

ORDINANCE NO. 388

AN ORDINANCE AMENDING ORDINANCE 366, TITLE 10, THE UNIFIED DEVELOPMENT CODE, HEREAFTER DESIGNATED, ADDING CHAPTER 15 SEXUALLY ORIENTED BUSINESS; UPDATING CHAPTER 1 GENERAL PROVISIONS, SECTION 1.3 FILING FEES TO ALLOW FOR SEXUALLY ORIENTED BUSINESS FEES IN MADISON COUNTY, IDAHO AND PLACING REGULATIONS THEREON; AND PROVIDING AN EFFECTIVE DATE THEREON.

A summary of Chapter 15 Sexually Oriented Business is as follows:

The purpose of this Chapter is to establish a Sexually Oriented Business Ordinance that governs the location, hours of operation, employee qualifications and gives definitions for Sexually Oriented Businesses in order to avoid adverse secondary effects which may result from the operation of such businesses. This Chapter shall be construed to protect the governmental interests of Madison County from the operation of such businesses in a manner consistent with the protections provided by the United States Constitution and the Idaho Constitution.

A summary of Chapter 1, Section 1.3 Filings Fees is as follows:

Sexually Oriented Business License Fee	\$450
Sexually Oriented Business License Renewal	\$50 yearly
Sexually Oriented Business Employee License	\$25 yearly

1. **WHEREAS**, Madison County adopted the Unified Development Code (“UDC”) on December 13, 2010; and,
2. **WHEREAS**, on June 14, 2012, the Madison County Planning and Zoning Commission held a public hearing; and, at which time parties in interest and citizens had an opportunity to be heard; and, the Commission recommended the approval of the new Chapter 15 Sexually Oriented Business and updating the Chapter 1 General Provisions, Section 1.3 Filing Fees to the Board of County Commissioners.
3. **WHEREAS**, a Findings of Fact hearing was held June 27, 2012 before the Madison County Board of County Commissioners and at which time the Board made a decision to accept the Findings of Fact.

**BE IT ORDAINED BY BOARD OF COUNTY COMMISSIONERS FOR
MADISON COUNTY, IDAHO:**

SECTION 1. Severability Clause.

Should any Article, Section, Part, Paragraph, Sentence, Phrase, Clause or Word of this ordinance, for any reason, be held illegal, inoperative, or invalid, or if any exception to or limitation upon any general provision herein contained to be unconstitutional or invalid or effective, the remainder shall, nevertheless, stand effective and valid as if it has been enacted and ordained without the portion held to be unconstitutional or invalid or effective.

SECTION 2. Effective Date

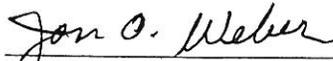
This ordinance shall be in full force and effect after its passage, approval and publication according to the law.

PASSED AND ADOPTED BY THE BOARD OF MADISON COUNTY COMMISSIONERS dated this 13th day of August, 2012.

BOARD OF COUNTY COMMISSIONERS
MADISON COUNTY, IDAHO



KIMBER RICKS, Chairman



JON WEBER, Commissioner



TODD SMITH, Commissioner

ATTEST:



KIM H. MUIR, Madison County Clerk