

CHAPTER 33

REGULATIONS OF SEXUALLY ORIENTED BUSINESSES

- 33.01 The regulations set forth in this chapter, or set forth elsewhere in these regulations of the Zoning Code, are the zoning regulations for the regulation of Sexually Oriented Businesses.
- 33.02 Zoning Inspector means the Hamilton Township zoning inspector.
- 33.03 Establishment and Classification of Businesses
- A. No person shall cause or permit the Establishment of any Sexually Oriented Business on any parcel of land, any portion of which is within five hundred (500) feet of the right-of-way of an interstate highway. In no case shall signage for a Sexually Oriented Business be visible from an interstate highway.
 - B. Sexually Oriented Businesses shall be permitted only in areas zoned in: Chapter 12 Heavy Industry M-2; provided all other requirements of the Zoning Code are met.
 - C. No Sexually Oriented Business shall be established within five hundred (500) feet of another such business, or within five hundred (500) feet of a Protected Use.
 - D. In no case shall a Sexually Oriented Business engage in the outdoor exhibition of Specified Anatomical Areas or Specified Sexual Activities.
- 33.04 Measurement of Distance
- A. For the purposes of the regulation of Sexually Oriented Businesses, distance shall be measured in a straight, horizontal line, without regard to intervening structures.
 - B. The distance between any two (2) Sexually Oriented Businesses and the distance between any Sexually Oriented Business and any establishment where alcohol is served, shall be measured from the closest exterior structural wall of each business. The distance between any sexually oriented business and any Protected Use, as defined, shall be measured from the closest exterior structural wall of the Sexually Oriented Business and the nearest property line of the Protected Use.
- 33.05 Non-Conformity
- A Sexually Oriented Business lawfully operating as a conforming use is not rendered non-conforming by the subsequent location of a Protected Use within five hundred (500) feet of the Sexually Oriented Business.
- 33.06 Permit Required
- A. No Sexually Oriented Business may operate without a valid Sexually Oriented Business permit issued by the Zoning Inspector.
 - B. The Zoning Inspector is responsible for granting, denying, revoking, renewing, suspending and/or canceling permits for existing or proposed Sexually Oriented Businesses. To be approved, applicants must comply with all applicable requirements of the regulations of the Zoning Code, applicable Building Code, Hamilton Township

Police Department, local Fire Department, and the Warren County Combine Health District.

- C. The Hamilton Township Police Department is responsible for obtaining information on whether an applicant has been convicted of a Specified Criminal Act, within the time period set forth.
- D. Applications must be made on a form provided by Hamilton Township. Applicants must provide one (1) original and all necessary copies of a sworn application, which shall contain the following information and attached documentation.
 1. If the applicant is:
 - a. An individual, the legal name, all aliases and proof that applicant is at least eighteen (18) years of age;
 - b. A partnership, the complete name, all partners legal names and aliases, proof that each partner is at least eighteen (18) years of age and a copy of any partnership agreement;
 - c. A corporation, its complete name, date of incorporation, legal names of all officers, directors and stockholders, proof that all officers, directors and stockholders are at least eighteen (18) years of age, legal name and address of its registered agent, a copy of articles of incorporation and evidence of good standing under Ohio Law.
 2. The proposed name of the Sexually Oriented Business, as well as any registration documentation.
 3. Whether the applicant, or any other individual listed in the application, has been convicted of a Specified Criminal Act or a Sexually Oriented Act within either two (2) years for misdemeanor offenses, or five (5) years for felony offenses or two (2) or more misdemeanor offenses, immediately preceding the application date and if so, the criminal act involved, date and place of the conviction(s).
 4. Whether the applicant, a person with whom the applicant is residing, or any individual listed in the application, has had a Sexually Oriented Business permit revoked, suspended, canceled or denied, and, if so, the name of the business, the jurisdiction and the date of revocation, suspension, cancellation or denial.
 5. Whether the applicant, the spouse of the applicant, or any individual listed in the application, holds any other Sexually Oriented Business permits, as well as the names and locations of all such other businesses and whether the aforementioned are overdue on the payment of taxes, fees, fines, or penalties assessed or imposed in relation to a Sexually Oriented Business.
 6. The proposed location of the business, including a legal description of the property, street address and telephone numbers.
 7. The applicant's business and residential address and telephone numbers.
 8. The applicant's drivers license number, social security number, tax identification number and recent photograph.
 9. A sketch or diagram showing the configuration and total floor space of the premises upon which the Sexually Oriented Business will be conducted. The sketch need not

be professional, but must be drawn to scale and accurate to within six (6) inches, plus or minus.

10. A current certificate and straight line drawing, prepared within thirty (30) days prior to application by a registered land surveyor, depicting property lines, structures and the property lines of any existing Protected Use and other Sexually Oriented Businesses within one thousand (1000) feet of the proposed Sexually Oriented Business. A Protected Use shall be considered established if it is in existence at the time the application is submitted.
11. The application must be signed:
 - a. By the individual applicant if the applicant is an individual;
 - b. By all partners if the applicant is a partnership;
 - c. By an authorized officer and all shareholders if the applicant is a corporation; and
 - d. In addition to (a), (b) and (c) above, all persons having any ownership interest in the Sexually Oriented Business.
- E. Applicants are under a continuing duty to promptly update their application information. Failure to do so within thirty (30) days of the date of a change in application information shall be grounds for permit suspension.
- F. If the Zoning Inspector determines that an applicant has provided incomplete or inaccurate information, or improperly completed the permit application, the applicant shall be notified and allowed ten (10) days for corrections to be made. The time period for application review shall be stayed during the period in which the applicant is allowed an opportunity to properly complete the application.
- G. A non-refundable application fee, as determined by the Hamilton Township Trustees, is due at the time the applicant files an application. Applications will not be accepted without the required filing fee.
- H. The applicant must be qualified according to all provisions of these regulations and the premises must be inspected and found to be in compliance with all applicable health, fire, zoning, and building codes and laws.
- I. The possession of other types of permits, including a liquor license, does not exempt an applicant from the requirement of obtaining a Sexually Oriented Business permit.
- J. By making application for a Sexually Oriented Business permit, an applicant shall be deemed to have consented to the provisions of the Zoning Code and to the appropriate investigation of said application.
- K. The applicant is required to provide the Zoning Inspector with the names (including aliases) of all Employees required to be licensed under the Zoning Code, before they commence employment. This obligation continues even after a permit is granted or renewed. Failure to comply with this requirement shall be grounds for permit suspension. No Employee may work in a Sexually Oriented Business without a valid Sexually Oriented Business Employee license.

- A. Upon receipt of a completed application and the required non-refundable application fee, the Zoning Inspector (or designee) shall immediately stamp the application as received and shall immediately thereafter send photocopies of the application to any agencies responsible for the enforcement of health, zoning, fire, law enforcement and building codes or laws. Each agency shall promptly investigate the application in accordance with its responsibilities under law and as set forth within the Zoning Code. All investigations shall be completed within such time as to allow the Zoning Inspector to approve or deny a permit within forty-five (45) days of the Zoning Inspector's receipt of the completed application.
- B. At the conclusion of its investigation, each agency shall indicate on the photocopy of the application its approval or disapproval of the application, with date and signature and in the event of disapproval, state the reasons therefore. An agency shall disapprove any application which reveals that the proposed Sexually Oriented Business will be in violation of any provision of any statute, code, regulation, or other law in effect in Warren County. After its indication of approval or disapproval, each agency shall immediately return the photocopy of the application to the Zoning Inspector.

33.08 Approval or Denial of Permit

- A. A Sexually Oriented Business permit shall be approved or denied by the Zoning Inspector within forty-five (45) days of the receipt of a complete application.
- B. The permit, if granted, shall state on its face the name of the person(s) to whom it is granted, the name of the business, the address of the business and the permit expiration date. The permit shall be posted in a conspicuous interior location, at or near the entrance to the Sexually Oriented Business, such that it may be easily read at any time.
- C. A permit application shall be approved, unless one (1) or more of the following criteria is found to exist, in which case it shall be denied:
 - 1. An applicant, partner of a partnership applicant, or officer, director or shareholder of a corporate applicant, is under eighteen (18) years of age;
 - 2. An applicant, or, if the applicant is an individual, an applicant's spouse, is overdue on the payment of taxes, fees, fines, or penalties assessed or imposed in relation to a Sexually Oriented Business;
 - 3. An applicant, if the applicant is an individual, is residing with a person to whom a permit to operate a Sexually Oriented Business has been denied or revoked within the preceding twelve (12) months;
 - 4. An applicant, after the notice provided in Section 33.06.F, has failed to provide required information in the application, or has supplied false information;
 - 5. The premises to be used are not in compliance with applicable health, zoning, fire, and building codes, as determined by the agencies responsible for determining such compliance;
 - 6. The non-refundable permit application fee has not been paid;
 - 7. An applicant is in violation of, or not in compliance with, any of the provisions of the Zoning Code;
 - 8. The issuance of the permit would violate a statute, resolution, or court order;

9. The applicant held a Sexually Oriented Business permit under the provisions of the Zoning Code which was subsequently revoked;
 10. The applicant has been convicted of a Specified Criminal Act within the time limits specified in Section 33.06.D.3 of the Zoning Code;
 11. An applicant knowingly has in his/her employ an employee without a valid Sexual Oriented Business Employee license, as required within the Zoning Code;
- D. No person may make application for a permit for a Sexually Oriented Business at a particular location if such person has had an application for a Sexually Oriented Business at the same location denied within twelve (12) months of the time application is made.

33.09 Annual Permit Fee

The annual fee for a Sexually Oriented Business permit, as determined by the Hamilton Township Trustees, shall be payable upon the date of first permit issuance and upon each anniversary thereof, assuming renewal is granted by the Zoning Inspector.

33.10 Inspection

An applicant or permittee shall permit representatives of the Warren County Building Department and Hamilton Township Zoning Department, Warren County Combined Health District, and the applicable fire department to inspect the premises of a Sexually Oriented Business for the purpose of insuring compliance with their respective regulations, at the time it is occupied or open for business.

33.11 Expiration and Renewal of Permit

- A. No Sexually Oriented Business shall operate without a valid Sexually Oriented Business permit. Each Sexually Oriented Business permit shall expire one (1) year from date of issuance and may be renewed prior to expiration, subject to the following requirements. The permit holder shall request renewal in writing to the Zoning Inspector at least sixty (60) days prior to permit expiration, accompanied by a non-refundable fee, as determined by the Hamilton Township Trustees. Renewal shall be subject to a finding that the permit holder remains in conformance with all applicable permit requirements. Making application less than sixty (60) days before permit expiration shall not effect the current expiration date. An expired permit is not eligible for renewal, however re-application may be made.

33.12 Suspension of Permit

- A. A permit to operate a Sexually Oriented Business shall be suspended by the Zoning Inspector for thirty (30) days, until the violation has been corrected. If it is determined that a Permittee, or the Employee of a Permittee, has:
1. Violated, or is not in compliance with, any portion of the Zoning Code; or
 2. Been under the influence of alcoholic beverages or controlled substance while working on the Sexually Oriented Business premises; or
 3. Refused to allow an inspection of the premises, as authorized by the Zoning Code; or
 4. Knowingly permitted gambling by any person on the premises; or

5. Failed to correct a violation of a building, zoning, fire or health code within seven (7) days of the notification of such violation; or
6. Engaged in permit transfer in violation of the applicable provisions of the Zoning Code; or
7. Knowingly employed a person without a valid license, as required by the Zoning Code.

33.13 Revocation of Permit

- A. A permit to operate a Sexually Oriented Business shall be revoked by the Zoning Inspector upon a determination that either a permit is to be suspended for a second time within a twelve (12) month period, or that a Permittee or Employee of a Permittee has:
 1. Given false or misleading information in material submitted during the application or renewal process that tended to enhance the opportunity for obtaining such permit or renewal; or
 2. Knowingly allowed the possession, use or sale of controlled substances on the permit premises; or
 3. Knowingly allowed prostitution on the premises; or
 4. Knowingly operated the Sexually Oriented Business while under permit suspension; or
 5. Been convicted of a Specified Criminal Act for which the time period specified in Section 33.06.D.3 of the Zoning Code has not elapsed; or
 6. Been convicted of tax violations for taxes or fees related to a Sexually Oriented Business; or
 7. Knowingly allowed any Specified Sexual Activities, as defined, between patrons or between patrons and Employees to occur in or on the Permitted Premises or surrounding properties; or
 8. Operate more than one (1) Sexually Oriented Business under a single roof.
- B. Permit revocation is effective for one (1) year. The Permittee shall not be granted any other permits for any other Sexually Oriented Business during the effective revocation period.

33.14 Transfer of Permit

- A. A Permittee shall not operate a Sexually Oriented Business at any location other than the address designated in the application for permit.
- B. A Permittee shall not transfer a Sexually Oriented Business permit unless and until such other person satisfies the following requirements:
 1. Obtains an amendment to the permit from the Zoning Inspector, upon satisfactory completion of all permit application requirements;
 2. Pays a transfer fee of fifty (50) percent of the annual permit fee.

- C. A permit shall not be transferred in the event that the Permittee has been notified that suspension or revocation proceedings have been or are being brought against the Permittee.
- D. A permit shall not be transferred to another location.
- E. Any attempt to transfer a permit in violation of these provisions is void and the subject permit shall be revoked by the Zoning Inspector.

33.15

Sexually Oriented Business Employee License

- A. All prospective Employees of a Sexually Oriented Business shall obtain a Sexually Oriented Business Employee license. Each applicant shall pay a license fee, as determined by the Hamilton Township Trustees, to cover reasonable administrative cost. No application shall be accepted without the required fee.
- B. On a form provided by Hamilton Township, the applicant must provide one (1) original and two (2) copies of a sworn application, which shall contain the following information and attached documentation:
 - 1. Name, inclusive of stage names or aliases;
 - 2. Age, birth date and birthplace;
 - 3. Height, weight, hair and eye color;
 - 4. Current residence and business address and phone numbers;
 - 5. State driver's license or state identification and social security number;
 - 6. Acceptable written proof that the individual is at least eighteen (18) years of age;
 - 7. A color photograph of the applicant, clearly showing the applicant's face. The applicant's fingerprints on a form provided by the Hamilton Township Police Department. Any fees for photos and fingerprints are the responsibility of the applicant;
 - 8. A statement detailing the Sexually Oriented Business license or permit history of the applicant for the previous five (5) years, including information whether a permit or license had been denied, revoked or suspended, the applicable reasons and dates for such actions, as well as the jurisdiction in which such actions occurred, as applicable;
 - 9. Information as to whether the applicant has been convicted of a Specified Criminal Act, as defined, as well as the date, place, jurisdiction and nature of each conviction.
- C. By making application for a Sexually Oriented Business Employee license, an applicant shall be deemed to have consented to the provisions of the Zoning Code and to the appropriate investigation of said application.
- D. The Zoning Inspector shall refer a photocopy of the Sexually Oriented Business Employee license application to the Hamilton Township Police Department for investigation. The Chief of Police or his designee shall report findings of the

investigation on the photocopy, with date and signature and immediately return the photocopy of the application to the Zoning Inspector.

- E. The initial application review shall be completed within fourteen (14) days from the date a completed application is filed. A conditional license shall be issued upon the completion of the initial application review unless the investigation of the applicant finds one or more of the following:
1. That the applicant knowingly made any false, misleading, or fraudulent statement of a material fact; or
 2. That the applicant is under eighteen (18) years of age; or
 3. That the license is to be used for employment in a business prohibited by these regulations, or other local or State Laws; or
 4. The applicant has had such license revoked within two (2) years of the date of the current application.

The conditional permit shall be valid for a period commencing on its issuance and ending on the date a final license is issued or the date license application is denied, whichever first occurs. A final license shall be issued to the applicant within sixty (60) days of the application being filed unless it is found that the applicant has been convicted of a specified criminal act for which the time period set forth in Section 33.06.D.3 has not elapsed.

- F. Each Sexually Oriented Business Employee license shall expire one (1) year from date of issuance and may be renewed prior to expiration, subject to the following requirements. The licensee shall request renewal in writing to the Zoning Inspector at least sixty (60) days prior to license expiration, accompanied by a non-refundable license renewal fee, as determined by the County Commissioners. Renewal shall be subject to a finding that the licensee remains in conformance with all applicable requirements. Failure to make application less than sixty (60) days before license expiration shall not effect expiration and no Employee shall work in a Sexually Oriented Business without a valid license. An expired license is not eligible for renewal, however re-application may be made, subject to all applicable requirements.

33.16 Hearing; Revocation, License Denial, Suspension; Appeal

- A. If the Zoning Inspector determines that probable grounds exist for denial, non-renewal, suspension, or revocation of a sexually oriented business permit or sexually oriented business employee license (hereinafter permit and license respectively) under this chapter, the Zoning Inspector shall notify the applicant or licensee (respondent) in writing of the intent to deny, non-renew, suspend or revoke the permit or license, including the grounds therefor, by personal delivery, or by certified mail. The notification shall be directed to the most current business address on file with the Zoning Inspector. Within ten (10) working days of receipt of such notice, the respondent may provide to the Hamilton Township Trustees in writing a response which shall include a statement of reasons why the license or permit should not be denied, non-renewed, suspended, or revoked. Within ten (10) working days of the receipt of such written response, the Hamilton Township Trustees shall conduct a hearing at which respondent shall have the opportunity to present evidence and witnesses on his or her behalf. The Hamilton Township Trustees shall notify the respondent in writing of the hearing date within three days of the receipt of such written response. The Hamilton Township Trustees, based upon the standards for permit/license denial, non-renewal, suspension or revocation contained herein shall determine whether to deny, non-renew, suspend or

revoke the permit/license. If a response is not received by the Hamilton Township Trustees in the time stated, or, if after the hearing the Hamilton Township Trustees finds that grounds exist for denial, non-renewal, suspension, or revocation, then such action shall become final and notice of such final action sent to the applicant or licensee. Such notice shall include a statement advising the applicant or licensee of the right to appeal such decision to a court of competent jurisdiction. If the Hamilton Township Trustees finds that no grounds exist for denial, non-renewal, suspension, or revocation of a permit or license, then the Zoning Inspector shall withdraw the intent to deny, non-renew, suspend or revoke the permit or license and shall so notify the respondent in writing by delivery, or by certified mail of such action.

- B. When a decision to deny, non-renew, suspend or revoke a permit or license becomes final, the applicant or licensee whose permit or license has been denied, non-renewed, suspended, or revoked shall have the right to appeal such action to a court of competent jurisdiction pursuant to Ohio Revised Code Section 2506. Any suspension, non-renewal or revocation of a permit or license for a sexually oriented business does not take effect until a final decision is rendered in an appeal taken pursuant to this section.

Upon the filing of an appeal pursuant to this section by an applicant for a permit or license, said applicant shall be granted a temporary permit or license to operate said sexually oriented business or be an employee of such sexually oriented business pending a final decision on said appeal. Such temporary permit or license shall be subject to all provisions of this Chapter 33.

33.17

Regulation of Sexually Explicit films or Videos

A person that operates or causes to be operated a Sexually Oriented Business, other than a Sexually Oriented Hotel/Motel and regardless of whether or not a Sexually Oriented Business permit has been issued to said business, which exhibits on the premises in a viewing room, computer software, compact discs, a film, video cassette or other video reproduction, which depicts Specified Sexual Activities or Specified Anatomical Areas shall comply with the following requirements:

- A. Upon application for a Sexually Oriented Business permit, the application shall be accompanied by a sketch or diagram of the entire premises with a plan thereof, specifying the location of manager's stations, if any, the location of all overhead lighting fixtures and designating any portion of the premises in which patrons will not be permitted access. A professionally prepared drawing is not necessary, however each diagram shall be oriented to north and the closest street(s) and be drawn to scale, with marked dimensions sufficient to show the internal features of all areas of the premises to an accuracy of plus or minus, six (6) inches. The Zoning Inspector may waive the foregoing diagram during permit renewal if the applicant certifies that the configuration of the premises has not been altered since the previous diagram was prepared.
- B. No alteration in the configuration of the premises as set forth in the sketch or diagram of the premises may be made prior to the approval of the Zoning Inspector.
- C. It is the duty of the owners and operator of the premises to insure that such number of Employees is on duty and so situated that all patrons present inside the premises are subject to observation by an Employee or Employees.
- D. The interior of the premises shall be configured in such a manner that every area of the premises to which any patron is permitted access for any purpose, including the interior of individual viewing booths, excluding restrooms, is subject to an unobstructed view by the employer or Employees on duty. Restrooms shall not be equipped with video display equipment.

- E. It is the duty of the owners, operator and Employees present on the premises to insure that the aforementioned unobstructed view shall remain unobstructed by any doors, walls, merchandise, display racks, or other materials at all times and to insure that no patron is permitted access to any area designated for no access by patrons in the application of record.
- F. No viewing room may be occupied by more than one (1) person at any given time. No peep holes, viewing holes or other holes which are or may be used by occupants of a viewing room for sexual gratification shall be permitted in the walls, floors, ceilings or partitions separating each viewing room from an adjoining viewing room or restroom. Viewing rooms shall not be enclosed by doors, curtains or a maze of wall structures. No signs, lights, or other communicative devices shall be employed to create an expectation of privacy on the part of any patron at any location of the premises.
- G. The premises shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access at an illumination level of not less than two (2) foot candles, as measured at floor level. Said level of illumination shall be maintained at all times any patron is present on the premises.

33.18 Regulation of Adult Cabarets

Performers in Adult Cabarets must be located on stage, no less than eighteen (18) inches in height and at least six (6) feet from all patrons. There shall be absolutely no physical contact, tipping, or exchange of gratuities between patrons and performers.

33.19 Advertising and Lighting Regulations

No Sexually Oriented Business may be operated and:

- A. Advertise the presentation of any activity prohibited by the Zoning Code, or other local or State regulation; or
- B. Display or exhibit the materials and performances in advertising which is visible outside the premises, except advertising the existence or location of a Sexually Oriented Business; or
- C. Allow any portion of the interior premises to be visible from outside the Establishment; or
- D. Fail to illuminate the entries and off-street parking areas of the premises, from dusk until closing, with a lighting system which provides an average maintained horizontal illumination of one (1) foot candle on the parking surface and walkways. Said level of illumination is established in order to provide sufficient lighting for the personal safety of patrons and Employees, to reduce potential vandalism and criminal conduct and shall be shown on required permit application documentation.

33.20 Minors Prohibited

- A. No person under eighteen (18) years of age may be admitted, remain, or purchase goods at a Sexually Oriented Business.
- B. No person under eighteen (18) years of age may be employed at a Sexually Oriented Business.

33.21

Violation

- A. It shall be unlawful, punishable per Chapter 24 of the Zoning Code if:
1. A Sexually Oriented Business is operated without a currently valid Sexually Oriented Business permit, or the business operates in violation of the terms of its permit or this chapter or has a permit which is under suspension, has been revoked, or has expired; or
 2. There is a failure to allow the inspection of a Sexually Oriented Business by the Warren County Building Department and the Zoning Inspector, Warren County Combined Health District, Hamilton Township Police Department or the applicable fire department; or
 3. Any person having a duty under Sec. 33.17, Regulation of Sexually Explicit Films or Videos, knowingly fails to fulfill said duty, or
 4. A person operates, or causes to be operated, a Sexually Oriented Business in violation of the Section 33.19., Advertising and Lighting; or
 5. A person operates, causes to be operated, a Sexually Oriented Business, regardless of whether or not a permit has been issued for said business and knowingly, or with reasonable cause to know, permits, suffers, or allows the violation of Section 33.20, Minors Prohibited; or
 6. Any person willfully falsifies any material fact on any required application, or documentation attached thereto.
- B. Nothing contain herein shall prevent or restrict Hamilton Township from taking such other lawful action in any court of competent jurisdiction as is necessary to prevent or remedy any violation or non-compliance. Such other lawful actions shall include, but shall not be limited to, an equitable action for injunctive relief or an action at law for damages.
- C. All remedies and penalties provided for in this Chapter shall be cumulative and independently available to the Hamilton Township, which shall be authorized to pursue any and all remedies set forth to the full extent allowed by law.

33.22

Exemptions

It is a defense to prosecution for alleged violation or Sexually Oriented Business provisions of the Zoning Code, that:

- A. A person appearing in a state of nudity did so in a modeling class operated:
1. By a college, junior college or university supported in whole or part by taxation; or
 2. By a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college or university supported entirely or partly by taxation; or
- B. In a structure:
1. Which has no sign visible from the exterior of the structure and no other advertising that indicates a nude person is available for viewing: and

2. Where in order to participate in a class, a student must enroll at least three (3) days in advance of the class: and
 3. Where no more than one (1) nude model is on the premises at any one time.
- C. A person appearing in a state of nudity did so in a bona fide theatrical production.
- D. An Employee of a Sexually Oriented Business exposed any specified anatomical area during the bona fide use of a restroom or dressing room accessible only to Employees.

33.23

Immunity from Prosecution

All Hamilton Township officers, agents and Employees charged with enforcement with State and local laws and codes shall be immune from prosecution, civil or criminal, for reasonable, good faith trespass upon a Sexually Oriented Business while acting within the scope of authority conferred by this Chapter.