

ORDINANCE 76

AN ORDINANCE OF THE VILLAGE OF CHOUDRANT, LOUISIANA, TO PROVIDE FOR THE LICENSING AND REGULATION OF SEXUALLY ORIENTED BUSINESSES AND EMPLOYEES, INCLUDING LOCATIONAL REQUIREMENTS FOR SUCH BUSINESSES, AND TO OTHERWISE PROVIDE WITH RESPECT THERETO.

WHEREAS, sexually oriented businesses require special supervision from the public safety agencies of the Village of Choudrant (“Village”) in order to protect and preserve the health, safety, morals, and welfare of the patrons of such businesses as well as the citizens of the Village; and

WHEREAS, the Board of Alderman of the Village of Choudrant (“Board”) finds that sexually oriented businesses are frequently used for unlawful sexual activities, including prostitution; and

WHEREAS, the concern over sexually transmitted diseases is a legitimate health concern of the Village which demands reasonable regulation of sexually oriented businesses in order to protect the health and well-being of the citizens; and

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

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

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

WHEREAS, based on evidence of the adverse secondary effects of adult uses presented in reports made available to the Board, and on findings, interpretations, and narrowing constructions incorporated in the cases and materials made available to the Board, including *Pap’s A.M. v. City of Erie*, 529 U.S. 277 (2000); *City of Los Angeles v. Alameda Books, Inc.*, 122 S.Ct. 1728 (2002); *City of Renton v. Playtime Theatres, Inc.*, 475 U.S. 41 (1986), *Young v. American Mini Theatres*, 426 U.S. 50 (1976), *Barnes v. Glen Theatre, Inc.*, 501 U.S. 560 (1991); *FW/PBS, Inc. v. City of Dallas*, 493 U.S. 215 (1990); *California v. LaRue*, 409 U.S. 109 (1972); *BGHA, Inc. v. City of Universsal City, TX*, No. 02-50220 (5th Cir. 2003); *Baby Dolls Topless Saloons, Inc. v. City of Dallas*, 2002 U.S. App. LEXIS 12202 (5th Cir., June 20, 2002); *LLEH, Inc. v. Wichita County*, 289 F.3d 358 (5th Cir. 2002); *Hang On, Inc. v. City of Arlington*, 65 F.3d 1248 (5th Cir. 1995); *Woodall v. City of El Paso*, 49 F.3d 1120 (5th Cir. 1995); *J & B Entertainment, Inc. v. City of Jackson*, 152 F.3d 362 (5th Cir. 1998); *SDJ, Inc. v. City of Houston*, 837 F.2d 1268 (5th Cir. 1988); *TK’s Video, Inc. v. Denton County*, 24 F.3d 705 (5th Cir. 1994); *Lagrange Trading Co. v. Nicolosi*, 1991 U.S. Dist. LEXIS 3551 (E.D. La. 1991); *Vonderhaar v. Parish of St. Tammany*, 633 So.2d 217 (La. Ct. App. 1993); *Liberto v. Rapides Parish Police Jury*, 667 So.2d 552 (La. Ct. App. 1995); *City of Gretna v. Russland Enterprises, Inc.*, 564 So.2d 367 (La.Ct.App. 1990); and other cases; and on testimony to Congress in 136 Cong. Rec. S 8987; 135 Cong. Rec. S. 14519; 135 Cong. Rec. S 5636; 134 Cong. Rec. E 3750; and reports of secondary effects occurring in and around sexually oriented businesses, including, but not limited to, Phoenix, Arizona-1984; Minneapolis, Minnesota-1980; Houston, Texas-1997; Indianapolis, Indiana-1984; Amarillo, Texas-1977; Garden Grove, California-1991; Los Angeles, California-1977; Whittier, California-1978; Austin, Texas-1986; Seattle, Washington-1989; Oklahoma City, Oklahoma-1986; Cleveland, Ohio-1977 ; and Dallas, Texas-1997; St. Croix County, Wisconsin-1993; Bellevue, Washington-1998; Newport News, Virginia-1996; New York Times Square study-1994; Phoenix, Arizona-1995-98; and also on findings of physical abuse from the paper entitled “Stripclubs According to Strippers: Exposing Workplace Sexual Violence,” by Kelly Holsopple, Program Director, Freedom and Justice Center for Prostitution Resources, Minneapolis, Minnesota, and from ”Sexually Oriented Businesses: An Insider’s View,” by David Sherman, presented to the Michigan House Committee on Ethics and Constitutional Law, Jan. 12, 2000, and the Report of the Attorney General’s Working Group on the Regulation of Sexually Oriented Businesses (June 6, 1989, State of Minnesota), the Board finds:

(1) Sexually oriented businesses lend themselves to ancillary unlawful and unhealthy activities that are presently uncontrolled by the unlicensed operators of the establishments. Further, there is presently no mechanism in the Village to make the owners and operators of these establishments responsible for the activities that occur on their premises.

(2) Some employees of unregulated sexually oriented businesses defined in this ordinance as adult theaters and cabarets engage in higher incidence of certain types of illicit sexual behavior than employees of other establishments.

(3) Sexual acts, including masturbation, and oral and anal sex, occur at unregulated sexually oriented businesses, especially those which provide private or semi-private booths or cubicles for viewing films, videos, or live sex shows.

(4) Offering and providing such unregulated space encourages such activities, which creates unhealthy conditions.

(5) Some persons frequent certain adult theaters, adult arcades, and other sexually oriented businesses for the purpose of engaging in sex within the premises of such sexually oriented businesses, or for the purpose of purchasing or selling illicit drugs.

(6) Numerous communicable diseases may be spread by activities occurring in sexually oriented businesses, including, but not limited to, syphilis, gonorrhea, human immunodeficiency virus infection (HIV-AIDS), genital herpes, hepatitis salmonella, campylobacter and shigella infections, chlamydial, myoplasmal, and ureoplasmal infections, trichomoniasis, and chancroid.

(7) According to research from the Kaiser Family Foundation, an estimated 650,000 to 900,000 Americans are infected with HIV. The number of new HIV infections occurring each year is now about 41,000. Men and women of all races are most likely to be infected by sexual contact.

(8) Statistics compiled by the Centers for Disease Control and Prevention reveal that as of December, 2000, the State of Louisiana had 12,645 people living with AIDS. See <http://oph.dhh.state.la.us/HIVAIDS/docs/HIVAnnualReport2000.pdf>.

(9) The Centers for Disease Control and Prevention estimate that as many as 1 in 3 people with HIV/AIDS do not know they are infected.

(10) The number of cases of early (less than one year) syphilis in the United States reported annually has risen, with 33,613 cases reported in 1982 and 45,200 through November of 1990.

(11) The number of cases of gonorrhea in the United States reported annually remains at a high level, with over one-half million cases being reported in 1990.

(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. See, e.g. Findings of U.S. Dept. of Health & Human Services.

(14) Sanitary conditions in some sexually oriented businesses are unhealthy, in part, because the activities conducted there are unhealthy, and, in part, because of the unregulated nature of the activities and the failure of the owners and the operators of the facilities to self-regulate those activities and maintain those facilities.

(15) Numerous studies and reports have determined that semen is found in the areas of sexually oriented businesses where persons view "adult" oriented films.

(16) The findings noted in paragraphs number 1 through 15 raise substantial governmental concerns.

(17) Sexually oriented businesses have operational characteristics that should be reasonably regulated in order to protect those substantial governmental concerns.

(18) A reasonable licensing procedure is an appropriate mechanism to place the burden of that reasonable regulation on the owners and the operators of the sexually oriented businesses. Further, such a licensing procedure will place a heretofore nonexistent incentive on the operators to see that the sexually oriented business is run in a manner consistent with the health, safety, and welfare of its patrons and

employees, as well as the citizens of the Village. It is appropriate to require reasonable assurances that the licensee is the actual operator of the sexually oriented business, fully in possession and control of the premises and activities occurring therein.

(19) Removal of doors on adult booths and requiring sufficient lighting on premises with adult booths advances a substantial governmental interest in curbing the illegal and unsanitary sexual activity occurring in adult theaters.

(20) Requiring licensees of sexually oriented businesses to keep information regarding current employees and certain past employees will help reduce the incidence of certain types of criminal behavior by facilitating the identification of potential witnesses or suspects and by preventing minors from working in such establishments.

(21) The disclosure of certain information by those persons ultimately responsible for the day-to-day operation and maintenance of the sexually oriented business, where such information is substantially related to the significant governmental interest in the operation of such uses, will aid in preventing the spread of sexually transmitted diseases and will prevent the further secondary effects of dissemination of illegal obscenity, child pornography, and to minors, materials harmful to them.

(22) It is desirable in the prevention of the spread of communicable diseases to obtain a limited amount of information regarding certain employees who may engage in the conduct which this ordinance is designed to prevent or who are likely to be witnesses to such activity.

(23) The fact that an applicant for an adult use has been convicted of a sexually related crime leads to the rational assumption that the applicant may engage in that conduct in contravention of this ordinance.

(24) The barring of such individuals from employment in sexually oriented businesses for a specified period of years serves to prevent distribution of illegal material, to prevent conduct which leads to the transmission of sexually transmitted diseases, and to preclude the establishment of criminal enterprises within the Village.

(25) The general welfare, health, morals, and safety of the citizens of the Village will be promoted by the enactment of this ordinance; and

WHEREAS, underage performers have been used in sexually oriented entertainment, both in films and in live performances; and

WHEREAS, the Board desires to minimize and control these adverse effects and thereby protect the health, safety, and welfare of the citizenry; protect the citizens from increased crime; preserve the quality of life; preserve the property values and character of surrounding neighborhoods and deter the spread of urban blight; and

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

WHEREAS, it is not the intent of the Board to condone or legitimize the distribution of obscene material, and the Board recognizes that state and federal law prohibits the distribution of obscene materials and expects and encourages state and local law enforcement officials to enforce state obscenity statutes against any such illegal activities in the Village; and

WHEREAS, the Village recognizes its constitutional duty to interpret, construe, and amend its laws and ordinances to comply with constitutional requirements as they are announced; and

WHEREAS, with the passage of any ordinance, the Village and the Board accept as binding the applicability of general principles of criminal and civil law and procedure and the rights and obligations under the United States and Louisiana Constitutions, Louisiana Statutes, and the Louisiana Rules of Civil and Criminal Procedure; and

WHEREAS, it is not the intent of this ordinance to suppress any speech activities protected by the First Amendment of the U.S. Constitution or Article I, §7 of the Louisiana Constitution, but to enact a content neutral ordinance which addresses the negative secondary effects of sexually oriented businesses.

NOW, THEREFORE, BE IT ORDAINED by the Board of Alderman of the Village of Choudrant, Louisiana, in regular legal session convened, as follows:

Section 1. An additional chapter of the Code of Ordinances of the Village of Choudrant, Louisiana is hereby enacted to read as follows:

SEXUALLY ORIENTED BUSINESSES

Section 1.1. Purpose and findings.

(a) Purpose. It is the purpose of this chapter to regulate sexually oriented businesses in order to promote the health, safety, morals, and general welfare of the citizens of the Village, and to establish reasonable and uniform regulations to prevent the deleterious secondary effects of sexually oriented businesses within the Village. 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 neither the intent nor effect of this chapter to restrict or deny access by adults to sexually oriented materials protected by the First Amendment to the United States Constitution or the corresponding provisions of the Louisiana Constitution, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent nor effect of this chapter to condone or legitimize the distribution of obscene material.

(b) Findings. Based on evidence of the adverse secondary effects of adult uses presented in reports made available to the Board as set forth in the Ordinance enacting this chapter, and on findings, interpretations, and narrowing constructions incorporated in the cases described in said Ordinance, the Board has made specific findings concerning the adverse secondary effects of sexually oriented businesses and the need for additional requirements for the operation of such businesses.

Section 1.2. Definitions.

For purposes of this chapter, the words and phrases defined in the sections hereunder, whether or not the terms are capitalized in the text of the chapter, shall have the meanings therein respectively ascribed to them unless a different meaning is clearly indicated by the context:

(a) “*Adult Arcade*” means 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 regularly maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by their emphasis upon matter exhibiting or describing specified sexual activities or specified anatomical areas.

(b) “*Adult Bookstore, Adult Novelty Store, or Adult Video Store*” means a commercial establishment that devotes fifty percent (50%) or more of its interior sales or display space to the sale or rental, for any form of consideration, of any one or more of the following:

- (i) Books, magazines, periodicals, or other printed matter, or photographs, films, motion pictures, video cassettes, compact discs, slides, or other visual representations which are characterized by their emphasis upon the exhibition or description of specified sexual activities or specified anatomical areas;
- (ii) Instruments, devices, or paraphernalia which are designed for use or marketed primarily for stimulation of human genital organs or for sadomasochistic use or abuse of themselves or others.

The term “*Adult Bookstore, Adult Novelty Store, or Adult Video Store*” shall also include a commercial establishment which regularly maintains one or more “*Adult Arcades.*” Floor space shall be measured by dividing the floor space where patrons or customers of the establishment are permitted where the primary sales or displays are of materials described above by the total floor space where patrons or customers of the establishment are permitted regardless of the materials.

(c) “*Adult Cabaret*” means a nightclub, bar, juice bar, restaurant, bottle club, or similar commercial establishment, whether or not alcoholic beverages are served, which features persons who appear semi-nude. Regularity of appearances is not required for an establishment to constitute an adult cabaret; a single occasion of such appearance or appearances shall be sufficient to cause the establishment to be classified as an adult cabaret.

(d) “*Adult motel*” means a motel, hotel, or similar commercial establishment which:

- (i) offers accommodations to the public for any form of consideration; provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, other photographic reproductions, or live performances which are characterized by the depiction or description of “specified sexual activities” or “specified anatomical areas”; and which advertises the availability of such material by means of a sign visible from the public right-of-way, or by means of any on or off-premises advertising, including but not limited to, newspapers, magazines, pamphlets or leaflets, radio or television; or
- (ii) offers a sleeping room for rent for a period of time that is less than ten (10) hours; or
- (iii) 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.

(e) “*Adult Motion Picture Theater*” means a commercial establishment where films, motion

pictures, videocassettes, slides, or similar photographic reproductions which are characterized by their emphasis upon the exhibition or description of specified sexual activities or specified anatomical areas are regularly shown for any form of consideration.

(f) “*Mayor*” means the Mayor of the Village of Choudrant, Louisiana, or his or her designee.

(g) “*Controlling Interest*” means the power, directly or indirectly, to direct the operation, management or policies of a business or entity, or to vote twenty percent (20%) or more of any class of voting securities or ownership interests of a business. The ownership, control, or power to vote twenty per cent or more of any class of voting securities or ownership interests of a business shall be presumed, subject to rebuttal, to be the power to direct the management, operation or policies of the business.

(h) “*Distinguished or Characterized by an Emphasis Upon*” means the dominant or principal theme of the object described by such phrase. For instance, when the phrase refers to films “which are distinguished or characterized by an emphasis upon the exhibition or description of specified sexual activities or specified anatomical areas,” the films so described are those whose dominant or principal character and theme are the exhibition or description of specified anatomical areas or specified sexual activities.

(i) “*Dual Purpose Business*” means a commercial establishment that devotes at least ten percent (10%) of its interior sales or display space to the sale or rental, for any form of consideration, of any one or more of the following:

- (i) Books, magazines, periodicals, or other printed matter, or photographs, films, motion pictures, video cassettes, compact discs, digital video discs, slides, or other visual representations which are characterized by their emphasis upon the exhibition or description of specified sexual activities or specified anatomical areas;
- (ii) Instruments, devices, or paraphernalia which are designed for use or marketed primarily for stimulation of human genital organs or for sadomasochistic use or abuse of themselves or others;

and which does not meet the definition of Adult Bookstore, Adult Novelty Store or Adult Video Store set forth above. Floor space shall be measured by dividing the floor space where patrons or customers of the establishment are permitted where the primary sales or displays are of materials described above by the total floor space where patrons or customers of the establishment are permitted regardless of the materials.

(j) “*Employ, Employee, and Employment*” describe and pertain to any person who performs any service on the premises of a sexually oriented business, on a full time, part time, or contract basis, whether or not the person is denominated an employee, independent contractor, agent, or otherwise. Employee does not include an independent contractor or a person working for an independent contractor who performs any service on the premises exclusively for repair or maintenance of the premises or for the delivery of goods to the premises, or for the rendition of services incidental to the business of the establishment but not an integral part thereof, such as accounting or legal services.

(k) “*Escort*” means a person who, for compensation, agrees or offers to engage in any of the following acts:

- (i) Act as a social companion, guide, or date for another person;
- (ii) Privately model lingerie with the intention of and for the purpose of providing sexual stimulation or sexual gratification to the customer;
- (iii) Privately disrobe for another person with the intention of providing sexual stimulation or sexual gratification to the customer;
- (iv) Agree to come to a specified location for the purpose of disrobing and for the purpose of providing sexual stimulation or sexual gratification to the customer;
- (v) To perform a massage where one or more of the persons is nude, semi-nude or in a state of nudity or for the purpose of providing sexual stimulation or sexual gratification to the

customer.

(l) “*Escort Agency*” means a person or business association who, whether on or off the licensed premises, furnishes, offers to furnish, or advertises to furnish escorts, as defined herein, for compensation.

(m) “*Establish or Establishment*” shall mean and include any of the following:

(i) The opening or commencement of any sexually oriented business as a new business;

(ii) The conversion of an existing business, whether or not a sexually oriented business, to any sexually oriented business; or

(iii) The addition of any sexually oriented business to any other existing sexually oriented business.

(n) “*Exotic Dancer*” refers to a male or female dancer that performs semi-nude or nude for compensation.

(o) “*Exotic Dance Service*” refers to any business or person who provides exotic dancers to perform at a private residence, business, or other location (other than an adult cabaret) within the Village.

(p) “*Licensee*” shall mean a person in whose name a license to operate a sexually oriented business has been issued, as well as the individual or individuals listed as an applicant on the application for a sexually oriented business license. In case of an employee, it shall mean the person in whose name the sexually oriented business employee license has been issued.

(q) “*Massage Center*” refers to a commercial business which is not licensed by the State of Louisiana as a massage business and which allows its employees, for compensation, to manipulate soft tissue including effleurage (stroking), patrissage (kneading), tapotement (percussion), compression, vibration, friction, (active/passive range of motion), Shiatsu, and acupressure, either by hand, forearm, elbow, foot, or with mechanical appliances for the purpose of body massage.

(r) “*Massagist*” means a person that is not licensed by the State of Louisiana as a massage therapist, and who, for compensation, manipulates soft tissue including effleurage (stroking), patrissage (kneading), tapotement (percussion), compression, vibration, friction, (active/passive range of motion), Shiatsu, and acupressure, either by hand, forearm, elbow, foot, or with mechanical appliances for the purpose of body massage.

(s) “*Nudity or a State of Nudity*” means the showing of the human male or female genitals, pubic area, vulva, anus, anal cleft or cleavage with less than a fully opaque covering, or the showing of the female breast with less than a fully opaque covering of any part of the nipple and areola.

(t) “*Operate or Cause to Operate*” shall mean to cause to function or to put or keep in a state of doing business. “*Operator*” means any persons on the premises of a sexually oriented business who is authorized to exercise overall operational control of the business or who causes to function or who puts or keeps in operation the business. A person may be found to be operating or causing to be operated a sexually oriented business whether or not that person is an owner, part owner, or licensee of the business.

(u) “*Person*” shall mean individual, proprietorship, partnership, corporation, association, or other legal entity.

(v) “*Prostitute*” refers to a person who has been convicted of prostitution or prostitution by massage, or who engages in activities, that, if prosecuted, would constitute the criminal offense of prostitution or prostitution by massage under the Louisiana Revised Statutes; provided, however, that a person shall not be considered a prostitute if he or she is not currently engaging in activities, that, if prosecuted, would constitute the criminal offense of prostitution or prostitution by massage under the Louisiana Revised Statutes, and if

- (i) more than two (2) years have elapsed since the date of the conviction or the date of release from confinement imposed for such person’s last conviction of prostitution or prostitution by massage, whichever is the later date, if the conviction was for a misdemeanor offense; or
- (ii) more than five (5) years have elapsed since the date of the conviction or the date of release from confinement imposed for such person’s last conviction of prostitution or prostitution by massage, whichever is the later date, if the conviction was for a felony offense.

(w) “*Regularly Features or Regularly Shown*” means a consistent or substantial course of conduct, such that the films or performances exhibited constitute a substantial portion of the films or performances offered as a part of the ongoing business.

(x) “*Semi-Nude or State of Semi-Nudity*” shall mean a state of dress in which opaque clothing covers no more than the genitals, anus, anal cleft or cleavage, pubic area, vulva, and nipple and areola of the female breast, as well as portions of the body covered by supporting straps or devices. This definition shall not include any portion of the cleavage of the human female breast exhibited by a dress, blouse, skirt, leotard, bathing suit, or other wearing apparel provided that the areola and nipple are not exposed in whole or in part.

(y) “*Semi-Nude Model Studio*” means any place where a person, who regularly appears in a state of semi-nudity is provided for money or any form of consideration to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons. It is a defense to prosecution for any violation of this chapter that a person appearing in a state of nudity or semi-nudity did so in a modeling class operated:

- (i) By a college, junior college, or university supported entirely or partly by taxation;
- (ii) By a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation; or
- (iii) In a structure:
 - (A) Which has no sign visible from the exterior of the structure and no other advertising that indicates a semi-nude person is available for viewing; and

(B) Where, in order to participate in a class a student must enroll at least three (3) days in advance of the class.

(z) “*Sexually Oriented Business*” means any establishment that is an adult arcade, adult bookstore, adult novelty store, adult video store, adult cabaret, adult motel, adult motion picture theater, massage center, exotic dance service, or semi-nude model studio as defined in this section, as well as any other establishment that regularly features or regularly shows any sexually oriented entertainment activity, including any dual purpose business.

(aa) “*Sexually Oriented Entertainment Activity*” means the sale, rental, or exhibition for any form of consideration, of books, films, video cassettes, magazines, periodicals, or live performances which are characterized by an emphasis on the exposure or display of specific sexual activity.

(bb) “*Specified Anatomical Areas*” shall mean human genitals, anus, and/or the female breast areola or nipple.

(cc) “*Specified Criminal Activity*” means any of the following offenses:

(i) La. R.S. 14:41-43.5 (rape and sexual battery offenses); La. R.S. 14:80-81.2 (sexual offenses affecting minors); La. R.S. 14:82-86 (offenses concerning prostitution); La. R.S. 14:104-6.1 (offenses concerning disorderly places and obscenity); La. R.S. 14: 281-284 (operating places of prostitution, voyeurism); La. R.S. 40:971, et seq. (Uniform Controlled Dangerous Substances Law); engaging in organized criminal activity relating to a sexually oriented business, specifically La. R.S. 14:230 (money laundering) La. R.S. 33:2845 (tax evasion); criminal attempt, conspiracy or solicitation to commit any of the foregoing offenses; or offenses in other jurisdictions that, if the acts would have been committed in Louisiana, would have constituted any of the foregoing offenses; for which:

(A) less than two (2) years have elapsed since the date of conviction or the date of release from confinement imposed for the conviction, whichever is the later date, if the conviction is of a misdemeanor offense;

(B) less than five (5) years have elapsed since the date of conviction or the date of release from confinement for the conviction, whichever is the later date, if the conviction is of a felony offense; or

(C) less than five (5) years have elapsed since the date of the last conviction or the date of release from confinement for the last conviction, whichever is the later date, if the convictions are of two or more misdemeanor offenses or combination of misdemeanor offenses occurring within any 24-month period.

(ii) The fact that a conviction is being appealed shall have no effect on the disqualification of the applicant.

(dd) “*Specified Sexual Activity*” means any of the following:

(i) sex acts, normal or perverted, including intercourse, oral copulation, masturbation or sodomy; or

(ii) excretory functions as a part of or in connection with any of the activities described in (i) above.

(ee) “*Transfer of Ownership or Control*” of a sexually oriented business shall mean any of the following:

(i) The sale, lease, or sublease of the business;

(ii) The transfer of securities (including interests in a limited liability company or partnership) or other ownership interests which constitute a controlling interest in the business, whether by sale, exchange, or similar means; or

(iii) 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.

(ff) “*Valid Photographic ID*” refers to a driver’s license, selective service card or other lawful federal or state issued photographic identification, which, on its face, establishes the age and identity of the bearer, and leaves no reasonable doubt as to the authenticity or correctness of the identification. No form of identification mentioned above shall be accepted as proof of age if it is expired, defaced, mutilated or altered. If the identification submitted is a duplicate, the person shall submit additional identification which contains the name, date of birth and photograph of the person. In addition, an educational institution identification card, check cashing identification card, or employee identification card shall not be considered as a valid photographic ID.

(gg) “*Video*” includes image reproduction and display by videotape or any other medium, such as digital video disk or compact disk, that produces moving or still images on a screen, wall, or other similar display.

(hh) “*Viewing Room*” shall mean the room, booth, or area where a patron of sexually oriented business would ordinarily be positioned while watching a film, videocassette, or other video or visual production or reproduction.

Section 1.3. Classification.

Sexually oriented businesses shall be classified as follows:

- (a) Adult arcades, adult bookstores, adult novelty stores, adult video stores;
- (b) Adult cabarets;
- (c) Adult motels;
- (d) Adult motion picture theaters;
- (e) Escort agencies;
- (f) Exotic dance services;
- (g) Massage centers;
- (h) Dual purpose businesses;
- (i) Other sexually oriented businesses.

Section 1.4. License or employee card required.

- (a) *Sexually Oriented Business License.*
- (i) It shall be unlawful for any person to operate a sexually oriented business in the Village without a valid sexually oriented business license. Separate sexually oriented business licenses shall be required for each place of business of an operator.
- (ii) An applicant for a sexually oriented business license or a sexually oriented business employee license shall file in person at the office of the Mayor a completed application made on a form provided by the Mayor. The application shall be signed by the applicant. An application shall be considered complete when it contains the following information and is accompanied by all the documents required by this Section:
 - (A) The applicant’s full true name and any other names used in the preceding five (5) years.
 - (B) Current home address and, if desired by the applicant, another mailing address of the applicant.
 - (C) Written proof of age, in the form of a valid photographic ID.
 - (D) The business name, location, legal description, mailing address and phone number of the sexually oriented business.
 - (E) The name and business address of the statutory agent or other agent authorized to receive service of process.
 - (F) A statement whether the applicant has been convicted or has pled guilty or nolo contendere to a specified criminal activity as defined in this chapter, and if so, the specified criminal activity involved, including the date, place, and jurisdiction of each as well as the dates of conviction and release from confinement, where applicable.
 - (G) A statement whether the applicant, or any entity in which the applicant owns a controlling interest, has had a license or permit to operate a sexually oriented business or to be an employee of a sexually oriented business issued by the United States, any state, or by any political subdivision of any state, authorized to issue permits or licenses, revoked within two (2) years prior to the application, or been convicted or had a judgment of court rendered against him involving violation of sexually oriented business ordinances by this or any other state or local government

or by the United States within one (1) year prior to the application.

The information provided pursuant to Paragraphs (A) through (G) of this subsection shall be supplemented in writing by certified mail, return receipt requested, to the Mayor within ten (10) working days of a change of circumstances which would render the information originally submitted false or incomplete.

- (iii) An application for a sexually oriented business license shall be accompanied by a sketch or diagram showing the configuration of the premises, including a statement of total floor space occupied by the business. The sketch or diagram need not be professionally prepared but shall 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 (6) inches. Applicants who are required to comply with Sections 1.14 and 1.18 of this chapter shall submit a diagram meeting the requirements of those sections. A valid certificate of occupancy, lease agreement or proof of ownership, articles of incorporation or organization, operating agreement, or other instruments indicating the true direct and indirect ownership of the applicant, beneficial or otherwise, evidence of measurement from protected activities, will also be required when making application.
- (iv) If a person who wishes to operate a sexually oriented business is an individual, he shall sign the application for a license as applicant. If a person who wishes to operate a sexually oriented business is other than an individual, each officer, director, general partner or other person who will participate directly in decisions relating to management and control of the business shall sign the application for a license as applicant. Each applicant must be qualified under Section 1.5 and each applicant shall be considered a licensee if a license is granted.
- (b) *Sexually Oriented Business Employee Card.*
 - (i) It shall be unlawful for any operator of a Sexually Oriented Business to allow any employee to engage in employment requiring a Sexually Oriented Business employee card unless such employee is in possession of a Sexually Oriented Business employee card issued under the authority of this chapter. The license holder shall have such person obtain such a card prior to engaging in employment for which a permit is required by this chapter.
 - (ii) It shall be unlawful for any person to be an employee, as defined in this chapter, of a Sexually Oriented Business, or for an employee of a dual purpose business who engages in the activities described in Section 1.19 of this chapter, in the Village without a valid Sexually Oriented Business employee card.
 - (iii) An applicant for a Sexually Oriented Business employee card shall file in person at the office of the Mayor a completed application made on a form provided by the Mayor. The application shall be signed by the applicant. An application shall be considered complete when it contains the following information:
 - (A) The applicant's full true name and any other names used in the preceding five (5) years.
 - (B) Current home address and, if desired by the applicant, another mailing address of the applicant.
 - (C) Written proof of age, in the form of valid photographic ID.
 - (D) A statement whether the applicant has been convicted or has pled guilty or nolo contendere to a specified criminal activity as defined in this chapter, and if so, the specified criminal activity involved, including the date, place, and jurisdiction of each as well as the dates of conviction and release from confinement, where applicable.
 - (E) A statement whether the applicant has had a license, permit or card to be an employee of a Sexually Oriented Business issued by the United States, any state, or by any political subdivision of any state, authorized to issue permits or licenses,

revoked within two (2) years prior to the application, or been convicted or had a judgment of court rendered against him involving violation of Sexually Oriented Business ordinances by this or any other state or local government or by the United States within one (1) year prior to the application.

The information provided pursuant to Paragraphs (A) through (E) of this subsection shall be supplemented in writing by certified mail, return receipt requested, to the Mayor within ten (10) working days of a change of circumstances which would render the information originally submitted false or incomplete.

(c) *Fingerprinting.* All applicants for licenses or cards under this chapter shall be fingerprinted.

(d) *Confidentiality of Information.* The information provided by an applicant in connection with an application for a license or card under this chapter shall be maintained by the Mayor on a confidential basis, except that such information may be disclosed only to law enforcement agencies in connection with a law enforcement or public safety function, or as may be required by governing law or court order.

Section 1.5. Issuance of license or employee card.

(a) *Sexually Oriented Business License.*

(i) Within thirty (30) days after the filing of a completed application under Section 1.4 for a Sexually Oriented Business license, the Mayor shall either approve the application or shall issue to the applicant a letter of intent to deny the application. Each person having a controlling interest in any entity applying for a Sexually Oriented Business license shall be considered an applicant, and each such person must meet the requirements for the approval of the issuance of the license to the entity. The Mayor shall approve the issuance of a license unless one or more of the following is found to be true:

(A) An applicant is less than twenty-one (21) years of age.

(B) An applicant has failed to provide information as required by Section 1.4 for issuance of a license or has falsely answered a question or request for information on the application form.

(C) Any taxes, fees or charges due the Village by the applicant or his or her business have not been paid.

(D) An applicant has been shown to have committed a violation of Section 1.7(a), Section 1.10(b), Section 1.18(a), (b), or (c) of this chapter within the previous year.

(E) The Sexually Oriented Business premises are not in compliance with the interior configuration requirements of this chapter or are not in compliance with locational requirements established in the applicable zoning regulations.

(F) An applicant has been convicted of a specified criminal activity, as defined in this chapter.

(G) An applicant, or the entity in which an applicant has a controlling interest, is not the owner of the premises or the tenant under a bona fide written lease therefor.

(H) An applicant, or an entity in which an applicant has a controlling interest, has had a license or permit to operate an Sexually Oriented Business issued by the United States, any state, or by any political subdivision of a state, authorized to issue permits or licenses, revoked within two (2) years prior to the application, or been convicted or had a judgment of a court of competent jurisdiction rendered against him involving violation of Sexually Oriented Business ordinances by this or any other state or local government or by the United States for two (2) years prior to the application.

(I) Any applicant is a person interposed for another person who does not meet the requirements for the issuance of a license. A person is considered an interposed person if such person is subsidized, financed or employed by an applicant to operate a Sexually Oriented Business without disclosing the true and beneficial ownership of the business.

(J) Any applicant is the spouse of a person whose application for a Sexually Oriented Business license whose permit or license has been denied or revoked, unless judicially separated; provided, however, that in any such case:

1. The application shall not be denied solely on the basis of the age of the ineligible spouse;

2. A conviction of the spouse of a specified criminal activity shall not be cause for denial of a license if and only if:

(a) The applicant had state and local permits prior to the conviction; and

(b) The applicant had a regime of separation of property, pursuant to applicable Louisiana law, and is the owner of the premises or has a bone fide written lease therefore, or the owner owns the premises as the applicant's separate property pursuant to applicable Louisiana law.

(K) An applicant has any outstanding warrants for arrest for any crime.

(ii) The license, if granted, shall state on its face the name of the person or persons to whom it is granted, the number of the license issued to the licensee(s), the expiration date, and the address of the Sexually Oriented Business. The Sexually Oriented Business license shall be posted in a conspicuous place at or near the entrance to the Sexually Oriented Business so that it may be easily read at any time or in the case of a Dual Purpose Business, the Sexually Oriented Business license shall be posted in a conspicuous place in the area of the adult entertainment materials.

(b) *Sexually Oriented Business Employee Card.* Upon the filing of a completed application for a Sexually Oriented Business employee card and the payment of a non-refundable application fee, the Mayor shall issue a temporary card to the applicant, which temporary card shall expire upon the final decision of the Board to deny or grant the application, or, if approved, the issuance of the card. Within thirty (30) days of the receipt of a completed application, the Mayor shall either approve the issuance of a card or issue a written notice of intent to deny a card to the applicant. The Mayor shall approve the issuance of a card unless one or more of the following is found to be true:

(i) An applicant is less than eighteen (18) years of age.

(ii) An applicant has failed to provide information as required by Section 1.4 for issuance of a card or has falsely answered a question or request for information on the application form.

(iii) An applicant has been shown to have committed a violation of Section 1.7(a), Section 1.10(b), Section 1.18(a), (b) or (c) of this chapter within the previous year.

(iv) An applicant has been convicted of a specified criminal activity, as defined in this chapter.

(v) An applicant has had a card, license or permit to operate a Sexually Oriented Business or to be an employee of a Sexually Oriented Business issued by the United States, any state, or by any political subdivision of a state, authorized to issue cards, permits or licenses, revoked within two (2) years prior to the application, or been convicted or had a judgment of a court of competent jurisdiction rendered against him involving violation of Sexually Oriented Business ordinances by this or any other state or local government or by the United States for two (2) years prior to the application.

- (vi) An applicant has any outstanding warrants for arrest for any crime.

An employee card issued pursuant to this section shall contain the card holder's photograph, full name, date of birth, race, sex and fingerprint. A Sexually Oriented Business employee shall keep the employee's card on his or her person or on the premises where the card holder is then working or performing and shall produce such card for inspection upon request by a law enforcement officer or other Village official performing functions connected with the enforcement of this chapter.

(c) *Issuance of License or Card.* After any application for a license under this chapter has been approved, it shall be submitted to the Mayor who shall forthwith issue and sign the license or card upon payment of the prescribed fee. Any license for a Sexually Oriented Business shall be restricted to the single location described in the application; that is, each location for a Sexually Oriented Business must have a separate license. After any application for a Sexually Oriented Business employee card under this chapter has been approved, the Mayor shall issue the card. A Sexually Oriented Business employee card shall be good and valid for use on the premises of any Sexually Oriented Business, provided that the licensee has notified the Mayor of the name and address of the Sexually Oriented Business employee card holder within five (5) days of the hire date.

(d) *Effect of Failure to Act.* The failure of the Mayor to act on an application within the time set forth in this section shall be deemed a denial of the application for a license or card, and shall be deemed to be the issuance of a written notice of intent to deny the license or card applied for.

(e) *Appeal from Notice of Intent to Deny.* Upon issuance or deemed issuance of a written notice of intent to deny a license or card, the applicant may appeal the denial to the Board by making a written request for appeal to the Mayor, within ten (10) days after issuance or deemed issuance of the written notice of intent to deny the license or card. The applicant's temporary license or card, if any, shall continue in effect during such ten (10) day period. Upon timely appeal, the applicant's temporary license or card, if any, shall continue in effect until the Board has acted on the applicant's appeal or the applicant has withdrawn his or her appeal. The appeal to the Board shall proceed in accordance with the hearing provisions set forth in this chapter and the rules of the Board. The only issue on the appeal shall be whether the applicant meets the criteria for issuance of the license or card in question; the Board shall not have the authority to waive any of the requirements for the license or card in question.

(f) *Temporary Sexually Oriented Business Employee Card.* The temporary Sexually Oriented Business employee card issued pursuant to this section shall state on its face an expiration date forty-five (45) days after its date of issuance; provided, however, that, if the employee's card application or appeal from a denial of a card or card renewal is continuing at the end of each successive forty-five (45) day period, at the request of the applicant the Mayor shall issue a renewal temporary card, which shall expire forty-five (45) days after its issuance. Notwithstanding the stated 45 day expiration date, the temporary card shall expire upon either the issuance of a permanent card, the withdrawal of any appeal from the denial of issuance of a card, or the termination of any appeal of the denial of issuance of a card. Upon the denial of the issuance of the card (if not appealed), or the unsuccessful or withdrawal of appeal of the denial of issuance of the card, the applicant shall immediately return the temporary card to the Mayor. It shall be unlawful for any applicant to fail to return the temporary card to the Mayor within three (3) business days after the denial of the issuance of the card (if not appealed), or the unsuccessful or withdrawal of appeal of the denial of issuance of the card.

Section 1.6. Fees.

(a) *Sexually Oriented Business License.* The initial license and annual renewal fees for Sexually Oriented Business licenses shall be as follows:

Type I License	\$1,000.00
Adult Cabaret	
Adult Motel	
Adult Motion Picture Adult Theater	
Escort Agency	
Exotic Dance Service	
Massage Center	

Type II License \$500.00

Adult arcade
Adult bookstore
Adult novelty
Adult video store,
Semi-nude modeling studio
Other Sexually Oriented Businesses

Type III License \$500.00

Dual purpose business

(b) *Sexually Oriented Business Employee Card.* The fee for the application for issuance or renewal of a Sexually Oriented Business employee card shall be \$100.00. The fee is non-refundable. There is no additional fee or charge upon issuance of the card after the completion of the application or renewal process.

Section 1.7. Inspection.

(a) Sexually Oriented Businesses and Sexually Oriented Business employees shall permit officers or agents of the Village to inspect the business premises for the purpose of ensuring compliance with the specific regulations of this chapter, during those times when the Sexually Oriented Business is occupied by patrons or is open for business. This section shall be narrowly construed by the Village to authorize reasonable inspections of the licensed premises pursuant to this chapter, but not to authorize a harassing or excessive pattern of inspections.

(b) The provisions of this section do not apply to areas of an adult motel which are currently being rented by a customer for use as a permanent or temporary habitation.

Section 1.8. Term; renewal.

(a) *Sexually Oriented Business License.*

(i) A Sexually Oriented Business license issued under this chapter shall be dated from the effective date as shown on the license and be valid for one (1) year from the date of issuance, unless sooner suspended or revoked. Application for the renewal of such a license shall be filed in the manner provided by this chapter for the initial license on or before sixty (60) days prior to the expiration date as shown on the existing license. The renewal license will be dated from the date of expiration of the existing license.

(ii) The Mayor shall approve or deny the renewal within thirty (30) days after receipt of the completed renewal application. If approved, the renewal license shall be issued as provided in Section 1.5. If denied, the Mayor shall issue a written notice of intent to deny the renewal application in the same manner as for the denial of an initial license application, and the appeal rights and any rights to continue operating set forth in Section 1.5 shall apply to such renewal application. The failure of the Mayor to act on an application within the time set forth in this Section shall be deemed a denial of the application for a license or card, and shall be deemed to be the issuance of a written notice of intent to deny the license or card applied for.

(iii) If a licensee fails to complete its renewal application within the time set forth in this section, its application shall be treated as a new application under Section 1.4 and 1.5 hereof, but the late filing shall not affect the expiration of the previous license; that is, if the license renewal application has not been acted upon prior to the expiration of the existing license, the existing license shall expire, and the business shall not be entitled to operate as a Sexually Oriented Business unless and until a new license is issued.

(b) *Sexually Oriented Business Employee Card.*

- (i) A Sexually Oriented Business employee card issued under this chapter shall be dated from the effective date as shown on the card and be valid for two (2) years from the date of issuance, unless sooner suspended or revoked. Application for the renewal of such a card shall be filed in the manner provided by this chapter for the initial card on or before sixty (60) days prior to the expiration date as shown on the existing card. The renewal card will be dated from the date of expiration of the existing card.
- (ii) The Mayor shall approve or deny the renewal within thirty (30) days after receipt of the completed renewal application. If approved, the renewal card shall be issued as provided in Section 1.5. If denied, the Mayor shall issue a written notice of intent to deny the renewal application in the same manner as for the denial of an initial card application, and the appeal rights and any rights to continue operating set forth in Section 1.5 shall apply to such renewal application. The failure of the Mayor to act on an application within the time set forth in this Section shall be deemed a denial of the application for a license or card, and shall be deemed to be the issuance of a written notice of intent to deny the license or card applied for.
- (iii) If a card holder fails to complete his or her renewal application within the time set forth in this section, his or her application shall be treated as a new application under Section 1.4 and 1.5 hereof, but the late filing shall not affect the expiration of the previous card; that is, if the card renewal application has not been acted upon prior to the expiration of the existing card, the existing card shall expire, and the person shall not be entitled to be employed by a Sexually Oriented Business (or in certain operations of a dual purpose business, as the case may be), unless and until a new card is issued.

Section 1.9. Suspension; Fines.

- (a) The following shall be the causes for the suspension of a Sexually Oriented Business license:
 - (i) If any applicant who possessed the qualifications for the license at the time of issuance of the license fails to maintain such qualifications during the licensed year.
 - (ii) If there was any misstatement or suppression of fact in the application for the license.
 - (iii) If the license was granted to any person who is or has been engaged in a Sexually Oriented Business with a person whose application for a license has been denied or whose license has been revoked.
 - (iv) If the license was issued to an interposed person.
 - (v) If the licensee has violated any section of this chapter.
 - (vi) If, without a proper license, any Sexually Oriented Business licensee allows any person to consume any alcoholic beverage on the licensed premises or on any parking lot or open or closed space within or contiguous to the licensed premises.
 - (vii) Violation of any controlled, dangerous substance law on the premises of the business holding the Sexually Oriented Business license.
 - (viii) Violation of any obscenity law on the premises of the Sexually Oriented Business.
 - (ix) If the licensee knowingly permits an employee to violate any section of this chapter on the licensed premises.
- (b) The following shall be the causes for the suspension of a Sexually Oriented Business employee card:

- (i) If any applicant who possessed the qualifications for the card at the time of issuance of the license fails to maintain such qualifications during the term of the card.
- (ii) If there was any misstatement or suppression of fact in the application for the card.
- (iii) If the card holder has violated any section of this chapter.

(c) The Mayor, with the approval of the Village Attorney, shall issue a written letter of intent to suspend the license or card in question for a period not to exceed six (6) months if the Mayor finds that probable cause exists to believe that grounds exist for the suspension or revocation of a Sexually Oriented Business license of a Sexually Oriented Business employee card. The licensee or card holder shall have ten (10) days following the issuance of the letter of intent to suspend the license or card within which to appeal the suspension to the Board. The appeal shall be perfected by making a written request for appeal to the Mayor. If no appeal is perfected within such time, the license or card holder shall be suspended in accordance with the written letter of intent to suspend the license or card. If the licensee or card holder perfects an appeal, no suspension shall take effect until after the Board has acted on the appeal or the appeal has been withdrawn. The appeal to the Board shall proceed in accordance with the hearing provisions set forth in this chapter and the rules of the Board.

(d) Notwithstanding the above, if the Mayor finds that probable cause exists to believe that a licensee or card holder has violated any provision of this chapter or that grounds exist for the suspension of his, her or its license or card, but that the violation or grounds in question are minor in nature, the Mayor, with the approval of the Village Attorney, may impose an administrative fine, payable to the general fund of the Village, instead of a request for suspension of the license or card. The Mayor shall report the imposition of the fine to the Treasurer of the Village. The fine shall be due and payable within ten (10) days from service of a notice on the licensee or the card holder by certified mail or hand delivery, unless within such ten (10) period the licensee or the card holder files a written notice of appeal with the Mayor. If the licensee or card holder perfects an appeal, the time for payment of the fine shall be suspended until after the Board has acted on the appeal or the appeal has been withdrawn. The appeal to the Board shall proceed in accordance with the hearing provisions set forth in this chapter and the rules of the Board. At the hearing, the Board may approve the fine, disapprove the fine, or assess a lower fine.

(e) Any administrative fine imposed by the Mayor shall be progressive with each offense during the term of the license or card in question, in accordance with the levels set forth below:

	<u>SOB License</u>	<u>SOB Employee Card</u>
First fine for conduct during term of license or card	\$500.00	\$100.00
Second fine for conduct during term of license or card	\$750.00	\$250.00
Third fine for conduct during term of license or card	\$1,000.00	\$500.00

If either a licensee or a card holder has had three fines imposed during the term of his, her, or its license or card, if the Mayor, with the approval of the Village Attorney, finds that probable cause exists to believe that grounds exist for suspension or revocation of a license or card issued pursuant to this chapter, he shall request suspension or revocation of the license or card in question.

(f) Nothing in this section is intended or shall be construed to require that the Mayor impose one or more fines as a prerequisite to seeking suspension or revocation of any license or card. The Mayor, with the approval of the Village Attorney, may seek suspension or revocation for any grounds set forth in this chapter without the imposition of any fine.

(g) Notwithstanding anything in this chapter to the contrary, failure to timely to pay any fine imposed under this section shall constitute grounds for suspension or revocation of the license or card of the person who fails to pay such fine.

(h) No person whose Sexually Oriented Business license or Sexually Oriented Business employee card has been suspended shall operate a Sexually Oriented Business or be employed in a Sexually Oriented Business during the period of such suspension.

Section 1.10. Revocation.

(a) The Mayor, with the concurrence of the Village Attorney, shall issue a letter of intent to revoke a Sexually Oriented Business license or a Sexually Oriented Business employee card if the Mayor finds that a cause of suspension in Section 1.9 occurs and the license has been suspended within the preceding twelve (12) months.

(b) The Mayor, with the concurrence of the Village Attorney, shall issue a letter of intent to revoke a Sexually Oriented Business license or a Sexually Oriented Business employee card if the Mayor determines that:

- (i) The licensee or card holder has knowingly given false information in the application for the Sexually Oriented Business license or employee card;
- (ii) A licensee has knowingly allowed possession, use, or sale of controlled substances on the premises;
- (iii) A licensee has knowingly allowed prostitution on the premises;
- (iv) A licensee knowingly operated the Sexually Oriented Business during a period of time when the license was suspended, or a card holder was employed by a Sexually Oriented Business or in the sexually oriented activity area of a dual purpose business during a period when the card holder's Sexually Oriented Business employee card was suspended;
- (v) A licensee has knowingly allowed any specified sexual activity to occur in or on the licensed premises.
- (vi) The licensee or card holder has failed to maintain any qualification required for initial issuance or renewal of the license.

(c) The fact that a conviction is being appealed shall have no effect on the revocation of the license.

(d) *Nature of Revocation.* When, after the notice and hearing procedure described in Section 1.11, a Sexually Oriented Business license or a Sexually Oriented Business employee card is revoked, the revocation shall continue for two (2) years and the licensee or card holder shall not be issued a Sexually Oriented Business license or Sexually Oriented Business employee card for two (2) years from the date revocation becomes effective, provided that, if the conditions of Section 1.11(i) are met, a provisional license or card will be granted pursuant to that section. No person whose Sexually Oriented Business license or Sexually Oriented Business employee card has been revoked shall operate a Sexually Oriented Business or be employed in a Sexually Oriented Business, unless and until a new Sexually Oriented Business license or Sexually Oriented Business employee card has been issued to such person pursuant to the provisions of this chapter.

Section 1.11. Hearing; denial, revocation, and suspension; appeal.

(a) Any notice or letter of intent issued under this chapter for the denial, suspension, or revocation of a license under this chapter shall be in writing, shall be addressed to the applicant, licensee or card holder (respondent), shall set forth the grounds therefore, and shall be delivered by personal delivery, or by certified mail. The notification shall be directed to the most current business address or other mailing address on file with the Mayor for the respondent.

(b) Upon any appeal to the Board as provided in this chapter, or upon the institution of revocation proceedings, the Mayor shall notify the respondent in writing of the hearing date on respondent's denial, fine, suspension, or revocation proceeding. Within thirty (30) days of the receipt of respondent's appeal or the institution of revocation proceedings, the Board shall conduct a hearing at which respondent shall have the opportunity to present all of respondent's arguments and to be represented by counsel, and present evidence and witnesses on his or her behalf. The Board may also be represented by counsel, and shall bear the burden of proving the grounds for denying, suspending, or revoking the license or card, or imposing the fine.

(c) The Board may administer oaths, issue subpoenas for the attendance of witnesses and the production of books, papers, accounts, and documents, and examine witnesses and receive testimony at the hearing for denial, suspension, or revocation of licenses under this chapter. If any person fails to comply with a subpoena issued by the Board, or if a witness refuses to testify in any matter regarding which he may be lawfully interrogated, such failure or refusal shall constitute contempt of the Board and upon conviction in any court of competent jurisdiction shall be punishable pursuant to this chapter. Notwithstanding any other provision of this chapter, such a conviction of a licensee or card holder shall be cause for suspension or revocation of his or her license or card.

(d) If a respondent who has been notified of a hearing for denial, suspension, or revocation of a license under this chapter does not appear, the hearing may proceed without him and the Board may consider and dispose of the case, but in all cases the Board, upon its own motion, may grant continuances from time to time. If the continuance is granted to a fixed future date by written consent or in the presence of the respondent or his or her counsel, no further notice of the hearing date need be given. In all other cases the same notice of hearing as in original hearings shall be given.

(e) Any hearing shall take no longer than four (4) hours, unless extended to meet the requirements of due process and proper administration of justice.

(f) In determining cases involving the suspension or revocation of licenses or cards, or the imposition of an administrative fine, the Board may accept, reject, or modify the recommendation or action of the Mayor. The Board shall issue a decision on the issue before it within twenty-one (21) days after the conclusion of the hearing. The failure of the Board to act within such time period shall be deemed an acceptance of the recommendation of the Mayor.

(g) Notwithstanding any other provision of this chapter to the contrary, the Board may, instead of or in addition to revocation or suspension of a license issued under the authority of this chapter, impose a fine on the licensee not to exceed the fines set forth in Section 1.9(e).

(h) In hearings of the Board which finally result in withholding the issuance of a license or in suspending or revoking a license, the Board shall assess the costs of the hearing to the applicant or licensee. The costs are recoverable by the Board in any appellate proceeding instituted by the applicant or licensee or in any other appropriate judicial proceeding.

(i) An applicant or licensee who is aggrieved by a decision of the Board to withhold, suspend or revoke his or her license may, within ten (10) days of the notification of the decision, or within ten (10) days of the deemed action of the Board, take a devolutive appeal to the district court having jurisdiction over his place of business, and on such appeal, the trial shall be de novo. Upon the filing of any court action to appeal, challenge, restrain, or otherwise enjoin the enforcement by the Village of the denial, suspension, or revocation, the Village shall immediately issue the aggrieved party a Provisional License. The Provisional License shall allow the aggrieved party to continue operation of the Sexually Oriented Business or to continue employment as a Sexually Oriented Business employee and will expire upon the court's entry of a judgment on the aggrieved party's appeal or other action to restrain or otherwise enjoin the enforcement of the decision of the Board.

(j) Sexually Oriented Businesses or Sexually Oriented Business employees operating or working under temporary cards or licenses, provisional cards or licenses, or *de facto* temporary cards or licenses shall be subject to the provisions of Section 1.12, Section 1.13, Section 1.14, Section 1.15, Section 1.17, Section 1.18, and Section 1.19 of this chapter.

Section 1.12. Transfer of license.

A licensee shall not transfer his or her license to another, transfer ownership or control or permit the transfer of ownership or control of the licensee, either voluntarily or by operation of law, or operate a Sexually Oriented Business under the authority of a license at any place other than the address designated in the Sexually Oriented Business license application.

Section 1.13. Hours of operation.

No Sexually Oriented Business shall be or remain open for business between 12:00 midnight and 6:00 a.m., provided that a Sexually Oriented Business which has obtained a license to sell alcoholic beverages from the State of Louisiana , Lincoln Parish, or the Village may remain open to sell alcoholic beverages under the terms of that license, but may not conduct sexually oriented entertainment activity between 12:00 midnight and 6:00 a.m.

Section 1.14. Regulations pertaining to exhibition of sexually explicit films or videos.

(a) A person who operates or causes to be operated a Sexually Oriented Business, other than an adult motel, which exhibits on the premises in a viewing room of less than one hundred fifty (150) square feet of floor space, a film, video cassette, or other video reproduction characterized by an emphasis on the display of specified sexual activities or specified anatomical areas shall comply with the following requirements.

- (i) Each application for a Sexually Oriented Business license shall contain a diagram of the premises showing the location of all manager's stations, viewing rooms, overhead lighting fixtures, video cameras and monitors installed for monitoring purposes and restrooms, and shall designate all portions of the premises in which patrons will not be permitted. Restrooms shall not contain video reproduction equipment. The diagram shall also designate the place at which the permit will be conspicuously posted, if granted. A professionally prepared diagram in the nature of an engineer's or architect's blueprint shall not be required; however, each diagram shall be oriented to the north or to some designated street or object and shall be drawn to a designated scale or with marked dimensions sufficient to show the various internal dimensions of all areas of the interior of the premises to an accuracy of plus or minus six inches. The Mayor may waive the foregoing diagram for renewal applications if the applicant adopts a diagram that was previously submitted and certifies that the configuration of the premises has not been altered since it was prepared.
- (ii) The application shall be sworn to be true and correct by the applicant or acknowledged by the applicant before a notary.
- (iii) No alteration in the configuration or location of a manager's station or viewing room may be made without the prior approval of the Mayor.
- (iv) It shall be the duty of the operator, and of any employees present on the premises, 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 (i) of this subsection.
- (v) The interior premises shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access at an illumination of not less than one (1.0) foot candle as measured at the floor level. It shall be the duty of the operator, and of any employees present on the premises, to ensure that the illumination described above is maintained at all times that the premises is occupied by patrons or open for business.
- (vi) It shall be the duty of the operator, and of any employees present on the premises, to ensure that no sexual activity occurs in or on the licensed premises.

- (vii) It shall be the duty of the operator, and of any employees present on the premises, to ensure that not more than one person is present in a viewing room at any time. No person shall enter a viewing room that is occupied by another person.
- (viii) It shall be the duty of the operator, and of any employees present on the premises, to ensure that no openings of any kind exist between viewing rooms. No person shall make an attempt to make an opening of any kind between viewing rooms.
- (ix) It shall be the duty of the operator, or of any employee who discovers two or more patrons in a viewing room or discovers any person making or attempting to make an opening of any kind between viewing rooms, to immediately escort such persons from the premises.
- (x) It shall be the duty of the operator, or of any employee, who discovers an opening of any kind between viewing rooms to immediately secure such rooms, and prevent entry into them by any patron until such time as the wall between the rooms has been repaired to remove the opening. Removal and repairing openings between viewing rooms shall be in a manner that is as structurally substantial as the original wall construction.
- (xi) It shall be the duty of the operator, at least once each business day, to inspect the walls between viewing rooms for openings of any kind, documented by appropriate logs.
- (xii) It shall be the duty of the operator to post conspicuous signs in well-lighted entry areas of the business stating all of the following:
 - (A) That no loitering is permitted in viewing rooms.
 - (B) That the occupancy of viewing rooms is limited to one person.
 - (C) That sexual activity on the premises is prohibited.
 - (D) That the making of openings between viewing rooms is prohibited.
 - (E) That violators will be required to leave the premises.
 - (F) That violations of this section are unlawful.
- (xiii) It shall be the duty of the operator to ensure that floor coverings in viewing rooms are nonporous, easily cleanable surfaces, with no rugs or carpeting.
- (xiv) It shall be the duty of the operator to ensure that all wall surfaces and seating surfaces in viewing rooms are constructed of or permanently covered by nonporous easily cleanable material.
- (xv) It shall be the duty of the operator to ensure that premises are clean and sanitary. Such duty shall be fulfilled if the operator complies with the following cleaning procedures:
 - (A) The operator shall maintain a regular cleaning schedule of at least two cleanings per day, documented by appropriate logs.
 - (B) The operator shall provide an employee to check all areas for garbage, trash, body fluids and excrement and to remove and clean all areas with a disinfectant. All solid waste generated by the business shall be collected from the premises for disposal at a lawful solid waste disposal facility at least twice each week. Prior to collection solid waste shall be stored in a manner that prevents access by animals or members of the public and which will not facilitate the creation of a health nuisance.
 - (C) Thorough cleaning of the entire interior of any room providing patron privacy shall be done using a disinfectant. Cleaning shall include floors, walls, doors, seating, monitors, video cameras, and windows and other surfaces.

- (xvi) 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, including the interior of each viewing room but excluding restrooms, to which any patron is permitted access for any purpose. A manager's station shall not exceed thirty-two (32) square feet of floor area. If the premises has two (2) or more manager's 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 paragraph must be by direct line of sight from the manager's station. It is the duty of the operator to ensure that at least one employee is on duty and situated in each manager's station at all times that any patron is on the premises. It shall be the duty of the operator, and it shall also be the duty of any employees present on the premises, to ensure that the view area specified in this paragraph remains unobstructed by any doors, curtains, walls, merchandise, display racks or other materials or enclosures at all times that any patron is present on the premises.
- (xvii) It shall be the duty of the operator or manager of the business to ensure that no sexually oriented entertainment activity or visual depictions characterized by an emphasis on actual specified anatomical areas or specified sexual activities are visible from a public right of way adjacent to the establishment.
- (b) It shall be unlawful for a person having a duty under this section to knowingly fail to fulfill that duty.

Section 1.15. Loitering and exterior lighting and monitoring requirements.

- (a) It shall be the duty of the operator of a Sexually Oriented Business to: (a) post conspicuous signs stating that no loitering is permitted on the premises; (b) designate one or more employees to monitor the activities of persons on such property by visually inspecting such property at least once every ninety (90) minutes or inspecting such property by use of video cameras and monitors; and (c) provide lighting of the exterior premises to provide for visual inspection or video monitoring to prohibit loitering. If used, video cameras and monitors shall operate continuously at all times that the premises are open for business. The monitors shall be installed within a manager's station.
- (b) It shall be unlawful for a person having a duty under this section to knowingly fail to fulfill that duty.

Section 1.16. Penalties and enforcement.

- (a) A person who knowingly violates, disobeys, omits, neglects, or refuses to comply with or resists the enforcement of any of the provisions of this chapter shall be subject to a citation and a civil fine, not to exceed \$500, upon proper adjudication before the Third Judicial District Court. Each day the violation is committed, or permitted to continue, shall constitute a separate offense and shall be fined as such.
- (b) The Village Attorney is hereby authorized to institute civil proceedings necessary for the enforcement of this chapter to prosecute, restrain, or correct violations hereof. Such proceedings, including injunction, shall be brought in the name of the Village, provided, however, that nothing in this section and no action taken hereunder, shall be held to exclude such criminal proceedings as may be authorized by other provisions of the Code of Ordinances of the Village of Choudrant, Louisiana, or any of the laws or ordinances in force in the Village, or to exempt anyone violating this code or any part of the said laws from any penalty which may be incurred.

Section 1.17. Prohibited acts on Sexually Oriented Business premises generally.

- (a) No person holding a Sexually Oriented Business license, and no employee of any such person, shall do or permit any of the following acts to be done on or about the licensed premises:
 - (i) Serve or allow on the premises of a Sexually Oriented Business, any person under the age of eighteen (18) years, unless such person submits a valid photographic ID which, on its

face, establishes the age of the person as eighteen (18) years or older, and there is no reasonable doubt as to the authenticity or correctness of the identification; provided, however, that the prohibition of this Section 1.17(a)(i) shall apply only to the partitioned area for sexually oriented activity of a dual purpose business.

- (ii) Allow alcohol on the premises except for those Sexually Oriented Business's properly licensed under the state and parish alcoholic beverage ordinances.
- (iii) Intentionally entice, aid or permit any person under the age of eighteen (18) years to visit or loiter in or about any Sexually Oriented Business; provided, however, that the prohibition of this Section 1.17(a)(iii) shall apply only to the partitioned area for sexually oriented activity of a dual purpose business.
- (iv) Permit any prostitute to frequent the licensed premises or to solicit patrons for prostitution on the licensed premises.
- (v) Intentionally conduct illegal gambling as defined by law, on the premises described in the application for the license.
- (vi) Fail to keep the premises clean and sanitary, including any parking lot, sidewalk, vacant lot, or open or closed space within or contiguous to the licensed premises which is under the control of the permit holder by lease, ownership, or otherwise.
- (vii) Illegally distribute, sell, offer for sale, possess or permit the consumption or distribution on or about the licensed premises of any kind or type of narcotics or habit-forming drug.

(b) Violation of this section by any Sexually Oriented Business licensee, agent, associate, employee, representative or servant shall be considered the licensor's act for the purposes of suspension or revocation of a license.

(c) Notwithstanding the issuance of a license by way of renewal, the Mayor or the Board may request revocation or suspension of such license as prescribed by this chapter, for violations of this section occurring during the license period immediately preceding the issuance of such license.

Section 1.18. Additional regulations concerning live public nudity.

(a) It shall be a violation of this chapter for a patron, employee, or any other person knowingly or intentionally, in a Sexually Oriented Business, to appear in a state of nudity, regardless of whether such public nudity is expressive in nature.

(b) It shall be a violation of this chapter for a person, knowingly or intentionally, in a Sexually Oriented Business to appear in a semi-nude condition unless the person is an employee who, while semi-nude, shall be at least six (6) feet from any patron or customer and on a permanent immovable stage at least eighteen (18) inches from the floor.

(c) It shall be a violation of this chapter for any employee of a Sexually Oriented Business, while semi-nude, to knowingly or intentionally touch a customer or the clothing of a customer.

(d) It shall be a violation of this chapter for any person to knowingly or intentionally touch an employee of a Sexually Oriented Business or such employee's clothing or costume, while such employee is semi-nude.

(e) A sign in a form to be prescribed by the Mayor and summarizing the provisions of Paragraphs (a), (b), (c), and (d) of this Section, shall be posted near the entrance of the Sexually Oriented Business in such a manner as to be clearly visible to patrons upon entry. It shall be a violation of this chapter for an operator to operate a Sexually Oriented Business at any time when the required sign is not posted and clearly visible to patrons entering the business.

(f) The interior of any business that regularly features persons who appear in a state of semi-nudity shall be configured in such a manner that there is an unobstructed view from a manager's station or from a hallway accessible to all patrons to all places (and all parts of any room) where patrons are permitted access, excluding restrooms, for any purpose. In any business that regularly features persons who appear in a state of semi-nudity, no separate room, other than a restroom, where any patron is allowed access for any purpose, shall have any door that precludes viewing of all parts of any such room from a manager's station or a hallway to which all patrons are permitted access. A manager's station as described in the preceding sentences shall not exceed thirty-two (32) square feet of floor area. The view required in this paragraph must be by direct line of sight from the manager's station or the hallway to all parts of the room in question. It is the duty of the operator to ensure that at least one employee is on duty and situated in each manager's station at all times that any patron is on the premises. It shall be the duty of the operator, and it shall also be the duty of any employees present on the premises, to ensure that the view area specified in this paragraph remains unobstructed by any doors, curtains, walls, merchandise, display racks or other materials or enclosures at all times that any patron is present on the premises. It shall be a violation of this chapter for any person to operate a business in violation of this paragraph.

(g) It is unlawful for a Sexually Oriented Business to knowingly violate the preceding regulations or to knowingly allow an employee or any other person to violate the preceding regulations.

Section 1.19. Regulation of dual purpose businesses.

It shall be unlawful for the operator of any dual purpose business to fail to comply with the following regulations:

(a) The operator shall maintain a physical barrier between any sexually oriented entertainment activity and other activity of the business. The barrier shall consist of a permanent opaque wall or room divider, or a separate room. The barrier will be a minimum of six (6) feet high. The entrance to the separate sexually oriented entertainment activity area will be configured as to not allow a patron of the business below the age of eighteen (18) years to view the contents of the sexually oriented entertainment activity area from outside such area.

(b) The area containing sexually oriented entertainment activity shall be clearly marked by signs, with bold-face lettering in type or handwriting no less than the equivalent of 70 point type, stating that no persons under the age of 18 are allowed in the area. Such sign shall be not less than two feet wide and one foot high, in letters sharply contrasting in color with the background of the sign.

(c) The operator shall insure that only employees holding Sexually Oriented Business employee cards and qualified patrons are permitted entry into the separate sexually oriented entertainment area; provided, however, that bona fide maintenance or cleaning employees may be permitted entry into such area to perform their maintenance or cleaning responsibilities.

(d) Any employee of a dual purpose business will be required to have Sexually Oriented Business employee card if the employee has any duties relating to the sale, rental, restocking, checking in and out of sexually oriented entertainment materials, or taking inventory of any sexually oriented entertainment material.

(e) The operator shall not advertise or display promotional materials for any of the materials or activities available in the partitioned sexually oriented activities section on the exterior of the premises or within the interior of the premises not partitioned for sexually oriented entertainment material.

Section 1.20. Scierter required to prove violation or business licensee liability.

Notwithstanding anything to the contrary, for the purposes of this chapter, an act by an employee that constitutes grounds for suspension or revocation of that employee's license shall be imputed to the Sexually Oriented Business licensee for purposes of finding a violation of this ordinance, or for purposes of license denial, suspension, or revocation, only if an officer, director, or general partner, or a person who managed, supervised, or controlled the operation of the business premises, knowingly allowed such act to occur on the premises, or if an officer, director, or general partner, or a person who managed, supervised, or controlled the operation of the business premises reasonably should have known that such act was occurring or likely to occur on the premises.

Section 1.21. Applicability of ordinance to existing businesses and employees.

(a) The provisions of this chapter shall apply to the activities of all Sexually Oriented Businesses and Sexually Oriented Business employees described herein, whether such businesses or activities were established or commenced before, on, or after the effective date of this chapter. As of the effective date of this enacted chapter, any person or business who is engaged in a business or activity requiring a Sexually Oriented Business license or a Sexually Oriented Business employee card under this chapter shall apply for the appropriate license or card within thirty (30) days after the effective date of this enacted chapter. If such person does not apply for the applicable license or card within such thirty (30) day period, the person or business shall not be entitled to operate a Sexually Oriented Business or be an employee of a Sexually Oriented Business (or an employee of a dual purpose business required to hold a Sexually Oriented Business employee card) after the expiration of such thirty (30) day period, and such person shall be subject to prosecution or other action for violation of this chapter. During the pendency of any application for a Sexually Oriented Business license or Sexually Oriented Business employee card, and any appeal from the denial of any such license or card, the applicant is hereby granted a *de facto* temporary license or card, as the case may be, to continue operation or employment until the ultimate termination of the appeal process by completion or withdrawal of the appeal, subject to suspension or revocation provisions as provided in this chapter.

(c) Within 180 days after the effective date of this chapter, Sexually Oriented Businesses and dual purpose businesses must make any necessary changes to the interior configurations of the regulated business premises to conform to this chapter.

Section 1.22. Locational Requirements.

- (a) No sexually oriented business shall be operated within 1,000 feet of:
- (1) A public park or public library.
 - (2) A nonprofit educational museum.
 - (3) A church or synagogue.

- (4) A public or private elementary or secondary school.
- (5) A day care center or kindergarten.
- (6) Another sexually oriented business.
- (7) A structure that contains another sexually oriented business.

(b) No sexually oriented business shall be operated within 1,000 feet of a residential zoning district or any building site dedicated or devoted to a residential use.

(c) *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 a church, public park, public or private elementary or secondary school, day care or kindergarten, residential district, or building site dedicated or devoted to a residential use.
- (2) Measurement between any two 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.

(d) *Nonconforming.*

- (1) Any person or entity holding a certificate of occupancy for a lawful business and actually operating a sexually oriented business on the effective date of this Ordinance, but not in compliance with the requirements of this Section shall be permitted to continue to operate as a nonconforming sexually oriented business at the 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 Section 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 in interest. The holder of the certificate of occupancy or operator of the business shall be responsible for providing documentation, acceptable to the Mayor, 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, as provided in applicable sections of this chapter. Any change in use shall require full compliance with all provisions of this chapter 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 a church, public park, public or private elementary or secondary school, day care or kindergarten, residential district or residential lot within 1,000 feet of the sexually oriented business.

(e) *Issuance of certificate of occupancy.* Prior to issuance of a certificate of occupancy, the owner or applicant shall be required to sign a written statement verifying that a sexually oriented business is being operated as defined by this Section.

Section 1.23. Sexually Oriented Business Locations: Measurements.

Any measurement required to be conducted by the provisions of this chapter shall be performed by the Mayor, or his designee.

Section 1.24. Severability.

This chapter, Sections 1.1 through 1.24 and each section, subsection and provision of said chapter, are hereby declared to be independent divisions and subdivisions and, notwithstanding any other evidence of legislative intent, it is hereby declared to be the controlling legislative intent that if any provisions of this chapter, or the application thereof to any person or circumstance is held to be invalid, the remaining sections or provisions and the application of such sections and provisions to any person or circumstances other than those to which it is held invalid, shall not be affected thereby, and it is hereby declared that such sections and provisions are severable and would have been passed independently of such section or provision so known to be invalid.

Section 2. Any Village ordinance containing any provision in conflict with any provision of this Ordinance is hereby repealed.

Section 3. This Ordinance shall become effective immediately upon its adoption and approval by the Mayor.

Section 4. This Ordinance was introduced by Eddie Ford at the regular meeting of the Board of Alderman of the Village of Choudrant held on February 2, 2004, and copies of the same were provided to all members of the Board. At said meeting, following the public hearing, this proposed ordinance shall be read by title and called for final passage and may be adopted by an affirmative vote of a majority of the members of the Board.

THUS INTRODUCED at the regular meeting of the Village of Choudrant, Louisiana, on February 2, 2004.

THUS ADOPTED at the regular meeting of the Village of Choudrant, Louisiana on March 1, 2004.

For: 2

Against: 0

Absent: 1

-S- Ann Ambrose
CLERK

-S- Bill Sanderson
MAYOR