



Legislation Text

File #: 36650, Version: 1

Fiscal Note

No appropriation is required.

Title

Amending Section 28.211 of the Madison General Ordinances to modify the definition of “Adult Motion Picture Theater.”

Body

DRAFTER'S ANALYSIS: The zoning code regulates adult entertainment establishments, which include adult motion picture theaters. Under the zoning code’s current definition of adult motion picture theater, a single showing of an adult motion picture would turn the establishment into an adult motion picture theater. Under current First Amendment law, this definition is likely too strict and would be struck down if challenged as a violation of free speech. This ordinance amendment ensures that the city’s definition of adult motion picture theater is consistent with the requirements of the First Amendment. It also makes the city’s definition consistent with most zoning jurisdictions across the United States.

The Common Council of the City of Madison do hereby ordain as follows:

Subdivision (b) entitled “Adult Motion Picture Theater” of the Subsection entitled “Adult Entertainment Establishment” of Section 28.211 entitled “Definitions” of the Madison General Ordinances is amended by amending herein the following:

“(b) Adult Motion Picture Theater. ~~An adult motion picture theater is an enclosed building used for presenting or exhibiting a~~ An establishment where motion picture films, shows or other presentations having as its dominant theme or distinguished or characterized by an emphasis on or exposure to containing dominant themes related to “specified anatomical areas” or “specified sexual activities” as defined herein are regularly shown as one of its primary or principal business purposes.”