

CITY OF SALISBURY
ORDINANCE NO. 2045
AS AMENDED ON JANUARY 14, 2008

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
SALISBURY TO ESTABLISH A MORATORIUM ON ANY PERMITS,
~~OR LICENSES, OR CERTIFICATES OF OCCUPANCY~~ FOR ADULT
ENTERTAINMENT BUSINESSES.

WHEREAS, the Mayor and City Council of Salisbury, Maryland find that studies from other jurisdictions in the United States have demonstrated that adult entertainment businesses, especially when located in a particular area, are associated with increased crime, depreciation of property values, increased urban blight, and lower quality of life; and

WHEREAS, the Mayor and Council have determined that in order to ameliorate the aforementioned impacts, limit exposure of adult entertainment businesses to children, control the spread of sexually transmitted diseases, and to provide appropriate and fitting locations for such businesses, a period of study must be taken so that the Mayor and Council can best approach the subject of adult entertainment businesses; and

WHEREAS, it is not the intent of this Ordinance to suppress any speech activities protected by the First Amendment, but to provide time to enact a content-neutral ordinance which addresses the secondary effects of adult entertainment businesses; and

WHEREAS, the Mayor and the City Council have determined that the City needs time to study the deleterious effects of adult entertainment businesses and to determine the best way to regulate the time, place and manner in which these businesses occur within the City; and

WHEREAS, the following words shall be defined as follows:

ADULT ENTERTAINMENT BUSINESS shall include the following types of businesses:

(1) Adult book or video store: A business establishment open to the public or to members where at least twenty percent of the stock in trade for sale or rental consists of any accessories, books, magazines, photographs, prints, drawings, paintings, motion pictures, pamphlets, videos, slides, tapes or electronically generated images or devices, including computer software, or any combination thereof which are characterized by an emphasis on matters depicting, describing or related to sexual activities or nudity.

(2) Adult movie theater: A business establishment open to the public or to members that regularly and routinely offers for viewing on the premises films, videos, electronic files, single or multidimensional images, or similar material characterized by an emphasis on matters depicting, describing or related to sexual activities, including video images captured and transmitted in the moment by any means which are remotely controlled by the patrons or employees of the theater.

(3) Adult live entertainment establishments: A business establishment open to the public or to members that regularly and routinely features employees or live performers who appear in a state of nudity or presents live entertainment, exhibits, displays, performances, contests or demonstrations including the display of the human body in such a manner as to titillate, excite or entertain the patrons or to provide any type of goods or services characterized by sexual activities, real or simulated, or nudity.

NUDITY – Less than completely and opaquely covered human genitalia, pubic regions, buttocks, or female breasts below a point immediately above the top of the areola, or human male genitals in a discernibly turgid state, even if completely and opaquely covered.

SEXUAL ACTIVITIES – Means and includes any of the following: (1) the fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts; (2) sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy; (3) masturbation, actual or simulated; or (4) excretory functions, alone or as a part of or in connection with any of the activities described above. Sexual activities may also include “sexual conduct,” “sexual excitement,” or “sodomasochistic abuse” as these definitions occur in the criminal law provisions of the *Annotated Code of Maryland*.

NOW THEREFORE, BE IT ENACTED AND ORDAINED by the council of the City of Salisbury, Maryland, that a moratorium be, and the same is hereby, issued against the issuance of any permits, ~~or~~ licenses, or certificates of occupancy for adult entertainment businesses for a period of ~~sixty (60)~~ one hundred (100) days or until the passage of the appropriate zoning ordinance and business licensing ordinance, whichever shall first occur.

AND BE IT FURTHER ENACTED AND ORDAINED by the council of the City of Salisbury, Maryland, that this Ordinance shall take effect from and after the date of its final passage.

THIS ORDINANCE was introduced and read at the meeting of the Council of the City of Salisbury held on the 26th day of November, 2007, and having been published as required by law, in the meantime, was finally passed by the Council at its meeting on the 14th day of January, 2008.

Brenda J. Colegrove
City Clerk

Louise Smith,
President of the City Council
of the City of Salisbury

Approved by me this
day of _____ 2008.

Barrie P. Tilghman
Mayor of the City of Salisbury