

AN ORDINANCE

amending Joplin City Code Section 14-31, Definitions, to define and include “adult arcades”, “adult bookstores and video stores”, and “adult motion picture theaters”, in the definition of “Adult entertainment,” to add definitions for “adult”, “nursing homes”, and “youth facilities” to said section, and to amend the definitions for “Adult entertainment”, “Adult entertainment business,” and “Entertainer” to said section; and Section 14-33, Operation generally; standards of conduct, to require adult entertainment businesses be allowed to operate only between the hours of 9 a.m. and 10 p.m., Monday through Saturday, and be closed on Sundays, and excluding certain adult businesses from the sign posting requirement; and enacting Joplin City Code Section 14-36, Signs, to regulate sign usage by adult entertainment businesses; and amending Section 14-56, Ineligibility; grounds for denial, to prohibit Adult entertainment businesses from being located within five hundred feet of any school, church, hospital, licensed child care facility, nursing home, or youth facility, public park, establishments licensed to sell liquor by the drink or nonintoxicating beer for consumption on the premises, and property zoned or used for residential purposes, and restricting adult entertainment businesses to certain designated zoning areas; and containing a severability clause and an emergency clause.

WHEREAS, studies conducted by the American Planning Association, the Minnesota Attorney General, and in cities and counties such as Seattle, Washington; St. Paul, Minnesota; Tucson, Arizona; Islip, New York; and Adams County, Colorado have studied the impacts adult entertainment business establishments have in communities;

WHEREAS, these studies have shown adult entertainment business establishments have adverse impacts on the surrounding neighborhoods, including increased crime rates, lower property values, increased transiency, neighborhood blight, and potential health risks;

WHEREAS, the City Council has determined that regulation of adult entertainment business establishments is necessary to minimize and control these adverse effects and thereby protect, the health, safety, and welfare of the citizens of Joplin; and

WHEREAS, having referred the subject matter of this ordinance to the Planning and Zoning Commission, and after public hearing having received the favorable recommendation thereof.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF

JOPLIN, MISSOURI as follows:

Section 1. That Section 14-31, Definitions, be amended to include the following definitions:

Adult: A person 18 years of age or older.

Adult arcade: An establishment where, for any form of consideration, one or more still or motion picture projectors, slide projectors, or similar machines, for viewing by five or fewer persons each, are used to show films, motion pictures, video cassettes, Digital Video Discs (DVD's), slides or other photographic reproductions which are characterized by an emphasis upon the depiction or description of "specified anatomical areas" or "specified sexual activities."

Adult bookstore or video store: An establishment which has as a regular and substantial portion of its stock-in-trade business, or advertising to the sale, rental or viewing, for any form of consideration any one or more of the following: Books, magazines, periodicals or other printed matter, or photographs, films, sculptures, motion pictures, video cassettes, Digital Video Discs (DVD's), slides or other visual representations, that are characterized by an emphasis upon the depiction or description of "specified anatomical areas" or "specified sexual activities." A business will be presumed to be an adult bookstore or video store if more than 25% of its retail value of merchandise or 10% of its display space consists of the above mentioned materials

Adult motion picture theatre: An establishment where, for any form of consideration, films, motion pictures, videocassettes, Digital Video Discs (DVD's), slides, or other similar photographic reproductions are shown, and in which a substantial portion of the total presentation time is devoted to the showing of material characterized by an emphasis on the depiction or description of "specified anatomical areas" or "specified sexual activities."

Nursing home: a privately operated establishment where maintenance and personal or nursing care is provided for persons who are aged, disabled, or chronically ill and need assistance in caring for themselves.

Youth facility: an establishment whose principal purpose is providing educational, social, or athletic activities for children.

Section 2. That Section 14-31, Definitions, of the Joplin City Code be amended by adding an additional sentence at the end of the definition of *Adult Entertainment*, which will read as follows:

"In addition said term shall mean the establishment of adult arcades, adult bookstores or video stores, and adult motion picture theatres to which the public, patrons or members are invited or admitted."

Section 3. That Section 14-31, Definitions, of the Joplin City Code be amended by changing the definition of *Adult entertainment business* to read as follows:

"*Adult entertainment business* means any premises, including parking lots, sidewalks, or other areas under the control or supervision of an adult entertainment business, to which the public, patrons or

members are invited or admitted for patronage of “adult arcades, adult bookstores or video stores, or adult motion picture theatres,” or wherein an entertainer provides any live exhibition, performance, display or dance which constitutes adult entertainment, to a member of the public, a patron, or member.”

Section 4. That Section 14-31, Definitions, be amended to change the definition of *Entertainer* to read as follows:

“*Entertainer*: means any person who provides any live exhibition, performance, display, or dance which constitutes adult entertainment within any adult entertainment premises, whether or not a fee is charged or accepted for entertainment.”

Section 5. That the first sentence of Section 14-33(b) be amended to read as follows:

“...14-33(b) Signs Required. All adult entertainment businesses, *except those operating exclusively as adult arcades, adult bookstores or video stores, or adult motion picture theatres*, shall have conspicuously displayed in the common area in the interior of the premises at the principal entrance to the premises a sign, on which uppercase letters shall be at least two inches high, and lower case letter at least one inch high, which shall read as follows:” [italics indicate added language].

Section 6. That Section 14-33, Operation generally; standards of conduct, of the Joplin City Code be amended to read as follows:

...“(f) *Hours of operation*. No adult entertainment business may be open or in use between the hours of 10:00 p.m. and 9:00a.m.on Monday through Saturday, and must be closed on Sundays.”

Section 7. That Section 14-36, Signs, be enacted to the Joplin City Code and to read as follows:

Sec.14-36 Signs.

Signs shall be permitted in accordance with Chapter 6 of the Joplin City Code except that no portable signs shall be allowed, and further that the signs shall inform only of the establishment’s name and address and shall not depict specific sexual activities or anatomical areas as defined in this Chapter, and provided further that flashing lights and traveling lights are not permitted outside the building. There shall be permitted one on-premise sign and one building sign, both of which shall not be larger than one square foot of signage for each lineal foot of building façade that faces the street.

Section 8. That Section 14-56, Ineligibility; grounds for denial, be amended to read as follows:

(a)(1) The applicant’s premises are located within 500 feet of any school, church, or hospital, as defined in Chapter 10 Alcoholic Beverages, Section 10-2 Definitions, or any youth facility or nursing home as defined in this Chapter, or any licensed child care center, public park, establishment licensed to sell liquor by the drink or nonintoxicating beer on the premises, or property zoned or used for residential purposes, which are located within the city limits. Measurement shall be made from the main public entrance of such establishments by the most direct walking route.

(a)(5) The applicant's proposed business premises do not comply with or meet the requirements of the applicable health, zoning, building code, fire and nuisances ordinances of the city; provided that, upon a showing that the premises meet such requirements and that the applicant is otherwise qualified, the applicant shall be eligible for reconsideration. *Adult uses shall be restricted to the following zones: M-1, M-2, M1-PD or M2-PD.* [italics indicate added language].

Section 9. That it is hereby declared to be the intention of the city council that the sections, paragraphs, sentences, clauses, and phrases of this Chapter of the Code are severable, and if any phrase, clause, sentence, paragraph or section of this Code shall be declared unconstitutional, or invalid by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this Chapter, since such provisions would have been enacted by the city council without the incorporation in this Code of any such unconstitutional or invalid phrase, clause, sentence, paragraph, or section.

Section 10. That this is an emergency ordinance within the meaning of Section 2.12(1) of the Home Rule Charter of the City of Joplin, Missouri, in that said ordinance is for the immediate preservation of public health, safety, and as such is considered an emergency and shall take effect immediately upon passage.

PASSED BY THE COUNCIL OF THE CITY OF JOPLIN, MISSOURI, this 13th day of November, 2000, by a 8-0-1 vote.

Darieus K. Adams
Mayor

ATTEST:

Barbara L. Hogelin
City Clerk

APPROVED AS TO FORM

Chuck Brown
City Attorney