

COTTONWOOD COUNTY
ADULT USE/SEXUALLY ORIENTATED BUSINESS ORDINANCE
ORDINANCE No. 33

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I. STATUTORY AUTHORIZATION

A. Statutory Authorization. This Adult Use Ordinance is adopted pursuant to the authority delegated to Cottonwood County by Minnesota Statutes, Chapter 394, commonly known as the Minnesota County’s Planning and Zoning Enabling Legislation.

B. Findings and Purpose. This section is intended to regulate (adult uses) those premises, enterprises, establishments, businesses or places open to some or all members of the public, at or in which there is an emphasis on the presentation, display, depiction, or description of specified sexual activities or specified anatomical areas which are capable of being seen by members of the public.

The nature of adult uses is such that they are recognized as having adverse secondary impacts, based upon studies of the impacts that adult establishments have on their surrounding communities. These studies have been conducted by the Minnesota Attorney General, the American Planning Association, and cities such as Hopkins, Ramsey, and St. Paul, Minnesota; Indianapolis, Indiana; Phoenix, Arizona; Los Angeles, California; and Seattle, Washington.

The adverse secondary impacts found in the studies include: increased crime rates, decreased property values, increased transience, neighborhood blight, and potential health risks. These impacts are particularly apparent when they are accessible to minors and located near residential properties or residential uses such as schools, day care centers, libraries, or parks. The nature of the adult uses require that they not be allowed within certain zoning districts, or require a minimum setback distance from each other or other residential uses. Special regulation of these uses is necessary to ensure that the adverse secondary effects would not contribute or enhance criminal activity in the areas of such uses, nor will it contribute to the blighting of or downgrading of the surrounding property and lessening of its value.

It is therefore in the best interest of the public health, safety, and welfare of the citizens of Cottonwood County that certain activities, as set forth in this ordinance, are prohibited upon the premises of liquor, wine, and beer establishments so as to best protect and assist the owners and operators and employees of these premises, as well as patrons and the public in general. Further, the County intends, that the standards in this ordinance reflect the prevailing community standards in the County of Cottonwood. This Ordinance is intended to prevent harm stemming from the physical immediacy and combination of alcohol, nudity, and sex. The Cottonwood County Board of Commissioners also desire to prevent any subliminal endorsement of sexual harassment or activities likely to lead to the possibility of various acts of criminal conduct such as prostitution, sexual assault, and disorderly conduct.

II. IMPLEMENTATION

A. Jurisdiction. The provisions of this Ordinance shall apply to all adult uses located in unincorporated areas within the boundaries of Cottonwood County.

B. Compliance. All adult uses shall be in full compliance with requirements of this Ordinance, Cottonwood County Zoning Ordinance, and any other applicable provisions of County, State, or Federal Laws, and applicable fire, health, and/or safety codes.

C. Non-Conforming Adult Uses. Non-conforming adult uses shall be subject to the provisions contained in the Cottonwood County Zoning Ordinance.

D. Enforcement. The Cottonwood County Board of Commissioners, the Cottonwood County Sheriff, and the Cottonwood County Zoning Administrator are responsible for the enforcement of this Ordinance.

E. Penalty. Any person violating any provision of this Ordinance is guilty of a misdemeanor. In addition, Cottonwood County may sue for injunctive relief for any violation. Also, Cottonwood County may sue for injunctive relief to prevent a violation. They may suspend or revoke any permits or licenses issued by the Board with cause.

1. Suspension or Revocation of Adult Use License. Any violation of this Ordinance shall be a basis for suspension or revocation of any permit or license granted hereunder. In the event the County Board of Commissioners proposes to suspend or revoke the Adult Use License, the County Board shall hold a hearing. The County will provide 10 days written notice before such a hearing.

2. Revocation of Liquor License. Any violation of this Ordinance shall be a basis for suspension or revocation of a Liquor License issued pursuant to Minnesota Statutes, Chapter 340A. The Cottonwood County Board of Commissioners or anyone they delegate shall follow the notice and hearing requirements for contested cases under Minnesota Statutes, Chapter 14.57 to 14.70 of the Administrative Procedures Act.

F. Interpretation. In the interpretation and application, the provisions of this Ordinance shall be interpreted to protect the public health, safety, and welfare or the citizens of Cottonwood County by providing for the regulation of adult uses. This Ordinance is not intended to limit or repeal any other powers granted to Cottonwood County by the State of Minnesota.

G. Severability. If any section, clause, provision, or portion of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected thereby.

H. Abrogation and Greater Restrictions. It is not intended by this Ordinance to repeal, abrogate, or impair any existing ordinances, or laws. When this Ordinance is inconsistent with any other Ordinance or law, that which imposes the greater restriction shall prevail.

I. Referral to Other Laws. If any section of this Ordinance references another Ordinance, Statute, Rule, or other provision of law, the reference shall be for that other provision of law as currently enacted and as it may be amended or re-codified in the future.

III. DEFINITIONS

A. Adult. Person(s) eighteen (18) years of age and over.

B. Adult Uses/Sexually Orientated Businesses. Adult uses/sexually orientated businesses include, but are limited to, adult bookstores, adult motion picture theaters, adult picture rental, adult mini-motion picture theaters, adult video stores, adult massage parlors, adult steam room/bathhouse, adult sauna facilities, adult companionship establishments, adult rap/conversation parlors, adult health/sports clubs, adult hotels/motels, adult body painting studios, and other premises, enterprises, establishments, businesses or places open to some or all members of the public, at or in which there is an emphasis on the presentation, display, depiction, or description of “specified sexual activities” or “specified anatomical areas” which are capable of being seen by members of the public.

C. Adult Uses Accessory. A use, business, or establishment having ten percent (10%) or less of its stock in trade or floor area allocated to, or twenty percent (20%) or less of its gross receipts derived from movie rentals or magazine sales.

- D. Adult Uses Principal.** A use, business, or establishment having more than ten percent (10%) of its stock in trade or floor area allocated to, or more than twenty percent (20%) of its gross receipts derived from movie rentals or magazine sales.
- E. Adult Use Body Painting Studio.** A business or establishment which provides the service of applying paint or other substance, whether transparent or non-transparent, to or on the body of a person when such body is wholly or partially nude in terms of “specified anatomical area”.
- F. Adult Use Bookstore.** A building or portion of a building used for the barter, rental, or sale of items consisting of printed matter, pictures, slides, records, audio tapes, videotapes, or motion picture film if such building or portion of a building is not open to the public generally but only to one or more classes of the public excluding any minor by reason of age or if a substantial or significant portion of such items are distinguished or characterized by an emphasis on the presentation, display, depiction, or description of “specified sexual activities” or “specified anatomical areas”.
- G. Adult Use Cabaret.** A building or portion of a building used for providing dancing or other live entertainment, if such building or portion of a building excludes minors by virtue of age, or if such dancing or live entertainment is distinguished or characterized by an emphasis on “specified sexual activities” or “specified anatomical areas”.
- H. Adult Use Companionship establishment.** A companionship establishment which excludes minors by reason of age, or which provides the service of listening to or engaging in conversation, talk, or discussion between an employee of the establishment and a customer, if such service is distinguished or characterized by an emphasis on “specified sexual activities” or “specified anatomical areas”.
- I. Adult Use Conversation/Rap Parlor.** A conversation/Rap Parlor which excludes minors by reason of age, or which provides the service of listening to or engaging in conversation, talk, or discussion, if such service is distinguished or characterized by an emphasis on “specified sexual activities” or “specified anatomical areas”.
- J. Adult Use Health/Sports Club.** A health/sport club which excludes minors by reason of age, or if such club is distinguished or characterized by an emphasis on “specified sexual activities” or “specified anatomical areas”.
- K. Adult Use Hotel/Motel.** A hotel or motel from which minors are specifically excluded from patronage and wherein material is presented which is distinguished or characterized by an emphasis on matter depicting, or describing or relating to “specified sexual activities” or “specified anatomical areas”.
- L. Adult Use Massage Parlor, Health Club.** A massage parlor or health club which restricts minors by reason of age, and which provides the service of massage if such service is distinguished or characterized by an emphasis on “specified sexual activities” or “specified anatomical areas”.
- M. Adult Use Mini Motion Parlor, Health Club.** A massage parlor or health club which restricts minors by reason of age, and which provides the service of massage if such service is distinguished or characterized by an emphasis on “specified sexual activities” or specified anatomical areas”.

- N. Adult Use Modeling Studios.** An establishment whose major business is the provision to customers of figure models who are so provided with the intent of providing sexual stimulation or sexual gratification to such customers and who engage in “specified sexual activities” or “specified anatomical areas” while being observed, painted, painted upon, sketched, drawn, sculptured, photographed, or otherwise depicted by such customers.
- O. Adult Use Motion Picture Arcade.** Any place to which the public is permitted or invited wherein coin operated or slug operated, or electronically, electrically, or mechanically controlled or operated still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five (5) or fewer persons per machine or at any time, and where the images so displayed are distinguished or characterized by an emphasis on depicting or describing “specified sexual activities” or specified anatomical areas”.
- P. Adult Use Motion Picture Theater.** A building or portion of a building used for presenting material if such a building or portion of a building which as a prevailing practice excludes minors by reason of age or if such material is distinguished or characterized by an emphasis on “specified sexual activities or “specified anatomical areas” for observation by patrons therein.
- Q. Adult Use Novelty Business.** A business which has as a principle activity the sale of devices which stimulate human genitals or devices which are designed for sexual stimulation.
- R. Adult Use Sauna.** A sauna which excludes minors by reason of age, or which provides a steam bath or heat bathing room used for the purpose of bathing, relaxation, or reducing, utilizing steam or hot air as a cleaning, relaxing, or reducing agent, if the service provided by the steam room/bathhouse facility is distinguished or characterized by an emphasis on “specified sexual activities or “specified anatomical areas”.
- S. Adult Use Steam Room/Bathhouse Facility.** A building or portion of a building used for providing a steam bath or heat bathing room used for the purpose of pleasure, bathing, relaxation, or reducing, utilizing steam or hot air as a cleaning, relaxing, or reducing agent, if such building or portion of a building restricts minors by reason of age, or if the service provided by the steam room/bathhouse facility is distinguished or characterized by an emphasis on “specified sexual activities” or “specified anatomical areas”.
- T. Environmental Health Department.** The Cottonwood County Environmental Office.
- U. Liquor License.** Any of the following licenses issued or approved by the County of Cottonwood, pursuant to Minnesota Statute, Chapter 340A:
- 1) On-sale Intoxicating Malt Liquor License, or
 - 2) On-sale Intoxicating Liquor License, or
 - 3) On-sale Wine License.
- V. Minor.** Person(s) under eighteen (18) years of age.
- W. Obscene.** Offensive to accepted standards of decency, inciting lustful feelings, or lewd.
- X. Police Related Service Call.** Requests for assistance made to the Cottonwood County Sheriff’s Office from a neighboring resident, a victim of crime, a patron of the establishment, or the management of the Adult Use/Sexually Orientated business. Such calls may include but are not limited to: assaults, disorderly conduct, indecent exposure, prostitution, and trespassing.

Y. Specified Anatomical Areas.

1. Human genitals, pubic region, buttock, anus, or female breast(s), below a point immediately above the areola, unless completely and opaquely covered.
2. Human male genitals in a discernible turgid state, even if completely and opaquely covered.

Z. Specified Sexual Activities.

1. Actual or simulated sexual intercourse, oral copulation, anal intercourse, oral-anal copulation, bestiality, direct physical stimulation of unclothed genitals, flagellation or torture in the context of a sexual relationship, and any of the following sexual-oriented acts or conduct: anilingus, buggery, coprophagy, coprophilia, cunnilingus, fellatio, necrophilia, pederasty, pedophilia, piquerism, sapphism, zooerasty; or
2. Clearly depicted human genitals in the state of sexual stimulation, arousal, or tumescence.
3. Use of human or animal ejaculation or ejaculate, sodomy, oral copulation, coitus, or masturbation.
4. Fondling or touching of nude human genitals, pubic region, buttocks, or female breast(s).
5. Situations involving a person or persons, any of whom are nude, clad in undergarments, or in sexually revealing costumes, and who are engaged in activities involving the flagellation, torture, fettering, binding, or other physical constraint of any such persons.
6. Erotic or lewd touching, fondling, or other sexually oriented contact with an animal by a human being.
7. Human erection, urination, menstruation, vaginal, or anal irrigation.

IV. LICENSE REQUIREMENTS FOR ADULT USE/SEXUALLY ORIENTATED BUSINESS

No person shall own or operate an adult use/sexually orientated business without first having secured a Conditional Use Permit and an Adult Use/Sexually Orientated Business License from Cottonwood County.

A. Application. The application for an Adult Use/Sexually Orientated Business License shall be submitted on a form provided by the County and shall include:

1. If the application is made on behalf of a corporation, joint business venture, partnership, or any legally constituted business association, it shall submit along with its application, accurate and complete business records showing the names, addresses, and dates of birth of all individuals having an interest in the business, including partners, officers, owners, members, and creditors furnishing credit for the establishment or the acquisition, maintenance, and furnishings of said business and, in the case of a corporation, the names, addresses and dates of birth of all officers, general managers, members of the board of directors as well as any creditors who have extended credit for the acquisition, maintenance, operation, or furnishings of the establishment including the purchase of any items of personal property for use in said operation.

2. Application for license shall contain the address and legal description of the property to be used; the name, address, phone number, and date of birth of the owner, lessee, if any, the operator or manager, and all employees; the name, address, and phone number of two persons who shall be residents of the state, and who may be called upon to attest to the applicant's, manager's, or operator's character; whether the applicant, manager, or operator has ever been convicted of a crime or offense other than a traffic offense and, if so, complete and accurate information as to the time, place, nature of such crime or offense including the disposition thereof; the names and addresses of all creditors of the applicant, owner, lessee, or manager insofar as regarding credit which has been extended for the purposes of constructing, equipping, maintaining, operating, or furnishing or acquiring the premises, personal effects, equipment, or anything incidental to the establishment, maintenance, and operation of the business.
3. A statement detailing any gross misdemeanor or felony convictions relating to sex offenses, obscenity, or the operation of an adult use/sexually orientated business of adult business by the applicant, operator, or manager, and whether or not the applicant has ever applied for or held a license to operate a similar type business in any other community(s). In the case of a business entity applicant, a statement detailing any felony convictions by any owner of five percent (5%) or more of the applicant entity and whether or not any owner of five percent (5%) or more of the applicant entity has ever applied for or held a license to operate a similar type of business in other community(s).
4. The activities and types of business to be conducted.
5. The hours of operation.
6. Provisions to be utilized to restrict access by minors.
7. A building plan of the premises detailing all internal operations and activities.
8. The permit shall expire on December 31 of the year it is issued.

B. Conditional Use Permit.

1. **Application:** An application for a Conditional Use Permit shall be filed with the office of the County Zoning Administrator on a form prescribed by the County. The application shall be accompanied by such building plans, site plans, and other materials as may be prescribed by the County Planning Commission, and the applicable fee.
2. **Notification and Public Hearing:** Upon receipt of the application and other prescribed materials, a time and place shall be set for a public hearing before the County Planning Commission. The County Planning Commission shall hold at least one (1) public hearing on the proposed Conditional Use Permit. At least ten (10) days before the date of each public hearing, notice of the hearing shall be sent to all property owners of record within five hundred (500) feet of the area included in the application in incorporated areas and in unincorporated areas, to all property owners of record within one-quarter (1/4) mile of the affected property or to the ten (10) properties nearest to the affected property, whichever would provide notice to the greatest number of owners. Written notice shall also be given to any municipalities within two (2) miles of the affected property, and the Board of the Township within which the property is located. Notice of the time, place and purpose of any public hearing shall be given by publication in the official County newspaper and in a newspaper of general circulation serving the area in which the property is located, at least ten (10) days in advance of the hearing.

3. **Approval:** The County Planning Commission shall make its decision upon the application and forward its recommendations to the Board of County Commissioners. In reporting its recommendation to the Board of County Commissioners, the County Planning Commission may designate conditions and require guarantees deemed necessary for the protection of the public interest. Upon receipt of the report of the County Planning Commission, the Board of County Commissioners shall make a decision upon the application. A certified copy of any approved Conditional Use Permit shall be filed with the County Recorder by the County Auditor.

C. **Responsibility to Obtain Other Permits/Licenses.** The granting of any permit or license pursuant to requirements of this Ordinance, or other applicable Cottonwood County Ordinances, shall not relieve applicants of their responsibility to obtain any required State or Federal permits.

V. LICENSE FEE FOR ADULT USE/SEXUALLY ORIENTATED BUSINESS.

A. **Submittal of Fees.** Each application for an Adult Use/Sexually Orientated Business License shall be submitted to the Environmental Health Department and shall be accompanied by payment in full of the required fee for the Adult Use/Sexually Orientated Business License.

B. **Expiration of Adult Use/Sexually Orientated Business License.** Each license shall be issued for a period of one (1) calendar year. All licenses shall expire on the last day of December of each year. Any portion of a year less than twelve (12) months shall be counted as a full year for the purpose of calculation of fees.

C. **Annual Fee.** The annual fee for an Adult Use/Sexually Orientated License shall be as detailed in the fee schedule established by the Cottonwood County Board of Commissioners. The fee may be adjusted from time to time by resolution of the Board.

D. **Refund of Fee.** If any application for a license is rejected, the license fee shall not be refunded. No part of the fee paid for any license issued under this Ordinance shall be refunded.

VI. GRANTING OF ADULT USE/SEXUALLY ORIENTATED BUSINESS LICENSE.

A. The Cottonwood County Sheriff shall investigate all facts set out in the application. Each owner of the establishment, be it an individual, or in the case of business entity owner, any owner of five percent (5%) or more of the business entity, shall be subjected to a criminal history background check by the Sheriff or his designee. Costs of the criminal history investigations shall be borne by the applicant according to a fee schedule established by the Sheriff. The application for the adult use/sexually orientated business license shall not be considered complete until all required information has been furnished, the investigation has been completed by the Sheriff, and a report provided to the Environmental Health Department by the applicant.

B. The Adult Use/Sexually Orientated Business License shall be issued only to the applicant and shall not be transferable to another holder. Each license shall be issued for only the premise described in the application. No license may be transferred to another premise or person without the written permission of the County. If the licensee is a business entity, any transfer of five percent (5%) or more of the business entity shall be deemed to be a transfer of the license. If a license is transferred without the written permission of Cottonwood County, said license shall be void.

VII. PERSONS INELIGIBLE FOR ADULT USE/SEXUALLY ORIENTATED BUSINESS LICENSE.

No license shall be issued to any individual or business entity:

- A. Under eighteen (18) years of age.
- B. Who is overdue in payments to a city, county, state, or federal government of taxes, fees, fines, or penalties or charges for municipal services and utilities assessed against them or imposed upon them.
- C. If the individual or if any owner of five percent (5%) or more of the business entity has been convicted of a gross misdemeanor or felony, or of violating any law of this state or local Ordinance relating to sex offenses, obscenity offenses, or adult establishments.
- D. Who is not the proprietor of the establishment for which the license is issued.
- E. To any applicant who is acting as an agent for an individual who would be disqualified pursuant to the above criteria.
- F. Who has not paid the required investigation/licensing fees required by this Ordinance.

VIII. CONDITIONS OF ADULT USE/SEXUALLY ORIENTATED BUSINESS LICENSE.

- A. All licensed premises shall have the license posted in a conspicuous place at all times.
- B. No minor shall be permitted on the premises.
- C. Any designated inspection officer of the county shall have the right to enter, inspect, and search the premises of a licensee during business hours.
- D. No adult goods or materials shall be offered, sold, transferred, conveyed, given, displayed, or bartered to any minor.
- E. In granting a license for an adult use/sexually orientated business, the County Board may impose additional conditions to protect the best interest of the surrounding area of the County as a whole, including but not limited to parking, lighting, etc.
- F. The licensee must keep itemized written records of all transactions involving the sale or rental of all items or merchandise for at least one year after the transaction. At a minimum, those records must describe the date of the transaction, a description of the transaction, the purchase or rental price, and a detailed description of the item or merchandise that is being purchased or rented. These written records must be provided to the County upon request.
- G. The licensee must cover or otherwise arrange all windows, doors, and apertures to prevent any person outside the licensed premises from viewing any items or merchandise inside the premises depicting "specified sexual activities" or "specified anatomical areas".

IX. OPERATIONAL RESTRICTIONS ON ADULT USE/SEXUALLY ORIENTATED BUSINESS.

Adult Uses – Principal General Provisions. Adult Use/Sexually Orientated Business as defined in the definitions of this Ordinance shall be subject to the following general provision.

- A. No person(s) under eighteen (18) years of age shall be permitted in any adult use/sexually orientated business-principal premises, enterprises, establishments, business or place.
- B. No liquor license shall be issued to any adult use/sexually orientated business related premises, enterprise, establishment, business, or place open to some or all members of the public, at or in which there is an emphasis on the presentation, display, depiction, description of, or participation in “specified sexual activities” or “specified anatomical areas”.
- C. No adult use/sexually orientated business related premises, enterprise, establishment, business, or place shall allow or permit the sale or service of set-ups to mix alcoholic drinks. No alcoholic beverages shall be consumed on the premises of such premises, enterprise, establishment, business, or place.
- D. Activities classified as obscene are not permitted and are prohibited from locating in any building which is also utilized for residential purposes.
- E. Adult use/sexually orientated business, either principal or accessory, shall be prohibited from locating in any building which is also utilized for residential purposes.
- F. An adult use/sexually orientated business which does not qualify as an accessory use pursuant to Section XVI of this Ordinance, shall be classified as an adult-use principle.

X. PERMITTED LOCATIONS FOR ADULT USE/SEXUALLY ORIENTATED BUSINESS.

Adult use-principal, shall only be allowed in the Agricultural District with the following criteria:

- A. Access, parking, screening, lighting, and other relevant site related criteria for all Adult Uses shall be as set forth in the Cottonwood County Zoning Ordinance.
- B. Adult use principal, must be located at least one-half (1/2) mile, as measured in a straight line from the closest corner of the building within which the adult use-principal is located, to the closest corner of any:
 - 1. Residence;
 - 2. Licensed day-care center;
 - 3. Public or private educational facility classified as an elementary, middle school, junior high, or senior high school;
 - 4. Hotel or motel;
 - 5. Public park or trails system;
 - 6. Nursing home;
 - 7. Youth establishment;
 - 8. Church or church related organization;
 - 9. Another adult establishment, no adult use-principal shall be located in the same building or upon the same property as another adult use-principal;
 - 10. Establishment licensed to serve alcoholic beverages;
 - 11. Hospitals/Clinics.
- C. Adult use principal must be located at least one (1) mile from any municipality and from the unincorporated village of Delft.
- D. If the distance is in question, the applicant(s) shall be required to submit a signed document from a registered surveyor stating the exact setback distance.

XI. LOCATIONS INELIGIBLE FOR ADULT USE/SEXUALLY ORIENTATED BUSINESS.

- A.** No license shall be granted for adult use/sexually orientated business establishments on any premises where a licensee has been convicted of a violation of this Ordinance, or where any license hereunder has been revoked for a violation, until one (1) year has elapsed after such conviction or revocation.
- B.** No license shall be granted for any adult use/sexually orientated business establishment which is not in compliance with the County Zoning Ordinance regulations; fire, health, and safety codes; and all other provisions of state and federal law.

XII. HOURS OF OPERATION

Hours of operation for adult use/sexually orientated business principal, shall be from 8:00 p.m. to 1:00 a.m.. A different time schedule may be approved by the Board of County Commissioners if it can be satisfactorily demonstrated to the Board that all of the following apply:

- A.** The use does not adversely impact or affect uses or activities within one-half (1/2) mile.
- B.** The use will not result in increased policing or related service calls.
- C.** It is critical to the operation of the business.

XIII. SIGN REGULATIONS

Adult use/sexually orientated business-principal shall adhere to the following sign regulations in addition to those set forth in the Cottonwood County Zoning Ordinance:

- A.** Sign message shall be generic in nature and shall only identify the name and type of business. Signs shall not be pictorial.
- B.** Signs shall be limited in the size and number of signs permitted in the district in which the use is located.

XIV. ADULT CABARET REGULATIONS

The following additional restrictions apply to Adult Cabarets:

- A.** No person, firm, partnership, corporation, or other entity shall advertise, or cause to be advertised, an adult cabaret without a Conditional Use Permit, a valid Adult Use/Sexually Orientated Business License, and must abide by the provisions in this subdivision.
- B.** An Adult Use/Sexually Orientated Business Licensee shall maintain and retain for a period of two (2) year the names, addresses, and ages of all persons engaged, hired, or employed as dancers or performers by the licensee.
- C.** An adult cabaret shall be prohibited in establishments where alcoholic beverages are served.
- D.** No person under eighteen (18) years of age shall be admitted to an adult cabaret.
- E.** No owner, operator, or manager of an adult cabaret shall permit or allow any dancer or other live entertainer to perform nude unless as provided in Letters G, H, and I below, and shall be in an adult cabaret.
- F.** No patron or person other than a dancer or live entertainer, as provided in Letters G, H, and I below, shall be nude in an adult cabaret.

- G. No dancer, live entertainer, or performer shall be under eighteen (18) years of age.
- H. All dancing shall occur on a platform intended for that purpose which is raised at least two (2) feet above the level of the floor.
- I. No dancer or performer shall perform or dance closer than ten (10) feet from any patron unless such dancer or performer is enclosed behind a floor to ceiling glass partition.
- J. No dancer shall fondle or caress any patron and no patron shall fondle or caress any dancer or performer.

XV. VIEWING BOOTH REGULATIONS

The following additional regulations apply to viewing booths:

- A. Individual Motion Picture viewing booths must be without doors and the occupant must be visible at all times.
- B. Only one person may be in a viewing booth at one time.
- C. Walls separating booths must be such that the occupants cannot engage in sexual activity.
- D. Each booth must be kept clean and sanitary.
- E. Minimum lighting requirements must be maintained.

XVI. REGULATIONS FOR ACCESSORY ADULT USE.

- A. **License/Location for Accessory Adult Use.** Accessory Adult Use shall be allowed in the Agricultural District of Cottonwood County; shall require a Conditional Use Permit, a valid Adult Use/Sexually Orientated Business License; and must abide by the provisions in this subdivision.
- B. **Requirements for Accessory Adult Use/Sexually Orientated Business.**
 - 1. Shall comprise no more than ten (10%) of the floor area of the establishment in which it is located or shall comprise no greater than 100 square feet of floor area in which it is located, whichever is greater.
 - 2. Shall comprise no more than twenty (20%) of the gross receipts of the entire business operation.
 - 3. Shall not involve or include any activity except the sale or rental of merchandise.
- C. **Separation of Areas.** Adult use-accessory shall be restricted from, and prohibit access to minors, by physically separating the following and similar items from areas of general public access:
 - 1. Movie Rental display areas shall be restricted from general view and shall be located within a separate room, the access of which is in clear view of, and under the control of the persons responsible for the operation of the business.

2. Magazines or publications classified as adult uses shall not be physically accessible to minors and shall be covered with a wrapper or other means to prevent display of any material other than the publication title.
3. Other adult uses not specifically cited shall comply with the intent of this Ordinance.

D. Advertising. Adult Use/Sexually Orientated Business-Accessory shall be prohibited from both internal and external advertising and signing of adult materials and products.

XVII. REPEAL AND ADOPTION

A. Repeal. Any portion of any Ordinance in conflict with this Ordinance is hereby repealed.

B. Adoption

Upon recommendation of the County Planning Commission, The Cottonwood County Board of Commissioners held a public hearing on the adoption of this Ordinance on the _____ day of _____, 2004 at their Regular Meeting of the Cottonwood County Board of Commissioners. After hearing public testimony and with due deliberation, the Cottonwood County Board of Commissioners voted _____ Ayes and _____ Nays to adopt this Ordinance.

C. Effective Date.

This Ordinance shall be in full force and effect 30 days after its passage and publication, as provided by law.

Adopted this _____.

Chairperson, County Board of Commissioners

Attest: _____
County Attorney