

ORDINANCE NO. 4044**AN ORDINANCE TO AMEND THE REGULATION OF ADULT ORIENTED BUSINESSES BY AMENDING SECTION 5.70.120 OF THE RAPID CITY MUNICIPAL CODE.**

WHEREAS, the City of Rapid City has previously adopted an ordinance regulating adult oriented businesses; and

WHEREAS the City of Rapid City deems it in the best interest of the City to amend the previously adopted ordinance in order to amend the regulations pertaining to exhibition of certain films, video cassettes, live entertainment, or other video reproductions;

NOW, THEREFORE, BE IT ORDAINED by the City of Rapid City that Section 5.70.120 of the Rapid City Municipal Code be and hereby is amended to read as follows:

Section 5.70.120 REGULATIONS PERTAINING TO EXHIBITION OF SEXUALLY EXPLICIT FILMS, VIDEOS OR LIVE ENTERTAINMENT IN ~~VIEWING ROOMS~~ ADULT ARCADES, ADULT BOOKSTORES, ADULT NOVELTY STORES OR ADULT VIDEO STORES.

(A) A person who operates or causes to be operated an ~~a~~Adult oriented business Arcade, Adult Bookstore, Adult Novelty Store or Adult Video Store, ~~other than an adult motel,~~ which exhibits on the premises ~~in a viewing room of not less than one hundred fifty (150) square feet of floor space,~~ a film, video cassette, live entertainment, or other video reproduction which depicts specified sexual activities or specified anatomical areas, shall comply with the following requirements:

1. Upon application for an adult oriented license, the application shall be accompanied by a diagram of the premises showing a plan thereof specifying the location of one or more manager's stations and the location of all overhead lighting fixtures and designating any portion of the premises in which patrons will not be permitted. A manager's station may not exceed thirty-two square feet of floor area. The diagram shall also designate the place at which the permit will be conspicuously posted, if granted. A professionally prepared diagram in the nature of an engineer's or architect's blueprint shall not be required; however, each diagram should be oriented to the north or to some designated street or object and should be drawn to a designated scale or with marked dimensions sufficient to show the various internal dimensions of all areas of the interior of the premises to an accuracy of plus or minus six inches. Rapid City may waive the foregoing diagram for renewal applications if the applicant adopts a diagram that was previously submitted and certifies that the configuration of the premises has not been altered since it was prepared.

2. The application shall be sworn to be true and correct by the applicant.

3. No alteration in the configuration or location of a manager's station may be made without the prior approval of Rapid City.

4. It is the duty of the licensee of the premises to ensure that at least one ~~licensed~~ employee is on duty and situated in each manager's station or able to see electronic monitoring stations.

5. The interior of the premises shall be configured in such a manner that there is an unobstructed view from a manager's station of every area of the premises to which any patron is permitted access for any purpose, excluding restrooms. Restrooms may not contain video reproduction equipment. If the premises has two or more manager's stations designated, then the interior of the premises shall be configured in such a manner that there is an unobstructed view of each area of the premises to which any patron is permitted access for any purpose from at least one of the manager's stations. The view required in this subsection must be by direct line of sight from the manager's station or by electronic monitoring.

6. It shall be the duty of the licensee to ensure that the view area specified in subsection (A)(5) of this section remains unobstructed by any doors, curtains, partitions, walls, merchandise, display racks or other materials and, at all times, to ensure that no patron is permitted access to any area of the premises which has been designated as an area in which patrons will not be permitted in the application filed pursuant to subsection (A)(1) of this section.

7. No viewing room may be occupied by more than one person at any time.

8. 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 of not less than five foot-candles as measured at the floor level.

9. It shall be the duty of the licensee to ensure that the illumination described above is maintained at all times that any patron is present in the premises.

10. No licensee shall allow openings of any kind to exist between viewing rooms or booths.

11. No person shall make or attempt to make an opening of any kind between viewing booths or rooms.

12. The licensee shall, during each business day, regularly inspect the walls between the viewing booths to determine if any openings or holes exist.

13. The licensee shall cause all floor coverings in viewing booths to be nonporous, easily cleanable surfaces, with no rugs or carpeting.

14. The licensee shall cause all wall surfaces and ceiling surfaces in viewing booths to be constructed of, or permanently covered by, nonporous, easily cleanable material. No wood, plywood, composition board or other porous material shall be used within forty-eight inches of the floor.

B. A person having a duty under subsections (A)(1) through (A)(14) of this section commits a misdemeanor if he knowingly fails to fulfill that duty.

CITY OF RAPID CITY

Mayor

ATTEST:

Finance Officer

(SEAL)

First Reading:
Second Reading:
Published:
Effective: