

Chapter 6

ADULT BOOKSTORES

- § 6-1. Definitions.
- § 6-2. Conformance required; penalties for offenses.
- § 6-3. Certificate of occupancy or building permit required.
- § 6-4. Parking requirements.
- § 6-5. Setbacks.
- § 6-6. Signs.
- § 6-7. Obscene material exposed to public view prohibited.
- § 6-8. Effect on existing adult bookstores.
- § 6-9. Location restrictions.
- § 6-10. Severability.

[HISTORY: Adopted Liberty Village Board 12-19-77 as L.L. No. 7-1977. Amendments noted where applicable.]

GENERAL REFERENCES

Zoning — See Ch. 87.

§ 6-1. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

ADULT BOOKSTORE — Any business, more than fifty percent (50%) of whose revenue is derived from the promotion of obscenity.

OBSCENE — Any material or performance is “obscene” if: the average person, applying contemporary community

standards, would find that, considered as a whole, its predominate appeal is to the prurient interest in sex; and it depicts or describes in a patently offensive manner, actual or simulated, sexual intercourse, sodomy, sexual bestiality, masturbation, sadism, masochism, excretion or lewd exhibition of the genitals; and considered as a whole, it lacks serious literary, artistic, political or scientific value. Predominant appeal shall be judged with reference to ordinary adults, unless it appears from the character of the material or the circumstances of its dissemination to be designed for children or other specially susceptible audience.

PROMOTE — To manufacture, issue, sell, give, provide, lend, mail, deliver, transfer, transmute, publish, distribute, circulate, disseminate, present, exhibit or advertise or to offer or agree to do the same.

§ 6-2. Conformance required; penalties for offenses.

It shall be unlawful for an individual, partnership or corporation to operate any adult bookstore within the boundaries of the Village of Liberty, except in conformance with the provisions of this chapter. Each and every violation of this chapter shall be punished by a fine not to exceed five hundred dollars (\$500.) and/or a term of imprisonment in the county jail not to exceed ninety (90) days. Each day that any provision of this chapter shall be violated shall constitute a separate offense.

§ 6-3. Certificate of occupancy or building permit required.

No building, structure or premises shall be used or occupied as an adult bookstore within the Village of Liberty without first having applied for and received a certificate of occupancy or a building permit from the Building Inspector and a permit from the Planning Board of the Village of Liberty, all of which shall be subject to all other applicable requirements of the Zoning Ordinance and the Building Codes of the Village of Liberty.

§ 6-4. Parking requirements.

At the time of any construction, use or occupancy of any building, structure or premises as an adult bookstore, there shall be provided two (2) parking spaces for each one hundred (100) square feet of gross floor area devoted to such use, plus one (1) parking space for each employee. Compliance with the Off-Street Parking Law of the Village of Liberty is further required where applicable.

§ 6-5. Setbacks.

Any building, structure or premises occupied or used as an adult bookstore shall be set back from the street line a distance of twenty-five (25) feet and, if located on a corner lot, shall have a setback of fifteen (15) feet from each side. There shall be a side yard setback of fifteen (15) feet on each side and a distance of forty (40) feet from the rear of the building to the property line.

§ 6-6. Signs.

One (1) sign shall be permitted on the exterior of the building, structure or premises occupied, which measures no more than one by two (1 x 2) feet.

§ 6-7. Obscene material exposed to public view prohibited.

There shall not be exposed to public view on the outside of any adult bookstore any obscene material.

§ 6-8. Effect on existing adult bookstores.

The existence of any adult bookstore at the time of the adoption of this chapter may continue although such adult bookstore does not conform to the provisions set forth in this chapter, except that such adult bookstore shall be made to conform to the provisions of this chapter within a period of one (1) year after the effective date of this chapter.

§ 6-9. Location restrictions.

No adult bookstore may be located within one thousand (1,000) feet of any other adult bookstore nor within one thousand (1,000) feet of a residential zoned area nor within one thousand (1,000) feet of any church, school or synagogue.

§ 6-10. Severability.

In the event that any provision of this chapter shall be declared unconstitutional, all other provisions of this chapter not so declared to be unconstitutional shall remain in full force and effect.