

Notice of Change to Sexually Oriented Business Ordinance

Located in the Unincorporated Areas of Rapides Parish

Issued March 25, 2011

Effective July 1, 2011

Section 5-61 Definitions

Adult Bookstore or Adult Video Store:

A commercial establishment in which **fifteen percent (15%) or more** of its stock in trade consists of books, videos, tapes, cassettes, photographs, slides, magazines, and other periodicals which are distinguished or characterized by an emphasis on specified sexual activities or specified anatomical areas, as defined herein.

Adult Retail Store:

A business where **fifteen percent (15%) or more** of the stock in trade consists of items or products other than printed matter which are characterized by an emphasis on specified sexual activities or specified anatomical areas, as defined herein.

Impact of Change to Sexually Oriented Business Definitions on Retail Dealers:

Retail dealers that have **fifteen percent (15%) or more** of their cost of inventory in sexually oriented goods on July 1, 2011 will be reclassified as a Sexually Oriented Business. Businesses that are reclassified as a Sexually Oriented Businesses must adhere to the requirements in Chapter 5, Article IV of the Rapides Parish Police Jury Ordinances.

Chapter 5, Article IV, Division 2, of the Rapides Parish Police Jury Ordinances:

Sec. 5-61. - Definitions.

Adult arcade. Any place to which the public is permitted or invited wherein 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 five (5) or fewer persons per machine at any time, and where the images so displayed are distinguished or characterized by the depicting or describing of specified sexual activities or specified anatomical areas, as defined herein.

Adult bookstore or adult video store. A commercial establishment in which fifteen percent (15%) or more of its stock in trade consists of books, videos, tapes, cassettes, photographs, slides, magazines, and other periodicals which are distinguished or characterized by an emphasis on specified sexual activities or specified anatomical areas, as defined herein.

Adult cabaret. A night club, bar, restaurant, or similar commercial establishment which features persons who appear in a state of nudity or semi-nudity or live performances which are characterized by the exposure of specified sexual activities or specified anatomical areas.

Adult retail store. A business where fifteen percent (15%) or more of the stock in trade consists of items or products other than printed matter which are characterized by an emphasis on specified sexual activities or specified anatomical areas, as defined herein.

Adult theater. Any theater, concert hall, auditorium or similar establishment with a capacity of more than five (5) persons where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions are shown which are primarily characterized by the depiction or description of specified sexual activities or specified anatomical areas, as defined herein, or features personas who appear in a state of nudity or live performances which are characterized by the exposure of specified sexual activities or specified anatomical areas, as defined herein.

Nude model studio. Any place where a person who appears in a state of nudity or displays specified anatomical areas, as defined herein, is provided

to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration.

Nudity or state of nudity. The appearance of a human bare buttock, anus, male genitals, female genitals, or female breast.

Semi-nudity. A state of dress in which clothing covers no more than the genitals, pubic region, and areola of the female breast, as well as portions of the body covered by supporting straps or devices.

Sexual encounter center. A commercial establishment which, as one of its primary business purposes, offers for any form of consideration physical contact in the form of wrestling or tumbling between persons of the opposite sex or activities between male and female persons and/or persons of the same sex when one or more of the persons is in a state of nudity or semi-nudity.

Sexually oriented business. Any adult arcade, adult bookstore or adult video store, adult cabaret, adult retail store, adult theater, nude model studio, or sexual encounter center.

Specified anatomical areas. Less than completely and opaquely covered human genitals, pubic region, buttock, human genitals in a discernible erect state, even if completely and opaquely covered, or any combination of the aforementioned.

Specified sexual activities. Depiction of male genitals in a state of sexual arousal, female genitals; acts of masturbation, sexual intercourse, oral copulation, sodomy, bestiality; touching of human genitals, pubic region, buttock, anus; or any combination of the aforementioned.

Sec. 5-62. - Location requirements.

(1)

No sexually oriented business shall be operated within two thousand (2,000') feet of:

(a) A public park or public library.

(b) A nonprofit educational museum.

(c) A church or synagogue.

(d) A public or private elementary or secondary school or college or

university.

(e) A day care center or kindergarten.

(f) Another sexually oriented business.

(g) A structure that contains another sexually oriented business.

(h) Any business or location that sells, offers for sale, has in possession for sale or handles, distributes or gives or engages in the dispensing of or permits the consumption of alcoholic beverages.

(2) No sexually oriented business shall be operated within two thousand (2,000') feet of a subdivision which has been approved by the Rapides Parish Police Jury.

(Ord. of 4-9-01; Ord. of 8-13-01; Ord. of 9-10-01; Ord. of 10-11-10)

Sec. 5-63. - Measurement.

(1) Measurement shall be made in a straight line, without regard to intervening structures or objects, from the nearest portion of the structure where a sexually oriented business is located or conducted to the nearest property line of the premises of the structures listed in section 5-62.

(2) Measurement between any two (2) sexually oriented businesses shall be made in a straight line, without regard to intervening structures or objects, from the closest exterior wall of one establishment to the exterior wall of the other establishment.

(Ord. of 4-9-01; Ord. of 9-10-01)

Sec. 5-64. - Nonconforming.

(1) Any person or entity holding a sexually oriented business license or occupational license for a lawful business and actually operating a sexually oriented business on the effective date of this division [April 9, 2001], but not in compliance with the requirements of this division shall be permitted to continue to operate as a nonconforming sexually oriented business at this site of the previous use; provided, however, that should such business cease to operate or be discontinued for any period of time, it shall not thereafter be reestablished without being in full compliance with all provisions of this division and other applicable codes and ordinances. The terms "cease to operate" or "discontinued for any period of time" shall mean the voluntary

or intentional termination, cessation or discontinuance of the business by the owner or other party in interest or an involuntary termination of the business resulting from a violation of any applicable rule, regulation, ordinance, statute or law. The nonconforming use shall not be deemed to terminate if the cessation, termination or discontinuance of the business operations are caused by an act of God, or other catastrophic occurrence or event not caused by or under the control of the business owner or other party of interest. The holder of the certificate of occupancy or operator of the business shall be responsible for providing documentation, that a nonconforming sexually oriented business has not ceased to operate or been discontinued. A nonconforming sexually oriented business shall not be enlarged, increased or altered. Any change in use shall require full compliance with all provisions of this division and other applicable codes.

(2) A sexually oriented business lawfully operating as a conforming use is not rendered a nonconforming use by the location, subsequent to approval of the sexually oriented business, of the structures listed in section 5-62 within two thousand (2,000) feet of the sexually oriented business.

(Ord. of 4-9-01; Ord. of 8-13-01; Ord. of 9-10-01)

Sec. 5-65. - Application for an occupational license.

No sexually oriented business, as defined by this article shall be permitted within the Parish of Rapides, excluding municipalities, without first having obtained a license. Each applicant for such a license shall file with the Rapides Parish Sales Tax Collector a written application therefore in duplicate, containing the information set forth below. The application shall be accompanied by an application fee of five hundred dollars (\$500.00) which is not refundable. The application shall include the following information:

- (1)** Name and address of the applicant.
- (2)** The names and addresses of its officers.
- (3)** The specific kind of sexually oriented business activity intended to be held, operated and conducted by the applicant.
- (4)** The place or places where the sexually oriented business is intended to be conducted by the applicant.
- (5)** The distance between the location where the sexually oriented business is to be conducted and the nearest:

- a. Public park or public library,
- b. Nonprofit educational museum,
- c. Church or synagogue,
- d. Public or private elementary or secondary school or college or university,
- e. Day care center or kindergarten,
- f. Sexually oriented business,
- g. Structure that contains another sexually oriented business,
- h. Subdivision which has been approved by the Rapides Parish Police Jury.

(Ord. of 4-9-01; Ord. of 8-13-01)

Sec. 5-66. - Issuance of an occupational license.

The license for the sexually oriented business shall be issued for one (1) calendar year, beginning January 1 and ending December 31.

(Ord. of 8-13-01)

Sec. 5-67. - License to be publicly displayed.

Each person obtaining a license under this chapter shall post the same in a conspicuous place in the establishment where the business is conducted and shall keep same so posted during the life of the license.

(Ord. of 8-13-01)

Sec. 5-68. - Hours of operation.

It shall be unlawful for any sexually oriented business to operate between the hours of 2:00 a.m. and 6:00 a.m. on any day.

(Ord. of 8-13-01)

Sec. 5-69. - Penalty.

Any person firm or corporation operating, conducting or engaging in sexually oriented business without first obtaining a license to do so shall be deemed guilty of a misdemeanor and upon conviction thereof in a court of

competent jurisdiction shall be fined a sum of not less than one hundred dollars (\$100.00), nor more than five hundred dollars (\$500.00), or imprisoned for not less than ten (10) days, not more than thirty (30) days, or both fine and imprisonment, at the discretion of the court. In addition, the Rapides Parish Sales and Use Tax Collector may seek injunctive relief to stop any activity conducted in violation of this article. Each day of operation without complying with the provisions of this division shall constitute a separate offense.

(Ord. of 8-13-01)