

galt code

Title 4

ADULT-ORIENTED BUSINESSES

Chapters:

4.04 GENERAL PROVISIONS

4.08 DEFINITIONS

4.12 ADULT-ORIENTED BUSINESS LICENSES

4.16 REGISTRATION OF EMPLOYEES

4.20 DENIAL, SUSPENSION, AND REVOCATION OF LICENSE

4.24 DEVELOPMENT AND PERFORMANCE STANDARDS AND REGULATIONS

4.32 MISCELLANEOUS PROVISIONS

Chapter 4.04

GENERAL PROVISIONS

Sections:

4.04.010 Purpose and intent.

4.04.020 Licenses and registration required.

4.04.030 Violation.

Section 4.04.010 Purpose and intent.

It is the intent of this title to regulate adult-oriented businesses in order to promote the health, safety, and general welfare of the citizens of the city. The provisions of this title have neither the purpose nor the effect of imposing a limitation or restriction on the content of any communicative materials, including adult-oriented materials and paraphernalia protected by the first amendment, or deny access by the distributors, exhibitors, and performers of adult-oriented entertainment to their intended market. In addition, the provisions of this title have neither the purpose nor effect of condoning or legitimizing the distribution of obscene material.

(2000-04, Added, 05/02/2000)

Section 4.04.020 Licenses and registration required.

It is a violation of this title for any person to engage in, conduct, or carry on, or allow to be engaged in, conducted, or carried on, in or upon any premises in the city, the operation of an adult-oriented business unless the person first obtains and continues to maintain in full force and effect a valid temporary or regular adult-oriented business license issued by the chief of police pursuant to this title.

It is a violation of this title for any person who operates an adult-oriented business to employ or permit a person to work for or at the adult-oriented business who is not registered with the city as required by this title.

(2000-04, Added, 05/02/2000)

Section 4.04.030 Violation.

Violation of any of the provisions of this title is unlawful and an offense. Such violations shall be prosecuted as provided by Chapter 21.01 of Title 21.

(Ord. 2006-07, Add, 06/06/2006)

Chapter 4.08

DEFINITIONS

Sections:

4.08.010 Definitions.

Section 4.08.010 Definitions.

The definitions contained in this chapter shall govern the construction of this title.

Adult Arcade. Means any commercial establishment to which the public is permitted or invited wherein coin-operated, slug-operated, or for any form of consideration, electronically, electrically, or mechanically controlled still or motion picture machines, projectors, video or laser disc players, or other image-producing devices are maintained to show images to five (5) or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by an emphasis upon the depiction, description, showing, or simulation of specified sexual activities or specified anatomical areas.

Adult Bookstore, Adult Novelty Store or Adult Video Store. Means a commercial establishment which, as a regular and substantial course of conduct, offers for sale or rental for any form of consideration any one or more of the following:

(A) books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes or video reproductions, , any material in digital format (including, but not limited to, compact disc (CD) or digital video disc (DVD)), slides, or other visual representations which are distinguished or characterized by an emphasis upon the depiction, description, showing, or simulation of specified sexual activities or specified anatomical areas; or,

(B) instruments, devices, or paraphernalia, except for clothing, which are designed for use in connection with specified sexual activities.

The phrase “regular and substantial course of conduct” shall be construed with reference to all relevant factors, including but not limited to the following:

(A) The business devotes more than twenty-five percent (25%) of its retail inventory (not measured by the number of items but rather by the cost to the business owner of the inventory) to merchandise distinguished or characterized by an emphasis upon specified sexual activities or specified anatomical areas.

(B) The business devotes more than twenty-five percent (25%) of the retail floor area to merchandise that is distinguished or characterized by an emphasis upon specified sexual activities and specified anatomical areas.

The retail value of merchandise that is distinguished or characterized by an emphasis upon specified sexual activities and specified anatomical areas exceeds twenty-five (25%) of the total retail value of inventory offered in each of the following categories: (1) books, (2) magazines, (3) video tapes or any material in digital format (including, but not limited to, compact disc (CD) or digital video disc (DVD)), for sale or rental, (4) novelties and devices, and (5) on-premises viewing of images, films, and or videos.

Gross revenue derived from merchandise in any category set forth in paragraph 3 above exceeds (25%) of the total gross revenue for the category.

There is a rebuttable presumption that a business constitutes an adult bookstore, adult novelty store or adult video store where the business (1) offers or advertises merchandise that is distinguished or characterized by an emphasis upon specified sexual activities or specified anatomical areas as set forth in paragraph 3 above and (2) fails to make revenue and inventory related business records available to the city upon reasonable advance notice.

Adult Cabaret. Means a nightclub, bar, restaurant, or similar commercial establishment which, as a regular and substantial course of conduct, features:

(A) persons who appear in a state of nudity or semi-nude condition; or

(B) live performances which are distinguished or characterized by an emphasis upon the exposure of specified anatomical areas or by specified sexual activities; or

(C) films, motion pictures, video cassettes, any material in digital format (including, but not limited to, compact disc (CD) or digital video disc (DVD)), slides or other photographic reproductions which are distinguished or characterized by an emphasis upon the depiction, description, showing, or simulation of specified sexual activities or specified anatomical areas.

The phrase “regular and substantial course of conduct” shall be construed with reference to all relevant factors, including but not limited to the following:

(A) The proportion of the business’ performances or services that is distinguished or characterized by an emphasis upon the depiction, description, showing, or simulation specified sexual activities or specified anatomical areas.

(B) The proportion of the business’ revenue that is attributable to performances or services that are distinguished or characterized by an emphasis upon the depiction, description, showing, or simulation specified sexual activities or specified anatomical areas.

Adult Motel. Means a hotel, motel or similar commercial establishment which offers accommodations to the public for any form of consideration; provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions which are distinguished or characterized by an emphasis upon the depiction, description, showing, or simulation of specified sexual activities or specified anatomical areas; and has any of the following characteristics:

(A) a sign visible from the public right of way which advertises the availability of the above-described photographic reproductions; or

(B) offers a sleeping room for rent for a period of time that is less than ten (10) hours; or

(C) allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than ten (10) hours.

Adult Motion Picture Theater. Means a commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions are regularly shown which are distinguished or characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas, for observation by five (5) or more patrons at any one time.

The phrase “regularly shown” shall be construed with reference to all relevant factors, including but not limited to the following:

(A) The proportion of the theater’s photographic reproductions that are distinguished or characterized by an emphasis upon the depiction, description, showing, or simulation of specified sexual activities or specified anatomical areas.

(B) The number of photographic reproductions shown at the theater each month that are distinguished or characterized by an emphasis upon depiction, description, showing, or simulation of specified sexual activities or specified anatomical areas.

(C) The proportion of the theater’s revenue that is attributable to the showing of photographic reproductions distinguished or characterized by an emphasis upon the depiction, description, showing, or simulation of specified sexual activities or specified anatomical areas.

Adult-Oriented Businesses. Means any of the following commercial establishments where patrons are permitted or invited: an adult arcade, adult bookstore, adult novelty store, adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, nude model studio, or sexual encounter center.

Adult Theater. Means a theater, concert hall, auditorium, or similar commercial establishment which as a regular and substantial course of conduct features persons who appear in a state of nudity or semi-nude condition and/or features live performances which are distinguished or characterized by an emphasis upon the exposure of specified anatomical areas or by specified sexual activities.

The phrase “regular and substantial course of conduct” shall be construed with reference to all relevant factors, including but not limited to the following:

(A) The proportion of the business’ performances or services that is distinguished or characterized by an emphasis upon the depiction, description, showing, or simulation specified sexual activities or specified anatomical areas.

(B) The proportion of the business' revenue that is attributable to entertainment that is distinguished or characterized by an emphasis upon the depiction, description, showing, or simulation specified sexual activities or specified anatomical areas.

Distinguished or Characterized by An Emphasis Upon. Means 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, description, showing, or simulation of the enumerated sexual activities or anatomical areas.

Employee. Means a person who performs any service on the premises of an adult-oriented business on a full-time, part-time or contract basis, whether or not the person is denominated an employee, independent contractor, agent 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 exclusively on the premises of the adult-oriented business to render only repair or maintenance services or to deliver equipment or goods to the adult-oriented business as long as such persons are not nude, semi-nude, in a state of nudity, or in a semi-nude condition.

Establishment of An Adult-Oriented Business. Means and includes any of the following:

(A) The opening or commencement of any adult-oriented business as a new business;

(B) The conversion of an existing business, whether or not an adult-oriented business, to any other adult-oriented business;

(C) The addition of any adult-oriented business to any other existing adult-oriented business; or,

(D) The relocation of any adult-oriented business.

Fabric. Means cloth made by weaving or knitting natural or synthetic fibers and filaments.

Hotel. Means a building where lodging and possibly meals, entertainment and other various personal services are provided to the public for some form of consideration.

Licensee. Means a person in whose name a license to operate an adult-oriented business has been issued, as well as the person listed as an applicant on the application for a license; and in the case of an employee, a person in whose name a license has been issued authorizing employment in an adult-oriented business.

Motel. Means a hotel in which the rooms are accessible from the business parking areas.

Nude Model Studio. Means any place where a person who appears semi-nude, in a state of nudity, or who displays specified anatomical areas and is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration. Nude model studio shall not include a proprietary school licensed by the state of California or a college, junior college or university supported entirely or in part by public taxation; a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation; or in a structure:

(A) that has no sign visible from the exterior of the structure and no other advertising that indicates a nude or semi-nude person is available for viewing;

(B) where, in order to participate in a class, a student must enroll at least three (3) days in advance of the class; and,

(C) where no more than one (1) nude or semi-nude model is on the premises at any one time.

Nudity or a State of Nudity. Means the showing of the human male or female genitals, pubic area, anus, or cleavage of the buttocks with less than a fully opaque fabric covering, the showing of the female breast with less than a fully opaque fabric covering of any part of the areola.

Person. Means an individual, proprietorship, partnership, corporation, association, or other legal entity.

Police Chief or Chief of Police. Means the chief of police of city of Galt or the authorized representatives thereof.

Semi-Nude or in a Semi-Nude Condition. Means a state of dress in which clothing covers no more than the genitals, pubic area, anus, or cleavage of the buttocks, and areola of the female breast. This

definition shall include the entire lower portion of the human female breast, but shall not include any portion of the cleavage of the human female breast, exhibited by a dress, blouse, skirt, leotard, bathing suit, or other wearing apparel provided the areola is not exposed in whole or in part.

Sexual Encounter Center. Means a business or commercial enterprise that, as one of its principal purposes, offers for any form of consideration physical contact in the form of wrestling or tumbling between persons of the opposite sex, one or more of the persons is in a state of nudity or semi-nude condition.

Specified Anatomical Areas. Means and includes the following:

(A) Less than completely and opaquely covered by fabric, (1) human genitals or pubic area, (2) cleavage of the human buttocks, (3) human anus or, (4) the female breast below a point immediately above the top of the areola;

(B) Any device, costume, or covering that simulates any of the body parts included in subdivisions (A) above.

Specified Criminal Activity. Means any of the following offenses: prostitution or promotion of prostitution; dissemination of obscenity; sale, distribution or display of harmful material to a minor; sexual performance involving a child; possession or distribution of child pornography; public lewdness; indecent exposure; indecency with a child; engaging in organized criminal activity; sexual assault; molestation of a child; gambling; or distribution of a controlled substance.

Specified Sexual Activities. Means and includes any of the following, whether performed directly or indirectly through clothing or other covering:

(A) The fondling or other erotic touching of human genitals, pubic area, cleavage of the buttocks, anus, or female breast;

(B) Sex acts, actual or simulated, including but not limited to, intercourse, oral copulation, or sodomy;

(C) Masturbation, actual or simulated;

(D) Excretory functions as part of or in connection with any of the other activities described in subdivision (A) through (C) above.

Transfer of Ownership or Control of adult-oriented business. Means and includes any of the following:

(A) the sale, lease, or sublease of the adult-oriented business;

(B) the transfer of securities which constitute a controlling interest in the adult-oriented business, whether by sale, exchange, or similar means; or,

(C) the establishment of a trust, gift, or other similar legal device which transfers the ownership or control of the adult-oriented business, except for transfer by bequest or other operation of law upon the death of the person possessing the ownership or control.

(2000-04, Added, 05/02/2000)

Chapter 4.12

ADULT-ORIENTED BUSINESS LICENSES

Sections:

4.12.010 Adult-oriented business license required.

4.12.020 Investigation and action on application for adult-oriented business license.

4.12.030 Transfer of adult-oriented business licenses.

Section 4.12.010 Adult-oriented business license required.

Every person who proposes to maintain, operate, conduct, or establish an adult-oriented business in the city shall file an application with the chief of police on a form provided by the city and shall pay a non-refundable application, investigation, and licensing fee set forth in the schedule of fees established from time to time by the city council.

(A) All applicants must be qualified according to the provisions of this chapter. The application may request and the applicant shall provide such information including fingerprints as to enable the chief of police to determine whether the applicant meets the qualifications established in this chapter.

(B) If a person who wishes to operate an adult-oriented business is an individual, the person must sign the application. If a person who wishes to operate an adult-oriented business is other than an individual, each individual who has a twenty percent (20%) or greater interest in the adult-oriented business must sign the application. Each applicant must be qualified under this chapter and each applicant shall be considered a licensee if a license is granted.

(C) The completed application for an adult-oriented business license shall contain the following information and shall be accompanied by the following documents:

1. If the applicant is:
 - a. an individual, the individual shall state his/her legal name and any aliases and submit proof that he/she is at least eighteen (18) years of age;
 - b. a partnership, the partnership shall state its complete name, address, and the names of all partners, whether the partnership is general or limited, and a copy of the partnership agreement, if any;
 - c. a corporation, the corporation shall state 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, and the name of the registered corporate agent and the address of the registered office for service or process.
2. If the applicant intends to operate the adult-oriented business under a name other than that of the applicant, the applicant shall register the fictitious name of the adult-oriented business with the appropriate governmental entity and show written proof of registration of the fictitious name.
3. The particular adult-oriented business for which the applicant is applying. An applicant must apply separately for each adult-oriented business to be operated, owned, managed, or controlled by the applicant.
4. The address to which notice of action on the application is to be mailed.
5. The location of the adult-oriented business, including a legal description of the property, street address, and telephone number(s), if any.
6. The applicant's mailing address and residential address.
7. A recent photograph of the applicant.
8. The applicant's driver's license number, social security number, and the applicant's state or federally issued tax identification number, to the extent the applicant has been issued any of these items.
9. The names of all employees, independent contractors, and other persons who will perform at the adult-oriented business, who are required by this title to obtain an adult-oriented business employee license.

(2000-04, Added, 05/02/2000)

Section 4.12.020 Investigation and action on application for adult-oriented business license.

Within ten (10) business days after the date of receiving an application, the chief of police shall determine whether the application contains all of the information required by the provisions of this chapter. If it is determined that the application is not complete, the applicant shall be notified in writing within ten (10) business days of the date of receipt of the application that the application is not complete and the reasons therefor. The applicant shall have thirty (30) calendar days from the date of the notice to submit additional information to render the application complete. The applicant's failure to submit the additional information within this time period renders the application null and void. Within five (5) business days following the receipt of a supplemental or amended application, the chief of police shall again determine whether the application is complete. Evaluation and notification shall occur as provided above until such time as the application is found to be complete. Once the application is found to be complete, the applicant shall be notified within five (5) business days of that fact. If an applicant submits two (2) consecutive incomplete applications, the applicant shall be notified in writing that a new application must be filed with chief of police as set forth herein.

Within three (3) business days after the chief of police determines that a complete application and the required non-refundable application fee have been submitted, the chief of police shall issue a temporary license to the applicant, which shall be valid for the time period during which the license application is being processed, which time period shall not exceed thirty (30) business days from the date the application has been deemed complete. A temporary license issued pursuant to this subsection shall not grant any vested rights on the holder of the temporary license.

Within five (5) business days after receipt of a completed application and the required filing fee, the chief of police shall transmit copies of the application and its attachments to appropriate city departments.

Within thirty (30) business days after receipt of a completed application and the required filing fee, the chief of police shall complete the investigation, grant or deny the application in accordance with the provisions of this section, and shall notify the applicant as follows:

(A) If the application is approved, the chief of police shall write or stamp "granted" on the application and date and sign such notation. The chief of police shall attach to the application a regular adult-oriented business license.

(B) If the application is denied, the chief of police shall write or stamp "denied" on the application and date and sign such notation. The chief of police shall attach to the application a statement of the reasons for denial.

(C) The documents specified in (A) and (B) above shall be placed in the United States mail, first class postage prepaid, addressed to the applicant at the address specified in the application. All notices given hereunder shall be deemed given upon the date they are deposited in the United States mail or the date upon which personal service is provided.

The chief of police shall approve the issuance of a regular license to an applicant, unless it is determined by a preponderance of the evidence that any of the following findings is true:

(A) An applicant is under eighteen (18) years of age.

(B) An applicant has failed to provide information reasonably necessary for issuance of the license or has knowingly answered a question or request for information falsely on the application form.

(C) The applicant has been convicted of a specified criminal activity, either within the state of California or in another jurisdiction.

(D) The applicant has, within the past (5) years, been convicted in an administrative enforcement action or court action of violating an adult-oriented business ordinance.

The regular license, if granted shall expire one (1) year from the date of issuance and may only be renewed by the licensee filing with the chief of police a written request for renewal on a form provided by the city, accompanied by a non-refundable application, investigation and licensing fee set forth in the schedule of fees established from time to time by the city council, and a copy of the license to be renewed. The request for renewal shall be made at least thirty (30) days before the expiration date of the regular license. When a renewal request is made less than thirty (30) days before the expiration date, the

expiration shall not be stayed. The chief of police shall act upon applications for license renewal as provided herein for applications for licenses.

The regular license, if granted, shall state on its face the name of the person or persons to whom it is granted, the expiration date, the address of the adult-oriented business and the classification of adult-oriented business as set forth in section 4.08.070 herein, for which the license is issued.

All licenses shall be posted in a conspicuous place at or near the entrance to the adult-oriented business so that they may be easily read at any time by all persons entering the adult-oriented business.

Within thirty (30) calendar days of any change in the information originally submitted with the license application, all licensees shall provide the chief of police with a written statement supplementing or amending the information required by this chapter. Failure to submit such changes shall be grounds for suspension of the adult-oriented business license.

Within five (5) calendar days of any change in employee hiring or status, all licensees shall register all employees in the manner required by this title. Failure to register employees shall be grounds for suspension of the adult-oriented business license.

If the chief of police neither grants nor denies a completed application for which the filing fees have been paid, within thirty (30) business days after the city's receipt of the application, the applicant may begin operating the adult-oriented business for the single classification of adult-oriented business as set forth in section 4.08.070 herein, for which the license was sought, subject to compliance with the development and performance standards and regulations of chapter 4.24 of this title.

(2000-04, Added, 05/02/2000)

Section 4.12.030 Transfer of adult-oriented business licenses.

It is a violation of this title for a licensee to operate an adult-oriented business under the authority of an adult-oriented business license at any place other than the address of the adult-oriented business stated in the application upon which the license was issued.

It is a violation of this title for a licensee to transfer ownership or control of an adult-oriented business license to another person unless and until the transferee first obtains a written amendment to the license from the chief of police in accordance with and subject to the application and fee requirements set forth in this chapter for an initial application.

It is a violation of this title for a licensee to transfer an adult-oriented business license when the chief of police has notified the licensee that the license has been suspended or revoked or that such action is pending.

Any attempt to transfer a license either directly or indirectly in violation of this section is void, and the license shall be deemed revoked.

(2000-04, Added, 05/02/2000)

Chapter 4.16

REGISTRATION OF EMPLOYEES

Sections:

4.16.010 Registration of employees.

Section 4.16.010 Registration of employees.

As a further condition of approval of every adult-oriented business license issued pursuant to this title, every owner or operator shall register every employee with the police department within five (5) calendar days of the commencement of the employee's period of employment at the adult-oriented business.

Each employee shall be required to provide two (2) recent color passport-quality photographs and, at the discretion of the chief of police, shall allow himself or herself to be fingerprinted by the police department for purposes of identification. In addition, each employee shall provide the following information on a form provided by the police department:

- (A) Name, current resident address, telephone number.
- (B) Date of birth.
- (C) Social security number.
- (D) Height, weight, color of eyes and hair.
- (E) Stage name (if applicable) and other aliases used within the previous two years.

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 subpoena issued by a court of competent jurisdiction.

Each owner or operator of an adult-oriented business shall maintain a current register of the names of all employees currently employed by the adult-oriented business, and shall disclose such registration for inspection by an police officer for purposes of determining compliance with the requirements of this section.

Failure to register each employee within five (5) calendar days of the commencement of employment, or to maintain a current register of the names of all employees shall be deemed a violation of the conditions of the license and may be considered grounds for suspension or revocation of the license.

(2000-04, Added, 05/02/2000)

Chapter 4.20

DENIAL, SUSPENSION, AND REVOCATION OF LICENSE

Sections:

- 4.20.010 Denial of license renewal.**
- 4.20.020 Suspension of license.**
- 4.20.030 Revocation of license.**
- 4.20.040 Suspension or revocation hearing.**
- 4.20.050 Appeal.**
- 4.20.060 Confidentiality.**

Section 4.20.010 Denial of license renewal.

When the chief of police denies renewal of a license, the applicant shall not be issued a license for one (1) year from the date of denial. If, subsequent to denial, the chief of police finds that the basis for denial of the renewal license has been corrected or abated, the applicant may be granted a license if at least ninety (90) days have elapsed since the date denial became final.

(2000-04, Added, 05/02/2000)

Section 4.20.020 Suspension of license.

The chief of police shall suspend a license for a period not to exceed three (3) months for the first offense if he or she determines that a licensee or an employee of a licensee has:

- (A) violated or is not in compliance with any section of this title; or,
- (B) refused to allow an inspection of the adult-oriented business premises as authorized by this title.

(2000-04, Added, 05/02/2000)

Section 4.20.030 Revocation of license.

The chief of police shall revoke a license if a cause of suspension in section 4.20.020 occurs and the license has been suspended within the preceding twelve (12) months.

The chief of police shall revoke a license for any of the following causes arising from the acts or omissions of the licensee, or an employee, agent, partner, director, stockholder, or manager of an adult-oriented business:

- (A) A licensee knowingly gave false, misleading, or fraudulent information in the material submitted during the application process, or in any report or record required to be filed with the city;
- (B) A licensee, employee, agent, partner, director, stockholder, or manager of an adult-oriented business has knowingly allowed or permitted, and has failed to make a reasonable effort to prevent the occurrence of any of the following acts on the premises of the adult-oriented business, or in the case of an adult-oriented businesses performer, the performer has engaged in one of the activities described below while on the premises of an adult-oriented business:

1. any act of unlawful sexual intercourse, sodomy, oral copulation, or masturbation, with the exception of adult motels unless the licensee or employee of the adult motel knowingly allowed the act of sexual intercourse, sodomy, oral copulation, masturbation, or sexual contact to occur in a public place or within public view;
2. use of the adult-oriented business as a place where unlawful solicitations for sexual intercourse, sodomy, oral copulation, or masturbation openly occur; or,
3. the occurrence of specified criminal activities, including acts of lewdness, assignation, or prostitution, or act relating to obscene matter or distribution of harmful matter to minors.

- (C) A licensee knowingly operated, performed or was employed at the adult-oriented business during a period of time when the licensee's license was suspended.

When the chief of police revokes a license, the revocation shall continue for one (1) year, and the licensee shall not be issued an adult-oriented business license for one (1) year from the date the

revocation became effective. If, subsequent to revocation, the chief of police finds that the basis for the revocation has been corrected or abated, the applicant may be granted a license if at least ninety (90) calendar days have elapsed since the date the revocation became effective.
(Ord. 2006-07, Amended, 06/06/2006; 2000-04, Added, 05/02/2000)

Section 4.20.040 Suspension or revocation hearing.

In addition to the other remedies set forth in this code, a violation of any provision of this Title constitutes grounds for the revocation of an adult-oriented business license and/or adult-oriented business employee license. On determining that grounds for license revocation or suspension exist, the chief of police shall furnish written notice of the proposed suspension or revocation to the licensee. Such notice shall set forth the time and place of a hearing to be conducted by a hearing officer pursuant to section 21.03.060, the grounds upon which the hearing is based, the pertinent code sections at issue, and a brief summary of the facts in support of the suspension or revocation. Notice shall be served personally or by certified mail at least ten (10) days prior to the hearing date.

If the hearing officer finds and determines that there are grounds for disciplinary action, the Chief of Police shall do either of the following:

- A. Suspend the license for a specified period of time not to exceed three (3) months for the first offense;
- B. Revoke the license for the second offense.

(Ord. 2006-07, Amended, 06/06/2006; 2000-04, Added, 05/02/2000)

Section 4.20.050 Appeal.

Pursuant to Section 21.03.070B, an applicant or licensee may seek prompt judicial review for (1) the denial of a license required by this Title, (2) the denial of a renewal of such a license or (3) the suspension or revocation of such license.

(Ord. 2006-07, Amended, 06/06/2006; 2000-04, Added, 05/02/2000)

Section 4.20.060 Confidentiality.

The city deems confidential license applications required by chapters 4.12 and 4.16 above and all information contained therein. Absent an order from a court of competent jurisdiction, the city shall not disclose for public review the applications or the information contained therein.

(2000-04, Added, 05/02/2000)

Chapter 4.24

DEVELOPMENT AND PERFORMANCE STANDARDS AND REGULATIONS

Sections:

- 4.24.010 Prohibition against minors in an adult-oriented business.**
- 4.24.020 Concealing specified sexual activities and specified anatomical areas from public view.**
- 4.24.030 Posting notices relating to minors.**
- 4.24.040 Indoor areas open to view by management.**
- 4.24.050 Security guards.**
- 4.24.060 Register and license number of employees.**
- 4.24.070 Inspection.**
- 4.24.080 Rest room facilities.**
- 4.24.090 Additional regulations for adult arcade.**
- 4.24.100 Additional regulations relating to live entertainment.**
- 4.24.110 Additional regulations for adult motels.**
- 4.24.120 Additional regulations relating to the exhibition of sexually explicit films, videos or live entertainment in viewing rooms.**
- 4.24.130 Additional regulations for nude model studios.**
- 4.24.140 Additional regulations concerning public nudity.**

Section 4.24.010 Prohibition against minors in an adult-oriented business.

It shall be unlawful for any licensee, operator, or other person in charge of any adult-oriented business to permit to enter, or remain within the adult-oriented business, any person who is not at least eighteen (18) years of age or to provide any service for which this title requires a license or registration, to any person who is not at least eighteen (18) years of age.

(2000-04, Added, 05/02/2000)

Section 4.24.020 Concealing specified sexual activities and specified anatomical areas from public view.

No adult-oriented business shall be operated in any manner that permits the observation of any material or activities depicting, describing, showing, or simulating 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.

(2000-04, Added, 05/02/2000)

Section 4.24.030 Posting notices relating to minors.

No person under the age of eighteen (18) years shall be permitted within the adult-oriented business any time. The building entrance to an adult-oriented business shall be clearly and legibly posted with a notice indicating that persons under eighteen (18) years of age are precluded from entering the premises. Said notice shall be constructed and posted to the satisfaction of the planning director or his or her designee.

(2000-04, Added, 05/02/2000)

Section 4.24.040 Indoor areas open to view by management.

All indoor areas of the adult-oriented business where patrons or members of the public are permitted, excluding rest rooms, shall be open to view by management at all times.

(2000-04, Added, 05/02/2000)

Section 4.24.050 Security guards.

Adult-oriented business shall employ security guards in order to maintain the public peace and safety, based upon the following standards:

(A) Adult-oriented businesses 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 adult-oriented business is greater than thirty-five (35) persons, an additional security guard shall be on duty.

(B) Security guards shall be charged with preventing violations of law and enforcing compliance by patrons with 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 section shall act as a door person, ticket seller, ticket taker, admittance person, entertainer or performer, or sole occupant of the manager's station while acting as a security guard.

(2000-04, Added, 05/02/2000)

Section 4.24.060 Register and license number of employees.

Every licensee of an adult-oriented business that provides live entertainment depicting specified anatomical areas or involving specified sexual activities must maintain a register of all past and current persons so performing at the adult-oriented business. Such register shall be available for inspection during regular business hours by any police officer of the city.

(2000-04, Added, 05/02/2000)

Section 4.24.070 Inspection.

When the chief of police, the planning director, and/or neighborhood enhancement specialists have reasonable cause to believe that violations of this title and/or other provisions of the zoning code are occurring on the premises where an adult-oriented business is operating, they, and/or their authorized representatives, may conduct a reasonable inspection of the public areas of and areas otherwise open to plain view on or within, the premises or the adult-oriented business to the extent allowed by law and during the business hours of the adult-oriented business.

Nothing in this section shall be deemed to prohibit the above-described city officials and employees from pursuing any and all available legal remedies to secure entry into and inspection of the premises or adult-oriented business if such entry is refused or, for any other reason allowed by law.

It is a violation of this title for a person who operates an adult-oriented business or that person's agent or employee to refuse to permit a lawful inspection of the adult-oriented business at any time it is open for business.

(2000-04, Added, 05/02/2000)

Section 4.24.080 Rest room facilities.

The adult-oriented business 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, 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 others motion picture or video projection, recording, or reproduction equipment. The foregoing provisions of this paragraph shall not apply to an adult-oriented business which deals exclusively with the 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.

The foregoing requirements of this chapter shall be deemed conditions of adult-oriented business license approvals and failure to comply with every such requirement shall be grounds for revocation of the license.

(2000-04, Added, 05/02/2000)

Section 4.24.090 Additional regulations for adult arcade.

Any adult-oriented business which is also an adult arcade shall comply with the following provisions:

(A) The interior of the adult-oriented business shall be configured in such a manner that there is an unobstructed view from a manager station of every area of the adult-oriented business to which any patron is permitted access for any purpose, excluding rest rooms. If the adult-oriented business has two (2) or more manager stations designated, then the interior of the adult-oriented business shall be configured in such a manner that there is an unobstructed view from at least one (1) of the manager stations of each area of the adult-oriented business to which any patron is permitted access.

(B) It shall be the duty to the licensee to ensure that the view area required by paragraph (1) of this section is at all times unobstructed by any doors, walls, merchandise, display racks, or other materials while the adult-oriented business is open to patrons.

(C) No viewing room or booth may be occupied by more than one (1) person at any time.

(D) The walls or partitions between viewing rooms or booths shall be maintained in good repair at all times, with no holes between any two (2) such rooms such as would allow viewing from one (1) booth into another or such as to allow physical contact of any kind between the occupants of any two (2) such booths or rooms.

(E) Customers, patrons, or visitors shall not be allowed to stand idly by in the vicinity of any such video booths, or remain in the common area of such adult-oriented businesses, other than the rest rooms, unless actively engaged in shopping for or reviewing the products available or on display for purchaser viewing. Signs prohibiting loitering shall be posted in prominent places in and near the video booths.

(F) 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.

(2000-04, Added, 05/02/2000)

Section 4.24.100 Additional regulations relating to live entertainment.

The following additional requirements shall pertain to adult-oriented businesses providing live entertainment showing or simulating specified anatomical areas or showing or simulating specified sexual activities, except for businesses regulated by the California department of alcoholic beverage control.

(A) No person shall perform live entertainment for patrons of an adult-oriented business 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. Fixed rail(s) at least thirty (30) inches in height shall be maintained establishing the separations between performers and patrons required by this section. Performer shall mean any person who is an employee or independent contractor of the adult-oriented business, or any person who, with or without compensation or other form of consideration, performs live entertainment for patrons of an adult-oriented business.

(B) The adult-oriented business shall provide separate dressing room facilities for performers which are exclusively dedicated to the performers' use.

(C) The adult-oriented business shall provide an entrance/exit for performers which is separate from the entrance/exit used by patrons.

(D) The adult-oriented business shall provide access for performers between the stage and the dressing rooms which is completely separated from the patrons. If such separate access is not physically feasible, the adult-oriented business shall provide a minimum three- (3) foot wide walk aisle for performers between the dressing room area and the stage, with a railing, fence, or other barrier separating the patrons and performers which is capable of preventing any physical contact between patrons and performers.

(E) No performers, either before, during, or after performances, shall have physical contact with any patron and no patron shall have physical contact with any performer either before, during or after performances by such performer. This paragraph shall only apply to physical contact anywhere on or within the premises of the adult-oriented business, including off-street parking areas.

(F) No patron shall directly pay or give any gratuity to any performer and no performer shall solicit any

pay or accept gratuity from any patron.

(G) No owner or other person with managerial control over an adult-oriented business shall permit any person on the premises of the adult-oriented business to engage in a live showing of the human male or female genitals, pubic area, or cleavage of the 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 nipple or areola. This paragraph may not be complied with by applying an opaque covering simulating the appearance of the specified anatomical part required to be covered.

(2000-04, Added, 05/02/2000)

Section 4.24.110 Additional regulations for adult motels.

Evidence that a sleeping room in a hotel, motel, or a similar commercial establishment has been rented and vacated two (2) or more times in a period of time that is less than ten (10) hours creates a rebuttable presumption that the establishment is an adult motel.

It is a violation of this title when, as a person in control of a sleeping room in a hotel, motel, or similar commercial establishment that does not have an adult-oriented business license, the person rents or sub-rents a sleeping room to a person and, within ten (10) hours from the time the room is rented, rents or sub-rents the same sleeping room again.

For purposes of the paragraphs of this section, the terms “rent” or “sub-rent” mean the act of permitting a room to be occupied for any form of consideration.

(2000-04, Added, 05/02/2000)

Section 4.24.120 Additional regulations relating to the exhibition of sexually explicit films, videos or live entertainment in viewing rooms.

A person who operates or causes to be operated an adult-oriented business, other than an adult motel, which exhibits on the premises in a viewing room of less than one hundred fifty (150) square feet of floor space, a film, video cassette, live entertainment or other video reproduction which shows or depicts specified sexual activities or specified anatomical areas, shall comply with the following requirements:

(A) Upon application for an adult-oriented business License, the application shall be accompanied by a diagram of the premises showing a plan thereof specifying the location of one or more manager’s stations and the location of all overhead lighting fixtures and designating any portion of the premises in which patrons will not be permitted. A manager’s station may not exceed thirty-two (32) square feet of floor area. The diagram shall also designate the place at which the license will be conspicuously posted, if granted. A professionally prepared diagram in the nature of an engineer’s or architect’s blueprint shall not be required; however, each diagram should be oriented to the north or to some designated street or object and should be drawn to a designated scale or with marked dimensions sufficient to show the various internal dimensions of all areas of the interior of premises to an accuracy of plus or minus six (6) inches. The chief of police may waive the foregoing diagram for renewal applications if the applicant adopts a diagram that was previously submitted and certifies that the configuration of the premises has not been altered since it was first prepared.

(B) No alteration in the configuration or location of a manager’s station may be made without the prior written approval of the chief of police.

(C) It is the duty of the licensee of the adult-oriented business to ensure that at least one licensed employee is on duty and situated in each manager’s station at all times that any patron is present inside the adult-oriented business.

(D) The interior of the adult-oriented business shall be configured in such a manner that there is an unobstructed view from a manager’s station of every area of the adult-oriented business to which any patron is permitted access for any purpose, excluding rest rooms. rest rooms may not contain video viewing equipment. If the adult-oriented business has two (2) or more designated manager’s stations, then the interior of the premises shall be configured in such a manner that there is an unobstructed view of each area of the adult-oriented business to which any patron is permitted access, except rest rooms, for any purpose from at least one of the manager’s stations. The view required by this section must be by

direct line of sight from the manager's station.

(E) It shall be the duty of the licensee to ensure that the view area specified in this section remains unobstructed at all times by any doors, curtains, partitions, walls, merchandise, display racks or other materials.

(F) It shall be the duty of the licensee to ensure that no patron is permitted access to any area of the adult-oriented business which has been designated as an area in which patrons will not be permitted pursuant to paragraph (1) of this section.

(G) No viewing room may be occupied by more than one (1) person at any time.

(H) The adult-oriented business shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access at an illumination of not less than five (5) foot candles as measured at the floor level.

(I) It shall be the duty of the licensee to ensure that the illumination required by this section is maintained at all times that any patron is present in the premises.

(J) No openings of any kind shall exist between viewing rooms or booths.

(K) No person shall make or attempt to make an opening of any kind between viewing booths or rooms.

(L) The licensee shall, during each business day, regularly inspect the walls between the viewing booths to determine if any openings or holes exist.

(M) The licensee shall cause all floor coverings in viewing booths to be nonporous, easily cleanable surfaces, with no rugs or carpeting.

(N) The licensee shall cause all wall surfaces and ceiling surfaces in viewing booths to be constructed of, or permanently covered by, nonporous, easily cleanable material. No wood, plywood, composition board or other porous material shall be used within forty eight (48) inches of the floor.

(O) It is a violation of this title for a person having a duty under this section to knowingly fail to fulfill that duty.

(2000-04, Added, 05/02/2000)

Section 4.24.130 Additional regulations for nude model studios.

A nude model studio shall not employ any person under the age of eighteen (18) years.

It is a violation of this title for a person under the age of eighteen (18) years to appear semi-nude or in a state of nudity in or on the premises of a nude model studio. It is a defense to prosecution under this section if the person under eighteen (18) years was in a rest room not open to public view or visible to any other person.

It is a violation of this title for a person to appear in a state of nudity, or knowingly allow another to appear in a state of nudity in an area of a nude model studio premises which can be viewed from the public right of way.

A nude model studio shall not place or permit a bed, sofa, or mattress in any room on the premises, except that a sofa may be placed in a reception room open to the public.

(2000-04, Added, 05/02/2000)

Section 4.24.140 Additional regulations concerning public nudity.

It is a violation of this title for a person knowingly and intentionally, in an adult-oriented business, to appear in a state of nudity or perform or simulate specified sexual activities.

It is a violation of this title for a person knowingly or intentionally, in an adult-oriented business, to appear in a semi-nude condition unless the person is an employee who, while semi-nude, is upon a stage at least eighteen inches (18) above the level of the floor which is separated by a distance of at least ten (10) feet from the nearest areas occupied by patrons.

It is a violation of this title for an employee or performer while semi-nude in an adult-oriented business, to solicit any pay or gratuity from any patron or customer or for any patron or customer to pay or give any gratuity to any employee.

It is a violation of this title for an employee or performer, while semi-nude, to knowingly or intentionally touch a patron or the clothing of a patron.

galt code

(2000-04, Added, 05/02/2000)

Chapter 4.32

MISCELLANEOUS PROVISIONS

Sections:

- 4.32.010 Regulations nonexclusive.**
- 4.32.020 Time limit for filing application for license.**
- 4.32.030 Severability.**

Section 4.32.010 Regulations nonexclusive.

The provisions of this title regulating adult-oriented businesses are not intended to be exclusive and compliance therewith shall not excuse noncompliance with any other regulations pertaining to the operation of businesses as adopted by the Galt city council.
(2000-04, Added, 05/02/2000)

Section 4.32.020 Time limit for filing application for license.

All person who possess a valid business license heretofore issued for the operation of an adult-oriented business and all persons required by this title to obtain an adult-oriented business employee license, must apply for and obtain such license within ninety (90) days of the effective date of this title. Failure to do so and continued operation of an adult-oriented business, or the continued employment of persons by or at adult-oriented businesses after such time without a valid license shall constitute a violation of this title.
(2000-04, Added, 05/02/2000)

Section 4.32.030 Severability.

If any section, subsection, subdivision, sentence, clause, or phrase in this title or any part thereof is for any reason held to be unconstitutional or invalid, ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this title or any part thereof. The city council hereby declares that it would have passed each section irrespective of the fact that any one or more subsections, subdivisions, sentences, clauses, or phrases be declared unconstitutional, invalid, or ineffective.
(2000-04, Added, 05/02/2000)