

## CHAPTER 124

# ADULT ENTERTAINMENT

### 124.01 Definitions

### 124.02 Regulations

**124.01 DEFINITIONS.** For use in this chapter, the following terms are defined:

1. “Adult bookstore” means a retail store for the sale, rental, or exchange of books, magazines, or videocassettes, DVDs or other visual media, any of which are distinguished or characterized by primary emphasis on matter depicting, describing or relating to “specific sexual activities” or “specified anatomical areas,” as defined in this section. Adult bookstores do not include businesses which sell, rent, or exchange videocassettes, DVDs or other visual media as a sidelight or adjunct to sales or rental of videocassettes, DVDs or other visual media not relating to “specific sexual activities” or “specified anatomical areas.”
2. “Adult entertainment facility” means a building in which:
  - A. Entertainers routinely remove all or portions of their clothing as a part of their performance, regardless of whether the business has a license to sell alcohol; or
  - B. Entertainers allow patrons to observe specific sexual activities or specified anatomical areas involving such entertainers.

For the purpose of this section, an “entertainer” is a person who works as an employee of the business, is an agent of the business, or is an independent contractor who has been hired or is allowed by the business to perform for the apparent pleasure or gratification of the patron. Examples of adult entertainment facilities would include but not be limited to gentlemen’s clubs, strip-bars, “full-nudity” juice bars, and nude modeling clubs.

3. “Adult movie theater” means an enclosed building used for presenting motion picture films, videocassettes, DVDs, cable television, or any other visual media, distinguished or characterized by emphasis on matter depicting, describing, or relating to “specific sexual activities” or “specified anatomical areas,” as defined in this section, for observation by persons therein. For purposes of this section, the size and description of the viewing room shall not affect characterization of the buildings as a theater; however, nothing in this section shall be deemed to regulate the viewing habits of person in the privacy of their homes.
4. “Specific sexual activities” includes displays of the following:
  - A. Any act of sexual intercourse, actual or simulated, including genital-genital, anal-genital, or oral-genital, whether between human beings, or a human being and an animal.
  - B. Sadomasochistic abuse, meaning flagellation or torture by or upon a person who is nude or clad in undergarments or in a revealing costume or the condition of being fettered, bound, or otherwise physically restricted on the part of one so clothed.
  - C. Masturbation or lewd exhibitions of the genitals including any explicit, close-up representation of a human genital organ.
  - D. Physical contact as stimulated physical contact with the unclothed pubic area or buttocks of a human male or female, or the breasts of the female, whether alone or between members of the same or opposite sex or between humans and animals in an act of apparent sexual stimulation or gratification.

- E. An act of sexual assault where physical violence or drugs are employed to overcome the will or of achieve the consent of a person to an act of sexual conduct and the effects or results of the violence or drugs are shown.
- 5. “Specified anatomical areas” includes the following:
  - A. Less than completely and opaquely covered human genitals, pubic region, buttocks, and female breast below the point immediately above the top of the areola; and
  - B. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.
- 6. “Used” describes a continuing course of conduct exhibiting “specific sexual activities” and “specified anatomical areas” in a manner that appeals to the prurient interest.

**124.02 REGULATIONS.**

- 1. Adult movie theaters, adult bookstores, and adult entertainment facilities are prohibited within 2,000 feet of the following specified uses or zones:
  - A. Any residential zone.
  - B. Any public or private school.
  - C. Any church or religious facility or institution.
  - D. Any public park.

The distance provided in this subsection shall be measured by following a straight line, without regard to intervening buildings, from the nearest point of the property parcel upon which the proposed use is to be located, to the nearest point of the parcel of property or the land use district boundary line from which the proposed land use is to be separated.

- 2. Nothing in this section is intended to authorize, legalize, or permit the establishment, operation, or maintenance of any business, building, or use which violates any other provisions of law.
- 3. No adult movie theater, adult bookstore, or adult entertainment facility shall be located closer than 300 feet to any other adult movie theater, adult bookstore, or adult entertainment facility.