

## **ARTICLE VIII. SEXUALLY ORIENTED BUSINESSES**

### **Sec. 12-248. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Adult arcade* means any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five or fewer persons per machine at any time, and where the images so displayed are distinguished or characterized by the depicting or describing of specified sexual activities or specified anatomical areas, as defined herein.

*Adult bookstore* or *adult video store* means a commercial establishment in which a substantial portion of its stock in trade consists of books, videos, tapes, cassettes, photographs, slides, magazines, and other periodicals which are distinguished or characterized by an emphasis on specified sexual activities or specified anatomical areas, as defined herein.

*Adult cabaret* means a nightclub, bar, restaurant, or similar commercial establishment which features persons who appear in a state of nudity or semi-nudity or live performances which are characterized by the exposure of specified sexual activities or specified anatomical areas, as defined herein.

*Adult retail store* means a business where a substantial portion of the stock in trade consists of items or products other than printed matter which are characterized by an emphasis on specified sexual activities or specified anatomical areas, as defined herein.

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

*Escort* means a person who, for consideration, agrees or offers to act as a companion, or date for another person, and/or who, for consideration, agrees or offers to privately model lingerie or perform a striptease for another person.

*Escort agency* means a person or commercial establishment who furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes, for a fee, tip or other consideration.

*Nude model studio* means any place where a person who appears in a state of nudity or displays specified anatomical areas, as defined herein, is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration.

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

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

*Sexual encounter center* means a commercial establishment which, as one of its primary business purposes, offers for any form of consideration physical contact in the form of wrestling or tumbling between persons of the

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opposite sex or activities between male and female person and/or persons of the same sex when one or more of the persons is in a state of nudity or semi-nudity.

*Sexually oriented business* means less than completely and opaquely covered human genitals, pubic region, buttock, human genitals in a discernibly erect state, even if completely and opaquely covered; or any combination of the aforementioned.

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

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

(Code 1985, § 15-16(a); Ord. No. 3098, 10-27-1994)

### **Sec. 12-249. Compliance, violations and penalties.**

Any person, firm or corporation violating any provision of this article shall be fined, upon conviction, not more than \$500.00 or imprisoned in the parish jail for a period not to exceed 30 days or both, for each offense. Each day that the violation is permitted to exist shall constitute a separate offense. Imposition of any penalty hereunder shall not preclude the parish commission or other appropriate authority of the parish or any adjacent or neighboring property owner who could be specifically damaged by such violation from instituting an injunction, mandamus, or other appropriate action or proceeding to prevent such unlawful erection, construction, reconstruction, alteration, conversion, maintenance or use or to correct or abate such violation, or to prevent the occupancy of such building, structure or land.

(Code 1985, § 15-16(e); Ord. No. 3098, 10-27-1994)

State law reference(s)—Criminal offense of obscenity, R.S. 14:106; promotion or wholesale promotion of obscene devices, R.S. 14:106.1; sexual acts prohibited in public, R.S. 14:106.2.

### **Sec. 12-250. Location requirements.**

(a) No sexually oriented business shall be operated within 2,500 feet of:

- (1) A public park or public library.
- (2) A nonprofit educational museum.
- (3) A bona fide church or synagogue.
- (4) A public or private elementary or secondary school.
- (5) A day care center or kindergarten.
- (6) Another sexually oriented business.
- (7) A structure that contains another sexually oriented business.

(b) No sexually oriented business shall be operated within 2,500 feet of:

- (1) A residential subdivision.
- (2) A building site dedicated or devoted to a residential use.

(Code 1985, § 15-16(b); Ord. No. 3098, 10-27-1994)

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### **Sec. 12-251. Measurement between property lines.**

- (a) Measurement shall be made in a straight line, without regard to intervening structures or objects, from the nearest portion of the structure where a sexually oriented business is located or conducted to the nearest property line of the premises of a church, public park, public or private elementary or secondary school, day care or kindergarten, residential district, or lot dedicated or devoted to a residential use.
- (b) Measurement between any two sexually oriented businesses shall be made in a straight line, without regard to intervening structures or objects, from the closest exterior wall of one establishment to the exterior wall of the other establishment.

(Code 1985, § 15-16(c); Ord. No. 3098, 10-27-1994)

### **Sec. 12-252. Permits.**

- (a) Any person, firm or corporation intending to operate a sexually oriented business, as defined herein, shall, prior to any opening or operation thereof, apply to the parish administrator for a permit to open and operate a sexually oriented business and shall verify in writing in said application the exact nature of the sexually oriented business to be opened and operated and an exact description of the sexually oriented activities to be conducted on said premises. The parish administrator may require such other information in the application as it deems pertinent, such as the location, ownership, owner's and employee's addresses, owner's and/or employee's arrest/conviction history and so forth.
- (b) Any sexually oriented business permit issued under this article shall be dated from January 1 of each year and all applications for renewal permits shall be filed with the parish on or before November 1 of each year and each application and each renewal application shall be accompanied by a nonrefundable permit fee in an amount as established by the parish commission, from time to time.
- (c) All permit applications shall be approved or denied within 30 days after submission to the parish administrator.
- (d) If the parish administrator declines to grant the permit required in subsection (a) of this section, the parish administrator shall furnish the applicant written reasons for the denial within 15 days after said application has been denied. The parish administrator may mail the reasons to the applicant at the address given in the application by certified or registered mail.
- (e) Any applicant denied a sexually oriented business permit by the parish administrator may appeal the decision of the parish administrator to the parish commission by submitting a letter to the commission clerk within 30 days of receipt of the written reasons for the denial required in subsection (a) of this section. The parish administrator's certified or registered mail receipts shall be sufficient to establish the date of mailing for computing the 30 day appeal time. Said letter shall allege the applicant's reasons why the permit denial by the parish administrator was illegal or improper. The parish commission, within 30 days after receiving such notice of appeal, shall grant or deny a request for a hearing on the appeal and, after the hearing of the appeal, shall sustain, modify or reverse the findings of the parish administrator, and shall notify the parish administrator of its findings. The findings of the parish commission shall be final, subject to any applicable legal processes.

(Code 1985, § 15-16(d); Ord. No. 3098, 10-27-1994)