

**OFFICIAL MINUTES  
COMMISSION MEETING OF THE CITY OF BRUNSWICK, GEORGIA  
RECESSED MEETING  
7:00 P.M. JULY 10, 1997**

**PRESENT:** His Honor Mayor Homer L. Wilson, Commissioners Dr. James McLeod, Ken Plyman and Harold E. Jennings.

**INVOCATION:** The invocation was given by Commissioner Dr. James MacLeod.

**PLEDGE OF ALLEGIANCE:** The pledge of Allegiance was recited by the Commissioners and people in attendance.

**ADULT ENTERTAINMENT ORDINANCE**

Mayor Wilson announced that the City Attorney requested an Executive session to discuss a legal matter.

Mayor Wilson informed the Commissioners that he did not want to enter an Executive Session and asked the Council if they would like to enter into the Executive Session.

Commissioner Plyman moved and Commissioner MacLeod seconded the motion to hold an Executive Session to discuss a legal matter. The motion passed unanimously.

Following the discussion in an Executive Session, Commissioners MacLeod moved and Commissioner Lawrence seconded the motion approving the Adult Entertainment Ordinance.

Commissioner Lawrence stated that he arrived late at the meeting.

Commissioner Jennings stated that he would like to see a continuation because a lot needs to be added. The ordinance should be strict and constitutional.

Commissioner Jennings stated that he was still not clear on the zoning. He wanted to make sure that no adult establishment is located near a childcare center, grocery store and so forth. Commissioner Jennings recommended revising the alcoholic beverage license applications. He questioned why people from Florida are migrating to Georgia.

Commissioner Jennings stated that he has strong reservations and wants to be able to come back and add to the ordinance to protect children. He stated that he would go along with it very reluctantly to get the ordinance on the books. He was not sure whether the City could do anything with the businesses that have already opened.

The City Attorney stated that a business that is subject to regulation under the police powers of the State have no vested right in the continuation of that form of business in the face of reasonable regulation by the State or by the subdivision or agencies of the State. In this case existing businesses are subject to such regulations. This City has not previously required the licensing for adult entertainment establishments, but that does not mean establishments that already are in business cannot be regulated within reasonable limitations. The City has to recognize the right of freedom of expression guaranteed by the first amendment, if the City attempts to regulate applicants for adult entertainment establishment licenses who are coming in the City in the future without regulating such businesses that are already in existence. There will be a fourteenth amendment violation a denial of equal protection of the law. In this type of business if we are going to regulate one we have to regulate the other within the same category. He stated that the things he told the Commission at the previous meeting an ordinance of this type has to be content neutral under the decision of the Supreme Court of the United States. This Commission cannot adopt an ordinance regulating this form of business simply because it disapproves of the content of the expression that is carried on in the business establishment. The Commission is limited in such regulation to that regulation in which is reasonably necessary to prevent or avoid pernicious secondary effects of such businesses being carried on such as the diminution in property values of property in the same vicinity and increased criminal activity. To the extent that you act to prevent such pernicious secondary effects. You may restrict such business enterprises. You cannot go beyond that which is reasonable necessary to avoid such secondary effects.

Commissioner Jennings stated that he wants to see a permit for an entertainer. The City should have a form for these people to fill out and turn it over to the Police Chief and he will check their record for the past ten years. A background investigation should be conducted on the owner of the building, entertainment director, all employees and anybody that owns ten percent of stock in the adult establishment. The City will be in a lot better shape to include that then to pass this ordinance. He stated that he would reluctantly go along with it because the Commission has not had time to study it.

The City Attorney stated that this ordinance requires a permit for employment for such an establishment. This ordinance also provides for a background investigation. Each employee is required to submit a fifty dollar investigation fee with their application permit for employment. The owner of the business is required to put up an initial one hundred dollars investigation fee in addition to the one thousand dollar license fee that is required for the business. Those things are covered in the ordinance. He stated that he was concerned with location requirements in the ordinance, the definition of good moral character, and the definition minor as used in this ordinance. There are some minor details that he wished to have the Commission fully consider before taking action. He is concerned about the one thousand foot distance requirement. There are various

alternatives that can be used to insure that a business of this kind will not be located in close proximity to churches, schools, and other establishments that they might have an effect on. In the ordinance minor is a person under the age of 21 years. Under General State Law a minor is a person under the age of 18. The Commission may consider whether to use the age 18 or go back to age 21.

Commissioner Jennings asked the City Attorney to define good moral character if it was in the ordinance. The City Attorney stated that good moral character means a law enforcement record free of any convictions free of nolo contendere or bond forfeiture for a felony involving moral turpitude within the past ten years.

Commissioner MacLeod stated that adult entertainment should be regulated and work the bugs out in the ordinance. So that the City would not experience the opening of adult entertainment in the City. The City should protect its citizens. These ordinances have held up in court.

Commissioner Plyman stated that he cannot vote on this issue, but he can speak on it. Commissioner Plyman clarified one issue he stated that he called Commissioner MacLeod at his residence to let him know about the Sapphire club. He stated that his political innuendoes in the newspaper saying that selling the Red Carpet Lounge was political. He stated that he lost a considerable amount of money by selling that club. He sold it because he anticipated leading by example. It was not used as any political gain. In the upcoming election if he is not elected he will stay home and will be satisfied either way. He stated that he is not ashamed of anything he has ever done since he has been in this City for thirty years and has done his job as a Commissioner. He defied anybody in the audience and this City to tell him any differently. He did not want to get into another legal battle with the City Attorney as the City did with FEMA and get another bill that represents that bill by FEMA. This matter will be challenged the way it is written right now to me and this is only a layman person speaking. The City is in violation of the State Constitution. The State House bill 516 a while back was challenged and overturned by the Georgia Supreme Court. Commissioner Plyman said "I cannot vote now because Mr. Highsmith had the latitude with the help of someone on this Commission to include by book store. Let me tell you something, number one, you are talking about a survey. We have the Chief of Police sitting back there some place and let him explain to you how many calls he had to answer at the Red Carpet Lounge over the past three years. He asked the Chief of Police how many calls have ever been received and is there a high rate of crime because of the bar's presence.

The Chief of Police stated that he did not have that information with him and could not give a number out now.

Commissioner Plyman stated that he did not operate the bar and has operated the bar since he purchased it. He is very fortunate to have the manager who leased the place from him as the new owner and operator of the bar. The owner

operates a clean lawful business unlike what you are trying to establish that these are sleazy places and so on. He stated that it is not his right to interpret people's morality and he won't shove his morality down somebody's throat. He stated that he would lead by example. He proved that several weeks back by divesting himself from that entity.

Commissioner MacLeod stated that the reason a statement was given to a reporter about it being a political ploy was because Commissioner Plyman did sell the business and got money for it and if he was really interested in leading by example he would close the business.

Commissioner Lawrence stated that he hopes the City will not open up floodgates in the City because the County does not have these types of businesses.

Commissioner Lawrence stated that one of the things he heard from the City Attorney is that the Commission cannot pass an ordinance because a business is located in the city. Commissioner Lawrence stated that one of his concerns is when the Commission Board is going to start listening to the cries of people and pass ordinances that will affect them. Commissioner Lawrence told the City Attorney that no matter what advice he gives them, and he does a good job of it on that same token, this Commission Board has the right to override that advice. He heard someone say that the City may have a lawsuit. So be it if it is going to be for the betterment of the citizens of Brunswick, then let the lawsuit occur.

Mayor Wilson stated that he regrets that the City did not have this ordinance on the books many years ago. The Commission should be responsible because they could have stopped these kinds of businesses.

The City Attorney stated that he thinks it is his responsibility to draw up the ordinance for the Commission. He stated that the first amendment of the constitution is probably the single most important provision in the United States Constitution. There are times when it protects the rights of single individuals or minority persons, but they have rights under that amendment that are not protected in most countries.

The City Attorney stated that there are a couple of issues that he wants to address in the meeting. The first issue is the location provision. When you put location restrictions in an ordinance of this kind, a provision that is verbally exactly like one in another City's Ordinance may be a problem in this City, which would bring the legality of the ordinance into question. Given the geography of a particular City the location restrictions have to be reasonable. It may be that the City of Perry, which employs a thousand foot distance requirement, may very well have a different geography from the City of Brunswick.

Commissioner Jennings questions what was reasonable for the City of Brunswick. The City Attorney stated that instead of measuring distances by the airline method or as the crow flies, the distance could be measured by the closest traveled route or closest traveled route or closest route of travel. Instead of using distances, City blocks can be used. To define such distances requirement in terms of blocks or as an alternative to go by a certain distance in feet can be used by the nearest route of travel is one possibility.

Commissioner Jennings questioned how long the City blocks in Brunswick where. The City Attorney stated that the blocks should be approximately 476 feet or something like that plus the width of the street.

Commissioner Jennings asked the City Attorney if he recommended that the Commission not to vote on this. The City Attorney stated that he is not recommending that the Commission not vote on it, but he is recommending that the Commission give some consideration to it.

Mayor Wilson stated that Commissioner Jennings brought this up. The Commission has latitude to delete or add to this ordinance in any reasonable length of time, two or three weeks. There is nothing in the ordinance the City cannot change.

The City Attorney stated that it says 10 days and the ordinance will be in effect full force as of July 11, 1997 provided however that except as to Section 13-6-3M of article 16. Existing businesses shall have ten calendar days. In light of some of the concerns expressed by Commissioner Jennings, the Commission may want it to be 30 days. It will entail marking out 10 tents and writing in 30 days.

Commissioner Jennings stated that the City Manager would be working on a new application so that this can never happen again.

On call for the question the motion passed by a vote of 4 to 0. Commissioner Plyman abstained.

AN ORDINANCE TO AMEND THE CODE OF THE CITY OF BRUNSWICK, SPECIFICALLY CHAPTER 13 THEREOF, BY STRIKING SAID ARTICLE XVI, AND SUBSTITUTING IN LIEU THEREOF AND NEW ARTICLE XIV FOR THE LICENSING AND REGULATION OF ADULT ENTERTAINMENT ESTABLISHMENTS OF ALL KINDS, INCLUDING, BUT NOT LIMITED TO, NIGHTCLUBS, CABARETS, AND BOOKSTORES; TO PROVIDE THAT SUCH BUSINESSES SHALL BE OPERATED BY AND SHALL EMPLOY ONLY PERSONS OF GOOD MORAL CHARACTER; TO REQUIRE AN INDIVIDUAL PERMIT FOR EMPLOYMENT IN AN ADULT ENTERTAINMENT ESTABLISHMENT; TO PROHIBIT THE PARTICIPATION, EMPLOYMENT

OR ADMISSION OF MINORS; TO RESTRICT THE LOCATIONS WHERE ADULT ENTERTAINMENT BUSINESSES THAT MAY BE OPERATED AT A SINGLE LOCATION; TO PROHIBIT THE SALE OR CONSUMPTION OF ALCOHOLIC BEVERAGES IN ANY ADULT ENTERTAINMENT ESTABLISHMENT; TO PROHIBIT CERTAIN OTHER ACTIVITIES AND CONDUCT AT SUCH ESTABLISHMENTS; TO PROVIDE FOR THE ADMINISTRATION AND ENFORCEMENT OF SAID ARTICLE XVI; TO PROVIDE FOR PENALTIES FOR VIOLATION OF THE ARTICLE AND FOR REVOCATION OF LICENSES; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

BE IT ORDAINED BY THE COMMISSION OF THE CITY OF BRUNSWICK:

SECTION 1. The Commission of the City of Brunswick, having considered evidence of the effects of sexually oriented businesses with regard to land uses, property values and criminal activity within the vicinity of such businesses in urban areas, hereby finds that it is in the best interest of the health, safety and general welfare of this City to enact regulations to reduce the pernicious secondary effects of such businesses. The Commission acknowledges that the prohibition of such business would infringe upon freedom of expression protected by the First Amendment of the United States Constitution. Therefore, the purpose of this ordinance is to establish a balance between the protections afforded by the First Amendment and the health, safety and general welfare of the City of Brunswick and to provide for reasonable regulation of such businesses in a manner that serves the legitimate governmental interest of reducing criminal activity and protecting property values and the quality of life within the City. It is not the intent of this Commission to suppress freedom of expression protected by the first Amendment, but to address the secondary effects of such businesses.

SECTION 2. The Code of the City of Brunswick, specifically Chapter 13, thereof, is hereby amended by adding to said Chapter 13 a new Article XVI which shall provide as set forth in the text which is designated Article IVI, attached herewith and incorporated herein by reference.

SECTION 3. This Ordinance shall be in full force and effect as of July 11, 1997; provided however, that, except as to Section 13-603 (m) of Article IVI, operators of existing businesses shall have thirty calendar days to bring their businesses into full compliance herewith; operators of existing business hall be required to comply with said Section 13-603 (m) from and after said effective date.

SECTION 4. All ordinances and parts of ordinances in conflict with this Ordinance are hereby repealed.

SECTION 5. In the event that any section, paragraph, sentence or part of this Ordinance is held to be invalid for any reason by any court of competent jurisdiction, the remainder of the Ordinance shall survive and continue in full force and effect.

Notice of intent published: July 5, 1997

Read and adopted: July 10, 1997

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MAYOR, CITY OF BRUNSWICK

Attest: \_\_\_\_\_  
CITY CLERK

## ARTICLE XVI. ADULT ENTERTAINMENT ESTABLISHMENTS

### **Sec. 13-601. Title**

This article shall be known and cited as “the Adult Entertainment Ordinance.”

### **Sec. 13-602 Definitions**

Adult arcade means any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically or mechanically operated still or motion picture machines, projectors or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of specified sexual activities or specified anatomical areas.

Adult bookstore or adult video store means a commercial establishment that, as one of its principal business purposes, offers for sale or rental for any form of consideration any one or more of the following:

(1) Books, magazines, periodicals or other printed matter, or photographs, films motion pictures, video cassettes or video reproductions which depict or describe specified sexual activities or specified anatomical areas; or

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

A commercial establishment shall be categorized as an adult

bookstore or adult video store notwithstanding that it may have other principal business purposes, if as much as twenty (20%) percent of its gross revenues are derived from the sale or rental of such items.

Adult cabaret or adult nightclub means a nightclub, bar, restaurant or similar commercial establishment that regularly features any of the following:

- (1) Persons who appear in a state of semi-nudity;
- (2) Live performances that are characterized by the exposure of specified anatomical areas or specified sexual activities;
- (3) Films, motion pictures, video cassettes, slides or other photographic reproductions that are characterized by the depiction or description of specified anatomical areas or specified sexual activities;
- (4) Persons who engage in lewd, lascivious or erotic dancing or performances intended for the sexual interest of titillation of an audience or customers.

Adult entertainment means entertainment of the specific kinds included in the definitions herein of the several kinds of adult entertainment establishments, provided however, that the term adult entertainment shall not be construed to include, and this Article shall not be construed to regulate performances that are not distinguished or characterized by an emphasis on the depiction, description, display or featuring of specified anatomical areas or specified sexual activities in that such depiction, description, display or featuring of such areas or activities, if any, is only incidental to the primary purpose of the performance.

Adult entertainment establishment means (1) an adult arcade, (2) an adult retail store, (3) adult cabaret, or adult nightclub, (4) adult motel, (5) adult motion picture theater or (6) adult theater as defined in this Article.

Adult motel means a motel, hotel or other commercial establishment that:

(1) Offers accommodation to the public for any form of consideration and provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides or other photographic reproductions that are characterized by the depiction or description of specified sexual activities or specified anatomical areas and advertises by any means the availability of such sexually oriented material; or

(2) 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.

Adult motion picture theater means a commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides or similar photographic reproductions are regularly shown that are characterized by the depiction or description of specified sexual activities or specified anatomical areas.

Adult theater means a theater, concert hall, auditorium or similar commercial establishment that regularly features persons who appear in a state of nudity or live performances that are characterized by the exposure of specified anatomical areas or by specified sexual activities.

Good moral character, for the purposes of this Article, means a law enforcement record free of any conviction, plea of nolo contendere or bond forfeiture for felony or crime involving moral turpitude within the past ten (10) years.

Minor, for the purposes of this Article, means any person who has not attained the age of twenty-one (21) years.

Specified anatomical areas means any of the following:

- (1) Less than completely and opaquely covered human genitals,  
Pubic genitals, public region, buttocks, anus or female breasts;
- (2) Sex acts, normal or perverted, actual or simulated,  
Intercourse, oral copulation or sodomy;
- (3) Masturbation, actual or simulated;
- (4) The displaying of the male or female pubic hair, anus, vulva or  
genitalia; or
- (5) Excretory functions as part of or in connection with any of the  
activities set forth in 1 through 4 above.

### **Sec. 13-603. General Regulations**

(a) No person, firm, partnership, corporation or other entity shall operate, attempt to operate or advertise an adult entertainment establishment as defined in this Article without a valid adult entertainment license issued pursuant to this Article.

(b) No later than March 1 of each year an adult entertainment

establishment licensee shall file a verified report with the City's Finance Director showing the licensee's gross receipts.

(c) An adult entertainment establishment licensee shall maintain and retain for a period of three years a record of the names, addresses and ages of all persons employed by the establishment.

(d) No minor shall be permitted to enter into an adult entertainment establishment, and the participation or employment of minors as defined in this Article in the business of an adult entertainment establishment is strictly prohibited.

(e) The operation of adult entertainment establishments, or the employment or participation therein of persons other than persons of good moral character is strictly prohibited.

(f) No more than one of the six categories of adult entertainment establishments as defined in this Article shall be permitted at any single business location.

(g) No employee of an adult entertainment establishment shall fondle or caress any patron, and no patron shall be allowed to fondle or caress any employee.

(h) All live performances at any adult entertainment establishment shall be presented on a stage or platform intended for that purpose which is raised at least two feet above the level of the floor.

(i) No live performances shall be presented closer than four feet to any

patron, and performers shall not be allowed to commingle in the audience.

(j) No adult entertainment establishment licensee shall allow or permit an employee or any other person on the premises to engage in any of the following sexual activities:

(1) Actual or simulated sexual intercourse, oral copulation, anal intercourse, oral anal copulation, bestiality, direct physical stimulation of unclothed genitals, flagellation or torture in the context of a sexual relationship, or the use of excretory functions in the context of sexual relations, and any of the following sexually oriented acts or conduct: anilingus, bestiality, coprophagy, coprophilia, cunnilingus, fellatio, necrophilia, pederasty, pedophilia, sapphism or sodomy;

(2) Clearly depicting human genitals in a state of sexual stimulation, arousal or tumescence;

(3) Use of human or animal ejaculation, sodomy, oral copulation, coitus or masturbation;

(4) Fondling or touching of nude human genitals, pubic region, buttocks or female breast;

(5) Masochism, erotic or sexually oriented torture, beating or the inflicting of pain;

(6) Erotic or lewd touching, fondling or other sexual contact with an animal by a human being;

(7) Human excretion, urination, menstruation, or vaginal or anal irrigation.

(k) No dancers or performers at an adult entertainment establishment shall solicit or accept any pay or gratuity from a patron, and no patron shall directly pay or give any gratuity or provide for any pay or gratuity to any dancer or performer.

(l) All areas of an establishment licensed hereunder shall be fully lighted at all times patrons are present. Full lighting shall mean illumination equal to 3.5-foot candles per square foot.

(m) No adult entertainment establishment shall serve, sell, distribute or allow the consumption or possession of any alcoholic beverages or controlled substances upon the premises of the licensee.

(n) No business or person holding license for the sale of alcoholic beverages shall be eligible for issuance of a license to operate an adult entertainment establishment

(o) An adult entertainment establishment conspicuously display the licenses required by this Article.

(p) No adult entertainment establishment except an adult motel shall be open for business between the hours of 12 o'clock midnight and 8 o'clock A.M. or at anytime on Sundays or Christmas day.

(q) No booth, screen partition or other obstruction shall be permitted within the interior of any adult entertainment business so as to prevent a clear, unobstructed view throughout the interior of the premises, except for separate offices, kitchens, rest rooms or areas not frequented by patrons.

(r) No premises for an adult entertainment business shall have any

interior connections or doors with any other place of business.

(s) The interior of an adult entertainment establishment shall be closed from public view so that the activity therein is not visible from the exterior.

**Sec 13-604. Sales to Minors**

It shall be unlawful for any person to sell, barter or give to any minor as defined in this Article any services, material, device or thing sold or offered for sale by an adult entertainment establishment as defined herein which clearly depicts any specified anatomical area or promotes instructs or assists in the conduct of any specified sexual activities.

**Sec. 13.605. Location**

(a) Adult entertainment establishments shall not be permitted in any zoning districts within the City except districts zoned for general commercial and industrial uses.

(b) No adult entertainment establishment shall be located within 500 feet of any parcel of land upon which any establishment selling alcoholic beverages is located or upon which another establishment regulated or defined hereunder is located.

(c) No adult entertainment establishment shall be located within 500 feet of any parcel of land zoned for residential use.

(d) No adult entertainment establishment shall be located within 500 feet of any parcel of land upon which a church, cemetery, shrine, chapel or a mortuary, or other place used exclusively for religious services or meditation is located.

(e) No adult entertainment establishment shall be located within 500 feet of any school or any regular stop or shelter where a bus used for the transportation of school students boards or discharges minors.

(f) No adult entertainment establishment shall be located within 500 feet of any parcel of land upon which a licensed Day Care Center or Nursing Home is located.

(g) No adult entertainment establishment shall be located within 500 feet of any parcel of land upon which a public park or playground is located.

(h) No adult entertainment establishment shall be located within 500 feet of any parcel of land upon which a governmental building, library, or civic center is located, except where such building is located within the boundaries of a district zoned for general commercial or industrial uses.

(i) where applicable distances specified herein shall be measured by  
airline from property line to property line.

**Sec. 13-606. Adult Entertainment Establishment Employees**

(a) Employees of an adult entertainment establishment shall be not less than twenty-one (21) years of age. Every employee must be of good moral character as defined in this article. Any employee who is convicted of a crime constituting a felony or any crime involving moral turpitude while employed as an adult entertainment establishment employee shall not thereafter work on any licensed premises for a period of ten (10) years from the date of such conviction. The term "convicted" shall include an adjudication of guilt on a plea of guilty or nolo contendere or the forfeiture of a bond when charged with a crime.

(b) Before any person may work on a licensed premises, he shall file a notice with the City Marshal of his intended employment on forms supplied by the Marshal and shall receive approval of such employment from the Marshal. The prospective employee shall supply such information as the Marshal requires, including a set of fingerprints, upon approval, the employee may be working on the licensed premises. If approval is denied, the prospective employee may, within ten (10) days of said denial, apply to the Marshal for a hearing. The decision of the Marshal after hearing may be appeal to the City Commission, which may issue such order as is proper in the premises. An investigation fee of fifty dollars (\$50.00) shall accompany the application for an employment permit.

(c) Violation of the provisions of this Code, the ordinances of the city of Brunswick or laws and regulations of the State of Georgia, or of the United States shall subject an employee to suspension or revocation of his permit for employment in an adult entertainment establishment.

### **Sec. 13.607. License Application**

(a) Application for a license to operate an adult entertainment establishment shall be made on a form to be furnished by the City and shall be made under oath. The complete address of each applicant and his social security number shall be furnished together with such further information as the Commission may require. Any knowingly untrue, misleading or omitted statement or information shall be cause for denial and, if a license has been granted, shall be cause for revocation. Each application shall be filed together with a certified check or cashier's check in payment of the license fee and, if an initial application, the investigation fee required by section 13-608 (b).

(b) An application shall be made in the name of all the owners of the business, if the owners are natural persons, and in the name of all managerial employees. If the owner is a corporation, application shall be made in the name of all corporate officers who will be directly concerned in the operation of the business and in the name of all managerial employees. All such persons must meet the requirements of this Article.

(c) The license application shall require the disclosure of any conviction of each applicant for any violation of federal, state, or local law involving alcoholic beverages, gambling, taxes or moral turpitude.

(d) An accurate sketch or diagram drawn to scale shall accompany an initial application, showing the location of the building, the area thereof to be used, and the property lines of the real property where the applicant proposes to carry on the adult entertainment business. The diagram shall also show the

location of any properties used for purposes referred to in Section 13-605 and the distances between property lines relevant under that Section, measured directly from property line to property line.

(e) The license application shall contain a statement as to whether an applicant holds any other license for the operation of an adult entertainment establishment or for the sale of alcoholic beverages and the location thereof.

(f) If the proposed licensed premises require construction or substantial renovation, the applicant shall submit a detailed set of plans and specifications showing the exact location of the proposed licensed premises, the construction proposed to be carried out by the applicant and the anticipated time for completion of construction.

(g) As a prerequisite to the issuance of any license, each applicant shall furnish a complete set of fingerprints; provided, however, this requirement may be waived upon recommendation of the City Marshal.

(h) The City Commission may require such additional information as it may deem necessary.

### **Sec. 13-608. Processing Application**

(a) After investigation by the police department of the fitness of the applicant and the proposed location, all license applications shall be approved or disapproved by the City Commission at a public meeting. In cases where applications are disapproved, the finance department shall return the amount of the license fee submitted with the application, excluding the investigation fee in the case of a new application. In cases where such applications are approved by

the City Commission, the Commission shall issue a proper license to the applicant authorizing the applicant to engage in the particular business and at the particular location applied for.

(b) All new applications for a license to operate an adult entertainment establishment shall include a non-refundable fee of one hundred dollars (\$100.00) to cover the cost of the investigation.

(c) The City Commission shall have full power to determine whether the applicant for a license is a fit and proper person to operate the type of business involved and whether the location of such business is proper and in the best interest of the general public, and the decision of the Commission shall be final.

**Sec. 13-609. Annual License Fee**

(a) Before a license to operate an adult entertainment establishment shall be granted, the applicant shall pay a license fee of one thousand dollars (\$1,000.00) per annum.

(b) The fee for a new adult entertainment license for a portion of the year shall be pro-rated from the first day of the month in which the license is granted. Any holder of a license issued pursuant to the provisions of this Article who discontinues the operation of his business because of a documented hardship may apply for a refund of a portion of the unearned license fee previously paid, and the license fee shall be pro-rated on a monthly basis as of the last day of the month in which the business discontinued operations.

**Sec. 13-610. Expiration and Renewal**

All licenses granted under the Article shall expire on December thirty-first of each license year. A licensee who desires to renew his license shall file application, together with the requisite fee, on the form provided for renewal of a license for the ensuing year. Applications for renewal shall be filed on or before November first of each year. Because of the time required for police department review and processing and consideration by the City Commission, consideration of renewal applications filed after November first may be delayed until after January first.

**Sec. 13-611. Denial, Suspension or Revocation**

The City Commission may deny, suspend, revoke, or refuse to renew any license required under this Article if:

- (1) The license application is not filed in good faith or is filed by some person as a subterfuge for any other person;
- (2) Any applicant for a license or any licensee under this chapter willfully fails to comply with any provision of this article or with rules and regulations adopted by the City Commission;
- (3) Any person to whom a license has been issued no longer qualifies as a licensee under this Article;
- (4) A licensee permits the licensed premises to be operated in a disorderly manner so as to constitute a public nuisance after:
  - (a) The licensee has been advised in writing by the Chief of Police of the unsatisfactory manner in which the business is being operated; and
  - (b) The licensee has been given a reasonable opportunity to cure such deficiencies.

**Sec. 13-612. Notice and Hearing**

All decisions approving, denying, suspending or revoking adult entertainment licenses shall be in writing, with the reasons therefore stated, and mailed or delivered to the applicant personally within thirty (30) days of any such decision, any applicant or license holder aggrieved by the decision of the City Commission regarding a license shall be afforded a public hearing with an opportunity to present evidence and cross examine opposing witnesses.

**Sec. 13-613. Revocation Hearing**

(a) Upon violation of any provision of this Article the Commission, at a regular or special called meeting, after reasonable written notice of the pending violations to the licensee and after the licensee has been afforded an opportunity to be heard as to the proposed grounds for revocation, may revoke or suspend the license. When a license is revoked or suspended, no portion of the license fee shall be refundable. Upon the recommendation of the City marshal, the City Commission may temporarily suspend any license to operate an adult entertainment establishment, if the manner of operation poses a serious safety or health hazard, for a period not to exceed (30) days pending a hearing and final action by the Commission.

### **Sec. 13-614. Penalties**

Any person convicted of violation of any of the provisions of this Article shall be subject to punishment as provided in Section 15-8 of this Code.

### **Sec. 13-615. Declaration of Public Nuisance**

Any adult entertainment establishment operated in violation of the provisions of this Article is hereby declared to be a public nuisance which shall be abated as such.

Mayor Wilson questioned the Chief of Police about the drug problems in the City of Brunswick. Mayor Wilson stated that the City is spending four million dollars in the Police Department yearly. Mayor Wilson instructed the Chief of Police to take whatever steps are necessary to curb the drug problem.

The Chief of Police stated that he understood the situation he is referring to, which is out in the County. That is not minimizing the problem the City has as well. Recently, the City has provided an undercover person who worked an operation that was recently taken down in the school system.

This is not all the problem, but it was one part of it that the City gets quite a bit of complaints on and a lot of concern from the parents. The city does have some other things that are taking place, such as special squads that are working on certain street corners. Additional people are being placed around public housing areas and working on problem areas that have developed there. The City is trying to place drug problems outside the City of Brunswick.

Commissioner Plyman questioned what the city is doing about drug interdiction. People are being caught with small amounts of drugs. The Chief of Police stated that there is a lot he cannot say in an open meeting. Drug interdiction has happened from time to time and is taking place. Highway 17 and the bus station is being patrolled because it is being used as alternate routes for drug traffic.

Commissioner MacLeod stated that the Commission forgot about the problems with drug wars is sometimes restricted with Court laws, which mean well, but are dealt with on a practical basis. When the Commission criticizes the action of those going after drugs. The rules and bureaucracy must be realized that the police have to go through. Their job is very difficult and we sympathize with the police and their job.

**MEEETING ADJOURNED.**

\_\_\_\_\_  
Mayor

Attest: \_\_\_\_\_  
City Clerk