

4.5 Special Regulations for Adult Entertainment Businesses and Employees

I. PURPOSE AND INTENT

- A. In adopting this Ordinance, Plainfield makes the following statement regarding its intent and makes the following findings:
1. Adult entertainment establishments require special supervision in order to protect and preserve the health, safety, morals, and welfare of Plainfield's citizens, the patrons of such establishments, and the employees of such establishments.
 2. Plainfield finds that adult entertainment establishments are frequently used for unlawful sexual activities, including prostitution, sexual liaisons of a casual nature, and other illegal activities.
 3. The concern over sexually transmitted diseases is a legitimate health concern that demands reasonable regulation of adult entertainment establishments by Plainfield in the specified manner in order to protect the health and well-being of its citizens and the general public.
 4. Minimal regulations enacted by Plainfield are a legitimate and reasonable means of accountability to ensure that operators of adult entertainment establishments comply with reasonable regulations and to ensure that operators do not knowingly allow their establishments to be used as places of illegal sexual activity, solicitation, or other illegal activities.
 5. There is convincing documented evidence that adult entertainment establishments, because of their very nature, have a deleterious effect on both the existing businesses around them and the surrounding residential areas adjacent to them, cause increased crime (particularly in the overnight hours), and downgrade property values.
 6. Plainfield desires to minimize and control these adverse secondary effects by regulating adult entertainment establishments in the specified manner. By minimizing and controlling these adverse secondary effects, Plainfield seeks to protect the health, safety, and welfare of the citizenry and the general public; protect the citizens and the general public from increased crime; preserve the quality of life; preserve the property values and character of surrounding neighborhoods; and deter the spread of urban blight.
 7. Plainfield has determined that current local zoning and other locational criteria do not adequately protect the health, safety, and general welfare of its citizens and that expanded regulation of adult entertainment establishments is necessary.
 8. It is not Plainfield's intent in adopting this Ordinance to suppress or authorize the suppression of any speech activities protected by the First Amendment to the United States Constitution but to enact content-neutral regulations that address the adverse secondary effects of adult entertainment establishments.
 9. It is not Plainfield's intent to condone or legitimize the distribution of obscene material, and Plainfield recognizes that state and federal law prohibits the distribution of obscene materials and expects and encourages state law enforcement officials to enforce state obscenity statutes against any such illegal activities in this State.
- B. Based on evidence concerning the adverse secondary effects of adult entertainment businesses on communities presented to various courts and cited in the cases of *Township of Littleton, Colorado v. Z.J. Gifts D-4, L.L.C.*, 541 U.S. 774 (2004); *Township of Erie v. Pap's A.M.*, 529 U.S. 277 (2000); *Barnes v. Glen Theatre, Inc.*, 501 U.S. 560 (1991); *Township of Renton v. Playtime Theatres, Inc.*, 475 U.S. 41 (1986); *Young v. American Mini Theatres*, 426 U.S. 50 (1976); *California v. LaRue*, 409 U.S. 109 (1972); *Illinois One News, Inc. v. City of Marshall, Illinois*, 477 F.3d 461 (7th Cir. 2007); *G.M. Enter., Inc. v. Town of St. Joseph*, 350 F.3d 631 (7th Cir. 2003); *DLS, Inc. v. Township of Chattanooga*, 107 F.3d 403 (6th Cir. 1997);

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East Brooks Books, Inc. v. Township of Memphis, 48 F.3d 220 (6th Cir. 1995); *O'Connor v. Township and County of Denver* (10th Cir. 1990); *Sundance Assocs. v. Reno*, 139 F.3d 804 (10th Cir. 1998); *American Library Association v. Reno*, 33 F.3d 78 (D.C. Cir. 1994); *Lady J. Lingerie, Inc. v. City of Jacksonville*, 176 F.3d 1358 (11th Cir. 1998); *Andy's Restaurant and Lounge, Inc. v. City of Gary*, Case No. 2:01-CV-327 (N.D. Ind. 2005); *Harris v. Fitchville Township Trustees*, 99 F. Supp. 2d 837 (N.D. Ohio 2000); and other cases and on reports of secondary effects occurring in and around adult entertainment establishments in Phoenix, Arizona (1984); Minneapolis, Minnesota (1980); Houston, Texas (1983); Indianapolis, Indiana (1984); Amarillo, Texas (1977); Garden Grove, California (1991); Los Angeles, California (1977); Whittier, California (1978); Austin, Texas (1986); Seattle, Washington (1989); Oklahoma Township, Oklahoma (1986); Cleveland, Ohio (1977); Dallas, Texas (1997); St. Croix County, Wisconsin (1993); Bellevue, Washington (1998); Newport News, Virginia (1996); Tucson, Arizona (1990); St. Paul, Minnesota (1988); Oklahoma Township, Oklahoma (1986 and 1992); Beaumont, Texas (1982); New York, New York (1994); Ellicottville, New York (1998); Des Moines, Iowa (1984); Islip, New York (1980); Adams County, Colorado (1987); Manatee County, Florida (1987); New Hanover County, North Carolina (1989); Las Vegas, Nevada (1978); Cattaraugus County, New York (1998); Cleburne, Texas (1997); Dallas, Texas (1997); El Paso, Texas (1986); New York Times Square study (1994); Report to ACLJ on the Secondary Impacts of Sex Oriented Businesses (1996); findings from the Report of the Attorney General's Working Group On The Regulation Of Sexually Oriented Businesses (June 6, 1989, State of Minnesota); and on testimony to Congress in 136 Cong. Rec. S. 8987; 135 Cong. Rec. S. 14519; 135 Cong. Rec. S. 5636, 134 Cong. Rec. E. 3750; and also on findings from the paper entitled "Stripclubs According to Strippers: Exposing Workplace Sexual Violence," by Kelly Holsopple, Program Director, Freedom and Justice Center for Prostitution Resources, Minneapolis, Minnesota; and from "Sexually Oriented Businesses: An Insider's View," by David Sherman, presented to the Michigan House Committee on Ethics and Constitutional Law, Jan. 12, 2000; and from various other police reports, testimony, newspaper reports, and other documentary evidence, and Plainfield finds:

1. Adult entertainment businesses lend themselves to ancillary unlawful and unhealthy activities that are presently uncontrolled by the operators of the establishments.
2. Certain employees of adult entertainment businesses, as defined in this Ordinance, engage in a higher incidence of certain types of illicit sexual behavior than employees of other establishments.
3. Sexual acts, including masturbation and oral and anal sex occur at adult entertainment establishments, especially those that provide private or semi-private booths or cubicles for viewing films, videos, or live sex shows. The "couch dances" or "lap dances" that frequently occur in adult entertainment establishments featuring live nude or semi-nude dancers constitute or may constitute the offense of "engaging in prostitution" under Indiana law.
4. Offering and providing private or semi-private booths or cubicles encourages such activities which creates unhealthy conditions.
5. Persons frequent certain adult theaters, adult arcades, and other adult entertainment businesses for the purpose of engaging in sexual activity within the premises of those adult entertainment businesses.
6. Numerous communicable diseases may be spread by activities occurring in adult entertainment businesses, including but not limited to, syphilis, gonorrhea, human immunodeficiency virus infection (HIV-AIDS), genital herpes, hepatitis salmonella, campylobacter and shigella infections, chlamydial, myoplasmal and ureoplasmal infections, trichomoniasis, and chancroid.
7. Since 1981 and to the present, there has been an increasing cumulative number of reported cases of AIDS caused by the human immunodeficiency virus (HIV) in the United States: 600 in 1982, 2,200 in 1983, 4,600 in 1984, 8,555 in 1985, and 253,448 through December 31, 1992.

8. Since 1981 and to the present, there have been an increasing cumulative number of persons testing positive for the HIV antibody test in Indiana.
9. The number of cases of early (less than one year) syphilis in the United States reported annually has risen. 33,613 cases were reported in 1982, and 45,200 cases were reported through November 1990.
10. The number of cases of gonorrhea in the United States reported annually remains at a high level, with over one-half million cases being reported in 1990.
11. The Surgeon General of the United States in his report of October 22, 1986, has advised the American public that AIDS and HIV infection may be transmitted through sexual contact, intravenous drug abuse, and exposure to infected blood and blood components, and from an infected mother to her newborn.
12. According to the best scientific evidence, AIDS and HIV infection, as well as syphilis and gonorrhea, are principally transmitted by sexual acts.
13. Sanitary conditions in some adult entertainment businesses are unhealthy, in part, because the activities conducted there are unhealthy, and, in part, because of the unregulated nature of the activities and the failure of the owners and the operators of the facilities to self-regulate those activities and maintain those facilities.
14. The findings noted in divisions (C)(1) to (13) of this section raise substantial governmental concerns.
15. Adult entertainment businesses have operational characteristics that require or subject them to reasonable government regulation in order to protect those substantial governmental concerns.
16. The adoption of this Ordinance will promote the general welfare, health, morals, and safety of the citizens of Plainfield.
17. Upon adoption, this Ordinance replaces, supersedes, and supplants Ordinance 20-97 and Article 4.5 of Article Ordinance 21-97.

II. DEFINITIONS

- A. As used in this Ordinance, the following terms have the following definitions and meanings:
 1. "Adult Arcade" means any place to which the public is permitted or invited in which coin-operated, slug-operated, or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are regularly maintained to show images to five or fewer persons per machine at any one time, and in which the images so displayed are distinguished or characterized by their emphasis upon matter exhibiting or describing specified sexual activities or specified anatomical areas.
 2. "Adult Bookstore", "Adult Novelty Store", or "Adult Video Store" means a commercial establishment¹ that, for any form of consideration, has as a significant or substantial portion of its stock-in-trade in, derives a significant or substantial portion of its revenues from, devotes a significant or substantial portion of its interior business or advertising to, or maintains a substantial section of its sales or display space for the sale or rental of any of the following:

¹ "Commercial establishment" means an entity that is open to the public and to which either of the following applies: (a) It has a substantial or significant portion of its stock in trade of the sale, rental, or viewing of visual materials or performances (*i.e.*, videos, CD-ROM discs, streaming video, or other motion pictures) depicting sexual conduct; or (b) It has as a principal business purpose the sale, rental, or viewing of visual materials or performances depicting sexual conduct.

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- a. Books, magazines, periodicals, or other printed matter, or photographs, films, motion pictures, video cassettes, compact discs, DVD's, slides, or other visual representations, that are characterized by their emphasis upon the exhibition or description of specified sexual activities or specified anatomical areas;
- b. Instruments, devices, or paraphernalia that are designed for use or marketed primarily for stimulation of human genital organs or for sadomasochistic use or abuse of self or others.

A commercial establishment may have other principal business purposes that do not involve the offering for sale, rental, or viewing of materials exhibiting or describing specified sexual activities or specified anatomical areas and still be categorized as an adult bookstore, adult novelty store, or adult video store. The existence of other principal business purposes does not exempt an establishment from being categorized as an adult bookstore, adult novelty store, or adult video store so long as one of its principal business purposes is offering for sale or rental, for some form of consideration, such materials that exhibit or describe specified sexual activities or specified anatomical areas.

3. "Adult cabaret" means a nightclub, bar, juice bar, restaurant, bottle club, or similar commercial establishment, whether or not alcoholic beverages are served, that regularly features any of the following:
 - a. Persons who appear in a state of nudity or semi-nudity;
 - b. Live performances that are characterized by the exposure of specified anatomical areas or specified sexual activities;
 - c. Films, motion pictures, video cassettes, DVD's, slides, or other photographic reproductions that are distinguished or characterized by their emphasis upon the exhibition or description of specified sexual activities or specified anatomical areas.
4. "Adult motel" or "adult hotel" means a hotel, motel, or similar establishment offering public accommodations for any form of consideration which provides patrons, upon request, with closed-circuit television transmissions, films, motions pictures, video cassettes, DVD's, slides, or other photographic reproductions that are distinguished or characterized by an emphasis upon the depiction or description of specified anatomical areas or specified sexual activity.
5. "Adult motion picture theater" means a commercial establishment where films, motion pictures, video cassettes, DVD's, slides, or similar photographic reproductions that are distinguished or characterized by their emphasis upon the exhibition or description of specified sexual activities or specified anatomical areas are regularly shown for any form of consideration.
6. "Adult Theater" means a theater, concert hall, auditorium, or similar commercial establishment that, for any form of consideration, regularly features persons who appear in a state of nudity or semi-nudity or live performances that are characterized by their emphasis upon the exposure of specified anatomical areas or specified sexual activities.
7. "Adult entertainment" means the sale, rental, or exhibition, for any form of consideration, of books, films, video cassettes, DVD's, magazines, periodicals, or live performances that are characterized by an emphasis on the exposure or display of specified anatomical areas or specified sexual activity.
8. "Distinguished or characterized by their emphasis upon" means the dominant or principal character and theme of the object described by this phrase. For instance, when the phrase refers to films "that are distinguished or characterized by their emphasis upon the exhibition or description of specified sexual activities or specified anatomical areas," the films so described are those whose dominant or principal character and theme are the exhibition or description of specified sexual activities or specified anatomical areas.
9. "Escort" means any person who, for a fee, commission, salary, hire, profit, payment, or other consideration accompanies or offers to accompany another person to or about social

affairs, entertainments, or places of amusement, or consorts or otherwise associates or keeps company with another person about any place or public resort or within any private quarters.

10. "Escort Service" means a service provided by any person who, for a fee, commission, salary, hire, profit, payment, or other consideration furnishes or offers to furnish names of persons, or who introduces, furnishes or arranges for persons, who may accompany other persons to or about social affairs, entertainments or places of amusement, or who may consort with, associate, or keep company with others about any place of public resort or within any private quarters.
11. "Massage parlor" means any place where, for any form of consideration or gratuity, massage, alcohol rub, administration of fomentations, electric or magnetic treatments, or any other treatment or manipulation of the human body occurs as part of or in connection with "specified sexual activity" or where any person providing such treatment, manipulation, or services related thereto exposes "specified anatomical areas." However, a massage parlor does not constitute an adult entertainment business if the owner, operator, and/or employees of the massage parlor have been certified or licensed as a massage therapist(s), under Indiana law, by the Indiana State Board of Massage Therapy.
12. "Nude or semi-nude model studio" or "lingerie modeling studio" means any place where a person, who regularly appears in a state of nudity or semi-nudity, is provided for money or any other form of consideration to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons. However, a modeling class or studio is not a nude or seminude model studio and is not subject to this chapter if it is operated in any of the following ways:
 - a. By a college or university supported entirely or partly by taxation;
 - b. By a private college or university that maintains and operates educational programs, the credits for which are transferable to a college or university supported entirely or partly by taxation;
 - c. In a structure that has no sign visible from the exterior of the structure and no other advertising indicating that a person appearing in a state of nudity or semi-nudity is available for viewing, if in order to participate in a class in the structure, a student must enroll at least three days in advance of the class and if not more than one nude or seminude model is on the premises at any one time.
13. "Nudity," "nude," "state of nudity" means the showing of the human male or female genitals, pubic area, vulva, anus, anal cleft, or the showing of the female breasts with less than a fully opaque covering of any part of the nipple and areola. Nudity, as used in this section, does not include a woman's breastfeeding of a baby whether or not the nipple or areola is exposed during or incidental to the feeding.
14. "Patron" means a customer of the adult entertainment business or a person from the general public—not an "employee" of the business—who is on the premises to obtain, receive, or view the products, services, or performances offered by the business.
15. "Regularly features" or "regularly shown" means a consistent or substantial course of conduct, such that the films or performances exhibited constitute a substantial portion of the films or performances offered as a part of the ongoing business of the adult entertainment establishment.
16. "Semi-nude" or "state of semi-nudity" means a state of dress in which opaque clothing covers not more than the genitals, pubic region, and nipple of the female breast, as well as portions of the body covered by supporting straps or devices.
17. "Sexual encounter establishment" means a business or commercial establishment that, as one of its principal business purposes, offers for any form of consideration a place where either of the following occur:
 - a. Two or more persons may congregate, associate, or consort for the purpose of engaging in specified sexual activities.

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- b. Two or more persons appear nude or seminude for the purpose of displaying their nude or seminude bodies for their receipt of consideration or compensation in any type or form.

However, an establishment where a medical practitioner, psychologist, psychiatrist, or similar professional person licensed by the State of Indiana engages in medically approved and recognized therapy, including, but not limited to, massage therapy, as regulated pursuant to Indiana law is not a “sexual encounter establishment.”

- 18. “Specified anatomical areas” means the cleft of the buttocks, pubic region, anus, male or female genitals, or the female breast.
- 19. “Specified sexual activity” means any of the following:
 - a. Sex acts—normal or perverted—or actual or simulated, including intercourse, oral copulation, masturbation, sodomy;
 - b. Fondling or other erotic touching of human genitals, pubic regions, buttocks, or female breasts;
 - c. Flagellation or torture in the context of a sexual relationship;
 - d. Masochism, erotic or sexually oriented torture, beating, or the infliction of pain;
 - e. Erotic touching, fondling, or other such contact with an animal by a human being; or
 - f. Excretory functions as a part of or in connection with any of the activities described in division (A)(15)(a)-(e) of this section.
- B. “EMPLOYEE” means a person who performs any service or work on the premises of an adult entertainment business, including but not limited to providing entertainment, performing work of a management or supervisory nature, or performing support functions, on a full-time, part-time or contract basis, whether or not the person is denominated an employee, independent contractor, agent, lessee or otherwise, and whether or not said person is paid a salary, wage or other compensation by the operator of said business. Employee does not include a person on the premises exclusively for repair or maintenance of the premises or equipment on the premises, or for the delivery of goods to the premises, nor does employee include a person exclusively on the premises as a patron or customer.
- C. “LICENSE” means a license to act or operate an adult entertainment business issued pursuant to this Ordinance.
- D. “LICENSEE” means a person in whose name a license to operate has been issued, as well as the individual(s) designated on the license application as principally responsible for the operation of the adult entertainment business. With respect to an Employee license issued under this Ordinance, licensee means an employee as defined by sub-section (B) above in whose name a license has been issued authorizing employment at an adult entertainment business.
- E. “OPERATE” means to control or hold primary responsibility for the operation of an adult entertainment business, either as a business entity, as an individual, or as part of a group of individuals with shared responsibility. “Operate” or “Cause to be Operated” shall mean to cause to function or to put or keep in operation. “Operator” means any persons on the premises of an adult entertainment business who is authorized to exercise overall operational control or hold primary responsibility for the operation of an adult entertainment business or who causes to function or who puts or keeps in operation the business. A person may be found to be operating or causing to be operated an adult entertainment business whether or not that person is an owner, part owner, or licensee of the business.
- F. “PERSON” means an individual, proprietorship, partnership, firm, association, joint stock company, corporation or combination of individuals of whatever form or character.
- G. “ADULT ENTERTAINMENT BUSINESS” means an adult arcade, adult bookstore, adult novelty store, adult video store, adult cabaret, adult motel, adult hotel, escort service, massage parlor,

nude or semi-nude model studio, lingerie modeling studio, sexual encounter center, adult motion picture theater, or adult theater as defined by Section II, sub-section A of this Ordinance. An establishment in which a medical practitioner, psychologist, psychiatrist, or similar professional person licensed by the state engages in medically approved and recognized therapy, including, but not limited to, massage therapy, as regulated pursuant to Indiana law and this Ordinance is not an "adult entertainment business" or an adult entertainment establishment."

H. "SPECIFIED CRIMINAL ACTIVITY" means any of the following offenses:

1. Prostitution or promoting prostitution; soliciting; loitering to engage in solicitation; sexual performance by a child; public lewdness; indecent exposure; indecency with a child; sexual assault; molestation of a child; or any similar offenses to those described above under the criminal or penal code of any local jurisdiction, state, or country;
2. for which:
 - a. less than two (2) years have elapsed since the date of conviction or the date of release from confinement imposed for the conviction, whichever is the later date, if the conviction is of a misdemeanor offense; or
 - b. less than five (5) years have elapsed since the date of conviction or the date of release from confinement for the conviction, whichever is the later date, if the conviction is of a felony offense.
3. The fact that a conviction is being appealed shall not prevent such conviction from constituting a specified criminal activity as defined in this section.

I. "TRANSFER OF OWNERSHIP OR CONTROL" of an adult entertainment business shall mean any of the following:

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

III. LICENSE REQUIRED

A. No person shall:

1. Operate an adult entertainment business as defined by Section II, sub-section G without a valid adult entertainment business license issued by Plainfield pursuant to this Ordinance.
2. In connection with operating an adult entertainment business, retain the services of a person as an employee, as defined in this Ordinance, who is not licensed as an adult entertainment business employee by Plainfield pursuant to this Ordinance.

B. Any person who violates sub-section A.1. above shall be guilty of a _____ for a first offense, and a _____ for a second offense.

C. A violation(s) of sub-section A.2. above constitutes grounds for the suspension of an adult entertainment business license as provided for in Section IX of this Ordinance.

D. No person shall act as an employee, as defined in this Ordinance, on the premises of an adult entertainment business without having secured an adult entertainment business employee license ("employee license") pursuant to this Ordinance.

E. A violation of this section shall be a ground for the suspension of an adult entertainment business employee license as provided for in Section IX of this Ordinance.

IV. APPLICATION FOR LICENSE

- A. An original or renewal application for an adult entertainment business license shall be submitted to the Town Manager for the Town of Plainfield or his or her designee on a form provided by the Town Manager. Plainfield's application may require and the applicant shall provide such information as reasonably necessary (including fingerprints) to enable Plainfield to determine whether the applicant meets the qualifications established in this Ordinance.
- B. A nonrefundable filing fee of Two Hundred, Fifty Dollars (\$250) shall be paid at the time of filing the application for the first application for a new license and One Hundred Twenty-Five Dollars (\$125) for each consecutive year of renewal.
- C. The License Fee for an Adult Entertainment Business shall be Seven Hundred Dollars (\$700) for the first year or any part thereof, and Three Hundred Fifty Dollars (\$350) for each consecutive year of renewal.
- D. By filing the application for approval with the Town Manager for the Town of Plainfield, the applicant is agreeing to and is submitting himself, herself, or itself to the personal jurisdiction of the Plainfield Town Council, Plainfield Town Court, and Hendricks County Indiana courts.
- E. An application for an adult entertainment business license shall identify and shall be signed by the following persons:
 - 1. If the business entity is owned by an individual, that individual.
 - 2. If the business entity is owned by a corporation, each Officer or Director of the corporation, any individual owning or controlling more than fifty percent (50%) of the voting shares of the corporation, and any person with an ownership interest in the corporation who will be principally responsible for the operation of the proposed adult entertainment business.
 - 3. If the business entity is owned by a partnership (general or limited), a joint venture, or any other type of organization where two or more persons share in the profits and liabilities of the organization, each partner (other than limited partners); and any other person entitled to share in the profits of the organization, whether or not such person is also obligated to share in the liabilities of the organization, who will be principally responsible for the operation of the proposed adult entertainment business.
- F. An application for an adult entertainment business license must designate one or more individuals who are to be principally responsible for the operation of the proposed adult entertainment business, if a license is granted. At least one person so designated must be involved in the day-to-day operation of the proposed adult entertainment business. Each person so designated, as well as the business entity itself, shall be considered a license applicant, must qualify as a licensee under this Ordinance, and shall be considered a licensee if a license is granted.
- G. An application for an adult entertainment business license shall be completed according to the instructions on the application form, which shall require the following:
 - 1. If the applicant is:
 - a. an individual, state the legal name and any aliases of such individual; or
 - b. a partnership, state the complete name of the partnership and all of its partners and whether the partnership is general or limited, and provide a copy of the partnership agreement, if any; or
 - c. a joint venture, or any other type of organization where two or more persons share in the profits and liabilities of the organization, state the complete name of the organization and provide a copy of the legal document establishing the organization, if any; or
 - d. a corporation, state the complete name of the corporation and the date of its incorporation, provide evidence that the corporation is in good standing under the laws

of its state of incorporation, and state the names and capacities of all Officers and Directors, the name of the registered corporate agent, and the address of the registered office for service of process.

2. If the applicant intends to operate the adult entertainment business under a name other than that of the applicant, state the fictitious name to be used and submit copies of documentation evidencing the registration of the business name under applicable laws.
3. State whether any applicant has been convicted of a specified criminal activity as defined in this Ordinance, and if so, the specified criminal activity involved and the date, place, and jurisdiction of each such conviction.
4. State whether any applicant has had a previous license under this Ordinance or other similar regulation of another jurisdiction denied, suspended, or revoked, including the name and location of the adult entertainment business for which the permit was denied, suspended or revoked, as well as the date of the denial, suspension or revocation; and state whether the applicant has been a partner in a partnership or an officer, or fifty percent (50%) or greater owner of a corporation licensed under this Ordinance whose license has previously been denied, suspended or revoked, including the name and location of the business for which the permit was denied, suspended or revoked as well as the date of denial, suspension or revocation.
5. State whether any applicant holds any other licenses under this Ordinance or other similar regulation from this or another jurisdiction and, if so, the names and locations of such other licensed businesses.
6. State the location of the proposed adult entertainment business, including a legal description of the property (*i.e.*, permanent parcel number), street address, and telephone number(s), if any.
7. State the physical mailing address and residential address of each applicant and each person signing the application. A post office box does not satisfy this requirement. This address must be updated within thirty (30) days of any address change by the applicant/licensee. By submitting an application, the applicant/licensee represents and agrees that the address provided (as updated) is sufficient to allow for service of process at that address. By submitting an application, the applicant/licensee also agrees that any service attempted, pursuant to Indiana law, at the address provided constitutes sufficient service of process under Indiana law, and he, she, and/or it agrees to waive any challenge to any suit instituted by the Town of Plainfield against the applicant/licensee based upon personal jurisdiction and/or insufficient/inadequate service of process made at the address provided. Failure to provide an adequate address or to update timely that address constitutes grounds for denying an application for an adult entertainment license or revoking an adult entertainment license.
8. Submit a recent photograph of each applicant who is a natural person, taken by Plainfield that clearly shows the applicant's face.
9. Submit the fingerprints of each applicant, who is a natural person, recorded by the Plainfield Police Department.
10. For any applicant who is a natural person, describe and identify the location of any tattoos on such person's face, arms, or hands, or any other anatomical area that normally would be visible when such person is on the premises of the proposed adult entertainment business.
11. State the driver's license number and Social Security number of each applicant who is a natural person and each person signing the application, or, for an applicant that is not a natural person, the applicant's federally issued tax identification number.
12. Submit proof that each applicant who is a natural person is at least eighteen (18) years old.
13. Submit a sketch or diagram showing the configuration of the premises of the adult entertainment business. The diagram shall also designate the place at which the adult

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entertainment business license will be conspicuously posted, if granted. The sketch or diagram need not be professionally prepared, but it 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.

14. The above-required disclosures facilitate the police investigation into the applicant's criminal background regarding crimes of a sexual nature so that Plainfield can determine whether the Ordinance's civil disabilities provisions apply. Such provisions exist to combat the sex crimes connected with adult entertainment establishments by temporarily prohibiting those recently convicted of such crimes from employment with those establishments. In addition, the required disclosures ensure continuing compliance with the Ordinance's licensing and permitting requirements.

V. ISSUANCE OF A LICENSE

- A. Upon receipt of an application for an adult entertainment business license, the Town Manager for the Town of Plainfield or his or her designee shall promptly request that the Plainfield Director of Planning and Zoning review the information provided in the application concerning the criminal background of the applicant(s) and that the Director of Planning and Zoning transmit the results of the investigation in writing to the Town Manager or his or her designee within five business (5) days of the completion of the investigation.
- B. Within five business (5) days of receipt of an application for an adult entertainment business, the Town Manager for the Town of Plainfield or his or her designee shall notify the Plainfield Fire Chief of such application. In making such notification, the Town Manager or his or her designee shall request that the Fire Chief promptly inspect the premises for which the adult entertainment business license is sought to assess compliance with all applicable regulations under his jurisdiction.
- C. The Fire Chief shall provide to the Town Manager for the Town of Plainfield or his or her designee a written certification of whether the premises are in compliance with Plainfield's Fire Regulations within ten business (10) days of receipt of notice of the application.
- D. The Plainfield Director of Planning and Zoning shall commence the inspection of the premises for which an adult entertainment business license is sought promptly upon receipt of the application, and shall complete, within ten business (10) days after receipt of the application, a written certification of whether the premises are in compliance with Plainfield's Zoning Ordinance.
- E. Within thirty (30) days after receipt of a completed adult entertainment business license application, the Town Manager for the Town of Plainfield or his or her designee shall approve or deny the issuance of a license. The Town Manager or his or her designee shall approve the issuance of a license to an applicant unless he or she determines that one or more of the following findings are true:
 1. An applicant who is a natural person is under eighteen (18) years of age.
 2. An applicant has failed to provide all information and documents required for issuance of the license as requested on the application form, or has provided information or documents as requested on the application that are insufficient on their face; provided, however, that no license shall be denied solely on the ground that an applicant has refused to disclose its social security number.
 3. An applicant has, within the preceding twelve (12) months, been denied an adult entertainment business license by any jurisdiction or has had a license to operate an adult entertainment business revoked by any jurisdiction.
 4. An applicant has been convicted of a specified criminal activity as defined in this Ordinance.

5. The proposed adult entertainment business would violate or fail to be in compliance with any provisions of this Ordinance, Plainfield's Zoning Ordinance, any state statute or regulation, or any federal statute or regulation.
 6. The application and investigation fee required by this Ordinance has not been paid.
 7. An applicant is in violation of or not in compliance with any provision of this Ordinance, except as provided in Section (V), sub-section (F) of this section.
- F. An adult entertainment business license shall state on its face the name of the applicant, the expiration date, and the address of the licensed adult entertainment business. All adult entertainment business licenses shall be posted in a conspicuous place at or near the entrance to the business so that they may be easily read at any time.
- G. The Town Manager for the Town of Plainfield or his or her designee shall advise the applicant in writing within three (3) business days of the decision of the reasons for any license denial. If the Town Manager finds, subsequent to denial, that the basis for the denial of the license has been corrected or abated, the applicant may reapply.

VI. EMPLOYEE LICENSE APPLICATION

- A. An application for an Employee license shall be submitted to the Town Manager or his or her designee on a form provided by it. The application may request, and the applicant shall provide, such information as reasonably necessary (including fingerprints) to enable the Town Manager to determine whether the applicant meets the qualifications established in this Ordinance.
- B. An application for an employee license shall be completed according to the instructions of the application form which shall require the following:
1. State the applicant's name and any other names (including "stage" names) or aliases used by the applicant.
 2. State the applicant's date and place of birth.
 3. State the applicant's height, weight, and hair and eye color.
 4. Submit a recent photograph of the applicant taken by the Plainfield Police Department which clearly shows the applicant's face.
 5. Submit the applicant's fingerprints recorded by the Plainfield Police Department.
 6. Describe and identify the location of any tattoos on the applicant's face, arms, or hands, or any other anatomical area that normally would be visible when the applicant is on the premises of the proposed adult entertainment business.
 7. State the applicant's present residence address and telephone number.
 8. State the applicant's present or intended business address and telephone number.
 9. State the applicant's driver's license number and Social Security number.
 10. Submit proof that the applicant is at least eighteen (18) years old.
 11. Provide a statement detailing the adult entertainment business-related license history of the applicant for the five (5) years immediately preceding the date of the filing of the application, including whether such applicant previously operated or is seeking to operate an adult entertainment business, in this or any other jurisdiction, and whether the applicant has ever had an adult entertainment business-related license, permit, or authorization to do business denied, revoked, or suspended. In the event of any such denial, revocation, or suspension, state the name of the issuing or denying jurisdiction and describe in full the reason for the denial, revocation, or suspension. Attach a copy of any order of denial, revocation, or suspension.

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12. State whether the applicant has been convicted of a specified criminal activity as defined in this Ordinance and, if so, the specified criminal activity involved and the date, place and jurisdiction of each such conviction.
13. The above-required disclosures facilitate the police investigation into the applicant's criminal background regarding crimes of a sexual nature so that the Town Manager of the Town of Plainfield can determine whether the Ordinance's civil disabilities provisions apply. Such provisions exist to combat the sex crimes connected with adult entertainment businesses and sexually oriented establishments by temporarily prohibiting those recently convicted of such crimes from employment with those establishments. In addition, the required disclosures ensure continuing compliance with the Ordinance's licensing and permitting requirements.

VII. ISSUANCE OF ADULT ENTERTAINMENT BUSINESS EMPLOYEE LICENSE

- A. Upon the filing of a completed application for an employee license, the Town Manager of the Town of Plainfield or his or her designee shall issue a license to said applicant immediately.
- B. Within five (5) business days of receipt of a completed application for an employee license, the Town Manager of the Town of Plainfield or his or her designee shall request that the Plainfield Director of Planning and Zoning initiate an investigation of the information provided in the application concerning the criminal background of the applicant. The Director of Planning and Zoning shall document the results of its investigation in writing within five business (5) days of the completion of its investigation and transmit this writing to the Town Manager or his or her designee.
- C. Within ten business (10) days after completion of the criminal background investigation of the applicant, the Town Manager of the Town of Plainfield or his or her designee shall either affirm the prior issuance of the license or revoke the license. The Town Manager or his or her designee shall affirm the prior issuance of a license to an applicant unless he/she determines that one or more of the following findings are true:
 1. The applicant has failed to provide all information and documents required for issuance of the license as requested on the application form, or has provided information or documents as requested on the application that are insufficient on their face; provided, however, that no license shall be denied solely on the ground that an applicant has refused to disclose its social security number.
 2. The applicant is under eighteen (18) years of age.
 3. The applicant has been convicted of a specified criminal activity as defined in this Ordinance.
 4. The employee license is to be used for employment in a business prohibited by local, state, or federal law, statute, rule or regulation.
 5. The applicant has, within the preceding twelve (12) months, been denied an employee license by any jurisdiction or has had an employee license revoked by any jurisdiction.
- D. If the employee license is revoked, the Town Manager of the Town of Plainfield or his or her designee shall advise the applicant in writing within three business (3) days of the reason(s) for any such revocation.

VIII. EXPIRATION AND RENEWAL OF LICENSE

- A. Each license issued pursuant to this Ordinance shall expire one (1) year from the date of issuance and may be renewed by making application as provided in this section. Application for renewal shall be made no more than ninety (90) days and no less than thirty (30) days before the expiration date. If application is made less than thirty (30) days before the expiration date,

the license will not be extended pending a decision on the application but will expire on its normal expiration date.

- B. An application for renewal of an adult entertainment business license shall be submitted to the Town Manager of the Town of Plainfield or his or her designee on a form provided by it. The completed renewal application shall describe any changes or additions to, or deletions from, the information provided in the applicant's initial license application pursuant to this Ordinance. Copies of any document or material submitted in connection with the initial license application shall accompany the completed renewal application that has been revised or such application shall be revised to reflect any change in circumstances or conditions. Sketches or diagrams submitted with an adult entertainment business license application may be resubmitted with subsequent renewal applications, provided that the applicant certifies in writing that the sketch or diagram still depicts the premises accurately.
- C. The Town Manager of the Town of Plainfield or his or her designee shall make determinations concerning the approval of license renewals based on the same criteria and time mandates used to evaluate applications for new licenses under this Ordinance.
- D. The Town Manager of the Town of Plainfield or its designee shall advise the applicant in writing within three business (3) days of the reason(s) for any denial of a license renewal.
- E. An application for renewal of an employee license shall be submitted to the Town Manager of the Town of Plainfield or his or her designee on a form provided by it. The completed renewal application shall describe any changes or additions to, or deletions from, the information provided in the applicant's initial license application pursuant to this Ordinance. Copies of any document or material submitted in connection with the initial license application shall accompany the completed renewal application that has been revised or requires revision to reflect any change in circumstances or conditions.
- F. When the Town Manager of the Town of Plainfield denies an application for renewal of a license, the applicant shall not be issued another license for one (1) year from the date of denial. However, if the Town Manager finds, subsequent to denial, that the basis for the denial of the renewal license has been corrected or abated, the applicant may reapply prior to the expiration of the one (1) year period.

IX. SUSPENSION

- A. The Town Manager of the Town of Plainfield shall suspend an adult entertainment business license for a period not to exceed thirty (30) days if it determines that a licensee:
 - 1. has violated or is not in compliance with any section of this Ordinance; or
 - 2. has knowingly allowed an employee to violate or fail to comply with any section of this Ordinance.
- B. The Town Manager of the Town of Plainfield shall suspend an adult entertainment business license for a period not to exceed thirty (30) days if it determines that a licensee or its employee or agent has refused to allow, or has prohibited or has interfered with, an inspection of the adult entertainment business premises as authorized by this Ordinance.
- C. The Town Manager of the Town of Plainfield shall suspend an employee license for a period not to exceed thirty (30) days if it determines that a licensee has violated or does not comply with any section of this Ordinance.
- D. The Town Manager of the Town of Plainfield or his or her designee shall advise the licensee in writing within three business (3) days of the reason(s) for any suspension.

X. REVOCATION

- A. The Town Manager of the Town of Plainfield or its designee shall revoke an adult entertainment business license or employee license if a cause of suspension under this Ordinance occurs and the license has been suspended two (2) times within the preceding twelve (12) months.
- B. The Town Manager of the Town of Plainfield or its designee shall revoke an adult entertainment business license if it determines that:
 - 1. a licensee failed to provide all information and documents required for issuance of the license as requested on the application form, or provided information or documents as requested on the application that are false;
 - 2. the licensee(s) failed to comply with any requirement stated in the license, pursuant to this Ordinance, to correct specified deficiencies within one hundred twenty (120) days;
 - 3. a licensee has knowingly allowed possession, use, or sale of controlled substances on the premises;
 - 4. a licensee has knowingly allowed prostitution, solicitation, or the commission of a felony on the premises;
 - 5. a licensee knowingly operated the adult entertainment business during a period of time when the licensee's license was suspended;
 - 6. a licensee has knowingly allowed any act of sexual intercourse, sodomy, oral copulation, masturbation, or other sex act to occur in or on the licensed premises;
 - 7. a licensee has been convicted of a specified criminal activity, as defined in this Ordinance, during the term of the license; or
 - 8. a licensee is delinquent in payment to the Township, County, State, or United States government for any taxes or fees that were assessed or imposed in relation to any business.
- C. The Town Manager of the Town of Plainfield or his or her designee shall revoke an employee license if it determines that:
 - 1. the licensee failed to provide all information and documents required for issuance of the license as requested on the application form, or provided information or documents as requested on the application that are false;
 - 2. the licensee has knowingly acted as an employee on the premises of an adult entertainment business during a period of time when the licensee's license was suspended; or
 - 3. the licensee has been convicted of a specified criminal activity, as defined in this Ordinance during the term of the license.
- D. The Town Manager of the Town of Plainfield or his or her designee shall advise the licensee in writing within three business (3) days of the reason(s) for any revocation.
- E. When the Town Manager of the Town of Plainfield or his or her designee revokes a license pursuant to sub-sections A, B.3-7, C.2 or 3 above, the licensee shall not be issued another license for one (1) year from the date the revocation became effective.
- F. When the Town Manager of the Town of Plainfield or his or her designee revokes a license pursuant to sub-sections B.1, B.8 or C.1 above, the applicant may be granted a license if the basis for the revocation has been corrected or abated and at least thirty (30) days have elapsed since the date the revocation became effective.

XI. APPEAL RIGHTS

- A. Any denial, suspension, or revocation of a license under this Ordinance may be appealed to the Plainfield Town Council by written notice within ten (10) days of such denial, suspension, or revocation. Unless the applicant requests a longer period, the Plainfield Town Council must hold a hearing on the appeal within twenty-one (21) days and must issue a decision affirming or reversing the denial, suspension, or revocation within five (5) days after the hearing. During the time between the date of the denial, suspension, or revocation of a license and the date of the Plainfield Town Council's decision affirming or reversing the denial, suspension, or revocation, the *status quo* of the license holder or applicant shall be maintained.
- B. In the event that the Plainfield Town Council affirms the denial, suspension, or revocation of a new or renewal license under this Ordinance, the applicant may pursue an appeal to the Plainfield Town Court. The failure of the Plainfield Town Council to render a decision on the application within the time prescribed above shall be considered an affirmation of the denial, suspension, or revocation of the license, and the applicant may pursue an appeal to the Plainfield Town Court. This appeal provision is intended to comply with the requirement for prompt judicial review stated by the United States Supreme Court in *Township of Littleton, Colorado v. Z. J. Gifts D-4*, 124 S. Ct. 2219 (2004)
- C. Any licensee lawfully operating an adult entertainment business prior to the denial of a license renewal application, or the suspension or revocation of a license, shall retain said license and all privileges attendant thereto, subject to all other terms of this Ordinance, so that the *status quo* of the licensee is maintained during the pendency of an appeal to the Plainfield Town Council of a decision rendered under this Ordinance and during the entire time required for the court to rule on the appeal pursuant to sub-section (B) above.
- D. Any licensee lawfully acting as an employee in an adult entertainment business prior to the denial of a license renewal application, or the suspension or revocation of a license, shall retain said license and all privileges attendant thereto, subject to all other terms of this Ordinance, so that the status quo of the licensee is maintained during the pendency of an appeal to the Plainfield Town Council of a decision rendered under this Ordinance and during the entire time required for the court to rule on the appeal pursuant to sub-section (B) above.
- E. In the event that any judicial review of the denial of a new or renewal license application or the revocation or suspension of a license is still pending thirty (30) days before the expiration date of any license, the licensee may file a renewal license application with the Plainfield Town Council or its designee pursuant to this Ordinance. In the event that an application for renewal of a license is denied and the applicant seeks judicial review of that denial, Plainfield has the right to consolidate such review with any pending judicial actions in regards to the previous denial, suspension or revocation of a license.
- F. If, during the pendency of any appeal pursued under sub-section B above, there are additional denials of a renewal license application or suspensions or revocations of that license, Plainfield has the right to consolidate the appeals for the additional denials, suspensions, or revocations with any pending appeal for that same licensee.

XII. TRANSFER OF LICENSE

- A. An adult entertainment business license is not transferable from one licensee to another or from one location to another. Any purported transfer of an adult entertainment business license shall automatically and immediately revoke that license.
- B. An employee license is not transferable from one licensee to another, but the use of the license by the individual to whom it was issued may be transferred from one licensed adult entertainment business to another such licensed establishment during the term of the license, provided that the licensee gives written notice of such transfer to the Clerk-Treasurer of the Town of Plainfield or his or her designee within fifteen (15) days of such transfer.

XIII. ADDITIONAL REGULATIONS CONCERNING THE OPERATION OF AN ADULT ENTERTAINMENT BUSINESS

- A. Nothing contained in this Ordinance is intended or shall be construed to permit or authorize activities which are unlawful under state law or city ordinance. It is unlawful and a violation of this chapter for an operator to knowingly or intentionally violate the provisions of this Ordinance or to allow, either knowingly or intentionally, an employee or a patron to violate the provisions of this Ordinance. It shall be a defense to prosecution that the person was powerless to prevent the violation.
- B. Minors Prohibited. No person under the age of 18 years shall be permitted on the premises of an adult entertainment business.
- C. Hours of Operation. An adult entertainment business shall close no later than 12:00 a.m. (midnight) or not later than the closing time required under its permit to sell alcoholic beverages, whichever is later and shall not reopen earlier than 11:00 A.M.
- D. Design Standards. No adult entertainment business shall be conducted in any manner that permits the observation of any material depicting, describing, or relating to specified anatomical areas and/or specified sexual activities by display, decorations, sign, show window, or other opening from any public way.
- E. Distance Requirements. The establishment, relocation, enlargement, reconstruction, resumption, or structural alteration of any adult entertainment business are prohibited if such adult entertainment business is within one thousand (1,000) feet of another adult entertainment business or within six hundred (600) feet of any existing religious institution, library, school, day care facility, child care facility, park, agricultural district, or residential zoning district within Plainfield's corporate limits.
- F. Measurement of Distances. The distance between one adult entertainment business and another adult entertainment business shall be measured in a straight line, without regard to intervening structures or objects, from the closest exterior structural wall of each business. The distance between an adult entertainment business and any religious institution, school, park, library, day care facility, child care facility, agricultural district, or residential district shall be measured in a straight line, without regard to intervening structures or objects from the closest exterior structural wall of the adult entertainment business to the nearest lot line of the religious institution, day care facility, child care facility, park, agricultural district, or residential zoning district.
- G. Zoning District. No adult entertainment business shall be established, relocated, enlarged, reconstructed, resumed, or structurally altered unless the site or proposed site is located in an I-2, Office/Warehouse Distributional Industrial District; an I-3, Light Manufacturing Industrial District; or I-4, Heavy Manufacturing Industrial District, and is approved as a Special Exception in such zoning district.
- H. Building Limitation. Only one type of adult entertainment business may be operated in a single building or structure.
- I. License Requirements. No adult entertainment business may be established, relocated, enlarged, reconstructed, resumed, or structurally altered unless and until the owner or operator of the adult entertainment business obtains an adult entertainment business license, as set forth in this Ordinance, from Plainfield.
- J. Signs. Notwithstanding any other provisions of this Ordinance to the contrary, all exterior displays and/or signs for an adult entertainment business shall comply with the following regulations:
 - 1. No adult entertainment business shall be conducted in any manner that permits the observation of any material depicting, describing, or relating to specified sexual activities or

- specified anatomical areas by display, decorations, sign, show window, or other opening from any public right-of-way.
2. Not more than one (1) business wall sign shall be permitted for an adult entertainment business and the business wall sign shall be permitted only on the front façade of the building or structure. In addition to the one (1) permitted business wall sign, an adult entertainment business may be permitted not more than one pole or ground sign structure if it is permitted by Article 7.4 of this Ordinance and any amendments thereto and which meets all of the requirements of the zoning district in which the adult entertainment business is located. All other signs and sign structures are prohibited.
 3. The sign surface area of a business wall sign for an adult entertainment business shall not exceed an amount equal to five percent (5%) of the front building façade of the first floor elevation (first ten (10) feet) of the premises occupied by the adult entertainment business or one hundred (100) square feet, whichever is less. The maximum sign surface area of a ground or pole sign structure, where permitted, shall not exceed one (1) square foot for each lineal foot of frontage of the lot or thirty-six (36) square feet, whichever is less.
 4. Signs and sign structures may be illuminated provided, however, that such illumination shall not be by way of exposed neon, exterior lighting (e.g., spot or flood lights) or any flashing or animated lights, either interior to the sign, on the exterior of the sign, or as a border to the sign.
- K. Operation. An adult entertainment establishment shall be kept in a sanitary condition at all times. As a condition of licensure under this Ordinance, Plainfield reserves the right to enter any licensed premises at any time without notice to ensure compliance with this Ordinance. Plainfield shall have the power to determine if such adult entertainment business is being maintained in a sanitary condition. If it determines, after investigation, that an unsanitary condition exists within an adult entertainment business, Plainfield shall suspend the adult entertainment business's license for such premises until such unsanitary condition(s) is rectified.
- L. Loitering. No owner, operator, or licensee under this Ordinance or his, her, or its employee shall permit persons to congregate within the adult licensed establishment or on parking areas normally used for purposes of parking for the adult entertainment business in a manner that constitutes a breach of the peace as that term is used under Indiana law. A violation of this provision shall constitute sufficient grounds for Plainfield to revoke the adult entertainment business owner's and/or operator's adult entertainment business license.
- M. Sexual Activity, Live Entertainment, and Performances
1. No person shall knowingly or intentionally, in an adult entertainment business, appear before a patron or patrons in a state of nudity, regardless of whether such public nudity is expressive in nature.
 2. Any employee appearing on the premises of an adult entertainment business semi-nude or in a state of semi-nudity, as defined by this Ordinance, must be on a stage that is at least 24 inches from the floor, and at a distance at least 36 inches from all parts of a clearly designated area in which patrons will be present.
 3. All live entertainment and performances in an adult entertainment business must take place on a stage that is at least 24 inches from the floor and a distance of at least 36 inches from all parts of a clearly designated area in which patrons will be present.
 4. The stage shall be separated from the area in which patrons may be present.
 5. No employee, as defined in this Ordinance, appearing on the premises of an adult entertainment business nude, in a state of nudity, semi-nude, or semi-nudity, may intentionally or knowingly touch a customer or a customer's clothing or knowingly permit himself or herself to be touched by a customer or a customer's clothing.

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6. The provisions of sub-sections (A)(1) – (3) shall not apply to an employee's use of any restroom or any single-sex dressing room that is accessible only to entertainers.
7. It shall be unlawful to own, operate, or cause to be operated an adult arcade which has individual booths unless the booth meets the following requirements:
 - a. each booth shall have a rectangular shaped entranceway of not less than two (2) feet wide and six (6) feet high.
 - b. There shall be no door, curtain, or other obstruction blocking or closing- off such entranceway so as to obstruct the visibility of a patron twenty-four (24) inches from the floor of the booth.
 - c. It shall be unlawful for a patron to be present in a booth in an adult arcade unless this patron is visible from twenty-four (24) inches from the floor of the booth.
 - d. It shall be unlawful for any owner to use or allow to be used a booth in an adult arcade which does not meet the requirements set forth in this section.
 - e. In addition to such other penalties set forth in this Ordinance, a violation of this section shall constitute sufficient grounds for Plainfield to revoke an adult entertainment business license of the offending owner or operator.

N. Other Requirements

1. A minimum of one (1) public restroom shall be provided for any type of *Adult Entertainment Business* or the total number as required by the Indiana Building Code.
2. Each *Adult Entertainment Business* shall have a janitor's closet, which shall be provided for the storage of cleaning supplies. Such closet shall have a mechanical ventilation with two (2) cubic feet per minute per square foot of floor area and a minimum of ten (10) footcandles of illumination. Such closet shall include a mop sink.
3. At least one (1) dressing room shall be provided exclusive of a public restroom that can be locked from the inside and has a minimum of fifteen (15) footcandles of illumination.
4. *Off-Street Parking Requirements* – All *Adult Entertainment Businesses* as defined in this Article shall provide *Off-Street Parking* at the rate of one (1) *Parking Space* for each one hundred (100) square feet of *Gross Floor Area*.

XIV. Penalties

Any person, business, owner, operator, patron, and/or employee found liable for violating or refusing to comply with any provision(s) of this Ordinance shall be fined in an amount of no less than Two Hundred Fifty Dollars (\$250) or no more than Two Thousand, Five Hundred Dollars (\$2,500). Each day that a violation is permitted to exist or occur, and each separate occurrence, shall constitute a separate offense. In addition, any premises, building, dwelling, or other structure in which an adult entertainment business is repeatedly operated or maintained in violation of the provisions of this Ordinance shall constitute a public nuisance, and the owner and/or operator shall be subject to a loss of his, her, or its adult entertainment business license and shall be subject to civil abatement proceedings initiated in the Plainfield Town Court. Each day that a violation is permitted to exist or occur shall constitute a separate operation or maintenance of the violation. Violations of this Article shall constitute a nuisance per se, whether or not such violations are repeated or intentional. Where a violation of this Ordinance is proven in a court of competent jurisdiction, the costs, including all court costs and attorneys' fees relating to such proof, shall be recoverable from the violator in addition to any other fine, abatement, or equitable relief imposed by the court, and a lien against the violator's property may be imposed for failure to pay the fines, costs, and/or attorneys' fees.

XV. Severability Clause

If any section, sub-section, paragraph or clause of this Ordinance shall be deemed to be unconstitutional or otherwise invalid, the validity of the remaining sections, sub-sections, paragraphs, and clauses shall not be affected.

XVI. Effective Date

This Ordinance becomes effective upon its adoption by the Plainfield Town Council and supersedes any ordinance or prior ordinance in conflict with the provisions of this Ordinance.