

TITLE III COMMUNITY PROTECTION

CHAPTER 12 ADULT ENTERTAINMENT BUSINESS REGULATIONS

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3-12-1 Purpose. It is the purpose and intent of this section to regulate adult entertainment businesses in order to limit their potential adverse impact and detrimental secondary effects in the community while at the same time permitting lawful businesses to conduct operations within the community. By the nature of their business, adult entertainment businesses create serious, objectionable operational characteristics which are magnified when located in close proximity to residences, churches, schools, day care centers and parks. Special regulation of adult entertainment businesses is necessary to insure that no adverse secondary effects will contribute to the blighting or downgrading of surrounding neighborhoods and areas. These regulations are necessary to protect the minors of the community from businesses by restricting their location and to protect the health, safety and general welfare of all of the residents of the community, prevent crime, protect the city's retail trade, maintain property values and protect and preserve the quality of neighborhoods and are not to suppress the expression of unpopular views.

3-12-2 Definitions. For the purposes of this chapter, the following words and phrases shall have the meanings given herein.

1. "Adult booth" shall mean any area of an adult establishment that is set off from the remainder of such establishment by one or more walls, partitions or other dividers and which is used to show, exhibit, play, display or otherwise demonstrate any adult materials or to view any live performance that is distinguished or characterized by an emphasis on the exposure, depiction or description of any specified anatomical areas or the performance or simulation of any specified sexual activities.

2. "Adult cabaret" shall mean any commercial establishment that as a substantial or significant portion of its business provides any of the following:

a. Persons who appear nude:

b. Live performances that are distinguished or characterized by an emphasis on the exposure, depiction or description of a specified anatomical area or the performance or simulation of a specified sexual activity; or

c. Films, motion pictures, video or audio cassettes, slides, computer displays or other visual representations, recordings, imagery, illustration or depiction of any kind that are distinguished or characterized by an emphasis on the exposure, depiction or description of any specified anatomical area or the performance or simulation of any specified sexual activity.

3. "Adult establishment" or "adult entertainment business" shall mean an adult store, adult: cabaret, adult theater, nude model studio, sexual encounter center, adult motel or escort agency.

4. "Adult material" shall mean any of the following, whether new or used:

a. Books, magazines, periodicals, or other printed matter or digitally stored materials, films, motion pictures, video cassettes, audio cassettes, slides, computer displays or other visual or audio representations or recordings of any kind, DVD, CD ram, or similar item that is distinguished or characterized by an emphasis on the exposure, depiction, description, imagery or visual representation of any specified anatomical area or the performance or simulation of any specified sexual activity,

b. Instruments, novelties, devices or paraphernalia that are designed for use in connection with specified sexual activities or that depict, describe or portray specified anatomical areas; except that this definition shall not include those items used for birth control or for the prevention of sexually transmitted diseases,

5. "Adult motel" shall mean any motel, hotel or similar business that:

a. Offers accommodations to the public for any form of consideration; and provides patrons with closed circuit television transmission telephones, motion pictures, video cassettes, slides or other material that is characterized by the depiction or description of any specified anatomical area or any specified sexual activity; and has a sign that is visible from the public right-of-way that advertises the availability of adult materials, or

b. Offers a room or suite for consideration for a period of time that is less than ten hours, or

c. Allows a tenant, occupant or patron of a room or suite to sublet the room or suite for a period of time that is less than ten hours.

6. "Adult store" shall mean any commercial establishment that:

a. Contains one or more adult booths, or

b. As a substantial or significant portion of its business offers for sale, rental, exchange or viewing any adult materials. Adult stores do not include commercial establishments that offer for sale, rental, exchange or viewing any adult materials as a sideline or adjunct to sales, rentals, exchanges or viewings of materials other than adult materials.

7. "Adult theater" shall mean any commercial establishment that as a substantial or significant portion of its business features or provides films, motion pictures, video or audio cassettes, slides, or other visual representations, recordings, imagery, illustration or depiction of any kind that are distinguished or characterized by an emphasis on the exposure, depiction or description of any specified anatomical area or the performance or simulation of any specified sexual activity.

8. "Commercial establishment" shall mean any place where admission, services, performances, or products are provided for or upon payment of any form of consideration.

9. "Escort" shall mean a person who, for pecuniary consideration, agrees or offers to act as a companion, guide or date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease dance or otherwise perform or appear before another person while nude in or about any place of public or private resort or any private quarter or business premises.

10. "Escort agency" shall mean any person or business entity furnishing or offering to furnish, or advertising to furnish escorts as one of its business purposes, for a fee, tip or any other form of consideration.

11. "Nude model studio" shall mean any place where a person who appears nude is provided for the purpose of being sketched, drawn, painted, sculptured, photographed or similarly depicted by any other person who has paid money or any other form of consideration, barter or exchange, or for whose benefit someone else has paid money or any other form of consideration, barter or exchange, for the purpose of being allowed to observe the person appearing nude being sketched, drawn, painted, sculptured, photographed or similarly depicted.

Nude model studio does not include public or private colleges or universities licensed by the State of Iowa that offer art, modeling or anatomical drawing classes.

12. "Nude or state of nudity" shall mean a state of dress or undress that exposes to view:

a. Less than completely and opaquely covered human genitals, pubic region, anus, or female breast below a point immediately above the top of the areola, but not including any portion of the cleavage exhibited by a dress, blouse, shirt, leotard, bathing suit or other wearing apparel provided the areola is not exposed, or

b. Human male genitals in a discernibly turgid state even if completely and opaquely covered, or any device that when worn, simulates human male genitals in a discernibly turgid state.

13. "Sexual encounter center" shall mean any business or commercial establishment that, for consideration, offers:

a. Physical contact in the form of wrestling or tumbling between persons of the opposite sex, or

b. Activities between two or more persons regardless of gender when one or more of the persons is in a nude condition, or

c. Where two or more persons may congregate, associate or consort in connection with specified sexual activities or specified anatomical areas, or

d. Where two persons may congregate, associate, or consort, in a private room, suite, or similar enclosure, with one of the two persons modeling lingerie, dancing, in a sexually suggestive manner, or some similar activity for the pleasure or entertainment of the other.

14. "Specified anatomical area" shall mean any of the following:

a. Less than completely and opaquely covered human genitals; pubic region; buttocks; anus; or female breast below a point immediately above the top of the areola but not including, any portion of the cleavage exhibited by a dress, blouse, shirt, leotard, bathing suit or other wearing apparel provided the areola is not exposed;

b. Human male genitals in a discernibly turgid state, even if completely and opaquely covered or any device or covering that when worn, simulates human male genitals in as discernibly turgid state.

15. "Specified sexual activity" shall mean any of the following;

a. The fondling or touching of one person's human genitals, pubic region, buttocks, anus or female breasts by another person;

b. Sex acts, normal or perverted, actual or simulated, including without limitation, cunnilingus, fellatio, anilingus, bestiality, intercourse, oral copulation or sodomy;

c. Masturbation, actual or simulated;

d. Excretory or urinary functions as part of or in connection with any of the activities set forth in Subsection 15a, 15b, or 15c of this definition.

16. "Substantial or significant portion of its business" shall mean that ten percent or more of the establishment's income is derived from the sale, rental, exchange or viewing of any adult material; or ten percent or more of the establishment's stock in trade or floor space is utilized for the display of any adult material; or that one or more persons appearing, performing or working in a state of nudity constitutes a fundamental or essential part of or attraction of the business. Regardless of the foregoing, any business establishment that advertises or holds itself out as "XXX", "adult", or "sex" in conjunction with adult material and/or nude appearances or performances is deemed to meet the substantial or significant portion of its business standard.

17. "Adult amusement arcade" shall mean an establishment having as one of its principal uses one or more of the following: customer-operated motion picture devices, peep shows, viewing areas, or similar devices either coin, token or slug operated, or which in consideration of an entrance fee, displays materials distinguished or characterized by an emphasis on depictions of specified sexual acts or specified anatomical areas.

3-12-3 Adult establishment location requirements,

1. Adult establishments shall only be permitted in specific manufacturing zoning districts M1, M2, and M3, or in any commercial district as a Special Use approved by the Camanche Zoning Board of Adjustment.

2. No adult establishments shall be located, established, maintained or operated on any lot that has a property line within five hundred feet of the property line or any other lot on which another adult establishment is located, established, maintained or operated; nor shall more than one adult establishment be located on any lot; nor shall any other business be located, established, maintained or operated on any lot on which an adult establishment is located, established, maintained or operated.

3. No adult establishment shall be located, established, maintained or operated on any lot that has a property line within one thousand feet of the property line of;

- a. Any residentially zoned property;
- b. A public or private nursery school, a public or private elementary or secondary school;
- c. A childcare facility licensed by the state of Iowa;
- d. A church, synagogue, mosque, or other religious facility or institution;
- e. A public park including public recreational paths or trails;
- f. A public or private cemetery;
- g. A public housing facility.

4. For purposes of this section, distances shall be measured in a straight line, without regard to intervening structures or objects, from the nearest point on the property line of the lot on which the adult establishment is located to the nearest point on the property line of uses protected in subsection 3 of this section, or the nearest point of the property line of the other adult establishment, as the case may be. It is the adult establishment's obligation to provide the city's land use department with a survey acceptable and satisfactory to the department that demonstrates the establishment meets the requirements of this section.

5. An adult establishment lawfully operating as a conforming use is not rendered a nonconforming use by the location, subsequent to the grant or renewal of an adult entertainment business license, of a use listed in subsection 3 within one thousand feet of the adult establishment. This subsection applies only to the renewal of a valid license and does not apply when an application is made for a license after the applicant's previous license has expired or the protection of the limited exceptions of the minimum distance requirements for protected uses contained in subsection 5 shall not apply to an adult entertainment establishment at a time when an application for an adult entertainment business license is submitted after the license has previously expired, has been revoked, or is at that time under suspension.

Any sexually oriented business lawfully operating on the effective date of this ordinance that is in violation of the provisions of this section, shall be deemed a nonconforming use. Such nonconforming use shall not be increased, enlarged, extended, or altered, except that the use may be changed to a conforming use.

3-12-4 Other legal provisions. Adult establishments located, maintained or operated in the city shall comply, in addition to complying with all other applicable regulations set forth in this code, with the regulations set forth in this chapter. In the event of a conflict between the provisions of any other such regulations and the regulations set forth in this chapter, the regulations set forth in this chapter shall control the location of the adult establishment. Nothing in this chapter is intended to authorize, legalize or permit the establishment, operation or maintenance of any business, building or use which violates any provision of any statute, ordinance or regulation.

3-12-5 Adult establishment sign regulations,

1. Signage, All signs for adult establishments shall be flat wall signs. The maximum allowable sign area shall be one square foot of sign area per foot of lot frontage on the street, but under no circumstances may a sign exceed thirty-two square feet. The maximum number of signs shall be one per lot frontage. Signs otherwise permitted pursuant to this subsection shall contain only

a. The name of the adult establishment conducted on the licensed premises, and/or

b. The specific type of adult entertainment business conducted on the licensed premises. Temporary signage and banner signage shall not be permitted in connection with any adult establishment.

2. Exterior Display, No adult establishment shall be maintained or operated in any manner that causes, creates, or allows public viewing of any adult material, or any entertainment depicting, describing or relating to specified sexual activities or specified anatomical areas, from any public rights-of-way or private property other than the lot on which the licensed premises. is located. No portion of the exterior of an adult establishment shall utilize or contain any flashing lights, search lights, spotlights, or other similar lighting systems; or any words, lettering, photographs, silhouettes, drawings or pictorial representations of any manner except to the extent allowed pursuant to subsection 1 of this section with regard to signs. This subsection shall apply

to any advertisement, display, promotional material, decoration, sign, performance, show, and to any window, door or other opening to the adult establishment.

3-12-6 Licensing Requirements. Prior to operation, an adult entertainment business operating within the City of Camanche shall secure a proper license from the City of Camanche. A license shall be valid for one year from the date of issue and shall be renewed annually. The fee for a new license and for each subsequent renewal shall be one hundred dollars (\$100.00).

3-12-7 Appeals. Any party aggrieved by the enforcement of the provisions of this ordinance may appeal to the Comanche Zoning Board of Adjustment. The Zoning Board of Adjustment shall have the authority to hear an appeal and to render a decision on behalf of the City of Camanche.

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