

ADULT BUSINESS ORDINANCE

All-Is
No-No's

1999

SECTION 1. PURPOSE AND AUTHORITY: To prevent the use of or intended use of commercial premises, commercial structures, or parts thereof, by reason of design, from being conducive to the spread of communicable disease found to be of danger to persons frequenting such premises, structures, or parts thereof, and to the public health, safety, and welfare. The health, safety, and welfare of all persons in Albion, Maine must be protected by the establishment of standards for such premises, structures, or parts thereof, to eliminate the possibility of infection of contagious disease. Of specific danger is the sexually transmissible disease of Acquired Immune Deficiency Syndrome, which is currently found to be irreversible and uniformly fatal. The incidence of this disease is found to occur in discernible population groups, and the risk factors for obtaining or spreading the disease are associated with high-risk sexual conduct with multiple partners.

The commercial premises, structures, or parts thereof, which place persons at risk of infection from this disease due to their design or intended use for high-risk sexual conduct, are necessarily subject to regulation and minimal standards for the prevention of the spread of this disease and for the protection of the public health, safety, and welfare.

This ordinance is enacted pursuant to municipal home rule authority, Title 30-AM.R.S.A. Section 3001.

SECTION 2. DESIGN OR USE OF COMMERCIAL PREMISES FOR HIGH-RISK SEXUAL CONDUCT PROHIBITED: No commercial building, structure, premises or subdivision, partition, portion or part thereof or facilities therein, shall be so constructed, used, or operated for the purpose of sexual activities, in which facilities high-risk sexual conduct takes place. No commercial building, structure, premises, or sub-division, partition, or portion shall be designed for or used to promote high-risk sexual conduct.

SECTION 3. MINIMUM STANDARDS FOR PREVENTION OF CERTAIN COMMUNICABLE DISEASES IN COMMERCIAL PREMISES: No person shall occupy any commercial building, structure, premises, or portion or part thereof which does not comply with the following requirements:

- a) For the prevention of the spread of sexually transmitted disease, no partitions between subdivisions of a room, portion or part of a building, structure or premises may have an aperture which is designed or otherwise constructed to encourage sexual activity between persons on either side of the partition.
- b) No booths, stalls, or partitioned portions of a room, or individual rooms, used for the viewing of motion pictures or other forms of entertainment, shall have doors, curtains or portal partitions, but all such booths, stalls, partitioned portions of a room, or individual rooms so used shall have at least one side open to an adjacent public room so that the area inside is visible to persons in the adjacent public room. All such described areas shall be lighted in such a manner that the persons in the areas used for viewing motion pictures or other forms of enter-

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tainment are visible from the adjacent public rooms, but such lighting shall not be of such intensity as to prevent the viewing of the motion pictures or other offered entertainment.

c) No physical, verbal, or visual contact or interaction between persons within or in adjacent booths shall be encouraged or permitted.

SECTION 4. DEFINITIONS: The words "booth, stall, partitioned portions of a room or individual rooms" mean such enclosures as are specifically offered to the public or members of that establishment for hire or for a fee as part of a business operated on the premises which offers as part of its business the entertainment to be viewed within the enclosure; which shall include, without limitation, such enclosures wherein the entertainment is dispensed for a fee, but a fee is not charged for mere access to the enclosure.

The words "doors, curtains or portal partitions" mean full, complete, nontransparent closure devices through which one cannot see or view the activity taking place within the enclosure.

The words "open to an adjacent public room so that the area inside is visible to persons in the adjacent public room" shall mean either the absence of any "door, curtain or portal partition" or a door or other device which is made of clear, transparent material such as glass, plexiglas or other such material meeting building code and safety standards, extending from the floor to the top of the door frame, exclusive of the door or device framing itself, so that the activity inside the enclosure may be viewed or seen by persons outside the enclosure.

SECTION 5. ENFORCEMENT AND PENALTIES: This ordinance shall be enforceable by the Code Enforcement Officer or such other official as the municipal officers may designate. Any violation of this ordinance shall be penalized in accordance with Title 30--AM.R.S.A. Section 4452. In the event that this statute is held by a court of competent jurisdiction not to apply to this ordinance, the following penalties shall apply:

The violation of any provision of this ordinance shall be punishable by a fine of one thousand dollars (\$1,000.00) for a first offense, one thousand five hundred dollars (\$1,500.00) for a second offense, and two thousand dollars (\$2,000.00) for a third or subsequent offense, regardless of the time between offenses. Each act of violation and every day upon which any such violation shall occur shall constitute a separate offense. In addition to such penalties, the town may enjoin or abate any violation of this ordinance by appropriate action, and, if the court finds for the town, the town shall recover its costs of suit, including reasonable experts' fees, reasonable attorneys' fees, and reasonable investigative costs.

SECTION 6. SEVERABILITY: If any section, phrase, sentence, or portion of this ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect the validity of any other portion hereof.