

## ORDINANCE No. 20-13

### ROLL CALL

VOTING	YES	NO
<b>G. WAYNE ANDERSEN</b> <i>MAYOR, (VOTES ONLY IN CASE OF A TIE)</i>		
<b>ROD DART</b> <i>COUNCIL MEMBER</i>	X	
<b>RICHARD M. DAVIS</b> <i>COUNCIL MEMBER</i>	X	
<b>BRANDON B. GORDON</b> <i>COUNCIL MEMBER</i>	X	
<b>STEVE LEIFSON</b> <i>COUNCIL MEMBER</i>	X	
<b>KEIR A. SCUBES</b> <i>COUNCIL MEMBER</i>	X	

I MOVE this ordinance be adopted: Council member Dart  
I SECOND the foregoing motion: Council member Davis

## ORDINANCE No. 20-13

### AN ORDINANCE AMENDING TITLE 5 CHAPTER 28 OF THE SPANISH FORK MUNICIPAL CODE CONCERNING SEXUALLY ORIENTED BUSINESSES

WHEREAS, Spanish Fork City has previously adopted business license regulations concerning sexually oriented businesses, as codified at Title 5, Chapter 28 (the "Ordinance") of the Spanish Fork Municipal Code (the "Code"); and

WHEREAS, there is convincing documented evidence that sexually-oriented businesses have a deleterious effect on both the existing businesses around them and residential areas of the City adjacent to them, causing increased crime, urban blight, the downgrading of property values, the downgrading of quality of life, and other harmful effects; and

WHEREAS, the City Council desires to amend the Ordinance to better minimize and control these adverse effects and thereby protect the health, safety, and welfare of the citizens of the City, protect the citizens from increased crime, preserve the quality of life, preserve the property values and character of neighborhoods, and deter the spread of the urban blight;

NOW THEREFORE, be it ordained and enacted by the Spanish Fork City Council, as follows:

I.

Spanish Fork Municipal Code, 5.28.040 is hereby amended to amend the following definition to read as follows:

**5.28.040 Definitions.**

"Sexual device shop" means a commercial establishment that, as its principal purpose, sells or otherwise provides sexual devices. For purposes of this definition, "principal purpose" means:

1. At least 15% of the commercial establishment's displayed merchandise consists of such items;
2. At least 15% of the wholesale or retail value of the commercial establishment's displayed merchandise consists of such items;
3. The commercial establishment derives at least 15% of its revenues from the sale or rental, for any form of consideration, of such items;
4. The commercial establishment maintains at least 15% of its interior business space for the sale or rental of such items;
5. The display of such items is visible from any location outside the store.

II.

Spanish Fork Municipal Code, 5.28.220 is hereby amended to read as follows:

**Section 5.28.220 Regulations and Unlawful Activities**

It is unlawful for any sexually oriented business or sexually oriented business employee to:

A ~ K [no change]

L. Sexual devices displayed for sale cannot be displayed where they would be visible from any location outside the store.

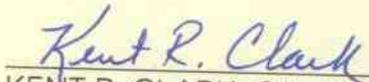
III.

In order to protect the health, safety, and welfare of the residents of Spanish Fork City, this ordinance shall become effective immediately upon passage.

PASSED AND ORDERED PUBLISHED BY THE CITY COUNCIL OF SPANISH FORK, UTAH, this 17<sup>th</sup> day of December, 2013.

  
G. WAYNE ANDERSEN, Mayor

Attest:

  
KENT R. CLARK, City Recorder

