

NORTH CAROLINA GENERAL ASSEMBLY
1977 SESSION

CHAPTER 987
HOUSE BILL 961

AN ACT TO REGULATE THE NUMBER OF ADULT ESTABLISHMENTS IN ANY ONE
BUILDING.

The General Assembly of North Carolina enacts:

Section 1. General Statutes Chapter 14 is amended by adding a new Article to read as follows:

"ARTICLE 26A.

"Adult Establishments.

"§ 14-202.10. Definitions. — As used in this Article:

- (a) 'Adult book store' means a book store having as a preponderance of its publications books, magazines, and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas, as defined in this section.
- (b) 'Adult establishment' means an adult book store, adult motion picture theater, adult mini motion picture theater, or a massage business as defined in this section.
- (c) 'Adult motion picture theater' means an enclosed building with a capacity of 50 or more persons used for presenting motion pictures, a preponderance of which are distinguished or characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas, as defined in this section, for observation by patrons therein.
- (d) 'Adult mini motion picture theater' means an enclosed building with a capacity for less than 50 persons used for presenting motion pictures, a preponderance of which are distinguished or characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas, as defined in this section, for observation by patrons therein.
- (e) 'Massage' means the manipulation of body muscle or tissue by rubbing, stroking, kneading, or tapping, by hand or mechanical device.
- (f) 'Massage business' means any establishment or business wherein massage is practiced, including establishments commonly known as health clubs, physical culture studios, massage studios, or massage parlors.
- (g) 'Sexually oriented devices' means without limitation any artificial or simulated specified anatomical area or other device or paraphanalia that is designed in whole or part for specified sexual activities.
- (h) 'Specified anatomical areas' means:
 - (1) less than completely and opaquely covered: a. human genitals, pubic region, b. buttock, or c. female breast below a point immediately above the top of the areola; or
 - (2) human male genitals in a discernibly turgid state, even if completely and opaquely covered.

(i) 'Specified sexual activities' means:

- (1) human genitals in a state of sexual stimulation or arousal;
- (2) acts of human masturbation, sexual intercourse or sodomy; or
- (3) fondling or other erotic touchings of human genitals, pubic regions, buttocks or female breasts.

"§ 14-202.11. Adult establishments. — No building, premises, structure, or other facility that contains any adult establishment shall contain any other kind of adult establishment. No building, premises, structure, or other facility in which sexually oriented devices are sold, distributed, exhibited, or contained shall contain any adult establishment.

"§ 14-202.12. Violations; penalties. — Any person who violates G.S. 14-202.11 shall be guilty of a misdemeanor and shall be imprisoned for a term not to exceed three months or fined an amount not to exceed three hundred dollars (\$300.00), or both, in the discretion of the court. Any person who has been previously convicted of a violation of G.S. 14-202.11, upon conviction for a second or subsequent violation of G.S. 14-202.11, shall be guilty of a misdemeanor and shall be imprisoned for a term not to exceed six months or fined an amount not to exceed five hundred dollars (\$500.00), or both, in the discretion of the court."

Sec. 2. This act shall become effective on January 1, 1978.

In the General Assembly read three times and ratified, this the 1st day of July, 1977.