

AN ORDINANCE REQUIRING LICENSES FOR VIEWING
BOOTHES IN ADULT BUSINESSES

TOWN OF NEW GLOUCESTER, MAINE

SECTION I - - TITLE & PURPOSE

This ordinance shall be known and be cited as the An Ordinance Requiring Licenses for Viewing Booths in Adult Businesses.

The New Gloucester Selectmen have observed the experiences of other communities, as reported in court decisions, in the press and in other literature, concerning the potential public health risks of so-called "viewing booths" in so-called "adult bookstores", in particular the risk that such viewing booths, if not properly regulated, may encourage acts of prostitution and the commission of other sexual acts which could promote the transmission of Acquired Immune Deficiency Syndrome and other sexually transmitted diseases; and the Selectmen concludes that in order to preserve the public health, safety and welfare as well as to protect the health of patrons of such viewing booths, it is necessary to regulate the design and configuration of such viewing booths so as to discourage the potentially dangerous activity.

SECTION 2 - DEFINITIONS

A. "Adult Business" means any business, a substantial or a significant portion of which consists of selling, renting, leasing, exhibiting, displaying or otherwise dealing in materials which depict or describe any of the following;

1. Human genitals in a state of sexual simulation or arousal;
2. Acts of human masturbation, sexual intercourse of sodomy;
3. Fondling or other erotic touching of human genitals, pubic region, buttock or female breast;
4. Less than completely and opaquely covered:
 - a. human genitals, pubic region,
 - b. buttock,
 - c. female breast below a point immediately above the top of the areola; and
5. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

As applied to a business which sells, rents, or leases such materials or devices, "substantial or significant portion" means that 25% or more of the floor area of the unit of occupancy in which the business is located is used to display, shelve or store such

VIEWING BOOTHS

materials or devices. As applied to a business which exhibits or displays films, videos or similar visual reproductions for viewing by patrons on the premises, "substantial or significant portion" means that, in any single day, 50% or more of the total display of exhibition time is devoted to such materials.

B. "Viewing Booth" means any booth, cubicle, room or stall within the premises of an adult business used to display by audio or visual reproduction, projection or other means, of the materials described in subparagraph (a) above.

SECTION 3 - LICENSE REQUIRED

No person owning or operating an adult business shall keep for public patronage or permit or allow the use of any viewing booth without first obtaining a license from the New Gloucester Selectmen.

SECTION 4 - LICENSING REQUIREMENT

The Selectmen shall grant a license for a viewing booth only upon finding, after public hearing, that the viewing booth will be clearly visible from the interior common areas of the premises and that visibility into the viewing booth shall not be blocked or obscured by any doors, curtains, partitions, drapes, or any other obstruction.

SECTION 5 - LICENSE FEE

A separate license shall be required for each viewing booth based upon the number of audio or visual reproduction or projection devices. The fee for each reproduction or projection device shall be determined by the Selectmen.

SECTION 6 - TERM OF LICENSE

Licenses issued pursuant to this Ordinance shall be for a term of no more than one year and shall expire annually on June 30.

SECTION 7 - SUSPENSION OR REVOCATION OF LICENSE

The Selectmen may, after notice to the licensee and hearing, suspend or revoke any viewing booth license issued under this Ordinance upon a finding that the licensee has violated any of the provisions of this Ordinance.

SECTION 8 - ENFORCEMENT

The Code Enforcement Officer shall be responsible for the enforcement of this Ordinance.

VIEWING BOOTHS

Any enforcement actions shall be brought in the name of the Town of New Gloucester.

SECTION 9 - PENALTY

Any person, firm or corporation who violates any of the provisions of this ordinance, commits a civil violation and shall be liable for a civil penalty of not less than \$100.00 nor more than \$2,500.00 for each violation. Each day such a violation continues to exist after notification thereof, shall constitute a separate offense. All fines collected hereunder are payable to the Citizens of the Town of New Gloucester (Maine). In addition to such civil penalty, the Town may enjoin or abate any violation of this ordinance by appropriate action.

SECTION 10 - SEVERABILITY

If any provision of this Ordinance is held invalid by a court of competent jurisdiction, such ruling shall not affect the remaining provisions which shall remain in full force and effect.

TOWN OF NEW GLOUCESTER

**Viewing Booth
Fee per Booth \$500.00 plus advertisement costs**

Name of Applicant: _____

Address of Applicant: _____

Name of Business: _____

Business Address: _____

Mailing Address: _____

Home Phone: _____ Business Phone: _____

List the names and addresses of all officers: (5 previous years as well)

Name: _____

Address: _____

Name: _____

Address: _____

Name: _____

Address: _____

Have any of the officers been convicted of a class A, B or C Crime in the last five years?
If so, give the name of the person and describe the offense:

Describe the premises for size, seating, etc. including security measures being taken:

Has applicant ever had a Viewing Booth License denied or revoked? If so, describe the circumstances:

Please specify type of entertainment and number of booths:

List days and hours of entertainment:

Attach copies of articles of incorporation and by laws or partnership.

File the release authorized by 16 MRSA Section 620(6) – Criminal History Record Information Act.

Date

Signature of Applicant

NOTE: Supplying false information regarding this Viewing Booth Permit is grounds for denial of this application.

FOR TOWN CLERK USE ONLY

AUTHORIZED SIGNATURES:

Code Enforcement Officer: _____

Town Planner: _____

Town Manager: _____