

Chapter 67. Adult Uses

[HISTORY: Adopted by the Town Board of the Town of Perinton 6-22-1994 by L.L. No. 3-1994 (Ch. 147 of the 1976 Code); amended in its entirety 7-11-2018 by L.L. No. 7-2018. Subsequent amendments noted where applicable.]

GENERAL REFERENCES

Zoning — See Ch. 148.

§ 67-1. Findings; purpose.

In the development and execution of this chapter, it is recognized that there are some adult uses which, because of their very nature, are recognized as having serious objectionable operational characteristics, that such activities are deleterious to the health, welfare and well-being of the Town of Perinton and those who live within the Town and that the concentration of such activities in any one area can and does adversely and seriously endanger the adjacent areas thereto. It is further recognized that the location of these uses in regard to areas where our youth may regularly assemble and the general atmosphere encompassing their operation is of great concern to the Town of Perinton. Therefore, it is recognized that special regulation of these adult uses is necessary to:

- A. Preserve the character and quality of life in Town neighborhoods and business areas.
- B. Control such documented harmful and adverse secondary effects of adult uses on the surrounding areas as: decreased property values; attraction of transients; parking and traffic problems; increased crime (including prostitution, rape and assaults in the vicinity of such uses); loss of business for surrounding nonadult businesses; and deterioration of neighborhood quality.
- C. Maintain property values.
- D. Prevent crime.
- E. Protect retail trade.
- F. Restrict minors' access to adult uses.
- G. Maintain the general welfare and safety for Town of Perinton residents.

§ 67-2. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

ADULT

Any person 18 years of age or older. (A minor is any person under the age of 18.)

ADULT BOOKSTORE

An establishment having as a substantial or significant portion of its stock-in-trade books, magazines, videos, computer software, other periodicals, films or viewing on the premises, by use of motion-picture devices or any other coin-operated means, and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or male or female genitalia,

anatomical areas or an establishment with a segment or section devoted to the sale or display of such material, and which establishment customarily excludes any minor by virtue of age.

ADULT ENTERTAINMENT CABARET

A public or private establishment, or any part thereof, which presents any of the following entertainments or services on one or more occasions for observation by patrons therein and which is operated for profit: topless female dancers; strippers; male or female impersonators; exotic dancers; topless waitressing, bussing or service; or service or entertainment where the servers or entertainers wear pasties or G-strings, or both. Adult entertainment cabarets customarily exclude minors by reason of age.

ADULT MOTEL

A motel which is not open to the public generally but excludes minors by reason of age, or which makes available to its patrons in their rooms films, slide shows or videotapes, which if presented in a public movie theater would not be open to the public generally but would exclude any minor by reason of age.

ADULT THEATER

A theater that customarily presents motion pictures, films, videotapes or slide shows, that is open to the public generally but excludes any minor by reason of age.

ADULT USES

Includes all of the uses defined in § 67-2 and other such similar uses.

HOOKAH BAR

Any facility or location whose business operation, whether as its primary use or as an ancillary use, includes the smoking of tobacco or other substances through one or more hookah pipes (also commonly referred to as a "hookah," "waterpipe," "shisha" or "narghile"); including, but not limited to, establishments known variously as "hookah bars," "hookah lounges" or "hookah cafes."

MASSAGE ESTABLISHMENT

Any establishment having a fixed place of business where massages are administered for pay, including but not limited to massage parlors, sauna baths and steam baths. This definition shall not be construed to include a hospital, nursing home or medical clinic or the office of a physician, surgeon, chiropractor, osteopath or duly licensed physical therapist or barbershops or beauty salons in which massages are administered only to the scalp, face, neck or shoulders. This definition also shall exclude health clubs which have facilities for physical exercise, such as tennis courts, racquetball courts or exercise rooms, and which do not receive their primary source of revenue through the administration of massages.

PEEP SHOWS

A theater which presents material in the form of live shows, films or videotapes, viewed from an individual enclosure, for which a fee is charged and which is not open to the public generally but excludes any minor by reason of age.

PERSON

Any person, firm, partnership, corporation, association or legal representative acting individually or jointly.

SMOKE OR VAPE/VAPING/VAPOR SHOP

Retail stores and shops specializing in selling tobacco, vape and similar nicotine products, and delivery systems related to those products, with 50% or more of gross revenues comprised from the sale of said products.

§ 67-3. Local restrictions.

Adult uses, as set forth in § 67-2, including but not limited to adult bookstores, adult entertainment cabarets, adult motels, adult theaters, massage establishments and peep shows, shall be permitted, subject to the following restrictions.

- A. No such adult use shall be allowed within 500 feet of another existing adult use.

- B. No such adult use shall be located within 500 feet of the boundaries of any zoning district which is zoned for residential uses (those zones are designated as Residential AA, A, B, C, Residential Sensitive, Residential Transitional 1-2-5 and 2-5 and Townhouse and Apartment).
- C. No such adult use shall be located within 1,000 feet of recreational facilities, a preexisting school, place of worship, cemetery, park or playground or other area where large numbers of minors travel or congregate.
- D. Adult uses may be located only in an Industrial District.
- E. The distance set forth in Subsection **A** is to be measured from building to building. The distances set forth in Subsections **B** and **C** shall be measured from one property boundary line to another property boundary line.

§ 67-4. Registration required; application.

- A. The owner of a building or premises, his agent for the purpose of managing or controlling or collecting rents or any other person managing or controlling a building or premises, any part of which contains an adult use, shall register the following information with the Town Clerk of the Town of Perinton:
 - (1) The address of the premises.
 - (2) The name and address of the owner of the premises and the names and addresses of the beneficial owners if the property is in a land trust.
 - (3) The name of the business or the establishment subject to the provisions of this chapter.
 - (4) The name(s) and addresses of the owner, the beneficial owner and the major stockholder(s) of the business or the establishment subject to the provisions of this chapter.
 - (5) The date of initiation of the adult use.
 - (6) The nature of the adult use.
 - (7) If the premises or building is leased, a copy of said lease.
- B. It is a violation of this chapter for the owner or person in control of any property to establish or operate thereon or to permit any person to establish or operate thereon an adult use without having properly registered said adult use with the Town Clerk.

§ 67-5. Display of registration.

The owner, manager or agent of a registered adult use shall display in a conspicuous place on the premises of the adult use a copy of the registration filed with the Town Clerk.

§ 67-6. Prohibition regarding public observance.

No adult use shall be conducted in any manner that permits the observation of any material depicting, describing or relating to human genitalia, the pubic region, buttocks or female breasts from any public right-of-way or from any property not registered as an adult use. This provision shall apply to any display, decoration, sign, show window or other building opening.

§ 67-7. Penalties for offenses.

Any person committing an offense against any provision of this chapter shall, upon conviction thereof, be guilty of a violation pursuant to the Penal Law of the State of New York, punishable pursuant to Chapter **115**,

Enforcement Procedures, of the Town Code. Each day that such violation continues shall constitute a separate offense.

§ 67-8. Continuation of offense.

The continuation of an offense against the provisions of this chapter shall constitute a separate and distinct violation hereunder for each day.