

CORRECTED

FRANKLIN COUNTY ORDINANCE #98-6

AN ORDINANCE OF FRANKLIN COUNTY, FLORIDA,  
PROHIBITING PUBLIC NUDITY AND REGULATING ADULT  
ENTERTAINMENT; PROVIDING DEFINITIONS AND EXCEPTIONS;  
PROVIDING AN EFFECTIVE DATE; AND  
PROVIDING PENALTIES

WHEREAS, the Franklin County Board of County Commissioners finds that public nudity is contrary to the community standards of Franklin County, and

WHEREAS, the Franklin County Board of County Commissioners, in order to protect the health, safety and welfare of the people of Franklin County, and promote societal order and morality in Franklin County finds it necessary to prohibit public nudity and regulate adult entertainment,

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF FRANKLIN COUNTY:

1. Definitions. In this ordinance, unless the context otherwise requires:

(a) Nude entertainment means, while on the premises of a commercial establishment, the act of exposing or displaying specified anatomical areas, (1) for compensation or valuable consideration or for the opportunity to obtain compensation or valuable consideration, (2) to a person other than employee of the establishment or of the person operating or controlling the establishment.

(b) Adult entertainment establishment means a commercial establishment where the owner, or an employee or agent of the owner, suffers, permits, allows, encourages, or pays any person to engage in nude entertainment on the premises.

(c) Specified anatomical areas means:

(1) Less than completely and opaquely covered:  
(i) Human genitals or pubic region.  
(ii) Human buttocks.  
(iii) Human female breasts below a point immediately above the top of the areola.

(2) Human male genitals in a discernible turgid state, even if completely and opaquely covered.

(d) Auditorium means a room designed to accommodate an audience which room:

(1) shall meet each of the following requirements:

- (i) the room is not less than 4000 square feet in area;
- (ii) the stage shall either (A) be raised not less than three feet above the floor on which the nearest seating is located or (B) be not less than three feet from the nearest seat;
- (iii) there shall be only 1 stage;
- (iv) food and beverages are prohibited within the room;
- (v) tables are prohibited within the room for seating of customers or patrons; or
- (vi) All seating shall be arranged to the face the same direction.
- (vii) All seating shall face the stage.
- (viii) No portion of the stage shall be constructed or arranged or used unless it is in front of, and is faced by, all seats.

or:

(2) shall meet each of the following requirements:

- (i) the room is not less than 25,000 square feet in area;
- (ii) 90% of the seating, except for seating areas designed for the handicapped, shall be fixed to the floor and facing the stage.
- (iii) No portion of the stage shall have seats on more than one side of the stage unless that portion of the stage is not less than thirty feet across.

(e) Art school means a museum or school, college or university accredited by a national accrediting association.

(f) Private room means a room within a commercial establishment which a customer can rent for the customer's sole use or use with an employee of the establishment, but does not include private quarters.

(g) Private studio means a studio for an artist or photographer which is lawfully operating under the zoning code and which is not open to the public for any purpose other than for the sale of the artist's or photographer's works. The public shall not be allowed to view any modeling which may occur on the premises nor may the models be made available for the use of anyone other than the owner of the studio or salaried employees of the studio.

(h) Theatrical performance means a performance which meets each of the following requirements:

(1) audience members are not required to pay any fee or charge to watch the performance unless such fee or charge is an admissions fee paid by purchase of an admissions ticket;

(2) audience members are not allowed to pay, directly or indirectly, any tip or other compensation to any performer;

(3) no performer shall request, solicit or accept any tip or other compensation from any member of an audience;

(4) the performance or show shall not last more than four hours;

(5) the performance or show shall not begin before noon nor end after midnight;

(6) no more than two performances or shows shall be held in one day at one location;

(7) no person shall expose or display specified anatomical areas except while the person is on the stage of an auditorium;

(8) upon purchase of an admissions ticket, the customer or audience member will either be assigned a seat or group of seats, or be allowed to sit in any seat for the entire performance and no subsequent fee paid, except the purchase of another admissions ticket, will permit the customer to sit in any different location than originally allowed;

(9) no member of the audience shall be allowed on the stage;

(10) the performance or show shall have a noticed starting time, designated not less than 48 hours before the show or performance.

(i) Admissions fee means the sum of money charged for admitting a person to any business establishment or other place or for the privilege of entering or remaining in any place and includes:

(1) any fee or money paid to view a performance;

(2) any fee or money paid to extend the length of time of a performance;

(3) any fee or money paid to alter a performance;

(4) any fee or money paid to allow a person into a different room, a different seat or a different place to view a performance;

(5) any fee or money paid to have a performer perform in a different location,

(j) Admissions ticket means a paper slip or card indicating that its holder has paid an admission fee.

(k) Adult entertainment booth means any premises to which the public, patrons or members are invited or admitted and which are so physically arranged as to provide booths, cubicles, rooms, compartments, or stalls separate from the common areas of the premises, wherein an entertainer provides entertainment to a member of the public, a patron or a member, when such entertainment is held, conducted, operated or maintained for a profit, direct or indirect. An adult entertainment booth includes, without being limited to, any premises that is physically arranged and used as such, whether advertised or represented as an entertainment studio, rap studio, exotic dance studio, encounter studio, sensitivity studio, modeling studio or any other term of like import. An adult entertainment booth shall not include theaters, concert halls, or similar establishments where entertainment is performed for groups of four or more. An adult entertainment booth shall not include any business regulated by the Department of Professional Regulations or the Florida Bar.

(l) Nude entertainment booth means any premises to which the public, patrons or members are invited or admitted and which are so physically arranged as to provide booths, cubicles, rooms, compartments or stalls separate from the common areas of the premises, wherein any person exposes or displays specified anatomical areas to a member of the public, a patron or a member, when such exposure or display is held, conducted, operated or maintained for a profit, direct or indirect.

(m) Adult booth means any premises to which the public, patrons or members are invited or admitted and which are so physically arranged as to provide booths, cubicles, rooms, compartments or stalls separate from the common areas of the premises, wherein one person accepts compensation to enter into and remain within a room or booth includes, without being limited to, any premises that is physically arranged and used as such, whether advertised or represented as an entertainment studio, rap studio, exotic dance studio, encounter studio, sensitivity studio, modeling studio or any other term of like import. An adult booth shall not include theaters, concert halls, or similar establishments where

entertainment is performed for groups of four or more. An adult booth shall not include any business regulated by the Department of Professional Regulation or the Florida Bar.

(n) Public nudity means the exposure of specified anatomical areas in any public place and includes nude entertainment and adult entertainment establishments, and adult booths.

2. Exceptions from definitions:

(a) An adult entertainment establishment shall not include an auditorium where specified anatomical parts are displayed or exposed by performers during a theatrical performance; provided that the exposure or display of specified anatomical parts is incidental to the performance. Notwithstanding any ordinance or ordinance code provision to the contrary, in the event the exception created in this subsection (a) is held or declared invalid or unconstitutional, in whole or part, or if said exception is held to create an invalidity or unconstitutionality in other section or provision of this chapter, then the entire exception is void and invalid, and no person shall be entitled to such exception.

(b) In the event that the exception created in subsection (a) is declared void, invalid, or unconstitutional, then an adult entertainment establishment shall not include an auditorium where specified anatomical parts are displayed or exposed by performers during a theatrical performance. Notwithstanding any ordinance or ordinance code provision to the contrary, in the event the exception created in this subsection (b) is held or declared invalid or unconditional, in whole or part, or if said exception is held to create an invalidity or unconstitutionality in other section or provision of this chapter, then the entire exception is void and invalid, and no person shall be entitled to such exception.

3. Exemptions:

(a) The licensing provisions of this chapter shall not apply to:

(1) a bona fide art class where

(a) such class is sponsored by an accredited school, museum or university; and

(b) the teacher or instructor is in the class at anytime there is exposure or display of specified anatomical parts by a model; and

(c) no person, other than a model, is permitted to expose or display his or her specified anatomical parts; or

(2) a private studio where the artist or photographer has an occupational license to engage in his or her profession at that location; or

(3) an auditorium where specified anatomical parts are displayed or exposed by performers during a theatrical performance; provided, that such exposure or display is incidental to the performance; or

(4) any performance produced by an organization registered as a not-for-profit corporation pursuant to Section 501(c)(3) of the United States Internal Revenue Code.

(a) Notwithstanding any ordinance or ordinance code provision to the contrary, in the event any exemption created in section 3 is held or declared invalid or unconstitutional, in whole or in part, or if one of said exemptions is held to create an invalidity or unconstitutionality in any other section or provision of this chapter, then the entire exemption is void and invalid and no person shall be entitled to such exemption.

(b) In the event that the exception created in subsection (3) is declared void, invalid or unconstitutional, then the licensing provisions of this chapter shall not apply to an auditorium where specified anatomical parts are displayed or exposed by performers during a theatrical performance. Notwithstanding any ordinance or ordinance code provision to the contrary, in the event an exemption created in section (3) is held or declared invalid or unconstitutional, in whole or part, or if said exemption is held to create an invalidity or unconstitutionality in other section or provision of this chapter, then the entire exemption is void and invalid, and no person shall be entitled to such exemption.

#### 4. Requirements for Licensed Premises:

General requirements. In addition to the special requirements contained in this part, unless otherwise exempted, each adult bookstore, adult motion picture theater and adult entertainment establishment, shall meet each of the requirements of this section.

(a) All premises shall have an entrance room or lobby, i.e., the room which is entered from the outside, and sanitary facilities as set forth in subsection (e). The entrance room or lobby may be as large or as small as the licensee chooses.

(b) All other rooms in premises must either:

(1) be not less than 1,000 square feet in area; or  
(2) be clearly marked in letters not less than two inches in height "No Customers or Patrons Allowed".

(c) Except for sanitary facilities, no doorway or entranceway within any premises shall be locked at anytime a customer is anywhere within the premises or at anytime the premises are open to the public unless customers or patrons are prohibited at all times from going into the rooms or areas behind such doorways or entranceways and provided such doors are marked as set forth in paragraph (b)(2) above.

(d) At least one doorway into or out of the premises shall be unlocked at anytime a customer is anywhere within premises or at anytime the premises are open to the public.

(e) Except for an adult motion picture theater, all rooms open to the public in the premises shall be lighted such that the light intensity at every point thirty inches above the floor is not less than one-half footcandle.

(f) The Sheriff shall have access to all rooms at all times any premises are open to the public. Premises are irrebuttably presumed to be open at any time a customer is on the premises. This access shall be for inspection purposes only.

(g) No room other than a sanitary facility or a room marked as set forth in (b)(2) shall have any dividers or partitions or any other thing in excess of three feet in height which blocks the view of any portion of the room.

(h) Private rooms are prohibited within the premises.

(i) Adult motion picture booths are prohibited within the premises.

(j) Adult entertainment booths are prohibited within the premises.

(k) Nude entertainment booths are prohibited within the premises.

(l) No room within the premises shall have its doorway or threshold blocked or obscured by doors, curtains, drapes or any other obstruction unless the room is (1) a sanitary facility, (2) the room is an adult motion picture theater in which movies are shown on a screen, or (3) a room marked as set forth in paragraph (b)(2), hereinabove.

5. Fees and charges:

(a) All fees and charges paid by a customer or patron of an escort or escort service shall be paid to the escort before the service begins.

(b) No escort shall accept any tip or other compensation from a customer or patron unless that amount is the amount the customer is told will be charged before the service begins.

(c) No person engaged in nude entertainment shall accept any tip, compensation or other consideration directly from a customer. Any tip, compensation or other consideration shall be paid at the entrance or other central location.

(d) All admissions fees at adult entertainment establishments shall be paid at the entrance before admission to the establishment.

6. Adult entertainment booths prohibited.

(a) Adult entertainment booths are prohibited.

(b) In the event the provisions of subsection (a) above are declared invalid or unenforceable, any premises which contains or operates an adult entertainment booth shall be considered to be adult entertainment establishment and such premises shall meet all requirements of this chapter for adult entertainment establishments.

7. Public Nudity Prohibited.

(a) Public nudity is prohibited.

(b) In the event the provisions of subsection (a) above are declared invalid or unenforceable, any premises which contains or operates an a public nudity shall be considered to be adult entertainment establishment and such premises shall meet all requirements of this chapter for adult entertainment establishments.

8. Nude Entertainment Booths Prohibited.

(a) Nude entertainment booths are prohibited.

(b) In the event the provisions of subsection (a) above are declared invalid or unenforceable, any premises which contains or operates an nude entertainment booth shall be considered to be adult entertainment establishment and such premises shall meet all requirements of this chapter for adult entertainment establishments.

9. Adult Booths Regulated.

Specified anatomical areas shall not be exhibited in adult booths.

10. License Required.

A license is required and shall be applied for thirty days before issuance. Application shall be to the County Planning Department, and fees paid in advance according to schedule:

(a) Escort Services, \$100.00 per day.

(b) Auditorium, \$100.00 per day.

(c) Nude Entertainment Booth, Adult Entertainment Booth, and Adult Booth, for each booth \$100.00 per day.

11. Conflict with other Laws and Ordinances.

In the event of a conflict between this Ordinance and any other applicable law or ordinance, the more strict shall apply.

12. Penalties.

A violation of this ordinance shall be prosecuted in the same manner as a misdemeanor, and shall be punishable by imprisonment in the county jail not to exceed thirty days, or by a fine of not less than Three Hundred Dollars (\$300.00) nor more than Five Hundred Dollars (\$500.00), or by both such fine and imprisonment.

13. Effective Date.

This ordinance shall become effective as provided by law.

(SEAL)

THE FRANKLIN COUNTY BOARD  
OF COUNTY COMMISSIONERS

(cc)

BY: RAYMOND WILLIAMS  
RAYMOND WILLIAMS  
Its Chairman

ATTEST:

KENDALL WADE, Clerk  
KENDALL WADE, Clerk

This ordinance is corrected April 7, 1998 to correct scrivener's errors in Section 3 "Exemptions", and in section/subsection numbers.

(SEAL)

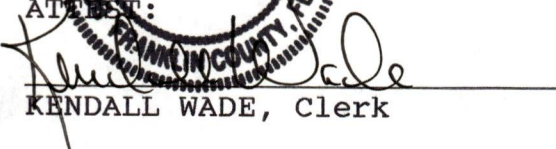
THE FRANKLIN COUNTY BOARD  
OF COUNTY COMMISSIONERS



BY:

  
RAYMOND WILLIAMS  
Its Chairman

ATTEST:

  
KENDALL WADE, Clerk