



Legislation Details (With Text)

**File #:** 36650      **Version:** 1      **Name:** Adult Motion Picture Theater  
**Type:** Ordinance      **Status:** Passed  
**File created:** 12/22/2014      **In control:** PLAN COMMISSION  
**On agenda:** 3/3/2015      **Final action:** 3/3/2015  
**Enactment date:** 3/12/2015      **Enactment #:** ORD-15-00025  
**Title:** Amending Section 28.211 of the Madison General Ordinances to modify the definition of "Adult Motion Picture Theater."  
**Sponsors:** Paul R. Soglin, Michael E. Verveer  
**Indexes:**  
**Code sections:**  
**Attachments:** 1. Zoning Text Memo\_02-23-15.pdf

Date	Ver.	Action By	Action	Result
3/3/2015	1	COMMON COUNCIL	Adopt and Close the Public Hearing	
2/23/2015	1	PLAN COMMISSION	RECOMMEND TO COUNCIL TO ADOPT - PUBLIC HEARING	Pass
1/20/2015	1	COMMON COUNCIL	Referred for Public Hearing	
12/22/2014	1	Attorney's Office/Approval Group	Referred for Introduction	

**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.

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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 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."