

ARTICLE 18

ADULT USES/SEXUALLY ORIENTED BUSINESSES

(Adopted March 8, 1994)

- 18.1. **PURPOSE AND INTENT** - It is the purpose of this section to regulate the adverse secondary effects of sexually oriented businesses in the interest of the public health, safety and welfare including, but not limited to, protection of property values, separation of incompatible land uses, location of such uses near major regional highways, and prevention of blight and crime; and, provisions of this section have neither the purpose nor the affect of imposing imitations or restrictions on the content of any communicative materials, including sexually oriented materials; and, it is not the intent nor the affect of this section to restrict or deny access by adults or sexually oriented materials protected by the First Amendment, or to deny access by distributors and exhibitors of sexually oriented entertainment to their intended market; and, neither is it the intent nor effect of this section to condone or legitimize the distribution of obscene material.
- 18.2. **ADULT USES/SEXUALLY ORIENTED BUSINESSES DEFINED** - The terms “Adult Use” and “Sexually Oriented Business” shall mean and include any business where more than twenty-five (25%) percent of the goods or other items on display, or presentation time of live or recorded performances, are characterized by depiction, description, or display of, or use in connection with, “sexual conduct” as defined in RSA 650:1, or where more than twenty-five (25%) percent of the revenue of the business is from such goods or presentations. Such goods or other items include, but are not limited to, books, magazines, videos, films, photographs, recordings and computer software. Such presentations include, but are not limited to, theaters, motion picture displays, night clubs, bars, or similar establishments, nude modeling studios, massage parlors, or escort agencies.
- 18.3. **WHERE ALLOWED** - Adult uses shall be allowed in the Industrial-Commercial and Highway-Commercial Zones along Route 125 from the Brentwood Town line north to Old Hedding Road, as a Special Exception only, provided that the following locational standards and site appearance criteria are complied with:
- a. No structure containing an adult use shall be allowed within Epping’s designated Drug Free School Zone, within 1,000 feet of the property line of a church, cemetery, school, day care center, or within 500 feet of a residential structure, and shall not be located in excess of 300 feet from the front property line.
 - b. No sexually explicit material or advertising shall be visible from outside the building or town boundary line.
 - c. No private viewing rooms or booths shall be constructed unless one side is always open to a public central area.
 - d. No one under the age of 18 shall be permitted inside such a use and a procedure shall be developed to keep those under 18 from entering the building.
 - e. All operators and employees shall be of good moral character, meaning, among other things, no operator or employee shall have been convicted of a misdemeanor or felony of a sexually related nature within the previous 5 years.
- 18.4. **SEVERABILITY** - The invalidity of any provision of this article shall not affect the validity of any other provision, of the article, nor of the zoning ordinance as a whole.