

CHAPTER 149
FORMERLY
SENATE BILL NO. 142

AN ACT TO AMEND TITLE 24 OF THE DELAWARE CODE RELATING TO ADULT ESTABLISHMENTS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE (Two-thirds of all members elected to each house thereof concurring therein):

Section 1. Amend § 1610, Title 24 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 1610. License tied to physical location; prohibited activities.

(c)(1) ~~No~~ A new adult entertainment establishment ~~as defined in § 1602 of this title shall~~ may not operate in any of the following locations:

a. ~~the~~ The same building ~~as~~ or in a separate ~~buildings~~ building less than 1,500 feet from ~~each other,~~ another adult entertainment establishment.

b. ~~within~~ Within 500 feet of ~~any residence~~ a residence, regardless of how ~~such~~ the new adult entertainment establishment's property is ~~zoned,~~ zoned.

c. ~~or within~~ Within 2,800 feet ~~from~~ of a church or school.

(2) ~~Violations~~ A violation of this subsection ~~shall be~~ is punishable by a fine in the amount of \$5,000.

(3) Distances ~~shall~~ are to be measured from property line to property line.

(d)(1) ~~No~~ A new adult-oriented retail establishment ~~shall operate in~~ may not operate in any of the following locations:

a. ~~the~~ The same building ~~as~~ or in a separate ~~buildings~~ building less than 500 feet from ~~each other,~~ another adult-oriented retail establishment.

b. ~~within~~ Within 200 feet of ~~any~~ a school bus stop or ~~any residence~~ a residence, regardless of how ~~such~~ the new adult-oriented retail establishment's property is ~~zoned,~~ zoned.

c. ~~or within~~ Within 500 feet ~~from~~ of a church or school.

(2) Distances ~~shall~~ are to be measured from property line to property line.

(3) ~~No~~ An adult-oriented retail establishment ~~shall~~ may not operate in a manner that allows sexually-oriented material, devices, or paraphernalia to be visible from outside of the establishment at any time, including during times any door to the business is open.

(4) ~~Violations~~ A violation of this subsection ~~shall be~~ is punishable by a fine in an amount not to exceed \$5,000.

(e) Notwithstanding any provision of law to the contrary, no municipal corporation or county may adopt any ordinance or charter amendment with distance restrictions less than those provided in this section.

(f)(1) After [the effective date of this Act], a new adult entertainment establishment or a new adult-oriented retail establishment may not operate in a building in which an adult entertainment establishment or adult-oriented retail establishment has previously operated.

(2) A violation of this subsection is punishable by a fine in an amount not to exceed \$5,000.

Approved July 23, 2019