

# ASSEMBLY, No. 757

## STATE OF NEW JERSEY 219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

**Sponsored by:**

**Assemblyman BRIAN E. RUMPF**

**District 9 (Atlantic, Burlington and Ocean)**

**Assemblywoman DIANNE C. GOVE**

**District 9 (Atlantic, Burlington and Ocean)**

**Assemblyman JOHN F. MCKEON**

**District 27 (Essex and Morris)**

**Co-Sponsored by:**

**Assemblywoman Lampitt**

**SYNOPSIS**

Revises law concerning sexually oriented businesses.

**CURRENT VERSION OF TEXT**

Introduced Pending Technical Review by Legislative Counsel.



1 AN ACT concerning the regulation of sexually oriented businesses,  
2 amending and supplementing P.L.1995, c.230 and amending  
3 various sections of statutory law.  
4

5 **BE IT ENACTED** by the Senate and General Assembly of the State  
6 of New Jersey:

7  
8 1. (New section) This act shall be known and may be cited as  
9 the "Defense of Community Standards Act."  
10

11 2. (New section) The Legislature finds and declares:  
12 Sexually oriented businesses require special supervision from the  
13 public safety agencies of this State in order to protect and preserve  
14 the health, safety, morals and welfare of the patrons, contractors  
15 and employees of these businesses, as well as the residents of the  
16 State;

17 There is convincing documented evidence that sexually oriented  
18 businesses, because of their very nature, have a deleterious effect on  
19 both the existing businesses around them and the surrounding  
20 residential areas adjacent to them and contribute to increased crime,  
21 particularly in the overnight hours, and the downgrading of property  
22 values;

23 The Legislature desires to minimize and control these adverse  
24 effects in order to protect the health, safety and welfare of the  
25 State's residents, to protect the State's residents from increased  
26 crime, to preserve the quality of life, local property values and the  
27 character of neighborhoods surrounding sexually oriented  
28 businesses, and to deter the spread of blight;

29 The reduction of crime and the preservation of the aesthetic and  
30 commercial character of the neighborhoods surrounding sexually  
31 oriented businesses is substantially in the public interest, so it is  
32 appropriate for the Legislature to provide municipalities with the  
33 authority to exert limited controls on the time, place and manner of  
34 their operation.  
35

36 3. Section 3 of P.L.1995, c.230 (C.2C:34-7) is amended to read  
37 as follows:

38 3. a. Except as provided in a municipal zoning ordinance  
39 adopted pursuant to N.J.S.2C:34-2, no person shall operate a  
40 sexually oriented business within **[1,000]** 2,500 feet of any existing  
41 sexually oriented business, or any church, synagogue, temple or  
42 other place of public worship, or any elementary or secondary  
43 school or any school bus stop, or any municipal or county  
44 playground or place of public resort and recreation, or any hospital  
45 or any child care center, or within **[1,000]** 2,500 feet of any area

**EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.**

**Matter underlined thus is new matter.**

1 zoned for residential use. This subsection shall not apply to a  
2 sexually oriented business already lawfully operating on the  
3 effective date of this act where another sexually oriented business,  
4 an elementary or secondary school or school bus stop, or any  
5 municipal or county playground or place of public resort and  
6 recreation, or any hospital or any child care center, is subsequently  
7 established within ~~【1,000】~~ 2,500 feet, or a residential district or  
8 residential lot is subsequently established within ~~【1,000】~~ 2,500  
9 feet.

10 b. Every sexually oriented business shall be surrounded by a  
11 perimeter buffer of at least 50 feet in width with plantings, fence, or  
12 other physical divider along the outside of the perimeter sufficient  
13 to impede the view of the interior of the premises in which the  
14 business is located. The municipality may, by ordinance, require  
15 the perimeter buffer to meet additional requirements or standards.  
16 This subsection shall not apply to a sexually oriented business  
17 already lawfully operating on the effective date of this act.

18 c. No sexually oriented business shall display more than two  
19 exterior signs, consisting of one identification sign and one sign  
20 giving notice that the premises are off limits to minors. The  
21 identification sign shall be no more than 40 square feet in size.

22 d. A person who violates this section is guilty of a crime of the  
23 fourth degree.

24 (cf: P.L.1999, c.41, s.1)

25

26 4. R.S.40:48-1 is amended to read as follows:

27 40:48-1. Ordinances; general purpose. The governing body of  
28 every municipality may make, amend, repeal and enforce  
29 ordinances to:

30 Finances and property. 1. Manage, regulate and control the  
31 finances and property, real and personal, of the municipality;

32 Contracts and contractor's bonds. 2. Prescribe the form and  
33 manner of execution and approval of all contracts to be executed by  
34 the municipality and of all bonds to be given to it;

35 Officers and employees; duties, terms and salaries. 3. Prescribe  
36 and define, except as otherwise provided by law, the duties and  
37 terms of office or employment, of all officers and employees; and to  
38 provide for the employment and compensation of such officials and  
39 employees, in addition to those provided for by statute, as may be  
40 deemed necessary for the efficient conduct of the affairs of the  
41 municipality;

42 Fees. 4. Fix the fees of any officer or employee of the  
43 municipality for any service rendered in connection with his office  
44 or position, for which no specific fee or compensation is provided.  
45 In the case of salaried officers or employees, such fee shall be paid  
46 into the municipal treasury;

47 Salaries instead of fees; disposition of fees. 5. Provide that any  
48 officer or employee receiving compensation for his services, in

1 whole or in part by fees, whether paid by the municipality or  
2 otherwise, shall be paid a salary to be fixed in the ordinance, and  
3 thereafter all fees received by such officer or employee shall be  
4 paid into the municipal treasury;

5 Maintain order. 6. Prevent vice, drunkenness and immorality; to  
6 regulate sexually oriented businesses, as defined in section 2 of  
7 P.L.1995, c.167 (C.2C:12-2), in compliance with all constitutional  
8 requirements; to preserve the public peace and order; to prevent and  
9 quell riots, disturbances and disorderly assemblages; to prohibit the  
10 consumption of alcoholic beverages by underage persons on private  
11 property pursuant to section 1 of P.L.2000, c.33 (C.40:48-1.2);

12 Punish beggars; prevention of loitering. 7. Restrain and punish  
13 drunkards, vagrants, mendicants and street beggars; to prevent  
14 loitering, lounging or sleeping in the streets, parks or public places;

15 Auctions and noises. 8. Regulate the ringing of bells and the  
16 crying of goods and other commodities for sale at auction or  
17 otherwise, and to prevent disturbing noises;

18 Swimming; bathing costume; prohibition of public nudity. 9.  
19 Regulate or prohibit swimming or bathing in the waters of, in, or  
20 bounding the municipality, and to regulate or prohibit persons from  
21 appearing upon the public streets, parks and places clad in bathing  
22 costumes or robes, or costumes of a similar character; regulate or  
23 prohibit persons from appearing in a state of nudity upon all lands  
24 within its borders which are under the jurisdiction of the State  
25 including, without limitation, all lands owned by, controlled by,  
26 managed by or leased by the State;

27 Prohibit annoyance of persons or animals. 10. Regulate or  
28 prohibit any practice tending to frighten animals, or to annoy or  
29 injure persons in the public streets;

30 Animals; pounds; establishment and regulation. 11. Establish  
31 and regulate one or more pounds, and to prohibit or regulate the  
32 running at large of horses, cattle, dogs, swine, goats and other  
33 animals, and to authorize their impounding and sale for the penalty  
34 incurred, and the costs of impounding, keeping and sale; to regulate  
35 or prohibit the keeping of cattle, goats or swine in any part of the  
36 municipality; to authorize the destruction of dogs running at large  
37 therein;

38 Hucksters. 12. Prescribe and regulate the place of vending or  
39 exposing for sale articles of merchandise from vehicles;

40 Building regulations; wooden structures. 13. Regulate and  
41 control the construction, erection, alteration and repair of buildings  
42 and structures of every kind within the municipality; and to  
43 prohibit, within certain limits, the construction, erection or  
44 alteration of buildings or structures of wood or other combustible  
45 material;

46 Inflammable materials; inspect docks and buildings. 14.  
47 Regulate the use, storage, sale and disposal of inflammable or  
48 combustible materials, and to provide for the protection of life and

1 property from fire, explosions and other dangers; to provide for  
2 inspections of buildings, docks, wharves, warehouses and other  
3 places, and of goods and materials contained therein, to secure the  
4 proper enforcement of such ordinance;

5 Dangerous structures; removal or destruction; procedure. 15.  
6 Provide for the removal or destruction of any building, wall or  
7 structure which is or may become dangerous to life or health, or  
8 might tend to extend a conflagration; and to assess the cost thereof  
9 as a municipal lien against the premises;

10 Chimneys and boilers. 16. Regulate the construction and setting  
11 up of chimneys, furnaces, stoves, boilers, ovens and other  
12 contrivances in which fire is used;

13 Explosives. 17. Regulate, in conformity with the statutes of this  
14 State, the manufacture, storage, sale, keeping or conveying of  
15 gunpowder, nitroglycerine, dynamite and other explosives;

16 Firearms and fireworks. 18. Regulate and prohibit the sale and  
17 use of guns, pistols, firearms, and fireworks of all descriptions;

18 Soft coal. 19. Regulate the use of soft coal in locomotives,  
19 factories, power houses and other places;

20 Theaters, schools, churches and public places. 20. Regulate the  
21 use of theaters, cinema houses, public halls, schools, churches, and  
22 other places where numbers of people assemble, and the exits  
23 therefrom, so that escape therefrom may be easily and safely made  
24 in case of fire or panic; and to regulate any machinery, scenery,  
25 lights, wires and other apparatus, equipment or appliances used in  
26 all places of public amusement;

27 Excavations. 21. Regulate excavations below the established  
28 grade or curb line of any street, not greater than eight feet, which  
29 the owner of any land may make, in the erection of any building  
30 upon his own property; and to provide for the giving of notice, in  
31 writing, of such intended excavation to any adjoining owner or  
32 owners, and that they will be required to protect and care for their  
33 several foundation walls that may be endangered by such  
34 excavation; and to provide that in case of the neglect or refusal, for  
35 10 days, of such adjoining owner or owners to take proper action to  
36 secure and protect the foundations of any adjacent building or other  
37 structure, that the party or parties giving such notice, or their  
38 agents, contractors or employees, may enter into and upon such  
39 adjoining property and do all necessary work to make such  
40 foundations secure, and may recover the cost of such work and  
41 labor in so protecting such adjacent property; and to make such  
42 further and other provisions in relation to the proper conduct and  
43 performance of said work as the governing body or board of the  
44 municipality may deem necessary and proper;

45 Sample medicines. 22. Regulate and prohibit the distribution,  
46 depositing or leaving on the public streets or highways, public  
47 places or private property, or at any private place or places within  
48 any such municipality, any medicine, medicinal preparation or

1 preparations represented to cure ailments or diseases of the body or  
2 mind, or any samples thereof, or any advertisements or circulars  
3 relating thereto, but no ordinance shall prohibit a delivery of any  
4 such article to any person above the age of 12 years willing to  
5 receive the same;

6 Boating. 23. Regulate the use of motor and other boats upon  
7 waters within or bounding the municipality;

8 Fire escapes. 24. Provide for the erection of fire escapes on  
9 buildings in the municipality, and to provide rules and regulations  
10 concerning the construction and maintenance of the same, and for  
11 the prevention of any obstruction thereof or thereon;

12 Care of injured employees. 25. Provide for the payment of  
13 compensation and for medical attendance to any officer or  
14 employee of the municipality injured in the performance of his  
15 duty;

16 Bulkheads and other structures. 26. Fix and determine the lines  
17 of bulkheads or other works or structures to be erected, constructed  
18 or maintained by the owners of lands facing upon any navigable  
19 water in front of their lands, and in front of or along any highway or  
20 public lands of said municipality, and to designate the materials to  
21 be used, and the type, height and dimensions thereof;

22 Lifeguard. 27. Establish, maintain, regulate and control a  
23 lifeguard upon any beach within or bordering on the municipality;

24 Appropriation for life-saving apparatus. 28. Appropriate  
25 moneys to safeguard people from drowning within its borders, by  
26 location of apparatus or conduct of educational work in harmony  
27 with the plans of the United States volunteer life-saving corps in  
28 this State;

29 Fences. 29. Regulate the size, height and dimensions of any  
30 fences between the lands of adjoining owners, whether built or  
31 erected as division or partition fences between such lands, and  
32 whether the same exist or be erected entirely or only partly upon the  
33 lands of any such adjoining owners, or along or immediately  
34 adjacent to any division or partition line of such lands. To provide,  
35 in such ordinance, the manner of securing, fastening or shoring such  
36 fences, and for surveying the land when required by statute, and to  
37 prohibit in any such ordinance the use at a height of under 10 feet  
38 from the ground, of any device, such as wire or cable, that would be  
39 dangerous to pedestrians, equestrians, bicyclists, or drivers of off-  
40 the-road vehicles, unless that device is clearly visible to pedestrians,  
41 equestrians, bicyclists or drivers of off-the-road vehicles. In the  
42 case of fences thereafter erected contrary to the provisions thereof,  
43 the governing body may provide for a penalty for the violation of  
44 such ordinance, and in the case of such fence or fences erected or  
45 existing at the time of the passage of any such ordinance, may  
46 provide therein for the removal, change or alteration thereof, so as  
47 to make such fence or fences comply with the provisions of any  
48 such ordinance;

1       Advertise municipality. 30. Appropriate funds for advertising  
2 the advantages of the municipality;

3       Government Energy Aggregation Programs. 31. Establish  
4 programs and procedures pursuant to which the municipality may  
5 act as a government aggregator pursuant to sections 40 through 43  
6 of P.L.1999,c.23 (C.48:3-89 through C.48:3-92), section 45 of  
7 P.L.1999, c.23 (C.48:3-94), and sections 1, 2 and 6 of P.L.2003,  
8 c.24 (C.48:3-93.1 through C.48:3-93.3). Notwithstanding the  
9 provisions of any other law, rule or regulation to the contrary, a  
10 municipality acting as a government aggregator pursuant to  
11 P.L.1999, c.23 (C.48:3-49 et al.) shall not be deemed to be a public  
12 utility pursuant to R.S.40:62-24 or R.S.48:1-1 et seq. or be deemed  
13 to be operating any form of public utility service pursuant to  
14 R.S.40:62-1 et seq., to the extent such municipality is solely  
15 engaged in the provision of such aggregation service and not  
16 otherwise owning or operating any plant or facility for the  
17 production or distribution of gas, electricity, steam or other product  
18 as provided in R.S.40:62-12;

19       Joint municipal action on consent for the provision of cable  
20 television service. 32. Establish programs and procedures pursuant  
21 to which a municipality may act together with one or more  
22 municipalities in granting municipal consent for the provision of  
23 cable television service pursuant to the provisions of the "Cable  
24 Television Act," P.L.1972, c.186 (C.48:5A-1 et seq.) as amended  
25 and supplemented. Notwithstanding the provisions of any other  
26 law, rule or regulation to the contrary, two or more municipalities  
27 acting jointly pursuant to the provisions of P.L.1972, c.186  
28 (C.48:5A-1 et seq.) shall not be deemed a public utility pursuant to  
29 R.S.48:1-1 et seq., to the extent those municipalities are solely  
30 engaged in granting municipal consent jointly and are not otherwise  
31 owning or operating any facility for the provision of cable  
32 television service as provided in P.L.1972, c.186 (C.48:5A-1 et  
33 seq.);

34       Private cable television service aggregation programs. 33.  
35 Establish programs and procedures pursuant to which a  
36 municipality may employ the services of a private aggregator for  
37 the purpose of facilitating the joint action of two or more  
38 municipalities in granting municipal consent for the provision of  
39 cable television service provided that any such municipality shall  
40 adhere to the provisions of the "Cable Television Act," P.L.1972,  
41 c.186 (C.48:5A-1 et seq.) as amended and supplemented, and to the  
42 provisions of the "Local Public Contracts Law," P.L.1971, c.198  
43 (C.40A:11-1 et seq.) as amended and supplemented.  
44 Notwithstanding the provisions of any other law, rule or regulation  
45 to the contrary, a municipality that employs the services of a private  
46 aggregator pursuant to the provisions of P.L.1972, c.186 (C.48:5A-  
47 1 et seq.) shall not be deemed a public utility pursuant to R.S.48:1-  
48 1 et seq., to the extent that the municipality is solely engaged in

1 employing the services of a private aggregator for the purpose of  
2 facilitating the joint action of two or more municipalities in  
3 granting municipal consent and is not otherwise owning or  
4 operating any facility for the provision of cable television service as  
5 provided in P.L.1972, c.186 (C.48:5A-1 et seq.);

6 Protective Custody. 34. Provide protective custody to persons  
7 arrested for operating a motor vehicle under the influence of  
8 alcoholic beverages, any chemical substance, or any controlled  
9 dangerous substance in violation of R.S.39:4-50 as provided in  
10 section 1 of P.L.2003, c.164 (C.40:48-1.3).

11 (cf: P.L.2003, c.164, s.2)

12

13 5. R.S.40:52-1 is amended to read as follows:

14 40:52-1. The governing body may make, amend, repeal and  
15 enforce ordinances to license and regulate:

16 a. All vehicles used for the transportation of passengers,  
17 baggage, merchandise, and goods and chattels of every kind, and  
18 the owners and drivers of all such vehicles; and the places and  
19 premises in which or at which the different kinds of business or  
20 occupations mentioned herein are carried on and conducted.  
21 Nothing herein contained shall be construed as modifying or  
22 repealing any of the provisions of chapter 4 of Title 48 of the  
23 Revised Statutes (R.S.48:4-1 et seq.);

24 b. Buses, and the owners and drivers of all such vehicles,  
25 and to fix the fees for such licenses, which may be imposed for  
26 revenue, and to prohibit the operation of all such vehicles in the  
27 public streets or places of such municipality, unless such ordinances  
28 are complied with, whether such vehicles are operated over routes  
29 wholly or partly within the territorial limits of such municipality;  
30 the powers conferred by this section shall not be in substitution of  
31 but in addition to whatever other right, power and authority any  
32 such municipality may at any time have as to licensing, regulating,  
33 or control of the operation of such buses, commonly called  
34 jitneys, and this section shall not be construed as modifying or  
35 repealing any of the provisions of chapter 4 (R.S.48:4-1 et seq.) or  
36 article 3 of chapter 16 (R.S.48:16-23 et seq.) of Title 48 of the  
37 Revised Statutes;

38 c. Cartmen, expressmen, baggagemen, porters, common criers,  
39 hawkers, peddlers, employment agencies, pawnbrokers, junk shop-  
40 keepers, junk dealers, motor vehicle junk dealers, street sprinklers,  
41 bill posters, bill tackers, sweeps, scavengers, itinerant vendors of  
42 merchandise, medicines and remedies; and the places and premises  
43 in which or at which the different kinds of business or occupations  
44 mentioned herein are conducted and carried on;

45 d. Hotels, boardinghouses, lodging and rooming houses, trailer  
46 camps and camp sites, motels, furnished and unfurnished rented  
47 housing or living units and all other places and buildings used for



- 1 sleeping and lodging purposes, and the occupancy thereof,  
2 restaurants and all other eating places, and the keepers thereof;
- 3 e. Automobile garages, dealers in second-hand motor vehicles  
4 and parts thereof, bathhouses, swimming pools, and the keepers  
5 thereof;
- 6 f. Theatres, cinema and show houses, opera houses, concert  
7 halls, dance halls, pool or billiard parlors, bowling alleys, exhibition  
8 grounds, and all other places of public amusement, circuses and  
9 traveling or other shows, plays, dances, exhibitions, concerts,  
10 theatrical performances, and all street parades in connection  
11 therewith, and sexually oriented businesses as defined in section 2  
12 of P.L.1995, c.167 (C.2C:33-12.2), including employees and  
13 independent contractors performing therein;
- 14 g. Lumber and coal yards, stores for the sale of meats,  
15 groceries and provisions, dry goods and merchandise, and goods  
16 and chattels of every kind, and all other kinds of business conducted  
17 in the municipality other than herein mentioned, and the places and  
18 premises in or at which the business is conducted and carried on;  
19 street stands for the sale or distribution of newspapers, magazines,  
20 periodicals, books, and goods and merchandise or other articles;
- 21 h. Street signs and other objects projecting beyond the building  
22 line, into or over any public street or highway;
- 23 i. Auctioneers and their business, whether the auctioneers be  
24 real estate brokers engaged in selling at auction or real estate  
25 auctioneers licensed by the New Jersey Real Estate Commission;  
26 fix their fees, and license and regulate public auctions; make such  
27 regulations as the governing body of the municipality shall deem  
28 necessary, to protect the public against fraud at public auction sales,  
29 and for the safety and protection of the property of the municipality  
30 and its inhabitants, including the power to require from auctioneers  
31 a bond to the municipality, not exceeding the penal sum of  
32 \$5,000.00, conditioned as the governing body shall require;
- 33 j. Sales of goods, wares and merchandise to be advertised, held  
34 out or represented, or which are advertised, held out or represented,  
35 to the public, by any means, directly or by implication, as forced  
36 sales at reduced prices or as insurance, bankruptcy, mortgage  
37 foreclosure, insolvency, removal, loss or expiration of lease or  
38 closing out sales, or as assignees', receivers' or trustees' sales or as  
39 sales of goods distrained or as sales of goods damaged by fire,  
40 smoke or water, except any sale which is to be held under a judicial  
41 order, judgment or decree or a writ issuing out of any court or to  
42 enforce any lawful lien or power of sale whether by judicial process  
43 or not or by a licensed auctioneer; to make such regulations  
44 governing the advertisement, holding out or representing to the  
45 public of such sales, and the conduct thereof, as the governing body  
46 of the municipality shall deem necessary to protect the public  
47 against fraud; to prohibit the advertising, holding out or  
48 representing to the public of any sale as being of the character

1 above described which is not of such character and to fix license  
2 fees for the conduct of such sales and to impose penalties for the  
3 violation of any such ordinance;

4 k. (Deleted by amendment, P.L.1997, c.320.)

5 l. (Deleted by amendment, P.L.1984, c.205.)

6 m. The rental of real property for commercial purposes wherein  
7 the lease is for a term less than 175 consecutive days. No ordinance  
8 adopted pursuant to this subsection shall apply to any lease or  
9 occupancy which results from a tenant holding over at the  
10 expiration or early termination of a lease with an original term in  
11 excess of 175 consecutive days, regardless of whether the holdover  
12 is month-to-month or for some other term of less than 175  
13 consecutive days; and

14 n. The rental of real property for a term less than 175  
15 consecutive days for residential purposes by a person having a  
16 permanent place of residence elsewhere.

17 Nothing in this chapter contained shall be construed to authorize  
18 or empower the governing body of any municipality to license or  
19 regulate any person holding a license or certificate issued by any  
20 department, board, commission, or other agency of the State;  
21 provided, however, that the governing body of a municipality may  
22 make, amend, repeal and enforce ordinances to license and regulate  
23 real estate auctioneers or real estate brokers engaged in selling at  
24 auction and their business as provided in this section despite the  
25 fact that such real estate auctioneers or brokers may be licensed by  
26 the New Jersey Real Estate Commission and notwithstanding the  
27 provisions of this act or any other act.

28 (cf: P.L.1997, c.320, s.1)

29

30 6. (New section) The governing body of a municipality may,  
31 by ordinance pursuant to the provisions of R.S.40:48-1, regulate the  
32 time, place and manner of operation of a sexually oriented business.  
33 The governing body of a municipality may also require the  
34 licensure of a sexually oriented business and its employees and  
35 independent contractors pursuant to the provisions of R.S.40:52-1.

36 For the purposes of this section, "time, place and manner of  
37 operation" shall mean the hours of operation of a sexually oriented  
38 business, the interior configuration of the business, including the  
39 distance between certain performers and patrons, and the degree of  
40 allowable nudity to be demonstrated by the performers employed by  
41 the business. For the purposes of this section, "performer" means  
42 an employee or an independent contractor.

43

44 7. (New section) A sexually oriented business, as defined in  
45 section 2 of P.L.1995, c.167 (C.2C:33-12.2), shall close no later  
46 than 11:00 P.M. and shall maintain a distance of not less than six  
47 feet between its performers and patrons at all times, unless the  
48 governing body of the municipality in which a sexually oriented

1 business is located, by ordinance, sets a later closing time and a  
2 shorter distance between the performers and patrons.

3

4 8. This act shall take effect immediately.

5

6

7

STATEMENT

8

9 This bill would amend current law to prohibit the operation of a  
10 sexually oriented business within 2,500 feet, increased from the  
11 current 1,000 feet, of any existing sexually oriented business, any  
12 church, synagogue, temple or other place of public worship, any  
13 elementary or secondary school or any school bus stop, any  
14 municipal or county playground or place of public resort and  
15 recreation, or any hospital or any child care center, or within 2,500  
16 feet of any area zoned for residential use.

17 This bill would also authorize the governing body of a  
18 municipality, by ordinance, to regulate the time, place and manner  
19 of operation of a sexually oriented business, and to require the  
20 licensure of a sexually oriented business and its employees,  
21 including independent contractors.

22 Under the bill, “time, place and manner of operation” shall mean  
23 the hours of operation of a sexually oriented business, the interior  
24 configuration of the business, including the distance between  
25 certain employees and patrons, and the degree of allowable nudity  
26 to be demonstrated by the performers employed by the business.

27 The bill also requires that a sexually oriented business shall close  
28 no later than 11:00 P.M. and shall maintain a distance of not less  
29 than six feet between its performers and patrons at all times, unless  
30 the governing body of the municipality in which a sexually oriented  
31 business is located, by ordinance, sets a later closing time and a  
32 shorter distance between the performers and patrons.