
ARTICLE 307
Adult Oriented Businesses

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307.01 TITLE

The official title of this Ordinance shall be the City of Franklin Adult-Oriented Business License Ordinance.

307.02 SPECIFIC TERMS

As used in this Ordinance, the following words and phrases shall have the meanings indicated, unless the context clearly indicates a different meaning.

ADULT ARCADE. Any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, 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.

ADULT BOOKSTORE, ADULT NOVELTY STORE, ADULT VIDEO STORE. A commercial establishment which, as one of its principal business purposes, offers for sale or rental for any form of consideration any one or more of the following:

- (1) books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes or video reproductions, digital video discs, slides or other visual representations which are characterized by the depiction or description of specified sexual activities or specified anatomical areas; or
- (2) instruments, devices or paraphernalia which are designed for use in connection with specified sexual activities; or
- (3) both (1) and (2).

For purposes of this definition, “principal business purposes” shall mean twenty (20%) percent or greater of inventory or stock, or twenty (20%) percent or greater of gross annual sales, whichever is less.

A commercial establishment may have other principal business purposes that do not involve the offering for sale or rental of material depicting or describing specified sexual activities or specified anatomical areas, and still be categorized as adult bookstore, adult novelty store or adult video store. Such other business purposes will not serve to exempt such commercial establishments from being categorized as an adult bookstore, adult novelty store or adult video store so long as one of its principal business purposes is the offering for sale or rental for any form of consideration the above described materials which depict or describe specified sexual activities or specified anatomical areas.

ADULT CABARET. A night club, bar, restaurant, or similar commercial establishment which regularly features:

- (1) persons who appear in a state of nudity, or
- (2) live performances which are characterized by the exposure of specified anatomical areas or by specified sexual activities; or
- (3) films, motion pictures, video cassettes or video reproductions, digital video discs, slides or other visual representations or photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical areas.

ADULT MOTEL. A hotel, motel or similar commercial establishment which offers accommodations to the public, for any form of consideration, and provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes or video reproductions, digital video discs, slides or other visual representations or photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical areas, and:

- (1) has a sign visible from the public right of way which advertises the availability of such adult type of visual representations or photographic reproductions, or
- (2) offers a sleeping room for rent for a period of time that is less than ten (10) hours;
or
- (3) allows a tenant or occupant of a sleeping unit to sub rent the room for a period of time that is less than ten (10) hours.

ADULT MOTION PICTURE THEATER. A commercial establishment where, for any form of consideration, films, motion pictures, video cassettes or video

reproductions, digital video discs, slides or other visual representations or photographic reproductions are regularly shown which are characterized by the depiction or description of specified sexual activities or specified anatomical areas.

ADULT ORIENTED BUSINESS. Any commercial establishment to which the public is permitted or invited where the primary items for sale or rent consists of books, magazines, periodicals, or other printed material or matter, photographs, films, motion pictures, video cassettes, or digital video discs, or where instruments, devices or paraphernalia are offered for sale all in connection with or depicting specified sexual activities or specified anatomical areas. The term includes any adult arcade, adult bookstore, adult novelty store, adult video store, adult cabaret, adult motion picture theater, adult theater, escort agency, nude model studio, sexual encounter center, or tattoo parlor.

ADULT THEATER. A theater, concert hall, auditorium or similar commercial establishment which regularly features persons who appear in a state of nudity or live performances which are characterized by the exposure of specified anatomical areas or by specified sexual activities. Adult theater shall not include a person appearing in a state of nudity in a live theatrical production or performance within the Central Business District at an indoor theater that seats more than three hundred (300) patrons at any one (1) live theatrical production or performance.

CHILD ORIENTED BUSINESS. Any commercial establishment which, as one of its principal business purposes, serves and/or sells to children and their families food, apparel, goods, services, play and/or entertainment.

EMPLOYEE means a person who performs any service on the premises of an adult oriented business on a full-time, part-time or contract basis, whether or not the person is denominated an employee, independent contractor, agent or otherwise and whether or not said 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 repair or maintenance of the premises or equipment on the premises, or for the delivery of goods to the premises.

ESCORT. A person who, for consideration, agrees or offers to act as a companion, guide, or date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.

ESCORT AGENCY. Any person who furnishes, offers to furnish, or advertises to furnish escorts as one of that person's primary business purposes for a fee, tip, or other consideration.

ESTABLISHMENT. For purposes of this Article, in the context of an adult oriented business, establishment shall mean and include any of the following:

- (1) The opening or commencement of any adult oriented business as a new business; or
- (2) The conversion of an existing business, whether or not an adult oriented business, to an adult oriented business; or
- (3) The addition of an adult oriented business to any other existing adult oriented business; or
- (4) The relocation of an adult oriented business.

LICENSEE. A person in whose name a license to operate an adult oriented business has been issued, as well as the individual listed as an applicant on the application for a license, and in the case of an employee, a person in whose name a license has been issued authorizing employment in an adult oriented business.

NUDE MODEL STUDIO. Any place where a person who appears in a state of nudity or displays specified anatomical areas is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration. Nude model studio shall not include:

- (1) a proprietary school licensed by the Commonwealth of Pennsylvania, or a college, junior college or university supported entirely or partly by taxation; or
- (2) 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
- (3) in a structure:
 - (a) 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
 - (b) where, in order to participate in a class, a student must enroll at least three (3) days in advance of the class; and
 - (c) where no more than one (1) nude model is on the premises at any one time.

NUDITY, STATE OF NUDITY. The appearance of the human bare buttock, anus, male genitals, female genitals, or full female breast.

PERSON. An individual, proprietorship, partnership, corporation, association or other legal entity.

SEMI-NUDE. A state of dress in which clothing covers no more than the genitals, pubic region, and aureole of the female breast, as well as portions of the body covered by supporting straps or devices.

SEXUAL ENCOUNTER CENTER. A business or commercial establishment or commercial enterprise that, as one of its primary business purposes, offers for any form of consideration:

- (1) physical contact in the form of wrestling or tumbling between persons of the opposite sex; or
- (2) activities between male and female persons and/or persons of the same sex when one or more of the persons is in a state of nudity or semi-nude.

SPECIFIED ANATOMICAL AREAS. The male genitals in a state of sexual arousal and/or the vulva or more intimate parts of the female genitals.

SPECIFIED CRIMINAL ACTIVITY means any of the following offenses:

- (1) Prostitution or promotion of prostitution; dissemination of obscenity; sale, distribution or display of harmful material to a minor; sexual performance by a child; possession or distribution of child pornography; public lewdness; indecent exposure; indecency with a child; engaging in organized criminal activity; sexual assault; molestation of a child; gambling; distribution of a controlled substance; or any similar offenses to those described above under the criminal or penal code of other states or countries;
- (2) For which:
 - (a) Less than two (2) years have elapsed since the date of conviction or the date of release from confinement imposed for the conviction, whichever is the later date, if the conviction is of a misdemeanor offense; or
 - (b) Less than five (5) years have elapsed since the date of conviction or the date of release from confinement for the conviction, whichever is the later date, if the conviction is of a felony offense; or
 - (c) Less than five (5) years have elapsed since the date of the last conviction or the date of release from confinement for the last conviction, whichever is the later date, if the convictions are of two (2) or more misdemeanor offenses or combination of misdemeanor offenses occurring within any twenty-four (24) month period.
- (3) The fact that a conviction is being appealed shall have no effect on the

disqualification of the applicant or a person residing with the applicant.

SPECIFIED SEXUAL ACTIVITIES. Any of the following:

- (1) The fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts; or
- (2) Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy; or
- (3) Masturbation, actual or simulated; or
- (4) Excretory functions as part of or in connection with any of the activities set forth in (1), (2) or (3).

SUBSTANTIAL ENLARGEMENT. The increase in net floor area occupied by an adult oriented business by more than twenty-five (25%) percent.

TATTOO PARLOR. A business or commercial establishment or commercial enterprise that, as one of its primary business purposes, offers for sale, for any form of consideration, tattoos, body art, or piercings, on any part of the human anatomy. An establishment that offers ear piercings only shall not be considered a tattoo parlor, including, without limitation, a beauty salon, beauty parlor, or medical office.

TRANSFER OF OWNERSHIP OR CONTROL. In the context of an adult oriented business, transfer of ownership or control shall mean and include any of the following:

- (1) The sale, lease, or sublease of the adult oriented business; or
- (2) The transfer of securities which constitute a controlling interest in the adult oriented business, whether by sale, exchange, or similar means; or
- (3) The establishment of a trust, gift, or other similar legal device which transfers the ownership or control of the adult oriented business, except for transfer by bequest or other operation of law upon the death of the person possessing the ownership or control.

307.03 LICENSE REQUIRED

(a) It shall be unlawful:

- (1) For any person to operate a adult oriented business without a valid Adult oriented business license issued by the City of Franklin pursuant to this Ordinance; or

- (2) For any person who operates an adult oriented business to employ a person to work for the adult oriented business who is not licensed as an adult oriented business employee by the City of Franklin pursuant to this Ordinance; or
 - (3) For any person to obtain employment with an adult oriented business without having secured an adult oriented business employee license pursuant to this Ordinance; or
 - (4) Beginning on the sixtieth (60th) day after enactment of this Ordinance, for any person to continue to operate any adult oriented business in operation at the time of enactment of this Ordinance without a valid adult oriented business license pursuant to this Ordinance; or
 - (5) Beginning on the sixtieth (60th) day after enactment of this Ordinance, for any person who operates an adult oriented business in operation at the time of enactment of this Ordinance to employ a person to work for the adult oriented business who is not licensed as a adult oriented business employee by the City of Franklin pursuant to this Ordinance; or
 - (6) Beginning on the sixtieth (60th) day after enactment of this Ordinance, for any person to obtain employment with an adult oriented business in operation at the time of enactment of this Ordinance without having secured an adult oriented business employee license pursuant to this Ordinance.
- (b) An application for a license must be made on a form provided by the City of Franklin.
 - (c) All applicants must be qualified according to the provisions of this Ordinance. The application may request and the applicant shall provide such information (including fingerprints) as to enable the City of Franklin to determine whether the applicant meets the qualifications established in this Ordinance.
 - (d) If a person who wishes to operate an adult oriented business is an individual, the person must sign the application for a license as applicant. If a person who wishes to operate an adult oriented business is other than an individual, each individual who has a twenty (20%) percent or greater interest in the business must sign the application for a license as applicant. Each applicant must be qualified under the following section and each applicant shall be considered a licensee if a license is granted.
 - (e) The completed application for an adult oriented business license shall contain the following information and shall be accompanied by the following documents:

- (1) If the applicant is:
 - (a) An individual, the individual shall state his or her legal name and any aliases and submit proof that he or she is at least eighteen (18) years of age; or
 - (b) A partnership, the partnership shall state its complete name, and the name of all partners, whether the partnership is general or limited, and a copy of the partnership agreement, if any; or
 - (c) A corporation, the corporation shall state its complete name, the date of its incorporation, evidence that the corporation is in good standing under the laws of its state of incorporation and qualified and authorized to conduct business in Commonwealth of Pennsylvania, the names and capacity of all officers, directors and principal stockholders, the names of the registered corporate agent and the address of the registered office for service of process.
- (2) If the applicant intends to operate the adult oriented business under a name other than that of the applicant, he or she must state (i) the adult oriented business' fictitious name and (ii) submit the required registration documents.
- (3) Whether the applicant, or a person residing with the applicant, has been convicted of a specified criminal activity as defined in this Ordinance, and, if so, the specified criminal activity involved , the date, place and jurisdiction of each.
- (4) Whether the applicant, or a person residing with the applicant, has had a previous license under this Ordinance or other similar adult oriented business ordinance from another municipality, state or county, denied, suspended or revoked, including the name and location of the adult oriented business for which the permit was denied, suspended or revoked, as well as the date of denial, suspension or revocation, and whether the applicant or a person residing with the applicant has been a partner in a partnership or an officer, director or principal stockholder of a corporation that is licensed under this Ordinance or other similar adult oriented business ordinance from another municipality, state or county whose license has previously been denied, suspended or revoked, including the name and location of the adult oriented business for which the permit was denied, suspended or revoked as well as the date of denial, suspension or revocation.

- (5) Whether the applicant or a person residing with the applicant holds any other licenses under this Ordinance or other similar adult oriented business ordinance from another municipality, state or county, and, if so, the names and locations of such other licensed businesses.
 - (6) The specific classification of adult oriented use for which the applicant is filing along with a detailed description of each and every activity encompassed by the proposed adult oriented business, which description shall thoroughly demonstrate compliance, or intended compliance, with all provision of this Ordinance.
 - (7) The location of the proposed adult oriented business, including a legal description of the property, street address and telephone number(s), if any.
 - (8) The applicant's mailing address and residential address.
 - (9) A recent photograph of the applicant(s).
 - (10) The applicant's driver's license number, social security number, and his or her state or federally issued tax identification number.
 - (11) A sketch or diagram showing the configuration of the premises, including a statement of total floor space occupied by the business. The sketch or diagram need not be professionally prepared, but it must be drawn to a designated scale or drawn with marked dimensions of the interior of the premises to an accuracy of plus or minus six (6) inches.
 - (12) The application form shall inform the applicant that (i) separate applications are required for any necessary zoning permits, subdivision and land development approvals, and building and occupancy permits, and that the applicant may apply for such permits by contacting the City of Franklin Code Enforcement Officer.
- (f) Before any applicant may be issued an adult oriented business employee license, the applicant shall submit, on a form to be provided by the City of Franklin, the following information:
- (1) The applicant's name or any other name (including "stage" names) or aliases used by the individual;
 - (2) Age, date and place of birth;
 - (3) Height, weight, hair and eye color;

- (4) Present residence address and telephone number;
 - (5) Present business address and telephone number;
 - (6) Date, issuing state, and driver's license number or other identification card information;
 - (7) Social security number; and
 - (8) Proof that the individual is at least eighteen (18) years of age.
- (g) Attached to the application form for an adult oriented business employee license as provided above, shall be the following:
- (1) A color photograph of the applicant clearly showing the applicant's face, and the applicant's fingerprints on a form provided by the City of Franklin Police Department. The fee for photographs and fingerprints shall be paid by the applicant.
 - (2) A statement detailing the license history of the applicant for the five (5) years immediately preceding the date of the filing of the application, including whether such applicant previously operated or is seeking to operate, in this or any other municipality, state or county, any business or has ever had a license, permit or authorization to do business denied, revoked or suspended. In the event of any such denial, revocation or suspension, state the name, the name of the issuing or denying jurisdiction and describe in full the reason for the denial, revocation or suspension. A copy of any order of denial, revocation or suspension shall be attached to the application.
 - (3) A statement whether the applicant has been convicted of a specified criminal activity as defined in this Ordinance and, if so, the specified criminal activity involved, the date, place and jurisdiction of each.

307.04 ISSUANCE OF LICENSE:

- (a) Upon the filing of said application in a fully completed form for an adult oriented business license or for an adult oriented business employee license, the application shall then be referred to the Code Enforcement Officer for review and investigation. The Code Enforcement Officer shall utilize any available resources through the Pennsylvania State Police, the City of Franklin Police Department, the Venango County Sheriff, the Commonwealth of Pennsylvania, and any other law enforcement agencies as may be necessary to complete the review and investigation required by this

Ordinance. Upon the filing of said application for an adult oriented business employee license, the Code Enforcement Officer may issue a temporary license for an adult oriented business employee license only.

- (b) Within thirty (30) days from the date the completed application is filed, the Code Enforcement Officer shall issue a license, unless it is determined by him or her that one or more of the following findings is true:
 - (1) The applicant has failed to provide information reasonably necessary for issuance of the license or has falsely answered a question or request for information on the application form;
 - (2) The applicant is under the age of eighteen (18) years;
 - (3) The applicant has been convicted of a specified criminal activity as defined in this Ordinance;
 - (4) The adult oriented business employee license is to be used for employment in a business prohibited by local or state law, statute, rule or regulation, or prohibited by a particular provision of this Ordinance;
 - (5) The applicant has had an adult oriented business employee license revoked by the City of Franklin within two (2) years of the date of the current application. If the adult oriented business employee license is denied, the temporary license previously issued is immediately deemed null and void. Denial, suspension or revocation of a license issued pursuant to this subsection shall be subject to appeal as set forth in Section 307.09;
 - (6) The required application, investigation and license fees have not been paid;
 - (7) An applicant's license to operate an adult oriented business, issued by any jurisdiction, has been revoked within the preceding twelve (12) months; or
 - (8) The proposed adult oriented business is in violation of, or is not in compliance with, any of the provisions of this Ordinance.
- (c) A license granted pursuant to this Section shall be subject to annual renewal upon the written application of the applicant and a finding by the Code Enforcement Officer that the applicant has not been convicted of any specified criminal activity as defined in this Ordinance or committed any act during the existence of the previous license, which would be grounds to deny the initial license application. The renewal of the license shall be subject to the payment of the fee as set forth in Section 307.05.

- (d) The adult oriented business license, if granted, shall state on its face the name of the person or persons to whom it is granted, the expiration date, the address of the adult oriented business and the specific classification of adult oriented use for which the license is issued. Licenses for adult oriented businesses shall state that the adult oriented business shall not commence until all necessary zoning, subdivision and land development, and building code approvals are obtained. All adult oriented business licenses shall be posted in a conspicuous place at or near the entrance to the adult oriented business so that they may be easily read at any time.
- (e) The adult oriented business employee license, if granted, shall include on its face the name and photograph of the person to whom it is granted, the expiration date, and the address or addresses of the adult oriented business or businesses where the employee works.
- (f) An adult oriented business license shall be issued for the specific classification of adult oriented use as permitted by ordinance and applied for.
- (g) A license denial shall conform to the provisions of Section 307.09.
- (h) Upon the filing of said application for an adult oriented business employee license, the Code Enforcement Officer may issue a temporary license for an adult oriented business employee license only.

307.05 FEES

- (a) Every application for an adult oriented business license (whether for a new license or for renewal of an existing license) shall be accompanied by a non-refundable application and investigation fee in an amount set by resolution of the Council of the City of Franklin.
- (b) In addition to the application and investigation fee required above, every adult oriented business that is granted a license (new or renewal) shall pay to the City of Franklin an annual non-refundable license fee in an amount set by resolution of the Council of the City of Franklin within thirty (30) days of license issuance or renewal.
- (c) Every application for a sexually oriented business employee license (whether for a new license or for renewal of an existing license) shall be accompanied by an annual non-refundable application, investigation and license fee in an amount set by resolution of the Council of the City of Franklin.

307.06 INSPECTION

- (a) An applicant or licensee shall permit authorized City of Franklin officials and their agents or consultants to inspect the premises of an adult oriented

business for the purpose of ensuring compliance with the law, at any time it is occupied or open for business.

- (b) A person who operates an adult oriented business or his or her agent or employee commits a violation of this Ordinance if he or she refuses to permit such lawful inspection of the premises at any time it is occupied or open for business.

307.07 EXPIRATION OF LICENSE

- (a) Each license shall expire one (1) year from the date of issuance and may be renewed only by making application as provided in Section 307.03. Application for renewal shall be made at least thirty (30) days before the expiration date. The date of expiration of the license will not be extended.
- (b) When the City of Franklin denies renewal of a license the applicant shall not be issued a license for one (1) year from the date of denial. If, subsequent to denial, the City of Franklin finds that the basis for denial of the renewal license has been corrected or abated, the applicant may be granted a license if at least ninety (90) days have elapsed since the date denial became final.

307.08 SUSPENSION:

- (a) The Code Enforcement Officer shall suspend a license for a period not to exceed thirty (30) days and issue summary proceedings if he or she determines that a licensed adult oriented business or an employee of a licensed adult oriented business has:
 - (1) Violated or is not in compliance with any provision of this Ordinance.
 - (2) Refused to allow an inspection of the adult oriented business premises as authorized by this Ordinance; or
 - (3) Knowingly permitted specified criminal activity by any person on the adult oriented business premises.

307.09 REVOCATIONS AND APPEALS OF DENIALS, SUSPENSIONS OR REVOCATIONS

- (a) The Code Enforcement Officer shall revoke a license if a cause of suspension in Section 307.08 occurs and the license has been suspended within the preceding twelve (12) months.
- (b) The Code Enforcement Officer shall revoke a license if he determines that:

- (1) A licensee gave false or misleading information in the material submitted during the application process:
 - (2) A licensee has knowingly allowed possession, use or sale of controlled substances on the premises.
 - (3) A licensee has knowingly allowed prostitution on the premises:
 - (4) A licensee knowingly operated the adult oriented business during a period of time when the licensee's license was suspended;
 - (5) A licensee has knowingly allowed any act of sexual intercourse, sodomy, oral copulation, masturbation or other sex act to occur in or on the licensed premises; or
 - (6) A licensee is delinquent in payment to the City of Franklin for any licensing fees past due.
- (c) When the Code Enforcement Officer revokes a license, the revocation shall continue for one (1) year, and the licensee shall not be issued an adult oriented business license for one (1) year from the date the revocation became effective. If, subsequent to revocation, the Code Enforcement Officer finds that the basis for the revocation has been corrected or abated, the applicant may be granted a license if at least ninety (90) days have elapsed since the date the revocation became effective.
- (d) All license application, renewal, suspension or revocation decisions shall be sent in writing to the applicant or licensee. All such decisions, which deny, suspend or revoke a license, shall state specifically the ordinance requirement not met and any other basis for the decision. After denial of an application, or denial of a renewal of an application, or after suspension or revocation of any license, the applicant or licensee may appeal pursuant to the local agency law to the Council of the City of Franklin. The Council will then schedule a local agency law hearing within twenty (20) days from the date the appeal is filed and will render a written decision within ten (10) days from the date such hearing concludes. Any such appeal must be filed, in writing, with the Code Enforcement Officer within ten (10) days from the date of mailing of the decision appealed from. Failure to file said appeal with the Code Enforcement Officer within ten (10) days from the date of the mailing of the decision appealed from shall be deemed a conclusive determination as to the issues or matters addressed by the written decision. In the case of a denial of a license renewal, or in the case of a license suspension or

revocation , the licensee may continue to operate to the same extent as immediately prior to the suspension or revocation until the earlier of: (1) the expiration of the ten-day appeal period without filing of an appeal; or (2) the date of a decision dismissing any appeal.

- (e) Any person aggrieved by a decision of the Council of the City of Franklin may appeal to a court of competent jurisdiction. The City of Franklin shall, upon filing of such appeal, consent to any request by a license applicant or licensee to the court to give expedited review to such appeal. The City of Franklin shall certify any record to the court to do so.

307.10 TRANSFER OF LICENSE

A licensee shall not transfer his or her license to another, nor shall a licensee operate an adult oriented business under the authority of a license at any place other than the address designated in the application.

307.11 PROHIBITION AGAINST CHILDREN IN AN ADULT ORIENTED BUSINESS

A person commits a violation of this Ordinance if the person knowingly allows a person under the age of eighteen (18) years on the premises of an adult oriented business. In the case of a tattoo parlor, no violation of this Ordinance shall be deemed to have occurred if the person under the age of eighteen (18) years is on the premises with the express consent of that person's parent or guardian.

307.12 VIOLATIONS AND PENALTIES

Any person who violates or permits the violation of any provision of this Ordinance shall pay a fine of not more than \$1,000.00 for each violation. Whenever such person shall have been officially notified by the City of Franklin that he or she is committing a violation of this Ordinance, each day that he or she shall continue such violation after such notification shall constitute a separate violation punishable by a like fine. Any person who violates or permits the violation of this Ordinance shall pay, in addition to the fine set forth above, all court costs and reasonable attorney's fees incurred by the City of Franklin in connection with any civil and criminal proceedings brought to enforce this Ordinance.