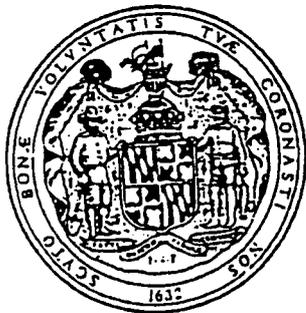


Rules and Regulations
for the
Board of Liquor License
Commissioners
for
Baltimore City

ADULT-ENTERTAINMENT BUSINESSES



NOTICE

Baltimore City Ordinance 99-417, effective May 26, 1999, revised the City laws governing the licensing and regulation of certain adult-entertainment establishments. The new law is codified at Article 15, §§ 150 through 187 of the City Code, under the Subtitle "Adult-Entertainment Businesses".

As authorized by Article 2B, § 12-203.1 of the Maryland Code, the new law transfers the regulatory authority over these businesses to the Board of Liquor License Commissioners for Baltimore City and, among other things, authorizes the Board to adopt rules and regulations to carry out its provisions. Pursuant to that authority, the following rules and regulations are proposed for adult-entertainment establishments.

Rule 1. Definitions.

(a) *Terms defined in Code.*

In these rules and regulations, the following terms have the meanings stated in the Article 15, § 150 of the City Code:

(1) *Adult entertainment.*

(Editor's Note: Article 15, § 150(b)(2) defines "adult entertainment" as follows:

"Adult entertainment" means live entertainment:

- (i) in which individuals appear for public view in a state of nudity or partial nudity;
- (ii) that is intended to provide sexual stimulation or sexual gratification;
- (iii) that is distinguished or characterized by an emphasis on material that depicts, describes, or relates to:
 - 1. human genitals in a discernible state of sexual stimulation or arousal; or
 - 2. acts of human masturbation, sexual intercourse, sodomy, or physical contact with an individual's clothed or unclothed genitals, pubic area, buttocks, or, if the individual is female, breast; or
- (iv) that, applying contemporary standards, the average individual would find, taken as a whole, appeals to the prurient interest. }

(2) Adult-entertainment business.

{Editor's Note: Article 15, § 150(c) defines "adult-entertainment business" as follows:

"Adult-entertainment business" means any cabaret, lounge, night club, modeling studio, or other establishment that offers its customers adult entertainment.)

(3) Board.

{Editor's Note: Article 15, § 150(d) defines "Board" as follows:

"Board" means the Board of Liquor License Commissioners for Baltimore City.)

(4) Includes; including.

{Editor's Note: Article 15, § 150(e) defines "includes; including" as follows:

"Includes" or "including" means by way of illustration and not by way of limitation.)

(5) Nudity.

{Editor's Note: Article 15, § 150(b)(1)(ii) defines "nudity" as follows:

"Nudity" means:

1. the showing of the human male or female genitals, pubic area, or buttocks with less than a fully opaque covering;
2. the showing of the female breast with less than a fully opaque covering over any part below the top of the nipple; or
3. the depiction of covered male genitals in a discernibly turgid state.)

(6) Partial nudity.

{Editor's Note: Article 15, § 150(b)(1)(iii) defines "partial nudity" as follows:

"Partial nudity" means a state of dress in which opaque clothing covers no more than:

1. the human male or female genitals, pubic area, or buttocks;
2. the female breasts below the top of the nipples; and
3. portions of the body covered by supporting straps or devices.)

(b) *Other terms defined.*

In these rules and regulations, the following additional terms have the meanings indicated:

(1) *Dancer.*

(a) "Dancer" means any person who, whether as an employee, an independent contractor, or an invitee of the business provides adult entertainment.

(b) "Dancer" includes any hostess, entertainer, bartender, or patron who appears nude or partially nude.

(2) *Patron.*

"Patron" means any customer, client, or other invitee on the premises of an adult-entertainment business.

(c) *Mandatory, prohibitory, and permissive terms.*

(1) "Must" and "shall" are each mandatory terms used to express a requirement or to impose a duty.

(2) "Must not", "may not", and "no ... may" are each mandatory negative terms to establish a prohibition.

(3) "May" is permissive.

Rule 2. Minimum Age of Dancer.

All dancers in an adult-entertainment establishment must be at least 18 years old or older.

Rule 3. Location of Performance.

(a) A dancer may not perform or otherwise appear nude unless the dancer;

(1) is on a stage that is raised at least 18 inches above floor level; and

(2) except as provided in subsection (b) of this rules, is at least 3 feet from the nearest patron.

- (b) An adult-entertainment business lawfully operating on the effective date of these rules need not modify its current layout to conform to the requirement of subsection (a)(2) of this rule. However, if that business renovates or substantially alters the layout of the licensed premises, the new layout must be made to conform to the requirement of subsection (a)(2).

Rule 4. Seclusion with Patrons Prohibited.

No dancer may enter any separate room, enclosure, or screened area with any patron, unless the area is in public view at all times.

Rule 5. Prohibited Touching.

(a) *By Patrons.*

No patron may touch a dancer's:

- (1) breast or chest;
- (2) genitals or genital area; or
- (3) anus, anal area or buttocks.

(b) *By Dancers.*

No dancer may touch:

- (1) any other dancer's
 - (i) breast or chest;
 - (ii) genitals or genital area; or
 - (iii) anus, anal area, or buttocks; or
- (2) a patron's:
 - (i) breast or chest;
 - (ii) genitals or genital area; or
 - (iii) anus, anal area, or buttocks.

Rule 6. Prohibited Conduct on Premises.

An adult-entertainment business may not permit any of the following on the premises, whether by dancers, patrons, or otherwise:

- (1) any acts of sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation, or any sexual acts that are prohibited by law; or
- (2) caressing, fondling, or touching the breast or chest, genitals or genital area, or anus, anal area, or buttocks of any other person, whether clothed or unclothed.

Rule 7. Attire.

No dancer may mingle with patrons while the dancer is nude.

Rule 8. Employee Records.

(a) Required.

An adult-entertainment business must keep on its premises records of the legal name, address, date of birth, and social security number of all persons employed by them or under contract with the business.

(b) Form.

(1) For each Maryland resident, these records must include a copy of a valid Maryland Driver's License or Age of Majority Card.

(2) For each non-resident of Maryland, these records must include a valid government-issued identification card or driver's license.

(c) Inspection.

These records must be available for inspection at all times by authorized representatives of the Board, the Police Department, or any other governmental agency.

Rule 9. Codes Compliance.

The premises of every adult-entertainment business must be maintained in compliance with all applicable health, fire, building, zoning, police, and alcoholic beverage codes and regulations.

Rule 10. Lighting.

The premises of every adult-entertainment business must be illuminated with sufficient natural or artificial lighting to permit clear visibility at all times.

Rule 11. Visibility from Exterior Prohibited.

(a) In general.

Adult entertainment may not be visible at any time from the exterior of the premises.

(b) Exterior doors and windows.

In addition to the requirements of Article 15, § 170, whenever adult entertainment is being provided, all exterior entrance or exit doors must be closed and all windows must be covered, except in exigent circumstances.

Rule 12. Posting Prices.

The prices of all alcoholic beverages must be posted in a visible area.

Rule 13. Posting License.

Every adult-entertainment business must frame its adult-entertainment license under glass and display it on the premises so that it is at all time conspicuous and easily read.

Rule 14. Other Standards of Operation.

Every adult-entertainment business must comply with all standards of operation set forth in Article 15, § 150 through 187, including:

(1) § 169. Hours of Operation.

{Editor's Note: Article 15, § 169 provides:

(a) In general.

Except as provided in subsection (b) of this section, no live adult entertainment may be conducted between the hours of 2 a.m. and noon.

(b) Exception.

If the State changes the closing time for holders of alcoholic beverage licensees, that closing time will apply to adult-entertainment businesses.)

(2) § 170. *Entrances and Exteriors.*

(Editor's Note: Article 15, § 170 provides:

(a) *Exterior entrance doors.*

Exterior entrance doors:

- (1) must be kept closed so that adult entertainment activities are not visible from the exterior of the building; and
- (2) may be opened only:
 - (i) to permit entry and exit; or
 - (ii) for cleaning or ventilation during nonoperational hours.

(b) *Entertainment not to be visible from exterior.*

The conduct of adult entertainment may not be visible at any time from the exterior of the premises in which it is conducted.

(c) *Enclosed vestibule or lobby.*

The premises of each adult-entertainment business must have a vestibule or lobby enclosed by immobile walls and consisting of a passage, hall, or room between the outer door facing the street and the part of the premises where the adult entertainment is conducted.)

(3) § 171. *"Barking".*

(Editor's Note: Article 15, § 171 provides:

Any attempt to urge, invite, or entice people to enter the premises of an adult-entertainment business is prohibited anywhere within 50 feet of the premises.)

(4) § 172. *Preventing Nuisances.*

(Editor's Note: Article 15, § 172 provides:

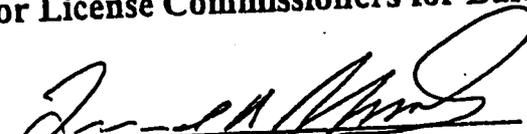
Every owner, operator, and manager of an adult-entertainment business must exercise proper care and control to prevent the business or its operations from becoming or creating a public nuisance, whether by the generation of noise, the blocking of public ways, or otherwise.)

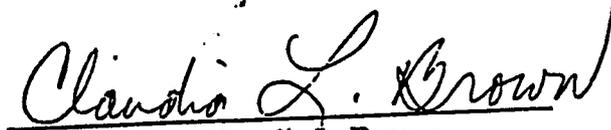
Note: These rules and regulations and all other matters relating to the licensing and operation of an adult-entertainment business will be enforced as provided in Ordinance 99-417 and Article 15, §§ 150 through 187 of the City Code.

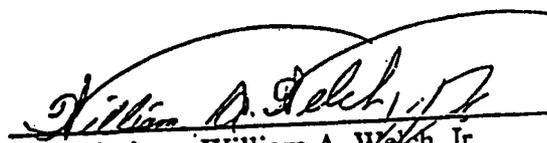
Adopted this 14th day of October 1999

by the

Board of Liquor License Commissioners for Baltimore City


Chairman Leonard R. Skolnik


Commissioner Claudia L. Brown


Commissioner William A. Welch, Jr.