

**117. ADULT ORIENTED BUSINESS FOR THE CITY OF GROTON  
(DECEMBER 10, 1998)**

**Section I. Short Title**

This Chapter shall be known as the "Adult-Oriented Business Ordinance for the City of Groton."

**Section II. Policy Statement**

The Mayor and Council of the City of Groton, Connecticut finds:

- A. Adult-oriented establishments which may be located in the City of Groton require special supervision from the City's health and public safety agencies, in order to protect and preserve the health, safety and welfare of the patrons of such establishments, as well as the health, safety and welfare of the City's citizens.
- B. Statistics and studies performed by a substantial number of cities and towns in the United States indicate that:
  - 1. Large numbers of persons frequent such adult-oriented establishments, especially those which provide closed booths, cubicles, studios and rooms for the private viewing of so-called adult motion pictures and/or video tapes and/or live entertainment; and
  - 2. Persons under the age of eighteen may be attracted to adult-oriented establishments and seek to enter or loiter about them without the knowledge or permission of their parents or guardians; and
  - 3. Closed booths, cubicles, studios and rooms within adult-oriented establishments have been used by patrons, clients or customers of such adult-oriented establishments for the purpose of engaging in certain sexual acts; and
  - 4. Male and female prostitutes have been known to frequent such establishments in order to provide sex for hire to the patrons, clients or customers of such establishments within such booths, cubicles, studios and rooms; and
  - 5. Doors, curtains, blinds and/or other closures installed in or on the entrances and/or exits of such booths, cubicles, studios and rooms which are closed while such booths, cubicles, studios and rooms are in use encourage patrons using such booths, cubicles, studios and rooms to engage in sexual acts therein with prostitutes, thereby promoting and encouraging prostitution and the commission of sexual acts which cause blood, semen and urine to be deposited on the floors and/or walls of such booths, cubicles, studios and rooms, which deposits could prove detrimental to the health and safety of other persons who may come into contact with such deposits; and
  - 6. The reasonable regulation and supervision of such adult-oriented establishments tends to discourage such sexual acts and prostitution, and thereby promotes the health, safety and welfare of the patrons, clients and customers of such establishments.

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- C. The continued unregulated operation of adult-oriented establishments including, without limitation, those specifically cited at paragraph B.1 hereof, is and would be detrimental to the general welfare, health and safety of the citizens of the City of Groton.
- D. The Constitution and laws of the State of Connecticut grant to the City's powers, especially police power, to enact reasonable legislation and measures in order to protect the public health, safety and welfare.
- E. It is not the intent of the City of Groton Mayor and Council, in enacting this Ordinance, to deny any person's rights to speech protected by the United States and/or State Constitutions, nor is it the intent of the City of Groton to impose any additional limitations or restrictions on the contents of any communicative materials, including sexually oriented films, video tapes, books and/or other materials. Further, by enacting this Ordinance, the Mayor and Council does not intend to deny or restrict the rights of any adult to obtain and/or view any sexually oriented materials protected by the United States and/or State Constitutions, nor does it intend to restrict or deny any constitutionally protected rights that distributors or exhibitors of such sexually oriented materials may have to sell, distribute or exhibit such materials.

**Section III. Definitions**

For the purpose of this Ordinance, the words and phrases used herein shall have the following meanings, unless otherwise clearly indicated by the context (Note: the definitions are in alphabetical order, words in quotation marks are defined in this section):

- A. "Adult bookstore" means an establishment having any portion of its stock and trade in books, films, video cassettes, or magazines and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas." This definition shall not apply to any establishment in which such materials are concealed so as not to permit the observation of "specified sexual activities" or "specified anatomical areas" by the general public.
- B. "Adult amusement machine" includes any amusement machine that is regularly used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" as defined below, for observation by patrons.
- C. "Adult entertainment" means any exhibition of any motion pictures, videotapes, live performances, displays or dances of any type, which has as a significant or substantial portion of such performances, any actual or simulated performance of "specified sexual activities" or exhibition and viewing of "specified anatomical areas." Adult entertainment includes any exhibition of "specified anatomical areas" by employees or contractors of any commercial establishment to which the public, patrons or members are invited or admitted.

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- D. "Adult mini-motion picture theater" means an enclosed building with a capacity of less than fifty (50) persons regularly used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" for observation by patrons therein.
- E. "Adult motion picture theater" means an enclosed building with a capacity of fifty (50) or more persons regularly used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" as defined below for observation by patrons therein.
- F. "Adult-oriented establishment" shall include, without limitation, "adult bookstores", "adult motion picture theaters", "adult mini-motion picture theaters", and commercial establishments containing one or more "adult amusement machines". Adult-oriented establishments also means any premises to which the public, patrons or members, are invited or admitted and which are so physically arranged as to provide booths, cubicles, rooms, studios, compartments or stalls separate from the common areas of the premises for the purpose of viewing adult entertainment when such establishment is operated or maintained for a profit, direct or indirect. Adult-oriented establishments further means any commercial establishment which advertises for sale and/or sells male or female undergarments, bathing suits, or lingerie and permits the modeling of said undergarments, bathing suits or lingerie on the premises by employees or contractors of the establishment. All adult-oriented establishments require a license to conduct such business in the City of Groton.
- G. "Amusement machine" includes any machine which upon the payment of a charge or upon the insertion of a coin, slug, token, plate or disk, may be operated by the public for use as a game, entertainment or amusement, whether or not registering a score and whether or not electronically operated.
- H. "Chief of Police" means the Chief of Police of the City of Groton or his/her designee.
- I. "Employee" means any and all persons, including independent contractors, who work in or at or render any services directly related to the operation of an adult oriented establishment.
- J. "Entertainer" means any person who provides entertainment within an adult-oriented establishment as defined in this section, whether or not a fee is charged or accepted for entertainment and whether or not entertainment is provided as an employee or an independent contractor.
- K. "Inspector" means an employee of the Ledge Light Health District, the Building Official, any officer of the Police Department, the Fire Marshal, and any person to whom any of those officials or the Mayor and Council may delegate the duty to perform functions under this Ordinance.
- L. "Mayor and Council" means the Mayor and Council of the City of Groton, Connecticut.

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- M. "Minor" shall be deemed to refer to a person under the age of eighteen (18) years.
- N. "Operator" means any person, partnership or corporation operating, conducting or maintaining an adult oriented establishment.
- O. "Specified anatomical areas" means:
1. Less than-completely and opaquely covered.
    - a. human genitals and pubic region;
    - b. buttocks;
    - c. female breasts below a point immediately above the top of the areola; and
  2. Human male genitals in a discernable turgid state, even if completely opaquely covered.
- P. "Specified sexual activities" means:
1. Human genitals in a state of sexual stimulation or arousal;
  2. Acts of human masturbation, sexual intercourse or sodomy;
  3. Fondling or erotic touching of human genitals, pubic region, buttocks or female breasts.
- Q. "Sexual anatomical acts" and "specified sexual activities" as used in this Ordinance do not include materials depicted in any medical publications or films, in any bona fide educational publications or films, any art or photography publications which devote at least twenty-five percent (25%) of the lineage of each issue to articles and advertisements dealing with subjects of art or photography, in any news periodical which reports or describes current events and which, from time to time, publishes photographs of nude or semi-nude persons in connection with the dissemination of the news, or in publications or films which describe and report different cultures which, from time to time, publish or show photographs or depictions of nude or semi-nude persons when describing cultures in which nudity or semi-nudity is indigenous to the population.

**Section IV. Operating Requirements**

- A. Each adult-oriented establishment located in the City of Groton is required to obtain a license. See Sections V, VI, VII and VIII.
- B. No operator or employee of an adult-oriented establishment shall allow or permit any minor to enter into such establishment or to loiter upon the grounds and parking lot of such establishment.
- C. Each adult-oriented establishment shall display prominently a sign in the dimensions of twenty-four inches by twenty-four inches outside each entrance bearing the words "Adult-Oriented Establishment - Persons Under 18 Not Admitted" in white letters against a red background.
- D. No adult-oriented establishment shall be conducted in such a manner that permits the observation of any material depicting specified sexual activities or specified anatomical areas from the outside of the building that houses the adult-oriented establishment.

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- E. Every adult-oriented establishment doing business in the City of Groton, on and after the effective date of this Ordinance shall be well lighted at all times and be physically arranged in such a manner that the entire interior portion of the booths, cubicles, rooms or stalls, wherein adult entertainment is provided shall be clearly visible from the common areas of the premises. Visibility into such booths, cubicles, rooms or stalls shall not be blocked or obscured by doors, curtains, partitions, drapes, or any other obstruction whatsoever. It shall be unlawful to install or maintain enclosed booths, cubicles, rooms or stalls within adult-oriented establishments for the purpose of viewing adult entertainment.
- F. On and after the effective date of this Ordinance, the operator of each adult-oriented establishment, shall be responsible for and shall provide that any room or other area used for the purpose of viewing adult entertainment, shall be well lighted and readily accessible at all times and shall be continuously open to view in its entirety. 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 one (1) foot candle as measured at the floor level. It shall be the duty of the operator and its agents to ensure that the illumination described above is maintained at all times that any patron is present on the premises.
- G. Every act or omission by an employee constituting a violation of the provisions of this Ordinance, shall be deemed the act or omission of the operator, if the operator, or as a result of the operator's negligence, failure to supervise the employee's conduct, and the operator shall be punishable for such act or omission in the same manner as if the operator committed the act or caused the omission.
- H. An operator shall be responsible for the conduct of all employees while on the licensed premises, and any act or omission of any employee, constituting a violation of the provisions of this Ordinance, shall be deemed the act or omission of the operator for purposes of determining whether the operator shall be subject to the penalties imposed by this Ordinance.
- I. All adult-oriented establishments shall be open to inspection at all reasonable times by Inspectors or such other persons as the Mayor and Council may designate. It shall be unlawful for any person to fail to allow such inspection officer access to the premises or to hinder such officer in any manner.
- J. No adult-oriented establishment shall be permitted on a site that is less than one thousand (1,000) feet from an existing adult-oriented establishment or massage establishment. The 1,000 feet shall be the straight horizontal distance from any boundary line of a parcel of land upon which building housing an adult-oriented establishment or massage establishment exists to any other proposed building housing an adult-oriented establishment.
- K. No adult-oriented establishment shall be permitted on a site that is less than eight hundred (800) feet from a public park, preexisting school, or place of worship meaning to include parish houses and convents. The 800 feet shall be the straight horizontal distance from any boundary line, of a

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parcel of land upon which the proposed building housing an adult-oriented establishment to any boundary line of a parcel of land used as a public park or upon which a building housing a school or place of worship as defined herein exists.

- L. The provisions of Sections IV-J, and IV-K shall not be deemed to prohibit any use pre-existing the enactment of this Ordinance. Any pre-existing use, which shall be discontinued for a period of thirty (30) days, shall thereafter conform to Sections IV-J and IV-K.
- M. The use of any controlled drug as defined in Section 21a-240 and 21a-242 of the Connecticut General Statutes, or the consumption of any alcoholic beverage on the premises is strictly prohibited.

**Section V. Application for License**

- A. Any person, partnership or corporation desiring to secure a license for an adult-oriented business shall make application to the Chief of Police. Said application shall be submitted to the Chief of Police, ninety (90) days in advance of the opening of operation of the business. The application shall be filed in triplicate with and dated by the Chief of Police. A copy of the application shall be distributed promptly by the Chief of Police to the City Clerk for appropriate distribution.
- B. The application for a license shall be upon a form provided by the Chief of Police. An application for a license, shall list all partners or limited partners of a partnership applicant, and all officers or directors of a corporate applicant, and all stockholders holding more than five percent (5%) of the stock of a corporate applicant, or any other person who is interested directly in the ownership or operation of the business. The person who is to operate the adult-oriented establishment shall furnish the following information under oath or affirmation:
  - 1. Name and address, including all aliases.
  - 2. Written proof that the individual is at least eighteen (18) years of age.
  - 3. All residential addresses of the applicant for the past ten (10) years.
  - 4. The applicant's height, weight, color of eyes and hair.
  - 5. The business, occupation or employment of the applicant for ten (10) years immediately preceding the date of application.
  - 6. Whether the applicant previously operated in this or any other county, town, city or state under an adult-oriented establishment license or similar business license, whether the applicant has ever had such a license revoked or suspended, the reason therefore, and the business entity or trade name under which the applicant operated that was subject to the suspension or revocation.
  - 7. Arrest history of the applicant, including arrests with convictions for any federal and/or state statutes; any pending federal or state criminal charges; all arrests and convictions for motor vehicle violations and/or offenses.
  - 8. A complete set of fingerprints to be taken by the Chief of Police or his/her designee and two (2) portrait photographs at least two (2) inches by two (2) inches of the applicant.
  - 9. The address of the adult-oriented establishment to be operated by the applicant.

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10. If the applicant is a corporation, the applicant shall specify the name of the corporation, the date and state of incorporation, the name and address of the registered agent and the name and address of all shareholders owning more than five percent (5%) of the stock in said corporation and all officers and directors of the corporation.
  11. The address and location of proposed place of business and facilities therein.
  12. Detailed plans/drawings of the physical layout of the adult-oriented business.
  13. Appropriate certificates, licenses, etc., showing proper compliance with all applicable zoning, building, health and fire rules, regulations, ordinances and statutes.
  14. Such other information deemed necessary and requested by the Chief of Police to make any determination required by this Ordinance.
- C. Within seventy-five (75) days of receiving an application for a license the Chief of Police shall notify the applicant whether the application is granted or denied.
- D. The Chief of Police shall grant the license upon determining the following:
1. The required fees have been paid.
  2. The application conforms in all respects to the provisions of this Ordinance.
  3. The applicant has not made a material misrepresentation of fact in the application.
  4. That neither the applicant, if an individual, nor any person financially interested in a corporation, or any of the partners including limited partners, nor the holder of any profit interest, nor the manager or other person principally in charge of the operation of the proposed business, has been convicted of, or has pending, any charge(s) involving moral turpitude, prostitution, obscenity or other crime of a sexual nature in any jurisdiction.
  5. The applicant has not had a license similar to the one issued pursuant to the provisions of this Ordinance issued by another local authority suspended or revoked for cause within the five (5) year period immediately proceeding the date of the filing of the application.
  6. The proposed business complies with all applicable statutes, laws, codes or ordinances including health, zoning, building, fire and safety requirements of the City of Groton and the State of Connecticut as of the effective date of the license.
  7. The applicant, manager or other person principally in charge of the operation of the business is at least eighteen (18) years of age.

The Chief of Police shall deny the application if any of the requirements set forth in paragraphs 1 through 7 above have not been met.

- E. Whenever an application is denied, the Chief of Police shall advise the applicant in writing of the reasons for such action. If the applicant requests a hearing within ten (10) days of notification of denial, a public hearing shall be held within fifteen (15) days thereafter before the City of Groton Mayor and Council, as hereinafter provided.
- F. Failure or refusal of the applicant to give any information relevant to the investigation of the application, or his or her refusal or failure to appear at any reasonable time and place for examination under oath regarding said application, or his or her refusal to submit to or cooperate

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with any investigation required by this Ordinance shall constitute an admission by the applicant that he or she is ineligible for such license and shall be grounds for denial thereof by the Chief of Police.

**Section VI. Standards for Issuance of License**

A. To receive a license to operate an adult-oriented establishment, an applicant must meet the following standards:

1. If the applicant is an individual:

- a. The applicant shall be at least eighteen (18) years of age.
- b. The applicant shall not have been convicted of, or have pending, any charge(s) involving moral turpitude, prostitution, obscenity or other crime of a sexual nature in any jurisdiction.
- c. The applicant shall not have been found to have previously violated this Ordinance within five (5) years immediately preceding the date of the application.
- d. The applicant shall not have been found to have previously violated a substantially similar ordinance or had his/her license to operate such establishment revoked in any other city or state.

2. If the applicant is a corporation:

- a. All officers, directors and stockholders required to be named under Section V, paragraph B shall be at least eighteen (18) years of age.
- b. No officer, director or stockholders required to be named under Section V, paragraph B shall have been convicted of, or have pending, any charge(s) involving moral turpitude, prostitution, obscenity or other crime of a sexual nature in any jurisdiction.
- c. No officer, director, or stockholders required to be named under Section V, paragraph B shall have been found to have previously violated this Ordinance within five (5) years immediately preceding the date of the application.
- d. No officer, director, or stockholders required to be named under Section V, paragraph B shall not have been found to have previously violated a substantially similar ordinance or had his/her license to operate such establishment revoked in any other city or state.

3. If the applicant is a partnership, joint venture, or any other type of organization where two (2) or more persons have a financial interest:

- a. All persons having a financial interest in the partnership, joint venture or other type of organization shall be at least eighteen (18) years of age.
- b. No person having a financial interest in the partnership, joint venture or other type of organization shall have been convicted of, or have pending, any charge(s) involving moral turpitude, prostitution, obscenity or other crime of a sexual nature in any jurisdiction.
- c. No person having a financial interest in the partnership, joint venture or other type of organization shall have been found to have violated any provision of this Ordinance within five (5) years immediately preceding the date of application.

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- d. No person having a financial interest in the partnership, joint venture or other type of organization shall have been found to have previously violated a substantially similar ordinance or had his/her license to operate such establishment revoked in any other city or state.

B. No license shall be issued unless the City of Groton Police Department has investigated the applicant's qualifications to be licensed. The results of that investigation shall be filed in writing with the City Clerk no later than sixty days after the date of the application.

**Section VII. Fees**

A license fee of two hundred and fifty dollars (\$250.00), payable to the City of Groton, shall be submitted with the completed application for a license, which shall not be refundable.

**Section VIII. Renewal of License**

- A. Every license issued pursuant to this Ordinance will terminate at the expiration of one (1) year from the date of issuance, unless sooner revoked, and must be renewed before operation is allowed in the following year. Any operator desiring to renew a license shall make application to the Chief of Police. The application of renewal must be filed not later than sixty (60) days before the license expires. The application for renewal shall be filed in triplicate with and dated by the Chief of Police. A copy of the application for renewal shall be distributed promptly by the Chief of Police to the City Clerk for appropriate distribution. The application for renewal shall be upon a form provided by the Chief of Police and shall contain such information and data, given under oath or affirmation, as is required for an application for a new license.
- B. A license renewal fee of two hundred and fifty dollars (\$250.00), payable to the City of Groton, shall be submitted with the application for renewal. In addition to the renewal fee, a late penalty of one hundred dollars (\$100.00) shall be assessed against the applicant who files for a renewal less than sixty (60) days before the license expires. If the application is denied, then half of the total fees collected shall be returned.

**Section IX. Revocation of License**

- A. The Chief of Police shall revoke a license or permit for any of the following reasons:
  - 1. Discovery that false or misleading information or data was given on any application or material facts were omitted from any application.
  - 2. The operator or any employee of the operator violates a provision of this Ordinance or any rule or regulation adopted by the Mayor and Council pursuant to this Ordinance; provided, however, that in the case of a first offense by an operator where the conduct was solely that of an employee, the penalty shall not exceed a suspension of thirty (30) days if the Chief of Police

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shall find the operator had no actual or constructive knowledge of such violation and could not by the exercise of due diligence have had such actual or constructive knowledge.

3. The operator becomes ineligible to obtain a license or permit.
  4. Any cost or fee required to be paid by this Ordinance is not paid.
  5. If the operator or his/her employee uses or permits use of any controlled drug as defined in Sections 21a-240 and 21a-242 of the Connecticut General Statutes, or the consumption of any alcoholic beverage on the premises.
- B. The Chief of Police, before revoking or suspending any license or permit shall give the operator at least ten (10) days written notice of the charges against him, and the opportunity for a public hearing before the Mayor and Council.
- C. The transfer of a license or any interest in a license shall automatically and immediately revoke the license.
- D. Any operator whose license is revoked shall not be eligible to receive a license for one (1) year from the date of revocation. No location or premises for which a license has been issued shall be used as an adult-oriented establishment for six (6) months from the date of revocation of the license.
- E. The Chief of Police shall give notice to the City Clerk and the Mayor and Council of any revocations or suspensions.

**Section X. Violations/Penalties**

- A. Any person, partnership or corporation who is found to have violated this Ordinance shall be fined one hundred dollars (\$100.00), payable to the City of Groton, for each such violation.
- B. Each violation of this Ordinance shall be considered a separate offense, and any violation continuing more than one day of time shall be considered a separate offense for each day of violation.
- C. Nothing contained in this section shall be deemed to limit any remedy the City may have for the enforcement of this Ordinance.

**Section XI. Savings Clause**

Should any court of competent jurisdiction declare any section, subsection, sentence, clause, phrase or provision of this Ordinance to be invalid or unconstitutional for any reason, such decision shall not effect the validity of the remaining portions of this Ordinance. The Mayor and Council hereby declares that it would have passed this Ordinance, and each section, subsection, sentence, change, phrase and provision thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses,

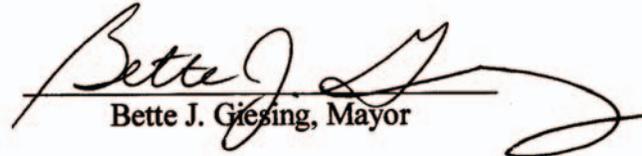
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phrases or provision had been declared invalid, or unconstitutional, so that the remainder of this Ordinance, shall be in full force and effect.

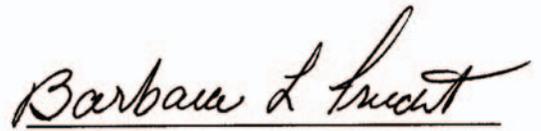
**Section XII. Effective Date**

This Ordinance was initially approved at the Mayor and Council meeting on August 3, 1998, was published in The Day, a newspaper having circulation in the City of Groton on August 5, 1998 and August 8, 1998. This Ordinance was finally approved at the Mayor and Council meeting on September 8, 1998 and was published in The Day, a newspaper having circulation in the City of Groton on September 11, 1998. This Ordinance (Ordinance #117) shall become effective on December 10, 1998.

Initially approved: August 3, 1998  
Finally approved: September 8, 1998



Bette J. Giesing, Mayor



Barbara L. Frucht, City Clerk