

ORDINANCE No. 2008-27

AN ORDINANCE OF THE CITY OF ST. PETE BEACH, FLORIDA AMENDING CODE SECTION 10-229, PROVIDING FOR REGULATION OF DISPLAY OF SIGNAGE, INCLUDING BUT NOT LIMITED TO, POSTERS DEPICTING BOOKS, MOVIES, DEVICES AND NOVELTIES, PROVIDING FOR REGULATION OF DISPLAY OF POSTERS DEPICTING, SEXUAL CONDUCT, SEXUAL BATTERY, SEXUAL BESTIALITY, MASOCHISM, SADISM, SADOMASOCHISTIC ABUSE, SEXUALLY ORIENTED MATERIAL, OBSENE MATERIAL, OR MATERIAL HARMFUL TO MINORS AS DEFINED BY SECTION 847.001, FLORIDA STATUTES; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH, TO THE EXTENT OF SUCH CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of St Pete Beach desires to amend its code section regulating adult bookstores/video stores to regulate display of signage, including but not limited to, posters depicting certain books, movies, devices and novelties or posters depicting sexual conduct, sexual battery, sexual bestiality, masochism, sadism, sadomasochistic abuse, sexually oriented material, obscene material, or material harmful to minors as defined in Section 847.001, Florida Statutes, within the city limits of the City of St Pete Beach; and

WHEREAS, this regulation is in the public interest and is designed to regulate signage to the minimum extent necessary to achieve the public purposes underlying the adult bookstore/video store regulations of the City of St Pete Beach.

NOW, THEREFORE, BE IT ORDAINED by the City Commission of the City of St Pete Beach, as follows:

SECTION 1. The City of St. Pete Beach Code Section 10-229 is hereby amended as follows:

Section 10-229 Adult Bookstore Video Store.

In addition to the general requirements for an adult use establishment contained in section 10-226, an adult bookstore/video store shall, regardless of whether it is licensed, observe the following special requirements:

(1) All materials, devices and novelties and posters depicting books, movies, devices and novelties for sale or rental within the store or by the store shall be so displayed that they cannot be seen by anyone other than customers who have entered the licensed premises. Signage and posters visible from the outside of the store or in display windows shall not contain photographs or illustrations depicting sexual conduct, sexual battery, sexual bestiality, masochism, sadism, sadomasochistic abuse, sexually oriented material, obscene material, or material harmful to minors as defined in Section 847.001, Florida Statutes.

(2) If recordings are offered for sale and customers may listen to them while in the licensed premises, soundproof booths or rooms shall be available for use by customers who have a desire to listen, and the requirements of subsection 10-231(2) shall be followed.

(3) Adult bookstores/video stores that only sell or rent adult material and have no adult booth/theater component are exempt from sections 10-101, 10-103, 10-105--10-110, 10-114 and 10-115.

SECTION 2. If any portion, part or section of this Ordinance is declared invalid, the valid remainder hereof shall remain in full force and effect.

SECTION 3. All Ordinances or parts of ordinances, in conflict herewith, are hereby repealed, to the extent of such conflict.

SECTION 4. This Ordinance shall become effective immediately upon final passage as required by law.

[Remainder of page intentionally left blank]

PASSED AND DULY ADOPTED, with a quorum present and voting, this 8th
day of July, 2008.

First Reading, _____ 05-27- 2008

Second Reading: _____ 07-08- 2008

CITY OF ST PETE BEACH, FLORIDA, BY
AND THROUGH THE CITY COMMISSION
OF THE CITY OF ST PETE BEACH

By: Mike Finnerty
Mayor

ATTEST:

By: Lanala Bree
Deputy City Clerk