

ADULT BUSINESS ORDINANCE

May 15, 1993

Amended June 5, 2018

1. Definitions.

- a. "Adult business" means any business in any use category, a substantial or significant portion of which consists of selling, renting, leasing, exhibiting, displaying or otherwise dealing in materials or devices of any kind which appeal to prurient interests and which depict or describe sexual activities.
- b. "Specified sexual activities" means:
 - i. human genitals in a state of sexual stimulation or arousal;
 - ii. acts of human masturbation, sexual intercourse or sodomy;
 - iii. fondling or other erotic touching of human genitals, pubic region, buttock or female breast.
- c. 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.
- d. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.
- e. "Public building" means a building owned, operated or funded in whole or in part by the Town of Raymond which members of the general public have occasion to visit, either regularly or occasionally, such as, but not limited to, the Town Hall, the Public Library, the Police Station and Fire Stations.
- f. "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, any of the materials described in subparagraph (a) above.

2. Location of adult businesses restricted. No adult business shall be located:

In any location where the customer entrance to the adult business would be closer than 1,000 feet, measured in a straight line without regard to intervening structures or objects, to the nearest point on the boundary of any property which is:

- a. occupied by a residence, school, park, playground, church or public building;
- b. located in a residential zone; or
- c. occupied by another adult business.

3. Outside displays prohibited. No materials or devices displaying or exhibiting specified sexual activities shall be visible from the exterior of the building in which the adult business is located.
4. License Required. No person shall own or operate an adult business without first obtaining a license from the Raymond Board of Selectmen.
5. Licensing Requirement. No person shall own or operate a viewing booth unless 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.
6. License Fee. A license shall be required for each adult business. The fee for each license shall be \$100.00.
7. 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 December 31st.
8. Suspension or Revocation of License. The Board of Selectmen may, after notice to the licensee and hearing, suspend or revoke any adult business license issued under this Ordinance upon a finding that the licensee has violated any of the provisions of this Ordinance.
9. Penalty. The violation of any provision of this Ordinance shall be punished by a civil penalty of not less than \$250 and not more than \$500 for each offense. Each act of violation and every day upon which any such violation occurs shall constitute a separate offense. In addition to such civil penalty, the Town may enjoin or abate any violation of this Ordinance by appropriate action.
10. Severability. In the event that any section or any portion of this Ordinance shall be declared by any competent court to be invalid for any reason, such declaration shall not be deemed to affect the validity of any other section, subsection or portion of this Ordinance.
11. Applicability to Pending Applications. Notwithstanding anything to the contrary in 1 M.R.S.A. §302, the provisions of this Ordinance shall apply to any application, request or proposal to locate or operate any adult business which may be pending on the effective date of this Ordinance.