

**LAND USE PLANNING AND ZONING COMMITTEE  
OF THE  
CITY COUNCIL**

**August 15, 2012**

**COMMITTEE AMENDMENT NO. 1 TO C/S O-12-16**

**AMENDMENT SPONSORED BY COUNCILLOR Lewis, Benton, O'Malley**

1. On page 14, after line 17, insert the following sections and re-letter the subsequent subsections accordingly:

“(B) A customer at an adult cabaret commits an offense if the customer actively touches an employee who is exposing any specified anatomical areas or touches the clothing of the employee.”

Explanation: This amendment adds back one of two “touching” prohibitions from the original bill. This provision protects the employee without restricting the performance.

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**COMMITTEE AMENDMENT NO.   2        TO   C/S O-12-16**

**AMENDMENT SPONSORED BY COUNCILLOR   Lewis, Benton, O'Malley**

1. On page 14, line 13, insert “knowingly” after the word “he.”
2. On page 14, line 14, delete “, or otherwise allows a person to act as an adult cabaret entertainer if the person” and insert “a person who”.

Explanation: This amendment clarifies that an offense occurs under hiring restrictions only when the act is committed knowingly. It also applies the conviction list to all employees and contractors of the business rather and not solely entertainers.

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**COMMITTEE AMENDMENT NO. 3 TO C/S O-12-16**

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1. On page 14, line 20, delete “one year, provided that no adult cabaret entertainment occurs in the VIP room” and insert “six months.”
2. On page 15, delete line 4.

Explanation: This amendment reduces the amortization period for compliance with the VIP room restrictions from one year to six months and removes language that contradicted the intent of the amortization period. In the original bill, the VIP prohibition was absolute; the committee substitute excepts VIP areas “of which the entire interior is clearly and completely visible from the exterior of the area.” Since VIP areas do not have to be entirely removed, the amortization period is shortened.

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**COMMITTEE AMENDMENT NO. 4 TO C/S O-12-16**

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1. On page 2, line 28, after “entertainment,” insert “or an independent contractor who engages in or performs adult cabaret entertainment.”
2. On page 9, line 13, delete “employees of the” and insert in lieu thereof “adult cabaret entertainers who perform at a”.
3. On page 9, line 16, delete “employee” and insert in lieu thereof “adult cabaret entertainer”.
4. On page 9, line 32, delete “employee’s” and insert in lieu thereof “adult cabaret entertainer’s”.
5. On page 9, line 32, delete “employee” and insert in lieu thereof “adult cabaret entertainer”.
6. On page 9, line 23, delete “, all residence addresses during the 12-month period preceding commencement of an employment or contractual relationship with the sexually oriented business”.
7. On page 10, line 1, insert a new subsection:  
“(10) Any other records and documents required under federal laws for employees or independent contractors, whichever applies.”
8. On page 10, line 1, delete “employee” and insert in lieu thereof “adult cabaret entertainer”.
9. On page 10, line 4, delete “employee” and insert in lieu thereof “adult cabaret entertainer”.
10. On page 10, line 8, delete subsection (E) in its entirety.

Explanation: This amendment (1) clarifies that adult cabaret entertainers may be employees or independent contractors, (2) applies the identification records requirements to adult cabaret entertainers only and not to all employees of sexually oriented businesses, (3) adds a stipulation that documents required under federal law for all employees or contractors of any business must be included in identification records, and (4) removes the “previous address” requirement for employee records. Additionally, subsection (E) stating that the City to treat records as confidential was removed because the City will not be custodians of or maintaining the records.