

1 Introduced by Councilmember Cumber and amended by the Neighborhoods,
2 Community Services, Public Health and Safety Committee:

3
4 **ORDINANCE 2021-879-E**

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

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

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

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

20 **PART 1 GENERAL PROVISIONS**

21 * * *

22 **Sec. 150.103 - Definitions.**

23 In this Chapter, unless the context otherwise requires:

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

1 1. More than forty percent (40%) of the floor area of the
2 establishment (excluding any portion of the establishment
3 not open to the public which may include storerooms, stock
4 areas, bathrooms, basements, attics, or administrative
5 offices) is devoted to Adult Material; or

6 2. More than forty percent (40%) of the merchandise displayed
7 for sale or rent in the establishment consists of Adult
8 Material.

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

22 * * *

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

25 1. Books, magazines, periodicals, or other printed matter, or
26 photographs, films, motion pictures, digital video disks
27 ("DVDs"), video cassettes, videotape, slides, prints,
28 computer digital graphic recordings, or other visual
29 representations, regardless of medium, which are
30 distinguished or characterized by their emphasis on matters

1 depicting, describing or relating to specified sexual
2 activities or specified anatomical areas; or

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

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

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

20 **Section 4. Effective Date.** This Ordinance shall become
21 effective upon signature by the Mayor or upon becoming effective
22 without the Mayor's signature.

23
24 Form Approved

25
26 /s/ Paige H. Johnston

27 Office of General Counsel

28 Legislation Prepared by: Trisha Bowles

29 GC-#1475130-v1-2021-879-E.docx