

AN ORDINANCE

AN ORDINANCE TO AMEND ORDINANCE NO. 2673, CONCERNING ADULT ENTERTAINMENT REGULATIONS TO MODIFY CERTAIN DEFINITIONS.

BE IT ORDAINED by the Greenville County Council:

Section 1. Findings.

The Greenville County Council finds the following:

- 1) County Council hereby reaffirms its findings set forth in County Ordinance No. 2673, where it was stated that:

“It is the purpose of this article to regulate sexually oriented businesses to promote the health, safety, morals and general welfare of the citizens of the county, and to establish reasonable and uniform regulations to prevent the continued deleterious location and concentration of sexually oriented businesses within the county. The provisions of this article have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials. Similarly, it is not the intent or effect of this article 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 of this article to condone or legitimize the distribution of obscene material.”

- 2) County Council further finds that that:

A. The South Carolina Supreme Court has recognized the regulatory provisions of Greenville County’s Adult Entertainment Ordinance as constitutional and as a proper exercise of the County’s police powers in the cases of *Harkins v. Greenville County*, 340 S.C. 606, 533 S.E.2d. 886 (2000) and *Greenville County v. Kenwood Enterprises*, 353 S.C. 157, 577 S.E.2d 428 (2003).

B. Adult entertainment establishments, as commercial uses, continue to be associated with a wide variety of adverse secondary effects including, but not limited to, personal and property crimes, prostitution, potential spread of disease, lewdness, public indecency, obscenity, illicit drug use and drug trafficking, negative impacts on surrounding properties, urban blight, litter, and sexual assault and exploitation all of which increase demands on law enforcement resources and are detrimental to the community.

C. Adult entertainment establishments should continue to be separated from sensitive land uses to minimize the impact of their secondary effects upon such uses, and should be separated from other adult entertainment establishments, to minimize the secondary effects associated with such uses and to prevent an unnecessary concentration of adult entertainment establishments in one area.

D. Each of the foregoing negative secondary effects constitutes a harm which the County continues to have a substantial government interest in preventing and/or abating. This substantial government interest in preventing secondary effects, which is the county's rationale for this article, exists independent of any comparative analysis between sexually-oriented and non-sexually-oriented businesses. Additionally, the county's interest in regulating adult entertainment establishments extends to preventing future secondary effects of either current or future adult entertainment establishments that may locate in the county. The County finds that law enforcement records associated with adult entertainment establishments are reasonably believed to be relevant to said secondary effects.

Section 2. Amend “Section 2 Definitions” of Ordinance No. 2673 at Subsections (3)(a) and (12) to be revised as follows.

A. The definitions appearing in Sections 2(3)(a) “*Adult cabaret*” and 2(13) “*Semi-nude*” of Ordinance No. 2673 are amended to read as follows:

“(3) *Adult cabaret* means a nightclub, bar, restaurant, or similar commercial establishment which regularly features:

(a) Persons who appear in a state of nudity, or in a state of semi-nudity; or”

“(13) *Semi-nude* or a *state of semi-nudity* means the showing of the female breast below a horizontal line across the top of the areola and extending across the width of the breast at that point, or the showing of the male or female buttocks. This definition shall include the lower portion of the human female breast, but shall not include any portion of the cleavage of the human female breasts exhibited by a bikini, dress, blouse, shirt, leotard, or similar wearing apparel provided the areola is not exposed in whole or in part.”

B. The previous definitions for “*Adult cabaret*” and “*Semi-nude*” appearing in Section 2 of Ordinance No. 2673 are hereby replaced.

Section 3. Severability. Severability is intended throughout and within the provisions of this Ordinance. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, then that decision shall not affect the validity of the remaining portions of this Ordinance.

Section 4. Repeal. All ordinances or parts of ordinances in conflict with this Ordinance, or inconsistent with its provisions, are hereby repealed or superseded to the extent necessary to give this Ordinance full force and effect.

Section 5. Effective Date. This Ordinance is effective upon adoption and is subject to the pending ordinance doctrine and is enforceable upon its introduction and notice of Public Hearing.

DONE IN REGULAR MEETING THIS ____ DAY OF _____, 2017.

ATTEST:

Theresa B. Kizer
Clerk to Council

Chairman
Greenville County Council

Joseph M. Kernell
County Administrator