

ARTICLE - 15

ADULT ENTERTAINMENT FACILITIES

Section 1500 Definitions

- A. *Adult Entertainment Facility*** means any establishment which is involved in one or more of the following listed categories:
1. ***Adult Book Store***: An establishment having greater than five percent (5%) of its display area or items for sale of its stock in trade, books, magazines, and other periodicals which are distinguished or characterized by their emphasis on matter depicting or relating to "specified sexual activities" or "specified anatomical areas" as herein defined.
 2. ***Adult Film Library***: An establishment having greater than five percent (5%) of its display area or items for rent or sale or its stock in trade which are distinguished or characterized by their emphasis on matter depicting or relating to "specified sexual activities" or "specified anatomical areas" as herein defined.
 3. ***Adult Mini-Motion Picture Theater***: A facility with a capacity for less than fifty (50) persons, used for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas," for observation by patrons therein.
 4. ***Adult Motion Picture Theater***: A facility with a capacity of fifty (50) or more persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas," for observation by patrons therein.
 5. ***Adult Entertainment Business***: Any establishment involved in the sale or services of products characterized by the exposure or presentation of "specified anatomical areas" or physical contact of live male(s) or female(s) and which is characterized by salacious conduct appealing to prurient interest for the observation or participation in by patrons. Services or products included within the scope of adult entertainment business are photography, dancing, massage, and similar functions, which utilize activities as specified above.
- B. *Specified Sexual Activities*** means any of the following:
1. Human genitals in a state of sexual stimulation or arousal.
 2. Acts, real or simulated, human masturbation, sexual intercourse, sodomy, cunnilingus, fellatio, or sadomasochistic sexual abuse.
 3. Fondling or other erotic touching of human genitals, pubic regions, buttocks, or female breasts.
- C. *Specified Anatomical Areas*** means any of the following:
1. Less than completely covered human genitals, pubic region, buttocks, and female breasts below a point immediately above the top of the areola.
 2. Human male genitals in a discernible turgid state.
- D. *Person*** means any individual, corporation, company, business, partnership, association, establishment, or other legal entity of any kind.
- E. *Fine Art Gallery*** means any display of art work which is individually crafted and signed by the artist or which is limited in edition to one thousand (1,000) or less.
- F. *Sexually Explicit Nudity*** means the sexually oriented and explicit showing of nudity, including, but not limited to close-up views, poses, or depictions of such position or manner which present or expose such nudity to prominent, focal, or obvious viewing attention.
- G. *Sadomasochistic Sexual Abuse*** means actual or simulated flagellation, rape, torture, or other physical or sexual abuse, by or upon a person who is nude or partially denuded, or the condition of being fettered, bound for sexual gratification or abuse or represented in the context of a sexual relationship.

- H. **Visibly Displayed** means the material is visible on a billboard viewing screen, marquee, newsstand, display rack, window, show case, display case, or other similar display area that is visible from any part by the general public or otherwise, or that is visible from any part of the premises where a juvenile is or may be allowed, permitted, or invited, as part of the general public or otherwise, or that is visible from a public street, sidewalk, park, alley, residence, playground, schools, or other place to which juveniles, as part of the general public or otherwise, have unrestrained and reasonably anticipated access and presence.
- I. **Knowledge of Character** means having general knowledge, or reason to know; or a belief or ground for belief which warrants further inspection or inquiry, of the nature and character or the material or performance involved. A person has such knowledge when he or she knows or is aware that the material or performance contains, depicts, or describes sexually explicit nudity, sexual activity, sadomasochistic sexual abuse or lewd exhibition of the genitals, whichever is applicable, whether or not such person has precise knowledge of the specific contents thereof. Such knowledge may be proven by direct or circumstantial evidence, or both.
- J. **Harmful to Juveniles** means any material or performance, whether through motion pictures, video tapes, photographs, drawings, cartoons, slides, depiction's, or descriptions to which (a), (b), and (c) apply.
 1. The average adult person, applying contemporary community standards would find that the material or performance, taken as a whole, is intended to excite lustful or erotic thoughts in juveniles, or is designed or marketed to cater or appeal to a prurient interest in nudity, sex, or excretion.
 2. The material or performance depicts or describes sexually explicit nudity, sexual activity, sadomasochistic sexual abuse, or lewd exhibition of the genitals, in a way, which is patently offensive to prevailing standards in the adult community with respect to what is suitable for juveniles.
 3. The material or performance, taken as a whole, lacks serious literary, artistic, political, educational, or scientific value for juveniles.

Section 1501 Exceptions

Nothing in this article shall be construed to pertain to:

- A. The purchase, distribution, exhibition and/or loan of any work of art, magazine or other printed material or manuscript by any accredited museum, library, fine art gallery, school or institution of higher learning.
- B. The exhibition and/or performance of any play, drama, tableau, or motion picture by any theater, museum, library, fine art gallery, school or institution of higher learning either supported by public appropriation or which is an accredited institution supported by private funds.

Section 1502 Location

Adult entertainment facilities are specified as a conditional use in the Light Manufacturing District (M-1) or the Heavy Manufacturing District (M-2) only, and are additionally subject to the conditions hereafter set forth in Section 1503.

Section 1503 Conditions

- A. No adult entertainment facility shall be established within twenty-five hundred (2,500) feet of any area zoned for residential use.
- B. No adult entertainment facility shall be established within a radius of twenty-five hundred (2,500) feet of any school, library, or teaching facility, whether public or private, governmental or commercial, which school, library, or teaching facility is attended by persons under eighteen (18) years of age.
- C. No adult entertainment facility shall be established within a radius of twenty-five hundred (2,500) feet of any park or recreational facility attended by persons under eighteen (18) years of age.
- D. No adult entertainment facility shall be established within a radius of twenty-five hundred (2,500) feet of any other adult entertainment facility.

- E. No advertisements, displays or other promotional materials displaying specified sexual activities or specified anatomical areas shall be shown or exhibited so as to be visible to the public from pedestrian sidewalks or walkways, or from other areas public or semi-public.
- F. All building openings, entries, windows, etc. for adult uses shall be located, covered, or served in such a manner as to prevent a view into the interior from any public or semi-public area, sidewalk or street. For new construction, the building shall be oriented so as to minimize any possibility of viewing the interior from public or semi-public areas.
- G. No screens, loudspeakers or sound equipment shall be used for adult motion picture theaters (enclosed or drive-in) that can be seen or discerned by the public from public or semi-public areas.
- H. Off-street parking shall be provided in accordance with standards for permitted uses within the M-1 and M-2 Districts, as appropriate.
- I. No adult entertainment facility shall be established within a radius of twenty-five hundred (2,500) feet of any church, synagogue, or permanently established place of religious services attended by persons under eighteen (18) years of age.

Section 1504 Unlawful Exhibition or Display of Harmful Material to Juveniles

No person having custody, control, or supervision of any business or commercial establishment or premises, with knowledge of the character of the material involved, shall do or cause to have done any of the following:

- A. Allow, permit, or fail to prevent any juvenile who is not accompanied by a parent or lawful guardian to enter or remain on premises if in that part of the premises where the juvenile is or may be allowed, permitted, or invited as part of the general public or otherwise, where there is visibly displayed all or any part of any book, magazine, newspaper, or other form of any material which is either of the following: harmful to juveniles, when taken as a whole; or contains on its cover, package, wrapping, or within the advertisements therefore, depiction's or photographs of sexually explicit nudity, sexual activity, sadomasochistic sexual abuse, or lewd exhibition of the genitals.
- B. Visibly display, exhibit, or otherwise expose to view, all or any part of such material in any business or commercial establishment where juveniles, as part of the general public or otherwise, are, or will probably be, exposed to view all or any part of such material from any public or private place.
- C. Hire, employ, or otherwise place, supervise, control, or allow in any business or commercial establishment or other place, any juvenile under circumstances which would cause, lead, or allow such juvenile to engage in the business or activity of selling, distributing, disseminating, or otherwise dealing or handling such material, either to or for adults or juveniles.

Section 1505 Violation and Penalty

Whoever violates any provision of this article shall be subject, upon conviction, to the penalties prescribed in Section 311 of this resolution.