

City of Northampton

MASSACHUSETTS

In the Year Two Thousand and xi.....

UPON THE RECOMMENDATION OF..... Councilors Marilyn Richards & Marianne LaBarge.....

ORDINANCE

An Ordinance of the City of Northampton, Massachusetts, providing that the Code of Ordinances, City of Northampton, Massachusetts, be amended by revising section 2.1, 5.2 & 10.13, of said Code; providing that..... Definitions General, Table of Use Regulations &.....

Special Permits

Be it ordained by the City Council of the City of Northampton, in City Council assembled, as follows:

Section 1. That section 2.1, 5.2 & 10.13 of the Code of Ordinances of the City of Northampton, Massachusetts, be amended so that such section shall read as follows:

“Section.....

Section 2.1

{Insert the following definition in alphabetical order. No other changes.}

ADULT ESTABLISHMENTS WHICH DISPLAY LIVE OR PRIVATE BOOTH

NUDITY: Any establishment ~~with an alcoholic beverage license~~ which provides live entertainment for its patrons which includes the display of nudity as a substantial or significant portion of such live entertainment on twenty-one or more days per year or which provide private or semi-private booths or areas for the viewing of live or recorded nudity, as nudity is defined in section thirty-one of chapter two hundred and seventy-two.

Section 5.2 – Table of Use Regulations

{Amend the following rows under Retail, Service Commercial Uses in alphabetical order. No other changes.}

Retail Service Commercial Uses

RR SR UR-A UR-B UR-C CB GB HB NB M GI SI BP SC
Adult Establishments which display live or private booth nudity (→ see Section 10.13)
NO NO NO NO NO NO NO SP* NO NO NO NO NO NO

*In HB, these uses shall be allowed on sites no portion of which is less than 500 feet from any church/house of worship, day care center, park, playground, school, residence, or other adult establishment which displays live nudity.

Section 10.13 Adult Establishments Which Display Live or Private Booth Nudity. The City of Northampton does not desire to suppress any speech or expression activities protected by the First Amendment but does want to enact a content neutral ordinance concerned with the secondary effects of adult establishments which display live nudity or provide private or semi-

private booths for viewing live or recorded nudity on the surrounding community, especially crime and effects on children and family life, and therefore desires reasonable regulations of the location of such adult establishments which display live nudity in order to provide for the protection of the image of the community, its property values, and to protect our residents from any adverse adult entertainment land uses, while providing to those who desire to patronize adult entertainment land uses such an opportunity in areas within the City which are appropriate for location of such land uses.

The City has not found compelling reasons to regulate other types of adult uses.

These adult establishments which display live nudity or provide private or semi-private booths for viewing live or recorded nudity will be allowed with a Special Permit from the Planning Board with the following conditions:

1. The Planning Board can establish clear days and times of operation to avoid conflict with any other non-compatible land uses.
2. Any person convicted of violating the provisions of M.G.L. section sixty-three of chapter one hundred and nineteen or M.G.L. section twenty-eight of chapter two hundred and seventy two shall be prohibited from receiving or using a Special Permit for these uses.
3. Only in accordance with Section 5.2.