

**An Ordinance to Establish a Moratorium on  
Adult Amusement Establishments and Adult Amusement Devices**

The Town of New Gloucester hereby finds that its present land use ordinances are inadequate to prevent serious public harm from the development of adult business establishments and the location of adult amusement devices in the community. In order to provide the Planning Board and citizenry with sufficient time to prepare suitable land use ordinances for the control and regulation of such establishments and devices, a moratorium of 180 days from the effective date of this ordinance is established, preventing the issuance of any building permits, certificates of occupancy or licenses for an adult amusement establishment or adult amusement device.

For the purposes of this ordinance, the following terms have the following meanings.

**Adult amusement establishment.** Adult amusement establishment means a business establishment which:

1. Keeps for public patronage, or permits or allows the operation of, any adult amusement device; or
2. Offers live entertainment, customarily exhibits motion pictures, or displays any other visual representation described or advertised as being "X-Rated" or "For Adults Only", and which excludes persons from any portion of the premises by reason of immaturity of age or by use of such, or similar phrases; or
3. Offers as a substantial portion of its stock-in-trade, books, magazines, other periodicals or videotapes characterized by their emphasis on specified anatomical areas or specified sexual activities, as defined in "adult amusement devices".

As used in this definition, "customarily" shall mean more often than an average of one (1) calendar week during any calendar month of operation, and "substantial portion" shall mean greater than seventy-five (75) percent of the books, magazines and other periodicals carried as stock-in-trade.

**Adult amusement device.** Adult amusement device means any machine which, upon the insertion of a coin or the payment of consideration, operates or may be

operated to depict, display, or project directly or indirectly, pictures, photographs or other visual images of specified anatomical areas or specified sexual activities.

1. Specified anatomical areas are defined as:

- a. Less than completely and opaquely covered:
  - i. Human genitals, pubic region;
  - ii. Buttock;
  - iii. Female breast below a point immediately above the top of the areola; and
- b. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

2. Specified sexual activities are defined as:

- a. Human genitals in a state of sexual stimulation or arousal;
- b. Act of human masturbation, sexual intercourse, or sodomy;
- c. Fondling of human genitals, pubic region, buttock or female breast.