

CITY COUNCIL RESEARCH DIVISION LEGISLATIVE SUMMARY



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Bill Type and Number: Ordinance 2022-172

Introducer/Sponsor(s): Council Members Cumber and Carlucci

Date of Introduction: March 8, 2022

Committee(s) of Reference: NCSPHS, R

Date of Analysis: March 10, 2022

Type of Action: Ordinance Code amendment

Bill Summary: The bill amends Ordinance Code Chapter 150 – Adult Entertainment and Services Code – to amend the process for issuance of a performer work identification card for performers in adult entertainment establishments. It amends Chapter 151 – Dancing Entertainment Establishment Code – to amend the process for issuance of a performer work identification card for performers in dancing establishments.

Background Information: The bill requires the managers of adult entertainment and dancing establishment businesses to review all performer rosters at their beginning of their shift to verify compliance with the requirement that all performers have a valid work identification card. Violation of the work identification card provision is changed from a second-degree misdemeanor to a civil offense subject to a fine of \$200. The bill lays out a specific list of required information to be provided on the work identification card application (height, weight, hair and eye color, driver's license or government ID number, descriptions of any tattoos, etc.) and removes the requirements that applicants be fingerprinted and provide proof of a valid and effective work permit or visa for non-U.S. citizens. It specifies what specific sex trafficking education programs qualify to meet the requirement of the ordinance and provides that the Sheriff shall make available an appropriate sex trafficking education program to any applicant who does not have access to on-line education programs. The requirement for applicants to be at least 21 years of age to obtain a work identification card is removed. A requirement is added that card holders must update their application if any of the information contained therein (except for height and weight) changes within 60 days of the change occurring. The Sheriff is authorized to petition the courts for immediate revocation of any worker identification card that has been determined by the Sheriff to have been issued based on fraudulent or false information.

The fee for an initial/renewal application for a work card is reduced from \$150 for each to \$100/\$50 and the fee for a replacement card is reduced from \$50 to \$35. The Sheriff is required to approve or deny an application within 14 days of a complete application being submitted with the appropriate application fee; if the Sheriff fails to approve or deny within 14 days, the application shall be deemed to be granted and the receipt issued for payment of the application fee can be used as a work identification card. The amendment provides that the Sheriff may only request to inspect or copy an on-file worker identification card during the normal business hours of the establishment when it is open to the public.

The amendments are intended to remedy defects identified by a court ruling in a legal challenge to the City's adult entertainment and dancing establishment worker identification card program adopted in 2020 that caused the ordinance to be declared unconstitutional. The changes are intended to add specificity and reduce the Sheriff's discretion in the application process.

Policy Impact Area: Adult entertainment regulation

Fiscal Impact: The bill reduces the original application, renewal application, and replacement fees for worker identification cards.

Analyst: Clements