ENROLLED HOUSE
BILL NO. 2028

By: Graves, Coleman, Dank, Miller, Webb, Greenwood and Weese of the House

and

Hendrick of the Senate

An Act relating to cities and towns; defining terms; authorizing municipalities to create certain zoning classification; regulating the location of adult novelty shops; authorizing the continuance of certain businesses; stating measurement criteria; providing for codification; and providing an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 22-109.1 of Title 11, unless there is created a duplication in numbering, reads as follows:

A. As used in this act:

1. "Adult novelty shop" means a commercial establishment that displays, sells, or offers for sale instruments, devices, or paraphernalia designed or marketed primarily for use to stimulate human genital organs or for use in connection with sadomasochistic practices; and

2. "Sadomasochistic practices" means flagellation or torture by or upon a person clothed or naked, or the condition of being fettered, bound, or otherwise physically restrained on the part of one so clothed or naked.

B. The location of an adult novelty shop shall be subject to the nondiscriminatory zoning ordinances of the town or city in which located, and the location of such entities is specifically prohibited within one thousand (1,000) feet of:

1. Any building primarily and regularly used for worship services and religious activities;

2. Any public or private school;

3. Any public park or playground;

4. Any public library; or

5. Any land zoned or used for residential purposes.

Provided, that if any such building used for worship and religious activities, any public or private school, any public park or playground, any public library or any land zoned or used for residential purposes shall be established within one thousand (1,000) feet of any such premises after the premises have been established, this shall not be a bar to the continuation of the business so long as it has been in continuous force and effect. The distance indicated in this subsection shall be measured from the nearest property line of such church or school to the nearest public entrance door of the premises of the adult novelty shop along the street right-of-way line providing the nearest direct route usually traveled by pedestrians between such points. For purposes of

determining measured distance, property situated on the opposite side of the street from such church or school shall be considered as if it were located on the same side of the street with such church or school.

SECTION 2. This act shall become effective November 1, 1997.

Passed the House of Representatives the 15th day of May, 1997.

Speaker of the House of Representatives

Passed the Senate the 15th day of May, 1997.

President of the Senate