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# Ordinance Regulating Adult-Oriented Establishments

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## AN ORDINANCE REGULATING ADULT-ORIENTED ESTABLISHMENTS WITHIN THE TOWN OF EAST WINDSOR

BE IT ORDAINED BY THE LEGISLATIVE BODY OF THE TOWN OF EAST WINDSOR, CONNECTICUT, that the following ordinance be established concerning adult oriented establishments.

### Section 1. FINDINGS AND PURPOSE

The legislative body of the Town of East Windsor, Connecticut finds:

- (1) Adult oriented establishments require special supervision from the Towns public safety agencies in order to protect and preserve the health, safety, and welfare of the patrons of such establishments, as well as the health, safety and welfare of the Towns citizens.
- (2) Statistics and studies performed by a substantial number of cities and town in the United States indicate that:
  - (a) Large number of persons, primarily male, frequent such adult oriented establishments, especially those which provide closed booths, cubicles, studios and rooms for the private viewing of so-called adult motion pictures and/or video tapes and/or live entertainment; and
  - (b) such closed booths, cubicles, studios and rooms have been used by patrons, clients or customers of such adult oriented establishments for the purpose of engaging in certain sexual acts; and
  - (c) male and female prostitutes have been known to frequent such establishments in order to provide sex for hire to the patrons, clients or customers of such establishments within such booths, cubicles and rooms; and
  - (d) doors, curtains, blinds and/or other closures installed in or on the entrances and/or exits of such booths, cubicles, studios and rooms which are closed while such booths, cubicles, studios and rooms are in use encourage patrons using such booths, cubicles, studios and rooms to engage in sexual acts therein with prostitutes and/or other members of the same sex, thereby promoting and encouraging prostitution and the commission of sexual acts which cause blood, semen and urine to be deposited on the floors and/or walls of such booths, cubicles, studios and rooms risking the health and safety of other persons who  

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may come into contact with deposits; and
  - (e) the reasonable regulation and supervision of such adult oriented establishments tends to discourage such sexual acts and prostitution, and thereby promotes the health, safety and welfare of the patrons, clients and customers of such establishments.
- (3) Unregulated operation of adult oriented establishments is and would be detrimental to the general welfare, health and safety of the citizens of East Windsor.
- (4) The Constitution and laws of the State of Connecticut grant to the Town, powers especially police power, to enact reasonable legislation and measures to regulate and supervise adult oriented establishments as hereinafter defined in order to protect the public health, safety and welfare.
- (5) It is not the intent of the body, in enacting this ordinance, to deny to any person rights to speech protected by the United States and/or State Constitutions, nor is it the intent of this body to impose any additional limitations or restrictions on the contents of any communicative materials, including sexually oriented films, videotapes, books and/or other materials. Further, by enacting this Ordinance, this body does not intend to deny or restrict the right of any adult to obtain and/or view any sexually oriented materials protected by the United States and/or State Constitutions, nor does it intend to restrict or deny any constitutionally protected rights that distributors or exhibitors of such sexually oriented materials may have to sell, distribute or exhibit such materials.

## Section II DEFINITIONS

- (a) Adult-Oriented Establishments, shall include, without limitation, adult bookstores, adult motion picture theaters, and further means any premises to which the public, patrons or members are invited or admitted and which are so physically arranged as to provide booths, cubicles, room, studios, compartments or stalls separate from the common areas of the premises for the purpose of viewing adult-oriented motion pictures, or wherein an entertainer provides adult entertainment to a member of the public, a patron or a member, when such adult entertainment is held, conducted, operated or maintained for a profit, direct or indirect. An adult-oriented establishment further includes, without limitation, any

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adult entertainment studio or any premises that are physically arranged and used as such, whether advertised or represented as an adult entertainment studio, rap studio, exotic dance studio, encounter studio, sensitivity studio, modeling studio, or any other term of like import.

- (b) Adult Bookstore means an establishment having a substantial or significant portion of its stock and trade in books, films, video cassettes, or 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, and in conjunction therewith has facilities for presentation of adult entertainment, as defined below, and including adult-oriented films, movies or live entertainment for observation by patrons therein.
- (c) Adult Motion Picture Theater means an enclosed building regularly used for presenting material 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) Legislative Body or Body means the Town Meeting of the Town of East Windsor, Connecticut.
- (e) Inspector means an employee of the North Central District Health Department authorized or designated by the Director of Health, or an employee of the Department of Inspections and Permits, authorized and designated by the Director of said Department, or the Zoning Enforcement Officer, or an employee of the East Windsor Building Department, or a member of the East Windsor Police Department to inspect premises regulated under this Chapter and to take the required actions authorized by this Chapter in case of violations being found on such premises, and to require corrections of unsatisfactory conditions found on said premises.
- (f) Employee means any and all persons, including independent contractors, who work in or at or render any services directly to the operation of adult oriented establishments.
- (g) Entertainer means any person who provides entertainment within an adult-oriented establishment as defined in this section, whether or not a fee is charged or accepted for entertainment and whether or not entertainment is provided as an employee or an independent contractor.

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- (h) Adult Entertainment means any exhibition or any adult-oriented motion pictures, live performance, display or dance of any type, which has as a significant or substantial portion of such performance any actual or simulated performance of specified sexual activities or exhibition and viewing of specified anatomical areas, removal of articles of clothing or appearing unclothed, pantomime, modeling or any other personal services offered customers.
- (i) Minor shall be deemed to refer to a person under the age of eighteen (18) years old.
- (j) Operator means any person, partnership or corporation operating, conducting or maintaining an adult-oriented establishment.
- (k) Specified Sexual Activities means:
  - (a) Human genitals in a state of sexual arousal.

- (b) Acts of human masturbation, sexual intercourse, or sodomy, and
- (c) Fondling or erotic touching of human genitals, pubic region, buttock or female breasts.
- (l) Specified Anatomical Areas means
  - (a) Less than completely and opaquely covered:
    - a) human genitals, pubic regions
    - b) buttocks;
    - c) female breast below a point immediately above the top of the areola; and
  - (b) Human male genitals in a discernible turgid state, even if completely opaquely covered.

This Ordinance is not intended to apply to any medical publications or films nor any bona fide educational publication or films nor to any art or photography publications which devote at least twenty-five (25) percent of the lineage of each issue to articles and advertisements dealing with subjects of art or photography; nor to apply to any news periodical which reports or describes current events and which, from time to time, publishes photographs of nude or semi-nude persons in connection with the dissemination of the news; nor to publications or films which

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describe and report different cultures and which, from time to time, publish or show photographs or depictions of nude or semi-nude persons when describing cultures in which nudity or semi-nudity is indigenous to the population.

### Section III. **REQUIREMENTS FOR ADULT-ORIENTED ESTABLISHMENTS**

- (b) No operator or employee of an adult-oriented establishment shall allow or permit any minor to be a patron of such establishment or to loiter in any part of such establishment, including parking lots immediately adjacent to such establishment used by patrons of such adult-oriented establishments.
- (c) Every adult-oriented establishment doing business in the town on and after the effective date of this ordinance shall be well lighted at all times and be physically arranged in such a manner that the entire interior portion of the booths, cubicles, rooms or stalls, wherein adult entertainment is provided, shall be clearly visible from the common areas of the premises. Visibility into such booths, cubicles, rooms or stalls shall not be blocked or obscured by doors, curtains, partitions, drapes, or any other obstruction whatsoever. It shall be unlawful to install enclosed booths, cubicles, rooms or stalls within adult oriented establishments for whatever purpose, but especially for the purpose of providing for the secluded viewing of adult entertainment.
- (d) Upon the effective date of this ordinance, the operator of each adult-oriented establishment shall be responsible for and shall provide that any room or other area used for the purposes of viewing adult entertainment shall be well lighted and readily accessible at all times and shall be continuously open to view in its entirety. The premises shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access at an illumination or not less than one (1') candle as measured at the floor level. It shall be the duty of the operator and its agents to ensure that the illumination described above is maintained at all times that any patron is present in the premises.
- (e) Every act or omission by an employee constituting a violation of the provisions of this Ordinance shall be deemed the act or omission of the operator is such act or approval of the operator, as a result of the operators negligent failure to supervise the employees conduct, and the operator shall be punishable for such act or omission in the same manner as if the operator committed the act or

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caused the omission.

- (f) An operator shall be responsible for the conduct of all employees while on the licensed premises, and any act or omission of any employee constituting a violation of the provisions of this Ordinance shall be deemed the act or omission of the operator for

purposes of determining whether the operator shall be subject to the penalties imposed by this Ordinance.

- (g) All adult-oriented establishments shall be open to inspection at all reasonable times by the East Windsor Police Department. Inspectors employed by the Town, or such other persons as the First Selectman may designate.
- (h) No adult-oriented establishment shall be permitted on a site that is less than five hundred (500') feet from an area zoned residential.
- (i) No adult-oriented establishment shall be permitted on a site that is less than one thousand (1000') feet from an existing adult-oriented establishment.

Section IV. **PENALTIES AND PROSECUTION**

- (a) Any person, partnership or corporation who is found to have violated this Ordinance shall be fined a definite sum not exceeding One Hundred (\$100) dollars for each such violation.
- (j) Each violation of this Ordinance shall be considered a separate offense, and any violation continuing more than one (1) hour of time shall be considered a separate offense for each hour of violation.

Section V. **SAVINGS CLAUSE**

Should any court or competent jurisdiction declare any section, clause or provision of this Ordinance to be unconstitutional, such decision shall affect only such section, clause or provision so declared unconstitutional, and shall not affect any other section, clause or provision of this Ordinance.

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Section VI **EFFECTIVE DATE**

This Ordinance shall become effective fifteen (15) days after publication in a newspaper having a circulation in the Town of East Windsor. This ordinance was adopted at a Special Town Meeting held April 22, 1993.

Ordinance 93-1

Attest:

Claire S. Badstubner, CMC  
Town Clerk of East Windsor

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