

ORDINANCE NO.112

AN ORDINANCE OF THE CITY OF WASHBURN, NORTH DAKOTA PERTAINING TO LICENSING ADULT ENTERTAINMENT CENTERS AND ASSOCIATED MECHANICAL AMUSEMENT DEVICES.

BE IT ORDAINED BY THE BOARD OF CITY COMMISSIONERS OF THE CITY OF WASHBURN, NORTH DAKOTA.

Section 1. Legislative Intent and Purpose.

The purpose of this ordinance is to recognize and to provide for the fact that the operation of mechanical amusement devices which depict or display specified sexual activities or specified anatomical areas results in increased enforcement problems for the city and additional expense to the city that justifies a higher license fee for these devices than for other mechanical amusement devices. This follows because it is not immediately possible to distinguish between constitutionally protected non-obscene depictions or portrayals of explicit sexual conduct, on one hand, from non-constitutionally protected obscene portrayals of sexual conduct on the other hand. This necessitates greater police vigilance to assure that the lawful business of displaying non-obscene portrayals or depictions of sexual conduct is not used inadvertently or by design as the means of unlawfully displaying or depicting obscenity. In order to recoup some of the costs thus imposed on the city it is appropriate that there be imposed on the persons who profit from such devices some of the costs of insuring that the devices are used only lawfully.

Section 2. The Fees Shall Include the Following:

Adult Entertainment Center as defined in Ordinance No. of the City of Washburn, North Dakota, as follows:

- (1) Each entertainment center \$6,000.00
- (2) Each mechanical amusement device used on a regular basis to depict or display specified anatomical areas or specified sexual activities \$1,500.00
  - (a) The terms specified anatomical areas and specified sexual activities as herein are defined in Ordinance No.111 of the City of Washburn, North Dakota, as amended;
  - (b) The owner of the mechanical amusement device shall furnish a complete list of all devices owned or operated subject to licensing with an indication thereon of the location of each machine and a list of all films used and date of any film replacement during the licensing period;

- (c) A "mechanical amusement device" is a machine which, upon insertion of a coin or the payment of consideration, operates or may be operated for use as a game, contest, or amusement of any description, one which depicts, displays, or projects directly or indirectly, pictures, photographs or other visual images;
- (d) The fees provided for herein shall be payable on July 1 of each year. No fees shall be pro-rated.

Section 3. Taking Effect.

This ordinance shall be in full force and effect from and after its final passage and adoption.

1st Reading-----February 17, 1981  
2nd Reading-----March 2, 1981  
Passed-----March 2, 1981

APPROVED: Robert Gregoire PRESIDENT

ATTEST: Wayne E. Carr AUDITOR