

REGULATIONS: DESIGN AND CONDITION OF MOTION PICTURE ARCADE BOOTHS:

SECTION I : PURPOSE:

These regulations are intended to further the public health and safety of establishments which maintain motion arcade booths (defined herein) by reducing the likelihood that parties will engage in various sexual activities within such commercial premises. Such sexual activities present an opportunity for the spread of sexually transmitted diseases, which is detrimental to the general health and welfare of the community at large.

SECTION II : AUTHORITY:

These regulations are adopted by the Board of Selectmen of the Town of Windham in their capacity as a Board of Health, under the power conferred by RSA 147:1.

SECTION III : DEFINITIONS:

The following words, when used herein, shall be defined as follows:

- A) A "motion picture arcade booth" is any booth, cubicle, stall, or compartment which is designed, constructed, or used to hold or seat patrons and is used for viewing live performances or for presenting moving pictures or viewing publications by any photographic, electronic, magnetic, digital, or other means or medium (including, but not limited to, film, video, or magnetic tape, laser disc, cd-rom, books, magazines, or periodicals) for observations by patrons therein.

Excluded from this definition shall be any theater, movie house, playhouse, or room or enclosure or portion thereof which is designed, constructed, or used to seat more than ten (10) persons, also excluded are all town owned facilities such as libraries, schools, etc.

- B) A "motion picture arcade booth establishment" means any business where one (1) or more motion picture arcade booths are located.

SECTION IV : DESIGN REQUIREMENTS:

Every motion picture arcade booth within the Town of Windham shall comply with the following design criteria:

- A) All such booths shall be equipped with overhead lighting, operative at all times, to sufficiently illuminate all areas of the booth.
- B) All such booths shall have at least one (1) side completely open to adjacent public rooms or common areas of the premises. The open side shall not have any curtain, door, wall, enclosure, drape, or visual obstruction of any kind.
- C) When one (1) or more booths are adjacent to each other, the surface of such adjoining walls shall be metal and free of holes.

D) All booths shall be adequately sized to permit access to the handicapped or disabled.

E) Exits from all booths shall be clearly marked.

SECTION V : MAINTENANCE:

All motion picture arcade booths within the Town of Windham shall be maintained in a clean and sanitary condition at all times. No trash or refuse shall be allowed and no receptacles for such shall be permitted within a booth.

SECTION VI : DISSEMINATION OF INFORMATION:

Each motion picture arcade booth establishment shall post signs in conspicuous public places in or adjacent to motion picture arcade booths, describing the risks and methods of transmitting sexually transmitted diseases. Such signs may be ones provided by or approved by the Board of Health. The Board of Health shall not unreasonably withhold approval of signs proposed by establishment owners, and shall act to approve or reject same within thirty (30) days.

SECTION VII : PENALTIES:

Persons willfully violating the foregoing regulations shall be guilty of a violation as provided in RSA 147:1 (III). Further, the Health Officer of the Town may enforce this Ordinance through orders issued pursuant to RSA 147:3 through 17 inclusive. Nothing herein shall preclude the Town from seeking injunctive relief to abate or remove violations of the regulations herein.

Adopted by the Board of Health this 8th day of October, 1998.

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Board of Selectmen, as the Board of Health