

7.4 ADULT USES

~~Adult bookstores, adult clubs, adult theaters, adult video stores, adult paraphernalia stores and establishments which display live nudity for their patrons are subject to the following regulations:~~

7.4.1 General. Adult Uses, as defined in Section 11.0, are subject to the following regulations.

7.4.2 Purpose. The purpose of this Section is to address and mitigate the secondary effects of Adult Uses and sexually oriented businesses that are referenced and defined herein. Secondary effects have been shown to include increased crime, adverse impacts on public health, adverse impacts on the business climate of the Town, adverse impacts on the property values of residential and commercial properties, and adverse impacts on the quality of life in the Town. All of said secondary impacts are adverse to the health, safety and general welfare of the Town and its inhabitants.

1. The provisions of this Section have neither the purpose nor intent of imposing a limitation on the content of any communicative matter or materials, including sexually oriented matter or materials. Similarly, it is not the purpose or intent of this Section to restrict or deny access by adults to Adult Uses or to sexually oriented matter or materials that are protected by the Constitution of the United States of America or of the Commonwealth of Massachusetts, nor to restrict or deny rights that distributors or exhibitors of such matter or materials may have to sell, rent, distribute or exhibit such matter or materials. Neither is it the purpose or intent of this Section to legalize the sale, rental, distribution or exhibition of obscene or other illegal matter or materials.

7.1.3 Authority. This Ordinance is enacted pursuant to M.G.L. Chapter 40A and pursuant to the Massachusetts Constitution to serve the compelling City interests of limiting the location of and preventing the clustering and concentration of certain Adult Entertainment Establishments for the reasons set forth, above.

7.4.4 Location. ~~Adult Uses~~~~bookstores, adult clubs, adult theaters, adult video stores, adult paraphernalia stores and establishments which display live nudity for their patrons~~ may not be located;

1. Within 1,000 feet of each other.
2. Within 500 feet of the nearest lot line of: (a) A residential district; (b) A place of worship or a building used for religious purposes unless the Board of Appeals first determines, in writing, that the use will not be detrimental to the spiritual activities; (c) Within 1,000 feet of a nonprofit educational use, library or museum; or (d) Within 1,000 feet of a park or playground.

7.4.5 Setback and Sign Requirements. ~~All Adult Uses~~~~bookstores, adult clubs, adult theaters, adult video stores, adult paraphernalia stores and establishments which display live nudity for their patrons~~ must meet the setback requirement of the appropriate district. All signage must meet the requirements of the Section 6.2***. No advertisement, display or other promotional material which contains sexually explicit graphics or sexually explicit text is to be visible to the public from any public way, including but not limited to pedestrian walkways.

1. If the business allows for the showing of films or videos within the premises, the booths in which the films or videos are viewed shall not be closed off by curtains, doors or screens. All shall be clearly seen from the center of the establishment.

7.4.6 Special Permit Application. The application for a special permit under this Section must include the following information:

1. Name and address of the legal owner of the establishment.
2. Name and address of all persons having a lawful equity or security interest in the establishment.
3. A sworn statement must be provided stating that neither the applicant nor any person having an equity or security interest in the establishment has been convicted of violating G.L. c. 119, § 63 or G.L. c. 272, § 28. No special permit shall be issued under this section to any person convicted of violating G.L. c. 119, § 28.
4. Proposed security precautions.
5. The number of employees.

