

Adult Entertainment Ordinance - Glenville

AN ORDINANCE of the Council of the City of Glenville, West Virginia adopting a City Ordinance with regards to Adult Entertainment Businesses

THE CITY OF GLENVILLE ORDAINS:

SECTION 1: (a) Adult book or video store: An establishment, having as a substantial or significant portion of its stock in trade, books, video tapes, magazines, and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing or relating to “specified sexual activities” or “specified anatomical areas” (as defined below) or an establishment with a segment or section devoted to the sale or display of such material.

(b) Adult entertainment center: An enclosed building with a capacity of fifty (50) or more persons used for presenting material or live entertainment distinguished or characterized by an emphasis on matter depicting, describing or relating to “specified sexual activities” or “specified anatomical areas” (as defined below) for observation by patrons therein.

(c) Adult mini-entertainment center: An enclosed building with a capacity for less than fifty (50) persons used for presenting material or live entertainment distinguished or characterized by an emphasis on matter depicting, describing or relating to “specified sexual activities” or “specified anatomical areas” (as defined below) for observation by patrons therein.

(d) Specified Sexual Activities: Sexual activity also includes conduct and activities which are intended to arouse the sexual interest of another, such as strategies to find or attract partners (mating and display behavior), and personal interactions between individuals, such as flirting and foreplay.

(e) Specified Anatomical Areas: Less than completely and opaquely covered human genitals, pubic region, buttocks and female breasts below a point immediately above the top of the areola; human male genitals in a discernibly turgid state, even if completely and opaquely covered.

SECTION 2:

(1) In the development and execution of this ordinance, it is recognized that there are some uses which, because of their very nature, are recognized as having serious objectionable operational characteristics, particularly when several of them are

concentrated under certain circumstances thereby having a deleterious effect upon the adjacent areas. Specific regulations of these uses is necessary to ensure that these adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhood. These special regulations are itemized in this section. No establishment shall be located within a distance of 3,000 feet of any school, place of worship or public or institutional buildings or facilities. The uses to which these controls refer are as follows: Adult book or video store, adult entertainment center, adult mini-entertainment center, nude photographic studios and massage establishments.

(2) The Glenville City Council may waive this locational provision for adult book or video stores, adult entertainment centers and adult mini-entertainment centers if the following findings are made:

(a) That the proposed use will not be contrary to the public interest or injurious to nearby properties and that the spirit and intent of this chapter will be observed.

(b) That the proposed use will not enlarge or encourage the development of a “skid row” area.

(c) That the establishment of an additional regulated use in the area will not be contrary to any program of neighborhood conservation nor will it interfere with any program of urban renewal.

(d) That all applicable regulations of this ordinance will be observed.

(3) It shall be unlawful to hereafter establish any adult book or video store, adult entertainment center, adult mini-entertainment center within two thousand (2,000) feet of any building containing a residential dwelling or rooming unit. This prohibition may be waived if the person applying for the waiver shall file, with the Glenville City Council, a petition which specifies approval of the proposed regulated use by fifty-one (51) per cent of the persons owning, residing or doing business within a radius of three thousand (3,000) feet of the location of the proposed use. The petitioner shall attempt to contact all eligible locations within this radius, and must maintain a list of all addresses at which no contact was made. A minimum of one hundred (100) responses is required. In the event that the three-thousand-foot radius is not sufficiently populated to provide One hundred (100) residences and/or business places eligible to respond, the radius will be increased in increments

of one hundred (100) feet until there shall be an area large enough to contain one hundred (100) eligible residences and/or business place.

The Glenville City Council shall set rules and regulations governing the procedure for securing the petition of consent provided for in this section of the chapter. The rules shall provide that the circulator of the petition requesting a waiver shall subscribe to an affidavit attesting to the fact that the petition was circulated in accordance with the rules of the City Council and that the circulator personally witnessed the signatures on the petition and that the same were affixed to the petition by the person whose name appeared thereon.

(a) The form of the petition shall be approved by the City Council and shall clearly and unambiguously specify the nature and intent of the request for signature.

The City Council shall not consider the waiver of locational requirements until the above described petition shall have been filed and verified.

(4) All adult book or video stores, adult entertainment centers, adult mini-entertainment centers or retail establishments offering material described in this ordinance shall comply with the following performance standards:

(a) That any display of adult oriented materials be shielded from public view either placed behind a counter, or by providing a separately established room which would have restricted access controlled by the owner or employees.

(b) That all access to adult oriented material be restricted to persons 18 years of age or older;

(c) That signage be posted regarding the restrictions to this type of material; and

(d) That the location of the counter or room be limited to an area away from the main entry.

SECTION 3: That the City Council directs the City Clerk to publish a summary of this Ordinance upon the website and within the City Clerks City Ordinance Book for Public Record and to be available for Public to obtain a copy of and/or review at any time during regular business hours.

Introduced on the First Reading at a Regular City Council Meeting on Thursday,
March 06, 2014

Passed on the Second Reading at a Regular City Council Meeting on Monday,
April 07, 2014

Dennis Fitzpatrick

Debbie Starcher-Johnson Recorder