

VIDEO STORE ORDINANCE

ADOPTED AUGUST 7, 2001

Section 18-352**Video Stores**

Based on the experiences of other counties and municipalities, including, but not limited to Houston, Texas, Tucson, Arizona, Chattanooga, Tennessee, Minneapolis, Minnesota and Dayton, Ohio, which experiences are found to be relevant to the problems faced by Gwinnett County, Georgia, and based on documentary evidence and oral testimony presented by law enforcement personnel during the Board of Commissioners' public hearing and regular meeting on August 7, 2001, the Board of Commissioners takes note of the opportunity for unlawful sexual activities including, but not limited to, masturbation and oral and anal sex to occur at video stores which provide private or semi-private booths or cubicles for viewing films or videos depicting nudity, and for sexually transmitted diseases to spread as a result of the unhealthy conditions and unlawful activities associated with such booths, and the Board of Commissioners further notes that persons frequent such video viewing booths for the purpose of engaging in sexual activities within such video viewing booths, and bodily fluids , including semen, urine and feces are found in such video viewing booths.

The Board of Commissioners finds that removal of doors on such video viewing booths and prohibiting holes between such booths advances a substantial governmental interest in curbing the illegal and unsanitary sexual activity occurring in such booths. The Board of Commissioners therefore finds that it is in the best interest of the health, safety and welfare of the community to require that doors or other partitions on video viewing booths in video stores be removed and that no holes be allowed to exist between adjoining booths. The Board finds that these regulations promote the public welfare by furthering legitimate public and governmental interests, including, but not limited to, reducing unlawful sexual activities and unhealthy conditions in video viewing booths found in video stores. The Board further finds that these regulations will not infringe upon the protected Constitutional rights of freedom of speech or expression. To that end, this Ordinance is hereby adopted.

Any video store having available for customers, patrons, or members, any booth, room, or cubicle for the private viewing of any video or motion picture must comply with the following requirements:

- (1) **Access.** Each booth, room, or cubicle shall be totally accessible to and from aisles and public areas of the video store, and shall be unobstructed by any curtain, door, lock, or other control-type or view-obstructing devices or materials.
- (2) **Construction.** Every booth, room, or cubicle shall meet the following construction requirements:
 - (A) Each booth, room, or cubicle shall be separated from adjacent booths, rooms and cubicles and any nonpublic areas by a wall.
 - (B) Each booth, room, or cubicle shall have at least one side totally open to a public lighted area or aisle so that there is an unobstructed view of anyone occupying the booth from the area in which the cash register for the video store is located.
 - (C) All walls shall be solid and without openings, extended from the floor to a height of not less than six feet and be light colored, nonabsorbent, smooth-textured and easily cleanable.
 - (D) The floor must be light colored, nonabsorbent, smooth-textured and easily cleaned.
 - (E) The lighting level of each booth, room, or cubicle when not in use shall be a minimum of ten candles at all times, as measured from the floor.
- (3) **Occupants.** Only one individual shall occupy a booth, room, or cubicle at any time. No occupant of same shall engage in any type of sexual activity,

cause any bodily discharge or litter while in the booth, room, or cubicle.

No individual shall damage or deface any portion of the booth, room, or cubicle.

- (4) **Definition of Video Store.** “ Video Store” means any establishment having a substantial or significant portion of its stock in trade which includes videotapes or movies or other reproductions, whether for sale or rent, or an establishment with a segment or section comprising five percent or more of its total floor space devoted to the sale or display of such material or which derives more than five percent of its net sales from videos. The term “Video Store” shall include adult video stores as defined in Sections 18-292 and 86-71 of the Code of Ordinances of Gwinnett County, Georgia.
- (5) **Enforcement.** The provisions of this Ordinance may, in addition to any criminal remedy available, be enforced through an action for abatement of a nuisance in the manner provided by law. The County may apply to a court with jurisdiction to grant equitable relief to abate or remove private video viewing booths and to restrain or enjoin any person from operating or engaging in conduct contrary to the provisions of this Ordinance.