

1 Introduced by Councilmember Cumber:
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3 **ORDINANCE 2021-879**

4 AN ORDINANCE AMENDING SECTION 150.103
5 (DEFINITIONS), PART 1 (GENERAL PROVISIONS),
6 CHAPTER 150 (ADULT ENTERTAINMENT AND SERVICES
7 CODE), *ORDINANCE CODE*, TO REVISE AND ADD CERTAIN
8 DEFINITIONS; PROVIDING FOR CODIFICATION
9 INSTRUCTIONS; REQUESTING ONE CYCLE EMERGENCY
10 PASSAGE; PROVIDING AN EFFECTIVE DATE.
11

12 **BE IT ORDAINED** by the Council of the City of Jacksonville:

13 **Section 1. Amending Section 150.103 (Definitions), Part 1**
14 **(General Provisions), Chapter 150 (Adult Entertainment and Services**
15 **Code), Ordinance Code.** Section 150.103 (Definitions), Part 1 (General
16 Provisions), Chapter 150 (Adult Entertainment and Services Code),
17 *Ordinance Code*, is hereby amended to read as follows:

18 **Chapter 150 - ADULT ENTERTAINMENT AND SERVICES CODE**

19 **PART 1 GENERAL PROVISIONS**

20 * * *

21 **Sec. 150.103 - Definitions.**

22 In this Chapter, unless the context otherwise requires:

23 (a) *Adult Bookstore* means a place or an establishment where a
24 substantial portion of the items, materials, goods, or products sold
25 or rented, offered for sale or rent, displayed, or exhibited
26 constitute Adult Material. A place or establishment has a "substantial
27 portion" of Adult Material if any of the following criteria are
28 satisfied:

- 29 1. More than forty percent (40%) of the floor area of the
30 establishment (excluding any portion of the establishment
31 not open to the public which may include storerooms, stock

1 areas, bathrooms, basements, attics, or administrative
2 offices) is devoted to Adult Material; or

3 2. More than forty percent (40%) of the merchandise displayed
4 for sale in the establishment consists of Adult Material.

5 ~~where books, magazines, motion pictures, videotapes, digital video~~
6 ~~discs, photographs, prints, periodicals, recordings, novelties and~~
7 ~~devices, or any of these things, which have as their primary or~~
8 ~~dominant theme matters depicting, illustrating, describing or~~
9 ~~relating to specified sexual activities, are sold or rented or offered~~
10 ~~for sale or rental to adults and includes a place with only a portion~~
11 ~~or section of its area set aside for the display or sale of this~~
12 ~~material to adults, except that a place, otherwise included within~~
13 ~~this definition, shall be exempt from the provisions of this Chapter~~
14 ~~so long as the material is kept in a location where it is not visible~~
15 ~~and shall not be a self-service item for the customers of such place,~~
16 ~~provided further, that no more than 40 percent of the display space~~
17 ~~is used for the display of adult materials.~~

18 * * *

19 (mm) Adult Material means any of the following, regardless of
20 whether it is new or used:

21 1. Books, magazines, periodicals, or other printed matter, or
22 photographs, films, motion pictures, digital video disks
23 ("DVDs"), video cassettes, videotape, slides, prints,
24 computer digital graphic recordings, or other visual
25 representations, regardless of medium, which are
26 distinguished or characterized by their emphasis on matters
27 depicting, describing or relating to specified sexual
28 activities or specified anatomical areas; or

29 2. Instruments, novelties, devices, or paraphernalia that are
30 designed for use in connection with specified sexual
31 activities, excluding bona fide birth control devices.

1 **Section 2. Codification Instructions.** The Codifier and the
2 Office of General Counsel are authorized to make all chapter and
3 division "tables of contents" consistent with the changes set forth
4 herein. Such editorial changes and any others necessary to make the
5 Ordinance Code consistent with the intent of this legislation are
6 approved and directed herein, and the changes to the Ordinance Code
7 shall be made forthwith and when inconsistencies are discovered.

8 **Section 3. Requesting one cycle emergency passage pursuant**
9 **to Council Rule 4.901 Emergency.** One cycle emergency passage of this
10 legislation is requested. The *Ordinance Code* provision being modified
11 by this legislation is currently being challenged in numerous
12 administrative and judicial actions. This legislation is necessary
13 to resolve those litigation cases and taking this up as an emergency
14 will reduce litigation expenses.

15 **Section 4. Effective Date.** This Ordinance shall become
16 effective upon signature by the Mayor or upon becoming effective
17 without the Mayor's signature.

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19 Form Approved

20
21 /s/ Trisha Bowles

22 Office of General Counsel

23 Legislation Prepared by: Trisha Bowles

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