

**COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND**  
**SITTING AS THE DISTRICT COUNCIL**

**1997 Legislative Session**

Bill No.	<u>CB-88-1997</u>
Chapter No.	<u>66</u>
Proposed and Presented by	<u>Council Member Maloney</u>
Introduced by	<u>Council Member Maloney</u>
Co-Sponsors	
Date of Introduction	<u>October 7, 1997</u>

**ZONING BILL**

AN ORDINANCE concerning

Adult Book Store

For the purpose of amending the definition of Adult Book Store to provide for consistency in all sections of the Zoning Ordinance, and amending the enforcement provisions to permit the Police Department to take appropriate action against violators of the Adult Book Store regulations.

BY repealing and reenacting with amendments:

Sections 27-107.01(a)(6), 27-264, and 27-902,  
The Zoning Ordinance of Prince George's County, Maryland,  
being also  
SUBTITLE 27. ZONING.  
The Prince George's County Code  
(1995 Edition, 1996 Supplement).

SECTION 1. BE IT ENACTED by the County Council of Prince George's County, Maryland, sitting as the District Council for that part of the Maryland-Washington Regional District in Prince George's County, Maryland, that Sections 27-107.01, 27-264 and 27-902 of the Zoning Ordinance of Prince George's County, Maryland, being also Subtitle 27 of the Prince George's County Code, be and the same are hereby repealed and reenacted with the following amendments:

**SUBTITLE 27. ZONING.**  
**PART 2. GENERAL.**  
**DIVISION 1. DEFINITIONS.**

**Sec. 27-107.01. Definitions.**

(a) Terms in the Zoning Ordinance are defined as follows:

\* \* \* \* \*

(6) **Adult Book Store:** Any commercial establishment, which does not otherwise qualify as a theater or nonprofit free-lending library, that either:

(A) Has [five] ten percent ([5]10%) or more of its stock on the premises, or has [five] ten percent ([5]10%) or more of its stock on display, in books, periodicals, photographs, drawings, sculpture, motion pictures, films, or other visual representations which depict sadomasochistic abuse, sexual conduct, or sexual excitement, as defined by Article 27, Section 416A of the Annotated Code of Maryland; or

(B) Has on the premises one (1) or more mechanical devices for viewing such materials.

\* \* \* \* \*

**PART 3. ADMINISTRATION**  
**DIVISION 8. ENFORCEMENT**

**Sec. 27-264. Enforcement procedures.**

(a) Erection of building or structure.

(1) When it determines that a violation of this Subtitle has occurred with respect to the erection of a building or other structure, the Department shall order the work to stop and shall post the building or structure with a "Stop Work" order form. The owner or builder shall also be given formal written notice of the "Stop Work" order. No work shall proceed after posting, except to correct the violation and continue in full compliance with the provisions of this Subtitle. If the work does not stop, or corrective action has not been completed within five (5) business days of posting (or another greater grace period determined by the Department), the Department shall take appropriate action against the violator.

(b) Use.

(1) When it determines that a violation of this Subtitle has occurred with respect to the use of any building, structure, or land, or there is a failure to obtain a use and occupancy permit, with the exception of violations of Section 27-261(b),(c),(d),(h), and (j), the Department shall serve notice (on the form provided) upon the owner, general agent, or lessee of the building, structure, or land, directing that the violation cease. If, at the expiration of five (5) business days of the notice (or another greater period determined by the Department), the violation has not ceased, the Department shall take appropriate action against the violator. If it is not possible to serve the notice, the building, structure, or land shall be posted with the notice.

(2) When it determines that a violation of Section 27-261(b),(c),(d),(h), or (j) has occurred with respect to the use of any building, structure, or land, the Department shall serve notice (on the form provided) upon the owner, general agent, or lessee of the building, structure, or land, and upon the person, firm, or corporation conducting the activities, directing that the violation cease. If, at the expiration of forty-eight (48) hours of the notice, the violation has not ceased or a temporary use and occupancy permit has not been issued, the Department of Environmental Resources shall notify the Police Department to take appropriate action against the violator, as set forth below.

(A) A police officer shall direct the violator to remove all goods and equipment from the property. If the violator fails to obey said direction and continues in violation of this Subtitle, the equipment and goods shall be removed by the Department of Environmental Resources and taken to a designated County facility.

(B) Goods and equipment removed pursuant to this provision may be claimed by their owner on the next business day or within fifteen (15) days thereafter upon payment of any fine which has not been appealed. Any goods or equipment not claimed by the owner within fifteen (15) days shall be deemed abandoned and shall become the property of the County.

(C) The Department of Environmental Resources shall have no responsibility to preserve or protect any equipment or goods removed under this section.

(D) A violation notice issued for the conducting of activities without a temporary

use and occupancy permit shall serve as notice of a continuing violation by those persons at the subject site or any other site within the County, and no further notice of violation need be issued prior to utilizing the procedures in subparagraphs (A) and (B), above.

(3) When it determines that a violation of Part 16 has occurred with respect to the use of any building, structure or land for an Adult Book Store, the Department shall serve notice (on the form provided) upon the owner, general agent, or lessee of the building, structure, or land, and upon the person, firm, or corporation conducting the activities, directing that the violation cease. If, at the expiration of forty-eight (48) hours of the notice, the violation has not ceased, the Department shall notify the Police Department to take appropriate action against the violator, as set forth below.

(A) A police officer may direct the violator to discontinue operation as an Adult Book Store.

(B) If the violation continues, the violator shall be deemed to be guilty of a misdemeanor and, upon conviction thereof, shall be subject to a fine not exceeding Five Hundred Dollars (\$500.00), or imprisonment in jail for a period of not more than six (6) months, or both such fine and imprisonment.

(c) Repeated violation.

(1) A grace period for correction of a civil violation need not be given in the case of a subsequent, repeated violation of the same provision of this Subtitle by the same violator. A "repeated violation," for the purposes of this subsection, may take place at a location which is identical to or different from the first violation. If it determines that a repeated violation has occurred, the Department may immediately take appropriate action against the violator.

## **PART 16. ADULT BOOK STORES**

### **Sec. 27-902. Definitions.**

(a) An adult book store is any commercial establishment which does not otherwise qualify as a theater or nonprofit, free-lending library and which either:

(1) Has ten percent (10%) or more of [the value of] its stock on the premises, or has ten percent (10%) or more [of the value] of its stock on display, in books, periodicals,

photographs, drawings, sculptures, motion pictures, films, or other visual representations which depict sadomasochistic abuse, sexual conduct, or sexual excitement; or

(2) Has on the premises one (1) or more mechanical devices specifically for the purpose, in whole or in part, of viewing such materials.

\* \* \* \* \*

SECTION 2. BE IT FURTHER ENACTED that this Ordinance shall take effect forty-five (45) calendar days after its adoption.

Adopted this 18th day of November, 1997.

COUNTY COUNCIL OF PRINCE GEORGE'S  
COUNTY, MARYLAND, SITTING AS THE  
DISTRICT COUNCIL FOR THAT PART  
OF THE MARYLAND-WASHINGTON  
REGIONAL DISTRICT IN PRINCE  
GEORGE'S COUNTY, MARYLAND

BY:

Dorothy F. Bailey  
Chair

ATTEST:

Joyce T. Sweeney  
Clerk of the Council

KEY:

Underscoring indicates language added to existing law.

[Brackets] indicate language deleted from existing law.

Asterisks \*\*\* indicate intervening existing Code provisions that remain unchanged.