

**ALLEN COUNTY CODE TITLE 8
PUBLIC SAFETY**

**ARTICLE 32
PENALTIES AND ENFORCEMENT FOR VIOLATIONS OF SEXUALLY ORIENTED
BUSINESS LICENSING ORDINANCE AND LIVE SEX ACT BUSINESSES ORDINANCE**

8-32-1 Chapter 1: PENALTIES AND ENFORCEMENT FOR VIOLATIONS OF A.C.C. 8-30 AND A.C.C 8-31

8-32-1-1 Penalties and enforcement

- (a) A first violation of under either A.C.C. 8-30 or A.C.C. 8-31 shall be punishable by a fine in the amount of two thousand five hundred dollars (\$2,500.00). A second or subsequent violation of either A.C.C. 8-30 or A.C.C. 8-31 shall be punishable by a fine in the amount of seven thousand five hundred dollars (\$7,500.00). For violations of either A.C.C. 8-30 or A.C.C. 8-31 that are continuous with respect to time, each day that the violation continues is a separate violation. For violations of either A.C.C. 8-30 or A.C.C. 8-31 that are not continuous with respect to time, each instance is a separate violation.
- (b) Any premises on which repeated violations of A.C.C. 8-30 occur shall constitute a nuisance. For purposes of this ordinance, “repeated violations” shall mean three or more violations of this ordinance within a one (1) year period dating from the time of any violation. Any premises which violates A.C.C. 8-31 is a public nuisance per se.
- (c) The Board of Commissioners is hereby authorized to institute civil proceedings necessary for the enforcement of either A.C.C. 8-30 or A.C.C. 8-31 to enjoin, prosecute, restrain, correct or abate violations thereof and to seek judgment for fines under A.C.C. 8-32-1-1(a) above. The Board of Commissioners shall be entitled to recover its attorney fees related to any such enforcement action brought under this Article 8-32. Such enforcement proceedings shall be brought in the name of the Board of Commissioners, provided, however, that nothing in this Article 8-32 and no action taken hereunder, shall be held to exclude such criminal or administrative proceedings as may be authorized by any other ordinance, or any of the laws in force in the County or to exempt anyone violating this code or any part of the said laws from any penalty which may be incurred.

8-32-1-2 Effective date

This ordinance shall become effective as provided by law.

Passed this 28th day of June, 2019.