

ORDINANCE NO. 2321

AN ORDINANCE OF THE CITY OF SALISBURY TO AMEND SALISBURY MUNICIPAL CODE SECTION 5.08.010 DEFINITIONS FOR THE PURPOSE OF AMENDING THE DEFINITION OF SIGNIFICANT AMOUNT; STATING CERTAIN FINDINGS; PROVIDING FOR THE APPLICATION OF THE ORDINANCE; AND GENERALLY RELATING TO ADULT ENTERTAINMENT BUSINESS.

WHEREAS, the City previously passed ordinances to regulate the conduct and location of adult entertainment businesses; and

WHEREAS, at that time, the City found that, in order to protect the health, safety and welfare of the City's citizens, it was necessary to allow suitable locations for adult entertainment businesses while limiting their adverse secondary effects on the community; and

WHEREAS, the City further found that adult entertainment businesses are associated with increased crime and decreased property values, and adversely impact the quality of life in surrounding areas; and

WHEREAS, many land use studies have documented the adverse secondary effects of adult entertainment businesses; and

WHEREAS, in order to lessen and control these effects and to limit exposure of these businesses to children, the City found that it was necessary to place certain restrictions on the conduct and the location and arrangement of adult entertainment businesses; and

WHEREAS, similar ordinances have withstood legal challenge; and

WHEREAS, the City now finds that certain refinements are needed to that portion of the Code relating to adult entertainment businesses in order to more effectively regulate the such businesses and prevent the subversion of the Code's purposes.

NOW, THEREFORE, be it enacted and ordained by the City of Salisbury that the definition of "Significant amount" in Chapter 5.08.010 of the Salisbury Municipal Code be Amended as follows, and that all other definitions in that section remain unchanged:

5.08.010 – Definitions

"Significant amount" means the following:

1. At least ~~twenty-five~~ (2015) percent of the stock in the establishment or on display consists of adult entertainment or material;
2. At least ~~twenty-five~~ (2015) percent of the usable floor area used for the display or storage of merchandise on the floor, walls, or vertical display area of the cabinets, shelves or racks which rise from the floor (or any combination thereof which is at least fifteen (15) percent of the area used for display or storage) is used for the display or storage of adult entertainment or material or houses or contains devices depicting, describing, or relating to adult entertainment or material; or
3. At least ~~twenty-five~~ (2015) percent of the gross revenue is, or may reasonably be expected to be, derived from the provision of adult entertainment or material.


AND BE IT FURTHER ENACTED, that this ordinance does not immediately apply to an adult entertainment business lawfully established prior to the effective date of this Ordinance. An adult entertainment business may continue to operate until two years from the effective date of this ordinance. On or after that date, all adult entertainment businesses shall conform to the requirements of this ordinance.


AND BE IT FURTHER ENACTED, that a business establishment that is not in compliance with Chapter 5.08 may continue to operate until two years from the effective date of this ordinance. On or after that date, all such business establishments shall comply with Chapter 5.08.

AND BE IT FURTHER ENACTED AND ORDAINED BY THE CITY OF SALISBURY, that this ordinance shall take effect upon final passage.


THIS ORDINANCE was introduced and read at a meeting of the Council of the City of Salisbury held on the 13 day of April, 2015, and having been published as required by law, in the meantime, was finally passed by the Council on the 27 day of April, 2015.

ATTEST:


Kimberly R. Nichols, City Clerk


Jacob R. Day, City Council President

Approved by me, this 6th
day of May, 2015.


James Ireton, Jr.,
Mayor