

**PRINCE GEORGE'S COUNTY COUNCIL  
AGENDA ITEM SUMMARY**

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**Meeting Date:** 11/25/2003

**Reference No.:** CB-86-2003

**Proposer:** Hendershot, County Executive

**Draft No.:** 3

**Sponsors:** Hendershot, Shapiro, Dean, Exum

**Item Title:** An Act concerning Adult Entertainment Clubs for the purpose of regulating the adult entertainment industry by establishing license requirements and penalties for violators and amending the provisions of the Code to clarify the use of the terms "public place" and "place open to the public."

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**Drafter:** Ralph E. Grutzmacher  
Legislative Officer

**Resource** Karen Zavakos  
**Personnel:** Office of Law

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**LEGISLATIVE HISTORY:**

**Date Presented:** 10/7/2003

**Executive Action:** 12/12/2003 S

**Committee Referral:** 10/7/2003 HEHS

**Effective Date:** 1/27/2004

**Committee Action: 1** 10/15/2003 HELD

**Committee Action: 2** 10/21/2003 FAV(A)

**Date Introduced:** 10/28/2003

**Public Hearing:** 11/25/2003 10:00 A.M.

**Council Action:** 11/25/2003 ENACTED

**Council Votes:** PS:-, MB:A, SHD:A, TD:A, CE:A, DCH:A; TH:A, TK:A, DP:A

**Pass/Fail:** P

**Remarks:** \_\_\_\_\_

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**11/25/2003: Amended on the floor; CB-86-2003 (DR-3) enacted**

**HEALTH, EDUCATION AND HUMAN SERVICES COMMITTEE** DATE: 10/21/03

Committee Vote: Favorable with Amendments, 3-0 (In favor: Council Members Hendershot, Dean and Shapiro)

The Committee reconvened to consider CB-86-2003, Draft 2. Staff addressed the proposed amendments. The sponsor requested that the County Executive be added as a sponsor. The Legislative Officer on behalf of the Office of Law addressed the age requirements for dancing in an adult entertainment establishment. It was pointed out that to change the age to 21 would infringe upon an individual's constitutional rights as an adult. The age for entertainers was amended to age eighteen; the age that was originally proposed. The Legislative Officer also indicated that language was not included in the propose draft 2 pertaining to public participation during the license renewal process. This was due to concerns about imposing additional conditions upon an applicant that may be considered to be an unreasonable prior restraint on the expressive activities. The entire purpose of the legislation is to provide reasonable time, place and manner restrictions without unreasonably infringing upon protected expressive activities. It was recommended that language be incorporated into the bill regarding notification to citizens impacted by these establishments upon application for a license.

**HEALTH, EDUCATION AND HUMAN SERVICES COMMITTEE** DATE: 10/15/03

Held in Committee.

Staff explained the purpose of the bill and summarized the referral comments that were received. CB-86-2003 amends the current law against nudity in a "public place" and a "place open to the public". The expanded definition would make it more effective. CB-86-2003 also allows for specific guidelines against certain spatial relationships. CB-90-2003 was considered at the same time as CB-86-2003 due to the relationship of the subject matter. CB-90-2003 establishes license requirements and penalties for violators of the adult entertainment industry.

A question was raised if CB-90-2003 contained a provision that allowed immediate revocation of a license if the establishment is under any Code violations. CB-90-2003 does not contain such language.

The Legislative Officer explained that there isn't a limit on the number of licenses for the adult entertainment establishments, in comparison to liquor licenses, where there are limitations and the licenses can be transferred. The Department of Environmental Resources' representative indicated that currently there are approximately 200 facilities, all of which do not have adult entertainment. It depends on what type of Use and Occupancy permit was requested.

It was requested that staff revise language for public participation during the license renewal process.

Pursuant to CB-90-2003, an employee must be 18 years old to be employed at an adult entertainment establishment. However, to patronize the establishment, the age requirement is twenty-one years old. Staff was directed to increase the age requirement for entertainers to age twenty-one.

The Committee directed the staff to consolidate the two bills. The Committee further recommended language pertaining to age limitations, public participation for license renewal, enforcement, and additional findings.

The Prince George's Chamber of Commerce supports the concept but the finalized legislation was not available for review prior to their meeting. The Office of Audits and Investigations determined that there should not be a negative fiscal impact on the County as a result of enacting CB-86-2003 or CB-90-2003. If CB-90-2003 is implemented, there will be additional revenue generated through the issuance of licenses and the penalties levied on violators. There will also be additional costs to the County for enforcement and background checks and related expenses.

The Committee recommended holding the legislation in committee, to allow staff the opportunity to develop a proposed (DR-2), consolidating the two pieces of legislation with the proposed amendments.

### **BACKGROUND INFORMATION/FISCAL IMPACT**

**(Includes reason for proposal, as well as any unique statutory requirements)**

On October 15, 2003 the Health Education and Human Services Committee directed the staff to consolidate CB-86-2003 and CB-90-2003. The background information for each is listed below.

CB-86-2003 - The proposed legislation would amend the County's existing law on indecent exposure by clarifying the existing definition of "public place" and adding a new defined term for a place open to the public. Additionally, the legislation would require adult entertainers to maintain a "no-touch" buffer area from patrons.

CB-90-2003 - Currently there are no regulatory provisions in County law for adult entertainment. This bill defines and regulates adult entertainment through the establishment of licensing requirements and penalties for violators.

### **CODE INDEX TOPICS:**