

ARTICLE VI. HIGH RISK SEXUAL CONDUCT**SECTION 15-19 HIGH RISK SEXUAL CONDUCT ESTABLISHMENTS****(A) Definitions**

As used in this Article:

- (1) "Booths, stalls, partitioned portions of a room or individual rooms" shall mean such enclosures as are specifically offered to the public or members of that establishment for hire or for a fee as part of a business operated on the premises which offers as part of its business the entertainment to be viewed within the enclosure; which shall include, without limitation, such enclosures wherein the entertainment is dispensed for a fee, but a fee is not charged for mere access to the enclosure.
 - (a) The phrase "booths, stalls, partitioned portions of a room or individual rooms" does not mean enclosures which are private offices used by the owners, managers, or persons employed on the premises for attending to the tasks of their employment, and which are not held out to the public or members of the establishment for hire or for a fee or for the purposes of viewing entertainment for a fee, and which are not open or available to any persons other than owners, managers or employees.
- (2) "Doors, curtains or portal partitions" shall mean full, complete, nontransparent enclosure devices through which one cannot see or view the activity taking place within the enclosure. Such devices shall extend from the floor to a maximum height of six (6) feet above the floor, except doors controlling access to the enclosure which shall extend from a height of not less than two (2) feet above the floor to a maximum height of six (6) feet above the floor.
- (3) "High risk sexual conduct" shall mean fellatio, anal intercourse, and vaginal intercourse with persons who engage in sexual acts in exchange for money.
- (4) "Open to an adjacent public room so that the area inside is visible to persons in the adjacent public room" shall mean either the absence of any "door, curtain or portal partition", or the presence of a door or other device which is made of clear, transparent material such as glass, plexiglass or other such material meeting applicable building codes and safety standards, extending from the floor to the top of the door frame, exclusive of the door or device framing itself, or the presence of any door, curtain or portal partition, so that the activity inside the enclosure may be viewed or seen without obstruction or distortion by persons outside the enclosure.

(B) Building Standards

- (1) No commercial building, structure, premises or subdivision, partition, portion or part thereof or facilities therein, shall be so constructed, used, designed or operated for the purpose of engaging in, or permitting persons to engage in, sexual activities which include high-risk sexual conduct.
- (2) No person, partnership, corporation or other entity shall own, operate, manage, rent, lease, occupy, or exercise control of any commercial building, structure, premises, or portion or part thereof, which is subject to this Article, which does not meet the construction standards contained in this Article:

- (a) doors, curtains or portal partitions between subdivisions of a room, portion or part of a building, structure or premises shall be solid, without any openings which would otherwise facilitate or allow sexual activity including high risk sexual conduct between persons on either side of the partition.
 - (b) booths, stalls, or partitioned portions of a room, or individual rooms, used for the viewing of entertainment (an "enclosure") shall have at least one side open to an adjacent public, lighted room or aisle so that the area inside is visible to persons in the adjacent public room or aisle. Access to each enclosure when not in use shall be unrestricted by doors, locks or other control-type devices. The lighting level of each enclosure when not in use and of the adjacent public room or aisle shall be a minimum of 10 foot candles at all times.
 - (c) All doors, curtains and portal partitions, walls and floors within the enclosure and the adjacent public room or aisle shall be light-colored, non-absorbent, smooth textured and easily cleanable.
- (3) No person, partnership, corporation or other entity shall own operate, manage, rent, lease occupy, or exercise control of any commercial building, structure, premises, or portion or part thereof, which is subject to this Article, that is located closer than 500 feet from the nearest lot line, that is the legal boundaries of a parcel of property, of any Class "B"/"Class B" establishment, of any parcel of a similar establishment, any establishment governed by Section 18-9 of this Code, or any school (whether pre-school, elementary, middle or high school), residentially-zoned property, library, church or chapel, park or playground, or licensed day-care facility.
- (a) It is the intent of this paragraph (3) that such establishments, whose operations on the effective date of this ordinance subject them to regulation of this Section, shall be subject to the provisions of Section 30-4 NON-CONFORMING USE REGULATIONS of this Code, except that such privilege of nonconforming use shall cease upon the discontinuance of the activities within such establishment for seven consecutive calendar days, including any days when the establishment is normally closed for business.

(C) Owner/Operator Responsibilities

- (1) No person, partnership, corporation, or other entity shall own, operate, manage, rent, lease, occupy, or exercise control of any such commercial building, structure, premises, or portion or part thereof, which is subject to this Article, unless:
- (a) there is conspicuously posted inside each booth, stall, partitioned portion of room or individual room an unmutilated and undefaced sign or poster supplied by the Division of Health which contains information regarding sexually transmitted diseases and the "hot line" telephone numbers from which additional information can be sought; and
 - (b) there is conspicuously displayed at a place near the main entrance of the establishment, or portion thereof, any information, brochures, or pamphlets supplied by the Division of Health pertaining to sexually transmitted diseases; and
 - (c) the premises are maintained in a clean and sanitary manner at all times; and
 - (d) there is posted regulations concerning booth occupancy on signs, with lettering at least one inch high, that are placed in conspicuous areas of the establishment and in each of the viewing enclosures; and

- (e) such person, partnership, corporation or other entity, operator, licensee and employees of the establishment insure compliance of both the establishment and its patrons with the provisions of this Article at all times.

(D) The Division shall charge its reasonable costs for supplying such posters, brochures, pamphlets and other information supplied under this section.

(E) Patron Responsibility

(1) Any person who does any of the following shall be guilty of a violation of this Article and shall be subject to the penalties set forth in Article IX of this Chapter:

- (a) occupies an enclosure already occupied by another person, regardless of whether permission to enter has been given.
- (b) at any time engages in high risk sexual conduct or causes any bodily discharge or litter associated with sexual activity while in the enclosure.
- (c) removes, destroys, or defaces signs or posters, or who destroys or defaces the information, brochures, or pamphlets, whether supplied by the Health Division or posted by the owner/operator as required in subsection (C) above.
- (d) damages or defaces any portion of the enclosure.

(F) Exceptions

The standards set forth in this section shall not apply to buildings, structures and premises which are lawfully operating as hotels, motels, apartment complexes, condominiums or rooming houses.

(G) ENFORCEMENT AND APPLICABILITY

It shall be the duty of the Health Director to administer and enforce the provisions of this Article.

Except as otherwise noted, the provisions of this Article shall apply to all commercial establishments, including existing ones, which offer such entertainment as described in sub. (A)(1) above.