



ADULT BUSINESS ORDINANCE

Sec 1. Adult Business Definition

Adult business establishment: Any retail business whether conducted from a fixed or mobile location or vehicle including, but not limited to, any bookstore, newsstand, novelty store, nightclub, bar, cabaret, amusement arcade, spa, massage parlor, or theater which:

- A. Keeps for public patronage or permits or allows the operation or use of any adult amusement device containing sexually explicit material; or
- B. Permits any person on the premises including an employee, entertainer, or patron to expose that person's genitals, pubic hair, buttocks or perineum, or the areola of a female breast, to a patron or member of the general public.
- C. Exhibits or displays, more often than an average of one week during any calendar month of operation, any motion pictures or any other visual representation described or advertised as being "X-rated" or "for adults only," or which customarily excludes persons from any portion of the premises by reason of immaturity of age by the use of such or similar phrases; or
- D. Has a substantial portion of its stock in trade that consists of products containing sexually explicit material.
- E. Is an establishment or place primarily in the business of providing (1) a steam bath or sauna, (2) other bathing or hot tub services, or (3) "rubdown" or other massage services by a person or persons not licensed or exempt from licensing under State law.

Sec 2. Adult Business Establishments

1. Findings and Purpose. The Council hereby finds that because of their unique and potentially offensive nature, adult business establishments can have a blighting influence on the surrounding neighborhood if permitted in certain districts or if allowed to concentrate in certain other districts within the City. Moreover, such establishments are incompatible with uses characterized by family and youth related activities. The purpose of this subsection is, therefore, to prevent such deleterious effects and, thus, protect public health, safety, and general welfare by regulating the location and certain other aspects of adult business establishments.
2. Requirements:
 - A. Adult business establishments shall be at least one thousand (1,000) feet from any other adult business establishment, at least two hundred fifty (250) feet from the nearest property line of any public, private or parochial school, church, synagogue or similar place of worship, public library, playground, or child care facility, and at least two hundred fifty (250) feet from any Residential District (RA, RB, RC, RD & RR) as measured in a straight line without regard to intervening

structures or objects. They also cannot be located between Union Street and Sherwin Street and between Elm Street and the Kennebec River.

B. No sexually explicit materials, entertainment or activity shall be visible from the exterior of the premises.

3. Violations: Violations of this ordinance are subject to the civil penalties, injunctive remedies and attorney's fees provisions of 30-A M.R.S.A. §§ 4452 (3), as amended. Each day a violation continues is a separate violation.

APPROVED

Waterville City Council
Effective March 17, 2011
(Ordinance 11-2011)