

ORDINANCE 420

Title: Ordinance No. 420 - AN ORDINANCE OF THE TOWN OF ST. MICHAELS TO AMEND THE CODE OF THE TOWN OF ST. MICHAELS, CHAPTER 340, (ZONING) §340-32 (PERMITTED USES) TO INCLUDE ADULT ORIENTED BUSINESSES IN THE TABLE OF GENERAL LAND USES (TABLE 4.1) AS A PERMITTED USE IN THE GATEWAY COMMERCIAL ZONE; AND TO AMEND TOWN CODE, §340-32.1 (NOTES TO THE TABLE OF PERMITTED LAND USES) TO INCLUDE REGULATIONS ASSOCIATED WITH SUCH USE IN ORDER TO PROMOTE PUBLIC HEALTH, SAFETY AND WELFARE; PROVIDING THAT THIS TITLE SHALL BE DEEMED A FAIR SUMMARY OF THIS ORDINANCE FOR ALL PURPOSES; AND ALL MATTERS GENERALLY RELATING TO ADULT ORIENTED BUSINESSES IN THE TOWN OF ST. MICHAELS

Date of introduction	November 10, 2010
Introduced by	Commissioners Hunt and Vlahovich
Date of public hearing	December 8, 2010
Date of vote	December 15, 2010
Vote	ALL YEA - BRADY - HUNT, CLARK, 5-0 VLAHOVICH, DUPONT
Effective date if adopted	January 4, 2011

ORDINANCE NO. 420

AN ORDINANCE OF THE TOWN OF ST. MICHAELS TO AMEND THE CODE OF THE TOWN OF ST. MICHAELS, CHAPTER 340, (ZONING) §340-32 (PERMITTED USES) TO INCLUDE ADULT ORIENTED BUSINESSES IN THE TABLE OF GENERAL LAND USES (TABLE 4.1) AS A PERMITTED USE IN THE GATEWAY COMMERCIAL ZONE; AND TO AMEND TOWN CODE, §340-32.1 (NOTES TO THE TABLE OF PERMITTED LAND USES) TO INCLUDE REGULATIONS ASSOCIATED WITH SUCH USE IN ORDER TO PROMOTE PUBLIC HEALTH, SAFETY AND WELFARE; PROVIDING THAT THIS TITLE SHALL BE DEEMED A FAIR SUMMARY OF THIS ORDINANCE FOR ALL PURPOSES; AND ALL MATTERS GENERALLY RELATING TO ADULT ORIENTED BUSINESSES IN THE TOWN OF ST. MICHAELS

WHEREAS, the Commissioners of St. Michaels (Commissioners) are authorized by Maryland Annotated Code Article 23A §2(a) to enact such ordinances as it deems necessary in order to assure the good government of the municipality, and to protect the health, comfort and convenience of the citizens of the municipality; and

WHEREAS, the Commissioners recognize the significant planning, zoning, property and secondary effects surrounding or arising from the location and operation of Adult Oriented Businesses; and

WHEREAS, the Commissioners adopted Ordinance 405, which placed a nine month moratorium on Adult Oriented Businesses; and

WHEREAS, during the nine month moratorium, the Town Attorney, Town Planning Commission, Town staff, and Commissioners have studied the issue; and

WHEREAS, based on the information reviewed and provided in the studies and cases referenced hereinbelow, the Commissioners propose amending Chapter 340 (Zoning), §340-32 (Permitted Uses) to add provisions to the Table of General land Uses (Table 4.1) with respect to Adult Oriented Businesses; and

WHEREAS, the Commissioners propose amending Chapter 340 (Zoning), Subsection 32.1 (Notes to the Table of General Land Uses) of the St. Michaels Town Code to address Adult Oriented Businesses; and

WHEREAS, the Commissioners believe that the Ordinance as proposed provides reasonable channels of communication while at the same time address the adverse secondary effects of Adult Oriented Businesses; and

WHEREAS, the Commissioners, in an effort to further prevent and address the adverse secondary effects typically associated with unregulated Adult Oriented Businesses have had this Ordinance drafted for the purpose of protecting and promoting the safety, health, morals, and general welfare of the citizens of St. Michaels, and have determined that the nature of the

adverse secondary effects at unregulated Adult Oriented Businesses requires the enactment of the provisions set forth in this Ordinance; and

WHEREAS, the Town Commissioners have identified a location within the Gateway Commercial District that is the most appropriate location for Adult Oriented Businesses; and

WHEREAS, in conjunction with identifying a zoning district where an Adult Oriented Business could be located, the Commissioners of St. Michaels directed the Town Attorney: (1) to investigate the adverse secondary effects of Adult Oriented Businesses that have been reported in studies prepared by or for other local governments and in reported opinions from the various jurisdictions of the United States; (2) to provide pertinent information about the adverse secondary effects to the Town Council; (3) to develop business regulations that would regulate against the adverse secondary effects associated with Adult Oriented Businesses, but that would accommodate the constitutional rights of Adult Oriented Businesses that have been recognized by the courts; and (4) to draft an ordinance that would enact such business regulations; and

WHEREAS, this Ordinance is being enacted in conjunction with Ordinance No. 423 Adult Oriented Businesses Regulations and Ordinance No. 422 Massage Establishments as part of a comprehensive program to address the potential adverse secondary effects of Adult Oriented Businesses that might elect to locate within the Town; and

WHEREAS, the Planning Commission, the Commissioners of St. Michaels and the Town Attorney obtained and had an opportunity to review and consider the following studies:

1. The Ellicottville, New York Study dated January 1998;
2. The Cleburne, Texas Study dated October 27, 1997;
3. The Hamilton County and City of Chattanooga, Tennessee Study dated May 1997;
4. The Dallas, Texas Study dated April 29, 1997;
5. The Houston, Texas Study dated January 7, 1997;
6. The American Center for Law and Justice Study dated March 31, 1996;
7. The Newport News, Virginia Study dated March 1996;
8. The New York City, New York Study dated November 1994;
9. The Times Square, New York Study dated April 1994;
10. The St. Croix County, Wisconsin Study dated September 1993;
11. The Oklahoma City, Oklahoma Study dated June 1992;
12. The Garden Grove, California Study dated October 23, 1991;
13. The Houston, Texas Study dated January, 1991;
14. The Tucson, Arizona Study dated May 1, 1990;
15. The New Hanover County, North Carolina Study dated July 1989;
16. The Seattle, Washington Study dated March 24, 1989;
17. The Adams County, Colorado Study dated April 1988, updated June 20, 1991;
18. The St. Paul, Minnesota Study dated April 1988 (Supp. to 1987 Study);
19. The Bellevue, Washington Study dated February 1988;
20. The Manatee County, Florida Study dated June 1987;
21. The El Paso, Texas Study dated September 26, 1986;
22. The Austin, Texas Study dated May 19, 1986;

23. The Oklahoma City, Oklahoma Study dated March 3, 1986;
24. The Houston, Texas Study dated March 5, 1986;
25. The Des Moines, Washington Study dated August 1984;
26. The Houston, Texas Study dated November 30, 1983;
27. The Beaumont, Texas Study dated September 14, 1982;
28. The Minneapolis, Minnesota Study dated October 1980;
29. The Islip, New York Study dated September 23, 1980;
30. The Phoenix, Arizona Study dated May 25, 1979;
31. The Las Vegas, Nevada Study dated March 15, 1978;
32. The Whittier, California Study dated January 9, 1978;
33. The Amarillo, Texas Study dated September 1977;
34. The Cleveland Ohio Study dated August 24, 1977;
35. The Los Angeles, California Study dated June 1977;
36. The Summary prepared by the National Law Center for Children and Families of the above listed studies (© 2002);
37. Indianapolis, Indiana – February 1984;
38. Minnesota – June 6, 1989;
39. Rome [Georgia] City Commission March 6, 1995;
40. City of St. Mary's, Georgia July 1996;
41. The Toledo, Ohio Study dated August 26, 2002;
42. Greensboro [N.C.] December 15, 2003 (Richard McCleary, Ph.D.);
43. Report of Richard McCleary, Ph.D. in *People ex rel. Deters v. The Lion's Den*, Effingham County, Illinois No. 04-CH-26;
44. Report to the City Attorney on Crime-Related Secondary Effects, by Richard McCleary, Ph.D., in *Reliable Consultants, Inc., et al v. City of Kennedale, Texas*, (U.S. Dist. Ct., N.D. Tex.) No. 4:05-CV-166-A;
45. Centralia City [Wash.] February 28, 2004 (Richard McCleary, Ph.D.);
46. Evaluating Potential Secondary Effects of Adult Cabarets in Daytona Beach, Florida, Report of Daniel Linz, Randy D. Fisher and Mike Yao dated April 7, 2004;
47. Report to the City of Toledo, Ohio, A Methodical Critique of the Linz-Yao Report dated May 15, 2004;
48. Survey of Appraisers Fort Worth and Dallas, Effects of Land Uses of Surrounding Property Values submitted to the City of Fort Worth, Texas dated September 2004;
49. Study of Police Activity in Milford: Testing for Negative Secondary Effects, Addendum, Report by Daniel Linz dated October 2004;
50. Report to the City Attorney on Crime-Related Secondary Effects, by Richard McCleary, Ph.D., in *Alameda Books v. City of Los Angeles, California* (U.S. Dist. Ct., C.D. Ca.) No. CV 95-7771 dated May 6, 2007; and
51. Report to the County Attorney, Palm Beach County, Florida on Crime-Related Secondary Effects, by Valerie Jenness, Ph.D., Richard McCleary, Ph.D. and James W. Meeker, JD, PH.D dated August 15, 2007; and

WHEREAS, the Town Attorney considered the information reported in many First Amendment and constitutional cases relative to Adult Oriented Businesses, including but not limited to: *City of Los Angeles v. Alameda Books, Inc.*, 535 U.S. 425 (2002); *City of Erie v. Pap's A.M.*, 529 U.S. 277 (2000); *City of Renton v. Playtime Theatres, Inc.*, 475 U.S. (1986); *Young v. American Mini*

Theatres, Inc., 427 U.S. 50 (1976); *California v. LaRue*, 409 U.S. 109 (1972); *Giovani Carandola Ltd. v. Wright*, 470 F.3d 1074 (4th Cir. 2006); *Pack Shack v. Howard County*, 377 Md. 55 (2003); and *104 West Washington Street II Corp. v. Hagerstown*, 173 Md. App. 553 (2007); and *McDoogal's East, Inc. v. County Commissioners of Caroline County*, 341 Fed. Appx. 918 (2009); and

WHEREAS, the Town has only approximately 1,200 residents; and

WHEREAS, the Town is primarily a residential community, with a business core consisting of restaurants, retail and services, and two museums located within the Town; and

WHEREAS, the Town has never, to the recollection of the Commissioners of St. Michaels, had an Adult Oriented Business; and

WHEREAS, there currently is no adult oriented business located within the Town; and

WHEREAS, the Town is located in a largely rural and agricultural part of Talbot County; and

WHEREAS, the Town is only approximately 746 acres in size and is surrounded by low density residential and agricultural properties, with a commercial strip to the south of Town; and

WHEREAS, there are no night clubs, lounges or similar establishments within the Town and the Town does not have a history of economically supporting such establishments; and

WHEREAS, the Town lacks sufficient population or sufficient interest to support an Adult Oriented Business (there is no video rental store or shopping center within the Town); and

WHEREAS, the Town has a school complex that serves pre-K through 12 and houses a day care center, which services not only residents of the Town but also the residents of the surrounding rural communities; and

WHEREAS, the Town houses several day care centers in addition to several parks, a recreation complex that contains a playground for children, a recreation building and ball fields that serve not only the residents of the Town but also the residents of surrounding rural communities and are areas where children and youth regularly congregate; and

WHEREAS, the Town, including the elementary school, the parks and recreation complex, the local churches and other civic organizations, attracts many families and children who desire to enjoy familial and rural fellowship and recreation in a quiet and peaceful environment; and

WHEREAS, the children and young people who congregate in the Town and use the public facilities within the Town would serve as prime targets for sexual predators; and

WHEREAS, adult oriented businesses are known to attract patrons from outside of the community that have no connection to the community, are unconstrained by social or economic ties to the community, are prone to engage in acts that defile the surrounding community, are

prone to engage in criminal acts, and often do not comport themselves with civility and decency;
and

WHEREAS, adult oriented business are know to attract patrons who engage in unhealthy sexual practices and who carry and transmit sexually transmitted diseases; and

WHEREAS, adult oriented businesses are known to attract sexual predators; and

WHEREAS, adult oriented businesses are known to attract under aged workers and workers who engage in unhealthy and illegal sexual practices and who carry and transmit sexually transmitted diseases; and

WHEREAS, the owners of an adult oriented business that locates in the Town will not rely on the community for support and, therefore, will have no economic motivation to control the lewd and lascivious behavior or the criminal behavior of their patrons and employees beyond the confines of activity within the public portions of their establishments; and

WHEREAS, adult oriented businesses are known to encourage or to lower the inhibition of patrons so that such patrons become more disposed to commit sexual crimes and other crimes;
and

WHEREAS, when alcohol or other controlled dangerous substances, which often are closely associated with adult oriented businesses, combine with the goods and services marketed by adult oriented businesses, the propensity for patrons to engage in criminal behavior increases;
and

WHEREAS, the Commissioners of St. Michaels, in an effort to further prevent and to address the adverse secondary effects typically associated with unregulated adult oriented businesses, including massage establishments, have had this Ordinance drafted for the purpose of protecting and promoting the safety, health, morals, and general welfare of the citizens of the Town and visitors to the Town.

SECTION 1. NOW THEREFORE BE IT ORDAINED AND ENACTED BY THE COMMISSIONERS OF ST. MICHAELS that the Commissioners of St. Michaels hereby make the following findings:

Findings, Intent and Purpose

A. Findings:

1. The Commissioners of the Town of St. Michaels has no knowledge of any Adult Oriented Business (as that term is defined in Ordinance No. 422) in the Town of St. Michaels at the time of enactment of this Ordinance and there is credible evidence that no Adult Oriented Business has ever existed in the Town of St. Michaels.

2. In light of the testimony presented at the public hearings before the Town Commissioners, the studies considered by the Town Commissioners, the small population of the Town, and the future growth projections for the Town, if an Adult Oriented Business is established in the Town of St. Michaels, its economic survival will be dependent upon transients who have few if any ties to the Town. Those studies and cases that document the adverse secondary effects inherent where transients with no ties to the community are the primary customers of a business that operates as an Adult Oriented Business and where business owners with no reason to worry about community perception impacting their economic survival own such an Adult Oriented Business, in addition to the other studies and case law referenced in the Recitals, evidence and depict the adverse secondary effects that are likely to exist in the event an Adult Oriented Business locates in the Town of St. Michaels.
3. There is convincing documentation in the record that an Adult Oriented Businesses attracts and is often supported by a transient population with no ties to the community and who, therefore, would have no inherent motivation to refrain from defiling the community or otherwise engaging in criminal conduct and odious behavior in the community in which such businesses are located.
4. There is convincing documentation in the record that an Adult Oriented Business often could attract sexual predators.
5. There is convincing documentation in the record that an Adult Oriented Business featuring live entertainment could often attract and take advantage of underage women and women with addictions and other psychological disorders.
6. There is convincing documentation in the record that an Adult Oriented Business could be associated with and increase the spread and the rate of profusion of sexually transmitted diseases.
7. There is convincing documentation in the record that an Adult Oriented Business could have other adverse health and welfare affects.
8. There is convincing documentation in the record that an Adult Oriented Business could be associated with and lead to the proliferation of sex crimes, property crimes, crimes against women and children and addiction related crimes. Several of the studies further indicate that violent crimes can increase as the result of Adult Oriented Businesses, particularly when such businesses are located in close proximity to places allowing the on-site consumption of alcoholic beverages.
9. There is convincing documentation in the record that an Adult Oriented Business could devalue surrounding residential and commercial properties.
10. There is convincing documentation in the record that public and semi-public places such as any parking area on public property (including school yards and parks and recreation areas), churches and church parking areas, social club parking areas and

other open air expanses in the vicinity of an Adult Oriented Business could become used for illicit purposes, thereby driving away legitimate users and community members.

11. There is convincing documentation in the record that when multiple venues operated as Adult Oriented Businesses are located in close proximity to one another, particularly in a non-urban environment, the harmful secondary effects associated with such businesses are greater than when such businesses are not in close proximity to one another.

B. Intent and Purpose:

1. This Ordinance has been developed to serve as a constitutionally permissible means to minimize certain harmful secondary effects associated with an Adult Oriented Business while not infringing on constitutionally protected communication for those interested in engaging in adult oriented communication protected by the federal and State constitutions.
2. It is the intent of the Town Council in adopting this Ordinance to enact constitutionally permissible restrictions to combat the harmful secondary effects of an Adult Oriented Business. It is not the intent of the Town Commissioners to suppress any speech protected by the First Amendment to the United States Constitution or Article 40 of the Maryland Declaration of Rights, or to otherwise infringe on any constitutionally protected rights.

SECTION 2. NOW THEREFORE BE IT ORDAINED AND ENACTED BY THE COMMISSIONERS OF ST. MICHAELS that Chapter 340 (Zoning), §340-32 (Permitted Uses), Table 4.1 be amended to include “Adult Oriented Businesses” as follows, with the new language shown in *italics and underlined*.

TABLE OF GENERAL LAND USES																	
Table 4.1																	
Zoning Districts																	
Base Zones																	
Overlay Zones																	
Land Use	Ag A Zone	R-1	R-2	R-3	Res Gateway RG	Waterfront Develop Site Plan Review Req	Central Comm CC	Gateway Comm GC	Historic Redevelop Zone HRZ	Maritime Comm MC	Museum Zone MM	Select Light Comm SLC	Public Facilities PF	Growth Allocation GA	Planned Redevelop Zone PR Overlay	TND	

TABLE OF GENERAL LAND USES
Table 4.1

Land Use	Zoning Districts															
	Base Zones													Overlay Zones		
	Ag A Zone	R-1	R-2	R-3	Res Gateway RG	Waterfront Develop Site Plan Review Req	Central Comm CC	Gateway Comm GC	Historic Redevelop Zone HRZ	Maritime Comm MC	Museum Zone MM	Select Light Comm SLC	Public Facilities PF	Growth/Allocation GA	Planned Redevelop Zone PR Overlay	TND
Agricultural Uses - Includes farm buildings, barns, stables, private garage and other similar structures normally accessory to principal permitted uses or authorized conditional use.	A													See Article IV	See Article IV	See Article IV
Accessory Uses and Structures - which are clearly incidental to, customary to, and associated with a permitted use. Includes private garages,, and other similar structures normally accessory to principal permitted uses or authorized conditional use.	A	A	A	A	A	A	A	A	A	A	A	A	A			
<u>Adult Oriented Businesses</u>								P								

TABLE OF GENERAL LAND USES
Table 4.1

Land Use	Zoning Districts															
	Base Zones											Overlay Zones				
	Ag A Zone	R-1	R-2	R-3	Res Gateway RG	Waterfront Develop Site Plan Review Req	Central Comm CC	Gateway Comm GC	Historic Redevelop Zone HRZ	Maritime Comm MC	Museum Zone MM	Select Light Comm SLC	Public Facilities PF	Growth Allocation GA	Planned Redevelop Zone PR Overlay	TND
Agricultural Activities Includes the growing and harvesting of plants, such as grain, fruits, vegetables, flowers, shrubbery and/or timber, including structures associated therewith and uses accessory thereto. No raising or keeping of animals or fowl for agricultural or commercial purposes with the Town. No storage of chemicals, animal waste, by-products, or other matter producing a threat to the reasonable safe and peaceful enjoyment of neighboring properties.	P				P											
Antennas and/or antenna towers - *												P				
Antique Furniture Restoration *											P					
Antique Shops						P	P	P								
Apartments on 2nd & 3rd floor of commercial structures						P	P	P								
Appliance &						P	P									

TABLE OF GENERAL LAND USES
Table 4.1

Land Use	Zoning Districts															
	Base Zones											Overlay Zones				
	Ag A Zone	R-1	R-2	R-3	Res Gateway RG	Waterfront Develop Site Plan Review Req	Central Comm CC	Gateway Comm GC	Historic Redevelop Zone HRZ	Maritime Comm MC	Museum Zone MM	Select Light Comm SLC	Public Facilities PF	Growth/Allocation GA	Planned Redevelop Zone PR Overlay	TND
Furniture Stores																
Artificial Body of Water - *						SE										
Artisan Product Production							P	P	P							

SECTION 2. NOW, THEREFORE, BE IT FURTHER ORDAINED AND ENACTED BY THE COMMISSIONERS OF ST. MICHAELS that Chapter 340 (Zoning), Article IV (Zone Regulations), § 340-32.1 (Notes to Table of General Land Use) of the Code of the Town of St. Michaels is hereby amended as follows, with new language shown in *italics* and underlined:

Adult Oriented Businesses

The regulations of this section shall apply to Adult Oriented Businesses in the Gateway Commercial Zoning District. All aspects of matters not governed by the following provisions of this section shall be governed by all other applicable provisions of the Town Code. Adult Oriented Business are regulated under Town Code, Chapter 75 (Adult Oriented Business Regulations). See Chapter 75 for definitions relating to Adult Oriented Businesses applicable to this Section, other than the definition of Adult Oriented Business, which is in Town Code, §108.

- a) *In addition to any design criteria generally applicable to a use in the Gateway Commercial Zoning District, including, but not limited to any buffer, buffer yard, and setback requirements, an Adult Oriented Business must meet the following setback criteria:*
1. *No portion of a building or structure in which an Adult Oriented Business is located (the "AOB structure") shall be within four hundred (400) feet from the closest boundary of a parcel containing a school, place of worship, park or recreation facility, including but not limited to a YMCA or community center, day care center, family or day care center or group home.*
 2. *No portion of an AOB structure shall be within four hundred (400) feet of the boundary of any parcel in a residential zoning district or within four hundred seventy five (475) feet from the closest portion of any building or structure located within a non-residential zone used principally as a residential dwelling.*

3. No portion of an Adult Oriented Business structure shall be less than five thousand (5,000) feet from the closest portion of any other building or structure containing an Adult Oriented Business.
4. No portion of an Adult Oriented Business structure shall be less than five hundred (500) feet from the closest portion of any building or structure where alcoholic beverages are sold for on-premises consumption.

b) Application.

1. The owner/operator of an Adult Oriented Business shall submit an application to the Zoning Inspector/Codes Enforcement Officer in accordance with Chapter 75 "Adult Oriented Business Regulations" of the Town Code, which includes a site plan that, in addition to those items required by Chapter 110 (Site Plan Review) of the Town Code:
 - A. Contains and depicts all of the information required pursuant to Subsection (d) below; and
 - B. Contains and depicts all of the information necessary to determine compliance with this Chapter and Chapter 75 of the Town Code; and
2. Compliance with the requirements of subsection (a) above shall be determined as of the date of submittal of an application, and any changes to the use of adjoining or neighboring property or to the size, type, number or location of structures or buildings on adjoining or neighboring property applied for, or, if no application is necessary, made after the date of submittal of an application shall be of no effect and shall not be given any consideration in determining compliance with the requirements of subsection (a) hereof.

c) Exterior Requirements.

1. The exterior parking areas, except at any driveway of ingress or egress shall be screened by a permanent solid fence, wall, or berm in association with a planted area with trees and shrubs on each side of the property that is adjacent or potentially adjacent to another business or property other than a public road and the exterior of such wall and the planted area shall be maintained. Such fence, wall or berm shall be at least five feet in height.
2. Surveillance devices shall be maintained in a manner to permit continual surveillance from a manned management station of the exterior areas of the lot(s) or parcel(s) on which the Adult Oriented Business is operating.

d) Site Plan. Prior to the issuance of a building permit or a license for an Adult Oriented Business, an Adult Oriented Business shall submit a site plan to the Planning Commission in accordance with Chapter 110 "Site Plan Review" of the Code of the Town of St. Michaels. The site plan shall:

1. Depict the entire lot(s) or parcel(s) on which the Adult Oriented Business is located;
2. Be drawn to scale;
3. Be signed by a professional and/or licensed engineer or architect;
4. Depict the exterior dimensions of every building and structure;

5. Show the layout and size of all exterior parking spaces, driveways, loading and unloading areas, refuse disposal areas and walkways;
6. Show the location and size of all fences, screens, parking lot barriers, plants and planters and describe the type of plants and the composition of any fence, wall, barrier or berm;
7. Show all exterior doors and designate which doors will be for general public ingress and egress;
8. Depict the location of all exterior lighting and video surveillance devices;
9. Depict the location of any underground utility lines;
10. Depict the location and size of any exterior sign;
11. Depict the interior layout of every building and structure, including but not limited to:
 - A. All walls, partitions, doors, windows, counters, screens or room dividers;
 - B. All performance areas;
 - C. All performance seating or viewing booths or areas;
 - D. All management stations;
 - E. The dimensions and general layout of every room or area open to patrons;
 - F. The dimensions and designation of every room open only to performers and or employees of the business; and
 - G. The location and orientation of any merchandize displays.

When any change is proposed to an Adult Oriented Business that affects an item required to maintain compliance with this section or the provisions of Chapter 75 of the Town Code (Adult Oriented Business Regulations), a revised Site Plan shall be submitted to the Planning Commission for approval prior to any such change.

- e) Outdoor Advertising Signs. All outdoor advertising signs shall comply with the requirements of §340-40 (Signs) of the Town Code. No exterior sign or sign visible from the exterior of any building or structure shall contain Adult Entertainment or Material, as those terms are defined in Chapter 75 of the St. Michaels Town Code.
- f) Inspections.
 1. Periodic Inspections. The Codes Enforcement Officer/Zoning Inspector or his authorized designee shall periodically inspect the premises of every Adult Oriented Business to ensure compliance with this Chapter.
 2. Entry. The Codes Enforcement Officer/Zoning Inspector, or his duly authorized designees, who shall exhibit proper credentials upon request, may enter any Adult Oriented Business without consent of the owner, operator or occupant at any time during business or operating hours, and at such other times as may be necessary in any situation reasonably believed to pose an immediate threat to life, property or public safety, for the purpose of enforcing the provisions of this Chapter.

SECTION 3. SEVERABILITY. Severability is intended throughout and within the provisions of this Ordinance. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is held to be invalid or unconstitutional by a Court of competent jurisdiction, then that decision shall not affect the validity of the remaining portions of this Ordinance.

SECTION 4. AND BE IT FURTHER ORDAINED AND ENACTED, that this Ordinance shall take effect twenty (20) days from the date of its enactment, having been read at two (2) meetings of The Commissioners of St. Michaels and having been passed by a yea and nay vote of The Commissioners of St. Michaels.

HAVING BEEN INTRODUCED, read for the first time and ordered posted on the Town bulletin board at the Public Meeting of The Commissioners of St. Michaels held on the 10th day of November, 2010, at 5:00 o'clock p.m., in the meeting room at the Town Office, St. Michaels, Maryland.

 (SEAL)
CHERIL S. THOMAS
Town Clerk\Manager

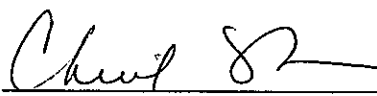
HAVING BEEN READ for the second time and passed by a yea and nay vote of The Commissioners of St. Michaels at a Public Meeting of The Commissioners of St. Michaels held on this 15th day of December, 2010, at 6:30 o'clock p.m., in the meeting room of the Town Office, St. Michaels, Maryland.

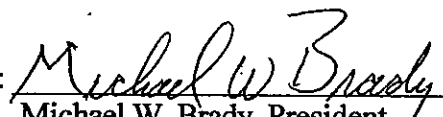
Brady	-	<u>yea</u>
Clark	-	<u>yea</u>
duPont	-	<u>yea</u>
Hunt	-	<u>yea</u>
Vlahovich	-	<u>yea</u>

I HEREBY CERTIFY that the above Ordinance No. 420 was passed by a yea and nay vote of The Commissioners of St. Michaels on the 15th day of December, 2010.

ATTEST:

THE COMMISSIONERS OF ST. MICHAELS


Cheril S. Thomas, Town Clerk\Manager

By:  (Seal)
Michael W. Brady, President

I HEREBY CERTIFY that an exact copy of this Ordinance was posted from the 16th day of December, 2010, at 8:30 o'clock p.m. to the 4th day of January, 2011, at 4:30 o'clock p.m., on the bulletin board at the Town Office in St. Michaels, Maryland, and that a summary of the aforesaid Ordinance No. 420, the date of its passage, its effective date and the fact that the entire text of the Ordinance may be read on the bulletin board of the Town Office, St. Michaels, Maryland, for at least twenty (20) days following the passage, has been published at least once each week for two (2) consecutive weeks following the passage of said Ordinance in a newspaper having general circulation in the Town of St. Michaels.

Date: January 5, 2011

 (Seal)
Cheril S. Thomas, Town Clerk\Manager