

ORDINANCE NO. 284

AN ORDINANCE OF THE CITY OF PORT ST JOE PROVIDING FOR THE AMENDMENT OF CHAPTER 6 OF THE CODE OF ORDINANCES OF THE CITY OF PORT ST. JOE REGULATING THE SALE AND CONSUMPTION OF ALCOHOLIC BEVERAGES IN SEXUALLY ORIENTED BUSINESS ESTABLISHMENTS, PROVIDING FOR SEVERABILITY, AND PROVIDING FOR AN EFFECTIVE DATE

BE IT ENACTED BY THE CITY COMMISSIONERS OF THE CITY OF PORT ST JOE :

A. Paragraph 6-1 of the Code of Ordinances of the City of Port St Joe is amended by designating the current paragraph 6-1(b) as paragraph 6-1(c) and by adding the following provisions as paragraph 6-1(b):

- (1.) No sexually oriented business shall serve, sell, or permit the consumption of any alcoholic beverage on its premises.
- (2.) The term "sexually oriented business," is defined for the purposes of this ordinance as that term is defined in City of Port St Joe Ordinance 284.

B. This ordinance shall take effect immediately upon its adoption.

THIS ORDINANCE ADOPTED this 20th day of November, 2001.

Attest:

CITY COMMISSION OF THE CITY
OF PORT ST. JOE, FLORIDA

BY: 
Mayor-Commissioner


City Clerk

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206 E. FOURTH STREET
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PORT ST. JOE, FLORIDA 32457

WILLIAM J. RISH
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S. RUSSELL SCHOLZ

TELEPHONE (850) 229-8211
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November 2, 2001

City Commissioners
City of Port St. Joe
P.O. Box 278
Port St. Joe, Fl. 32456

In re: Ordinance of the City of Port St. Joe Providing for the Amendment of Chapter 6 of the Code of Ordinances of the City of Port St. Joe Regulating the Sale and Consumption of Alcoholic Beverages in Sexually Oriented Business Establishments, Providing for Severability and Providing for an Effective Date

Dear Commissioners:

Enclosed is a draft of the above Ordinance for your review. Please look it over and contact me for discussion and/or changes. Also enclosed are the definitions from Ordinance 284.

Sincerely,



S. RUSSELL SCHOLZ

Enclosure

SRS:vb

ORDINANCE _____

AN ORDINANCE OF THE CITY OF PORT ST JOE PROVIDING FOR THE AMENDMENT OF CHAPTER 6 OF THE CODE OF ORDINANCES OF THE CITY OF PORT ST. JOE REGULATING THE SALE AND CONSUMPTION OF ALCOHOLIC BEVERAGES IN SEXUALLY ORIENTED BUSINESS ESTABLISHMENTS, PROVIDING FOR SEVERABILITY, AND PROVIDING FOR AN EFFECTIVE DATE

BE IT ENACTED BY THE CITY COMMISSIONERS OF THE CITY OF PORT ST JOE :

A. Paragraph 6-1 of the Code of Ordinances of the City of Port St Joe is amended by designating the current paragraph 6-1(b) as paragraph 6-1(c) and by adding the following provisions as paragraph 6-1(b):

- (1.) No sexually oriented business shall serve, sell, or permit the consumption of any alcoholic beverage on its premises within one (1) hour prior to any live or recorded entertainment, show, or event which involves the display or use of any sexually oriented product, the engaging in any specified sexual activity, or the display of any specified anatomical area.**
- (2.) The terms "sexually oriented business," "sexually oriented product," "specified sexual activity," and "specified anatomical area" are defined for the purposes of this ordinance as those terms are defined in City of Port St Joe Ordinance 284.**

B. If any portion of this ordinance is , for any reason, held or declared to be unconstitutional, inoperative, or void, such holding shall not affect the remaining portions of this Ordinance. Further, in the event this Ordinance or any provision hereof shall be held to be inapplicable to any person, property, or circumstances, such holding shall not affect its applicability to any other person, property or circumstance.

C. This ordinance shall take effect immediately upon its adoption.

THIS ORDINANCE ADOPTED this _____ day of _____, 2001.

CITY COMMISSION OF THE CITY
OF PORT ST. JOE, FLORIDA

BY: _____
Mayor-Commissioner

Attest: _____
Auditor/Clerk

The following commissioners voted yea:

The following commissioners voted nay:

ORDINANCE NO. _____

AN ORDINANCE DEFINING A SEXUALLY ORIENTED BUSINESS AND RELATED SUBJECTS, LIMITING THE PLACEMENT OF SEXUALLY ORIENTED BUSINESSES TO THE INDUSTRIAL ZONE OF THE CITY OF PORT ST. JOE, ESTABLISHING TOURISM CORRIDORS, ESTABLISHING DISTANCE LIMITATIONS FOR PLACEMENT OF SEXUALLY ORIENTED BUSINESSES NEAR CHURCHES, SCHOOLS, PUBLIC PARKS, RESIDENTIAL AREAS AND TOURISM CORRIDORS, ESTABLISHING SIGNAGE REQUIREMENTS, PROVIDING FOR SEVERABILITY, PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT HEREWITH, AND PROVIDING FOR AN EFFECTIVE DATE.

BE IT ORDAINED BY THE PEOPLE OF THE CITY OF PORT ST. JOE, FLORIDA:

SECTION ONE. Definitions.

(a) *Sexually oriented business.* For the purpose of this article, the term “sexually oriented business shall mean such sexually oriented business as shall be included in this article, as amended from time to time.

(b) *Adult book, video or novelty store.* For the purpose of this article, the term “adult book, video or novelty store” means a commercial establishment or place of business having more than an insubstantial or incidental portion of its stock in trade, or more than an insubstantial or incidental segment or section of its premises devoted to the sale or display of sexually oriented products. “*Insubstantial or incidental*” means not more than 5% of its stock in trade of books, videos or novelty items; or not more than 5% of the store’s segment or section of its premises devoted to the sale or display of books, videos or novelties.

(c) *Adult motion picture theater.* For the purpose of this article, the term “adult motion picture theater” means a commercial establishment or place of business operating in whole or in part within an enclosed building 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.

(d) *Sexually oriented products.* For the purposes of this article, “sexually oriented products” means the following:

- (1) Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes or video reproductions, slides or other visual representations which are distinguished or characterized by their emphasis on matter depicting, describing or relating to “specified sexual activities” or “specified anatomical areas”; or
- (2) Instruments, devices, or paraphernalia which depict or simulate “specified anatomical areas” or are intended or designed for use in connection with “specified sexual activities”.

(e) *Specified sexual activities.* For the purposes of this article, the term “specified sexual activities” shall mean:

- (1) Human genitals in 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, public region, buttock or female breast; and
- (4) Sadism or masochism, including bondage and discipline.

(f) *Specified anatomical areas.* For the purposes of this article, the term “specified anatomical areas” shall mean:

- (1) Less than completely and opaquely covered:

- a. Human genitals, pubic region;
 - b. Buttock; and
 - c. Female breast below a point immediately above the top of the areola; and
- (2) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

(g) *Adult club*. For the purposes of this article, “adult club” shall mean any place of business or commercial establishment which offers three or more days in any 60-day period live entertainment including (i) exhibition of any portion of the entertainer’s buttocks or any simulation thereof, or (ii) if female, exhibition of any portion of the entertainer’s breast below the top of the areola or any simulation thereof, or (iii) dancing with employees or independent contractors in exchange for compensation.

(h) *Church*. As used herein the term “church” shall mean a church, temple or other structure used on a permanent basis primarily for public worship.

SECTION TWO. Declaration of businesses.

The following businesses are declared to be sexually oriented businesses:

- (a) Adult book, video or novelty store
- (b) Adult motion picture theater
- (c) Adult club

SECTION THREE.

No sexually oriented business may locate on any land within the City of Port St. Joe zoned other than **industrial**.

SECTION FOUR. Tourism corridors.

“Tourism corridors” shall mean the following areas or roads within the limits of the