

COPY

RESOLUTION

RESOLUTION OF PUTNAM COUNTY, TENNESSEE
BOARD OF COMMISSIONERS
REGARDING ADULT-ORIENTED ESTABLISHMENTS

WHEREAS, the Putnam County Commission recognizes the fact that adult-oriented establishments need to be regulated in Putnam County,

NOW, THEREFORE, in consideration of this fact, the Putnam County Commission, being in regular session in the Putnam County Courthouse on the 17 th day of January, 2006, hereby resolve:

1. Pursuant to Tennessee Code Annotated §7-51-1402, the Commission hereby establishes opening and closing hours that are respectively later and earlier than those stated in the aforementioned statute. Pursuant to Tennessee Code Annotated §7-51-1402, no Adult-Oriented Establishment may operate its business before 2:00 pm nor later than 10:00 pm Monday through Saturday. No Adult-Oriented Establishment may operate on Sundays or legal holidays.

2. Further, the Commission hereby ratifies the regulations adopted by the Putnam County Adult Oriented Establishment Board attached hereto and incorporated by reference.

3. This resolution shall take effect upon adoption, the general welfare requiring it.

This the 17 th day of January, 2006.

ATTEST:

Rayne Adams
County Clerk

APPROVED:

Jerry Maynard
Chairman, County Commission

R. Blayton
County Executive

COPY

Putnam County Adult-Oriented Establishment
Guidelines for
Adult Oriented Establishment Operation

1. The Putnam County Adult-Oriented Establishment Board, hereinafter referred to as the "AOE Board," shall regulate any and all Adult-Oriented Establishments within the legal boundaries of Putnam County, Tennessee. Owners, Operators, and Entertainers must comply with all of the requirements of Tennessee Code Annotated §7-51-1101 et.seq.
2. The AOE Board shall schedule meetings to review all related licenses and permitting applications within thirty days of receiving such applications.
3. The AOE Board shall instruct its designated AOE Inspector to perform inspections and investigations relative to all sites in Putnam County, whether licensed/permitted or seeking license/permit, and such inspections may be ordered at the Board's discretion. No applications for license/permit will be considered without first submitting to said inspection. Applicant will be notified within 10 days by the AOE Board whether an application is granted, denied, or held for further investigation. Any further investigation may not exceed 30 days, unless agreed to by the applicant. All licenses granted are valid for one year.
4. Pursuant to Tennessee Code Annotated §7-51-1118, any person or persons wishing to operate an adult oriented establishment (AOE) in Putnam County, TN, must file an application for license to operate such establishment with the Putnam County Adult-Oriented Establishment Board. Such application must be completed as instructed and must be presented to the AOE Board in person by the owner/operator of said establishment, along with any related application fees as stated below. A notice of the application hearing will be published in the local newspaper prior to the applicant's appearance before the AOE Board.
5. Pursuant to Tennessee Code Annotated §7-51-1118, any person or person desiring to work at an AOE Site in Putnam County as an employee or entertainer must file an application for permit to work as an employee, entertainer, or escort with the Putnam County AOE Board. Such application must be completed as instructed and must be presented to the AOE Board in person by the applicant, along with any related application fees. A notice of the application hearing will be published in the local newspaper prior to the applicant's appearance before the AOE Board.
6. Hearings on denial of license/permits shall comply with Tennessee Code Annotated §7-51-1101 et.seq.. Applicants must make a request for denial hearing within 10 days of notification of denial, and such request must be made to the County Executive's Office. A public hearing regarding the denial must be held by the AOE Board within 15 days of the County Executive's receipt of the request. If such hearing results in a confirmation of denial, the County Attorney shall file a notice of declaratory judgment in a court of record of this county within 5 days of the denial notification to seek a judicial determination whether the application was properly denied under law. Such decision by the court shall be made to the applicant within 2 days afterward.

7. Any application for renewal of license must be received by the AOE Board within 60 days of the date of termination of the present license. Any application for renewal of entertainer permit must be received by the AOE Board within 30 days of the date of termination of the present permit. If application is not received in a timely manner, the applicant may not reapply for a period of six months after the termination date.

8. All applications pertaining to license and or permits for AOE may be obtained at the Putnam County Clerk's Office, and payment of such fees relating to said applications maybe paid at this location as well. Completed applications may be returned to the Clerk's office and will be forwarded to the AOE Board.

9. The following restrictions apply to all AOE Sites in Putnam County:

- a. It shall be unlawful to establish, operate, or maintain any adult-oriented business establishment, included but not limited to an adult bookstore, adult motion picture theater, adult mini motion picture theater, or adult cabaret, within the county, if the proposed location is within two-thousand (2,000) feet measured from nearest lot line to nearest lot line in any direction to lots containing:
 - (1) An area of residential use;
 - (2) Any area of amusement which caters to family entertainment;
 - (3) Any area which is devoted in part or exclusively to recreational activity;
 - (4) Any school, park, church, mortuary, or hospital;
 - (5) Day care center, public park, public or private recreation area or playground, library, museum, or other public building that caters to or serves in whole or in part persons younger than 18 years old
 - (6) Any adult-oriented business establishment as defined by this section; or
 - (7) Any other regulated uses.
- b. No permits for operation, nor permits for entertainers and employees shall be issued until proper application has been made to the Putnam AOE Board and an inspection of the site has been completed by the AOE Inspector. Applicant(s) and the AOE Inspector shall be present at the application hearing.
- c. Any AOE Site must comply with Tennessee Code Annotated §7-51-1101, et seq.
- d. Pursuant to Tennessee Code Annotated §7-51-1402, no AOE Site may operate before 2:00 pm nor later than 10:00 pm Monday through Saturday. No AOE Site may operate on Sundays or legal holidays.
- e. Physical design of AOE Sites must comply with Tennessee Code Annotated §7-51-1403.
- f. Sale or consumption of alcohol at an AOE site is prohibited, and can result in the revocation of an operator's license to operate the AOE Site.
- g. No entertainer or employee, while on site of an AOE, may appear in a state of nudity, in that no entertainer or employee may show the human male or female genitals or pubic area with less than a fully opaque covering, nor the human female breasts with less than a fully opaque covering of all parts of the nipple, nor the showing of the covered male genitals in a discernable turgid state.

The Putnam AOE Board has the power to file injunctions and to enforce such where persons or AOE sites are found not to be in compliance with the laws of Tennessee or the Guidelines approved by the Putnam AOE Board regarding AOE Sites. Any violation mentioned in Tennessee Code Annotated §11-51-1109 shall also be grounds for revocation, suspension, or annulment of license.

License to Operate - Required

1. Except as provided in subsection (e), from and after July 1, 1998, no adult-oriented establishment shall be operated or maintained in any applicable county without first obtaining a license to operate issued by the county adult-oriented establishment board.
2. A license may be issued only for one (1) adult-oriented establishment located at a fixed and certain place. Any person, partnership or corporation which desires to operate more than one (1) adult-oriented establishment must have a license for each. No building, premises, structure or other facility that contains any adult-oriented establishment shall contain any other kind of adult-oriented establishment.
3. No license or interest in a license may be transferred to any person, partnership or corporation.
4. It is unlawful for any entertainer, employee, escort or operator to knowingly work in or about or to knowingly perform any service directly related to or at the request of the operation of any unlicensed adult-oriented establishment or escort service.
5. No license shall be issued by the board unless the applicant certifies, by proof satisfactory to the board, that the applicant has satisfied the rules, regulations and provisions of the applicable requirements in the county.

License to Operate - Application

1. Any person, partnership, or corporation desiring to secure a license shall make application to the adult-oriented establishment board. A copy of the application shall be distributed promptly to the county sheriff's department.
2. The application for a license shall be upon a form provided by the board. An applicant for a license shall furnish the following information under oath:
 - a. Name and address, including all aliases;
 - b. Written proof that the individual is at least eighteen (18) years of age;
 - c. The business, occupation or employment of the applicant in an adult-oriented establishment for five (5) years immediately preceding the date of the application;
 - d. The adult-oriented establishment or similar business license history of the applicant; whether such applicant, in previously operating in this or any other county, city or state under license, has had such license revoked or suspended, the reason therefore, and the business activity or occupation subject to such action of suspension or revocation;
 - e. Any conviction for or plea of nolo contendere to a specified criminal act as defined in Tennessee Code Annotated §7-51-1102 (24);
 - f. The address of the adult-oriented establishment to be operated by the applicant;

3. If the applicant is a corporation, the application shall specify the name, address, and telephone number of the corporation, the date and the state of incorporation, the name and address of the registered agent for service of process of the corporation, and the names and addresses of the officers and directors of the corporation, and the names and addresses of any persons holding fifty percent (50%) or more of the stock of the corporation; if the applicant is a partnership, the application shall specify the name and address of the partnership, the name and address of all general partners of the partnership; if the partnership is a limited partnership, the application shall specify the name and address of all general partners who have a controlling interest in the partnership; and
 - a. A statement by the applicant that the applicant is familiar with the provisions of this legislation and is in compliance with them.
 - b. Failure or refusal of the applicant to give any information relevant to the investigation of the application or the applicant's refusal or failure to appear at any reasonable time and place for examination under oath regarding the application or the applicant's refusal to submit to or cooperate with any investigation required by this part constitutes an admission by the applicant that the applicant is ineligible for such license and shall be grounds for denial thereof by the board.

License to Operate - Qualifications

To receive a license to operate an adult-oriented establishment, an applicant must meet the following standards:

1. If the applicant is an individual:
 - a. The applicant shall be at least eighteen (18) years of age;
 - b. The applicant shall not have had a license revoked within five (5) years immediately preceding the date of the application;
 - c. The applicant shall not have been convicted of or pleaded nolo contendere to any violation of this part within five (5) years immediately preceding the date of the application; and
 - d. The applicant shall not have been convicted of a "specified criminal act," as defined in Tennessee Code Annotated §7-51-1102.
2. If the applicant is a partnership, joint venture or any other type of organization where two (2) or more persons have a financial interest:
 - a. All persons having a financial interest in the partnership, joint venture or other type of organization shall be at least eighteen (18) years of age;
 - b. All persons having a financial interest in the partnership, joint venture or other type of organization shall not have had a license revoked within five (5) years immediately preceding the date of the application;
 - c. No applicant or person having a financial interest in the partnership, joint venture or other type of organization shall have been convicted of or pleaded nolo contendere to any violation of this part within five (5) years immediately preceding the date of the application; and
 - d. The applicant or any person having a financial interest required to be disclosed shall not have been convicted of a "specified criminal act," as defined in Tennessee Code Annotated §7-51-1102.

3. An applicant who has been convicted of any "specified criminal activities" may not be denied a permit based on those convictions once the time period required in this section has elapsed.

4. Every license issued under this part will terminate at the expiration of one (1) year from the date of issuance, unless sooner revoked, and must be renewed before operation is allowed in the following year. Any operator desiring to renew a license shall make application to the board. The application for renewal must be filed not later than sixty (60) days before the license expires. The application for renewal shall be filed in triplicate with and dated by the board. A copy of the application for renewal shall be distributed promptly by the chair of the board and to the applicable county sheriff. The application for renewal shall contain such information and data relevant to the renewal request, including information related to the applicant's qualifications or whether there are grounds for denial of renewal, and shall be given under oath or affirmation, as may be required by the board, but not less than the information contained in the original application.

- a. A license renewal fee of one hundred dollars (\$100) shall be submitted with the application for renewal. In addition to the renewal fee, a late penalty of fifty dollars (\$50.00) shall be assessed against the applicant who files for a renewal less than thirty (30) days before the license expires. If the application is denied, one half (½) of the fee shall be returned.

Entertainers or Escorts - Permits - Required

No person shall be an entertainer, employee, or escort in an adult-oriented establishment without a valid permit issued by the board.

1. Any person desiring to secure a permit shall make application to the board. The application shall be filed in triplicate with and dated by the board. A copy of the application shall be distributed promptly by the board to the sheriff's department.

2. The application for a permit shall be upon a form provided by the board. An applicant for a permit shall furnish the following information under oath:

- a. Name and address, including all aliases;
- b. Written proof that the individual is at least eighteen (18) years of age;
- c. The applicant's height, weight, color of eyes and hair;
- d. The adult-oriented establishment or similar business permit history of the applicant; whether such person, in previously operating in this or any other city or state under permit, has had such permit revoked or suspended, the reason therefore, and the business activity or occupation subject to such action of suspension or revocation;
- e. Any conviction for or plea of nolo contendere to "a specified criminal act" as defined in Tennessee Code Annotated §7-51-1102(24); (F) Two (2) portrait photographs at least two inches by two inches (2" x 2") of the applicant; and
- f. A statement by the applicant that the applicant is familiar with the provisions of this part and is in compliance with them.

3. Failure or refusal of the applicant to give any information relevant to the investigation of the application, or the applicant's refusal or failure to appear at any reasonable time and place for examination under oath regarding the application, or the applicant's refusal to submit to or

cooperate with any investigation required by this part, constitutes an admission by the applicant that the applicant is ineligible for such permit, and is grounds for denial thereof by the board.

Employees, Entertainers or Escorts - Permits - Qualifications

To receive a permit as an entertainer or escort, an applicant must meet the following standards:

1. The applicant shall be at least eighteen (18) years of age;
2. The applicant shall not have had a permit revoked within two (2) years immediately preceding the date of the application;
3. The applicant shall not have been convicted of a "specified criminal act," as defined in § 7-51-1102.
 - a. The fact that a conviction is being appealed shall have no effect on disqualification of the applicant;
 - b. An applicant who has been convicted of any specified criminal activities may not be denied a permit based on those convictions once the time period required has elapsed. A permit fee of one hundred dollars (\$100) shall be submitted with the application for a permit.
4. Every permit issued under this part will terminate at the expiration of one (1) year from the date of issuance, unless sooner revoked, and must be renewed before an entertainer is allowed to provide entertainment in an adult-oriented establishment in the following calendar year. Any entertainer desiring to renew a permit shall make application to the board. The application for renewal must be filed not later than thirty (30) days before the permit expires. The application for renewal shall be filed in triplicate with and dated by the board. A copy of the application for renewal shall be distributed promptly by the board to the sheriff. The application for renewal shall be upon a form provided by the board and shall contain such information and data relative to the renewal request (such as the applicant's qualifications, or whether there are grounds for denying the renewal), given under oath or affirmation, as may be required by the board.
5. A permit renewal fee of fifteen dollars (\$15.00) shall be submitted with the application for renewal. In addition to the renewal fee, a late penalty of five dollars (\$5.00) shall be assessed against the applicant who files for renewal less than thirty (30) days before the license expires. If the application is denied, one half (½) of the fee shall be returned.

Penalties for Violation of Part

1. Any person, partnership or corporation found to have violated this part shall be fined fifty dollars (\$50.00) and shall result in the suspension or revocation of any license.
2. Each violation of this part shall be considered a separate offense, and any violation continuing more than one (1) hour of time shall be considered a separate offense for each hour of violation.

3. Notwithstanding anything herein to the contrary, any application for renewal of a license or for renewal for a permit shall be handled, investigated, and approved or denied within the same time periods as those established in this part for original license applications and permit applications. In the event a license renewal application or permit renewal application is denied, the applicant shall have all rights of appeal to the board as set forth in Tennessee Code Annotated §7-51-1110.

4. The public portion of all adult-oriented establishments shall be open to inspection at all reasonable times by the applicable sheriff's department or such other persons as the board may designate.

5. The operator shall maintain a register of all employees, showing the name, the aliases used by the employee, home address, age, birth date, sex, height, weight, color of hair and eyes, telephone number, social security number, driver license number, date of employment and termination, and duties of each employee, and such other information as may be required by the board. The above information on each employee shall be maintained in the register on the premises for a period of three (3) years following termination.

- a. The operator shall make the register of employees available immediately for inspection by the board and/or sheriff's department upon demand of a member of the board or sheriff's department at all reasonable times.
- b. Every act or omission by an employee constituting a violation of the provisions of this part shall be deemed the act or omission of the operator if such act or omission occurs either with the authorization, knowledge, or approval of the operator, or as a result of the operator's negligent failure to supervise the employee's conduct, and the operator shall be punishable for such act or omission in the same manner as if the operator committed the act or caused the omission.
- c. An operator shall be responsible for the conduct of all employees while on the licensed premises, and any act or omission of any employee constituting a violation of the provisions of this part shall be deemed the act or omission of the operator for purposes of determining whether the operator's license shall be revoked, suspended or renewed.
- d. No employee of an adult-oriented establishment shall allow any minor to loiter around or to frequent an adult-oriented establishment or to allow any minor to view adult entertainment as herein defined.
- e. Every adult-oriented establishment shall be physically arranged in such a manner that the entire interior portion of the booths, cubicles, rooms or stalls, wherein adult entertainment is provided, shall be visible from the common area of the premises. Visibility shall not be blocked or obscured by doors, curtains, partitions, drapes or any other obstruction whatsoever.
- f. The operator shall be responsible for and shall provide that any room or area used for the purpose of viewing adult-oriented motion pictures or other types of live adult entertainment shall be readily accessible at all times and shall be continuously opened to view in its entirety.
- g. The license shall be conspicuously displayed in the common area of the premises at all times.

- h. The permit shall be kept by an employee, entertainer, or escort so that it is readily available for display immediately upon request of a customer, any member of such county sheriff's department, any board member, or any person designated by the board.

Prohibited Activities

1. No operator, entertainer or employee of an adult-oriented establishment (either on the premises or in relation to the person's role as an operator, entertainer, or employee of an adult-oriented establishment) shall permit to be performed, offer to perform, perform, or allow patrons to perform sexual intercourse or oral or anal copulation or other contact stimulation of the genitalia.
2. No operator, entertainer or employee of an adult-oriented establishment shall encourage or permit any person upon the premises to touch, caress or fondle the breasts, buttocks, anus or genitals of any operator, entertainer or employee.
3. No entertainer, employee, or customer shall be permitted to have any physical contact with any other on the premises during any performance and all performances shall only occur upon a stage at least eighteen inches (18') above the immediate floor level and removed at least six feet (6') from the nearest entertainer, employee, and/or customer.
4. No employee or entertainer, while on the premises of an adult-oriented establishment, may:
 - a. Engage in sexual intercourse;
 - b. Engage in deviant sexual conduct;
 - c. Appear in a state of nudity; or
 - d. Fondle such person's own genitals or those of another.
5. For the purpose of this section, "nudity" means the showing of the human male or female genitals or pubic area with less than a fully opaque covering, the showing of the female breast with less than a fully opaque covering of any part of the nipple, or the showing of the covered male genitals in a discernibly turgid state.
6. If the license holder operates an escort bureau, such bureau shall not be operated as a "sexually-oriented escort bureau" as defined in this part.
7. No permit holder of an escort bureau shall conduct oneself as a "sexually-oriented escort" as defined in this part.
8. No license holder shall advertise that such license holder offers "sexual stimulation" or "sexual gratification" as defined in this part.
9. Location Requirements: All adult oriented establishments must comply with Putnam County regulations.

Fee

A license fee of five hundred dollars (\$500) shall be submitted with the application for a license.

Penalties For Violation Of Part

1. Any person, partnership or corporation found to have violated this part shall be fined a definite sum not exceeding fifty dollars (\$50.00) and shall result in the suspension or revocation of any license.
2. Each violation of this part shall be considered a separate offense, and any violation continuing more than one (1) hour of time shall be considered a separate offense for each hour of violation. Should any court of competent jurisdiction declare any section, clause, or provision of this chapter to be unconstitutional, such decision shall affect only such section, clause, or provision so declared unconstitutional, and shall not affect any other section, clause or provision of this chapter.