

## Chapter 29

# UNIFORM REGULATIONS AND LICENSING OF SEXUALLY ORIENTED BUSINESSES

### Sections:

- 16-29-010 Purpose and Description.
- 16-29-020 Definitions.
- 16-29-030 Obscenity and Lewdness - Statutory Provisions.
- 16-29-040 Location and Zoning Restrictions.
- 16-29-050 Business License.
- 16-29-060 Expiration of License.
- 16-29-070 Business Categories: Single License.
- 16-29-080 Conduct for Sexually Oriented Businesses.
- 16-29-090 Exemptions From License Requirements.
- 16-29-110 License Application, Disclosure.
- 16-29-120 License Fees.
- 16-29-130 Single Location and Name.
- 16-29-140 License - Issuance Conditions - Conditional Use.
- 16-29-150 Changes in Information.
- 16-29-160 Transfer Limitations.
- 16-29-170 Regulations.
- 16-29-180 Adult Business, Design of Premises.
- 16-29-190 Semi-Nude Entertainment Business; Interior Design.
- 16-29-200 Alcohol Prohibited.
- 16-29-210 Semi-Nude Dancing Agency.
- 16-29-220 Nudity-Defense to Prosecution.

### 16-29-010 Purpose and Description.

That Chapter 16-29 be adopted to provide for the regulation and licensing of sexually oriented businesses within the County in a manner which will protect the property values, neighborhoods and residents from the potential adverse secondary effects of sexually oriented businesses while providing to those who desire to patronize sexually oriented businesses the opportunity to do so. It is not the intent of the Ordinance to suppress any speech activities protected by the First and Fourteenth Amendments of the United States Constitution or Utah Constitution, but to impose content - neutral regulations which address the adverse secondary effects of sexually oriented businesses are frequently used for unlawful sexual activities, including prostitution. The concern over sexually transmitted diseases in a legitimate health concern of the County which demands reasonable regulation of sexually oriented businesses to protect the health and well-being of the citizens, including the patrons of sexually oriented businesses. Licensing of sexually oriented businesses comply with reasonable regulations and that operators do not knowingly allow their businesses around them and surrounding residential areas, causing increased crime and downgrading of property values. The purpose of this Ordinance is to control adverse effects from sexually oriented businesses and thereby protect the health, safety and welfare of the citizens; protect the citizens from increased crime; preserve the quality of life; preserve the property values and character of the surrounding neighborhoods and deter the spread of urban blight.

### 16-29-020 Definitions.

1. Adult Arcade. Any place to which the public is permitted or invited wherein coin-operated or slug-operated or electrically or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five (5) or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of specified sexual activities or specified anatomical areas.

2. Adult Business. An Adult Theater, Adult Motion Picture Theater, Adult Bookstore or Adult

Video store.

3. Adult Bookstore or Adult Video Store.
4. A Commercial establishment which:
  - a. Holds itself out to be such a business; or
  - b. Excludes minors from more than ten (10%) percent of the retail floor or shelf space of the premises;
  - c. Which as one of its principal purposes, offers for sale or rental, for any form of consideration, any one or more of the following: Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes or video reproductions, slides or other visual representations the central theme of which depicts or describes "specified sexual activities" or "specified anatomical areas," or instruments, devices or paraphernalia which are designed for use in connection with specified sexual activities, except for legitimate medically recognized contraceptives.
3. Adult Cabaret. A nightclub, bar, restaurant or similar business which regularly features:
  - a. Persons who appear in a state of nudity; or semi-nudity; or
  - b. Live performances which are characterized by the exposure of specified anatomical areas or by specified sexual activities; or
  - c. Films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical areas.
4. Adult Motel. A hotel similar business which offers private rooms to the public and provides patrons live performances or closed-circuit television transmissions, films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical areas.
5. Adult Motion Picture Theater. A commercial establishment which:
  - a. Holds itself out as such business; or
  - b. Excludes minors from the showing of two consecutive exhibitions (repeated showings of any single presentation shall not be considered a consecutive exhibition); or
  - c. As its principal business, shows, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions which are primarily characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas."
6. Adult Theater. A theater, concert hall, auditorium, or similar commercial establishment which:
  - a. Holds itself out as such a business; or
  - b. Excludes minors from the showing of two consecutive exhibitions (repeated performances of the same presentation shall not be considered a consecutive exhibition); or
  - c. As its principal business, features persons who appear in live performance in a state of semi-nudity or which are characterized by the exposure or "Specified Anatomical Areas," or by Specified Sexual Activities.
7. Distance. All distances discussed herein as they pertain to buffers from other Sexually Oriented Facilities or Businesses, churches, schools, parks, and residential zone districts are measured as follows:

- a. In a straight line, without regard to intervening structures, from the nearest property line of the school, park, church, residential zone district or other Sexually Oriented Facility or Business to the nearest property line of the Sexually Oriented Facility or Business [2000-10].
8. Employee. Includes any person who is paid directly or indirectly by the licenses for services performed on the premises whether such person would otherwise as a matter of law be classified as an employee, agent, manager, entertainer or independent contractor.
9. Nudity or State of Nudity. A state of dress in which the areola of the female breast, or male or female genitals, pubic region, or anus are covered by less than the covering required in the definition of semi-nude.
10. Operator. The manager or other natural person principally in charge of a Sexually Oriented Business.
11. Peep Booth. A viewing room, other than a private room, or less than one hundred fifty (150) square feet of floor space upon the premises of a sexually oriented business where there is exhibited photographs, films, motion pictures, video cassettes, or other video reproductions, slides or other visual representations which depict or describe specified sexual activities or specified anatomical areas.
12. Semi-Nude. A state of dress in which a person wears opaque clothing covering
  - a. only the male or female genitals, pubic region, anus or
  - b. the nipple and areola of the female breast, by an opaque cover that is four inches wide in the front and five inches wide in the back tapering to one inch at the narrowest point.
13. Semi-Nude Dancing Agency. Any person, agency, firm, corporation, partnership, or any other entity or individual which furnishes, books, or otherwise engages or offers to furnish, book, or otherwise engage the service of a professional dancer for performance or appearance at a business licensed pursuant to this chapter.
14. Semi-Nude Entertainment Business. A business, including an Adult Theater, where employees perform or appear in the presence of patrons of the business in a state of semi-nudity. A business shall also be presumed to be a Semi-Nude Entertainment Business if the business holds itself out as such a business.
15. Sexual Encounter Establishment. A business or commercial establishment, which as one of its primary business purposes, offers for any form of consideration, a place where two (2) or more person may congregate, associate or consort for the purpose of specified sexual activities or the exposure of specified anatomical areas, when one or more of the persons exposes any specified anatomical area.
16. Sexually Oriented Business. Semi-Nude Entertainment Business, Adult Business, and Semi-Nude Dancing Agencies, as defined by this Chapter. An adult arcade, adult bookstore, adult-video store, adult cabaret, adult motel, adult motion picture theater, adult theater, sexual encounter establishment or other similar business and includes:
  - a. The opening or commencement of any sexually oriented business as a new business.
  - b. The conversion of an existing business, whether or not a sexually oriented business, to a sexually oriented business.
  - c. The addition of any sexually oriented business to any other existing sexually oriented business.
  - d. The relocation of any sexually oriented business; or

- e. The continuation of a sexually oriented business in existence on the effective date of this ordinance.
17. Specified Anatomical Areas. The human male or female pubic areas or anus with less than a full opaque covering, or the human female breast from the beginning of the areola, papilla or nipple to the end thereof with less than full opaque covering.
18. Specified Sexual Activities.
- a. Acts of :
    - i. Masturbation;
    - ii. Human sexual intercourse; or
    - iii. Sodomy
  - b. Manipulating, caressing or fondling by any person of:
    - i. The genitals of a human;
    - ii. The pubic area of a human; or
    - iii. The breast(s) of a human female
  - c. Flagellation or torture by or upon a person clad in undergarments, a mask or bizarre costume, or the condition of being fettered, bound or otherwise physically restrained on the part of the one so clothed.
  - d. Intrusion, however slight, of any object, any part of an animal's body, or any part of a person's body into the genital or anal opening of any person's body or into the body of an animal.
  - e. Cunnilingus, fellatio, anilingus, masturbation, bestiality, lewd exhibition of genitals or excretory function.
19. Stage. A raised floor or platform at least three (3) feet above the surrounding floor measured perpendicularly from the edge of the stage to the surrounding floor and at least thirty six (36) square feet in area.

**16-29-030 Obscenity and Lewdness - Statutory Provisions.**

Notwithstanding anything contained in this Chapter, nothing in this Chapter shall be deemed to permit or allow the showing or display of any matter which is contrary to applicable federal or state statutes prohibiting obscenity.

**16-29-040 Location and Zoning Restrictions.**

- 1. It shall be unlawful for any Sexually Oriented Facility or Business to do business at any location within the County not zoned for such business under this Ordinance and where the necessary conditional use permit has not been approved.
  - a. Criteria. Sexually Oriented Facilities and Businesses shall conform to the following criteria:
    - i. Sexually Oriented Facilities and Businesses may be constructed or operated as conditional uses within any "MG" Industrial zone district.
    - ii. Sexually Oriented Facilities and Businesses shall not be located within one thousand (1,000) feet from lot line of any other Sexually Oriented Facility and Business.
    - iii. Sexually Oriented Facilities and Businesses shall not be located within one thousand (1,000) feet of a church, public park or public or private recreation facilities, and day care center, or within one thousand (1,000) feet from lot line to lot line of any residential zone district. [2000-10]

**16-29-050 Business License.**

It shall be unlawful for any person to operate a Sexually Oriented Business, as specified herein, without first obtaining a Sexually Oriented Business license from the Morgan County Commission,

with approval of the Morgan County Sheriff. The business license shall specify the type of Sexually Oriented Business for which it is obtained.

**16-29-060 Expiration of License.**

Each license shall expire on December 31<sup>st</sup> of each year and may be renewed only by making application with the County Recorder by February 15<sup>th</sup> of the following year.

**16-29-070 Business Categories: Single License.**

1. It is unlawful for any business to operate or be licensed for more than one category of Sexually Oriented Business. The categories of Sexually Oriented Businesses are:
  - a. Adult Businesses.
  - b. Semi-Nude Entertainment Businesses.
  - c. Semi-Nude Dancing Agency.

**16-29-080 Conduct for Sexually Oriented Businesses.**

1. No licenses or employee mingling with the patrons, or serving food or drinks, shall be unclothed or in such attire, costume or clothing, so as to expose to view any specified anatomical area.
2. No license or employee shall encourage or knowingly permit any person upon the premises to touch, caress or fondle the breasts, anus or specified anatomical areas of any person.
3. It shall be unlawful for any licensee or employee to knowingly permit a patron to violate any of the requirements of this section.

**16-29-090 Exemptions From License Requirements.**

The provisions of this Chapter shall not apply to any sex therapist or similar individual licensed by the State of Utah to provide bona fide sexual therapy or counseling, licensed medical practitioner, licensed nurse, psychiatrist, psychologist, nor shall it apply to any educator licensed by the State of Utah for activities in the classroom.

**16-29-100 License Application, Disclosure.**

1. Before any applicant may be licensed to operate a Sexually Oriented Business pursuant to this Chapter, the applicant shall submit, on a form to be supplied by the Morgan County Business License Officer the following:
  - a. The correct legal name of each applicant, corporation, partnership, limited partnership or entity doing business under an assumed name.
  - b. If the applicant is a corporation, partnership or limited partnership or individual or entity doing business under an assumed name the information required below for individual applicants shall be submitted for each partner and each principal of an applicant and for each officer or director. Any holding company, or any entity holding more than ten percent of an applicant, shall be considered an applicant for purposes of disclosure under this chapter.
  - c. All corporations, partnerships or non-corporate entities including on the application shall also identify each individual authorized by the corporation, partnership or non-corporate entity to sign the checks for such corporation, partnership or non-corporate entity.
  - d. For all applicants the application must also state:
    - ii. Any other names or aliases used by the individual;
    - iii. Present business address and telephone number;
    - iv. Present residence and telephone number;
    - v. Utah Drivers license or identification number; and
    - vi. Social security number.
  - e. Acceptable written proof that any individual is at least 21 years of age.

- f. The applicant's fingerprints on a form provided by the Morgan County Sheriff's Department. For persons not residing in Morgan County, the fingerprints shall be on a form from the law enforcement jurisdiction where the person resides. Fees for the fingerprints shall be paid by the applicant directly to the issuing agency.
- g. A statement detailing the license or permit history of the applicant for the five year period immediately preceding the date of the filing of the application, including whether such applicant possesses or previously possessed any liquor licenses. The statement shall list all other jurisdictions in which the applicant owned or operated a Sexually Oriented Business. The statement shall also state whether the applicant has ever had a license, permit, or authorization to do business denied, revoked or suspended in this or any other county, city, state or territory. In the event of any such denial, revocation or suspension, state the date, the name or issuing or denying jurisdiction and state in full the reasons for denial, revocation or suspension. A copy of any order of denial, revocation or suspension shall be attached to the application.
- h. All criminal convictions or pleas of nolo contendere, except those which have been expunged, and the disposition of all such arrests for the applicant, individual or entity subject to disclosure under this chapter for five years prior to the date of the application. This disclosure shall include identification of all ordinance violations, except minor traffic offenses (any traffic offense designated as a felony shall not be construed as a minor traffic offense); stating the date, place, nature of each conviction and plea of nolo contendere and sentence of each conviction or other disposition; identifying case numbers or docket numbers. Application for a Sexually Oriented Business shall constitute a waiver of disclosure of any criminal conviction or plea of nolo contendere for the purposes of any proceeding involving the business or employee license.
- i. In the event the applicant is not the owner of record of the real property upon which the business or proposed business is or to be located, the application must be accompanied by possessory interest in the property specifically acknowledging the type of business for which the applicant seeks a license for the property. In addition to furnishing such notarized statement, the applicant shall furnish name, address and phone number of the owner of record of the property, as well as the copy of the lease or rental agreement pertaining to the premises on which the service is or will be located.
- j. A description of the services to be provided by the business, with sufficient detail to allow reviewing authorities to determine what business will be transacted on the premises, together with a schedule of usual fees for services to be charged by the licensee and any rules, regulations or employment guidelines under or by which the Sexually Oriented Business intends to operate. This description shall also include:
  - i. The hours that the business or service will be open to the public and the methods of promoting the health and safety of employees and patrons and preventing them from engaging in illegal activity;
  - ii. The methods of supervision preventing the employees from engaging in acts of prostitution or other related criminal activities;
  - iii. The methods of supervising employees and patrons to prevent employees and patrons from charging or receiving fees for services or acts prohibited by this Chapter or other statutes or ordinances.
  - iv. The methods of screening employees and customers in order to promote the health and safety of employees and customers and prevent the transmission of disease, and prevent the commission of acts of prostitution or other criminal activity.

It is unlawful to knowingly submit false or materially misleading information on or with a Sexually

Oriented Business license application or to fail to disclose or omit information for the purpose of obtaining a Sexually Oriented Business License.

**16-29-120 License Fees.**

Each applicant for a Sexually Oriented Business license shall be required to pay a license fee pursuant to the schedule established ordinance of the Morgan County Commission.

**16-29-130 Single Location and Name.**

1. It is unlawful to conduct business under a license issued pursuant to this Chapter at any location other than the licensed premises.
2. It is unlawful for any Sexually Oriented Business to do business under any name other than the business name specified in the application.

**16-29-140 License - Issuance Conditions - Conditional Use.**

1. The Morgan County Sheriff or his designee shall approve the issuance of a license to the applicant within thirty (30) days of receipt of a completed application unless the official finds one or more of the following:
  - a. The applicant is under twenty-one (21) years of age;
  - b. The applicant is overdue in payment to the City of taxes, fees, fines, or penalties assessed against the applicant or imposed upon the applicant in relation to a Sexually Oriented Business;
  - c. The applicant has falsely answered a material question or request for information as authorized by this Chapter;
  - d. The applicant has violated a provision of this Chapter or similar provisions found in statutes or ordinances from any jurisdiction within two (2) years immediately preceding the application; a criminal conviction for a violation or a provision of this Chapter or similar provisions from any jurisdiction, whether or not being appealed, is conclusive evidence of a violation, but a conviction is not necessary to prove a violation;
  - e. The premises to be used for the business have been disapproved by the Weber/Morgan Health Department, the Fire Department, the Sheriff's Department, the building officials, or the zoning officials as not being in compliance with applicable laws and ordinance of the County. If any of the foregoing reviewing agencies cannot complete their review within the thirty (30) day approval or denial period, the agency or department may obtain an extension of time of no more than fifteen days for their review. The total time for the County to approve or deny a license shall not exceed forty-five (45) days from the receipt of a completed application and payment of all fees.
  - f. The required license fees have not been paid;
  - g. All applicable sales and use taxes have not been paid;
  - h. An applicant for the proposed business is in violation of or not in compliance with this Chapter or similar provisions found in state statutes or ordinances from any jurisdiction;
  - i. An applicant has been convicted or pled nolo contendere to a crime involving:
    1. Prostitution; exploitation of prostitution; aggravated promotion of prostitution; aggravated exploitation of exploitation prostitution; solicitation of sex acts; sex acts for hire; compelling prostitution; aiding prostitution; sale, distribution, or display of material harmful to minors; sexual performance by minors; possession of child pornography; lewdness; indecent exposure; any crime involving sexual abuse or exploitation of a child; sexual assault or aggravated sexual assault; rape; forcible sodomy; forcible sexual abuse; incest; harboring a

runaway child; criminal attempt; conspiracy; or solicitation to commit any of the foregoing offenses or offenses involving similar elements from any jurisdiction, regardless of the exact title of the offense; for which:

1. Less than two (2) years have elapsed from the date of conviction, if the conviction is of a misdemeanor offense, or less than five (5) years if the convictions are of two or more misdemeanors within the five (5) years; or
  2. Less than five years have elapsed from the date of conviction if the offense is a felony;
- j. The fact that a conviction is being appealed shall have no effect on the disqualification pursuant to this Chapter.
2. Sexually Oriented Facilities and Businesses are conditional uses in existing "MG" industrial zones and must be approved in accordance with the provisions of this Ordinance. In all cases a design and site plan diagramming the premises shall be provided as part of the application process. A public hearing shall be required in all cases prior to the issuance of a conditional use permit. The procedures for issuance of conditional use permits, as found in the appropriate development code(s), shall be followed in all cases. A final decision by the County as to the issuance of a conditional use permit for a Sexually Oriented Facility or Business shall be made within 90 days of receipt of a completed application by the County Department unless a delay is requested or agreed upon by the applicant or where the applicant is causing the delay by not providing needed information. [2000-10]

**16-29-150 Changes in Information.**

Any change in the information required to be submitted under this Chapter for a Sexually Oriented Business license shall be given, in writing, to the Sheriff's Department, within fourteen (14) days after such change.

**16-29-160 Transfer Limitations.**

Sexually Oriented Business licenses granted under this Chapter are not transferable. It is unlawful for an individual to transfer a Sexually Oriented Business license. It shall be unlawful for a Sexually Oriented Business license held by a corporation, partnership or other non-corporate entity to transfer any part in excess of 10% thereof, without filing a new application and obtaining prior County approval. If any transfer of the controlling interest in a Sexually Oriented Business licensee occurs, the license is immediately null and void and the Sexually Oriented Business shall not operate until a separate new license has been property issued by the County as herein provided.

**16-29-170 Regulations.**

1. It is unlawful for any Sexually Oriented Business to:
  - a. Allow persons under the age of eighteen years on the licensed premises, except that in Adult Business which exclude minors from less than all the business premises, minors shall not be permitted in excluded areas;
  - b. Allow, offer or agree to allow any alcohol being stored, used or consumed on or in the licensed premises;
  - c. Allow the outside door to premises to be locked while any customer is in the premises;
  - d. Allow, offer or agree to gambling on the licensed premises;
  - e. Allow, offer or agree to any employee of a Sexually Oriented Business touching any patron or customer;
  - f. Allow, offer or agree to illegal possession, use, sale or distribution of controlled substances on the licensed premises;
  - g. Allow Sexually Oriented Business employees to possess, use, sell or distribute controlled substances, while engaged in the activities of the business;
  - h. Allow, offer or agree to commit prostitution, solicitation of prostitution, solicitation of a minor or committing activities harmful to a minor to occur on the licensed premises;
  - i. Allow, offer, commit or agree to any specified sexual activity as validly defined by Morgan County Ordinances or state statute in the presence of any customer or patron;
  - j. Allow, offer or agree to allow a patron or customer to masturbate in the presence of an employee or on the premises of a Sexually Oriented Business;

- k. Allow, offer, or agree to commit an act of lewdness as defined in Section 16.29.030 of this Ordinance;
- l. No permit the Sheriff's Department or other County official to have access at all times to all premises licensed or applying for a license under this chapter, or to make periodic inspection of said premises whether the officer or official is in uniform or plain clothes.

**16-29-180 Adult Business, Design of Premises.**

- 1. In addition to the general requirements of disclosure for a Sexually Oriented Business, any applicant for a license as an Adult Business shall also submit a diagram, drawn to scale, of the premises of the license. The design and construction, prior to granting a license or opening for business shall conform to the following:
  - a. The interior of the premises shall be configured in such a manner that there is an unobstructed view from a manager's station of every area of the premises to which any patron is permitted access for any purpose, excluding restrooms.
  - b. Restrooms may not contain any video reproduction equipment or any of the business merchandise. Signs shall be posted requiring only one person be allowed in the restroom per stall and only one person in any stall at a time and requiring that patrons shall not be allowed access to manager's station areas;
  - c. For businesses which exclude minors from the entire premises all window, doors and other apertures to the premises shall be darkened or otherwise constructed to prevent anyone outside the premises from seeing the inside of the premises. Businesses which exclude minors from less than all of the premises shall be designed and constructed so that minors may not see into the area from which they are excluded;
  - d. The diagram required shall not necessarily be a professional engineer's or architect's blueprint; however, the diagram must show marked internal dimensions, all overhead lighting fixtures and ratings for illumination capacity.
- 2. It shall be the duty of licensee and licensee's employees to insure that the views from the manager's station of all areas specified in Section 16.29.180(1)(a) above remain unobstructed by any materials, at all times that any patron is present in the premises, and to insure that no patron is permitted access to any area of the premises which has been designed as an area in which patrons will not be permitted.
- 3. The premises shall at all times be equipped and operated with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access at an illumination of not less than two (2) footcandle measured at floor level. It shall be the duty of licensee and licensee's employees present on the premises to insure that the illumination described above is maintained at all times that any patron is present in the premises.

**16-29-190 Semi-Nude Entertainment Business; Interior Design.**

- 1. Adult Theaters shall require that the performance area shall be separated from the patrons by a minimum of three (3) feet, which separation shall be delineated by a physical barrier at least three (3) feet high. It is unlawful for business premises licensed for Semi-Nude Entertainment to:
  - a. Permit a bed, sofa, mattress or similar item in any room on the premises, except that a sofa may be placed in a reception room open to the public or in an office to which patrons are not admitted, and except that in an Adult Theater such items may be on the stage as part of a performance;
  - b. Allow any door in any room used for the business, except for the door to an office to which patrons shall not be admitted, outside doors and restroom doors to be lockable from the inside.
  - c. Provide any room in which the employee or employees and the patron or patrons are alone together without a separation by a solid physical barrier at least three (3) feet high and six (6)

inches wide. The patron or patrons shall remain on one side of the barrier and the employee or employees shall remain on the other side of the barrier.

**16-29-200 Alcohol Prohibited.**

It is unlawful for any business licensed pursuant to this Chapter to allow the sale, storage, supply, or consumption of alcoholic beverages on the premises. It is unlawful for any person to possess or consume any alcoholic beverage on the premises of any Sexually Oriented Business.

**16-29-210 Semi-Nude Dancing Agency.**

1. It is unlawful for any individual or entity to furnish, book or otherwise engage the services of a professional dancer, model or performer to appear in a state of semi-nudity for pecuniary compensation in, or for, any Semi-Nude Entertainment Business or Adult Theater licensed pursuant to this Chapter unless such agency is licensed pursuant to this Chapter.

2. It is unlawful for any individual or entity to furnish, book or otherwise engage or permit any person to perform as a professional dancer, model or performer in a state of semi-nudity either gratuitously or for compensation, in, or for, any business licensed pursuant to this Chapter unless such person is employed by a Semi-Nude Dancing Agency licensed pursuant to this Chapter.

**16-29-220 Nudity-Defense to Prosecution.**

1. It is a defense to prosecution or violation under this Chapter that a person appearing in a state of nudity did so in modeling class operated;
  - a. By a proprietary school licensed by the State of Utah or a college, junior college or university supported entirely or partly by taxation;
  - b. 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. [1998-#187]