

City of Lawton, Oklahoma

Section 7-13-1-1301 PURPOSE AND INTENT.

A. It is the purpose of this Article to regulate Adult Businesses, sexually oriented businesses, and **massage parlors** to promote the health, safety, morals, and general welfare of the citizens of the City, and to establish reasonable and uniform regulations to prevent the continued concentration of Adult Businesses and sexually oriented businesses within the City. The provisions of this Article have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials. Similarly, it is not the intent nor effect of this Article to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market.

B. It is the intent of the City Council that the provisions of this Article be and are promulgated pursuant to Title 11 of the Statutes of the State of Oklahoma, and the Lawton City Charter.

Section 7-13-1-1302 DEFINITIONS.

The following words and phrases shall, for the purposes of this Article, be defined as follows, unless it is clearly apparent from the context that another meaning is intended. Should any of the definitions in this Article be in conflict with the current provisions of the zoning code, the definitions in this Article shall prevail:

A. **ADULT BUSINESS** shall mean those businesses meeting one or more of the following definitions:

1. **ADULT ARCADE** means an establishment or portion thereof where, for any form of consideration, one or more still or motion picture projectors, slide projectors, or similar machines, or other image producing machines, for viewing by five (5) or fewer persons per machine, are used to show films, motion pictures, video cassettes, computer displays, slides, or other photographic or electronic reproductions which are characterized by the depiction or description of "Specified Sexual Activities" or "Specified Anatomical Areas."

2. **ADULT BOOKSTORE, ADULT NOVELTY STORE, OR ADULT VIDEO STORE** means a commercial establishment which has as a substantial portion of its stock-in-trade or a substantial portion of its revenues or devotes a substantial portion of its interior commercial space or advertising to the sale, rental or viewing for any form of consideration, of any one or more of the following: books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, slides, computer software or other visual representations which are characterized by the depiction or description of "Specified Sexual Activities" or "Specified Anatomical Areas"; or instruments, devices or paraphernalia which are designed for use in connection with "Specified Sexual Activities." As used in this Article, "substantial portion" means more than ten percent (10%) and "interior space" means that portion of the premises open to the public excluding restrooms and common areas.

a. A commercial establishment may have other principal business purposes or operations that do not involve the offering for sale, rental, or viewing of materials depicting or describing "Specified Sexual Activities" or "Specified Anatomical Areas," and still be categorized as Adult Bookstore, Adult Novelty Store, or Adult Video Store. Such other business purposes or operations will not serve to exempt such establishments 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, the materials specified above.

b. Exclusion. A commercial establishment shall not be considered to be an Adult Bookstore, Adult Novelty Store or Adult Video Store, and shall not be required to obtain an "Adult Business License" under this article where (a) the commercial establishment rents or sells the material set forth above exclusively for off-premises use by the customer, and (b) more than ninety percent (90%) of its business is not in selling or renting the material set forth above.

3. ADULT CABARET means a nightclub, bar, tavern, restaurant, bottle club, or similar commercial establishment, whether or not alcoholic or non-intoxicating beverages are sold, dispensed or served with or without charge, which features: 1) servers or entertainers who appear semi-nude; 2) live performances which are characterized by the exposure of "Specified Anatomical Areas" or by "Specified Sexual Activities," or 3) films, motion pictures, video cassettes, computer software, slides, or other photographic reproductions which are characterized by the depiction or description of "Specified Sexual Activities" or "Specified Anatomical Areas."

4. ADULT DANCE STUDIO means any establishment or business which provides for members of the public a partner for dance where the partner is "nude" or "semi-nude" or where the partner, or the dance, is distinguished or characterized by the emphasis on matter depicting, or describing or relating to "Specified Sexual Activities" or "Specified Anatomical Areas."

5. ADULT ENTERTAINMENT ENTERPRISE means a commercial establishment, other than one defined in this subsection as an Adult Business, which has one of its principal business purposes the offering of forms of entertainment on its premises involving the depiction or description of "Specified Sexual Activities" or "Specified Anatomical Areas."

6. ADULT HOTEL OR ADULT MOTEL means a hotel or motel or similar commercial establishment which: 1) offers public accommodations, for any form of consideration, which provides patrons with closed-circuit televisions, transmissions, films, motion pictures, video cassettes, computer software, slides or other photographic reproductions which are characterized by the depiction or description of "Specified Sexual Activities" or "Specified Anatomical Areas" and which advertises the availability of this sexually oriented type of material by means of a sign visible from the public right-of-way, or by means of any off-premises advertising including but not limited to newspapers, magazines, pamphlets or leaflets, radio or television, or, 2) offers a sleeping room for rent for a period of time less than ten (10) hours; or 3) allows a tenant or occupant to sub-rent the sleeping room for a time period of less than ten (10) hours.

7. ADULT MOTION PICTURE OR MINI-MOTION PICTURE THEATER means a commercial establishment where films, motion pictures, video cassettes, computer software, slides or similar photographic reproductions characterized by the depiction or description of

"Specified Sexual Activities" or "Specified Anatomical Areas" are shown for any form of consideration.

8. ADULT THEATER means a theater, concert hall, auditorium, or similar commercial establishment which, for any form of consideration, regularly features persons who appear semi-nude or live performances which are characterized by exposure of "Specified Anatomical Areas" or by "Specified Sexual Activities."

9. ESCORT AGENCY means a person or business association who furnishes, offers to furnish, or advertises to furnish "Escorts" as one of its primary purposes for a fee, tip, or other consideration.

10. FIGURE MODELING STUDIO means any establishment or business which provides for members of the public, the services of a live human model for the purpose of reproducing the human body, is in a state of nudity or semi-nude, by means of photograph, painting, computer software, sketching, drawing, or other pictorial form.

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 is performed. Unless the massage parlor meets one of the following exceptions the massage parlor shall be considered an "Adult Business" and shall meet all the requirements of this Article. The definition of massage parlor shall not include the practice of massage in any licensed hospital, nor by a physician, surgeon, chiropractor or osteopath, nor by any nurse or technician working under the supervision of a licensed physician, surgeon, chiropractor or osteopath, nor by trainers for any amateur, semiprofessional or professional athlete or athletic team or school athletic program performed in conjunction with such program, nor by an Oklahoma State licensed physical therapist, nor any massage therapist who is a member of a national or international massage therapist association and where such therapist at all times maintains a membership level which requires liability insurance at said membership level for that association, nor barbers and cosmetologists duly licensed under the laws of this state in the course of practice of their usual and ordinary licensed vocation and profession. Certification and/or licensure as a massage therapist, cosmetologist or barber shall be conspicuously posted in the public area of the establishment or place of business.

12. SEXUAL ENCOUNTER ESTABLISHMENT OR CENTER means a business or commercial establishment that has as one of its primary business purposes, offers for any form of consideration, a place where two or more persons may congregate, associate, or consort for the purpose of "Specified Sexual Activities" or the exposure of "Specified Anatomical Areas" or activities when one or more of the persons is semi-nude or in a state of nudity. The definition of Adult Business shall not include an establishment where a medical practitioner, psychologist, psychiatrist, or similar professional person licensed by the State of Oklahoma engages in medically approved and recognized sexual therapy.

13. SEMI-NUDE MODEL STUDIO means any place where a person, who appears semi-nude or displays "Specified Anatomical Areas" is provided for money or any form of consideration to be observed, sketched, drawn, painted, sculpted, photographed, or similarly depicted by other persons.

B. ADULT BUSINESS LICENSE means that license issued by the City of Lawton pursuant to this Article regulating Adult Businesses.

C. ADULT ENTERTAINMENT means any exhibition, display, or dance which involves the exposure to view of any portion of the female breast below the top of the areola, male genitals, female genitals, or the pubic hair, anus, or cleft of the buttocks of any person or male genitals in a discernibly turgid state even if completely and opaquely covered or in a state of nudity or semi-nudity.

D. ALCOHOLIC BEVERAGE shall be as defined by Oklahoma Statutes, and Lawton City Code.

E. APPLICANT means the person, individual, association, partnership, corporation, or other entity applying for an Adult Business License including the individual authorized to execute the application on behalf of the above and all persons required to be listed by Section 7-1310 of Chapter 7, Article 13 of the Lawton City Code.

F. EMPLOYEE means a person who works or performs in and/or for an Adult Business, regardless of whether or not said person is paid a salary, wage or other compensation by the Operator of said business.

G. ENTERTAINER means any person who provides Adult Entertainment within an Adult Business or establishment as defined in this Article, whether or not a fee is charged or accepted for entertainment.

H. ESCORT means a person who, for any form of consideration or gratuity, agrees or offers to acts as a companion, guide, or date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.

I. ESTABLISH means and includes any of the following:

1. To open or commence any such business as a new business; or
2. To convert an existing business, whether or not an Adult Business, to any of the Adult Businesses defined in this Article; or
3. To add any of the Adult Businesses defined in this Article to any other existing Adult Business; or
4. To relocate any such Adult Business.
5. To expand by ten percent (10%) or more that portion of the floor area of the premises open to the public to any of the Adult Businesses defined in the Article. If an Adult Business has obtained a license under the requirements set forth in this Article, the maximum ten percent (10%) expansion requirement is measured over the term of the license or any renewal thereof.

J. LICENSEE means a person in whose name a license has been issued, as well as the individual listed as an applicant on the application for a license.

K. LICENSING AUTHORITY means the Finance Director of the City or his designee.

L. MANAGER means any person who manages, directs, administers or is in charge of the affairs and/or conduct of any portion of any activity occurring at any Adult Business or establishment.

M. MASSAGE means the administration by any person of any method of exerting or applying pressure, friction, moisture, heat or cold to the human body, or the rubbing, stroking, kneading, tapping, pounding, vibrating or stimulating with the hands or any instrument, electrical stimulation or by the application of air, liquid or vapor baths of any kind whatever;

N. MASSEUR means any person who, for consideration, administers a massage. The term "masseur" shall also include masseuse, or the use of the masculine gender shall include in all cases the feminine gender;

O. MATERIAL RELATIVE TO ADULT BUSINESSES, means and includes, but not be limited to, accessories, books, correspondence, photographs, prints, drawings, paintings, motion pictures, computer software, and pamphlets, or any combination thereof depicting or describing "Specified Anatomical Areas" or instruments, devices or paraphernalia which are designed for use in connection with "Specified Sexual Activities."

P. MINOR means any person under the age of Eighteen (18) years of age.

Q. NON-INTOXICATING BEVERAGE shall be as defined by Oklahoma Statute and Lawton City Code.

R. NUDE MODEL STUDIO means any place where a person who appears in a state of nudity or displays "Specified Anatomical Areas" is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration.

S. NUDITY or a STATE OF NUDITY means:

1. the appearance of a human bare buttock, anus, female genitals, male genitals, or female breast below the top of the areola; or

2. a state of dress which fails to opaquely cover a human buttock, anus, male genitals, female genitals, or of the female breast below the top of the areola.

3. Nudity or State of Nudity shall not mean nor include a person who appears in a State of Nudity in a modeling class operated:

a. by a proprietary school, licensed by the State of Oklahoma; a college, junior college, or university supported entirely or partly by taxation; or

b. by a private college or university which maintains and operates educational programs in which credits are transferrable to a college, junior college, or university supported entirely or partly by taxation; or

c. in a structure which: (1) has no sign visible from the exterior of the structure and no other advertising that indicates a nude person is available for viewing; and (2) where, in order to participate in a class, a student must enroll at least three (3) days in advance of the class; and (3) where no more than one nude model is modeling on the premises at any one time.

T. OBSCENE means a performance that:

1. The average person, applying contemporary community standards, would find that taken as a whole appeals to the prurient interest in sex;

2. Depicts or describes:

a. Patently offensive representations of ultimate sex acts, normal or perverted, actual or simulated including sexual intercourse, sodomy, and sexual bestiality; or

b. Patently offensive representations of masturbation, excretory functions, sadism, masochism, lewd exhibition of the genitals, the male or female genitals in a state of sexual stimulation or arousal, or covered male genitals in a discernibly turgid state; and

3. Taken as a whole, lacks serious literary, artistic, political, or scientific value.

U. PATENTLY OFFENSIVE means so offensive on its face as to affront current community standards of tolerance.

V. OPERATES or CAUSES TO BE OPERATED means to cause to function or to put or keep in operation. A person may be found to be operating or causing to be operated an Adult Business whether or not that person is an owner, part owner, or licensee of the business.

W. PERFORMANCE means a play, motion picture, dance, or other exhibition performed before an audience.

X. PERSON means any individual, partnership, corporation, trust, incorporated or unincorporated association, marital community, joint venture, governmental entity, or other entity or group of persons however organized.

Y. PRIMARY means principal.

Z. PUBLIC BUILDING WITH PROGRAMS for MINORS means any publicly owned building wherein training, education, or any other program designed primarily for minors is conducted.

AA. PUBLIC PARK or RECREATION AREA means public land which has been designated for park, recreational, or arts activities including, but not limited to, a park, playground, swimming pool, reservoir, athletic field, basketball or tennis courts, or similar public land.

BB. RELIGIOUS INSTITUTION means any church, synagogue, mosque, temple or building which is used primarily for religious worship and related religious activities.

CC. RESIDENTIAL ZONE means property which is zoned for a single family house, duplex, townhouse, multiple family dwelling(s), or mobile home park or mobile home subdivision, and campground, recreational trailer park, or travel trailer park.

DD. SCHOOL means any publicly or privately owned or operated educational center or day care facility.

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

FF. SERVER means any person who serves food or drink at an adult business.

GG. SEXUALLY ORIENTED BUSINESS means an Adult Business as defined herein.

HH. SPECIFIED ANATOMICAL AREAS means and include any of the following:

1. Human genitals, pubic region, buttocks, anus, or female breasts below a point immediately above the top of the areola; or

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

II. SPECIFIED CRIMINAL ACT(S) means acts involving: sexual crimes against children, sexual abuse, sexual assault, rape, prostitution, promotion of prostitution, solicitation of prostitutes, public lewdness, performance of lewd acts, obscenity, pandering, pimping, unlawful acts of sexual intercourse, sexual performance by a child, sodomy, oral copulation, or possession of child pornography, pornography, indecent exposure, indecent acts with a minor, or masturbation occurring on the premises of an Adult Business, crimes including but not limited to distribution of obscenity or material harmful to minors or aiding and abetting, conspiracy or attempting any of the foregoing offenses.

JJ. SPECIFIED SEXUAL ACTIVITIES means and include any of the following:

1. The fondling or other intentional touching of human genitals, pubic region, buttocks, anus, or female breasts; or

2. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulate on, or sodomy; or

3. Masturbation, actual or simulated; or
4. Human genitals in a state of sexual stimulation, arousal or tumescence;
5. Bestiality; or
6. Flagellation; or
7. Excretory functions as part of or in connection with any of the activities set forth in subdivisions 1 through 6 of this subsection.

KK. SUBSTANTIAL ENLARGEMENT of an ADULT BUSINESS means the increase in floor area occupied by the business by ten percent (10%) or more, as the floor area open to the public exists as of the date of adoption of this Ordinance.

LL. TRANSFER of OWNERSHIP or CONTROL of an ADULT BUSINESS means and include any of the following:

1. The sale, lease or sublease of the business; or
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 devise which transfers ownership or control of the business.

MM. VIEWING BOOTH means any portion of an Adult Business which portion is:

1. Partially enclosed; and
2. Has a floor area of less than 150 square feet; and
3. Is designed for viewing films, motion pictures, video cassettes, computer displays, slides, or other photographic reproductions which are characterized by the depiction or description of Specified Sexual Activities or Specified Anatomical Areas.

(97-29, Amended, 06/10/1997)

Section 7-13-1-1303 PROHIBITION.

A. No person shall use, establish or operate any premises for an Adult Business except within the permitted zoning districts as set out in the zoning code of the Lawton City Code, unless otherwise permitted in this Article, and subject to all other applicable regulations enumerated in the Lawton City Code.

B. The Transfer of Ownership or Control of an Adult Business in existence on the effective date of this Article which is located outside the permitted zoning districts shall cause said Adult

Business to cease its operations or otherwise be deemed in violation of this Article and the zoning code.

Section 7-13-1-1304 LOCATIONAL REGULATIONS.

A. It shall be unlawful for any person to establish or cause or permit to be established an Adult Business within one thousand (1000) feet of another Adult Business, or within five hundred (500) feet of any school, public park or recreation area, public building with programs for minors, residential zone or religious institution.

B. Any Adult Business lawfully established and lawfully operating under the zoning code and the provisions of this Article and any other applicable provisions of the Lawton City Code is not in violation of these regulations by the subsequent establishment of school, public park or recreation area, public building with programs for minors, residential zone, or religious institution within the respective distances specified in subsection (A) above for each type of use. This provision applies only to the renewal of a valid Adult Business license and does not apply when an application for an Adult Business license is submitted after an Adult Business license has expired or has been revoked or upon transfer of ownership or control of said business.

Section 7-13-1-1305 MEASUREMENT OF DISTANCE.

Distance between any two Adult Business premises shall be measured in a straight line, without regard to intervening structures or objects, from the nearest entrance of an Adult Business premises to the nearest entrance of the second Adult Business premises. The distance between any Adult Business premises and any religious institution, school, public park or recreation area, public building with programs for minors or residential zone shall be measured from the nearest property line of the Adult Business premises to the nearest property line of a religious institution, school, public park or recreation area, public building with programs for minors or residential zone. The distance measured as set out above shall exclude any and all street right-of-way in determining the distance between the Adult Business and any other enumerated establishment or premises.

Section 7-13-1-1306 DEVELOPMENT AND PERFORMANCE STANDARDS.

A. Adult Businesses shall comply with all of the following development and performance standards:

1. Advertisements, displays or other promotional materials depicting or describing, "Specified Anatomical Areas", or "Specified Sexual Activities", or displaying instruments, devices, or paraphernalia which are designed for use in connection with "Specified Sexual Activities" shall not be shown or exhibited so as to be visible from other areas open to the general public unless the entire establishment is dedicated and used as an Adult Business.

2. The premises of all Adult Businesses will be so constructed as to include an anteroom, foyer, partition or other physical barrier on all customer entrances, that will ensure that the interior of the premises is not observable from the exterior of the building. In addition, all windows shall be covered to prevent viewing of the interior of the building from the outside and all doorways not constructed with an anteroom or foyer shall be covered so as to prevent observation of the interior of the premises from the exterior of the building.

3. All entrances to an Adult Business shall be clearly and legibly posted by a notice indicating that minors are prohibited from entering the premises.

4. No loudspeakers or sound equipment shall be used by an Adult Business for the amplification of sound to a level discernable by the public beyond the walls of the building in which the Adult Business is conducted. This requirement is in addition to all the noise requirements found in Chapter 16 of the Lawton City Code.

5. Any residential structure or any other non-conforming structure may be converted for use as an Adult Business premises after enactment of the provisions of this Article only upon compliance with all development regulations of this Article and the Lawton City Code. No variances from the terms and conditions of this Article or other provision of the Lawton City Code regulating Adult Business shall be permitted.

6. An Adult Business shall not remain open for business, or permit any employee to engage in a performance, solicit a performance, make a sale, solicit a sale, provide a service, or solicit a service, between the hours of 12:01 a.m. and 8:00 a.m. of any succeeding day. If an Adult Business is also licensed as a tavern or the hours of operation are regulated by state law, the provisions of the Lawton City Code regulating taverns or State Statute shall govern.

7. All Adult Business shall comply with the locational and zoning requirements of the zoning code.

B. Non-conforming uses.

1. Any Adult Business in existence as of March 1, 1995, which is in violation of this Article shall be deemed a non-conforming use. Such non-conforming uses shall not in any manner be enlarged, extended, altered or rebuilt except that such uses may be changed so as to comply with the provisions of this Article.

2. Such uses as are deemed non-conforming uses pursuant to the terms of this Article shall be permitted to continue until March 1, 2000, unless such use is terminated for any reason whatsoever prior thereto for a period of thirty (30) days or more; thereafter such non-conforming use shall terminate or come into compliance with the provisions of this Article.

3. First use deemed complying. In the event that any two (2) or more Adult Businesses are located within one thousand (1,000) feet of each other as of the effective date of this Article that Adult Business which shall have first been continually operated shall be deemed to be the complying use. The person, firm, corporation, or other entity responsible for the operation or management of the Adult Business in such case shall provide to the Licensing Authority by documented evidence the date on which such Adult Business first began continuous operation.

Section 7-13-1-1307 BUSINESS LICENSE.

A. It shall be unlawful for any person to operate or maintain an Adult Business in the City unless the owner, operator or lessee thereof has obtained an Adult Business license from the City, and it shall be unlawful for any person to operate or maintain such Adult Business after such license has been revoked or suspended by the City.

B. It shall be unlawful for any entertainer, server, masseur, escort or other employee or manager of an Adult Business to knowingly perform any work, service or entertainment directly related to the operation of an unlicensed Adult Business within the City.

C. It shall be prima facie evidence that any Adult Business that fails to have posted, in the manner required by this Article, an Adult Business license, has not obtained such a license. In addition, it shall be prima facie evidence that any entertainer, server, masseur, escort or other employee or manager who performs any service or entertainment in an Adult Business in which an Adult Business license has not been posted, in the manner required by this Article, had knowledge that such business was not licensed.

D. Any violations of the provisions of this Article, shall, in addition to being a violation by the person committing the offense, be chargeable to the licensee and may be grounds for revocation, suspension or denial of any license issued pursuant to the provisions of this Article

Section 7-13-1-1308 LICENSE CLASSIFICATION AND FEES.

A. The license issued under this Article shall be for a period of one (1) year commencing on the date of issuance of the license and terminating on the anniversary date thereafter. The application for a license shall be accompanied by payment in full of the fees stated in the fee schedule, and no application shall be considered complete until all such fees are paid.

B. All licenses shall be issued for a specific location and type and the fees therefore shall be nonrefundable and the license is nontransferable.

C. In addition to the Adult Business license fee, each individual applicant shall be responsible to pay in full the specified fee for individual background investigation.

Section 7-13-1-1309 INELIGIBILITY AND DISQUALIFICATION.

No person shall be eligible to receive or hold nor shall a license be issued to an Adult Business applicant if one or more of the following conditions exist:

A. The premises is located in an area prohibited by the zoning code for the placement of an Adult Business, except during the amortization period set out in Section 7-1306B of this Article;

B. The applicant failed to supply all of the information requested on the application;

C. The applicant gave materially false, fraudulent or untruthful information on the application.

D. The proposed adult business premises does not comply with or meet the requirements of the applicable Health, Zoning, Building, Fire and Property Maintenance Codes of the City; (Exception see subsection A of this Section)

E. The applicant has pled guilty, no contest, has been convicted or released from incarceration for conviction for any of the crimes set forth in section 7-1302, Subsection II of this Article during the time period specified in Section 7-1310 of this Article.

F. The applicant has had an Adult Business type license revoked or suspended in this or any other City or State during the past five years.

G. The applicant is under 21 years of age.

(97-29, Amended, 06/10/1997)

Section 7-13-1-1310 ADULT BUSINESS LICENSE, APPLICATION PROCEDURE.

A. All persons desiring to secure a license to operate an Adult Business under the provisions of this Article shall make a notarized and verified application with the Licensing Authority. All applications shall be submitted in the name of the person proposing to conduct or operate the Adult Business. All applications shall be submitted in a form supplied by the licensing authority and shall require the following information:

1. The applicant's full name and any aliases or other names by which the applicant is known or which the applicant has used at any time, and the current residence address, the home telephone number, occupation, date and place of birth and social security number of the applicant.

2. The name of the Adult Business, a description of the Adult Business to be conducted on the licensed premises, the name of the owner of the premises where the Adult Business will be located, and a legal description or business address of the Adult Business.

3. The names, residence addresses, social security numbers and dates of births of: in the case of a sole proprietorship, the owner, if different from subsection (1) of this section; a trust, all trustees and beneficiaries; an estate, the personal representative; of all partners, if the applicant is a partnership; and if the applicant is a corporation, the same information for all corporate officers and directors and stockholders who own more than ten percent (10%) or greater interest in the corporation.

4. The addresses of the applicant, or of all partners, or official corporate officers and directors for the five years immediately prior to the date of application.

5. A statement from the applicant or owner, or from all partners, or from all trustees, or from all corporate officers and directors whether any such person or entity, in previously operating in this or another city, county, or state, has had an Adult Business type license, permit or other type of document giving the applicant the authority to conduct an adult type of business in the other jurisdiction revoked or suspended, and if so, the reason for the suspension or revocation and the business activity subjected to the suspension or revocation.

6. A statement of the business, occupation or employment of the applicant or owner, or of all partners or of all trustees, or of all corporate officers and directors for the three years immediately preceding the date of the application.

7. A statement from the applicant, or from each partner, or from each trustee, or from each corporate officer and director, that each such person has not pled guilty to, no contest to, been convicted of, or released from confinement for conviction for:

a. a felony criminal act within five years immediately preceding the application,

or

b. a misdemeanor criminal act within three (3) years immediately preceding the application, where such felony or misdemeanor criminal act involved "Specified Criminal Acts" as defined in this Article or related offenses as defined by the Oklahoma Criminal Code or any other comparable violation of the laws of this state or the laws of any other state or the United States.

8. If the applicant is a corporation, a current certificate of registration issued by the Oklahoma Secretary of State.

9. A statement signed under oath that the applicant has personal knowledge of the information contained in the application and that the information contained herein is true and correct and that the applicant has read the provisions of this Article regulating Adult Businesses.

10. The notarized signature of the applicant.

B. In addition to the application, the following documents shall be submitted.

1. A floor plan of the premises to be licensed. The floor plan need not be professionally prepared but must be drawn to a designated scale or drawn with marked dimensions of the interior of the premises to an accuracy of plus or minus six inches. The diagram shall designate the place at which the license will be conspicuously posted and the location of any stage.

2. A current certificate and straight-line drawing prepared, within thirty days prior to the application, by a registered land surveyor depicting the property lines and the structures containing any Adult Business within one thousand (1,000) feet of the nearest entrance of the structure in which the applicant Adult Business will be located and depicting the property line of any school, public park or recreation area, public building with programs for minors, residential zone or religious institution, and within five hundred (500) feet from the nearest property line of the premises in which the applicant Adult Business will be located. Said distance shall be measured as set out in Section 7-1305, Chapter 7, Article 13 of the Lawton City Code.

C. The Licensing Authority shall not accept any application that is not complete in every detail. If an omission or error is discovered by the Licensing Authority, the application will be returned to the applicant for completion or correction without further action by the Licensing Authority. Any application rejected due to an omission or error shall be refiled only when the omission or error has been remedied. For the purposes of this Article, the date the Licensing Authority accepts an application which is complete in every detail shall be the date the application is filed with the Licensing Authority.

D. In the event that the Licensing Authority determines that the applicant has improperly completed the application, he shall, within seven (7) city business days of receipt, notify the applicant of such fact and allow the applicant ten (10) calendar days to properly complete the application. The time period of granting or denying a license shall be stayed during the period in which the applicant is allowed an opportunity to properly complete the application.

E. Applicants for a license under this Article shall have a continuing duty to promptly supplement application information required by this section in the event that said information changes in any way from what is stated on the application. The failure to comply with said continuing duty within thirty (30) calendar days from the date of such change, by supplementing the application on file with the Licensing Authority, shall be grounds for suspension of an Adult Business license.

(97-29, Amended, 06/10/1997)

Section 7-13-1-1311 APPLICATION PROCESSING.

Upon receipt of a complete application for an Adult Business license, the Licensing Authority shall immediately transmit a copy of the application for an Adult Business license to the Director of Building Development and the Chief of Police. The Director of Building Development shall coordinate and cause to be conducted an inspection of the premises by all affected Departments to include the Zoning Inspector, Health Inspector, Fire Marshal and Building Inspector for investigation and recommendation pursuant to their areas of responsibility and authority as set out in the City Code. It shall be the duty of the Licensing Authority to investigate such application to determine whether the information contained in the application is accurate and whether the applicant is qualified to be issued the license. The Licensing Authority shall record the results of the investigation, excluding appropriately restricted criminal history record information data, and make a determination whether the applicant does or does not meet the eligibility criteria within thirty (30) city business days from the date the application is received by the Licensing Authority. It shall be the duty of the Licensing Authority to determine whether the structure where the Adult Business will be conducted complies with the requirements and meets the standards of the applicable Health, Zoning, Building Code, Fire and Property Maintenance Codes of the City. The Director of Building Development, Fire Chief, Chief of Police, Health Inspector, Building Inspector, and Zoning Inspector shall report the results of investigation to the Licensing Authority not later than ten (10) city business days from the date the application is received from the Licensing Authority, unless a reinspection is required in which event the applicant may be given an additional ten (10) calendar days to make all required corrections and cause a reinspection to be conducted. Said report of reinspection shall immediately be submitted to the Licensing Authority. Only one reinspection shall be allowed. Any license application for an Adult Business shall be approved or disapproved within thirty (30) city business days from the date of filing of a completed application with the Licensing Authority.

Section 7-13-1-1312 ISSUANCE OF LICENSE; DISAPPROVAL; APPEAL.

A. If the application for an Adult Business license is in proper form and accompanied by the appropriate license fee, the Licensing Authority shall, if the application is approved, approve a license as provided in this Article; provided that, a license shall not be approved to any person or business who is found to be ineligible to hold such license pursuant to this Article.

B. The license, if issued, shall state that: the license is not transferable to any other person; the license is valid only for the location identified on the license; the license is restricted to the type and purpose designated on the license; and the license is valid for a period of one (1) year from the date of issuance, as specified on the face of the license. The license shall be kept posted in a conspicuous place in the place of business that is licensed.

C. If an application for a license is disapproved, the applicant shall be immediately notified by registered or certified mail sent to the applicant's address, as shown on the application, and the notification shall state the basis for disapproval.

D. The applicant may appeal the non-issuance or disapproval of the license to the Municipal Court. The applicant shall send a Notice of Appeal, which must be in writing and received by the City Clerk no later than the tenth (10th) calendar day following receipt of the notice of non-issuance or disapproval. The City Clerk shall set a hearing before the Municipal Court. Said hearing shall be held within ten (10) city business days of the receipt of Notice of Appeal by the City Clerk. The Notice of Appeal shall set forth the grounds for appeal which must include the facts upon which the applicant is alleging satisfy the requirements of this Article and why the determination of the Licensing Authority is incorrect. Failure to state the grounds for appeal shall automatically nullify the appeal unless rectified within the original ten (10) day period for appeal as provided above. Once an appeal has been filed, the City Attorney or his designee shall thereafter prosecute the case for the Licensing Authority. The determination of the municipal judge shall be final. Any further appeal by either the City or the Applicant shall be to the District Court of Comanche County, Oklahoma pursuant to 12 O.S. 951.

Section 7-13-1-1313 STANDARDS OF CONDUCT.

The following standards of conduct shall be adhered to by all Adult Business licensees, their employees, and patrons of Adult Businesses, while on or about the premises of the business or performing their licensed employment:

A. It is the duty of the licensee to insure that no Adult Business will be conducted in any manner that permits the observation of live performers engaged in an obscene depiction or dance or any material or persons depicting, describing or relating to "Specified Sexual Activities" or "Specified Anatomical Areas" as defined in this Article, from any exterior source by display, decoration, sign, show window or other opening.

B. It shall be the duty of the Licensee to insure that no patron is permitted access to any area of the premises which has been designated as an area in which patrons will not be permitted in the application filed.

C. It is the duty of the licensee and operator of the premises to ensure that any doors to public areas on the premises remain unlocked during business hours.

D. The licensee having duty under subsections A through C of this section commits an offense if he fails to fulfill that duty.

Section 7-13-1-1314 AGE LIMITATION.

- A. No person under the age of eighteen (18) years may enter an Adult Business.
- B. A person commits an offense if he falsely represents himself to be a person eighteen (18) years of age or older for the purpose of gaining admittance into an Adult Business.
- C. A licensee or employee of an Adult Business commits an offense if he knowingly allows a person under the age of eighteen (18) years to enter or remain on the premises of the Adult Business.
- D. A licensee of an Adult Business commits an offense if he maintains the premises without posting a sign at each entrance to the Adult Business that reads: "It is unlawful for any person under eighteen (18) years old to enter this location".

Section 7-13-1-1315 PROHIBITED ACTS AND CONDUCT.

- A. No employee, escort, server, nude or semi-nude model, masseur or entertainer, nor any customer or patron shall perform any "Specified Sexual Activities" as defined in this Article, wear or use any device or covering, exposed to view, which simulates any "Specified Anatomical Area", use artificial devices or inanimate objects to perform or depict any of the "Specified Sexual Activities" as defined in this Article.
- B. No employee, escort, server, nude or semi-nude model, masseur, entertainer or patron of an Adult Business shall touch, fondle or caress any "Specified Anatomical Area" of another person, or knowingly permit another person to touch, fondle, or caress any "Specified Anatomical Area" of such employee, server, escort, nude or semi-nude model, masseur, entertainer, or patron, whether such specified anatomical areas are clothed, unclothed, covered or exposed.
- C. No employee, escort, server, nude or semi-nude model, masseur or entertainer of an Adult Business shall be visible from the exterior of the Adult Business while such person is unclothed or in such attire, costume or clothing as to expose to view any "Specified Anatomical Area."
- D. No owner, operator, manager or other person in charge of the premises of an Adult Business premises shall:
 - 1. permit any alcoholic or non-intoxicating beverages to be brought upon, possessed or consumed on the premises, unless licensed by Chapter 4 the Lawton City Code or as may hereinafter be amended or State statute to allow on premise consumption,
 - 2. allow or permit the sale, distribution, delivery or consumption of any controlled substance or illegal drug or narcotic on the premises,
 - 3. allow or permit a violation of this Article or any other City ordinance or state law.

4. allow or permit any customer or patron to be on any stage or performance platform at any time.

E. No server, escort, nude or semi-nude model, masseur, entertainer, or other employee mingling with the patrons or serving food or drinks shall be unclothed or in such attire, costume or clothing so as to expose to view any portion of the female breast below the top of the areola or of any portion of the pubic hair, anus, cleft of the buttocks, vulva or genitals or display male genitals in a discernible turgid state even if completely and opaquely covered.

F. No customer or patron is permitted to touch, caress, fondle the breast, pubic region, buttocks or genitals of any employee, server, entertainer, or engage in the solicitation for prostitution.

G. No Adult Entertainment occurring on the premises shall be visible at any time from outside of the premises.

H. No customer or patron shall attempt to enter or be on or enter or be on any stage or performance platform at any time.

I. No owner, manager or employee of an adult business shall give or offer to give any person any type of reward or gratuity of any type in return for the delivery of customers or patrons to said business, this includes any person who is in or around said business but is not a manager, employee or owner of said adult business.

(97-29, Amended, 06/10/1997)

Section 7-13-1-1316 ADDITIONAL REGULATIONS FOR ADULT MOTELS.

A. Evidence that a sleeping room in a hotel, motel, or 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 as that term is defined in this Article.

B. A person commits an offense if, as the person in control of a sleeping room in a hotel, motel, or similar commercial establishment that does not have an Adult Business license, he rents or subrents a sleeping room to a person and within ten (10) hours from the time the room is rented, he rents or subrents the same sleeping room again to another person.

C. For purposes of Subsection (B) above, the terms "rent" or "subrent" means the act of permitting a room to be occupied for any form of consideration.

Section 7-13-1-1317 ADDITIONAL REGULATIONS FOR MASSAGE PARLORS

In addition to the other regulations prescribed in this Article, Massage Parlors shall comply with the following requirements:

A. No such establishment shall be operated or conducted in connection with, either directly or indirectly, any place used for living or sleeping quarters.

B. Sanitation Requirements. It shall be the duty of every person conducting or operating a massage establishment to keep the same at all times in a clean and sanitary condition.

C. Administering Massage. No patron shall receive a massage unless said patron is covered by opaque material such as a towel or shorts covering the hips, genitals, anal areas, and if the patron is a female, this shall include the breasts.

D. Unlawful Acts.

It shall be unlawful:

1. For any employee of the massage establishment to touch the genitals or anal area of a patron of the establishment, and if the patron is a female, this shall include the breasts.

2. For alcoholic or non-intoxicating beverages to be sold, distributed, stored, dispensed or consumed on the premises.

3. For any person to be in or upon the premises of a massage establishment or to obtain the services provided in a massage parlor by misrepresentation of age or by any other method in any place where massage is practiced when such person is under eighteen (18) years of age, unless such person is accompanied by his parent or legal guardian, or has a physician's prescription for such massage services;

4. For any person to permit any controlled narcotics or dangerous drugs on the licensed premises.

5. For any person to intentionally touch or permit any other person to touch the genitals, anus, or female breasts of any other person while on the licensed premises.

6. For any person to engage in, encourage, or request, or to permit any person to engage in, encourage, or request acts of masturbation while on the licensed premises.

Section 7-13-1-1318 NUDITY, PROHIBITED.

A. Prohibition. No employee, server, customer, patron, or other person, other than an entertainer as provided in subsection B of this Section, shall appear, in an Adult Business or Establishment while nude, semi-nude, unclothed, in less than opaque attire, or otherwise in any fashion that exposes to view to any other person any "Specified Anatomical Area", as defined in this Article. The provisions of Section 4-116 and Section 4-215 of the Lawton City Code, or as may thereafter be amended, shall apply to any establishment serving alcoholic and/or non-intoxicating beverages.

B. No entertainer shall appear or perform in an Adult Cabaret while nude, except that an entertainer may appear semi-nude, unclothed, in less than opaque attire or costume or otherwise in any fashion that exposes to the view of any other person any of the "Specified Anatomical Areas" under the following conditions and restrictions:

1. alcoholic or non-intoxicating beverages as defined are not sold, dispensed, consumed, served or allowed on the premises; and,
2. during the actual performance of an act, routine, dance, or similar entertainment display and the entertainer performs solely upon a stage, platform, or other area which is raised at least two feet above the primary level of the customer floor; and
3. the entertainer is separated from the customers by a physical barrier which effectively prevents the customers from touching the entertainer and which establishes a minimum distance of three feet between any customer and the entertainer; and
4. the entertainer does not perform at a spatial distance of less than three feet from any and all customers and patrons.
5. Whenever the entertainer ceases to perform or leaves or is not upon the stage or entertainment area, then he or she shall be subject to and fully comply with the prohibitions of Subsection A of this Section.
6. Customers are not permitted on the stage or performance platform at any time.

Section 7-13-1-1319 OPERATING REQUIREMENTS.

A. Notices and Signage. All Adult Businesses shall have conspicuously displayed in the common area at the principal entrance to the premises a sign, on which uppercase letters shall be at least one inch high, which shall read as follows:

THIS ADULT BUSINESS IS REGULATED

AND LICENSED BY THE CITY OF LAWTON

ORDINANCE NUMBER _____

B. Sanitation. The premises of all Adult Businesses shall be kept in a sanitary condition. Separate dressing rooms and restrooms for men and women shall at all times be maintained and kept in a sanitary condition.

Section 7-13-1-1320 SUSPENSION OR, REVOCATION OF LICENSES.

Whenever the Licensing Authority has information that:

A. The licensee of an Adult Business has violated, or allowed or permitted the violation of, any of the provisions of this Article, or

B. There has been a violation of any provision of this Article on the premises of the Adult Business and there is a rebuttable presumption that the licensee knew or should have known that such violations were committed; or

C. The Adult Business license was obtained through false statements in the application for such license, or renewal thereof; or

D. The Adult Business license has been materially altered or defaced or is being or was used by a person other than the license holder or at a location other than that identified on the license; or

E. The Adult Business licensee failed to make a complete disclosure of all information in the application for such license, or renewal thereof; or

F. The owner or operator, or any partner, or any corporate officer or director holding an Adult Business license has become disqualified from having a license as provided in Section 7-1310 of this Article.

The Licensing Authority shall, upon five (5) days written notice to the person holding the license, conduct a hearing to determine whether the license should be suspended or revoked. The violation of any provision of this Article by any employee, agent or patron occurring on the licensed premises is presumed to be within the knowledge of the license holder. No license which has been mistakenly issued by the Licensing Authority arising from the unilateral mistake of the Licensing Authority or its clerical personnel may be suspended or revoked by the licensing authority unless and except when the licensee would not have been qualified for the original or renewal license based on the information shown on the face of the original or renewal application.

The Licensing Authority, based on the evidence produced at the hearing, may take any of the following actions:

1. Suspend the license for up to ninety days; or
2. Revoke the license; or
3. Place the license holder on administrative probation for a period of up to one year, on the condition that no further violations of this Article occur during the period of probation.

The licensee whose license is suspended or revoked under the provisions of this section may appeal the suspension or revocation under the provisions of Section 7-1312 of this Article.

(97-29, Amended, 06/10/1997)

Section 7-13-1-1321 LICENSE RENEWAL.

A. A license may be renewed by making application to the Licensing Authority on application forms provided for that purpose. Renewal applications for such licenses shall be submitted no sooner than ninety (90) days, but not later than forty-five (45) days prior to expiration of the license.

B. Upon timely, proper submission of a complete application for renewal and the payment in full of all license fees, the Licensing Authority shall issue to the applicant a receipt showing the date of the renewal application. Any license issued under the provisions of this Article may be renewed by issuance of a renewal license for an additional one (1) year license period. All applications for renewal of the license shall be processed in the manner provided for the issuance of the initial license, and must comply with and satisfy the qualifications for a license specified in this Article. The Licensing Authority may waive the required floor configuration diagram if the applicant adopts a diagram that was previously submitted and certifies that the configuration has not been altered. No survey is required if the applicant certifies he has not altered the subject property.

C. If the application for renewal of a license is not made during the time provided in subsection (A), then the license shall expire upon the effective expiration date. A new license application shall then be required to re-issue any expired license. There shall be no appeal to the non-issuance of a license because of the failure of a licensee to submit a renewal application within the specified time. Any Adult Business operating under the exception provided by Section 7-1306B of this Article, who fails to file for a renewal application within the time limits specified, shall cease, upon such failure to apply, to be covered by the provisions of said exception upon the expiration of the Adult Business license.

D. If the renewal of an Adult Business License is denied by the Licensing Authority for any reason other than failure to apply within the time limits specified, the appeal procedures set out in Section 7-1312 of this Article shall apply.

Section 7-13-1-1322 VIOLATIONS.

It shall be unlawful for any person to fail to comply with any provision of this Article or to commit any act prohibited by this Article, and the commission of any prohibited act or the failure or refusal to comply with any requirement of this Article shall be and hereby is declared to be a violation, and each separate act or event shall be and does constitute a separate violation. Each day that a violation shall exist shall constitute a new and separate offense.

Section 7-13-1-1323 APPLICABILITY TO OTHER REGULATIONS.

The provisions of this Article are not intended to provide exclusive regulation of the regulated Adult Businesses. Such businesses must comply with any and all applicable regulations imposed in other articles of the zoning ordinance, the Lawton City Code and State and Federal law.

Section 7-13-1-1324 CONDUCT CONSTITUTING A PUBLIC NUISANCE.

In addition to other remedies for violation of the Lawton City Code, the conduct of any Adult Business within the City in violation of any of the terms of this Article is hereby found and declared to be a public nuisance.

Section 7-13-1-1325 CIVIL REMEDIES.

A person who operates or causes to be operated an Adult Business without a valid license or in violation of Section 7-1307 of this Article is subject to a suit for injunction as well as prosecution for criminal violations.

Section 7-13-1-1326 RIGHT OF ENTRY.

The application for an Adult Business license shall constitute consent of the licensee and his agents or employees to permit the Lawton Police Department or any other agent of the City to conduct routine inspections of any licensed Adult Business during the hours the establishment is conducting business.

Section 7-13-1-1327 EXEMPTIONS GENERALLY.

It is an affirmative defense to prosecution under this article if a person appearing in a state of nudity or semi-nude did so in a modeling class operated:

- A. by a proprietary school, licensed by the State of Oklahoma; a college, junior college, or university supported entirely or partly by taxation;
- B. by 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
- C. in a structure:
 1. which has no sign visible from the exterior of the structure and no other advertising that indicates a nude person is available for viewing; and
 2. where, in order to participate in a class a student must enroll at least three days in advance of the class; and
 3. where no more than one nude model is on the premises at any one time.

Section 7-13-1-1328 PENALTIES.

Any person who violates any provision of this Article shall be guilty of misdemeanor, and, upon conviction shall be punished as provided in Section 1-119 of this Lawton City Code.