

ORDINANCE NO. 6-2010

INTRODUCED BY: _____

AN ORDINANCE OF THE COUNCIL OF TRAPPE AMENDING THE TRAPPE TOWN CODE TO ADD SECTION 20 TO REGULATE ADULT ORIENTED BUSINESSES WITHIN THE TOWN OF TRAPPE IN ORDER TO PROMOTE PUBLIC HEALTH, SAFETY AND WELFARE

WHEREAS, the Town of Trappe is authorized by the Maryland Code Annotated Article 23A §2(a) to enact such ordinances as it deems necessary in order to assure the good government of the municipality, and to protect the health, comfort and convenience of the citizens of the municipality; and

WHEREAS, Maryland Code Annotated Article 23A, § 4A authorizes a municipality to adopt an ordinance for the licensing, control, location or maintenance within its jurisdiction of a business establishment that allows on its premises any activity involving nudity and sexual displays as outlined in Article 2B, § 10-405(c) through (f) of the Annotated Code; and

WHEREAS, the Council of Trappe recognizes the significant planning, zoning, property and secondary effects surrounding or arising from the location and operation of Adult Oriented Businesses; and

WHEREAS, the Council of Trappe adopted Ordinance 5-2009, which placed a nine month moratorium on Adult Oriented Businesses; and

WHEREAS, the Council of Trappe adopted Ordinance 6-2009, which established Adult Oriented Businesses as a use, but did not permit the use in any zoning district pending the study and investigation during the nine month moratorium; and

WHEREAS, during the nine month moratorium, the Town Attorney, Planning Commission, Town staff, and Council of Trappe have studied the issue and have prepared a summary of the investigation in the study attached hereto as Exhibit A; and

WHEREAS, for the reasons set forth in the attached study and based on the information reviewed and provided in the attached study, the Town proposes adding Section 20 to the Town Code to deal exclusively with Adult Oriented Businesses; and

WHEREAS, simultaneously herewith, the Council of Trappe has also introduced Ordinance 7-2010 to add provisions to the Zoning Ordinance with respect to Adult Oriented Businesses; and

WHEREAS, the Council believes that the two companion pieces of legislation provide reasonable channels of communication while at the same time address the adverse secondary effects of Adult Oriented Businesses; and

WHEREAS, the Council of Trappe, in an effort to further prevent and address the adverse

secondary effects typically associated with unregulated Adult Oriented Businesses have had this Ordinance and Ordinance 7-2010 drafted for the purpose of protecting and promoting the safety, health, morals, and general welfare of the citizens of Trappe, and have determined that the nature of the adverse secondary effects at unregulated Adult Oriented Businesses requires the enactment of the provisions set forth in this Ordinance and in Ordinance 7-2010.

NOW, THEREFORE, the Council of Trappe hereby ordains that the Trappe Town Code be and is hereby amended as follows:

Section 1. The recitals set forth above and the Study attached hereto as Exhibit A are incorporated herein by reference and made a part of this Ordinance.

Section 2. It is the purpose of this ordinance to regulate Adult Oriented Businesses in order to promote the health, safety, and general welfare of the citizens of the Town, and to establish reasonable and uniform regulations to prevent the deleterious secondary effects of Adult Oriented Businesses within the Town. The provisions of this ordinance have neither the purpose nor effect of imposing a limitation or restriction on the content or reasonable access to any communicative materials, including sexually oriented materials. Similarly, it is neither the intent nor effect of this ordinance to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent nor effect of this ordinance to condone or legitimize the distribution of obscene material.

Section 3. The Town of Trappe Code is hereby amended to add Section 20 “Adult Oriented Businesses.” The full text of Section 20 is attached hereto as Exhibit B and incorporated herein.

Section 4. All provisions of any other town ordinance or legislative enactment that are in conflict with this Ordinance are hereby repealed.

Section 5. This Ordinance shall apply prospectively to all Adult Oriented Businesses established after the effective date of this Ordinance.

This Ordinance shall become effective on the _____ day of _____, 2010.

Robert Crosswell

Walter Chase

Norm Fegel

Rosalee Potter

Richard Dorbin

Additions are reflected in **Bold**
Deletions are reflected as ~~stricken~~

I hereby certify that the foregoing Ordinance Number _____ of the Town of Trappe was duly read and enacted in accordance with the applicable provisions of the Charter of the Town of Trappe.

Attest: _____
Joedy Cecil, Clerk/Treasurer
Town of Trappe

UNCERTIFIED COPY
NOT FOR LEGAL REFERENCE

EXHIBIT B TO ORDINANCE 6-2010

SECTION 20.00 Adult Oriented Businesses

Section 20.1. Definitions.

Unless otherwise defined in this chapter, words and terms shall have the meaning assigned to them in Trappe Zoning Ordinance. In case of a conflict, any term in this Section shall have the meaning defined herein.

Adult book or video store - means an activity, a principal purpose or use of which is the selling, renting, transferring, loaning, disseminating, or distributing of adult entertainment or material, including but not limited to, any book, magazine, newspaper, video, DVD, CD, or sound recording.

Adult cabaret - means any nightclub, bar, restaurant, or any other commercial establishment, regardless of whether alcoholic beverages are served, which features persons who appear nude or semi-nude.

Adult Oriented Business - means any business, operation, or activity, a significant amount of which consists of:

- (i) the conduct, promotion, delivery, provision, or performance of adult entertainment or material; including, but not limited to, that occurring in, at, or in connection with a cabaret, lounge, night club, modeling studio, bar restaurant, club or lodge, or other establishment; or
- (ii) the sale, provision, rental, or promotion of adult entertainment or material, in any format, form, or medium, including, but not limited to, books, magazines, videos, DVDs, CDs, movies, photographs, and/or coin operated or pay-per-view viewing devices, including, but not limited to, the operation of an adult book or video store or viewing booth.

Adult entertainment or material - means any performance or depiction or text that is intended to cause or provide, or which reasonably may be expected to cause or provide, sexual stimulation, sexual excitement, or sexual gratification; and

- (i) in which an individual or individuals appear in a state of nudity or partial nudity; or
- (ii) that consists, in whole or in part, of action, activity, poses, portrayal, depiction, or description of:
 - (a) human genitalia in a discernable state of sexual stimulation or arousal; or
 - (b) any act, whether real or simulated, of masturbation, sexual intercourse, anal

intercourse, sodomy, fellatio, cunnilingus, fondling of the buttocks, anus, female breasts, pubic area, or genital area, sadomasochistic activity, physical contact or attempted contact with clothed or unclothed genitalia, pubic areas, buttocks, anus, or female breasts; or

- (iii) consists of contact with animals or inanimate objects.

Nudity - means:

- (i) the showing of the human male or female genitalia, pubic area, or buttocks with less than fully opaque covering;
- (ii) the showing of the female breast with less than a fully opaque covering over any part below the top or uppermost part of the areola; or
- (iii) the depiction of covered male genitalia in a discernibly turgid or erect state.

Partial nudity - means a state of dress which reveals:

- (i) the human male or female buttocks; or
- (ii) the female breasts below the top or uppermost part of the areola, excluding portions of the human female cleavage exhibited by a dress, or other apparel, provided the areola is not exposed in whole or in part.

Adult book or video store - means an activity, a principal purpose or use of which is the selling, renting, transferring, loaning, disseminating, or distributing of adult entertainment or material, including but not limited to, any book, magazine, newspaper, video, DVD, CD, or sound recording.

Sadomasochistic activity - means

- (i) flagellation or torture, whether real or simulated, by or upon an individual;
- (ii) the condition of being, or causing oneself or another to be, fettered, bound, or otherwise physically restrained.

Significant amount - means

- (i) at least 10% of the stock in the establishment or on display consists of adult entertainment material or houses or contains devices depicting, describing, or relating to adult entertainment or material; or
- (ii) at least 10% of the usable floor area is used for the display or storage of adult entertainment or material or houses or contains devices depicting, describing, or relating to adult entertainment or material; or
- (iii) at least 10% of the gross revenue is, or may reasonably be expected to be, derived from the provision of adult entertainment or material; or
- (iv) any provision of live adult entertainment or material.

Specified Anatomical Areas - means human genitals, anus, cleft of the buttocks, or the female breast.

Specified Criminal Activity - means any of the following specified crimes for which there has been a conviction, guilty plea, plea of *nolo contendere* or probation before judgment:

- (i) any felony as defined under Maryland law;
- (ii) rape or sex offenses of any degree and all other sexual crimes specified in Maryland Annotated Code, Criminal Law, § 3-301, *et. seq.* as may from time to time be amended;
- (iii) prostitution and all related crimes as specified in Maryland Annotated Code, Criminal Law, § 11-301, *et. seq.* as may from time to time be amended;
- (iv) offenses regarding adult sexual displays and all related crimes as specified in Maryland Annotated Code, Criminal Law, § 11-101, *et. seq.* as may from time to time be amended;
- (v) offenses relating to obscene matters or materials and all related crimes as specified in Maryland Annotated Code, Criminal Law, § 11-201, *et. seq.* as may from time to time be amended;
- (vi) child abuse and all related crimes as specified in Maryland Annotated Code, Criminal Law, § 3-601, *et. seq.* as may from time to time be amended;
- (vii) controlled dangerous substance offenses as specified in Maryland Annotated Code, Criminal Law, § 5-401, *et. seq.* as may from time to time be amended; or
- (viii) any offense committed in another jurisdiction that, had the predicate acts been committed in Maryland, would constitute any of the foregoing specified Maryland offenses.

Specified Sexual Activities - means any of the following:

- (i) Sex acts, normal or perverted, including intercourse, oral copulation, masturbation or sodomy; or
- (ii) Excretory functions as a part of or in connection with any of the activities described in subsection i. above.

Viewing booth - means a space or area in which a display device is located for purposes of viewing pictures, films, videotapes, or other images characterized by an emphasis on the display of specified sexual activities or specified anatomical areas.

Section 20.2. License required.

It shall be unlawful for any person to operate an Adult Oriented Business in the Town of Trappe without a valid Adult Oriented Business License.

Section 20.3. Application for License.

An applicant for an Adult Oriented Business License shall comply with the following:

- A. An applicant for an Adult Oriented Business License shall file in person at the Town Office a completed application made on a form provided by the Town. The application shall be signed by all persons required to sign under this Section and shall be notarized. An application shall be considered complete when it contains, for each person required to sign the application, the information and/or items required in subsections 1 through 7 below, accompanied by the appropriate fee identified herein:
1. The applicant's full true name and any other names used by the applicants in the preceding five (5) years.
 2. Current business address or another mailing address of the applicant.
 3. Written proof of age, in the form of a driver's license or a copy of a birth certificate accompanied by a picture identification document issued by a governmental agency.
 4. The business name, location, legal description, mailing address and phone number of the Adult Oriented Business.
 5. The name and business address of the statutory agent or other agent authorized to receive service of process.
 6. A statement of whether an applicant has been convicted of or has pled guilty or *nolo contendere* to a specified criminal activity as defined in this ordinance, and if so, each specified criminal activity involved, including the date, place, and jurisdiction of each as well as the dates of conviction and release from confinement, where applicable.
 7. A statement of whether any Adult Oriented Business in which an applicant has had an influential interest, has, in the previous five (5) years (and at a time during which the applicant had the influential interest):
 - (a) Been declared by a court of law to be a nuisance; or
 - (b) Been subject to a court order of closure.
- B. The information provided pursuant to subsections A. 1 through 7 of this section shall be supplemented in writing by certified mail, return receipt requested, to the Town Office within ten (10) working days of a change of circumstances which would render the information originally submitted false or incomplete.
- C. An application for an Adult Oriented Business License shall be accompanied by a legal description of the property where the business is located and a sketch or diagram showing the configuration of the premises, including a statement of total floor space occupied by the business. The sketch or diagram need not be professionally prepared but shall be drawn to a designated scale or drawn with marked dimensions of the interior of the premises to an accuracy of plus or minus six

(6) inches. Applicants who are required to comply with Section 20.12.1. and/or Section 20.12.2. of this Chapter shall submit a diagram indicating that the interior configuration meets the requirements of those sections.

- D. If a person who wishes to operate an Adult Oriented Business is an individual, he shall sign the application for a license as applicant. If a person who wishes to operate an Adult Oriented Business is other than an individual, each person with an influential interest in the business shall sign the application for a license as applicant. Each applicant must meet the qualifications for the issuance of a license as specified in Section 20.4. herein and each applicant shall be considered a licensee if a license is granted.
- E. The information provided by an applicant in connection with an application for a license under this chapter shall be maintained by the Town Office.

Section 20.4. Issuance of License.

Within twenty (20) days of the filing date of a completed Adult Oriented Business license application, the Town shall issue a license to the applicant or issue to the applicant a letter of intent to deny the application. The Town shall issue a license unless:

- A. An applicant is less than eighteen (18) years of age.
- B. An applicant has failed to provide information as required for issuance of a license or has falsely answered a question or request for information on the application form.
- C. The license application fee required by this Chapter has not been paid.
- D. The Adult Oriented Business, as defined herein, is not in compliance with the interior configuration requirements of this chapter or is not in compliance with the zoning requirements of the Town Zoning Ordinance.
- E. Any Adult Oriented Business in which the applicant has had an influential interest, has, in the previous five (5) years (and at a time during which the applicant had the influential interest):
 - 1. been declared by a court of law to be a nuisance; or
 - 2. been subject to an order of closure.
- F. An applicant has been convicted of, or pled guilty or *nolo contendere* to a specified criminal activity, as defined in this ordinance.
- G. Less than twelve months have expired since a license issued to the licensee was revoked.

Section 20.5. License Fees.

The initial license and annual renewal fees for Adult Oriented Business licenses shall be as follows: Five Hundred dollars (\$500.00) for the initial fee for an Adult Oriented Business license and two hundred fifty dollars (\$250.00) for annual renewals.

Section 20.6. Inspection.

Adult Oriented Businesses shall permit the Town's designee to inspect, from time to time on an occasional basis, the portions of the Adult Oriented Business premises where patrons are permitted, for the purpose of ensuring compliance with the specific regulations of this chapter, during those times when the Adult Oriented Business is occupied by patrons or is open to the public.

Section 20.7. Expiration of license.

- A. Each license shall remain valid for a period of one calendar year from the date of issuance unless otherwise suspended or revoked. Such license may be renewed only by making application and payment of a fee as provided herein.
- B. Application for renewal should be made pursuant to the procedures set forth herein at least ninety (90) days before the expiration date.

Section 20.8. Suspension and Revocation.

- A. The Town may suspend or revoke a license if:
 - 1. The applicant or licensee does not pay a fee required by this Chapter;
 - 2. The premises of the Adult Oriented Business fails an inspection required by this Chapter;
 - 3. The licensee or an employee of the licensee refuses to allow an inspection of the Adult Oriented Business as provided for by this Chapter.
 - 4. The applicant or licensee fraudulently or deceptively obtains or attempts to obtain a license for the applicant or licensee, or for another;
 - 5. The applicant or licensee fraudulently or deceptively uses a license;
 - 6. The applicant or licensee pleads guilty or *nolo contendere* with respect to, receives probation before judgment with respect to, or is convicted of a violation of:
 - (a) This Chapter, other than operating an Adult Oriented Business without a license; or
 - (b) Any specified criminal activity as defined herein.
 - 7. In the two (2) years before the suspension or revocation, the licensee, the

licensee's spouse or an individual with whom the licensee resides, pleaded guilty or *nolo contendere* with respect to, received probation before judgment with respect to, or was convicted of a violation of:

- (a) This Chapter, other than operating an adult bookstore without a license; or
- (b) Any specified criminal activity as defined herein.

B. In addition to the authority granted by Subsection A of this Section, the Town may suspend or revoke a license if:

- 1. A licensee or an employee of the Adult Oriented Business has knowingly allowed on the premises the possession, use, or sale of a controlled dangerous substance listed in Maryland Annotated Code, Criminal Law, § 5-401 *et. seq.*, as may be amended from time to time;
- 2. A licensee or an employee of the Adult Oriented Business has knowingly allowed prostitution on the premises;
- 3. A licensee or an employee of the Adult Oriented Business has knowingly allowed a sexual act on the premises;
- 4. A licensee or an employee of the licensee has knowingly operated the Adult Oriented Business when the license was suspended; or
- 5. In the preceding year, two or more employees of the Adult Oriented Business have pleaded guilty or *nolo contendere* with respect to, received probation before judgment with respect to, or been convicted of a violation of any specified criminal activity as defined herein.

Section 20.9. Appeal.

A decision by the Town to deny, suspend, or revoke a license may be appealed to a court of competent jurisdiction per the provisions providing for judicial review of administrative agency decisions found in Maryland Rule 7-201 *et. seq.*

Section 20.10. Transfer of license.

A licensee shall not transfer his or her license to another, nor shall a licensee operate an Adult Oriented Business under the authority of a license at any place other than the address designated in the Adult Oriented Business license application.

Section 20.11. Miscellaneous Regulations applicable to all Adult Oriented Businesses.

Section 20.11.1 Nudity and Partial Nudity Restricted

- A. Other than during a performance in accordance with any provisions herein, it shall be unlawful for any person, including patrons and visitors, at or in any

Adult Oriented Business to perform, work, dance, or appear in any state, condition, or appearance of nudity or partial nudity.

- B. When performing an artistic or expressive dance, performance, display, or exercise, an employee, agent, independent contractor, performer, dancer, or showperson at or in the employ of an Adult Oriented Business where such performances are customarily given, may appear, while performing, in a state or condition of partial nudity.

Section 20.11.2. Certain Physical Contact Prohibited

- A. It shall be unlawful for any person on, in, or about the interior or exterior of an Adult Oriented Business, while in any state, condition, or appearance of nudity or partial nudity, or while performing or engaging in an artistic or expressive dance, performance, display or exercise, to be, at any time, within a distance of six feet of any other person, whether or not such other person is an employee, agent, independent contractor, performer, dancer, or showperson at, or in the employ of, an Adult Oriented Business, or a customer, patron, or visitor of, at, or in any Adult Oriented Business. This prohibition includes, but is not limited to, any form of person-to-person touching or contact, whether directly by actual physical touching or indirectly by the employment of any item or device.
- B. It shall be unlawful for any person in, on, or about the interior or exterior of any Adult Oriented Business to touch, caress, fondle or stimulate, whether directly by actual physical touching or indirectly by the employment of any item or device, their own breasts, buttocks, anus, or genitals while in the view of any other person, or for purposes of sexual arousal, sexual stimulation, sexual excitement, or sexual gratification.
- C. It shall be unlawful for any person in, on, or about the interior or exterior of any Adult Oriented Business to participate in, or encourage or allow another to participate in, any specified sexual activity.
- D. It shall be unlawful for any person in, on, or about the interior or exterior of any Adult Oriented Business to expose or encourage or permit any person to expose the breasts, buttocks, anus, or genitals of another, including the person so encouraging or permitting, the person being encouraged or permitted, or any other person.
- E. It shall be unlawful for an owner or operator of an Adult Oriented Business to encourage, allow, or permit any person in, on, or about the interior or exterior of the Adult Oriented Business to commit or participate in any of the acts prohibited under this Section.

Section 20.11.3. Required Conditions of Operation for All Adult Oriented Businesses

- A. An Adult Oriented Business shall ensure that at least one employee is on duty at each management station required pursuant to this Chapter at any time any not-on-duty employee or any customer, patron, or visitor is within the premises of the Adult Oriented Business.
- B. An Adult Oriented Business shall ensure that all lighting required pursuant to this Chapter and/or the Zoning Ordinance is illuminated at any time any person other than an on-duty employee is within the premises.
- C. An Adult Oriented Business shall not allow or permit any condition or state to exist with respect to such business in violation of the requirements of this Chapter, the Zoning Ordinance, or of any other provision of this Code.
- D. An Adult Oriented Business:
 - 1. Shall have at least one management station in each building.
 - 2. Shall have an interior arranged or configured such that all areas of the interior of the building or structure open to the public (excluding restrooms) are visible by direct sight from a management station at all times and not visible merely by camera, mirror or other device.
 - 3. Shall be equipped with overhead or comparable lighting of sufficient intensity to light or illuminate all areas of the building or structure at an illumination of not less than two footcandles measured at floor level.
 - 4. Shall have lighting illuminated in all places open or available to the public or any customer, patron, or visitor at any time any person other than an on-duty employee is in the building.

Section 20.11.4. Age restrictions.

- A. No person under the age of 18 years shall be permitted on the premises of an Adult Oriented Business.
- B. Mistake of age is not a defense to a violation of this section, unless the person under age 18 who was permitted on the premises exhibited to the operator or his agent or employee a draft card, driver's license, birth record, or other official or apparently official document purporting to show that the person was 18 years of age or over, and the person to whom that document was exhibited did not otherwise have reasonable cause to believe that the person seeking admittance was under 18 years old.

Section 20.11.5. Hours of operation.

It shall be unlawful for an Adult Oriented Business to be open for business or for the

licensee or any employee of a licensee to allow patrons upon the licensed premises between 10:00 p.m. on any day and 8:00 a.m. of the following day, and before 12:00 p.m. on Sunday.

Section 20.12. Regulations pertaining to specific Adult Oriented Businesses.

Section 20.12.1. Viewing booths.

- A. A person who operates or causes to be operated an Adult Oriented Business that includes one or more viewing booths shall comply with the following requirements.
1. Each application for an Adult Oriented Business license shall contain a diagram of the premises showing the location of all operator's stations, viewing rooms, overhead lighting fixtures, video cameras and monitors installed for monitoring purposes and restrooms, and shall designate all portions of the premises in which patrons will not be permitted. Restrooms shall not contain video reproduction equipment. The diagram shall also designate the place at which the permit will be conspicuously posted, if granted. A professionally prepared diagram in the nature of an engineer's or architect's blueprint shall not be required; however, each diagram 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 sufficient to show the various internal dimensions of all areas of the interior of the premises to an accuracy of plus or minus six inches. The Town may waive the foregoing diagram for renewal applications if the applicant adopts a diagram that was previously submitted and certifies that the configuration of the premises has not been altered since it was prepared.
 2. It shall be the duty of the operator, and of any employees present on the premises, to ensure that no patron is permitted access to any area of the premises which has been designated in the application as an area in which patrons will not be permitted.
 3. It shall be the duty of the operator to post conspicuous signs in well-lighted entry areas of the business stating all of the following:
 - (a) That the occupancy of viewing rooms is limited to one person.
 - (b) That sexual activity on the premises is prohibited.
 - (c) That the making of openings between viewing rooms is prohibited.
 - (d) That violators will be required to leave the premises.
 - (e) That violations of subparagraphs (b) and (c) of this paragraph

are unlawful.

4. It shall be the duty of the operator to enforce the regulations articulated in subsections 3(a) through 3(e) above.
 5. The interior of the premises shall be configured in such a manner that there is an unobstructed view from a operator's station of every area of the premises, including the interior of each viewing room but excluding restrooms, to which any patron is permitted access for any purpose. An operator's station shall not exceed thirty-two (32) square feet of floor area. If the premises has two (2) or more operator's stations designated, then the interior of the premises shall be configured in such a manner that there is an unobstructed view of each area of the premises to which any patron is permitted access for any purpose from at least one of the operator's stations. The view required in this paragraph must be by direct line of sight from the operator's station. It is the duty of the operator to ensure that at least one employee is on duty and situated in each operator's station at all times that any patron is on the premises. It shall be the duty of the operator, and it shall also be the duty of any employees present on the premises, to ensure that the view area specified in this paragraph remains unobstructed by any doors, curtains, walls, merchandise, display racks or other materials or enclosures at all times that any patron is present on the premises.
- B. It shall be unlawful for a person having a duty under this section to knowingly fail to fulfill that duty. Viewing rooms shall not contain a door or curtains at the entrance to the room.

Section 20.12.2. Adult Cabarets.

- A. A person who operates or causes to be operated an adult cabaret shall comply with the following requirements:
1. Each application for an Adult Oriented Business license to operate an adult cabaret shall contain a diagram of the premises showing the location of the bar, tables, booths, restrooms, private rooms, employee's station, video cameras and monitors installed for monitoring purposes and any private rooms on the premises. The diagram shall also designate all portions of the premises where patrons will not be permitted. Restrooms shall not contain video reproduction equipment. A professionally prepared diagram in the nature of an engineer's or architect's blueprint shall not be required; however, 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 sufficient to show the various internal dimensions of all areas of the interior of the premises to an accuracy of plus or minus six inches. The Town may waive the foregoing diagram for renewal applications if the applicant adopts a diagram that was previously submitted and certifies that the configuration of the premises has not been altered since it was prepared.

2. It shall be the duty of the operator, and of any employees present on the premises, to ensure that no patron is permitted access to any area of the premises which has been designated in the application as an area in which patrons will not be permitted.
3. It shall be unlawful for an operator to permit a patron to be in a private room unless an employee is available at the bar or an employee's station that provides unobstructed view of the private room. A "private room" for the purposes of this section is an area on the licensed premises enclosed by four walls intended to be used for dancing or any other conduct by and between a patron and an employee. The entrance to a private room shall be an opening that does not contain a door or curtains.
4. It shall be the duty of the operator, and of any employees present on the premises to ensure that no specified sexual activity occurs in or on the licensed premises.
5. It shall be the duty of the operator or the licensee to post conspicuous signs in well-lighted entry areas of the business stating:
 - (a) That sexual activity on the premises is prohibited and unlawful.
 - (b) That violators will be required to leave the premises.
6. It shall be the duty of the operator to enforce the regulations articulated in subsection (5) above.
7. The interior of the premises shall be configured in such a manner that there is an unobstructed view from a bartender's station or any manned employee's station of the premises including the interior of each private room but excluding restrooms to which any patron is permitted access for any purpose. An employee's station shall not exceed thirty-two square feet of floor area. If the premises has two or more employee stations designated, then the interior of the premises shall be configured in such a manner that there is an unobstructed view of each area of the premises to which any patron is permitted access for any purpose from at least one of the operator's stations. The view required in this paragraph must be by direct line of sight

from the employee's station at all times that any patron is on the premises. It shall be the duty of any employees present on the premises, to ensure that the view area specified in this paragraph remains unobstructed by any doors, curtains, walls, merchandise, display racks or other materials or enclosures at all times that any patron is present on the premises.

8. Private rooms shall not contain a door or curtains at the entrance to the room.

9. A “private room” for the purposes of this section is an area on the licensed premises enclosed by four walls intended to be used for dancing or any other conduct by and between a patron and an employee. The entrance to a private room shall be an opening that does not contain a door or curtains.

B. It shall be unlawful for a person having a duty under this section to knowingly fail to fulfill that duty.

Section 20.13. Penalties and enforcement.

In accordance with Maryland Annotated Code, Article 23A, § 4A(b), any person found guilty of violating a provision of this Chapter shall be guilty of a misdemeanor and on conviction, is subject to imprisonment not exceeding 6 months and a fine of not less than \$500.00. Each day on which a violation continues is a separate offense.

Section. 20.14. Severability.

If any section, subsection, sentence, clause or phrase of this Chapter is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Chapter, which can be given effect without the invalid section, subsection, sentence, clause or phrase, and to that end, all provisions of this Chapter are hereby declared to be severable.