

CHAPTER 870
Sexually-Oriented Businesses

- 870.01 Findings.
- 870.02 Purpose and Intent.
- 870.03 Scope.
- 870.04 Home Rule Authority.
- 870.05 Definitions.
- 870.06 License Required.
- 870.07 Issuance of License; Criteria.
- 870.08 Annual License Fee.
- 870.09 Inspections.
- 870.10 Expiration, Suspension and Revocation of License.
- 870.11 Appeal.
- 870.12 Transfer of License Prohibited.
- 870.13 Location of Sexually-Oriented Businesses.
- 870.14 Display of Sexually-Explicit Materials to Minors.
- 870.15 Regulations Pertaining to Exhibition of Sexually-Explicit Films or Videos.
- 870.16 Enforcement.
- 870.17 Severability.
- 870.18 Injunction.

CROSS REFERENCES

Freedom of religion, speech, press, assembly and petition - see U.S. Const. Amend. I

Freedom of speech, press - see Or. Const. Art I, § 8

County land use plan - see ORS 215.130

Jackson County Land Development Ordinance - see RS, Ch. 232; GC, Ch. 236; ADMU, Ch. 242; SPR, Ch. 282

See generally Jackson County Charter

870.01 FINDINGS.

The Jackson County Board of Commissioners finds as follows:

- (a) A sexually-oriented business requires special supervision from public health and safety agencies of the County in order to preserve the health, safety, and welfare of the patrons of such businesses, as well as the citizens of the County.

- (b) Sexually-oriented businesses are frequently used for unlawful sexual activities, including prostitution and sexual liaisons of a casual nature.

(c) The concern of sexually-transmitted diseases is a legitimate health concern of the County which demands reasonable regulation of sexually-oriented businesses in order to protect the health and well-being of the patrons of such businesses, as well as the citizens of the County.

(d) There is convincing documented evidence that sexually-oriented businesses, because of their nature, have deleterious and blighting effects on the areas around them, which effects correlate to increased crime and downgrading of property values.

(e) Due to the nature of sexually-oriented businesses, such businesses have serious objectionable operational characteristics, particularly when located in close proximity to one another, and thereby contribute to urban blight and the downgrading of the quality of life in adjacent areas.

(f) The location of sexually-oriented businesses in close proximity to residential uses, churches, parks, playgrounds, campgrounds, adult or child care facilities, public or private elementary or secondary schools, or public libraries, will reduce retail trade for commercial uses in the vicinity, thus reducing property values and tax revenues to the County and other taxing districts. Such adverse effect on property values will contribute to a loss of some commercial establishments followed by a blighting effect upon the commercial districts within the County, leading to further deterioration of the commercial quality of the County.

(g) Experience in numerous other municipalities, including Seattle, Washington, Detroit, Michigan, and Los Angeles, California, has shown that location of sexually-oriented businesses degrade the quality of the area of the municipality in which they are located and cause a blighting effect upon the municipality. The skidrow effect which is evident in certain parts of Seattle and other cities may have a significantly larger effect upon Jackson County than other major municipalities due to the relative sizes of the municipalities.

(h) The County desires to minimize and control these adverse effects and preserve property values and the character of surrounding neighborhoods; deter the spread of urban blight; protect the citizens from increased crime; preserve the quality of life; and protect the health, safety and welfare of the citizenry of Jackson County.

(i) Areas within a close walking distance of single-and multiple-family dwellings should be free of sexually-oriented businesses in close proximity to them.

(j) Areas where children or other vulnerable segments of the population, including elderly and retarded persons, could be expected to walk, patronize, play or recreate should be free of sexually-oriented businesses.

- (k) Sexually-oriented businesses should be located in areas of the County which are not in close proximity to residential uses, churches, parks, adult or child care facilities, playgrounds, campgrounds or public or private elementary or secondary schools.
- (l) Regulation of sexually-oriented businesses should be established to prevent deterioration and degradation of the vitality of the community before the problem exists rather than in response to an existing problem.
- (m) Various school districts have opposed location of sexually-oriented businesses within the parameters of their operations involving bussing of students and students walking to school, so that students waiting for buses or walking to school will not be subjected to the existence of sexually-oriented businesses and their secondary effects.
- (n) Various school districts oppose the location of sexually-oriented businesses in areas of the County which are in close proximity to schools because such a situation will have a detrimental effect upon the quality of education which the school districts are providing for their students.
- (o) Various school districts have found that education of the students will be negatively affected by the location of sexually-oriented businesses in close proximity to the location of schools.
- (p) Residents of Jackson County and persons who are nonresidents but use a County for shopping and other commercial needs will move from the community or shop elsewhere if sexually-oriented businesses are allowed to locate in close proximity to residential uses, churches, parks, playgrounds, campgrounds, adult or child care facilities, public or private elementary or secondary schools, or public libraries, or if such sexually-oriented businesses are allowed to cluster close to one another thereby creating "red light districts" in the County.
- (q) The location of sexually-oriented businesses in proximity to residential uses, churches, parks, playgrounds, campgrounds, adult or child care facilities, public or private elementary or secondary schools, or public libraries, may lead to increased levels of criminal activities, including prostitution, rape, incest and assaults in the vicinity of such sexually-oriented businesses
- (r) Merchants in the commercial areas of the County are concerned about the adverse impacts upon the character and quality of the County in the event that sexually-oriented businesses are located within close proximity to residential uses, churches, parks, playgrounds, campgrounds, adult or child care facilities, public or private elementary or secondary schools, or public libraries.

(s) The location of sexually-oriented businesses within walking distance of churches and other religious facilities will have an adverse effect upon the ministry of such churches and will discourage attendance at such churches by the proximity of the sexually-oriented businesses.

(t) A reasonable regulation of the location of sexually-oriented businesses will provide for the protection of the image of the community and its property values and protect the residents of the community from the adverse affects of such sexually-oriented businesses while providing to those who desire to patronize sexually-oriented businesses such an opportunity in areas within the County which are appropriate for the location of such sexually-oriented businesses.

(u) The community of Jackson County will be an undesirable place to live if it is known as a place having an image as a location of sexually-oriented businesses.

(v) A stable atmosphere for the rearing of families is difficult to achieve in close proximity to sexually-oriented businesses.

(w) The initial location of sexually-oriented businesses leads to the location of additional and similar uses within the same vicinity, thus multiplying the adverse impact of the initial location of sexually-oriented businesses upon the residential uses, churches, parks and other public facilities and schools, and public libraries, and the impact upon the image, quality and character of this community.

(x) It is in the public interest to separate sexually-oriented businesses from one another and to regulate their location, interior design and manner of operation because of the adverse secondary effects of such businesses.

(y) The Jackson County Development Services Department has furnished the County with a study of potential sites for the location of sexually-oriented businesses in Jackson County and has found that a reasonable percentage of the land properly zoned for sexually-oriented businesses in Jackson County would conform with the locational requirements of this chapter. The Board of Commissioners adopts this study as its own and finds that adequate and reasonable opportunities exist under this chapter for sexually-oriented businesses to establish themselves in Jackson County.

(E. Ord. 88-2. Passed 2-17-88; P. Ord. 88-1. Passed 2-17-88; Ord. 2003-4. Passed 1-22-03; Ord. 2007-2. Passed 1-31-07.)

870.02 PURPOSE AND INTENT.

It is the purpose of this chapter to regulate sexually-oriented businesses to control the secondary effects of such businesses and to thereby promote the health, safety and general welfare of the citizens of the Jackson County, and to establish reasonable and uniform regulations to prevent concentrations of sexually-oriented businesses within the County. The provisions of this chapter have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including sexually-oriented materials. Similarly, it is not the intent nor the effect of this chapter to restrict or deny access by adults to sexually-oriented materials protected by the Constitution of the State of Oregon and the Constitution of the United States of America, or to deny access by the distributors and patrons of sexually-oriented entertainment to their intended market.

(E. Ord. 88-2. Passed 2-17-88; P. Ord. 88-1. Passed 2-17-88.)

870.03 SCOPE.

This chapter shall only apply in the unincorporated areas of Jackson County.

(E. Ord. 88-2. Passed 2-17-88; P. Ord. 88-1. Passed 2-17-88.)

870.04 HOME RULE AUTHORITY.

It is the intent of the County Board of Commissioners that the provisions of this chapter are promulgated pursuant to the Jackson County Charter and the home rule authority vested therein.

(E. Ord. 88-2. Passed 2-17-88; P. Ord. 88-1. Passed 2-17-88.)

870.05 DEFINITIONS.

As used in this chapter:

(a) Adult Arcade - means any place to which the public is permitted or invited where coin-operated or slug-operated or electronically, electrically or mechanically controlled still or motion picture machines, projectors or other image-producing devices are maintained to show images to one or more persons in which a substantial portion of the material presented is characterized by an emphasis on specified sexual activity or specified anatomical areas.

(b) Adult Bookstore or Adult Video Store - means a commercial establishment which, as one of its principal, significant or substantial business purposes, offers for sale or rental for any form of consideration any one or more of the following:

- (1) Books, magazines, periodicals or other printed matter or photographs, films, motion pictures, video cassettes, or video reproductions/slides, or other visual representations which depict or describe specified sexual activities or specified anatomical areas; or
- (2) Instruments, devices or paraphernalia which are designed for use in connection with specified sexual activities.

(c) Adult Theater - means an establishment used primarily for presenting material, either live, closed-circuit or prerecorded, for observation by patrons therein having as a dominant theme an emphasis on specified sexual activities.

(d) Application Process - means that process in which any person submits an application for a sexually-oriented business license, including an application for any renewal of such license.

(e) Conviction - means any plea of guilty, no contest or a finding of guilt accepted or entered by any district or circuit court.

(f) County Administrator - means the County Administrator or a designee of the County Administrator.

(g) Establishment, Establish or Established - means and includes any of the following:

- (1) The opening or commencement of any sexually-oriented business as a new business;
- (2) The conversion of an existing business, whether or not a sexually-oriented business, to a or another sexually-oriented business;
- (3) The addition of any sexually-oriented business to any other existing sexually-oriented business; or
- (4) The relocation of any existing sexually-oriented business; or
- (5) The operation of any sexually-oriented business.

(h) Person - means an individual, proprietorship, partnership, corporation, association or other legal entity.

- (i) Residential District - means any of the following zoning districts:
- (1) RR-5 Rural Residential;
 - (2) SR-2.5 and SR-1 Suburban Residential;
 - (3) F-5 Farm Residential;
 - (4) UR-10, UR-8, UR-6 and UR-4.5 Urban Residential; and
 - (5) UR-H Urban High Density Residential.
- (j) Sexually-Oriented Business - means an adult arcade, adult bookstore, adult video store, adult theater or any establishment combining two or more of the above.
- (k) Specified Anatomical Areas - means human genitals or female breasts in a state of sexual arousal.
- (l) Specified Sexual Activities - means and includes any of the following:
- (1) The fondling or other erotic touching of human genitals, the pubic region, buttocks, the penis or female breasts;
 - (2) Sex acts, actual or simulated, including intercourse, oral copulation, sodomy or bestiality;
 - (3) Masturbation, actual or simulated, or excretory functions as a part of, or in connection with, any of the activities set forth in paragraphs ((1)(1)) or ((2)) hereof;
- (m) Transfer - means and includes any of the following:
- (1) The sale, lease or sublease of the business;
 - (2) The transfer of securities which constitute a controlling interest in the business, whether by sale, exchange or similar means; or
 - (3) The establishment of a trust, gift or other similar legal device which transfers the ownership or control of the business, except for transfer by bequest or other operation of law upon the death of the person possessing the ownership or control.

(E. Ord. 88-2. Passed 2-17-88; P. Ord. 88-1. Passed 2-17-88.)

870.06 LICENSE REQUIRED.

- (a) It shall be a violation of this chapter for any person to establish or cause to be established a sexually-oriented business without first having obtained a valid license issued by the County for such sexually-oriented business.
- (b) It shall be a violation of this chapter for any person or licensee to establish or cause to be established a sexually-oriented business after expiration of such sexually-oriented business's annual license without having obtained, prior to such expiration, another valid sexually-oriented business license issued by the County.
- (c) Each application for a sexually-oriented business license must be made on a form provided by the County Administrator. The application must be accompanied by a sketch or diagram showing the configuration of the premises, including a statement of total floor space occupied by the business. This sketch or diagram need not be professionally prepared, but must be drawn to a designated scale or drawn with marked dimensions of the interior of the premises to an accuracy of plus or minus six inches.
- (d) The applicant must be qualified according to the provisions of this chapter. The premises must be in conformance with the provisions of this chapter.
- (e) If a person who wishes to establish a sexually-oriented business is an individual, that individual must sign the application for the license as applicant. If a person who wishes to establish a sexually-oriented business is other than an individual, each individual who has any interest in the business must sign the application for the license as applicant. Each applicant must be qualified under the provisions of this chapter, and each applicant shall be considered a licensee if a license is granted.
- (f) Each application for a sexually-oriented business license shall be accompanied by an approved zoning clearance sheet, which sheet shall state that the sexually-oriented business is approvable in the zone in which it is proposed. Such zoning clearance sheet shall be only for the purpose of advising the County Administrator that the zone permits the use. Such zoning clearance sheet shall have no impact on the determination of allowable distances and locations for such use required by this chapter. Such zoning clearance sheet shall not preclude the imposition of other requirements of the Jackson County Land Development Ordinance relating to site plan review, sign requirements or particular requirements of the zone in which the sexually-oriented business is proposed.

(g) The fact that a person possesses any other license, permit or administrative approval issued by any other Federal, State, County, city or other administrative or licensing authority shall not exempt such person from the requirement of obtaining a sexually-oriented business license. Similarly, the fact that a person possesses a sexually-oriented business license issued by the County Administrator shall not exempt such person from the requirement of obtaining any other license, permit or administrative approval issued by any other Federal, State, County, city or other administrative or licensing authority.

(E. Ord. 88-2. Passed 2-17-88; P. Ord. 88-1. Passed 2-17-88.)

870.07 ISSUANCE OF LICENSE; CRITERIA.

(a) The County Administrator shall approve the application for a sexually-oriented business license of an applicant within thirty days after receipt of an application unless he or she finds one or more of the following to be true:

- (1) The applicant is under eighteen years of age.
- (2) The applicant has failed to provide information necessary for issuance of the license or has falsely answered a question or a request for information on the application form.
- (3) The applicant has been convicted of a violation of any provision of this chapter, other than the violation of operating a sexually-oriented business without a license, within two years immediately preceding the application.
- (4) The license fee required by this chapter has not been paid.
- (5) The applicant or the proposed establishment is in violation of, or is not in compliance with, this chapter.
- (6) The applicant has been convicted of a crime within the last two years involving prostitution, promotion of prostitution, child pornography, public lewdness, indecent exposure, indecency with a child, rape or sexual assault or aggravated sexual assault, incest, criminal attempt, conspiracy or solicitation to commit any of the above offenses.

(E. Ord. 88-2. Passed 2-17-88; P. Ord. 88-1. Passed 2-17-88; E.Ord 2003-29. Passed 10-15-03; P. Ord 2003-28. Passed 10-29-03.)

870.08 ANNUAL LICENSE FEE.

The annual fee for a sexually-oriented business license shall be five hundred dollars (\$500.00).

(E. Ord. 88-2. Passed 2-17-88; P. Ord. 88-1. Passed 2-17-88.)

870.09 INSPECTIONS.

(a) An applicant shall permit and shall cause his or her employees, agents and representatives to permit representatives of the Police or Sheriff's Department, Health and Human Services Department, Fire Department, building, plumbing and electric inspectors, or other public service agencies, to inspect the premises of the sexually-oriented business for the purpose of insuring compliance with the law at any time it is occupied or open for business.

(b) A person who operates a sexually-oriented business or his or her agent, representative or employee violates this chapter if any such person refuses to permit an inspection of the premises pursuant to this chapter by representatives of any public service agency listed above at any time such business is occupied or open for business.

(E. Ord. 88-2. Passed 2-17-88; P. Ord. 88-1. Passed 2-17-88.)

870.10 EXPIRATION, SUSPENSION AND REVOCATION OF LICENSE.

(a) Expiration and Renewal - Each license shall expire one year from the date of issuance and may be renewed only by making application as provided in this chapter. The requirements for an application for renewal shall be the same as for an initial application, and each such application for renewal shall be made no later than thirty days before the expiration date of such license. If an applicant or licensee fails to submit such an application for renewal thirty days before expiration of such license, then such applicant shall cease or cause to cease all operations of such sexually-oriented business during the period of time that such license is expired until such time as a valid license is obtained under this chapter.

(b) Denial of Renewal - In the event that the County Administrator denies renewal of a license, the applicant shall not be issued a license for a period of one year from the date such denial becomes final, provided, however, that if, subsequent to denial, the County Administrator finds that the basis for denial of the renewal license has been corrected or abated, the applicant shall be granted a license after the County Administrator has made such determination. If, however, denial is due to criminal conviction for the offenses listed in Section 870.07(a)(6), then a new license shall not be granted to such applicant until the period of time specified in Section 870.07(a)(6) expires.

(c) Suspension - The County Administrator shall suspend a license for a period not to exceed thirty days if he or she finds that any one of the following has occurred:

- (1) A licensee or an employee representative or agent of a licensee has refused to allow an inspection of the sexually-oriented business as authorized by this chapter; or
- (2) Section 870.13 relating to line of sight and illumination for adult arcades or adult theaters has been violated.

(d) Revocation:

- (1) The County Administrator's Office shall revoke a license if it finds that any one of the following has occurred:
 - A. A licensee has refused to allow an inspection of the sexually-oriented business premises as authorized by this chapter on more than one occasion;
 - B. A licensee has violated Section 870.13 relating to the line of sight or illumination requirements of this chapter pertaining to adult arcades or adult theaters on more than one occasion;
 - C. A licensee gave false or misleading information in the material submitted to the County Administrator during the application process;
 - D. A licensee or a licensee's agent, employee, or other representative knowingly operated the sexually-oriented business during a period of time when the licensee's license was suspended;
 - E. A licensee or licensee's agent, employee or other representative has been convicted of an offense listed in Section 870.07(a)(6) for which the time period required in such section has not elapsed;
 - F. A licensee or licensee's agent, employee or other representative has knowingly participated in or allowed, on the premises during any time such premises are open to the public or for business, any act of sexual intercourse, sodomy, oral copulation, masturbation or any other specified sexual activities;
 - G. A licensee has transferred or attempted to transfer a license to operate a sexually-oriented business; or
 - H. A licensee or applicant is the subject of a second conviction by a court of any violation of this chapter.

- (2) When the County Administrator revokes a license, the revocation shall continue for a period of one year from the date of such revocation, and the licensee shall not be issued a sexually-oriented business license for one year from the date revocation became effective.

(E. Ord. 88-2. Passed 2-17-88; P. Ord. 88-1. Passed 2-17-88; Ord. 92-18. Passed 11-4-92.)

870.11 APPEAL.

(a) If the County Administrator denies the issuance of a license or suspends or revokes a license, such County Administrator shall send to the applicant or licensee, by certified mail, return receipt requested, to the address listed on the last application for a sexually-oriented business license, written notice of the Administrator's action and the right of appeal. Any such appeal shall be filed in the County Administrator's Office within ten days of the date the decision of the County Administrator was mailed. If the tenth day falls on a Jackson County holiday or weekend, the last day to file any such appeal shall be the next Jackson County working day. All such appeals shall be heard by the Jackson County Board of Commissioners.

(b) Each appeal shall be filed with an attached, written statement of the grounds for such appeal.

(c) No appeal shall be deemed filed unless the grounds therefore are attached in writing to the appeal.

(d) No appeal shall be heard unless such an appeal has been filed within the time specified under subsection (a) hereof.

(e) If the appeal is based upon suspension or revocation of a license, then the administrative appeal pursuant to this section shall stay such suspension or revocation until such time as the Board of Commissioners issues its decision in writing and signed by the Chairman of the Board of Commissioners.

(E. Ord. 88-2. Passed 2-17-88; P. Ord. 88-1. Passed 2-17-88.)

870.12 TRANSFER OF LICENSE PROHIBITED.

A licensee shall not transfer his or her license to any other person, nor shall a licensee operate a sexually-oriented business under the authority of a license at any place other than the address designated in the application. Any such transfer shall be deemed a violation of this chapter.

(E. Ord. 88-2. Passed 2-17-88; P. Ord. 88-1. Passed 2-17-88.)

870.13 LOCATION OF SEXUALLY-ORIENTED BUSINESSES.

(a) It shall be a violation of this chapter for a person to establish or cause to be established a sexually-oriented business within 500 feet of:

- (1) An existing church, an existing public or existing private elementary or existing secondary school, or an existing boundary of a residential district as defined by the Jackson County Land Development Ordinance;
- (2) The existing property line of a lot or parcel used for residential use;
- (3) The existing property line of a lot or parcel used as an adult or child care facility;
- (4) An existing playground;
- (5) An existing campground; or
- (6) An existing public library.

(b) A person commits a violation if such person causes or permits the establishment of a sexually-oriented business within 1,000 feet of another sexually-oriented business.

(E.Ord 2003-29. Passed 10-15-03; P. Ord 2003-28. Passed 10-29-03.)

(c) For the purpose of subsection (a) hereof, measurement shall be made in a straight line, without regard to intervening structures or objects from the nearest portion of the building or structure used as a part of the premises where the sexually-oriented business is conducted, to the nearest property line of the premises of a church, public or private elementary or secondary school, or to the nearest boundary of an affected park, playground, adult or child care facility, campground, public library, residential district or residential lot or parcel.

(d) For the purpose of subsection (b) hereof, the distance between any two sexually-oriented businesses shall be measured in a straight line without regard to intervening structures or objects from the closest exterior wall of the structure in which each such business is located. If any sexually-oriented business is lawfully established on the effective date of this chapter, but otherwise violates subsection (a) hereof, such sexually-oriented business shall be deemed a nonconforming use. The nonconforming use will be permitted to continue to the extent authorized by the Jackson County Land Development Ordinance. Such nonconforming use shall not be increased, enlarged, extended or altered, except in conformity with the Jackson County Land Development Ordinance.

(E. Ord. 88-2. Passed 2-17-88; P. Ord. 88-1. Passed 2-17-88.)

870.14 DISPLAY OF SEXUALLY-EXPLICIT MATERIALS TO MINORS.

(a) A licensee or his or her agent, employee or other representative commits a violation of this chapter if he or she knowingly allows a person under the age of eighteen years to enter a sexually-oriented business.

(b) Each sexually-oriented business shall post a sign on the outside of its premises, which sign shall be subject to the approval of the Development Services Department, which sign shall state that the premises are not open to minors under the age of eighteen.

(E. Ord. 88-2. Passed 2-17-88; P. Ord. 88-1. Passed 2-17-88; Ord. 2003-4. Passed 1-22-03; Ord. 2007-2. Passed 1-31-07.)

870.15 REGULATIONS PERTAINING TO EXHIBITION OF SEXUALLY-EXPLICIT FILMS OR VIDEOS.

(a) A person who establishes or causes to be established a sexually-oriented business, which includes an adult arcade or adult theater, shall comply with the following requirements:

- (1) Upon application for a sexually-oriented business license, the application shall be accompanied by a diagram of the premises showing a plan thereof specifying the location of one or more manager stations and the locations of all overhead lighting fixtures and designating any portion of the premises in which patrons will not be permitted. A manager's station may not exceed thirty-two square feet of floor area. The diagram shall also designate the place at which the license will be conspicuously posted, if granted. A professionally-prepared diagram in the nature of an engineer's or architect's blueprint is not required. However, each diagram should be oriented to the north or to some designated street or object and should be drawn to a designated scale with marked dimensions sufficient to show all the various internal dimensions of all areas of the interior of the premises to an accuracy of plus or minus six inches. The County Administrator may waive the foregoing diagram for applications for renewals if the applicant's diagram was previously submitted and the applicant certifies that the configuration of the premises has not been altered since it was prepared.
- (2) The application shall be sworn to be true and correct by the applicant.
- (3) No alteration in the configuration or location of a manager's station may be made without first advising the County Administrator of such alteration, provided, however, that any such alteration shall strictly comply with the terms of this chapter. Any such alteration not in conformity with this section shall be a violation of this chapter when such an alteration is found by the County Administrator.

- (4) All booths or other areas intended for exhibition of sexually-explicit films or videos shall be unscreened so that a clear line of sight is, and remains, unobstructed from at least one manager's station.
 - (5) It is the duty of the owners and operators of the premises to ensure that at least one employee is on duty and situated in each manager's station at all times that any patron is present inside of the premises.
 - (6) The interior of the premises shall be configured in such a manner that there is an unobstructed view from a manager's station of every area of the premises to which any patron is permitted access for any purpose excluding restrooms. Restrooms shall not contain film or video reproduction equipment. If the premises have two or more manager stations designated, then the interior of the premises shall be configured in such a manner that there is an unobstructed view of each area of the premises to which any patron is permitted access for any purpose from at least one of the manager's stations. The view required in this subsection must be by direct line of sight from the manager's station.
 - (7) It shall be the duty of the owners and operators of such sexually-oriented businesses, and it shall also be the duty of any agents, employees or other representatives present on the premises to ensure that the view area specified in paragraphs (a) (4) and (6) hereof remains unobstructed by any doors, walls, merchandise, display racks, curtains or other materials at all times that any patron is present in the premises and to ensure that no patron is permitted access to any area of the premises which has been designated as an area in which patrons will not be permitted in the application filed pursuant to paragraph (a) (1) hereof.
 - (8) The premises shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access, to the extent of at least five foot-candles.
 - (9) It shall be the duty of the owners and operators, and it shall also be the duty of any agents, employees or other representatives present on the premises, to ensure that the illumination described above is maintained at all times that any person is present on the premises.
- (b) Any person having a duty under paragraphs (a) (1) through (9) hereof violates this chapter if he or she knowingly fails to fulfill that duty.

(E. Ord. 88-2. Passed 2-17-88; P. Ord. 88-1. Passed 2-17-88.)

870.16 ENFORCEMENT.

(a) Violation of any provision of this chapter is punishable upon conviction by a fine of \$500 in addition to any other penalties that may be imposed by the County Administrator including suspension or revocation of the sexually-oriented business license.

(b) Upon the second conviction of any violation of any provision of this chapter, the court may impose a fine not to exceed \$1,000. In addition, the County Administrator shall suspend or revoke the sexually-oriented business license, pursuant to Section 870.05 of this chapter.

(c) The court may impose a fine of \$200 per day upon any operator or owner of any sexually-oriented business, which business has not been licensed or whose license has been suspended or revoked, when such sexually-oriented business for which such license is required is established or continues to be established or is caused to be established without the required sexually-oriented business license or for which such license has been suspended or revoked during any period of suspension or revocation.

(E. Ord. 88-2. Passed 2-17-88; P. Ord. 88-1. Passed 2-17-88.)

870.17 SEVERABILITY.

Should any article, section, subsection, paragraph, sentence, clause, or phrase of this chapter be declared invalid, for any reason, such declaration shall not affect the validity of any other article, section, subsection, paragraph, sentence, clause, or phrase; and if this chapter or any portion thereof should be held to be invalid on one ground but valid on any other, it shall be construed that the valid ground is the one upon which said ordinance or such portion thereof was enacted.

(E. Ord. 88-2. Passed 2-17-88; P. Ord. 88-1. Passed 2-17-88.)

870.18 INJUNCTION.

A person who operates or causes to be operated a sexually-oriented business without a valid license or in violation of this chapter is subject to a suit for injunction.

(E. Ord. 88-2. Passed 2-17-88; P. Ord. 88-1. Passed 2-17-88.)