# CHAPTER 11B.

# ADULT ENTERTAINMENT ESTABLISHMENTS.

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## Sec. 11B-1. Legislative purpose.

It is the purpose of this ordinance to regulate adult entertainment establishments in order to promote the health, safety, morals, and general welfare of the citizens of the city. The provisions of this ordinance have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including adult-oriented materials. Similarly, it is not the intent nor effect of this ordinance to restrict or deny access by adults to adult-oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of adult-oriented entertainment to their intended market. Neither is it the intent nor effect of this ordinance to condone or legitimize the distribution of obscene material. (Ord. No. 936)

Sec. 11B-2. Definitions.

For the purpose of this chapter the words and phrases shall have the same meanings respectively ascribed to them by this section:

(a) Adult entertainment establishments. "Adult entertainment establishments" means any one of the following:

(1) Adult arcade. The term "adult arcade" shall mean a business establishment to which the public is permitted or invited, and image-producing devices, such as still or motion picture machines, projectors, videos, holograms, virtual reality devices, whether operated by mechanical, electronic or electrical means, are maintained to display images on a regular or substantial basis, where the images so displayed are distinguished or characterized by an emphasis on matter depicting or describing "specified sexual activities" or "specified anatomical areas." (Ord. No. 936)

(2) Adult bookstore. The term "adult bookstore" as used in Us chapter, is an establishment that has, as a regular and substantial portion [thirty (30) percent or more] of its stock in trade in books, magazines, periodicals or other printed matter, or of photographs, films, motion pictures, video cassettes, slides, tapes, records or other form of visual or audio representations which are distinguished or characterized by an emphasis upon the depiction or description of specified sexual activities and/or specified anatomical areas. (Ord. No. 936)

(3) Adult cabaret. The term "adult cabaret" as used in this chapter, means a nightclub, restaurant, or similar business establishment which: (1) regularly features live performances which are distinguished or characterized by an emphasis upon the display of specified anatomical areas or specified sexual activities; and/or (2) which regularly features persons who appear semi-nude; and/or (3) shows films, computer generated images, motion pictures, video cassettes, slides, or other photographic reproductions a regular and substantial [thirty (30) percent or more of the] number of which are distinguished or characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas. (Ord. No. 936)

(4) Adult hotel/motel. The term "adult hotel/motel" as used in this chapter, means a hotel or motel or similar business establishment offering public accommodations for any form of consideration which, (1) provides patrons with closed-circuit television transmissions, films, computer generated images, motion pictures, video cassettes, slides, or other photographic reproductions a regular and substantial [thirty (30) percent or more of the] number of which we distinguished or characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas; and (2) rents, leases, or lets any room for less than a six (6) hour period, or rents, leases, or lets any single room mom than twice in a 24-hour period. (Ord. No. 936)

(5) Adult motion picture theater. The term "adult motion picture theater" as used in this chapter, is a business establishment where, for any form of consideration, films, computer generated images, motion pictures, video cassettes, slides or similar photographic reproductions are shown, and thirty (30) percent or more of the number of which are distinguished or characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas. (Ord. No. 936)

(6) Adult theater. The term "adult theater" as used in this chapter, means a theater, concert hall, auditorium, or similar establishment which, for any form of consideration regularly features live performances which are distinguished or characterized by an emphasis on the display of specified anatomical areas or specified sexual activities. (Ord. No. 936)

(7) Modeling studio. The term "modeling studio" as used in this chapter, means a business which provides, for pecuniary compensation, monetary or other consideration, hire or reward, figure models who, for the purposes of sexual stimulation of patrons, display "specified anatomical areas" to be observed, sketched, photographed, painted, sculpted or otherwise depicted by persons paying such consideration. "Modeling studio" does not include schools maintained pursuant to standards set by the State Board of Education. "Modeling studio" further does not include a studio or similar facility owned, operated, or maintained by an individual artist or group of artists, and which does not provide, permit, or make available "specified sexual activities." (Ord. No. 936)

(b) Adult entertainment establishment operator. "Adult entertainment establishment operator" (hereinafter "operator") means a person who supervises, manages, inspects, directs, organizes, controls or in any other way is responsible for or in charge of the premises of an adult entertainment establishment or the conduct or activities occurring on the premises thereof. (Ord. No. 936)

(c) Applicant. A person who is required to file an application for a permit under this chapter, including an individual owner, managing partner, officer of a corporation, or an) other operator, manager, employee, or agent of an adult entertainment establishment. (Ord. No. 936)

(d) Church or religious institution. The term "church" as used in this article, is a structure, which is used primarily for religious worship and related religious activities. (Ord. No. 936)

(e) Distinguished or characterized by an emphasis upon. As used in this ordinance, the term "distinguished or characterized by an emphasis upon" shall mean and refer to the dominant or essential theme of the object described by such phrase. For instance, when the phrase refers to films "which are distinguished or characterized by an emphasis upon" the depiction or description of specified sexual activities or specified anatomical areas, the films so described are those whose dominant or predominant character and theme are the depiction of the enumerated sexual activities or anatomical areas. See Pringle v. City of Covina,115 Cal.App.3 151 (1981). (Ord. No. 936)

(f) Figure model. "Figure model" means any person who, for pecuniary compensation, consideration, hire or reward, poses in a modeling studio to be observed, sketched, painted, drawn, sculptured, photographed or otherwise depicted. (Ord. No. 936)

(g) Health officer. “Health Officer” means any Code Compliance Officer of the City of Paramount or his or her duly authorized representative. (Ord. No. 936)

(h) Nudity or a state of nudity. "Nudity or a state of nudity" means the showing of the human male or female genitals, pubic area, or buttocks 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 areola. (Ord. No. 936)

(i) Operate an adult entertainment establishment. As used in this article "operate an adult entertainment establishment" means the supervising, managing, inspecting, directing, organizing, controlling or in any way being responsible for or in charge of the conduct of activities of an adult entertainment establishment or activities within an adult entertainment establishment. (Ord. No. 936)

(j) Permittee. "Permittee" means the person to whom an adult entertainment establishment permit is issued. (Ord. No. 936)

(k) Person. Any individual, partnership, co-partnership, firm, association, joint stock company, corporation, or combination of the above in whatever form or character. (Ord. No. 936)

(l) Public Safety Director. The Public Safety Director of the City of Paramount or the authorized representative thereof. (Ord. No. 936)

(m) Regularly features. The term "regularly features" with respect to an adult theater or adult cabaret means a regular and substantial course of conduct. (Ord. No. 936)

(n) School. The term "school" as used in this ordinance, is any child or day care facility, or an institution of learning for minors, whether public or private, offering instruction in those courses of study required by the California Education Code and maintained pursuant to standards set by the State Board of Education. This definition includes a nursery school, kindergarten, elementary school, middle or junior high school, senior high school, or any special institution of education, but it does not include a vocational or professional institution of higher education, including a community or junior college, college, or university. (Ord. No. 936)

(o) Semi-nude. Means a state of dress in which clothing covers no more than the genitals, pubic region, buttocks, areola of the female breast, as well as portions of the body covered by supporting straps or devices. (Ord. No. 936)

(p) Specified anatomical areas. As used herein, "specified anatomical areas" shall mean and include any of the following:

(1) Less than completely and opaquely covered human; (Ord. No. 936)
(2) Genitals or pubic region; (Ord. No. 936)
(3) Buttocks; and (Ord. No. 936)
(4) Female breast below a point immediately above the top of the areola. (Ord. No. 936)

(q) Specified sexual activities. As used herein, "specified sexual activities" shall mean and include any of the following, whether performed directly or indirectly through clothing or other covering:

(1) The fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breast; (Ord. No. 936)

(2) Sex acts, actual or simulated, including intercourse, oral copulation, or sodomy; (Ord. No. 936)

(3) Masturbation, actual or simulated; (Ord. No. 936)

(4) Excretory functions as part of or in connection with any of the other activities described in subdivision (1) through (3) of this subsection. (Ord. No. 936)

Sec. 11B-3. Permits required—prohibitions.

It shall be unlawful for any person to engage in, conduct or carry on, or to permit to be engaged in, conducted or carried on, in or upon any premises in the City of Paramount, the operation of an adult entertainment establishment unless the person first obtains and continues to maintain in full force and effect a permit from the City of Paramount as herein required (adult entertainment establishment regulatory permit). (Ord. No. 936)

Sec. 11B-4. Adult entertainment establishment regulatory permit required.

Every person who proposes to establish, maintain, operate or conduct an adult entertainment establishment regulatory permit required in the City of Paramount shall file an application with the Public Safety Director upon a form provided by the City of Paramount and shall pay a filing fee, as established by resolution adopted by the City Council from time to time, which shall not be refundable. (Ord. No. 936)

Sec. 11B-5. Applications.

(a) Adult entertainment establishment regulatory permits are nontransferable, except in accordance with Section 11B-8. Therefore, all applications shall include the following information:

(1) If the applicant is an individual, the individual shall state his or her legal name, including any aliases, address, and submit satisfactory written proof that he or she is at least eighteen (18) years of age. (Ord. No. 936)

(2) If the applicant is a partnership, the partners shall state the partnership's complete name, address, the names of all partners, whether the partnership is general or limited, and attach a copy of the partnership agreement, if any. (Ord. No. 936)

(3) If the applicant is a corporation, the corporation shall provide its complete name, the date of its incorporation, evidence that the corporation is in good standing under the laws of California, the names and capacity of all officers and directors, the name of the registered corporate agent and the address of the registered office for service of process. (Ord. No. 936)

(b) If the applicant is an individual, he or she shall sign the application. If the applicant is other than an individual, an officer of the business entity or an individual with a ten (10) percent or greater interest in the business entity shall sign the application. (Ord. No. 936)

(c) If the applicant intends to operate the adult entertainment establishment under a name other than that of the applicant, the applicant shall file the fictitious name of the adult entertainment establishment and show proof of registration of the fictitious name. (Ord. No. 936)

(d) A description of the type of adult entertainment establishment for which the permit is requested and the proposed address where the adult entertainment establishment will operate, plus the names and addresses of the owners and lessors of the adult entertainment establishment site. (Ord. No. 936)

(e) The address to which notice of action on the application is to be mailed. (Ord. No. 936)

(f) The names of all employees, independent contractors, agents, partners, directors, officers, shareholders, managers, and person who will perform at the adult entertainment establishment. (Ord. No. 936)

(g) A sketch or diagram showing the interior configuration of the premises, including a statement of the total floor area occupied by the adult entertainment establishment. The sketch or diagram need not be professionally prepared, but must 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. (Ord. No. 936)

(h) A certificate and straight-line drawing prepared within thirty (30) days prior to application depicting the building and the portion thereof to be occupied by the adult-oriented business, and:

(1) The property line of any other adult entertainment establishment within 1,000 feet of the primary entrance of the adult entertainment establishment for which a permit is requested; and (Ord. No. 936)

(2) The property lines of any church, school, park, residential zone or use within 1,000 feet of the primary entrance of the adult entertainment establishment. (Ord. No. 936)

(i) A diagram of the off-street parking areas and premises entries of the adult entertainment establishment showing the location of the lighting system required by Section 11B-13. (Ord. No. 936)

(j) If the Public Safety Director determines that the applicant has completed the application improperly, or otherwise deems the application to be incomplete, the Public Safety Director shall, within ten (10) days of receipt of the original application, notify the applicant of such fact and, on request of the applicant, grant the applicant and extension of time of ten (10) days or less to submit a complete application. In addition, the applicant may request an extension, not to exceed ten (10) days, of the time for the Public Safety Director to act on the application. The time period for granting or denying a permit shall be stayed during the period in which the applicant is granted an extension of time. (Ord. No. 936)

(k) The fact that an applicant possesses other types of state or city permits or licenses does not exempt the applicant from the requirement of obtaining an adult entertainment establishment regulatory permit. (Ord. No. 936)

Sec. 11B-6. Investigation and action of application for adult entertainment establishment regulatory permit.

(a) Upon receipt of a completed application and payment of the application and permit fees, the Public Safety Director shall immediately stamp the application as received and promptly investigate the information contained in the application to determine whether the applicant shall be issued an adult entertainment establishment regulatory permit. (Ord. No. 936)

(b) Within twenty-five (25) business days of receipt of the completed application, the Public Safety Director shall issue a temporary thirty (30) day permit, complete the investigation, grant or deny the annual permit within thirty (30) calendar days in accordance with the provisions of this Section, and so notify the applicant as follows:

(1) The Public Safety Director shall write or stamp "Granted" or "Denied" on the application and date and sign such notation. (Ord. No. 936)

(2) If the application is denied, the Public Safety Director shall attach to the application a statement of the reasons for denial. (Ord. No. 936)

(3) If the application is granted, the Public Safety Director shall attach to the application an adult entertainment establishment regulatory permit. (Ord. No. 936)

(4) The application as granted or denied and the permit, if any, shall be placed in the United States mail, first class postage prepaid, addressed to the applicant at the address stated in the application. (Ord. No. 936)

(c) The Public Safety Director shall grant the application and issue the adult entertainment establishment regulatory permit upon findings that the proposed business meets the locational criteria of Chapter 44 of Title XXV; and that the applicant has met all of the development and performance standards and requirements of Section 11B-13, unless the application is denied for one or more of the reasons set forth in Section 11B-7. The permittee shall post the permit conspicuously in the adult entertainment establishment premises. (Ord. No. 936)

(d) If the Public Safety Director grants the application or if the Public Safety Director neither grants nor denies the application within forty-five (45) calendar days after it is stamped as received [except as provided in Section 11B-5(j)], the applicant is deemed to be granted and the applicant may begin operating the adult entertainment establishment for which the permit was sought, subject to strict compliance with the development and performance standards and requirements of Section 11B-13. (Ord. No. 936)

Sec. 11B-7. Permit denial.

The Public Safety Director shall deny the application for any of the following reasons:

(a) The building, structure, equipment, or location used by the business for which an adult entertainment establishment regulatory permit is required do not comply with the requirements and standards of the health, zoning, fire and safety laws of the city and the State of California, or with the locational or development and performance standards and requirements of these regulations. (Ord. No. 936)

(b) The applicant, his or her employee, agent, partner, director, officer, shareholder or manager has knowingly made any false, misleading or fraudulent statement of material fact in the application for an adult entertainment establishment regulatory permit. (Ord. No. 936)

(c) An applicant is under eighteen (18) years of age. (Ord. No. 936)

(d) The required application fee has not been paid. (Ord. No. 936)

(e) The adult entertainment establishment does not comply with the zoning ordinance locational standards, Chapter 44 of Title XXV. (Ord. No. 936)

(f) The applicant, his or here employee, agent, partner, director, officer, shareholder or manager has been convicted of any of the offenses set forth in Section 313, 315, 316, 266(a), 266(b), 266(c), 266(e), 266(f), 266(h), 266(l), 647(a), 647(b) and 647(d) of the California Penal Code as those sections now exist or may hereafter be amended or remunerated. (Ord. No. 936)

(1) For which: less than two years have elapsed since the date of the conviction or the date of release from confinement imposed for the conviction, whichever is the later date, if the conviction is a misdemeanor offense; less than five 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 a felony offense; less than five years have elapsed since the date of the last conviction or the date of release from confinement for the last conviction, whichever is the later date, if the convictions are of two or more misdemeanor offenses or a combination of misdemeanor offenses occurring within a twenty-four (24) month period. (Ord. No. 936)

(2) Each adult entertainment establishment regulatory permit shall expire one (1) year from the date of issuance, and may be renewed only by filing with the Public Safety Director a written request for renewal, accompanied by the annual permit fee and a copy of the permit to be renewed, accompanied by the annual permit fee and a copy of the permit to be renewed. The request for renewal shall be made at least forty-five (45) calendar days before the expiration date of the permit. When made less than forty-five (45) calendar days before the expiration date, the expiration of the permit will not bestayed. Applications for renewal shall be acted on as provided herein for action upon applications for permits. (Ord. No. 936)

Sec. 11B-8. Transfer of adult entertainment establishment regulatory permits.

(a) A permittee shall not operate an adult entertainment establishment under the authority of an adult entertainment establishment regulatory permit at any place other than the address of the adult entertainment establishment stated in the application for the permit. (Ord. No. 936)

(b) A permittee shall not transfer ownership or control of an adult entertainment establishment or transfer an adult entertainment establishment regulatory permit to another person unless and until the transferee obtains an amendment to the permit from the Public Safety Director stating that the transferee is now the permittee. Such an amendment may be obtained only if the transferee files an application with the Public Safety Director in accordance with Sections 11B-4 and 11B-5, accompanies the application with a transfer fee in an amount set by resolution of the City Council, and the Public Safety Director determines that the transferee would be entitled to the issuance of an original permit. (Ord. No. 936)

(c) No permit may be transferred when the Public Safety Director has notified the permittee that the permit has been or may be suspended or revoked. (Ord. No. 936)

(d) Any attempt to transfer a permit either directly or indirectly in violation of this section is hereby declared void, and the permit shall be deemed revoked. (Ord. No. 936)

Sec. 11B-9. Registration of new employees and independent contractors.

(a) As a further condition of approval of every Adult Entertainment Establishment Regulatory Permit issued pursuant to this chapter, every owner or operator shall register every employee and independent contractor with the Police Department within five (5) business days of the commencement of the employee's period of employment at the Adult Entertainment Establishment. (Ord. No. 936)

(b) Each employee and independent contractor or independent contractor(s) period of service shall be required to provide two (2) recent color passport-quality photographs and, at the discretion of the Public Safety Director, shall allow himself or herself to be fingerprinted by the Police Department for purposes of identification. In addition, each new employee or independent contractor shall provide the following information on a form provided by the Police Department. (Ord. No. 936)

(1) Name, current resident address, telephone number.
(1) Date of birth.
(2) Social Security Number.
(3) Height, weight, color of eyes and hair.
(4) Stage name (if applicable) and other aliases used within the previous two years.

(Ord. No. 936)

(c) The information provided for purposes of this section shall be maintained by the Police Department as confidential information, and shall not be disclosed as public records unless pursuant to an order issued by a court of competent jurisdiction. (Ord. No. 936)

(d) Each owner or operator of an Adult Entertainment Establishment shall maintain a current register of the names of all employees and independent contractor(s) currently working at the Adult Entertainment Establishment, and shall disclose such registration for inspection by any Police Officer for purposes of determining compliance with the requirements of this section. (Ord. No. 936)

(e) Failure to register each new employee and independent contractor within five (5) days of the commencement of employment, or service or to maintain a current register of the names of all employees and independent contractor(s) shall be deemed a violation of the conditions of the permit. (Ord. No. 936)

Sec. 11B-10. Reserved.

Sec. 11B-11. Suspension or revocation of adult entertainment establishment regulatory permits.

An adult entertainment establishment regulatory permit may be suspended or revoked in accordance with the procedures and standards of this Section. (Ord. No. 936)

(a) On determining that grounds for permit revocation exist, the Public Safety Director shall furnish written notice of the proposed suspension or revocation to the permittee. Such notice shall set forth the time and place of a hearing, and the ground or grounds upon which the hearing is based, the pertinent Code sections, and a brief statement of the factual matters in support thereof The notice shall be mailed, postage prepaid, addressed to the last known address of the permittee, or shall be delivered to the permittee personally, at least ten (10) days prior to the hearing date. Hearings shall be conducted in accordance with procedures established by the city, but at a minimum shall include the following:

(1) All parties involved shall have a right to offer testimonial, documentary, and tangible evidence bearing on the issues; and may be represented by counsel. Any relevant evidence may be admitted that is the sort of evidence upon which reasonable persons are accustomed to rely in the conduct of serious affairs. Any hearing under this Section may be continued for a reasonable time for the convenience of a party or a witness. The Public Safety Director decision may be appealed in accordance with Section 11B-12. (Ord. No. 936)

(b) A permittee may be subject to suspension or revocation of his permit, or be subject to other appropriate remedial action, including the imposition of additional conditions, for any of the following causes arising from the acts or omissions of the permittee, or an employee, agent, partner, director, stockholder, or manager of an adult entertainment establishment:

(1) The permittee has knowingly made any false, misleading or fraudulent statement of material facts in the application for a permit, or in any report or record required to be filed with the city. (Ord. No. 936)

(2) The permittee, employee, agent, partner, director, stockholder, or manager of an adult entertainment establishment has knowingly allowed or permitted, and has failed to make a reasonable effort to prevent the occurrence of any of the following on the premises of the adult entertainment establishment:

a. Any act of unlawful sexual intercourse, sodomy, oral copulation, or masturbation. (Ord. No. 936)

b. Use of the establishment as a place where unlawful solicitations for sexual intercourse, sodomy, oral copulation, or masturbation openly occur. (Ord. No. 936)

c. Any conduct constituting a criminal offense, which requires registration under Section 290 of the California Penal Code. (Ord. No. 936)

d. The occurrence of acts of lewdness, assignation, or prostitution, including any conduct constituting violations of Sections 315, 316, or 318 or Subdivision b of Section 647 of the California Penal Code. (Ord. No. 936)

e. Any act constituting a violation of provisions in the California Penal Code relating to obscene matter or distribution of harmful matter to minors, including but not limited to Sections 311 through 313.4. (Ord. No. 936)

f. Any conduct prohibited by this chapter. (Ord. No. 936)

(3) Failure to abide by any action previously imposed by an appropriate city official. (Ord. No. 936)

(4) Failure to comply with any requirements under this chapter or Article XXV of the Paramount Municipal Code. (Ord. No. 936)

(c) After holding the hearing in accordance with the provisions of this Section, if the Public Safety Director finds and determines that them are grounds for action, the Public Safety Director shall impose one of the following:

(1) A warning; (Ord. No. 936)

(2) Suspension of the permit for a specified period not to exceed six months; (Ord. No. 936)

(3) Revocation of the permit. (Ord. No. 936)

(d) Any adult business that is operating in violation of the requirements of this code is declared to constitute a public nuisance and, in addition to actions authorized in this Section, may be subject to abatement or enjoined from farther operation by the city. (Ord. No. 936)

Sec. 11B-12. Appeal of denial, suspension or revocation, administrative appeal to the City Council, expedited review of free speech claim and automatic stay of enforcement.

(a) After denial of an application for an adult entertainment establishment regulatory permit or an adult entertainment establishment performer permit, or after denial of renewal of a permit, or suspension or revocation of a permit, the applicant or person to whom the permit was granted may seek review of such administrative action by the City Council of the City of Paramount at its next regularly scheduled meeting. An administrative appeal must be filed with the City Clerk within ten (10) calendar days of a denial, suspension or revocation of a permit. The hearing before the City Council shall be held no less than five (5) business days from the date of the filing of the appeal or at the next regularly scheduled meeting of the City Council. The Council shall issue its decision within ten (10) calendar days of the hearing. The decision of the City Council shall be final. If the denial, suspension or revocation is affirmed on review, the applicant, permittee may seek expedited judicial review of such administrative action pursuant to California Code of Civil Procedure Section 1094.8 because the permits regulate expressive conduct protected by the First Amendment to the United States Constitution. The petitioner shall be responsible for reimbursing the city for its actual costs for transcribing, copying or otherwise preparing the administrative record. (Ord. No. 936)

(b) There shall be an automatic stay of enforcement of a permit suspension or revocation throughout the administrative and/or judicial appeal process. (Ord. No. 936)

Sec. 11B-13. Adult entertainment establishment development and performance standards.

(a) Maximum occupancy load, fire exits, aisles and fire equipment shall be regulated, designed and provided in accordance with the Fire Department and building regulations and standards adopted by the City of Paramount. (Ord. No. 936)

(b) No adult entertainment establishment shall be operated in any manner that permits the observation of any material or activities depicting, describing or relating to "Specified Sexual Activities" or "Specified Anatomical Areas" from any public way or from any location outside the building or area of such establishment. This provision shall apply to any display, decoration, sign, show window or other opening. No exterior door or window on the premises shall be propped or kept open at any time while the business is open, and any exterior windows shall be covered with opaque covering at all times. (Ord. No. 936)

(c) All off-street parking areas and premise entries of the sexually-oriented business shall be illuminated from dusk to closing hours of operation with a lighting system which provides an average maintained horizontal illumination of one (1) foot candle of light on the parking surface and/or walkways. The required lighting level is established in order to provide sufficient illumination of the parking areas and walkways serving the adult entertainment establishment for the personal safety of patrons and employees and to reduce the incidence of vandalism and criminal conduct. The lighting shall be shown on the required sketch or diagram of the premises. (Ord. No. 936)

(1) Adult entertainment establishments shall provide for one automobile storage space for each two hundred fifty (250) square feet of net floor area of any building or structure to be served thereby. The parking areas shall conform with all of the provisions of Chapter 44, Division 4, of the Paramount Municipal Code relating to off-street parking areas. (Ord. No. 936)

(d) An adult entertainment establishment shall be open for business only between the hours of 10:00 a.m. and 10:00 p.m. on any particular day. (Ord. No. 936)

(e) The premises within which the adult entertainment establishment is located shall provide sufficient sound-absorbing insulation so that noise generated inside said premises shall not be audible anywhere on any adjacent property or public right-of-way or within any other building or other separate unit within the same building. (Ord. No. 936)

(f) The building entrance to an adult entertainment establishment shall be clearly and legibly posted with a notice indicating those persons under eighteen (18) years of age are precluded from entering the premises. Said notice shall consist of letters no less am one inch in height. No person under the age of eighteen (18) years shall be permitted within the premises at any time. (Ord. No. 936)

(g) All indoor areas of the adult entertainment establishment within which patrons we permitted, except rest rooms, shall be open to view by the management at all times. (Ord. No. 936)

(h) Any adult entertainment establishment which is also an "adult arcade", shall comply with the following provisions:

(1) The interior of the premises shall be configured in such a manner that there is an unobstructed view from a manager's station of every area of the premises to which any patron is permitted access for any purpose, excluding restrooms. Restrooms may not contain video reproduction equipment. If the premises has two or more manager's stations designated, then the interior of the premises shall be configured in such a manner that there is an unobstructed view of each area of the premises to which any patron is permitted access for any purpose from at least one of the manager's stations. The view required in this subsection must be direct line of sight from the manager's station. (Ord. No. 936)

(2) The view area specified in subsection (5) shall remain unobstructed by any doors, walls, merchandise, display racks, or other materials at all times. No patron is permitted access to any area of the premises, which has been designated as an area in which patrons will not be permitted. (Ord. No. 936)

(3) No viewing room may be occupied by more than one person at any one time. (Ord. No. 936)

(4) The walls or partitions between viewing rooms or booths shall be maintained in good repair at all times, with no holes between any two such rooms such as would allow viewing from one booth into another or such as to allow physical contact of any kind between the occupants of any two such booths or rooms. (Ord. No. 936)

(5) Customers, patrons or visitors shall not be allowed to stand idly by in the vicinity of any such video booths, or from remaining in the common area of such business, other than the restrooms, who are not actively engaged in shopping for or reviewing the products available on display for purchaser viewing. Signs prohibiting loitering shall be posted in prominent places in and near the video booths. (Ord. No. 936)

(6) The floors, seats, walls and other interior portions of all video booths shall be maintained clean and free from waste and bodily secretions. Presence of human excrement, urine, semen or saliva in any such booths shall be evidence of improper maintenance and inadequate sanitary controls; repeated instances of such conditions may justify suspension or revocation of the owner and operator's license to conduct the adult-oriented establishment. (Ord. No. 936)

(i) All areas of the adult entertainment establishment shall be illuminated at a minimum of the following foot-candles, minimally maintained and evenly distributed at ground level:

| Area | Foot-Candles |
|---|---|
| Bookstores and other retail establishments | 20 |
| Theaters and cabarets | 5 (except during performances, at which times lighting shall be at least 1.25 foot candles) |
| Arcades | 10 |
| Motels/hotels | 20 (in public places) |
| Modeling studios | 20 |

(Ord. No. 936)

(j) The adult entertainment establishment shall provide and maintain separate rest room facilities for male patrons and employees, and female patrons and employees. Male patrons and employees shall be prohibited from using the rest room(s) for females, and female patrons and employees shall be prohibited from using the restroom(s) for males, except to carry out duties of repair, maintenance and cleaning of the rest room facilities. The rest rooms shall be free from any adult material. Rest rooms shall not contain television monitors or other motion picture or video projection, recording or reproduction equipment. The foregoing provisions of this paragraph shall not apply to an adult entertainment establishment which deals exclusively with sale or rental of adult material which is not used or consumed on the premises, such as an adult bookstore or adult video store, and which does not provide rest room facilities to its patrons or the general public. (Ord. No. 936)

(k) The following additional requirements shall pertain to adult entertainment establishments providing live entertainment depicting specified anatomical areas or involving specified sexual activities, except for businesses regulated by the Alcoholic Beverage Control Commission:

(1) No person shall perform live entertainment for patrons of an adult entertainment establishment except upon a stage at least eighteen (18) inches above the level of the floor which is separated by a distance of at least ten (10) feet from the nearest area occupied by patrons, and no patron shall be permitted within ten (10) feet of the stage while the stage is occupied by an entertainer. "Entertainer" shall mean any person who is an employee or independent contractor of the adult entertainment establishment, or any person who, with or without any compensation or other form of consideration, performs live entertainment for patrons of an adult entertainment establishment. (Ord. No. 936)

(2) The adult entertainment establishment shall provide separate dressing room facilities for entertainers, which are exclusively dedicated to the entertainers' use. (Ord. No. 936)

(3) The adult entertainment establishment shall provide an entrance/exit for entertainers, which is separate from the entrance/exit used by patrons. (Ord. No. 936)

(4) The adult entertainment establishment shall provide access for entertainers between the stage and the dressing rooms, which is completely separated from the patrons. If such separate access is not physically feasible, the adult entertainment establishment shall provide a minimum three (3) foot wide walk aisle for entertainers between the dressing room area and the stage, with a railing, fence or other barrier separating the patrons and the entertainers capable of (and which actually results in) preventing any physical contact between patrons and entertainers. (Ord. No. 936)

(5) No entertainer, either before, during or after performances, shall have physical contact with any patron and no patron shall have physical contact with any entertainer either before, during or after performances by such entertainer. This subsection shall only apply to physical contact on the premises of the adult entertainment establishment. (Ord. No. 936)

(6) Fixed rail(s) at least thirty (30) inches in height shall be maintained establishing the separations between entertainers and patrons required by this subsection. (Ord. No. 936)

(7) No patron shall directly pay or give any gratuity to any entertainer and no entertainer shall solicit any pay or gratuity from any patron. (Ord. No. 936)

(8) No owner or other person with managerial control over an adult entertainment establishment (as that term is defined herein) shall permit any person on the premises of the adult entertainment establishment to engage in a live showing of the human male or female genitals, pubic area or buttocks with less than a fully opaque coverage, and/or the female breast with less than a fully opaque coverage over any part of the areola/and or covered male genitals in a discreetly tinged state. This provision may not be complied with by applying an opaque covering simulating the appearance of the specified anatomical part required to be covered. (Ord. No. 936)

(l) Adult entertainment establishments shall employ security guards in order to maintain the public peace and safety, based upon the following standards:

(1) Adult entertainment establishments featuring live entertainment shall provide at least one (1) security guard at all times while the business is open. If the occupancy limit of the premises is greater than thirty-five (35) persons, an additional security guard shall be on duty. (Ord. No. 936)

(2) Security guards for other adult entertainment establishments may be required if it is determined by the Public Safety Director that their presence is necessary in order to prevent any of the conduct listed in Section 11B-11(b) from occurring on the premises. (Ord. No. 936)

(3) Security guard(s) shall be charged with preventing violations of law and enforcing compliance by patrons of the requirements of these regulations. Security guards shall be uniformed in such a manner so as to be readily identifiable as a security guard by the public and shall be duly licensed as a security guard as required by applicable provisions of state law. No security guard required pursuant to this subsection shall act as a door person, ticket seller, ticket taker, admittance person, or sole occupant of the manager's station while acting as a security guard. (Ord. No. 936)

(4) The foregoing applicable requirements of this section shall be deemed conditions of adult entertainment establishment regulatory permit approvals, and failure to comply with every such requirement shall be grounds for revocation of the permit issued pursuant to these regulations. (Ord. No. 936)

Sec. 11B-14. Register and permit number of employees.

(a) Every permittee of an adult entertainment establishment which provides live entertainment depicting specified anatomical areas or involving specified sexual activities must maintain a register of all persons so performing on the premises. Such register shall be available for inspection during regular business hours by any police officer or health officer of the City of Paramount. (Ord. No. 936)

(b) Every adult entertainment establishment shall display at all times during business hours the permit issued pursuant to the provisions of this chapter for such adult entertainment establishment in a conspicuous place so that the same may be readily seen by all persons entering the adult entertainment establishment. (Ord. No. 936)

Sec. 11B-15. Employment of and services rendered to persons under the age of eighteen (18) years prohibited.

(a) It shall be unlawful for any permittee, operator, or other person in charge of any adult entertainment establishment to employ, or provide any service for which it requires such permit, to any person who is not at least eighteen (18) years of age. (Ord. No. 936)

(b) It shall be unlawful for any permittee, operator or other person in charge of any adult entertainment establishment to permit to enter, or remain within the adult entertainment establishment, any person who is not at least eighteen years of age. (Ord. No. 936)

Sec. 11B-16. Inspection.

An applicant or permittee shall permit representatives of the Police Department, Health Department, Fire Department, Planning Division, or other city departments or agencies to inspect the premises of an adult entertainment establishment for the purpose of insuring compliance with the law and the development and performance standards applicable to adult entertainment establishments, at any time it is occupied or opened for business. A person who operates an adult entertainment establishment or his or her agent or employee is in violation of the provisions of this section if he/she refuses to permit such lawful inspection of the premises at any time it is occupied or open for business. (Ord. No. 936)

Sec. 11B-17. Public nuisance.

In addition to the remedies set forth in this Code, any adult entertainment establishment that is operating in violation of these provisions regulating adult entertainment establishments is hereby declared to constitute a public nuisance and, as such, may be abated or enjoined from further operation. (Ord. No. 936)

Sec. 11B-18. Time limit for filing application for permit.

All persons, who possess an outstanding business license heretofore issued for the operation of an adult entertainment establishment, must apply for and obtain such a permit within ninety (90) days of the effective date of this chapter. Failure to do so and continued operation of an adult entertainment establishment, or the continued performances depicting specified anatomical areas or specified sexual activities in an adult entertainment establishment after such time without a permit shall constitute a violation of this chapter. (Ord. No. 936)

(Ord. Nos. 449, 499, 839. 936)