

## ORDINANCE NO. 2023-04

AN ORDINANCE AMENDING THE TEXT OF THE ZONING ORDINANCE OF THE TOWN OF SALTILLO, TENNESSEE TO INCLUDE LANGUAGE CONCERNING PROVISIONS FOR ADULT ORIENTED BUSINESSES

- WHEREAS, Section 13-7-201 through 13-7-210 of the Tennessee Code Annotated empowered the Town to enact the Saltillo Zoning Ordinance and provide for its administration, enforcement; and,
- WHEREAS, the Board of Mayor and Aldermen deems it necessary, for the purpose of promoting the health, safety, prosperity, morals and general welfare of the Town to adopt said Ordinance; and,
- WHEREAS, the Saltillo Planning Commission has reviewed said proposed amendment pursuant to Section 13-7-204 of the Tennessee Code Annotated and recommends such amendment to the Saltillo Board of Mayor and Aldermen; and,
- WHEREAS, the public hearing was held before the Saltillo Board of Mayor and Aldermen pursuant to Section 13-7-203, Tennessee Code Annotated, the time and place was published with fifteen days advance notice; and,
- WHEREAS, all the requirements of Section 13-7-201 through 13-7-210 of the Tennessee Code Annotated, with regard to the adoption of a zoning ordinance by the Planning Commission and subsequent action of the Board of Mayor and Aldermen have been met;

NOW, THEREFORE, BE IT ORDAINED by the Board of Mayor and Aldermen of the Town of Saltillo, Tennessee that the text of the Saltillo Zoning Ordinance be amended as follows:

SECTION 1. That Chapter III, General Provisions of the Saltillo Zoning Ordinance be amended to add a definition for Adult Oriented Business in sequential order to read as follows:

Adult Oriented Business – A commercial enterprise that exploits sex in one form or another comprising a large variety of sexually oriented businesses including moving theaters, bookstores, video rental outlets, houses or prostitution, escort agencies, massage parlors and topless / bottomless bars. Adult oriented business also refers to the materials or services that these businesses market including movies, videos, photographs, books magazines, sexual devices as well as nude or semi-nude dancing and massages. The following are further definitions of specific adult oriented businesses and related terms:

A. Adult Entertainment Establishments

1. Adult Arcade – means an establishments where, for any form of consideration, one or more 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, slides other photographic reproductions which are characterized by emphasis upon the depiction or description of “specified sexual activities” or “specified anatomical areas.”

2. Adult Bookstore – means an establishment which has any of its stock-in-trade and offers for sale for any form of consideration any one or more of the following:
  - (a) Books, magazines, periodicals, or other printed matter, or photographs, films, motion pictures, video cassettes, slide or other visual presentations which are characterized by an emphasis of the depiction or description of “specified sexual activities” or “specified anatomical area; or
  - (b) instruments, devices, or paraphernalia which are designed for use in connection with “specified sexual activities”.
3. Adult Cabaret – means a nightclub, bar, restaurant or similar establishment which regularly features live performances which are characterized by the exposure of “specified anatomical areas” or by “specified sexual activities”, or films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by an emphasis upon the depiction or description of “specified sexual activities” or “specified anatomical area.”
4. Adult Motel – means a motel or similar establishment offering public accommodations for any form of consideration which provides patrons which closed circuit television transmission, films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by an emphasis upon the depiction or description of “specified sexual activities” or “specified anatomical areas.”
5. Adult Motion Picture Theater – means an establishment where, for any form of consideration, films, motion picture, video cassettes, slides or similar photographic reproductions are shown, and in which a substantial portion of the total presentation time is devoted to the showing of material which is characterized by an emphasis upon the depiction or description of “specified sexual activities” or “specified sexual activities.”
6. Adult Theater – means a theater, concert hall, auditorium, or similar establishment which, for any form of consideration, regularly features live performances which are characterized by the exposure of “specified anatomical areas” or by “specified sexual activities.”
7. Massage parlor – means an establishment where, for any form of consideration, massage, alcohol rub fomentation, electric or magnetic treatment, or similar treatment or manipulation of the human body is administered unless such treatment or manipulation is administered by a medical practitioner, chiropractor, acupuncturist, physical therapist or similar professional person licensed by the state. This definition does not include an athletic club, health club, school, gymnasium, reducing salon, spa or similar establishment where massage or similar manipulation of the human body is offered as an incidental or accessory service.



8. Sexual encounter establishment – means an establishment, other than a hotel, motel, or similar establishment offering public accommodations, which, for any form of consideration, provides a place where two or more persons may congregate, associate or consort in connection with “specified sexual activities” or the exposure of “specified anatomical areas.” This definition does not include an establishment where a medical practitioner, psychologist, psychiatrist or similar professional person licensed by the state engages in sexual therapy.
- B. Specified Anatomical Areas – means any of the following:
1. Less than completely and opaquely covered human genitals, pubic region, buttocks, anus or female breasts below a point immediately above the top of the aureole; or
  2. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.
- C. Specified Sexual Activities – means any of the following:
1. Human genitals is a state of sexual stimulation or arousal;
  2. Acts of human masturbation, sexual intercourse or sodomy;
  3. Fondling or other erotic touching of human genitals, pubic regions, buttocks or female breasts;
  4. Flagellation or torture in the context of a sexual relationship;
  5. Masochism, erotic or sexually oriented torture, beating or the infliction of pain;
  6. Erotic touching, fondling or other such contact with an animal by a human being; or
  7. Human excretion, urination, menstruation, vaginal or anal irrigation as part of or in connection with any of the activities set forth in “1” through “6” above.

SECTION 2. That Chapter VII, Provisions Governing Business Districts”, Letter A, Uses and Structures, Number 1, Principal Permitted Uses and Structures, Letter (e) of the Saltillo Zoning Ordinance be amended to read as the following:

- (e) General Merchandise – except for adult oriented businesses and or merchandise

SECTION 3. That Chapter VII, Provisions Governing Business Districts", Letter A, Uses and Structures, Number 1, Principal Permitted Uses and Structures, Letter (o) Personal Services of the Zoning Ordinance of Saltillo, Tennessee be amended to read as follows:

- (o) Personal Services – except for adult oriented businesses or related services

SECTION 4. That Chapter VIII, Provisions Governing Industrial Districts", Number 2, Uses Permitted on Appeal, of the Zoning Ordinance of Saltillo, Tennessee be amended include a new letter (a) and to take the existing letter (a) to become letter (b) to read as follows:

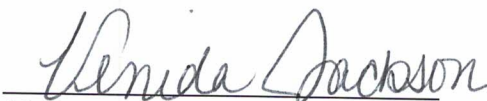
- (a) Adult Oriented Businesses, provided these uses are setback a minimum distance of 1,000 feet from any residential or religious structure in addition to any other safeguards and or criteria rendered by the Board of Zoning Appeals;
- (b) Any other use which, is the opinion of the Board of Zoning Appeals, is similar in character to the above permitted uses and will not be detrimental to the district in which located, subject to such conditions and safeguards as may be required by the Board of Zoning Appeals.

SECTION 5. BE IT FURTHER ORDAIN that this Ordinance shall become effective immediately upon its adoption, THE PUBLIC HEALTH, SAFETY, AND WELFARE REQUIRING IT.

Approved on this 2nd day of May, 2023.

  
Greg Billings, Mayor

Attest:

  
Venida Jackson, Town Recorder