed day care facility, public library, or private public educational facilities which serve persons age seventeen (17) or younger, an elementary school, a high school, funeral parlor/home, a public park, community center, a business licensed or permitted to sell beer or intoxicating liquors, or another adults-only bookstore, adult cabaret, adult entertainment center, adults-only motion picture theater, adult motel, massage parlor, rap parlor, or sauna.

- B. The distance limitations in this section shall be measured in a straight line from and to the nearest lot lines of said premises.

SECTION 4. LICENSE REQUIREMENTS

- A. No business subject to these Regulations shall operate in Warren County unless it has been issued an Adult-Oriented Business license.
- B. Businesses subject to these Regulations shall apply for an Adult-Oriented Business license by submitting an application to the County Clerk along with an Application Fee of One Thousand Dollars (\$1,000.00) and a Permit Fee of Four Thousand Dollars (\$4,000.00).
- C. Any owner or operator of a business subject to these Regulations must be a legal citizen of the United States and provide documentation upon request prior to the issuance of an Adult-Oriented Business license.
- D. Any business subject to these Regulations shall have a valid business license issued by Warren County and provide proof upon request prior to the issuance of an Adult-Oriented Business license.

SECTION 5. INVESTIGATION OF COMPLAINTS AND PENALTIES FOR VIOLATIONS.

- A. Complaints of violations of these Regulations shall be made to the office of the County Executive of Warren County.
- B. Complaints of violations of these Regulations shall be investigated by the Sheriff's Department and/or the District Attorney General. Any expenses incurred due to enforcement of these Regulations by law enforcement officers or others shall be paid out of Permit Fees.
- C. Penalties for Violations:
 - (1) The following penalties shall apply to a business that has been issued a valid Adult-Oriented Business license.
 - (a) First Violation. The penalty for a first violation of these Regulations shall be a fine in the amount of one Thousand Five Hundred Dollars (\$1,500.00) payable to Warren County.
 - (b) Second Violation. The penalty for a second or subsequent violation of these Regulations shall be a license revocation for six (6) months.
 - (2) If a business subject to these Regulations is found to be violating these Regulations by operating without having a current valid Adult Oriented Business license the penalty shall be a Five Thousand Dollar (\$5,000.00) fine. Further, said business and any owner or operator of said business shall be prohibited from operating and from applying for an Adult Oriented Business license for a period of two years from the date of said violation.

SECTION 6. SEVERABILITY.

If any subsection, sentence, clause, phrase or portion of these Regulations of Adult-Oriented Businesses in Warren County, Tennessee, is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining provisions.

SECTION 7. EFFECTIVE DATE

These Regulations of Adult-Oriented Businesses in Warren County, Tennessee, shall take effect as provided by the Policy and Personnel Committee and the County Commission, the public welfare requiring it.

County Executive

Date: _____

Chairman of Policy and Personnel Committee

Date: _____

County Attorney

Date: _____