

§ 114.01 FINDINGS, DECLARATIONS OF PUBLIC POLICY AND PURPOSE.

(A) *Findings.* The Board of Commissioners for the city, based on evidence concerning the adverse secondary effects of sexually explicit entertainment activities on the community, presented in hearings and in reports, and in findings incorporated in numerous cases heard by the United States Supreme Court, and in studies in many communities around the country, finds as follows:

- (1) Certain sexually explicit entertainment activities, which are or may become located near areas zoned for residential use, near schools and public parks, and near malls and similar open spaces that are catered to by family groups and children, would adversely effect the viability and use of such properties for such purposes;
- (2) The city has spent untold dollars on community development and neighborhood enhancement projects over the past years to attempt to eliminate blight and to further prevent deterioration of the city's neighborhood;
- (3) Certain sexually explicit entertainment activities, because of the condition of their operations, have or may contribute to an increased incidence of crime and juvenile delinquency, particularly when such activities are located in close proximity to one another;
- (4) Certain sexually explicit entertainment activities, particularly through outside displays, tend to attract undesirable clientele that discourage residents from undertaking civic improvements and cause residents and businesses to move elsewhere. Further they may frustrate attempts to attract new residents and businesses to the city, all of which factors contribute to a diminution of property values and to a general deterioration of the city's neighborhoods;
- (5) The value of free expression in a free society can be protected by affording an opportunity for products and services to be sold at distinct and separate locations where such goods and services will be just as available to the public wishing to pay for them, but with a dramatically less deleterious effect on abutting neighborhoods;
- (6) The concentration of sexually explicit movies, books, videos, and sexual paraphernalia in the city may create public nuisances and may have a deleterious effect on property values;
- (7) Nationally there is extensive involvement of organized crime in the business of sexually explicit entertainment activities which is regulated herein, and the disclosure of the names of persons who own as well as the names of persons who operate sexually explicit book stores and other sexually explicit entertainment establishments, would aid law enforcement officials in the enforcement of the Racketeer Influenced and Corruptions Organizations Act (RICO), as well as the enforcement of the laws of the state prohibiting the distribution of obscene matter, the use of minors to distribute obscene matter, advertising of obscene matter, distribution of obscene matter to minors,

promoting sale of obscenity, the use of minors in sexual performances, the distribution of portrayal of sexual performances by a minor, promotion of material portraying a sexual performance by a minor, advertising of material portraying a sexual performance by a minor, and the use of a minor to distribute material portraying a sexual performance by a minor.

(B) *Declarations of Public Policy.* The Board of Commissioners declare, as a matter of public policy, that in order to preserve surrounding neighborhoods, prevent blight, and the deterioration of the neighborhoods, protect property values, promote the return of residences and businesses to the city's neighborhoods, protect children from the deleterious effects of exposure to sexually explicit material, reduce the spread of communicable diseases, and decrease the incidence of crime and juvenile delinquency, the licensing and regulation of a sexually explicit entertainment establishment is a public necessity and is required in the interest of public health, safety and welfare, and the economic and aesthetic well being of the people.

(C) *Purpose.* The purpose of this chapter is to effect the declaration of public policy set forth above as it relates to the foregoing findings of the Board of Commissioners, and more particularly to:

- (1) Protect neighborhoods;
- (2) Prevent neighborhoods from suffering the noise, the blighting influence, and the increase in crime brought about by a concentration of sexually explicit entertainment establishments;
- (3) Prevent unsanitary conditions that exist in sexually explicit businesses and to reduce the spread of communicable diseases;
- (4) Protect children from the deleterious effects of exposure to sexually explicit matter;
- (5) Obtain sufficient information to identify those persons licensed or to be licensed for the operation of establishments selling, showing, or renting sexually explicit materials or providing sexually explicit services.

(Ord. 11-01-930-00, passed 12-1-03)