

AN ORDINANCE TO REGULATE ADULT ENTERTAINMENT ESTABLISHMENTS WITHIN THE CITY OF HAHIRA, GEORGIA; TO PROVIDE FOR AN EFFECTIVE DATE; TO REPEAL CONFLICTING ORDINANCES; AND FOR OTHER PURPOSES

The City of Hahira hereby ordains as follows:

SECTION 1

FINDINGS - PUBLIC PURPOSE

The City Council of the City of Hahira finds that it is in the best interest of the health, welfare, safety and morals of the community to enact regulations to reduce the possible adverse impacts of adult entertainment establishments. However, the Mayor and Council also find that the outright prohibition of such establishments could improperly infringe upon protected forms of expression. Therefore, the purpose of this Ordinance is to reasonably regulate adult entertainment establishments in a manner that serves the legitimate governmental interest of reducing criminal activity and protecting property values without unreasonably infringing upon the protected rights of adult entertainment establishments and their patrons.

SECTION 2

DEFINITIONS

The following terms used in this Ordinance shall have the meanings indicated below:

ADULT ENTERTAINMENT -- Performances by topless and/or bottomless dancers, strippers or similar entertainers, where such performances are characterized by the display or exposure of specified anatomical areas.

ADULT ENTERTAINMENT ESTABLISHMENT -- A nightclub, cabaret or other establishment which features adult entertainment. Any commercial establishment, which has as its primary purpose or business the offer for sale of any book,

publication, or film which depicts nudity, or sexual conduct or engages in services such as bath houses, massage parlors, wrestling parlors or like activity including a night club, cabaret, lounge or other establishment which features adult entertainment.

CHURCH -- A building in which persons regularly assemble for religious worship intended primarily for purposes connected with such worship, or for propagating a particular form of religious belief.

GOOD MORAL CHARACTER -- A person is of good moral character if that person has not been convicted of a drug-related or alcohol-related felony or sex-related crime in the past five (5) years.

LICENSED DAY CARE CENTER -- A day care center licensed by the State of Georgia and/or City of Hahira that provides care, training, education, custody, treatment or supervision for children under fourteen (14) years of age, where such children are not related by blood, marriage or adoption to an owner or operator of the facility.

MINOR -- Any person under eighteen (18) years of age.

OPERATOR -- The manager or other person principally in charge of an Adult Entertainment Establishment.

OWNER(s) -- If a sole proprietorship, the proprietor; if a partnership, all partners (general and limited); if a corporation, all officers, directors and persons holding at least ten percent (10%) of the outstanding shares.

RESIDENTIAL -- Pertaining to the use of land, means premises such as homes, townhomes, patio homes, mobile homes, duplexes, condominiums or apartment complexes, which contain habitable rooms for non-transient occupancy and which are designed primarily for living, sleeping, cooking, and eating therein.

SCHOOL -- A facility where persons regularly assemble for the purpose of instruction or education including any playgrounds, stadiums, or other structures

and grounds used in conjunction therewith. This shall include but not be limited to public and private schools used for primary, secondary, or post-secondary education.

SPECIFIED ANATOMICAL AREAS -- Shall include any of the following:

- (a) Less than completely and opaquely covered human genitals or pubic region; buttock; or female breast below a point immediately above the top of the areola.
- (b) Human male genitalia in a discernibly turgid state, even if completely and opaquely covered.

SECTION 3

LICENSE REQUIRED

It shall be unlawful for any person, association, firm, partnership, or corporation to engage in, conduct or carry on, in or upon any premises within the City of Hahira, an Adult Entertainment Establishment without a valid adult entertainment license to do so. The issuance of such license shall not be deemed to authorize, condone, or make legal any activity or conduct that is illegal or unlawful under the laws of the State of Georgia or the United States. The annual license fee for an Adult Entertainment Establishment shall be established from time to time by resolution of the Mayor and Council.

SECTION 4

ON-PREMISE OPERATOR REQUIRED

An Adult Entertainment Establishment shall have a designated person(s) to serve as an on-premise operator. The operator(s) shall be principally in charge of the establishment and shall be located on the premises during operating hours.

SECTION 5

EMPLOYEE PERMIT REQUIRED

It shall be unlawful for any person to be employed by an Adult Entertainment Establishment without a permit issued under the terms of this Ordinance. For the purposes of this section, the term "employee" includes an "independent contractor".

SECTION 6

ADMISSION OF MINORS UNLAWFUL

- (a) It shall be unlawful to allow a person younger than eighteen (18) years of age to enter an Adult Entertainment Establishment.
- (b) It shall be the duty of the operator to ensure that an attendant is stationed at each public entrance to the establishment at all times during the establishment's operating hours. It shall be the duty of the attendants to not allow any person under the age of eighteen (18) years to enter the establishment. It shall be presumed that an attendant knew a person was under the age of eighteen (18) unless such attendant asked for and was furnished:
 - (1) a valid operator's, commercial operator's or chauffeur's driver's license; or
 - (2) a valid personal identification certificate issued by the Georgia Department of Public Safety reflecting that such person is eighteen (18) years of age or older.

SECTION 7

LOCATION - DEVELOPMENT STANDARDS

- (a) Adult Entertainment Establishments shall only be located within an Adult Commercial (C-A) zoning district.

(b) No Adult Entertainment Establishment shall be located within seven hundred fifty feet (750') of any of the following:

- (1) Any parcel of land which is zoned for residential uses or purposes.
- (2) Any parcel of land upon which a church, school, licensed day care center, governmental building simultaneously owned and occupied by such government, library, civic center, neighborhood public park or neighborhood playground is located.
- (3) Any parcel of land upon which another Adult Entertainment Establishment is located.

For purposes of this section, measurement of distances shall be from property line to property line along the shortest possible straight line, regardless of any customary or common route or path of travel (i.e. "as the crow flies"). The term "parcel of land" shall mean any quantity of land capable of being described by location and boundary, designated and used or to be used as a unit, and duly recorded in Lowndes County, Georgia.

- (c) The minimum lot area for an Adult Entertainment Establishment shall be one (1) acre with a minimum one hundred fifty feet (150') of road frontage on a public right-of-way.
- (d) Buildings and structures established in connection with an Adult Entertainment Establishment shall be set back at least forty feet (40') from any property line.
- (e) A minimum of one (1) parking space shall be provided for every one-hundred (100) square feet of gross building area, or for every three (3) customer seats, whichever is greater.

- (f) Merchandise or activities of the establishment shall not be visible from any point outside the establishment.
- (g) Signage shall be limited to one (1) freestanding sign not to exceed fifty (50) square feet of copy area (total of all sides), one (1) wall sign not to exceed fifty (50) square feet. Maximum sign height shall not exceed ten (10) feet from ground level to highest point of the sign. Minimum sign setbacks shall be eight (8) feet from any property line or street right-of-way line.

SECTION 8

ADULT ENTERTAINMENT ESTABLISHMENT EMPLOYEES

- (a) Employees of an Adult Entertainment Establishment shall not be less than eighteen (18) years of age. Every employee must be of good moral character as defined in this Ordinance. Any employee who is convicted of a sex-related crime, or drug-related or alcohol-related felony while employed as an Adult Entertainment Establishment employee, shall not thereafter be employed by any Adult Entertainment Establishment licensed under this Ordinance for a period of five (5) years from the date of such conviction, unless a longer time is ordered by a court of competent jurisdiction. The term convicted shall include an adjudication of guilt or a plea of guilty. The term "while employed as an Adult Entertainment Establishment employee" shall include all work done or services performed while in the scope of employment elsewhere than on the licensed premises.
- (b) Before any person may be employed by an Adult Entertainment Establishment, he or she shall file an application for an Adult Entertainment Establishment employee permit with the City Manager and

receive approval. An investigation fee of fifty dollars (\$50.00) shall accompany the application. Each applicant shall provide a signed and notarized consent, on forms prescribed by the Georgia Crime Information Center, authorizing the release of the applicant's criminal records to the Hahira Police Department. The city shall have fifteen (15) days to investigate information contained in the application. If the prospective employee is found to be of good moral character, the City Manager shall approve the permit and the prospective employee may begin working on the licensed premises. If approval is denied, the prospective employee may, within ten (10) days of said denial, make appeal to the City Council of the City of Hahira.

- (c) No patron, dancer, or other employee of an Adult Entertainment Establishment shall, while on the premises of an Adult Entertainment Establishment, commit the offense of public indecency as defined in O.C.G.A. §16-6-8. For purposes of this section, the term "employee" shall include an "independent contractor."
- (d) The employee permit of any employee who violates laws and regulations of the State of Georgia, or any provision of this Ordinance or any other ordinance or regulation of the City of Hahira, shall be subject to suspension or revocation.
- (e) For the purpose of this Ordinance, independent contractors shall be considered employees and shall be permitted as such, regardless of the business relationship with the owner or licensee of any Adult Entertainment Establishment.

SECTION 9

APPLICATION FOR LICENSE

- (a) Any person, association, firm, partnership, or corporation desiring to obtain a license to operate, engage in, conduct or carry on any Adult Entertainment Establishment shall make application to the City Clerk, or designated representative. The application must be made in the name of the Adult Entertainment Establishment and include the names of the operator and each owner as defined in this Ordinance. The application shall be accompanied by a non-refundable fee, established from time to time by resolution of the City of Hahira, to defray, in part, the cost of investigation and report required by this Ordinance.
- (b) The license application does not authorize the engaging in, operation of, conduct of or carrying on of any Adult Entertainment Establishment.

SECTION 10

APPLICATION CONTENTS

Each application for an Adult Entertainment Establishment license shall contain the following information and documentation:

- (a) The proposed establishment's name, street address (and mailing address if different), and telephone number.
- (b) The name and street address (and mailing address if different) of the owner(s). The name, street address (and mailing address if different), and Georgia driver's license number of the intended operator.
- (c) A general description of services and entertainment to be provided.

- (d) The legal description of the parcel of land on which the establishment is to be located.
- (e) The business, occupation and employment history of each owner and operator for five (5) years immediately preceding the date of application.
- (f) If any owner or operator has had an Adult Entertainment Establishment license or similar type of license denied, revoked or suspended, then the violation(s) that led to the denial, suspension or revocation as well as the date(s) and disposition of such, including any fine or sentence imposed, and whether or not the terms of the disposition have been completed.
- (g) If any owner or operator has been convicted of any crime involving good moral character in the past five (5) years, a complete description of such crime including date of violation, date of conviction, jurisdiction and any disposition, including fines or sentences imposed and whether the terms of disposition have been fully completed.
- (h) If the establishment does or proposes to do business under a trade name, then a copy of the trade name as properly recorded.
- (i) If the establishment is a Georgia corporation, then a certified copy of the articles of incorporation, together with all amendments thereto; and the most recent annual report.
- (j) If the establishment is a foreign corporation, then a certified copy of the certificate of authority to transact business in the State of Georgia, together with all amendments thereto; and the most recent annual report.
- (k) If the establishment is a limited partnership formed under the laws of Georgia, then a certified copy of the certificate of limited partnership,

together with all amendments thereto, filed in the office of the City Manager.

- (l) If the establishment is a foreign limited partnership, a certified copy of the certificate of limited partnership and the qualification documents, together with all amendments thereto.
- (m) A plat by a registered engineer or surveyor, licensed by the State of Georgia, certifying the location of the proposed premises is not inconsistent with the provisions contained in Section 7 of this Ordinance respecting location and development standards.
- (n) The application shall contain a statement under oath that:
 - (1) The person(s) signing the application have personal knowledge of the information contained in the application and that the information contained therein is true and correct; and
 - (2) The person(s) signing the application have read the provisions of this Ordinance.
- (o) The application shall be signed by the operator and each owner.
- (p) The operator and each owner shall provide a signed and notarized consent, on forms prescribed by the Georgia Crime Information Center, authorizing the release of their criminal records to the Hahira Police Department.
- (q) The written consent of a registered agent as required by Section 19(a) of this Ordinance.
- (r) Items (h) through (l) above shall not be required for a renewal application if the applicant states that documents previously furnished with the original application or previous renewals thereof, remain correct and current.

SECTION 11

OWNER AND OPERATOR TO APPEAR

The operator and at least one (1) owner, as defined in this Ordinance, shall personally appear at the public hearing for consideration of the application, scheduled pursuant to Section 12 of this Ordinance.

SECTION 12

APPLICATION - INVESTIGATION

- (a) Within fifteen (15) days of receipt of the application, the City Manager or designee shall review the application and send a copy to all affected departments of Lowndes County to determine compliance with county laws and regulations, and to the Hahira Police Department to investigate the character and reputation of each owner and operator. Each notified department shall submit a report within fifteen (15) days to the City Manager. If no report is received, it shall be concluded that there is no objection.
- (b) The City Manager shall prepare and cause to be published, a notice of public hearing for each pending application. Such notice shall include the date, time, and place of the public hearing; the location or street number of the proposed Adult Entertainment Establishment, and the name of each owner and operator. The applicant shall pay all publication costs. The notice shall be published in a newspaper of general circulation within the City, and shall appear once a week for two (2) consecutive weeks immediately preceding the public hearing. The City Manager, or designee, shall post a "notice of public hearing sign" on the subject property during this advertisement period.

- (c) The City of Hahira may approve the license at the public hearing upon finding that:
- (1) The required fee has been paid.
 - (2) The application conforms in all respects to the provisions of this Ordinance.
 - (3) No owner or operator knowingly made a material misrepresentation in the application.
 - (4) Each owner and operator has fully cooperated in the investigation of his application.
 - (5) Each owner and operator is of good moral character as defined in this Ordinance.
 - (6) No owner or operator has had an Adult Entertainment Establishment license or other similar license or permit denied, suspended or revoked for cause involving moral character by this City or any other unit of government located in or out of this state prior to the date of application.
 - (7) The building, structure, equipment, or location of the proposed Adult Entertainment Establishment will comply with all applicable City of Hahira zoning and development standards.
 - (8) Each owner and operator is at least twenty-one (21) years of age.
 - (9) No owner or operator is a City employee, an elected or appointed City official, or a spouse of an elected or appointed City official.
 - (10) No owner or operator has within five (5) years of the date of application, committed or knowingly allowed another to commit the crime of public indecency, as defined in O.C.G.A. §16-6-6,

upon the premises of an Adult Entertainment Establishment or similar business.

- (11) The location of the proposed Adult Entertainment Establishment is not inconsistent with the provisions of Section 8 of this Ordinance respecting location and development standards.
- (12) The approval of such license will not cause a violation of this or any other ordinance or regulation of the City of Hahira, State of Georgia, or the United States.
- (13) The registered agent's written consent has been provided.
- (d) If the license is approved, it shall be issued jointly in the name of the establishment and each owner and operator.
- (e) The issuance of an Adult Entertainment Establishment license shall not authorize any other conduct or activity regulated by other City ordinances, including but not limited to the Alcoholic Beverage Ordinance.

SECTION 13

LICENSE RENEWAL

Licenses for Adult Entertainment Establishments may be renewed on a calendar year basis provided that licensees continue to meet the requirements set out in this Ordinance. The renewal fee for an Adult Entertainment Establishment license shall be established from time to time by resolution of the Mayor and Council. Renewal applications shall be submitted by November 15th of each year prior to January 1st of the year for which such permit is requested. The form for renewal applications shall be furnished by the City Manager.

SECTION 14

LICENSES NON-TRANSFERABLE

No Adult Entertainment Establishment license may be sold, transferred or assigned by a licensee, or by operation of law, to any other person or persons. Any such sale, transfer or assignment, or attempted sale, transfer or assignment, shall be deemed to constitute a voluntary surrender of such license and such license shall thereafter be null and void; provided and excepting however, that if the licensee is a partnership and one or more of the partners should die, one or more of the surviving partners may acquire, by purchase or otherwise, the interest of the deceased partner or partners without effecting a surrender or termination of such license. In such case, upon notification to the City, the license shall be placed in the name of the surviving partner. An Adult Entertainment Establishment license issued to a corporation shall be deemed terminated and void when either any outstanding stock of the corporation is sold, transferred or assigned after the issuance of a license, or any stock not issued at the time of the granting of a license is thereafter issued.

SECTION 15

ADULT ENTERTAINMENT ESTABLISHMENTS - CHANGE OF LOCATION OR NAME

- (a) No Adult Entertainment Establishment shall move from the location specified on its license until a change of location fee, established by resolution of the City Council of the City of Hahira, has been deposited with the City, and approval has been obtained from the City Council. Such approval shall not be given unless all applicable requirements and regulations have been met.

- (b) No licensee shall operate, conduct, manage, engage in, or carry on an Adult Entertainment Establishment under any name other than the name of the business, and his name as specified on the license.
- (c) Any application for an extension or expansion of a building or other place of business where an Adult Entertainment Establishment is located shall require inspection and compliance with the provisions and regulations of this Ordinance.

SECTION 16

REVOCATION AND APPEAL

- (a) The City Manager shall be authorized to suspend or revoke an Adult Entertainment Establishment license under the conditions set forth in this Section. In the event the City Manager seeks to suspend or revoke a license, the City Manager shall give written notification to the licensee of such action and such notice shall contain a specification of the violation(s).
- (b) The City Manager may suspend or revoke a license in the event of any of the following:
 - (1) A licensee gave false or misleading information in the application or renewal process.
 - (2) A licensee knowingly allowed possession, use, or sale of controlled substances on the premises, or the licensee did not make a reasonable effort to prevent such occurrence(s).
 - (3) A licensee violated or knowingly allowed violation of this Adult Entertainment Establishment Ordinance, any other ordinance of the City, or any criminal law of the State of Georgia to occur on

the premises; or the licensee did not make a reasonable effort to prevent such violation(s).

- (4) A licensee has been convicted of any drug-related, alcohol-related, or sex-related crime by the State of Georgia or City of Hahira regarding any offense which was committed on the premises, or which would otherwise violate the provisions of this Ordinance.
 - (5) A licensee failed to pay any fee, license fee, fine or other amount of money due to the City of Hahira under this Ordinance or any other ordinance of the City of Hahira.
- (c) In the event that the City Manager determines that a license violation has occurred, such license shall be suspended for thirty (30) days for the first violation. For a second violation, the license shall be suspended for sixty (60) days. For a third and all subsequent violation(s), the license shall be suspended for ninety (90) days. Any license that has been suspended three (3) or more times in any consecutive twelve-month period, shall be revoked. In addition, any licensee found to be in violation of Sections 6(a) and 8(c) of this Ordinance shall be subject to immediate license revocation. Provided however, that the licensee shall be allowed to continue business operations until the date of the hearing scheduled in accordance with subsection (e) hereafter. No licensee or any other applicant may apply for a license for the same premises during any period of suspension or revocation.
- (d) In the event of license suspension or revocation by the City Manager, the licensee may appeal the decision of the City Manager to the City Council by filing a written notice of appeal with the City Manager within

ten (10) days from the effective date of written notice received by licensee in accordance with subsection (a) of this Section. The notice of appeal shall be accompanied by a memorandum or other writing, setting out fully the grounds for such appeal and all arguments in support thereof. The City Manager may submit a memorandum in response to the memorandum filed by the licensee upon appeal to the City Council. The City Manager's decision shall be final unless an appeal is timely filed. An appeal shall stay the City Manager's decision until the appeal is heard or withdrawn. The City Manager shall place the appeal on the agenda of the next regular City Council meeting occurring not less than five (5), nor more than thirty (30) days after receipt of the appeal.

- (e) When an appeal is placed on the City Council agenda, the Council may take either of the following actions:
- (1) Set a hearing date before the City Council and instruct the City Manager to give such notice of hearing as may be required by law; or
 - (2) Appoint a hearing officer and fix the time and place for hearing. The hearing officer may or may not be a City employee, and may be appointed for an extended period of time. The City Manager shall assume responsibility for such publication of notice of the hearing as may be required by law. If a hearing officer is appointed, the hearing shall be conducted in accordance with the procedures set out in this Ordinance.

In either event, the hearing shall be held within thirty (30) days of the City Council's action, unless a continuance of such date is agreed to by the licensee and the City Manager.

- (f) At any hearing, the hearing officer (or the City Council if a hearing officer is not appointed) shall receive oral and written testimony regarding the appeal. Hearings shall be conducted under rules issued by the hearing officer or City Council, which shall be consistent with rules applied in administrative proceedings, and shall ensure that each party may present evidence, cross-examine witnesses, and be represented by legal counsel.
- (g) If the hearing is held before the City Council, the Council may sustain, overrule, or modify the action of the City Manager. Appeals from the decision of the City Council shall be to the Superior Court of Lowndes County, and filed within thirty (30) days of the City Council's decision. The decision of the City Council shall otherwise be final.
- (h) If the hearing is held before a hearing officer, the hearing officer shall, within a reasonable time not exceeding fifteen (15) days from the termination date of such hearing, submit a written report to the City Council. Such report shall contain a brief summary of the evidence considered, and state the findings, conclusions and recommendation. The report shall recommend that the City Council sustain, overrule, or modify the action of the City Manager. The report shall be filed with the City Manager, and shall be considered public record. A copy of such report shall be forwarded by certified mail to the appellant on the same day it is filed with the City Manager. An additional copy shall be furnished to the Hahira Police Department. The City Manager shall place the hearing officer's report on the agenda of the next regular City Council meeting occurring not less than ten (10) days after the report is filed. The City Manager shall also notify the appellant of the

date of such meeting at least ten (10) days prior to the meeting unless the appellant stipulates to a shorter notice period.

- (i) The City Council may adopt or reject the hearing officer's decision in its entirety or may modify the proposed recommendation. The City Council shall base its determination on the hearing officer's report and other evidence in the record. No additional evidence or arguments shall be permitted at the Council meeting. If the Council does not adopt the hearing officer's recommendation, it may:
 - (1) Refer the matter to the same or another hearing officer for a de novo hearing, or for the taking of additional evidence on specific points, and in either of such cases the hearing officer shall proceed as provided in this Ordinance; or
 - (2) Decide the case upon a review of the entire record before the hearing officer, with or without taking additional evidence.

SECTION 17

CRIMINAL PENALTIES

- (a) Any person, firm or corporation operating an Adult Entertainment Establishment within the City of Hahira without having obtained a license as provided in this Ordinance, shall be guilty of a violation of this ordinance, and upon conviction thereof, shall be fined in an amount of not less than one hundred dollars (\$100.00) nor more than two hundred dollars (\$200.00). Each day the Adult Entertainment Establishment is operated without a license, it shall constitute a separate offense and shall be punishable as such.
- (b) Any person, firm or corporation who violates any provision of this Ordinance shall be guilty of violating this ordinance and upon

conviction, shall be fined in an amount not less than one hundred dollars (\$100.00) nor more than two hundred dollars (\$200.00). Each violation thereof shall constitute a separate offense and shall be punishable as such.

SECTION 18

UNLAWFUL OPERATION DECLARED NUISANCE

Any Adult Entertainment Establishment operated, conducted or maintained contrary to the provisions of this Ordinance shall be and the same is hereby declared to be unlawful and a public nuisance. The City may, in addition to, or in lieu of prosecuting a criminal action hereunder, commence action(s) or proceeding(s) for abatement, removal or enjoinder thereof, in a manner provided by law. It shall take such other steps and shall apply to such court or courts as may have jurisdiction to grant such relief as will abate or remove such Adult Entertainment Establishment and restrain and enjoin any person from operating, conducting or maintaining an Adult Entertainment Establishment contrary to the provisions of this Ordinance.

SECTION 19

NOTICES, REGISTERED AGENT, JURISDICTION

- (a) All licensed establishments must have and continuously maintain in Lowndes County a registered agent upon whom any process, notice or demand required or permitted by law or under this Ordinance to be served upon the licensee, may be served. This person shall act as registered agent for the operator and each owner collectively. This person must be a resident of Lowndes County. The operator may be appointed as the registered agent if he or she is a resident of Lowndes County. The licensee shall file the name of such agent, along with the

written consent of such agent, with the City Manager as part of the license application. By appointing such registered agent, and as a condition of the issuance of a license pursuant to the terms of this Ordinance, the licensee agrees that any legal action brought by the City against the Adult Entertainment Establishment or the licensee (which includes the operator or any owner) to enforce the provisions of the Ordinance, may be filed in any court of competent jurisdiction in Lowndes County, Georgia.

- (b) Any notice required or permitted to be given by the City Manager or any office, division, department or other agency under this Ordinance to any licensee, operator or owner of an Adult Entertainment Establishment, may be given by either: (1) personal delivery or; (2) by certified United States mail addressed to licensee's registered agent at the most recent address specified in the agent's written consent form received by the City Manager, or any notice of address change which has been received by the City Manager. If personally delivered, the notice's effective date shall be the date of delivery. If mailed, the notice's effective date shall be two (2) days after the notice is placed in the mail.

SECTION 20

CONDITIONS OF ADULT ENTERTAINMENT ESTABLISHMENT APPROVAL

- (a) All Adult Entertainment Establishments shall be kept in a clean, sanitary condition, and shall be in full compliance with all applicable ordinances and regulations of the City of Hahira, Lowndes County, and State of Georgia.

- (b) The Lowndes County Health Department shall have the authority to regularly inspect Adult Entertainment Establishments to determine compliance with all applicable health rules and regulations and report any violation to the City Manager.
- (c) The Hahira Fire Department shall have the authority to regularly inspect Adult Entertainment Establishments to determine compliance with all applicable fire regulations and report any violations to the City Manager.
- (d) The building inspector or designee shall have the authority to regularly inspect Adult Entertainment Establishments to determine compliance with all applicable building and other technical codes of the City.
- (e) The Hahira Police Department shall have the authority to periodically inspect Adult Entertainment Establishments to determine compliance with all provisions of this Ordinance or other applicable laws and report any violations to the City Manager.

SECTION 21

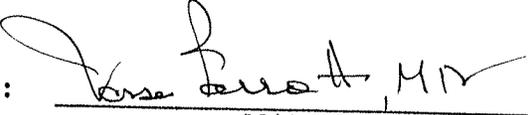
MISCELLANEOUS

- (a) Nothing contained in this Ordinance shall be deemed to permit or condone any activity whatsoever which is otherwise declared to be obscene or illegal by any applicable code, regulation, or statute which violates any jurisdictional prohibition upon nudity or sexual activity. Further, the activities and uses which are regulated and permitted by this Ordinance shall only be allowed if they are not obscene and not in violation of any other such prohibitions on nudity or sexual activity. This paragraph shall supersede and limit all other provisions of this Ordinance.

- (b) It is hereby declared to be the intention of the City of Hahira that the sections, paragraphs, sentences, clauses and phrases of this enactment are severable. If any phrase, clause, sentence, paragraph or section hereof shall be declared unconstitutional by a court of competent jurisdiction, such declaration shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance.
- (c) This Ordinance shall become effective immediately upon its adoption. All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed. This Ordinance shall become part of the Official Code of Hahira.

ADOPTED this 3rd day of DECEMBER, 1992.

CITY OF HAHIRA, GEORGIA

By: 
MAYOR

(SEAL)

ATTEST:


City Manager

First Reading 12-3-92 (Unanimous)

Second Reading N/A