

**THE ACADIA PARISH POLICE JURY** met on the above date at 6:00 p.m., in Courtroom “A”, Courthouse Building, Crowley, Louisiana, in Special Session with President Beau Petitjean presiding. At the request of the President, a prayer was offered by Glen Howie and the Pledge to the Flag was recited in unison. The roll was called, and final attendance was recorded as follows:

WALTER ANDRUS  
BEAU PETITJEAN  
PAT DAIGLE  
PAUL ED GUIDRY

KIRK GUIDRY  
TROY LANTZ  
GORDON MORGAN

ABSENT: JEFFERY MORGAN

Quorum present.

A motion was offered by Troy Lantz, seconded by Paul Ed Guidry and carried unanimously authorizing the change of location of this meeting from the Police Jury Meeting Room to “Courtroom A” due to concerns regarding capacity.

Acadia Parish Police Jury Attorney, Luke Dupré held a discussion regarding the Acadia Parish Police Jury regulating “sexually oriented businesses” and the procedure for doing same should an ordinance be passed. Mr. Dupré explained that the special meeting being held tonight is for the purpose of calling for a Public Hearing on December 10, 2024, for the proposed Ordinance but to also hear what the public's concerns are on the proposed Ordinance. Mr. Dupré stated that the Louisiana Revised Statute 33:1236 allows Acadia Parish to regulate businesses of this type and pass ordinances like the one proposed. The proposed ordinance will create a new article, Article VII of Chapter Ten, of the Code of Ordinances of the Acadia Parish. That article will regulate sexually oriented businesses and prohibit certain activities from occurring within commercial establishments. Mr. Dupré went through the 14-page proposed ordinance and explained a few sections to the public. On page 2 of the proposed ordinance, the Purpose and Findings are listed. On page 3 of the proposed ordinance, it states the legislative findings related to the effects of sexually oriented businesses regarding crime, spread of disease, and lowering the quality of life in the community. On page 4, the proposed ordinance states the Definitions of what a sexually oriented business consists of. Mr. Dupré explained Section 10-244 is for the License Required including Employee License and the license for the business. Section 10-245 explains how the license is issued and what the Acadia Parish Permit Office can and cannot do. Section 10-246 explains the fees involved. Section 10-247 allows for inspection of the business. Section 10-248 refers to the expiration and renewal of license. Section 10-249 and 10-250 explains the suspension and revocation of license. In Section 10-250 Revocation – it states that the license can be revoked if the licensee knowingly or recklessly allows a person to consume alcohol on the premises of the sexually oriented business as well as allowing drugs and prostitution. Section 10-252 refers to the Transfer or License. Section 10-253 details hours of operation stating no sexually oriented business shall be or remain open for business between 12:00 midnight and 6:00 a.m. on any day. Section 10-254 refers to loitering and exterior lighting. Section 10-255 explains prohibited conduct. Section 10-256 is penalties and enforcement. Section 10-268 refers to Absolute Prohibition of Live Sex Act Businesses and Establishment of Nuisance. Mr. Dupré stated the fine is \$500.00 and up to 30 days in jail which is the maximum fine and penalty that the Acadia Parish Police Jury can establish per the Louisiana State Statute.

A motion was offered by Troy Lantz, seconded by Kirk Guidry and carried unanimously to call for a public hearing on December 10<sup>th</sup>, 2024 at 6:00 PM at the Meeting Room on the 3<sup>rd</sup> Floor of the Acadia Parish Courthouse regarding the proposed ordinance entitled: AN ORDINANCE TO ENACT AND CREATE ARTICLE VII OF CHAPTER TEN OF THE CODE OF ORDINANCES OF THE ACADIA PARISH POLICE JURY TO BE ENTITLED “SEXUALLY ORIENTED BUSINESSES” WHICH WILL PROVIDE FOR THE DEFINITION, REGULATION, PERMITTING, ZONING, AND HOURS OF OPERATION OF SUCH BUSINESSES AND CERTAIN ACTIVITIES PERMITTED AND PROHIBITED ON THE PREMISES OF SUCH BUSINESSES; TO PROVIDE FOR OFFICIAL FINDINGS REGARDING SAME; TO PROVIDE FOR THE IMPOSITION OF FEES FOR LICENSING AND PERMITTING; TO PROVIDE FOR THE ENFORCEMENT OF SAID ORDINANCE AND PENALTIES FOR VIOLATING SAME; TO PROVIDE FOR THE TERM, SUSPENSION, AND REVOCATION OF SUCH LICENSES; TO PROVIDE FOR SCIENTER REQUIRED TO PROVE A VIOLATION OF SAID ORDINANCE; TO PROVIDE FOR THE PROCESS OF PROSECUTING AND ADJUDICATING VIOLATIONS OF SAID ORDINANCE; TO PROVIDE FOR THE DUTIES AND POWERS OF THE PARISH ATTORNEY AND CODE ENFORCEMENT OFFICE REGARDING SAME; TO REPEAL ALL ORDINANCES OR PARTS OF ORDINANCES CONTRARY THERETO OR IN CONFLICT THEREWITH; AND TO PROVIDE FOR MATTERS RELATIVE THERETO.

A roll call was offered with all Yays.

Acadia Parish Police Jury President, Beau Petitjean, called for public comments and stated each person will have two minutes to address the public.

Tess Zachary held a discussion opposing against the proposed ordinance. Ms. Zachary stated this business was not a sexually oriented business and was an invitation-only social club. Ms. Zachary stated that regulating these types of businesses is unconstitutional.

Ben Bouillion held a discussion opposing the proposed ordinance. Mr. Bouillion stated this business is a social club and no one is allowed into the club unless they have been invited. Mr. Bouillion stated there will be a fence around the business so outsiders will not be able to see anything happening inside or outside the business.

Jasen Bourque held a discussion opposing against the proposed ordinance. Mr. Bourque stated that he has previously owned one of these clubs in St. Martinville and there are 0 statistics against lifestyle clubs. Mr. Bourque asks the Acadia Parish Police Jury to educate themselves on this type of lifestyle and will be moving forward with this business.

Wendy Veronie held a discussion opposing against the proposed ordinance. Ms. Veronie stated that as a parent of LGBTQ plus child, she would like to protect private choices and oppose laws that discriminate. Ms. Veronie stated that Fantasies Club and clubs like this one provide a safe place where like-minded adults can learn more about consent healthy relationships while following rules set.

Amanda Broughton held a discussion opposing against the proposed ordinance. Ms. Broughton stated that Fantasies Club is bringing revenue to the community and if prohibited, she would like to know what other local businesses will be next. Ms. Broughton states these types of regulations send the wrong message to businesses.

Anna Broussard held a discussion opposing against the proposed ordinance. Ms. Broussard stated that personal opinions are not a reason to discriminate and feels that Acadia Parish does not need another layer of government. Ms. Broussard states just because it is not some ones cup of tea, please do not stop others from making their own legal and private choice.

Blaise Morgan held a discussion opposing against the proposed ordinance. Ms. Morgan states that the alternative lifestyle is a lifestyle perceived to be outside of the norm for a given cultural society. Ms. Morgan states that Fantasies Club will have rules that all members must follow including all activities are consensual and laws are enforced.

Dwayne Veronie held a discussion opposing against the proposed ordinance. Mr. Veronie stated that Fantasies is not a sexually oriented business but a social club where they have a good time and form friendships.

Katherine Hudley held a discussion in favor of the proposed ordinance. Ms. Hundley states that the generations, families, farmers, and friends who represent the towns, villages, and communities of Acadia Parish are what define the community. Ms. Hundley states what is before the Acadia Parish Police Jury is an affront to every generation of the Acadia Parish Citizens.

Louis Cramer held a discussion in favor of the proposed ordinance. Mr. Cramer asks that the Acadia Parish Police Jury continue to check and find out what every business has in mind as they come to Acadia Parish. Mr. Cramer reviewed the businesses website and feels it is not a good environment for young people in the community.

Todd Pullin held a discussion in favor of the proposed ordinance. Mr. Pullin states he lives right across the street from the facility and as a father that has been in the foster care system, he feels that the Department of Children and Family Services (DCFS) will not allow him to foster children in the future.

Sam Fulkerson held a discussion in favor of the proposed ordinance. Mr. Fulkerson states the pictures on the website of a women hanging upside down with a ball in her mouth seem sexual and invites anyone who is looking for a social club to join his church.

Laura Loewer held a discussion in favor of the proposed ordinance. Ms. Loewer states she lives down the road from the proposed business and feels the business will bring crime, drug use, trafficking and prostitution to the community.

Robert Voitier, Jr. held a discussion in favor of the proposed ordinance. Mr. Voitier asks for the Acadia Parish Police Jury to review the website and look up BKS 2.0. Mr. Voitier feels this club is discriminatory because the admission for women is \$20.00 and the admission for men is \$100.00 while men must be approved, and women do not.

Acadia Parish Police Jury President, Beau Petitjean, gave the statistics on red and green cards. There are 65 In Favor cards and 12 Opposed To cards.

Acadia Parish Building Official asked Acadia Parish Police Jury Attorney if this proposed ordinance will apply to businesses prior to a certificate of occupancy being issued.

Acadia Parish Police Jury Attorney stated some of the proposed ordinance sections will apply but will have 120 days to comply.

**THEREFOR BEING NO FURTHER BUSINESS TO COME BEFORE THE MEETING, THE MOTION WAS OFFERED BY PAUL ED GUIDRY, SECONDED BY GORDON RAY MORGAN THAT THE MEETING ADJOURN UNTIL THE NEXT REGULARLY SCHEDULED MEETING ON TUESDAY, NOVEMBER 12, 2024, AT THE HOUR OF 6:00 P.M.**

AN ORDINANCE TO ENACT AND CREATE ARTICLE VII OF CHAPTER TEN OF THE CODE OF ORDINANCES OF THE ACADIA PARISH POLICE JURY TO BE ENTITLED “SEXUALLY ORIENTED BUSINESSES” WHICH WILL PROVIDE FOR THE DEFINITION, REGULATION, PERMITTING, AND HOURS OF OPERATION OF SUCH BUSINESSES AND CERTAIN ACTIVITIES PERMITTED AND PROHIBITED ON THE PREMESIS OF SUCH BUSINESSES; TO PROVIDE FOR OFFICIAL FINDINGS REGARDING SAME; TO PROVIDE FOR THE IMPOSITION OF FEES FOR LICENSING AND PERMITTING; TO PROVIDE FOR THE ENFORCEMENT OF SAID ORDINANCE AND PENALTIES FOR VIOLATING SAME; TO PROVIDE FOR THE TERM, SUSPENSION, AND REVOCATION OF SUCH LICENSES; TO PROVIDE FOR SCIENTER REQUIRED TO PROVE A VIOLATION OF SAID ORDINANCE; TO PROVIDE FOR THE PROCESS OF PROSECUTING AND ADJUDICATING VIOLATIONS OF SAID ORDINANCE; TO PROVIDE FOR THE DUTIES AND POWERS OF THE PARISH ATTORNEY AND CODE ENFORCEMENT OFFICE REGARDING SAME; TO REPEAL ALL ORDINANCES OR PARTS OF ORDINANCES CONTRARY THERETO OR IN CONFLICT THEREWITH; AND TO PROVIDE FOR ALL MATTERS RELATIVE THERETO.

**WHEREAS**, the Acadia Parish Police Jury deems it wise and necessary to create an enact an article in the Code of Ordinances of Acadia Parish which addresses all “sexually oriented businesses” which operate in the unincorporated areas of the Parish presently or in the future for the reasons and purposes given in Section 10-242 of this proposed ordinance, each of which are hereby found to be independent and sufficient purposes for enacting same; and

**WHEREAS**, sexually oriented businesses require special supervision by the governmental agencies of the Parish in order to protect and preserve the health, safety, and welfare of the patrons of such businesses as well as the residents and visitors of the Parish.

**WHEREAS**, the Acadia Parish Police Jury finds that sexually oriented businesses, as a category of establishments, are frequently used for unlawful sexual activities, including prostitution, and sexual liaisons of a casual nature; and

**WHEREAS**, there is convincing documented evidence that sexually oriented businesses as a category of establishments have deleterious secondary effects and are often associated with crime and adverse effects on surrounding properties; and

**WHEREAS**, the Acadia Parish Police Jury desires to protect the health, safety, and welfare of the citizenry; protect its residents and visitors from crime; preserve the quality of life within the Parish; preserve the character of surrounding neighborhoods; and

**WHEREAS**, certain sexually oriented products and services offered to the public are recognized as not inherently expressive and not protected by the First Amendment, *see, e.g., Heideman v. South Salt Lake City*, 348 F.3d 1182, 1195 (10th Cir. 2003) (noting ordinance’s regulation of “‘adult novelty stores,’ which are not engaged in expressive activity”); *Sewell v. Georgia*, 233 S.E.2d 187 (Ga. 1977), dismissed for want of a substantial federal question, 435 U.S. 982 (1978) (sexual devices); *FW/PBS, Inc. v. City of Dallas*, 493 U.S. 215, 224 (1990) (escort services and sexual encounter services); and

**WHEREAS**, there is documented evidence of sexually oriented businesses, including adult bookstores and adult video stores, manipulating their inventory and/or business practices to avoid regulation while retaining their essentially “adult” nature, *see, e.g., Z.J. Gifts D-4, L.L.C. v. City of Littleton*, Civil Action No. 99-N-1696, Memorandum Decision and Order (D. Colo. March 31, 2001) (finding retail adult store’s “argument that it is not an adult entertainment establishment” to be “frivolous at best”); *People ex rel. Deters v. The Lion’s Den, Inc.*, Case No. 04-CH-26, Modified Permanent Injunction Order (Ill. Fourth Judicial Circuit, Effingham County, July 13, 2005) (noting that “the accuracy and credibility” of the evidence on inventory in adult retail store was suspect, and that testimony was “less than candid” and “suggested an intention to obscure the actual amount of sexually explicit material sold”); *City of New York v. Hommes*, 724 N.E.2d 368 (N.Y. 1999) (documenting manipulation of inventory to avoid adult classification); *Taylor v. State*, No. 01-01-00505-CR, 2002 WL 1722154 (Tex. App. July 25, 2002) (noting that “the nonadult video selections appeared old and several of its display cases were covered with cobwebs”); *HH-Indianapolis, LLC v. Consol. City of Indianapolis/Marion County*, 889 F.3d 432 (7th Cir. 2018); *HH-Indianapolis, LLC v. Consol. City of Indianapolis/Marion County*, 265 F. Supp. 3d 873 (S.D. Ind. 2017); and

**WHEREAS**, the manner in which an establishment holds itself out to the public is a reasonable

consideration in determining whether the establishment is a sexually oriented business, *see, e.g., East Brooks Books, Inc. v. Shelby County*, 588 F.3d 360, 365 (6th Cir. 2009) (“A prominent display advertising an establishment as an ‘adult store,’ moreover, is a more objective indicator that the store is of the kind the Act aims to regulate, than the mere share of its stock or trade comprised of adult materials.”); *FW/PBS, Inc. v. City of Dallas*, 493 U.S. 215, 261 (1991) (Scalia, J., concurring in part and dissenting in part) (“[I]t is most implausible that any enterprise which has as its

constant intentional objective the sale of such [sexual] material does not advertise or promote it as such.”); *see also Johnson v. California State Bd. of Accountancy*, 72 F.3d 1427 (9th Cir. 1995) (rejecting First Amendment challenge to statute which used the phrase “holding out” to identify conduct indicative of the practice of public accountancy, but did not ban any speech); and

**WHEREAS**, the Acadia Parish Police Jury intends to regulate “sexually oriented businesses” as defined in Section 10-243 of this ordinance through a narrowly tailored ordinance designed to serve its substantial government interest in protecting the health, safety, and welfare of the community, including by preventing the negative secondary effects of sexually oriented businesses; and

**WHEREAS**, the Acadia Parish Police Jury recognizes its constitutional duty to interpret and construe its laws to comply with constitutional requirements as they are announced; and

**WHEREAS**, with the passage of any ordinance, the Acadia Parish Police Jury 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 Constitution, The Louisiana Constitution of 1974, and other relevant portions of statutory Louisiana law; and

**WHEREAS**, it is not the intent of this Ordinance to suppress any speech activities protected by the U.S. Constitution or the Louisiana Constitution of 1974, but to enact legislation to further the content-neutral governmental interests of the Police Jury, including controlling the secondary effects of sexually oriented businesses.

**WHEREAS**, this ordinance was duly introduced and notice of this ordinance and of the public hearing has been published in the Official Journal of the Acadia Parish Police Jury and on its website and social media pages; and

**WHEREAS**, a public hearing having been held in accordance with the law on the 10th day of December, 2024, at 6:00 p.m. in Courtroom “A” on the Third Floor of the Acadia Parish Courthouse in Crowley, Louisiana;

**NOW, THEREFORE, BE IT RESOLVED AND ORDAINED BY THE ACADIA PARISH POLICE JURY IN REGULAR SESSION DULY CONVENED ON THIS 10<sup>TH</sup> DAY OF DECEMBER, 2024, THAT:**

Article VII of Chapter Ten of the Code of Ordinances of the Acadia Parish Police Jury is hereby created, enacted, and entitled “SEXUALLY ORIENTED BUSINESSES” and shall contain the following sections, to-wit:

**SECTION 10-242: Purpose, Findings, & Rationale**

- 1) **Purpose.** It is the purpose of this ordinance to regulate sexually oriented businesses and other like establishments in order to promote the health, safety, morals, and general welfare of the residents and visitors of Acadia Parish; and to establish reasonable and uniform regulations to prevent the deleterious secondary effects of all sexually oriented businesses within the unincorporated areas of the Parish. The provisions of this article have neither the purpose nor effect of imposing a limitation or restriction on the content or reasonable access to any communicative materials, including sexually oriented materials. Similarly, it is not the intent nor effect of this article to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent nor effect of this article to condone the distribution of obscene material.
- 2) **Findings.** Based on evidence of the adverse secondary effects of adult uses presented in hearings and in reports made available to the Police Jury, and on findings, interpretations, and narrowing constructions incorporated in:

(1) the cases of *City of Littleton v. Z.J. Gifts D-4, L.L.C.*, 541 U.S. 774 (2004); *City of Los Angeles v. Alameda Books, Inc.*, 535 U.S. 425 (2002); *City of Erie v. Pap’s A.M.*, 529 U.S. 277 (2000); *City of Renton v. Playtime Theatres, Inc.*, 475 U.S. 41 (1986); *Young v. American Mini*



*Theatres*, 427 U.S. 50 (1976); *Barnes v. Glen Theatre, Inc.*, 501 U.S. 560 (1991); *California v. LaRue*, 409 U.S. 109 (1972); *N.Y. State Liquor Authority v. Bellanca*, 452 U.S. 714 (1981); *Sewell v. Georgia*, 435 U.S. 982 (1978); *FW/PBS, Inc. v. City of Dallas*, 493 U.S. 215 (1990); *City of Dallas v. Stanglin*, 490 U.S. 19 (1989); *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); *Recreational Developments of Phoenix, Inc. v. City of Pheonix*, 83 F.Supp. 2d 1072 (D. Ariz. 1999); and

(2) from the subsequent findings in *Jane Doe I v. Jeff Landry, Attorney General of Louisiana*, 909 F.3d 99 (5<sup>th</sup> Cir. 2018) and other cases; and

(3) 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 from the public health, public safety, and community welfare information contained within a book entitled *Local Government Regulation of Adult Businesses* (2023 ed., Thompson Reuters) by Scott D. Bergthold; and

(4) based upon reports concerning secondary effects occurring in and around sexually oriented businesses, including, but not limited to, "Correlates of Current Transactional Sex among a Sample of Female Exotic Dancers in Baltimore, MD," *Journal of Urban Health* (2011); "Does the Presence of Sexually Oriented Businesses Relate to Increased Levels of Crime?" *Crime & Delinquency* (2012) (Louisville, KY); Metropolis, Illinois – 2011-12; Manatee County, Florida – 2007; Hillsborough County, Florida – 2006; Clarksville, Indiana – 2009, 2013-2019; El Paso, Texas – 2008; Memphis, Tennessee – 2006; New Albany, Indiana – 2009; Louisville, Kentucky – 2004; Fulton County, GA – 2001; Chattanooga, Tennessee – 1999-2003; Jackson County, Missouri – 2008; Ft. Worth, Texas – 2004; Kennedale, Texas – 2005; Greensboro, North Carolina – 2003; Dallas, Texas – 1997; Houston, Texas – 1997, 1983; Phoenix, Arizona – 1995-98, 1979; Tucson, Arizona – 1990; Spokane, Washington – 2001; St. Cloud, Minnesota – 1994; Austin, Texas – 1986; Indianapolis, Indiana – 1984; Garden Grove, California – 1991; Los Angeles, California – 1977; Whittier, California – 1978; Oklahoma City, Oklahoma – 1986; New York, New York Times Square – 1994; the Report of the Attorney General's Working Group On The Regulation Of Sexually Oriented Businesses, (June 6, 1989, State of Minnesota); Dallas, Texas – 2007; "Rural Hotspots: The Case of Adult Businesses," 19 *Criminal Justice Policy Review* 153 (2008),

The Acadia Parish Police Jury hereby makes the following findings:

1. Sexually oriented businesses, as a category of commercial uses, are associated with a wide variety of adverse secondary effects including, but not limited to, personal and property crimes, human trafficking, prostitution, the potential spread of communicable diseases, lewdness, public indecency, obscenity, illicit drug use and drug trafficking, negative impacts on surrounding properties, and sexual assault and exploitation. Alcohol consumption impairs judgment and lowers inhibitions, thereby increasing the risk of adverse secondary effects.
2. Sexually oriented businesses should be separated from sensitive land uses such as uses by religious organizations, educational institutions, public recreational areas, and residences to minimize the impact of their secondary effects upon such uses, and should be separated from other sexually oriented businesses, to minimize the secondary effects associated with such uses and to prevent an unnecessary concentration of sexually oriented businesses in one area.
3. Sexually oriented businesses lend themselves to ancillary unlawful and unhealthy secondary effects and there is presently no mechanism in this Parish to make the owners and operators of these establishments responsible for the activities that occur on their premises.
4. 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.

5. 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 residents and visitors of the parish. 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.
6. Regarding live sex act businesses as defined in Section 10-268 of this Ordinance, the Acadia Parish Police Jury finds that the operation of a business for purposes of providing the opportunity to engage in, or the opportunity to view, live sex acts is declared to be a public nuisance *per se* which should be prohibited and that the operation of a live sex act business is likely to contribute to the spread of sexually transmitted diseases; and
7. Each of the foregoing negative secondary effects constitutes a harm which the Acadia Parish Police Jury has a substantial government interest in preventing and/or abating. The Acadia Parish Police Jury's interest in regulating sexually oriented businesses extends to preventing future secondary effects of either current or future sexually oriented businesses that may locate in the unincorporated areas of the Parish. The Acadia Parish Police Jury finds that the cases and documentation relied on in this Ordinance are reasonably believed to be relevant to said secondary effects.

The Acadia Parish Police Jury hereby adopts and incorporates herein its stated findings and legislative record related to the adverse secondary effects of sexually oriented businesses, including the judicial opinions and reports related to such secondary effects given in the preamble to this Ordinance.

#### **SECTION 10-243: Definitions.**

For purposes of this Article, the words and phrases defined in the sections hereunder shall have the meanings therein respectively ascribed to them unless a different meaning is clearly indicated by the context.

- A) *Administrative Law Judge* means the "hearing officer" referenced in La. Rev. Stat. § 13:2575.11 or subsequent amendments to that legislation.
- B) *Adult cabaret* means a nightclub, bar, juice bar, restaurant, bottle club, or similar commercial establishment, whether or not alcoholic beverages are served, which regularly offers live semi-nude conduct. No establishment shall avoid classification as an adult cabaret by offering fully nude conduct.
- C) *Characterized by* means describing the essential character or quality of an item. As applied in this Article, no business shall be classified as a sexually oriented business by virtue of showing, selling, or renting materials rated NC-17 or R by the Motion Picture Association of America.
- D) *Consideration* means the payment of money or the exchange of any item of value for: (1) the right to enter the business premises or any portion thereof; or (2) the right to remain on the business premises or any portion thereof; or (3) the right to purchase any item permitting the right to enter, or remain on, the business premises or any portion thereof; or (4) the right to a membership permitting the right to enter, or remain on, the business premises or any portion thereof.
- E) *Employ, Employee, and Employment* describe and pertain to any person who works or engages in activity for pay on the premises of a sexually oriented business, on a full time, part time, temporary, or contract basis, regardless of whether the person is denominated an employee, independent contractor, agent, lessee, or otherwise. Employee does not include a person exclusively on the premises for repair or maintenance of the premises or for the delivery of goods to the premises, or an attorney, accountant, or similar state-licensed professional performing professional services for the business.
- F) *Floor Space* means the floor area inside an establishment that is visible or accessible to patrons for any reason, excluding restrooms.
- G) *Influential Interest* means the actual power to influence or control the operation, management, or policies of the sexually oriented business or legal entity which operates the sexually oriented business. An individual is deemed to have an "influential interest" if he or she (1) is the on-site general manager of the sexually oriented business, (2) owns a financial interest of thirty

percent (30%) or more of a business or of any class of voting securities of a business, or (3) holds an office (e.g., president, vice president, secretary, treasurer, managing member, managing director, etc.) in a legal entity which operates the sexually oriented business.

- H) *Licensee* means 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 the case of an “employee,” it shall mean the person in whose name the sexually oriented business employee license has been issued.
- I) *Nudity or Nude Conduct* means the showing of the human male or female genitals, pubic area, vulva, or anus 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. For purposes of this Article, a “fully opaque covering” must not consist of any substance that can be washed or peeled off the skin (such as paint, make-up, or latex).
- J) *Operate* means to cause to function or to put or keep in a state of doing business.
- K) *Operator* means any person who manages, supervises, or controls the sexually oriented business or a portion thereof. A person may be found to be an operator regardless of whether such person is an owner, part owner, or licensee of the business.
- L) *Permit Office* means the Permit Office or Code Enforcement Officer of the Acadia Parish Police Jury, located at 1029 Capitol Avenue, Crowley, Louisiana 70526 (business hours Monday through Friday, 8:00 a.m. to 4:00 p.m., subject to legal holidays and local closures)
- M) *Person* means an individual, proprietorship, partnership, corporation, association, or other legal entity.
- N) *Premises* means the real property upon which the sexually oriented business is located, and all appurtenances thereto and buildings thereon, including, but not limited to, the sexually oriented business, the grounds, private walkways, and parking lots and/or parking garages adjacent thereto, under the ownership, control, or supervision of the licensee, as described in the application for a sexually oriented business license.
- O) *Regularly* means the consistent and repeated doing of an act on an ongoing basis.
- P) *Semi-Nude or Semi-Nudity* means the showing of the female breast below a horizontal line across the top of the areola and extending across the width of the breast at that point, or the showing of the male or female buttocks, with less than a fully opaque covering. This definition shall include the lower portion of the human female breast, but shall not include any portion of the cleavage of the human female breasts exhibited by a bikini, dress, blouse, shirt, leotard, or similar wearing apparel provided the areola is not exposed in whole or in part. For purposes of this Article, a “fully opaque covering” must not consist of any substance that can be washed or peeled off the skin (such as paint, make-up, or latex).
- Q) *Sexually Oriented Business* means an “adult cabaret,” and does not include “live sex act businesses” as defined in Section 268.
- R) *Specified Anatomical Areas* means and includes:
  - 1. Less than completely and opaquely covered: human genitals, pubic region; buttock; and female breast below a point immediately above the top of the areola; and
  - 2. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.
- S) *Specified criminal activity* means any of the following offenses: 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. 14:104-106.1 (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 constituted any of the foregoing offenses if the acts had been committed in Louisiana; for which:

1. 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;
2. 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
3. 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 (2) or more misdemeanor offenses or combination of misdemeanor offenses occurring within any twenty-four-month period.

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

T) *Specified sexual activity* means any of the following:

1. Sex acts, normal or perverted, including intercourse, oral copulation, masturbation or sodomy; or
2. Excretory functions as a part of or in connection with any of the activities described in (1) above.

U) *Transfer of ownership or control of a sexually oriented business* means any of the following:

1. The sale, lease, or sublease of the business;
2. The transfer of securities which constitute a controlling interest in the business, whether by sale, exchange, or similar means; or
3. The establishment of a trust, gift, or other similar legal device which transfers the ownership or control of the business, except for transfer by bequest or other operation of law upon the death of the person possessing the ownership or control.

V) *Viewing room* means the room, booth, or area where a patron of sexually oriented business would ordinarily be positioned while watching a film, videocassette, or other video reproduction.

#### **SECTION 10-244: License Required**

- 1) ***Sexually Oriented Business License***. It shall be unlawful for any person to operate a sexually oriented business in the unincorporated areas of the Parish without a valid sexually oriented business license.
- 2) ***Employee License***. It shall be unlawful for any person to be an “employee,” as defined in this Article, of a sexually oriented business in the unincorporated areas of the Parish without a valid sexually oriented business employee license, except that a person who is a licensee under a valid sexually oriented business license shall not be required to also obtain a sexually oriented business employee license. It shall be unlawful for any person who operates a sexually oriented business to employ a person at the establishment who does not have a valid sexually oriented business employee license.
- 3) ***Application***. An applicant for a sexually oriented business license or a sexually oriented business employee license shall file in person at the Permit Office of the Acadia Parish Police Jury a completed application made on a form provided by the Permit Office. A sexually oriented business may designate an individual with an influential interest in the business to file its application for a sexually oriented business license in person on behalf of the business. The application shall be signed as required by subsection (D) herein and shall be notarized. An application shall be considered complete when it contains, for each person required to sign the application, the information and/or items required in this subsection (C), accompanied by the appropriate licensing fee:
  1. The applicant’s full legal name and any other names used by the applicant in the preceding five (5) years.
  2. Current business address or another mailing address for the applicant.
  3. Written proof of age, in the form of a driver’s license, a picture identification document containing the applicant’s date of birth issued by a governmental agency, or a copy of a birth certificate accompanied by a picture identification document issued by a governmental agency.



4. If the application is for a sexually oriented business license, the business name, location, legal description, mailing address and phone number of the sexually oriented business, along with a list of the business's employees and a list identifying each of the business's operators, as defined by Section 10-243.
5. If the application is for a sexually oriented business license, the name and business address of the statutory agent or other agent authorized to receive service of process.
6. A statement of whether an applicant has been convicted of or has pled guilty or *nolo contendere* to a specified criminal activity as defined in Section 10-243, and if so, each 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.
7. A statement of whether any sexually oriented business in which an applicant has had an influential interest, has, in the previous five (5) years (and at a time during which the applicant had the influential interest):
  - a. been found by a court to have been operating unlawfully;
  - b. been enjoined by a court from engaging in conduct prohibited by law;
  - c. been held in contempt of court for operating contrary to a court order;
  - d. been declared by a court to be a nuisance; or
  - e. been subject to a court order requiring closure of the business or affirming revocation of any license required to operate the business.
8. An application for a sexually oriented business license shall be accompanied by a legal description of the property where the business is located and a sketch or diagram showing the configuration of the premises, including a statement of total floor area occupied by the business and a statement of floor area visible or accessible to patrons for any reason, excluding restrooms. 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 the stage, booth, and/or room configuration requirements of this Article shall submit a diagram indicating that the setup and configuration of the premises meets the requirements of the applicable regulations. The Secretary-Treasurer may waive the requirements of this subsection (8) for a renewal application if the applicant adopts a legal description and a sketch or diagram that was previously submitted and certifies that the configuration of the premises has not been altered since it was prepared.
9. If the application is for a sexually oriented business license, a statement whether the applicant is the owner of the premises wherein the establishment will be operated or holds a lease thereon for the period to be covered by the license. If the applicant is a lease holder, a copy of the lease shall be submitted with the license application.
10. If the application is for a sexually oriented business employee license, the name and address of the establishment where the applicant intends to use the employee license.

The information provided pursuant to this subsection (C) shall be supplemented in writing by certified mail, return receipt requested, to the Permit Office of the Acadia Parish Police Jury within fifteen (15) working days of a change of circumstances which would render the information originally submitted false or incomplete.

- 4) **Signature.** A person who seeks a sexually oriented business employee license under this section shall sign the application for a license. If a person who seeks a sexually oriented business license under this section is an individual, he shall sign the application for a license as applicant. If a person who seeks a sexually oriented business license is other than an individual, each person with an influential interest in the sexually oriented business or in a legal entity that controls the sexually oriented business shall sign the application for a license as applicant. Each applicant must be qualified under this Article and each applicant shall be considered a licensee if a license is granted.
- 5) **Confidentiality of Records.** The information provided by an applicant in connection with an application for a license under this Article will not be disclosed by the Permit Office under public records laws except as may be required, and only to the extent required, by governing law or court order. Any information protected by the right to privacy as recognized by state or federal law shall be redacted prior to such disclosure.

#### **SECTION 10-245: Issuance of License**

1) ***Sexually Oriented Business License***. Upon the filing of a completed application for a sexually oriented business license, the Permit Office shall issue a Temporary License to the applicant within ten (10) business days if the completed application is from a preexisting sexually oriented business that is, in all respects, lawfully operating in the unincorporated areas of Acadia Parish and the completed application, on its face, shows that the applicant is entitled to an annual sexually oriented business license. The Temporary License shall expire upon the final decision to deny or grant an annual license. Within thirty (30) days of the filing of a completed sexually oriented business license application, the Permit Office shall either issue a license to the applicant or issue a written notice of intent to deny a license to the applicant. The Permit Office shall issue a license unless:

1. An applicant is less than eighteen (18) years of age.
2. An applicant has failed to provide information required by this Article for issuance of a license or has falsely answered a question or request for information on the application form.
3. The license application fee required by this Article has not been paid.
4. The sexually oriented business, as defined herein, is not in compliance with the interior configuration requirements of this Article.
5. The location of the sexually oriented business does not comply with the location requirements of this Article or of other location requirements within the Acadia Parish Code of Ordinances.
6. An applicant has repeatedly engaged in unlawful conduct on the premises of the sexually oriented business for which the license is sought, or has repeatedly knowingly allowed unlawful conduct on the premises of the sexually oriented business for which the license is sought. For purposes of this subparagraph, unlawful conduct has occurred repeatedly if it has occurred three (3) or more times in the previous twelve (12) months, or ten (10) or more times in the previous thirty-six (36) months.
7. Any sexually oriented business in which an applicant has had an influential interest, has, in the previous five (5) years (and at a time during which the applicant had the influential interest):
  - a. been found by a court to have been operating unlawfully;
  - b. been enjoined by a court from engaging in conduct prohibited by law;
  - c. been held in contempt of court for operating contrary to a court order;
  - d. been declared by a court to be a nuisance; or
  - e. been subject to a court order requiring closure of the business or affirming revocation of any license required to operate the business.
8. An applicant has been convicted of or pled guilty or *nolo contendere* to a specified criminal activity, as defined in this Article.
9. An applicant has, in the previous five (5) years and in conjunction with seeking a license or any approval necessary to operate the sexually oriented business or occupy the business premises, engaged in any misrepresentation of fact, or omission of material fact, concerning the nature of the business.
10. The applicant is neither the owner of the premises wherein the establishment will be operated, nor the holder of a lease thereon for the period to be covered by the license.
11. An employee or operator of the applicant operated a sexually oriented business that, in the previous five (5) years (and due to conduct occurring when the person was an operator of the sexually oriented business), has:
  - a. been found by a court to have been operating unlawfully;

- b. been enjoined by a court from engaging in conduct prohibited by law;
    - c. been held in contempt of court for operating contrary to a court order;
    - d. been declared by a court to be a nuisance; or
    - e. been subject to a court order requiring closure of the business or affirming revocation of any license required to operate the business.
- 2) ***Employee License.*** Upon the filing of a completed application for a sexually oriented business employee license, the Permit Office shall issue a Temporary License to the applicant within three (3) business days if the applicant seeks licensure to work in a licensed sexually oriented business and the completed application, on its face, shows that the applicant is entitled to an annual sexually oriented business employee license. The Temporary License shall expire upon the final decision to deny or grant an annual license. Within thirty (30) days of the filing of a completed sexually oriented business employee license application, the Permit Office shall either issue a license to the applicant or issue a written notice of intent to deny a license to the applicant. The Permit Office shall issue a license unless:
- 1. The applicant is less than eighteen (18) years of age.
  - 2. The applicant has failed to provide information as required by this Article for issuance of a license or has falsely answered a question or request for information on the application form.
  - 3. The license application fee required by this Article has not been paid.
  - 4. Any sexually oriented business in which the applicant has had an influential interest, has, in the previous five (5) years (and at a time during which the applicant had the influential interest):
    - a. been found by a court to have been operating unlawfully;
    - b. been enjoined by a court from engaging in conduct prohibited by law;
    - c. been held in contempt of court for operating contrary to a court order;
    - d. been declared by a court to be a nuisance; or
    - e. been subject to a court order requiring closure of the business or affirming revocation of any license required to operate the business.
  - 5. The applicant has been convicted of or pled guilty or *nolo contendere* to a specified criminal activity, as defined in this Article.
  - 6. The applicant has expressed the intent to use the sexually oriented business employee license at an establishment that is not licensed by the Acadia Parish Police Jury to operate a sexually oriented business.
- 3) ***License Documentation.*** 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, if the license is for a sexually oriented business, the address of the sexually oriented business. The sexually oriented business license shall be kept on the premises of the sexually oriented business so that it may be inspected by the Code Enforcement Officer or his authorized agent(s), at any time that the business is occupied by patrons. A sexually oriented business employee shall keep the employee's license on his or her person or on the premises where the licensee is then working.

**SECTION 10-246: Fees.**

- 1) The initial license and annual renewal fees for sexually oriented business licenses and sexually oriented business employee licenses shall be as follows: two hundred dollars (\$200) for the initial fee for a sexually oriented business license and one hundred dollars (\$100) for annual

renewal; fifty dollars (\$50) for the initial sexually oriented business employee license and twenty-five dollars (\$25) for annual renewal.

**SECTION 10-247: Inspection.**

- 1) Sexually oriented businesses and sexually oriented business employees shall permit the Code Enforcement Officer and his or her agent(s) to inspect, from time to time on an occasional basis, the portions of the sexually oriented business premises where patrons are permitted, for the purpose of ensuring compliance with the specific regulations of this Article, during those times when the sexually oriented business is occupied by patrons. This section shall be narrowly construed to authorize only reasonable inspections of the licensed premises pursuant to this Article.

**SECTION 10-248: Expiration & Renewal of License.**

- 1) Each license shall remain valid for a period of one calendar year from the date of issuance unless otherwise suspended or revoked. Such license may be renewed only by making application and payment of a fee as provided in this Article. When a renewal license is issued, it shall become effective the day after the previous license expires and shall remain valid for a period of one calendar year from its effective date unless otherwise suspended or revoked.
- 2) Application for renewal of an annual license should be made at least ninety (90) days before the expiration date of the current annual license, and when made less than ninety (90) days before the expiration date, the expiration of the current license will not be affected.

**SECTION 10-249: Suspension.**

- 1) The Permit Office shall issue a written notice of intent to suspend a sexually oriented business license for a period not to exceed thirty (30) days if the sexually oriented business licensee has knowingly or recklessly violated this Article or has knowingly or recklessly allowed an employee or any other person to violate this Article. Notice of the intent to suspend a sexually oriented business license shall also be given in writing to the Parish Attorney.
- 2) The Permit Office shall issue a written notice of intent to suspend a sexually oriented business employee license for a period not to exceed thirty (30) days if the employee licensee has knowingly or recklessly violated this Article. Notice of the intent to suspend a sexually oriented business employee license shall also be given in writing to the Parish Attorney.

**SECTION 10-250: Revocation.**

- 1) The Permit Office shall issue a written notice of intent to revoke a sexually oriented business license or a sexually oriented business employee license, as applicable, if the licensee knowingly or recklessly violates this Article or has knowingly or recklessly allowed an employee or any other person to violate this Article and a suspension of the licensee's license has become effective within the previous twelve (12) month period.
- 2) The Permit Office shall issue a written notice of intent to revoke a sexually oriented business license or a sexually oriented business employee license, as applicable, if:
  1. The licensee has knowingly given false information in the application for the sexually oriented business license or the sexually oriented business employee license;
  2. The licensee has knowingly or recklessly engaged in or allowed possession, use, or sale of controlled substances on the premises of the sexually oriented business;
  3. The licensee has knowingly or recklessly engaged in or allowed prostitution on the premises of the sexually oriented business;
  4. The licensee knowingly or recklessly operated the sexually oriented business during a period of time when the license was finally suspended or revoked;
  5. The licensee has knowingly or recklessly engaged in or allowed any specified sexual activity or specified criminal activity to occur in or on the premises of the sexually oriented business as defined in Section 10-243 of this Article;
  6. The licensee has knowingly or recklessly allowed a person to consume alcohol on the premises of the sexually oriented business;



7. The licensee has knowingly or recklessly allowed a person under the age of eighteen (18) years to appear in a semi-nude condition or in a state of nudity on the premises of the sexually oriented business; or
  8. The licensee has knowingly or recklessly allowed three (3) or more violations of this Article within a twelve-month period.
  9. The licensee has failed to meet or maintain the qualifications to be issued or to hold the license.
- 3) The fact that any relevant conviction is being appealed shall have no effect on the revocation of the license, provided that, if any conviction which serves as a basis of a license revocation is overturned or reversed on appeal, that conviction shall be treated as null and of no effect for revocation purposes.
  - 4) When, after the notice and hearing procedure described in this Article, the Acadia Parish Police Jury revokes a license, the revocation shall continue for one (1) year and the licensee shall not be issued a sexually oriented business license or sexually oriented business employee license for one (1) year from the date revocation becomes effective.

**SECTION 10-251: Hearing, License Denial, Suspension, Revocation, or Appeal.**

- 1) When the Permit Office issues a written notice of intent to deny, suspend, or revoke a license, the Permit Office shall immediately send such notice, which shall state the grounds under this Article for such action, to the applicant or licensee by personal signed delivery or certified mail. The notice shall be directed to the most current business address or other mailing address on file with the Permit Office for the applicant or licensee. A copy of the notice shall also be sent to the Parish Attorney via e-mail. The notice shall also set forth the following: The applicant or licensee shall have fifteen (15) business days after the issuance of the written notice to deliver, at the Permit Office during business hours, a written request for a hearing. If the applicant or licensee does not request a hearing within said fifteen (15) business days, the Permit Office's written notice shall become a final denial, suspension, or revocation, as the case may be, on the sixteenth (16th) business day after it is issued.
- 2) If the applicant or licensee (hereafter, "petitioner") does make a written request for a hearing within said fifteen (15) business days, the Permit Office shall send a copy of the request for hearing via e-mail to the Administrative Law Judge, the Parish Attorney, the Secretary-Treasurer of the Police Jury, and the President of the Police Jury on the date that it receives such request or the next business day thereafter.
- 3) The Administrative Law Judge shall, within ten (10) days after receiving the request, send a notice to the petitioner and the Parish Attorney indicating the date, time, and place of the hearing. The hearing shall be conducted not less than ten (10) days nor more than thirty (30) days after the date that the hearing notice is issued. The hearing may be transcribed by either party.
- 4) At the hearing before the Administrative Law Judge, the petitioner shall have the opportunity to present all relevant arguments and to be represented by counsel, present evidence and witnesses on his or her behalf, and cross-examine any of the Permit Office's witnesses. The Permit Office shall be represented by the Parish Attorney, and may present evidence and witnesses, and cross-examine any of the petitioner's witnesses. The hearing shall take no longer than one (1) day, unless extended at the request of the petitioner to meet the requirements of due process and proper administration of justice. The Permit Office shall have the burden of proving by a preponderance of the evidence that there is substantial evidence to support the Permit Office's licensing decision. The Administrative Law Judge shall affirm the Permit Office's licensing decision if any substantial evidence in the record at the hearing supports any of the grounds set forth in the written notice of intent to deny, suspend, or revoke. The Hearing Officer shall issue a final written decision, including specific reasons for the decision pursuant to this Article, to the petitioner, the Parish Attorney, the Secretary-Treasurer (who shall disseminate it to all Police Jurors), and the Permit Office within five (5) days after the hearing.
- 5) If the decision is to deny, suspend, or revoke the license, the decision shall advise the petitioner of the right to appeal such decision to the 15<sup>th</sup> Judicial District Court for the Parish of Acadia as provided by La. Rev. Stat. § 13:2575.11, and the decision shall not become effective until the tenth (10th) day after it is rendered. If the Administrative Law Judge's decision finds that there is not substantial evidence to support the Permit Office's licensing decision, the

Administrative Law Judge shall, contemporaneously with the issuance of the decision, order the Permit Office to immediately withdraw the intent to deny, suspend, or revoke the license and to notify the petitioner in writing by certified mail of such action. If the petitioner is not yet licensed, the Permit Office shall contemporaneously therewith issue the license to the applicant.

- 6) If any court action challenging a licensing decision is initiated in state or federal court, the Acadia Parish Police Jury, through its counsel, shall consent to expedited briefing and/or disposition of the action, shall comply with any expedited schedule set by the court, and shall facilitate prompt judicial review of the proceedings. The following shall apply to any sexually oriented business that is, in all respects, lawfully operating as a sexually oriented business, or any sexually oriented business employee that is lawfully employed as a sexually oriented business employee, on the date on which the completed business or employee application, as applicable, is filed with the Permit Office:
  1. Upon the filing of any court action to appeal, challenge, restrain, or otherwise enjoin the Acadia Parish Police Jury's enforcement of any denial, suspension, or revocation of a license, the Acadia Parish Police Jury, through its Permit Office, shall immediately issue the petitioner a Provisional License.
  2. The Provisional License shall allow the petitioner 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 petitioner's appeal or other action to restrain or otherwise enjoin the Acadia Parish Police Jury's enforcement, unless the Provisional License is suspended or revoked prior to entry of said judgment.
  3. While a Provisional License is in effect, the provisional licensee shall comply with the regulations set forth in Sections 10-247, 10-250, 10-252, 10-253, 10-254 and 10-255; and any violations thereof shall be subject to the provisions of Section 10-257.
  4. A Provisional License may be suspended or revoked under the provisions of this Article relating to the procedure for same. If an appeal is taken from that suspension or revocation decision, the Permit Office of the Acadia Parish Police Jury will issue no further Provisional License or stay of enforcement.

**SECTION 10-252: Transfer of License.**

- 1) A licensee shall not transfer his or her license to another, nor shall a licensee operate a sexually oriented business under the authority of a license at any place other than the address designated in the sexually oriented business license application.

**SECTION 10-253: Hours of Operation.**

- 1) No sexually oriented business shall be or remain open for business between 12:00 midnight and 6:00 a.m. on any day.

**SECTION 10-254: Loitering, Exterior Lighting and Monitoring, & Interior Lighting Requirements**

- 1) It shall be the duty of the operator of a sexually oriented business to: (i) ensure that at least two conspicuous signs stating that no loitering is permitted on the premises are posted on the premises; (ii) designate one or more employees to monitor the activities of persons on the premises by visually inspecting the premises at least once every ninety (90) minutes or inspecting the premises by use of video cameras and monitors; and (iii) provide lighting to the exterior premises to provide for visual inspection or video monitoring to prohibit loitering. Said lighting shall be of sufficient intensity to illuminate every place to which customers are permitted access at an illumination of not less than one (1.0) foot candle as measured at the floor level.

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 an operator's station.

- 2) It shall be the duty of the operator of a sexually oriented business to ensure that the interior premises shall be equipped with overhead lighting of sufficient intensity to illuminate every place to which customers are permitted access at an illumination of not less than five (5.0) foot candles as measured at the floor level and the illumination must be maintained at all times that any customer is present in or on the premises.

- 3) No sexually oriented business shall erect a fence, wall, or similar barrier that prevents any portion of the parking lot(s) for the establishment from being visible from a public right of way.
- 4) It shall be unlawful for a person having a duty under this section to knowingly or recklessly fail to fulfill that duty.

**SECTION 10-255: Prohibited Conduct.**

- 1) No patron, employee, or any other person shall knowingly or intentionally, in a sexually oriented business, appear in a state of nudity or engage in a specified sexual activity on the premises.
- 2) No person shall knowingly or intentionally, in a sexually oriented business, appear in a semi-nude condition unless the person is an employee who, while semi-nude, remains at least six (6) feet from all patrons and on a stage at least eighteen (18) inches from the floor in a room of at least six hundred (600) square feet.
- 3) No employee who appears semi-nude in a sexually oriented business shall knowingly or intentionally touch a customer or the clothing of a customer on the premises of a sexually oriented business. No customer shall knowingly or intentionally touch such an employee or the clothing of such an employee on the premises of a sexually oriented business.
- 4) No person shall possess, use, or consume alcoholic beverages on the premises of a sexually oriented business.
- 5) No person shall knowingly or recklessly allow a person under the age of eighteen (18) years to be or remain on the premises of a sexually oriented business.
- 6) No operator of a sexually oriented business shall knowingly or recklessly allow a room in the sexually oriented business to be simultaneously occupied by any patron and any other employee who is semi-nude or who appears semi-nude on the premises of the sexually oriented business, unless an operator of the sexually oriented business is present in the same room.
- 7) No operator or licensee of a sexually oriented business shall violate the regulations in this section or knowingly or recklessly allow an employee or any other person to violate the regulations in this section. Without limiting the scope of the preceding sentence, an operator shall be deemed to have recklessly allowed another person to violate a regulation if, at the time of the violation, the operator failed to have an employee on duty and situated in at least one operator's station having a direct line of sight to the area of the establishment where the violation occurred.
- 8) A sign of at least 18 inches by 24 inches which, in a font size of "20 point" or higher, clearly summarizes the provisions of subsections (A), (B), (C), (D), and (E) 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. No person shall cover, obstruct, or obscure said sign.

**SECTION 10-256: Penalties & Enforcement**

- A) A person who is found to have violated any of the provisions of Sections 10-252 through 10-254 of this Article shall be guilty of a regulatory violation which may impact their licensure.
- B) A person who violates the provisions of Section 10-255 of this Article may also be prosecuted for a misdemeanor criminal offense for violating any of the prohibitions in that section.

Such misdemeanor offense, upon conviction, shall be punishable by a fine of three-hundred dollars (\$300.00) or by incarceration for up to ten (10) days in the parish jail. Each day a violation is committed, or permitted to continue, shall constitute a separate offense and shall be fined as such.

- C) Any premises, building, dwelling, or other structure in which a sexually oriented business is repeatedly operated or maintained in violation of this Article shall constitute a public nuisance and shall be subject to civil abatement proceedings in a court of competent jurisdiction.
- D) The Parish Attorney is hereby authorized to institute civil proceedings necessary for the enforcement of this Article to enjoin, prosecute, restrain, or correct violations hereof. Such proceedings shall be brought in the name of the Parish, provided, however, that nothing in this Section and no action taken hereunder, shall be held to exclude such criminal or administrative

proceedings as may be authorized by other provisions of this Article, or any of the laws in force in Acadia Parish, or to exempt anyone violating this code or any part of the said laws from any penalty which may be incurred.

**SECTION 10-257: *Scienter Required to Prove Violation of Sections 10-244 through 10-254.***

- 1) Sections 10-244 through 10-254 do not impose strict liability. Unless a culpable mental state is otherwise specified herein, a showing of a reckless mental state is necessary to establish a violation of a provision of Sections 10-244 through 10-254 of this Article. Notwithstanding anything to the contrary, for the purposes of Sections 10-244 through 10-254 of this Article, 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 Sections 10-244 through 10-254 of this Article 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 or recklessly allowed such act to occur on the premises. It shall be a defense to liability that the person to whom liability is imputed was powerless to prevent the act.

**SECTION 10-258: *Application of Sections 10-244 through 10-254 to existing sexually oriented businesses.***

- A) *Licensing Requirements.* All preexisting sexually oriented businesses lawfully operating in the unincorporated areas of Acadia Parish in compliance with all state and local laws prior to the effective date of Sections ***10-244 through 10-254*** of this Article and all sexually oriented business employees working in the unincorporated areas of Acadia Parish prior to the effective date of Sections ***10-244 through 10-254*** of this Article are hereby granted a "De Facto" Temporary License to continue operation or employment for a period of one-hundred twenty (120) days following the effective date of Sections ***10-244 through 10-254*** of this Article. By the end of said one-hundred twenty (120) days, all sexually oriented businesses and sexually oriented business employees must apply for a license under this Article.
- B) *Interior Configuration Requirements.* Any preexisting sexually oriented business that is required to, but does not, have interior configurations or stages that meet at least the minimum requirements of this Article shall have one-hundred twenty (120) days from the effective date of Sections ***10-244 through 10-254*** of this Article to conform its premises to said requirements.
- C) *Other Requirements.* Except as provided for in subsections Section 10-259 sexually oriented businesses shall comply with this Article on the date that it takes effect.

**SECTIONS 10-259–267: *[Reserved]***

**SECTION 10-268: *Absolute Prohibition of Live Sex Act Businesses & Establishment of Nuisance***

- A) *Definitions for this Section.* Notwithstanding any of the definitions given in Section 10-243 of this article, or any of the provisions of Sections 10-244 through 10-267 of this Article, for the purposes of this Section the following definitions shall apply unless the context clearly indicates or requires a different meaning:
  1. Consideration means the payment of money or the exchange of any item of value for:
    - a. The right to enter the premises or any portion thereof; or
    - b. The right to remain on the premises or any portion thereof; or
    - c. The right to purchase any item permitting the right to enter, or remain on, the premises or any portion thereof; or
    - d. The right to a membership permitting the right to enter, or remain on, the premises or any portion thereof.
  2. Live Sex Act means any act whereby one or more persons engage in live conduct which contains oral sexual contact or sexual intercourse.
  3. Live Sex Act Business means any business, association, establishment, or "club" in which one or more persons may view, or may participate in, a live sex act for a consideration.



4. Operate or Maintain means to organize, design, perpetuate, or control. Operate and maintain includes providing financial support by paying utilities, rent, maintenance costs or advertising costs, supervising activities or work schedules, and directing or furthering the aims of the enterprise.
  5. Oral Sexual Contact means oral contact with the anus, penis, or vulva.
  6. Sexual Intercourse means penetration into the penis, vulva, or anus by any part of the body or by any object or manual masturbatory contact with the penis or vulva.
- B) *Prohibition*. It shall be unlawful for any person to operate and/or maintain a live sex act business as defined in this Section in the unincorporated areas of the parish.
1. Anyone who violates the provisions of this Section shall be fined not more than five hundred dollars (\$500.00) or imprisoned for no more than thirty (30) days. Each day that the violation continues after notice of a violation is served upon the operator of the live sex act business constitutes a separate violation of this Section.
- C) *Nuisance*. Operation of a live sex act business constitutes a public nuisance *per se* in the unincorporated areas of the parish.
- D) *Enforcement*. The Parish Attorney or other legal counsel retained by the Acadia Parish Police Jury are hereby authorized to institute proceedings necessary for the enforcement of this Section to enjoin, prosecute, restrain, correct or abate the nuisance created by live sex act businesses and to seek judgment for any fines authorized by law. Such enforcement proceedings shall be brought in state district court the name of the Parish, provided, however, that nothing in this chapter and no action taken hereunder, shall be held to exclude such criminal or administrative proceedings as may be authorized by any other ordinance or state statute, or to exempt anyone violating this code or any part of the said laws from any penalty which may be incurred.
- E) *Nature & Separation From Other Sections*. The provisions of Section 10-268 stand alone and are not intended to be interpreted in light of the other Sections of this Article. A violation of Section 10-268 does not constitute a regulatory violation—it constitutes a criminal offense. This Section stands as an absolute prohibition against live sex act businesses. The operation of a live sex act business subjects a person to criminal prosecution by the District Attorney.

**SECTION 10-269–275: [Reserved].**

**SECTION 10-276: Severability.**

- 1) This Article and each section and provision of said Article hereunder, 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 said Article, 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 would have been passed independently of such section or provision so known to be invalid. Should any procedural aspect of this Article be invalidated, such invalidation shall not affect the enforceability of the substantive aspects of this Article.

**SECTION 10-277:** All ordinances or parts of ordinances inconsistent with or in conflict herewith are hereby repealed.

**SECTION 10-278:** This Ordinance shall be in full force and effect from the moment of its passage.

**/S/ Huey Bryan Borill**  
**HUEY BRYAN BORILL**  
**SECRETARY-TREASURER**

**/S/ Beau Petitjean**  
**BEAU PETITJEAN**  
**PRESIDENT**