

ORDINANCE NO. 604

AN ORDINANCE OF THE TOWN OF DENTON AMENDING THE TOWN OF DENTON CODE TO ADD CHAPTER 30 REGULATING ADULT ORIENTED BUSINESS WITHIN THE TOWN OF DENTON IN ORDER TO PROMOTE PUBLIC HEALTH, SAFETY AND WELFARE

INTRODUCED BY _____

WHEREAS, the Town of Denton is authorized by Maryland Annotated Code Article 23A §2(a) to enact such ordinances as it deems necessary in order to assure the good government of the municipality, and to protect the health, comfort and convenience of the citizens of the municipality; and

WHEREAS, the Town Council recognizes the significant planning, zoning, property and secondary effects surrounding or arising from the location and operation of Adult Oriented Businesses; and

WHEREAS, the Town adopted Ordinance 587, which placed a nine month moratorium on Adult Oriented Businesses; and

WHEREAS, the Town also adopted Ordinance 590, which established Adult Oriented Businesses as a use, but did not permit the use in any zoning district pending the study and investigation during the nine month moratorium; and

WHEREAS, during the nine month moratorium, the Town Attorney, Planning and Codes staff, Planning Commission, Town staff, and Town Council have studied the issue and have prepared a study, a copy of which is attached hereto as Exhibit A; and

WHEREAS, for the reasons set forth in the attached report and based on the information reviewed and provided in the attached study, the Town proposes adding Chapter 30 to the Town

Code to deal exclusively with Adult Oriented Businesses;

WHEREAS, simultaneously herewith, the Town Council has also introduced Ordinance 605 to add provisions to the Zoning Ordinance with respect to Adult Oriented Businesses; and

WHEREAS, the Council believes that the two companion pieces of legislation provide reasonable channels of communication while at the same time address the adverse secondary effects of Adult Oriented Businesses; and

WHEREAS, the Town Council, in an effort to further prevent and address the adverse secondary effects typically associated with unregulated Adult Oriented Businesses have had this Ordinance and Ordinance 605 drafted for the purpose of protecting and promoting the safety, health, morals, and general welfare of the citizens of Denton, and have determined that the nature of the adverse secondary effects at unregulated Adult Oriented Businesses requires the enactment of the provisions set forth in this Ordinance and in Ordinance 605.

NOW, THEREFORE, the Town of Denton hereby ordains that:

Section 1. The recitals set forth above and the Report attached hereto as Exhibit A are incorporated herein by reference and made a part of this Ordinance.

Section 2. Purpose. It is the purpose of this ordinance to regulate Adult Oriented Businesses in order to promote the health, safety, and general welfare of the citizens of the Town, and to establish reasonable and uniform regulations to prevent the deleterious secondary effects of Adult Oriented Businesses within the Town. The provisions of this ordinance have neither the purpose nor effect of imposing a limitation or restriction on the content or reasonable access to any communicative materials, including sexually oriented materials. Similarly, it is neither the intent nor effect of this ordinance to restrict or deny access by adults to sexually

oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent nor effect of this ordinance to condone or legitimize the distribution of obscene material.

Section 3. The Code of the Town of Denton is hereby amended to add Chapter 30 “Adult Oriented Businesses.” The full text of Chapter 30 is attached hereto as Exhibit B and incorporated herein.

Section 4. In accordance with § C3-12 of the Town Charter, this ordinance and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall take effect and be in full force and effect seven (7) days from and after the date of its final passage and adoption.

ENACTED THIS _____ DAY OF _____, 2010.

DENTON TOWN COUNCIL:

Conway Gregory, Mayor

Robert L. Clendaniel, Vice-Mayor

Dennis Porter, Councilperson

Agnes Case, Councilperson

Dean Danielson, Councilperson

ATTEST:

Karen L. Monteith

Approved for legal sufficiency this _____ day of _____, 2010.

Stephen H. Kehoe, Esquire

Date Introduced _____

Date Amendments Introduced _____

Date Passed _____

Effective Date _____

Text that is stricken reflects language omitted from the Town Code

Text in **bold** and *italicized* reflects additions to the Town Code