

ADOPTED BY THE  
TOWN COUNCIL  
DATE 7-13-98

ORDINANCE NO. 1109

AN ORDINANCE PROVIDING FOR THE RESTRICTION OF CERTAIN  
BUSINESSES TO SPECIFIC ZONING DISTRICTS AND REQUIRING THE  
ISSUANCE OF A SPECIAL USE PERMIT.

WHEREAS, massage parlors, adult book stores, tattoo parlors and adult cabarets often have a deleterious affect on the general public health, safety and welfare and are damaging to the business and property values of surrounding commercial establishments; and

WHEREAS, it is necessary for the public health, safety and welfare that massage parlors, adult book stores, tattoo parlors and adult cabarets be regulated so as to ensure that the public in general and minors in particular are not injuriously affected by the operation of said uses; and

WHEREAS, massage parlors, adult book stores, tattoo parlors and adult cabarets often have a negative impact on the aesthetics of the area in which they are located; and

WHEREAS, the Town recognizes that the activities of massage parlors, adult book stores, tattoo parlors and adult cabarets have certain protections granted by the constitution and the laws relating to commercial free speech.

NOW THEREFORE, BE IT ENACTED AND ORDAINED that Munster Town Code Chapter 29 as amended from time to time, is now further amended by the addition of the following:

ARTICLE XX

Massage Parlors, Adult Bookstores, Tattoo Parlors and Adult Cabarets

Section 29-355: The following definitions shall apply throughout this Article:

- (a) Massage Parlor: An establishment whose primary activity consists of providing massage therapy or service utilizing massage therapists or masseurs;
- (b) Adult Bookstore: An establishment whose primary activity consists of the sale of sexually oriented magazines, books or video tapes;
- (c) Tattoo Parlor: An establishment whose primary activity consists of applying any form of tattoo or body art to customers for a fee.
- (d) Adult Cabaret: A nightclub, bar, restaurant, or similar establishment which features live performances which meet the definition of "harmful to minors" set

forth in I.C. 35-49-2-2 (as it may be amended from time to time and/or represents or displays "sexual conduct" as defined in I.C. 35-42-4-4 to a clientele who pays any form of consideration for such live performance.

Section 29-356: Massage Parlors

All massage parlors in the Town of Munster shall be subject to the following regulations:

- (a) A massage parlor shall only be a permissible use in an M Manufacturing Zoning District;
- (b) An applicant for the operation of a massage parlor in the Town of Munster shall be required to obtain a special use permit prior to operating said massage parlor, in accordance with the procedures set out in Article 13 of this chapter;
- (c) In considering its recommendation to the Town Council as to a request for special use permit for a massage parlor the Board of Zoning Appeals shall consider the proposed establishments' compliance with all state laws pertaining to the qualification and licensing of its employees; the negative effect of the proposed massage parlor on surrounding property values are potential for an increase in criminal activity of the proposed massage parlor; and the provisions which the applicant has taken to ensure that the public health, safety and welfare and neighboring property values will not be negatively affected by the proposed massage parlor.

Section 29-357: Adult Bookstores

All adult bookstores in the Town of Munster shall be subject to the following regulations:

- (a) An adult bookstore shall only be a permissible use in the M Manufacturing Zoning District;
- (b) Prior to commencing operation as an adult bookstore, an applicant shall be required to obtain a special use permit pursuant to the procedures set out in Article 13 of this chapter;

- (c) In considering a request for a special use permit for the operation of an adult book store the Board of Zoning Appeals shall consider the safeguards which the applicant proposes to ensure that minors shall not be unduly exposed to the operation of the proposed adult bookstore; the extent to which the proposed adult bookstore will have a negative affect on surrounding property values; the extent to which the proposed business is compatible with surrounding property uses; whether the proposed use cause an increase in criminal activity in the vicinity.

Section 29-358: Tattoo Parlors

All tattoo parlors operating within the Town of Munster shall be subject to the following regulations:

- (a) A tattoo parlor shall be a permitted use solely in an M Manufacturing Zoning District;
- (b) Prior to commencing operation, an applicant wishing to operate a tattoo parlor shall first be required to obtain a special use permit pursuant to Article 13 of this chapter;
- (c) In considering a request for a special use permit for the operation of a tattoo parlor the Board of Zoning Appeals shall consider the extent to which the applicant complies with all State laws pertaining to training and licensing of its personnel; the extent to which the applicant proposes to protect minors and other individuals from any injury resulting from the proposed operation; the extent to which the operation of the tattoo parlor may have a negative affect on the property value of surrounding properties, and the extent to which the proposed tattoo parlor may cause an increase in criminal activity in the vicinity.

Section 29-359: Adult Cabarets

All adult cabarets operating within the Town of Munster shall be subject to the following regulations:

- (a) An adult cabaret shall be a permitted use solely in an M Manufacturing Zoning District;
- (b) Prior to commencing operation, an applicant wishing to operate an adult cabaret shall first be required to obtain a special use permit pursuant to Article 13 of this chapter;
- (c) In considering a request for a special use permit for the operation of an adult cabaret, the Board of Zoning Appeals shall consider the extent to which the applicant proposes to ensure that minors shall not be unduly exposed to the operation of the proposed adult cabaret; whether the proposed use will have a negative effect on surrounding property values; and whether the proposed use is likely to cause an increase in criminal activity in the vicinity.

This Amendment to Chapter 29 shall take effect upon passage and publication in accordance with law.

ORDAINED AND ADOPTED by the Town Council of the Town of Munster, Indiana this 13TH day of JULY, 1998, by a vote of 4 in favor and 0 opposed.

TOWN COUNCIL OF THE TOWN  
OF MUNSTER, INDIANA

David F. Shafer  
DAVID F. SHAFER, President

ATTEST:

Phyllis A. Hayden  
PHYLLIS HAYDEN, Clerk-Treasurer