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## Lake County, IL Code of Ordinances

**CHAPTER 113: ADULT USE LICENSING**

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## Section

*General Provisions*

- 113.01 Recitals
- 113.02 Short title
- 113.03 Definitions
- 113.04 Adult Use Commissioner and Adult Use Commission

*Licensing*

- 113.15 Adult establishment licenses generally
- 113.16 Form and submittal of license application
- 113.17 Processing of license application
- 113.18 Standards for issuance or denial of license
- 113.19 Inspections by the county
- 113.20 Change in information

*Regulations, General and Special*

- 113.35 Regulations applicable to all adult entertainment establishments
- 113.36 Special regulations for adult booths
- 113.37 Special regulations for adult cabarets
- 113.38 Special regulations for adult stores
- 113.39 Special regulations for adult theaters

***Violations; Enforcement; Recordkeeping***

- 113.50 Licensee responsibility for employees
- 113.51 License revocation or suspension
- 113.52 Administrative record
- 113.53 Employee registration and recordkeeping by licensee
- 113.54 Nuisance declared
  
- 113.99 Penalty

**GENERAL PROVISIONS****§ 113.01 RECITALS.**

The recitals attached to the ordinance establishing this chapter and to the licensing ordinance adopted February 10, 1998, are incorporated herein as the findings and determinations of the Chair and members of the County Board.

(1977 Code, § 6:1-15) (Ord. 6:1-15, passed 10-9-2001)

**§ 113.02 SHORT TITLE.**

This chapter shall be known as and may be referred to as the “Lake County Adult Use Ordinance” or “this chapter”.

(1977 Code, § 6:1-15) (Ord. 6:1-15, passed 10-9-2001)

**§ 113.03 DEFINITIONS.**

For the purpose of this chapter, the following definitions shall apply.

**ADULT BOOTH.** Any area of an adult entertainment establishment set off from the remainder of the establishment by one or more walls or other dividers or partitions and used to show, play, or otherwise demonstrate any adult materials or to view any live performance that is distinguished or characterized by an emphasis on the exposure, depiction, or description of specified anatomical areas or the conduct or simulation of specified sexual activities.

***ADULT ENTERTAINMENT ESTABLISHMENT.*** Any of the following commercial establishments, as defined herein.

(1) ***ADULT CABARET.*** Any commercial establishment that as a substantial or significant portion of its business regularly features any of the following:

(a) Persons who appear semi-nude; or

(b) Live performances that are distinguished or characterized by an emphasis on the exposure, depiction, or description of specified anatomical areas or the conduct or simulation of specified sexual activities.

(2) ***ADULT STORE.*** Any commercial establishment that:

(a) Contains one or more adult booths;

(b) As a substantial or significant portion of its business offers for sale, rental, or viewing any adult materials; or

(c) Has a segment or section devoted to the sale or display of adult materials.

(3) ***ADULT THEATER.*** Any commercial establishment that as a substantial or significant portion of its business regularly features for presentation films, motion pictures, video or audio cassettes, slides, computer displays, or other visual representations or recordings that are distinguished or characterized by an emphasis on the exposure, depiction, or description of specified anatomical areas, or the conduct or simulation of specified sexual activities.

(4) ***SUBSTANTIAL OR SIGNIFICANT PORTION OF ITS BUSINESS.*** For purposes of the definitions in the subsections (1), (2), and (3) of this definition, the phrase ***SUBSTANTIAL OR SIGNIFICANT PORTION OF ITS BUSINESS*** shall be deemed to apply to any commercial establishment that satisfies one or more of the following criteria:

(a) *Gross sales.* 30% or more of the retail dollar value of the commercial establishment's annual gross sales derives from the sale, rental, or viewing of adult materials;

(b) *Floor area.* 30% or more of the floor area of the commercial establishment is devoted to the display, viewing, or presentation of adult materials, not including storerooms, stock areas, bathrooms, basements, or any other portion of the commercial establishment not open to the public;

(c) *Merchandise displayed.* 30% or more of the retail dollar value of all merchandise displayed at any one time is attributable to adult materials;

(d) *Inventory.* 30% or more of all inventory of the commercial establishment (whether measured by retail dollar value or number of items) consists at any one time of adult materials;

(e) *Stock in trade.* 30% or more of the stock in trade at the commercial establishment consists at any one time of adult materials; or

(f) *Live performances.* Live performances by persons appearing semi-nude, or live performances that are otherwise distinguished or characterized by an emphasis on the exposure, depiction, or description of specified anatomical areas or the conduct or simulation of specified sexual activities, and that are taking place 30% or more of the time during which the commercial establishment is open for business.

**ADULT ESTABLISHMENT EMPLOYEE.** Any individual, including entertainers, who work in or at, or render any services directly related to the operation of, an adult entertainment establishment; provided, however, that this definition shall not include persons delivering goods, materials (other than adult materials), food and beverages, or performing maintenance or repairs, to the licensed premises.

**ADULT ESTABLISHMENT LICENSE.** A license issued for an adult entertainment establishment pursuant to the provisions of this chapter.

**ADULT ESTABLISHMENT PATRON.** Any individual, other than an adult establishment employee, present in or at any adult entertainment establishment at any time when the adult entertainment establishment is open for business; provided, however, that this definition shall not include persons delivering goods, materials (other than adult materials), food and beverages, or performing maintenance or repairs to the licensed premises.

**ADULT MATERIAL.** Any of the following, whether new or used:

(1) Any of the following, whether new or used, that are distinguished or characterized by an emphasis on the exposure, depiction, or description of specified anatomical areas, or the conduct or simulation of specified sexual activities:

- (a) Books, magazines, periodicals, or other printed matter, or digitally-stored materials;
- (b) Films, motion pictures, video or audio cassettes, slides, computer displays, or other visual representations or recordings of any kind; or
- (c) Live performances.

(2) Instruments, novelties, devices, or paraphernalia that are designed for use in connection with specified sexual activities, or that depict or describe specified anatomical areas.

**ADULT USE COMMISSION.** A commission appointed by the Adult Use Commissioner pursuant to § 113.04.

**ADULT USE COMMISSIONER.** The Chair of the County Board of this county, pursuant to § 113.04.

**COMMERCIAL ESTABLISHMENT.** Any place where admission, services, performances, or products are provided for or upon payment of any form of consideration.

**COUNTY UNIFIED DEVELOPMENT ORDINANCE.** The ordinance known and referred to as the Unified Development Ordinance of Lake County, as it may be amended from time to time, codified as Chapter 151.

**DAYS.** Calendar days, unless otherwise specifically set forth in this chapter.

**LICENSED PREMISES.** The place or location described in an adult establishment license where an adult entertainment establishment is authorized to operate. No sidewalks, streets, parking areas, public rights-of-way, or grounds adjacent to any such place or location shall be included within the **LICENSED PREMISES**.

**LICENSEE.** Any person or entity that has been issued an adult establishment license pursuant to the provisions of this chapter.

**NUDE or STATE OF NUDITY.** A state of dress or undress that exposes to view:

(1) Less than completely and opaquely covered human genitals; pubic region; anus; or female breast below a point immediately above the top of the areola, but not including any portion of the cleavage of the female breast exhibited by a dress, blouse, shirt, leotard, bathing suit, or other wearing apparel, provided the areola is not exposed; or

(2) Human male genitals in a discernibly turgid state, even if completely and opaquely covered, or any device or covering that, when worn, simulates human male genitals in a discernibly turgid state.

**REVIEWING DEPARTMENTS.** Lake County Sheriff's Office, the Lake County Health Department and Community Health Center, and the Lake County Department of Planning, Building and Development.

**SEMI-NUDE.** A state of dress or undress in which clothing covers no more than the genitals, pubic region, and areolas of the female breast, as well as portions of the body covered by supporting straps or devices or by other minor accessory apparel such as hats, gloves, and socks.

**SPECIFIED ANATOMICAL AREAS.** Any of the following:

(1) Less than completely and opaquely covered human genitals; pubic region; buttocks; anus; or female breast below a point immediately above the top of the areolas, but not including any portion of the cleavage of the female breast exhibited by a dress, blouse, shirt, leotard, bathing suit, or other wearing apparel, provided the areola is not exposed; or

(2) Human male genitals in a discernibly turgid state, even if completely and opaquely covered, or any device or covering that, when worn, simulates human male genitals in a discernibly turgid state.

**SPECIFIED CRIMINAL ACT.** Any unlawful lewd, indecent, or immoral sexual conduct, including specifically but without limitation any of the lewd, indecent, or immoral sexual criminal acts specified in any of the following statutes:

- (1) Article II of the Illinois Criminal Code (sex offenses);
- (2) Section 26-4 of the Illinois Criminal Code, 720 ILCS 5/330 (unauthorized videotaping);
- (3) Section 33D-1 of the Illinois Criminal Code, 720 ILCS 5/330-1 (contributing to the criminal delinquency of a juvenile);
- (4) The Obscene Phone Call Act, 720 ILCS 135/0.01 et seq.;
- (5) The Wrongs to Children Act, 720 ILCS 150/0.01 et seq.;
- (6) The Improper Supervision of Children Act, 720 ILCS 640/0.01 et seq.; and
- (7) The Sale of Immoral Publications to Children Act, 720 ILCS 670/0.01 et seq.

**SPECIFIED SEXUAL ACTIVITIES.** Any of the following:

- (1) Actual physical touching of human genitals, pubic region, buttocks, anus, or female breasts;
- (2) Actual physical sexual acts, normal or perverted, including intercourse, oral copulation, or sodomy;
- (3) Actual masturbation;

- (4) Human genitals in a state of sexual stimulation, arousal, or tumescence; and
- (5) Excretory functions as part of or in connection with any of the activities set forth in subsections (1), (2), (3), or (4) of this definition.

***STRADDLE DANCE.***

(1) The use by any person, including specifically but without limitation an adult establishment employee, or any part of his or her body to deliberately touch the genitals, pubic region, buttock, anus, or female breast of any adult establishment patron or any other person, or the deliberate touching of the genitals, pubic region, buttock, anus, or female breast of any person by any adult establishment patron.

(2) Conduct shall be a ***STRADDLE DANCE*** regardless of whether the “touch” or “touching” occurs while the person is displaying or exposing any specified anatomical area. Conduct shall also be a ***STRADDLE DANCE*** regardless of whether the “touch” or “touching” is direct or through a medium. Conduct commonly referred to by the slang terms ***LAP DANCE***, ***TABLE DANCE***, and ***FACE DANCE*** shall be included within this definition of ***STRADDLE DANCE***.

(1977 Code, § 6:1-15) (Ord. 6:1-15, passed 10-9-2001)

**§ 113.04 ADULT USE COMMISSIONER AND ADULT USE COMMISSION.**

(A) *Adult Use Commissioner.* The Chair of the County Board of Lake County is hereby designated as the Adult Use Commissioner pursuant to the terms and conditions of this chapter. The Adult Use Commissioner shall have the following powers and duties:

- (1) To administer and rule upon the applications for and the issuance, renewal, suspension, and revocation of adult establishment licenses as set forth in this chapter;
- (2) To conduct or provide for inspections of adult entertainment establishments as shall be necessary to determine and ensure compliance with the provisions of this chapter and other applicable provisions of law;
- (3) To periodically review the provisions of this chapter and the conduct and operation of adult entertainment establishments and adult establishment licensees, and to make related reports and recommendations to the County Board as the Adult Use Commissioner shall deem necessary;
- (4) To appoint County Board members to serve on the Adult Use Commission as set forth in subsection (B) of this section;
- (5) To direct the Adult Use Commission to conduct the hearings, studies, and reports on adult entertainment establishments, and the regulations relating thereto, as the Adult Use Commissioner shall deem necessary; and
- (6) To take any further actions as the Adult Use Commissioner shall deem necessary to carry out the purposes and intent of this chapter and to exercise such additional powers in furtherance thereof as are implied or incident to those powers and duties expressly set forth in this chapter.

(B) *Adult Use Commission.*

- (1) *Creation.* A commission entitled “Adult Use Commission” is hereby created and established for the purposes set forth in this chapter.

(2) *Composition.* The Adult Use Commissioner may appoint one or more current members of the County Board of the county to serve at the will of the Adult Use Commissioner and to advise the Adult Use Commissioner on matters relating to the implementation and enforcement of the regulations set forth in this chapter and to the exercise of the Adult Use Commissioner's powers and duties under this chapter. The person or persons appointed by the Adult Use Commissioner, along with the Adult Use Commissioner, shall comprise the Adult Use Commission.

(3) *Filing of appointments.* The Adult Use Commissioner shall file a written appointment of each of the members of the Adult Use Commission in the office of the Lake County Clerk within five days after each appointment.

(4) *Duties.* The Adult Use Commission shall have the following powers and duties:

(a) At the direction of the Adult Use Commissioner, to recommend to the Adult Use Commissioner any further regulations regarding adult entertainment establishments and adult establishment licenses as the members of the Commission may deem necessary to protect the public health, safety, and welfare or to otherwise carry out the purposes and objectives of the regulations established pursuant to this chapter;

(b) To conduct and prepare hearings, studies, and reports upon matters referred to the Commission by the Adult Use Commissioner and to make reports and recommendations relating thereto as are requested by the Adult Use Commissioner; and

(c) To conduct hearings on the revocation or suspension of an adult establishment license as required pursuant to § 113.51.

(1977 Code, § 6:1-15) (Ord. 6:1-15, passed 10-9-2001)

## LICENSING

### § 113.15 ADULT ESTABLISHMENT LICENSES GENERALLY.

(A) *Adult establishment license required.* An adult establishment license shall be required to establish, operate, or maintain an adult entertainment establishment within the unincorporated area of Lake County.

(B) *Operation without license prohibited.* Except as provided in subsection (F) of this section with regard to adult entertainment establishments existing prior to the effective date of this chapter, it shall be unlawful for any person not having a current and valid adult establishment license to establish, operate, or maintain an adult entertainment establishment within the unincorporated area of Lake County at any time after the effective date of this chapter.

(C) *Operation in violation of license prohibited.* It shall be unlawful for any licensee to establish, operate, or maintain an adult entertainment establishment within the unincorporated area of Lake County except in the manner authorized by, and in compliance with, the provisions of this chapter and the licensee's adult establishment license.

(D) *Content and display of license.* Every adult establishment license shall be provided by the county and shall, at a minimum, prominently state on its face the name of the licensee, the expiration date, and the address of the adult entertainment establishment. Every licensee shall cause the licensee's adult establishment license to be framed, covered by glass, and hung at all times in plain view in a conspicuous place on the licensed premises so that it can be easily seen and read at any time by any person entering the licensed premises.

(E) *License term.* Except as hereinafter provided, adult establishment licenses shall be operative and valid, unless first terminated, suspended, or revoked, for a term of one year commencing on January 1 of the year following the year of issuance and terminating on December 31 of that same year. Adult establishment licenses issued after January 1 of any year for operations to commence in that year shall be operative and valid, unless first terminated, suspended, or revoked, for a term commencing on the date of issuance and terminating on December 31 of that same year.

(F) *Existing establishments.* An adult entertainment establishment existing prior to the effective date of this chapter shall:

- (1) Submit an application for an adult establishment license no later than May 11, 1998;
- (2) Cease operations on November 11, 1998, unless it has secured, by that date, an adult establishment license pursuant to this chapter; and
- (3) Be subject to all other provisions of this chapter as of November 11, 1998.

(G) *Renewal.* An adult establishment license may be renewed only by making application as required for an initial license pursuant to § 113.16. Application for renewal shall be made at least 30 days before the expiration of the then-current license term. The expiration of the license shall not be affected or extended by a renewal application that is made less than 30 days before expiration.

(H) *Continuation of commercial establishment as non-adult entertainment establishment.* Whenever any adult establishment licensee intends to cease operations of its commercial establishment as an adult entertainment establishment but to continue to operate the commercial establishment on the licensed premises as any commercial establishment other than an adult entertainment establishment, the licensee shall, at least 45 days before the expiration of the then-current license term, notify the Adult Use Commissioner in writing of the change of use. The notification shall include any documents and information, verified by affidavit, necessary to demonstrate that the commercial establishment will not be an adult entertainment establishment under the definitions set forth in § 113.03. Specifically, but without limitation, the licensee shall provide evidence, verified by affidavit, to the Adult Use Commissioner that the commercial establishment will not satisfy any of the criteria set forth in subsection (4) of the definition for “adult entertainment establishment” set forth in § 113.03.

(1977 Code, § 6:1-15) (Ord. 6:1-15, passed 10-9-2001) Penalty, see § 113.99

## § 113.16 FORM AND SUBMITTAL OF LICENSE APPLICATION.

(A) *Required form.*

(1) An application for an adult establishment license, or the renewal thereof, shall be made in writing to the Adult Use Commissioner on a form prescribed by the Adult Use Commissioner and shall be signed:

- (a) By the applicant, if the applicant is an individual;
- (b) By at least one of the persons entitled to share in the profits of the organization and having unlimited personal liability for the obligations of the organization and the right to bind all other such persons, if the applicant is a partnership (general or limited), joint venture, or any other type of organization where two or more persons share in the profits and liabilities of the organization;
- (c) By a duly authorized agent, if the applicant is a corporation; or

(d) By the trustee, if the applicant is a land trust.

(2) The application shall be verified by oath or affidavit as to all statements made on or in connection with the application and any attachments thereto. Each application shall specifically identify the applicant and the licensed premises for which an adult establishment license is sought. Each initial or renewal application shall be accompanied by seven identical copies.

(B) *Administrative processing fee.* Every applicant for an adult establishment license or for the renewal of an existing adult establishment license shall pay an administrative processing fee in the amount of \$200 by certified check to the county at the time of filing the application. The administrative processing fee shall in all cases be non-refundable and shall be deposited in the general corporate fund of the county.

(C) *Required information and documents.* Each application shall include the following information and documents:

(1) (a) *Individuals.* The applicant's legal name, all of the applicant's aliases, the applicant's business address, written proof of the applicant's age, the citizenship and place of birth of the applicant and, if a naturalized citizen, the time and place of the applicant's naturalization.

(b) *Corporations.* The applicant corporation's complete name and official business address; the legal name, all aliases, and the ages and business addresses of all of the directors, officers, and managers of the corporation and of every person owning or controlling more than 50% of the voting shares of the corporation; the corporation's date and place of incorporation and the objects for which it was formed; proof that the corporation is a corporation in good standing and authorized to conduct business in this state; and the name of the registered corporate agent and the address of the registered office for service of process.

(c) *Partnerships (general or limited), joint ventures, or any other type of organization where two or more persons share in the profits and liabilities of the organization.* The applicant organization's complete name and official business address; the legal name, all aliases, and the ages and business addresses of each partner (other than limited partners) or any other person entitled to share in the profits of the organization, whether or not the person is also obligated to share in the liabilities of the organization.

(d) *Land trusts.* The applicant land trust's complete name; the legal name, all aliases, and the business address of the trustee of the land trust; the legal name, all aliases, and the ages and business addresses of each beneficiary of the land trust and the specific interest of each beneficiary in the land trust; and the interest, if any, that the land trust holds in the licensed premises.

(2) If a corporation or partnership is an interest holder that must be disclosed pursuant to subsections (C)(1)(b) or (C)(1)(c) above, then the interest holders shall disclose the information required in those divisions with respect to their interest holders;

(3) The general character and nature of the business of the applicant;

(4) The length of time that the applicant has been in the business of the character specified in response to subsection (C)(3) above;

(5) The location, including street address and legal description, and telephone number, of the premises for which the adult establishment license is sought;

(6) The specific name of the business that is to be operated under the adult establishment license;

(7) The identity of each fee simple owner of the licensed premises;

(8) A diagram showing the internal and external configuration of the licensed premises, including all doors, windows, entrances, exits, the fixed structural internal features of the licensed premises, plus the interior rooms, walls, partitions, stages, performance areas, and restrooms. A professionally prepared diagram in the nature of an engineer's or architect's blueprint shall not be required; provided, however, that each diagram shall be oriented to the north or to some designated street or object and shall be drawn to a designated scale or with marked dimensions to an accuracy of plus or minus six inches and sufficient to show clearly the various interior dimensions of all areas of the licensed premises and to demonstrate compliance with the provisions of this chapter. The requirements of this subsection (C)(8) shall not apply for renewal applications if the applicant adopts a diagram that was previously submitted for the license sought to be renewed and if the licensee certifies that the licensed premises has not been altered since the immediately preceding issuance of the license and that the previous diagram continues to accurately depict the exterior and interior layouts of the licensed premises. The approval or use of the diagram required pursuant to this subsection (C)(8) shall not be deemed to be, and shall not be interpreted or construed to constitute, any other county approval otherwise required pursuant to applicable county ordinances and regulations;

(9) The specific type or types of adult entertainment establishment(s) that the applicant proposes to operate in the licensed premises;

(10) A copy of each adult establishment license or any license substantially the same as an adult establishment license currently held by the applicant, or any of the individuals identified in the application pursuant to subsections (C)(1) or (C)(2) of this section;

(11) Whether the applicant, or any of the individuals identified in the application pursuant to subsections (C)(1) or (C)(2) of this section, has had a license or other authorization to conduct or operate a business substantially the same as an adult entertainment establishment revoked or suspended, and, if so, the date and grounds for each revocation or suspension, and the name and location of the establishment at issue; and

(12) The name of the individual or individuals who shall be the day-to-day, on-site managers of the proposed adult entertainment establishment. If the manager is other than the applicant, the applicant shall provide, for each manager, all of the information required pursuant to subsections (C)(1)(a), (C)(10) and (C)(11) above.

(D) *Incomplete applications returned.* Any application for an adult establishment license that does not include all of the information and documents required pursuant to subsection (C) of this section, as well as the administrative processing fee required pursuant to subsection (B) of this section, shall be deemed to be incomplete and shall not be acted on or processed by the county. The Adult Use Commissioner shall, within five days of submittal, return the incomplete application to the applicant along with a written explanation of the reasons why the application is incomplete.

(1977 Code, § 6:1-15) (Ord. 6:1-15, passed 10-9-2001)

### § 113.17 PROCESSING OF LICENSE APPLICATION.

(A) *Reviewing departments.* Within three days after receipt of a complete application for an adult establishment license that includes all of the information and documents required pursuant to § 113.16(C) as well as the administrative processing fee required pursuant to § 113.16(B), the Adult Use Commissioner shall transmit a copy of the application to the reviewing departments.

(B) *Reviewing department reports.* Each of the reviewing departments shall, within 25 days after transmittal of the application thereto:

(1) Review the application;

(2) Conduct inspections of the proposed licensed premises and background investigations of the applicant and any of the individuals identified in the application pursuant to § 113.16(C)(1), (2), or (12) of this chapter, regarding matters within their respective jurisdictions, as shall be reasonably necessary to verify the information set forth in the application and to determine whether the proposed adult entertainment establishment and licensed premises comply with the requirements of this chapter and other applicable laws, codes, ordinances, rules, and regulations; and

(3) Prepare and submit to the Adult Use Commissioner a written report regarding the results and findings of the reviews, inspections, and investigations.

(C) *Adult Use Commissioner review.* The Adult Use Commissioner shall also conduct inspections and investigations as the Adult Use Commissioner shall deem reasonably necessary to verify, the information set forth in the application and to determine whether the proposed adult entertainment establishment and licensed premises comply with the requirements of this chapter and other applicable laws, codes, ordinances, rules, and regulations.

(D) *Reliance on diagram.* In the event that the licensed premises has not yet been constructed or reconstructed to accommodate the proposed adult entertainment establishment, the Adult Use Commissioner and the reviewing departments shall base their respective written reports, investigations, and inspections to the extent necessary, on the diagram submitted pursuant to § 113.16(C)(8). Any adult establishment license issued prior to the construction or reconstruction necessary to accommodate the proposed adult entertainment establishment shall contain a condition that the adult entertainment establishment shall not open for business until the licensed premises has been inspected and determined to be in substantial compliance with the diagram submitted with the application.

(E) *Applicant cooperation required.* An applicant for an adult establishment license shall cooperate fully in the inspections and investigations conducted by the Adult Use Commissioner and the reviewing departments. The applicant's failure or refusal to do the following shall constitute an admission by the applicant that the applicant is ineligible for an adult establishment license and shall be grounds for denial of the license by the Adult Use Commissioner:

- (1) To give any information reasonably relevant to the investigation of the application;
- (2) To allow the licensed premises to be inspected;
- (3) To appear at any reasonable time and place for examination under oath regarding the application; or
- (4) To otherwise cooperate with the investigation and inspection required by this chapter.

(F) *Time for issuance or denial.* The Adult Use Commissioner shall, within 30 days after submittal of a properly completed application, either issue an adult establishment license pursuant to the provisions of § 113.18(A) or deny issuance of the adult establishment license pursuant to the provisions of § 113.18(B). The Adult Use Commissioner shall issue or deny the license within the 30-day period regardless of whether or not the Adult Use Commissioner has received all of the reviewing department reports.

(G) *Decision final.* The action taken by the Adult Use Commissioner to issue an adult establishment license pursuant to § 113.18(A) or to deny issuance of an adult establishment license pursuant to § 113.18(B) shall be final and shall be subject to judicial review.

(1977 Code, § 6:1-15) (Ord. 6:1-15, passed 10-9-2001)

### § 113.18 STANDARDS FOR ISSUANCE OR DENIAL OF LICENSE.

(A) *Issuance.* The Adult Use Commissioner shall issue an adult establishment license to an applicant if, but only if, the Adult Use Commissioner finds and determines all of the following, based on the reports, investigations, and inspections conducted by the Adult Use Commissioner and the reviewing departments and on any other credible information on which it is reasonable for the Adult Use Commissioner to rely:

(1) All information and documents required by § 113.16 for issuance of an adult establishment license have been properly provided and the material statements made in the application are true and correct;

(2) For adult stores and adult theaters, all persons identified in the application pursuant to § 113.16(C)(1), (2), or (12) of this chapter are at least 18 years of age and not under any legal disability. For adult cabarets, all persons identified in the application pursuant to § 113.16(C)(1), (2), or (12) are at least 21 years of age and not under any legal disability;

(3) No person identified in the application pursuant to § 113.16(C)(1), (2), or (12) is residing with, or married to, a person:

(a) Who has been denied an adult establishment license on the licensed premises within 12 months immediately preceding the date of the application;

(b) Whose adult establishment license for the licensed premises has been revoked within 12 months immediately preceding the date of the application; or

(c) Whose adult establishment license is currently under suspension at the time of application.

(4) The adult entertainment establishment and the licensed premises, and the proposed operation of the adult entertainment establishment, comply with all then-applicable building, health, and life safety codes and regulations and have received all necessary zoning approvals required pursuant to the then-applicable provisions of the Unified Development Ordinance of Lake County (see Chapter 151), including specifically but without limitation the zoning certificate required for the adult entertainment establishment; and

(5) The applicant has confirmed in writing and under oath as part of the application that the applicant has read this chapter and all provisions of the Unified Development Ordinance of Lake County (Chapter 151, §§ 151.001 through 151.285) applicable to adult entertainment establishments, that the applicant is familiar with their terms and conditions, and that the licensed premises and the proposed adult entertainment establishment and its proposed operation are and shall be in compliance therewith.

(B) *Denial.*

(1) If the Adult Use Commissioner determines that the applicant has not met any one or more of the conditions set forth in subsection (A) of this section, then the Adult Use Commissioner shall deny issuance of the adult establishment license and shall give the applicant a written notification and explanation of the denial.

(2) The Adult Use Commissioner's notice of denial shall be delivered in person or by certified U.S. mail, postage prepaid, return receipt requested, addressed to the applicant's address as set forth in the application.

(3) With regard to a license application for a new adult entertainment establishment, the adult establishment license shall be deemed denied on the day that the notice of denial is delivered in person or three days after it is placed in the U.S. mail as provided in this subsection (B).

(4) With regard to an application for renewal of an existing adult entertainment establishment license, in order to allow an aggrieved licensee an opportunity to obtain judicial review, the denial shall take effect either on the fourteenth day after the Adult Use Commissioner's written decision is delivered in person, or on the seventeenth day after the Adult Use Commissioner's written decision is placed in the U.S. mail as provided in this subsection (B).

(C) *License deemed to be issued.* If the Adult Use Commissioner does not issue or deny the adult establishment license within 30 days after the properly completed application is submitted, then the adult establishment license applied for shall be deemed to have been issued.

(1977 Code, § 6:1-15) (Ord. 6:1-15, passed 10-9-2001)

### § 113.19 INSPECTIONS BY THE COUNTY.

(A) *Authority.* The Adult Use Commissioner and other county representatives and departments with jurisdiction shall periodically inspect all adult entertainment establishments as shall be necessary to determine compliance with the provisions of this chapter and all other applicable law.

(B) *Licensee cooperation.* A licensee shall permit representatives of the county to inspect the licensed premises and the adult entertainment establishment for the purpose of determining compliance with the provisions of this chapter and all other applicable law at any time during which the licensed premises is occupied or the adult entertainment establishment is open for business.

(C) *Interference or refusal illegal.* It shall be unlawful for the licensee, any adult establishment employee, or any other person to prohibit, interfere with, or refuse to allow, any lawful inspection conducted by the county pursuant to this chapter or any other authority.

(D) *Suspension or revocation.* Any prohibition, interference, or refusal shall be grounds for suspension or revocation of the adult establishment license pursuant to § 113.51.

(1977 Code, § 6:1-15) (Ord. 6:1-15, passed 10-9-2001) Penalty, see § 113.99

### § 113.20 CHANGE IN INFORMATION.

During the pendency of any application for, or during the term of, any adult establishment license, the applicant or licensee shall promptly notify the Adult Use Commissioner in writing of any change in any material information given by the applicant or licensee in the application for the license, including specifically but without limitation any change in managers of the adult entertainment establishment or in the individuals identified in the application pursuant to § 113.16(C)(1) or (C)(2) of this chapter; or if any of the events specified in § 113.51(A) occur.

(1977 Code, § 6:1-15) (Ord. 6:1-15, passed 10-9-2001)

## REGULATIONS, GENERAL AND SPECIAL

**§ 113.35 REGULATIONS APPLICABLE TO ALL ADULT ENTERTAINMENT ESTABLISHMENTS.**

(A) *General compliance.* All licensed premises and adult entertainment establishments shall comply with the provisions of this chapter; all other applicable county ordinances, resolutions, rules, and regulations; and all other applicable federal, state, and local laws.

(B) *Hours of operation.* No adult entertainment establishment shall be open for business at any time between the hours of 12:00 a.m. and 12:00 noon on any weekday or Saturday. No adult entertainment establishment shall be open for business at any time on any Sunday or on any legal state or federal holiday.

(C) *Animals.* No animals, except only for seeing-eye dogs required to assist a blind adult establishment patron, shall be permitted at any time at or in any adult entertainment establishment or licensed premises. Any seeing-eye dog must at all times remain at the side of the blind adult establishment patron.

(D) *Restrooms.* All restrooms in adult entertainment establishments shall be equipped with standard toilets, sinks, and other traditional lavatory facilities. No adult materials or live performances shall be provided or allowed at any time in the restrooms of an adult entertainment establishment. Separate male and female restrooms shall be provided for and used by adult establishment employees and adult establishment patrons.

(E) *Restricted access.* No adult establishment patron shall be permitted at any time to enter into any of the non-public portions of any adult entertainment establishment, including specifically but without limitation any storage areas or dressing or other rooms provided for the benefit of adult establishment employees. This subsection (E) shall not apply to persons delivering goods and materials, food and beverages, or performing maintenance or repairs to the licensed premises; provided, however, that the persons shall remain in the non-public areas only for the purposes and to the extent and time necessary to perform their job duties.

(F) *Specific prohibited acts.*

(1) No adult establishment employee or any other person at any adult entertainment establishment shall appear, be present, or perform while nude.

(2) No adult establishment employee or any other person at any adult entertainment establishment shall perform or conduct any specified sexual activity with or upon any adult establishment patron or any other adult establishment employee or any other person. No adult establishment patron or any other person at any adult entertainment establishment shall perform or conduct any specified sexual activity with or for any adult establishment employee or any other adult establishment patron or any other person.

(3) Straddle dances shall be prohibited at all adult entertainment establishments.

(G) *Exterior display.* No adult entertainment establishment shall be maintained or operated in any manner that causes, creates, or allows public viewing of any adult material, or any entertainment depicting, describing, or relating to specified sexual activities or specified anatomical areas, from any sidewalk, public or private right-of-way, or any property other than the lot on which the licensed premises is located. No portion of the exterior of an adult entertainment establishment shall utilize or contain any flashing lights, search lights, or spotlights, or any other similar lighting systems, or any words, lettering, photographs, silhouettes, drawings, or pictorial representations of any manner except to the extent specifically allowed pursuant to subsection (H) of this section with regard to signs. This subsection (H) shall apply to any advertisement, display, promotional material, decoration, or sign; to any performance or show; and to any window, door, or other opening.

(H) *Signage limitations.* All signs for adult entertainment establishments shall be flat wall signs. The maximum allowable sign area shall be one square foot of sign area per foot of lot frontage on a street, but in no event exceeding 32 square feet. The maximum number of signs shall be one per lot frontage. Signs otherwise permitted pursuant to this chapter shall contain only the name of the adult entertainment establishment, and/or the specific type of adult entertainment establishment conducted on the licensed premises. Temporary signage shall not be permitted in connection with any adult entertainment establishment.

(I) *Noise.* No loudspeakers or sound equipment audible beyond the licensed premises shall be used at any time.

(J) *Gambling and related devices prohibited.* No adult entertainment establishment shall contain any video, pinball, slot, bagatelle, pigeon-hole, pool, or any other games, machines, tables, or implements.

(K) *Manager's station.* Each adult entertainment establishment shall have one or more manager's stations. The interior of each adult entertainment establishment shall be configured in such a manner that there is a direct and substantially unobstructed view from at least one manager's station to every part of each area, except restrooms, of the establishment to which any adult establishment patron is permitted access for any purpose.

(L) *Alcohol prohibition.* No alcoholic liquor of any kind shall be sold, used, consumed, or possessed at any time on any licensed premises or at any adult entertainment establishment.

(1977 Code, § 6:1-15) (Ord. 6:1-15, passed 10-9-2001) Penalty, see § 113.99

### § 113.36 SPECIAL REGULATIONS FOR ADULT BOOTHS.

(A) *Prohibited except in adult stores.* Adult booths shall be prohibited in all adult entertainment establishments except adult stores.

(B) *Occupancy and prohibited acts.* Only one individual shall occupy an adult booth at any one time. No individual occupying an adult booth shall engage in any specified sexual activities. No individual shall damage or deface any portion of an adult booth.

(C) *Open booth requirement.* In addition to satisfying the requirement of § 113.35(K) of this chapter, all adult stores containing adult booths shall be physically arranged in such a manner that the entire interior portion of each adult booth shall be visible from the common area of the adult store. To satisfy this requirement, there shall be a permanently open and unobstructed entranceway for each adult booth and for the entranceway from the area of the adult store that provides other adult materials to the area of the adult store containing the adult booths. Each of these entranceways shall not be capable of being closed or obstructed, entirely or partially, by any door, curtain, partition, drapes, or any other obstruction whatsoever that would be capable of wholly or partially obscuring the area of the adult store containing the adult booths or any person situated in an adult booth. It shall be unlawful to install adult booths within an adult entertainment establishment for the purpose of providing secluded viewing of adult materials or live performances.

(D) *Aisle required.* There shall be one continuous lighted main aisle alongside the adult booths provided in any adult store. Each person situated in a booth shall be visible at all times from the aisle.

(E) *Holes prohibited.* Except for the open booth entranceway, the walls and partitions of each adult booth shall be constructed and maintained of solid walls or partitions without any holes or openings whatsoever.

(F) *Signage.* A sign shall be posted in a conspicuous place at or near the entranceway to each adult booth that states that only one person is allowed in an adult booth at any one time, that it is unlawful to engage in any specified sexual activities while in an adult booth, and that it is unlawful to damage or deface any portion of an adult booth.

(G) *Age limitations.*

(1) No adult establishment employee or adult establishment patron at an adult booth or a licensed premises that includes an adult booth shall be under the age of 18.

(2) No person under the age of 18 shall be admitted to any adult booth or any licensed premises that includes an adult booth.

(3) No person under the age of 18 shall be allowed or permitted to remain at any adult booth or at any licensed premises that includes an adult booth.

(4) No person under the age of 18 shall be allowed or permitted to purchase or receive, whether for consideration or not, any adult material or other goods or services at or from any adult booth or any licensed premises that includes an adult booth.

(1977 Code, § 6:1-15) (Ord. 6:1-15, passed 10-9-2001) Penalty, see § 113.99

### § 113.37 SPECIAL REGULATIONS FOR ADULT CABARETS.

(A) *Performance area.* The performance area of an adult cabaret shall be limited to one or more stages or platforms permanently anchored to the floor (a “cabaret stage”). Each cabaret stage shall be at least 18 inches in elevation above the level of the patron seating areas. Each cabaret stage shall be separated by a distance of at least eight feet from all areas of the premises to which adult entertainment patrons have access. A continuous barrier at least three feet in height and located at least eight feet from all points of each cabaret stage shall separate each cabaret stage from all patron seating areas. The barrier shall consist of horizontal or vertical members spaced no more than nine inches apart and nine inches from the floor or the walls to which it is attached.

(B) *Lighting.* Sufficient lighting shall be provided and equally distributed throughout the public areas of the adult cabaret so that all objects are plainly visible at all times. A minimum lighting level of not less than 30 lux horizontal, measured at 30 inches from the floor and on ten-foot centers, shall be maintained at all times for all areas of the adult cabaret where adult establishment patrons are admitted.

(C) *Tipping.*

(1) No tip or gratuity from any adult establishment patron may be offered or accepted for any performance by an adult establishment employee on any adult cabaret stage at any time prior to the completion of the performance.

(2) No adult establishment patron shall offer, and no adult establishment employee having performed on any cabaret stage shall accept, any form of tip or gratuity offered directly to the employee by the adult establishment patron.

(3) Rather, following completion of a performance, all tips and gratuities to adult establishment employees performing on any cabaret stage shall be placed into a receptacle provided for receipt of such tips and gratuities by the adult entertainment establishment.

(D) *Notice of select rules.* A sign at least two feet by two feet, with letters at least one inch high shall be conspicuously displayed on or adjacent to every cabaret stage stating the following:

THIS ADULT CABARET IS REGULATED BY THE COUNTY OF LAKE. ENTERTAINERS ARE:

1. NOT PERMITTED TO ENGAGE IN ANY TYPE OF SEXUAL CONDUCT.
2. NOT PERMITTED TO APPEAR IN A STATE OF NUDITY.
3. NOT PERMITTED TO ACCEPT TIPS OR GRATUITIES FOR ANY PERFORMANCE UNTIL AFTER COMPLETION OF THE PERFORMANCE.
4. NOT PERMITTED TO ACCEPT ANY TIPS DIRECTLY FROM PATRONS EVEN AFTER COMPLETION OF THE PERFORMANCE. ANY SUCH TIPS MUST BE PLACED INTO THE RECEPTACLE PROVIDED BY MANAGEMENT.

(E) *Age limitations.*

(1) No adult establishment employee or adult establishment patron at an adult cabaret or a licensed premises used for an adult cabaret shall be under the age of 21.

(2) No person under the age of 21 shall be admitted to any adult cabaret or to any licensed premises used for an adult cabaret.

(3) No person under the age of 21 shall be allowed or permitted to remain at any adult cabaret or any licensed premises used for an adult cabaret.

(4) No person under the age of 21 shall be allowed or permitted to purchase or receive, whether for consideration or not, any adult material or other goods or services at or from any adult cabaret or any licensed premises used for an adult cabaret.

(1977 Code, § 6:1-15) (Ord. 6:1-15, passed 10-9-2001) Penalty, see § 113.99

### **§ 113.38 SPECIAL REGULATIONS FOR ADULT STORES.**

(A) *Windows and signs.* Window areas for adult stores shall not be covered or obstructed in any way. No signs or other obstructions shall be placed in the windows.

(B) *Age limitations.*

(1) No adult establishment employee or adult establishment patron at an adult store or a licensed premises used for an adult store shall be under the age of 18.

(2) No person under the age of 18 shall be admitted to any adult store or to any licensed premises used for an adult store.

(3) No person under the age of 18 shall be allowed or permitted to remain at any adult store or any licensed premises used for an adult store.

(4) No person under the age of 18 shall be allowed or permitted to purchase or receive, whether for consideration or not, any adult material or other goods or services at or from any adult store or any licensed premises used for an adult store.

(1977 Code, § 6:1-15) (Ord. 6:1-15, passed 10-9-2001) Penalty, see § 113.99

### **§ 113.39 SPECIAL REGULATIONS FOR ADULT THEATERS.**

(A) *Seating.* Each adult theater shall provide seating only in individual chairs with arms or in seats separated from each other by immovable arms and not on couches, benches, or any other multiple-person seating structures. The number of seats shall equal the maximum number of persons who may occupy the adult theater.

(B) *Aisle.* Each adult theater shall have a continuous main aisle alongside the seating area in order that each person seated in the adult theater shall be visible from the aisle at all times.

(C) *Sign.* Each adult theater shall have a sign posted in a conspicuous place at or near each entranceway to the auditorium or similar area that lists the maximum number of persons who may occupy the auditorium area, which number shall not exceed the number of seats in the auditorium area.

(D) *Age limitations.*

(1) No adult establishment employee or adult establishment patron at an adult theater or a licensed premises used for an adult theater shall be under the age of 18.

(2) No person under the age of 18 shall be admitted to any adult theater or to any licensed premises used for an adult theater.

(3) No person under the age of 18 shall be allowed or permitted to remain at any adult theater or any licensed premises used for an adult theater.

(4) No person under the age of 18 shall be allowed or permitted to purchase or receive, whether for consideration or not, any adult material or other goods or services at or from any adult theater or any licensed premises used for an adult theater.

(1977 Code, § 6:1-15) (Ord. 6:1-15, passed 10-9-2001) Penalty, see § 113.99

## **VIOLATIONS; ENFORCEMENT;**

## **RECORDKEEPING**

### **§ 113.50 LICENSEE RESPONSIBILITY FOR EMPLOYEES.**

Every act or omission by an adult establishment employee constituting a violation of the provisions of this chapter shall be deemed to be the act or omission of the licensee, if the act or omission occurs either with the authorization, knowledge, or approval of the licensee, or as a result of the licensee's negligent failure to supervise the adult establishment employee. The licensee shall be punishable for the act or omission in the same manner as if the licensee committed the act or caused the omission. Accordingly, any such act or omission of the employee constituting a violation of the provisions of this chapter shall be deemed, for purposes of determining whether the licensee's adult establishment license shall be revoked, suspended, or renewed, to be the act or omission of the licensee.

(1977 Code, § 6:1-15) (Ord. 6:1-15, passed 10-9-2001)

### § 113.51 LICENSE REVOCATION OR SUSPENSION.

(A) *Grounds.* Pursuant to the procedures set forth in subsection (B) of this section, the Adult Use Commissioner may suspend for not more than 30 days, or revoke, any adult establishment license if the Adult Use Commissioner, based on credible and reasonably reliable information and evidence, determines that any one or more of the following has occurred:

(1) The licensee has violated any of the provisions or requirements of this chapter or the adult establishment license issued pursuant hereto, or the provisions of the Unified Development Ordinance of Lake County (Chapter 151, §§ 151.001 through 151.285) applicable to the licensed premises or the adult entertainment establishment;

(2) The licensee either: knowingly or negligently furnished false or misleading information or withheld information on any application or other document submitted to the county for the issuance or renewal of any adult establishment license; or knowingly or negligently caused or suffered any other person to furnish or withhold that information on the licensee's behalf;

(3) The licensee has committed a felony or specified criminal act on the licensed premises;

(4) The licensee authorizes, approves, or, as a result of the licensee's negligent failure to supervise the licensed premises or the adult entertainment establishment, allows an adult establishment employee, an adult establishment patron, or any other person to violate any of the provisions or requirements of this chapter or of the provisions or requirements of the adult establishment license issued pursuant hereto, or to commit any felony or specified criminal act on the licensed premises; or

(5) The licensee, or any person identified pursuant to § 113.16(C)(1), (2), or (12) of this chapter, becomes disqualified for the issuance of an adult establishment license at any time during the term of the license at issue.

(B) *Procedure.* An adult entertainment establishment license may be suspended for not more than 30 days or revoked pursuant to the terms and conditions set forth in this subsection (B).

(1) *Notice.* Upon determining that one or more of the grounds for suspension or revocation under subsection (A) of this section may exist, the Adult Use Commissioner shall serve a written notice on the licensee in person or by certified U.S. mail, postage prepaid, return receipt requested, addressed to the licensee's address as set forth in the licensee's application. The written notice shall, at a minimum, state that Adult Use Commissioner has determined that the adult establishment license may be subject to suspension or revocation pursuant to subsection (A) above; identify the specific grounds for the Adult Use Commissioner's determination; and set a date for a hearing regarding the Adult Use Commissioner's determination as to the possibility of suspension or revocation of the adult establishment license. The date of the hearing shall

be no less than five days after service of the Adult Use Commissioner's notice, unless an earlier date is agreed to by the licensee and the Adult Use Commissioner.

(2) *Hearing.* The hearing shall be conducted by the Adult Use Commissioner, or, at the Adult Use Commissioner's direction, by the Adult Use Commission. At the hearing, the licensee may present and submit evidence and witnesses to refute the grounds cited by the Adult Use Commissioner for suspending or revoking the license and the county and any other persons may submit evidence to sustain those grounds. The administrative record compiled on the adult entertainment establishment pursuant to § 113.52 shall be made part of the hearing record. Within three days after the close of the hearing, the Adult Use Commissioner shall, having considered the record made at the hearing, render a decision in writing, setting forth the reasons for the decision. The action taken by the Adult Use Commissioner shall be final and shall be subject to judicial review.

(3) *Notice and effective date of suspension or revocation.* The Adult Use Commissioner's written decision shall be posted at the office of the Adult Use Commissioner and shall be served on the licensee in person or by certified U.S. mail, postage prepaid, return receipt requested, addressed to the licensee's address as set forth in the licensee's application. In order to allow an aggrieved licensee an opportunity to obtain judicial review, any suspension or revocation, as the case may be, shall take effect either on the fourteenth day after the Adult Use Commissioner's written decision is delivered in person, or on the seventeenth day after the Adult Use Commissioner's written decision is placed in the U.S. mail as provided in this subsection (B)(3).

(4) *Surrender of license.* Upon the suspension or revocation of an adult establishment license pursuant to this chapter, the Adult Use Commissioner shall take custody of the suspended or revoked license.

(1977 Code, § 6:1-15) (Ord. 6:1-15, passed 10-9-2001)

### **§ 113.52 ADMINISTRATIVE RECORD.**

The Adult Use Commissioner shall cause to be kept in the Adult Use Commissioner's office an accurate record of every adult establishment license application received and acted on, together with all relevant information and material pertaining to the application, any adult establishment license issued pursuant thereto, and any adult entertainment establishment operated pursuant to the adult establishment license.

(1977 Code, § 6:1-15) (Ord. 6:1-15, passed 10-9-2001)

### **§ 113.53 EMPLOYEE REGISTRATION AND RECORDKEEPING BY LICENSEE.**

(A) *Registration.* The licensee of every adult entertainment establishment shall register each of the licensee's adult establishment employees with the Adult Use Commissioner by providing the following information to the Adult Use Commissioner no later than the business day immediately preceding the day of commencement of the employee's employment at the adult entertainment establishment:

- (1) Legal name;
- (2) Date of birth;

- (3) Gender, height, weight, hair and eye color;
- (4) Date of commencement of employment;
- (5) Specific job or employment duties;

(6) The names of each governmental body, including the county, from which, within three years immediately preceding the date of registration, the employee has received an adult establishment license, or any other official authorization to operate or to be employed at an adult entertainment establishment or a business substantially the same as an adult entertainment establishment. For each license or authorization, the licensee shall provide the name and address of the business; and

(7) Whether the employee has had any such license or authorization revoked or suspended, and, if so, the date and grounds for each revocation or suspension, and the name and location of the establishment at issue.

(B) *Employee register.* The licensee of every adult entertainment establishment shall maintain a register of all of its adult establishment employees. For each employee, the register shall include the following information:

- (1) Legal name;
- (2) Date of birth;
- (3) Gender;
- (4) Date of commencement of employment;
- (5) Date of employment termination, if applicable; and
- (6) Specific job or employment duties.

(C) *Records.* The register shall be maintained for all current employees and all employees employed at any time during the preceding 36 months. The licensee shall make the register of its adult establishment employees available for inspection by the county immediately upon demand at all reasonable times.

(1977 Code, § 6:1-15) (Ord. 6:1-15, passed 10-9-2001)

### **§ 113.54 NUISANCE DECLARED.**

Any adult entertainment establishment established, operated, or maintained in violation of any of the provisions or requirements of this chapter or of any adult establishment license shall be, and the same is, declared to be unlawful and a public nuisance. The county may, in addition to or in lieu of any other remedies set forth in this chapter, commence an action to enjoin, remove, or abate the nuisance in the manner provided by law and shall take other steps and apply to such court or courts as may have jurisdiction to grant such relief as will abate or remove the public nuisance, and restrain and enjoin any person from establishing, operating, or maintaining an adult entertainment establishment contrary to the provisions of this chapter.

(1977 Code, § 6:1-15) (Ord. 6:1-15, passed 10-9-2001) Penalty, see § 113.99

### **§ 113.99 PENALTY.**

Any person who violates, neglects, refuses to comply with, or assists or participates in any way in the violation of, any of the provisions or requirements of this chapter, or of any of the provisions or requirements of any adult establishment license, shall be fined not more than \$500 for each violation. Each day the violation continues shall constitute a separate offense. The Adult Use Commissioner shall give written notice to the person of the violation and the fine imposed by serving a citation in person or by certified U.S. mail, postage prepaid, return receipt requested, addressed to the licensee's address as set forth in the licensee's application.

(1977 Code, § 6:1-15) (Ord. 6:1-15, passed 10-9-2001)