

CHAPTER 125

ADULT ENTERTAINMENT

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

1. "Adult amusement or entertainment" means an amusement or entertainment which is distinguished or characterized by an emphasis on acts or material depicting, describing or relating to specified sexual activities or specified anatomical areas as defined in this section, including, but not limited to, topless or bottomless dancers, exotic dancers, strippers, male or female impersonators or similar entertainment.
2. "Adult book store or gift shop" is an establishment having as a substantial and significant portion of its stock in trade books, magazines and other periodicals or goods and items held for sale which are distinguished or characterized by their emphasis on matters depicting, describing or relating to specified sexual activities or specified anatomical areas, as defined in this section.
3. "Adult hotel or motel" means a building with accommodations used for the temporary occupancy of one or more individuals and is an establishment wherein a substantial and significant portion of the materials presented are distinguished or characterized by their emphasis on matters depicting, describing or relating to specified sexual activities or specified anatomical areas, as defined in this section, for observation by the individuals therein.
4. "Adult photo studio" is an establishment which, upon payment of a fee, provides photographic equipment and/or models for the purpose of photographing specified anatomical areas or specified sexual activities, as defined herein.
5. "Adult theater" is a theater wherein a substantial and significant portion of the materials presented are distinguished or characterized by an emphasis on acts or material depicting, describing or relating to specified sexual activities or specified anatomical areas, as defined in this section, for observation by the patrons therein.
6. "Adult uses" includes adult amusement or entertainment, adult book store or gift shop, adult hotel or motel, adult photo studio, adult theater and massage parlor.

7. "Dance tavern" means any licensed premises, as defined in Section 123.3(20) of the Code of Iowa, on which persons of either sex entertain tavern patrons by dancing, whether or not such persons receive compensation for performing such dancing.
8. "Establishment of an adult entertainment business" means the opening of such business as a new business, the relocation of such business or the conversion of an existing business to an adult entertainment business.
9. "Massage parlor" means any place where, for any form of consideration or gratuity, manipulated massage or manipulated exercise, is practiced for pay upon the human body with an emphasis on specified sexual activities or specified anatomical areas, as defined herein, by anyone not a duly licensed physician, osteopath, chiropractor, registered nurse or practical nurse operating under a physician's direction, physical therapist, podiatrist, registered speech pathologist and physical or occupational therapist who treats only patients recommended by a license physician and operates only under such physician's direction, whether with or without the use of mechanical, therapeutic or bathing devices, and includes Turkish bath houses. The term does not include a regular licensed hospital, medical clinic or nursing home.
10. "Person of good moral character" means any person who meets all of the following requirements
- A. Has such financial standing and a reputation that will satisfy the Council that he or she will comply with this chapter and all laws, ordinances and regulations applicable to operation of an adult entertainment business;
 - B. Is a citizen of the United States and a resident of Iowa or, in the case of a corporation, licensed to do business in Iowa.
 - C. Has not been convicted of a felony. However, if this conviction of a felony occurred more than five (5) years before the date of the application for a permit, and if the applicant's rights of citizenship have been restored by the Governor, the Council may determine that such person is a person of good moral character notwithstanding such conviction.

If the person is a corporation, partnership, association, club, hotel or motel, the foregoing requirements of this subsection shall apply to each officer, director, partner or associate who, directly or indirectly, owns or controls ten percent (10%) or more of any class of

stock of such organization or has an interest of ten percent (10%) or more in the ownership or profits of such organization. For the purpose of this provision, an individual and spouse shall be regarded as one person.

11. "Sexual encounter center" means any business, agency or persons who, for any form of consideration or gratuity, provide a place where three or more persons, not all of whom are members of the same family, may congregate, assemble or associate for the purpose of engaging in - sex acts or exposing specified anatomical areas, as defined in this section.

12. "Specified anatomical areas" means less than completely and opaquely covered human genitalia, pubic region, buttocks; and a female breasts below a point immediately above the top of the areola; and human male genitals in a discernibly turgid state – even if completely and opaquely covered.

13. "Sex acts" means any sexual contact, actual or simulated, either natural or deviate, between two or more persons, or between a person and an animal, by the penetration of the penis into the vagina or anus or by contact between the mouth or tongue and genitalia or anus, by contact between a finger of one person and the genitalia of another person or by use of artificial sexual organs in contact with the genitalia or anus, human genitals in a state of sexual stimulation or arousal, fondling or other erotic touching of human genitals, pubic region, buttocks or female breast, cunnilingus, or fellatio, anilingus, masturbation, bestiality, lewd exhibition of genitals or excretory function, actual or simulated; flagellation, mutilation or torture, actual or simulated in a sexual context.

125.02 PERMIT REQUIRED. No person shall establish, operate or conduct an adult entertainment business without first obtaining a permit therefor and shall continue to operate or conduct such business only so long as such permit continues in force.

125.03 APPLICATION. An application for the original issuance or for the renewal of a permit shall be filed with the City Clerk and shall be presented to the Council for approval or disapproval. It shall be accompanied with an application fee of three hundred dollars (\$300.00). The permit may be issued for such period of time as the Council may determine but shall not exceed one year.

125.04 CONDITIONS FOR APPROVAL. An applicant for an adult entertainment business permit must, as a condition, for approval by the Council, give consent in writing

on the application to members of the fire department, police department and health department and the building inspector to enter upon the premises occupied by the adult entertainment business without warrant to inspect for violations of the provisions of State law and of this chapter and in addition thereto:

1. Premises. No adult entertainment business permit shall be approved for premises which do not conform to all applicable laws, ordinances, resolutions and fire and health regulations.
2. Character. No permit shall be granted to a person who is not a person of good moral character.
3. Location. No permit shall be issued for the establishment of an adult entertainment business within 1,000 feet of another such business, a place of worship, any school, library, public park, public plaza, regularly scheduled school bus stop, licensed day care facility, or any dwelling (one-family, two-family or multiple dwelling), City Hall, or public playground or area zoned for residential use.
 - A. Measurement shall be taken on a direct line from the closest customer entrance of such adult entertainment business to the point on the property line of such other business, school, place of worship, public park, public plaza, regularly scheduled school bus stop, licensed day care facility, or any dwelling (one-family, two-family or multiple dwelling), City Hall, or public playground or area zoned for residential use which is closest to the said customer entrance of such adult entertainment business.
 - B. All building openings, entries, windows, etc. shall be constructed, located, covered or screened in such a manner as to prevent a view of display areas from, or a view into the interior of the adult entertainment business from, any pedestrian sidewalk, walkway, street, or other public or semi-public area.
 - C. Any adult entertainment business in existence on the effective date of this Ordinance which does not comply with the minimum separation requirements defined in paragraphs 125.04(3) above may be continued as a nonconforming use for period of not more than six (6) years thereafter. Such nonconforming use shall not be expanded, extended or altered with regard to the land area, building or structure involved in such use. The provisions of paragraph B above shall apply to all adult entertainment businesses, including said nonconforming uses, upon adoption of this Ordinance.

125.05 **REVOCATION OF PERMIT.** An adult entertainment business permit may be revoked by the Council at any time if the Council determines that a permit would not be granted if an application for it were made at that time by the person then holding the permit. If a permit is revoked, none of the fee paid for the permit shall be returned to the permit holder.

125.06 **MINORS.** No minor shall be permitted in any establishment in which adult uses are permitted.

125.07 **ALCOHOL.** No alcohol shall be permitted in any establishment in which adult uses are permitted, unless such is specifically allowed pursuant to the Code of Iowa. This prohibition applies equally to the proprietor and the patrons of the establishment involved.

125.08 **PUBLIC EXPOSURE.** Except as hereinafter provided, no person shall expose those parts of his or her body which are hereinafter listed to another in any public place, in any privately owned place open to the public, or in any place where such exposure is seen by another person or persons located in any public place:

1. A women's nipple, the areola thereof, or full breast, except as necessary in the breast feeding of a baby.
2. The pubic hair, pubes, perineum or anus of a male or female, the penis or scrotum of a male or the vagina of a female, excepting such body parts of prepubescent infants of either sex.

This subsection does not apply to limited or minimal exposures incident to the use of public rest rooms or locker rooms or such other places where such exposures occur incident to the prescribed use of those facilities.

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