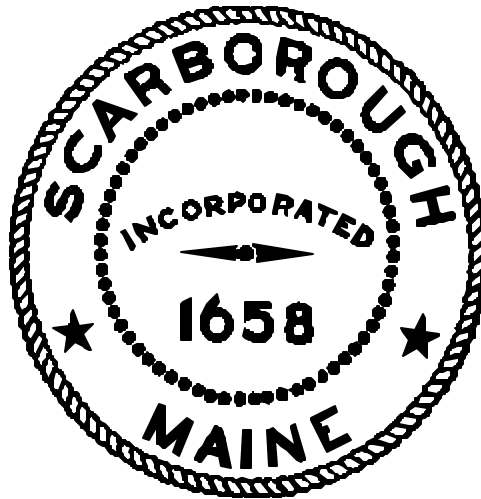


**CHAPTER 1012**

**TOWN OF SCARBOROUGH**

**VIEWING BOOTHS ADULT BUSINESS**

**ORDINANCE**



Adopted 01/20/93  
Amended 09/06/95

**CHAPTER 1012**  
**TOWN OF SCARBOROUGH**  
**ORDINANCE REQUIRING LICENSES FOR VIEWING BOOTHS**  
**IN ADULT BUSINESSES**

1. **Definitions.**

a. “Adult Business” means any business, a substantial or a significant portion of which consists of selling, renting, leasing, exhibiting, displaying or otherwise deal in materials which depict or describe any of the following:

1. human genitals in a state of sexual stimulation or arousal;
2. acts of human masturbation, sexual intercourse or sodomy;
3. fondling or other erotic touching of human genitals, pubic region, buttock or female breast;
4. less than completely and opaquely covered:
  - (a) human genitals, pubic region,
  - (b) buttock,
  - (c) female breast below a point immediately above the top of the areola; and
5. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

b. “Viewing Booth” means any booth, cubical, room or stall within the premises of an adult business used to display by audio or visual reproduction, projection or other means, any of the materials described in subparagraph (a) above.

2. **License Required.** No person owning or operating an adult business shall keep for public patronage or permit or allow the use of any viewing booth without first obtaining a license from the Scarborough Town Council.

3. **Licensing Requirement.** The Town Council shall grant a license for a viewing booth only upon finding, after public hearing, that the viewing booth will be clearly visible from the interior common areas of the premises and that visibility into the viewing booth shall not be blocked to obscured by any doors, curtains, partitions, drapes, or any other obstruction.

4. **License Fee.** A separate license shall be required for each viewing booth. The fee for each license shall be as specified in the *Schedule of License, Permit and Application Fees* established by the Town Council.

5. **Term of License.** Licenses issued pursuant to this Ordinance shall be for a term of no more than one year and shall expire annually on September 30.

6. **Suspension of Revocation of License.** The Town Council may, after notice to the licensee and hearing, suspend or revoke any viewing booth license issued under this Ordinance upon a finding that the license has violated any of the provisions of this Ordinance.
7. **Penalty.** The violation of any provision of this Ordinance shall be punished by a civil penalty of not less than \$250 and not more than \$500 for each offense. Each act of violation and every day upon which any such violation occurs shall constitute a separate offense. In addition to such civil penalty, the Town may enjoin or abate any violation of this Ordinance by appropriate action.
8. **Severability.** In the event that any section or any portion of this Ordinance shall be declared by any competent court to be invalid for any reason, such declaration shall not be deemed to affect the validity of any other section, subsection or portion of this Ordinance.
9. **Applicability to Pending Applications.** Notwithstanding anything to the contrary in 1 M.R.S.A. subsection 302, the provisions of this Ordinance shall apply to any application, request or proposal to locate or operate any viewing booth which may be pending on the effective date of this Ordinance.