

## ORDINANCE 900

### **AN ORDINANCE BY THE BOARD OF SUPERVISORS OF LAMAR COUNTY, MISSISSIPPI PROHIBITING A COMMERCIAL ESTABLISHMENT FOR, ENGAGING IN OR FEATURING CERTAIN SEXUALLY ORIENTED ADULT ENTERTAINMENT.**

**WHEREAS**, The Board of Supervisors of Lamar County, Mississippi has vital governmental interest in preventing crime, maintaining property values, preserving the quality of neighborhoods and communities, protecting minors and the elderly, and promoting the general public health, morals and safety of the County, and

**WHEREAS**, The Board of Supervisors of Lamar County, Mississippi are authorized by the laws of the State of Mississippi to promulgate ordinances which promote the health, safety and moral well being of the County; and

**WHEREAS**, The Board of Supervisors finds upon reliable information and upon careful consideration that the existence of certain adult entertainment which exists elsewhere in the State of Mississippi such as nude dancers, entertainers, performers, or other individuals, who, for commercial gain, dance, perform, model or demonstrate while displaying or exposing "specified anatomical areas" or engage in "specified sexual activities" "straddle dancing", or erotic touching with customers; and

**WHEREAS**, The Board of Supervisors of Lamar County, Mississippi, find, that sexually oriented activities such as those referred herein promote and increase criminal activities, disrupt the peace and order to the community, affect the quality of life of the community, reduce property values of the areas surrounding such establishments, encourage and attract prostitution and sexual permissiveness, adversely affect the perception of the community's reputation as a good and wholesome location for the family, and contribute to the moral degradation of the community; and

**WHEREAS**, it is the finding and opinion of the Board of Supervisors of Lamar County, Mississippi, based upon reliable information, that in order to preserve and safeguard the health, safety, property values, community moral standards, and the general welfare of the people, businesses and industries of Lamar County, it is advisable for the County to prohibit establishments which allow or promote sexually oriented activities as herein referred to occur; and

**WHEREAS**, The Board of Supervisors of Lamar County, Mississippi being charged with the duty to protect health, safety and well being of its citizens and the County itself, is vested by law with the power to promulgate regulations and ordinances which promote the health, safety and welfare of it's citizens; and

**WHEREAS**, in the course of considering this ordinance, the Supervisors of Lamar County, Mississippi, has reviewed and/or been advised of the experiences and studies of other local governments, previous court precedents, summaries of land use studies in connection with secondary effects of sexually oriented adult businesses, and upon the personal general knowledge of the members of the Board of Supervisors concerning the general effects of the issues, and the expressions of concern and requests for action on the issue from it's citizens.

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF LAMAR COUNTY, MISSISSIPPI**, as follows, to-wit:

**900.1.** The provisions of this ordinance apply to all territory within the legal boundaries of Lamar County, Mississippi.

**900.1.A.** This ordinance may commonly be referred to as the Adult Entertainment Ordinance. (Added Dec. 2024)

**900.2.** The following phrases or words shall have the meanings or definitions as follows:

**900.2.A.** "Commercial Establishments" means any location or place of business where a business enterprise is operated for the general public or for a private group.

**900.2.B.** "Employee" means a person who performs any service on the premises of a commercial establishment as herein defined on a full-time, part-time, contract basis, or independent basis, whether or not the person is denominated an employee, independent contractor, agent, or otherwise, and whether or not the person is paid a salary, wage, or other compensation by the operator of said business. "Employee" does not include a person exclusively on the premises for the repair or maintenance of the premises or equipment on the premises, or for the delivery of goods to the premises, nor does "Employee" include a person exclusively on the premises as a patron or customer.

**900.2.C.** "Specified Anatomical Areas" means

**900.2.C.1.** Any of the following areas of the human body less than completely or opaquely covered: (a) human genital or pubic region; (b) the entire cleft of the male or female buttocks. (Attire which is insufficient to comply with this requirement includes, but is not limited to, G-strings, T-backs, and thongs); (c) That portion of the human female breast below a point immediately above the top of the areola, which includes the entire lower portion of the human female breast exhibited by a dress, blouse, shirt, leotard, bathing suit, or other wearing apparel, provided, the areola is not so exposed;

**900.2.C.2.** Human male genitals in a discernible turgid state even if completely and opaquely covered.

**900.2.D.** "Specified Sexual Activities" are

**900.2.D.1.** Human genitals in a state of sexual stimulation or arousal; or

**900.2.D.2.** Acts of or simulated anilingus, bestiality, buggery, cunnilingus, coprophagy, coprophilia, fellation, flagellation, masochism, masturbation, necrophilia, pederasty, pedophilia, sadism, sadomasochism, sapphism, sexual intercourse, sodomy, urolagnia or zooerasty; or

**900.2.D.3.** Fondling or other erotic touching of human genitals, pubic region, buttock, anus or female breast, whether covered or uncovered; or

**900.2.D.4.** Excretory functions as part of, or in connection with any of the activities set forth in (1) through (3) of this definition.

**900.2.E.** "Straddle Dance" also known as a table dance, lap dance, face dance or couch dance shall mean any of the following acts:

**900.2.E.1.** The use by an employee of any part of his or her body to touch the genital or pubic area of a person while at the commercial establishment, regardless of whether the touch occurs while the employee is displaying or exposing any specified anatomical area or whether the touching is direct or through a medium;

**900.2.E.2.** The straddling of the legs of an employee over any part of the body of a person at the commercial establishment, regardless of whether there is a touch or touching.

**900.3.** It shall be unlawful for any owner of a commercial establishment or employee of such commercial establishment to:

**900.3.A.** To expose to public view "specified anatomical areas" or any simulation thereof,

**900.3.B.** To engage in any “specified sexual activities” or any simulation thereof,

**900.3.C.** To perform a “saddle dance”

**900.4.** Any violation of any of the provisions of this Ordinance shall be enforced criminally using the provisions within the Indexing and Numbering Ordinance system method. (Amended Dec. 2024)

**900.5.** In addition to the penalties hereinabove provided in 900.4, any condition caused or permitted to exist in violation of any provision of this Ordinance shall be subject to appropriate civil action, including, but not limited to, the declaration of a public nuisance, injunctive relief or abatement, damages and sanctions in any court of appropriate jurisdiction. (Amended Dec. 2024)

**900.6.** It is not the intent of this Ordinance to restrict, enlarge or affect in any way any existing law or ordinance of the State of Mississippi or the separate enforcement thereof. No otherwise illegal acts or omissions are or shall be excused or made legal by the passage of this Ordinance. It is declared to the legislative intent that if any Section, sentence, clause, or provision, or the application or the enforceability thereof, shall be severable from this Ordinance. The remaining portion or provisions of the Ordinance, or all applications and the appropriate enforcement thereof, shall not be affected and shall be interpreted, if necessary, so as to give a meaning consistent with the purpose and intent of the enacted Ordinance.

**900.7.** This Ordinance shall take effect on the 15<sup>th</sup> day of September, 1997.

**900.8.** The Clerk of this Board is hereby directed to publish this Ordinance one (1) time in a local newspaper.

The above and foregoing Ordinance, after having been first reduced to writing, and discussed and considered by the Board, was moved for adoption upon the Motion of Supervisor BISHOP, seconded by Supervisor BRYANT. Thereupon the matter was put to a roll call vote with the results as follows:

Mike Backstrom	Voted Aye
Ben Barrett	Voted Aye
Bill Bishop	Voted Aye
Joe Bryant	Voted Aye
Jessie V.E. Douglas	Voted Aye

**WHEREUPON**, the President of the Board declared the Motion carried and the Ordinance so adopted on this the 15<sup>th</sup> day of SEPTEMBER, 1997.

**900.9.** Amendments

**900.9.A.** Amended Dec 19<sup>th</sup>, 2024, effective February 1<sup>st</sup>, 2025