

## CHAPTER 124

# ADULT USES

### 124.01 Definitions

### 124.02 General Regulations

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

1. "Adult uses" include adult amusement or entertainment, adult book stores or gift shops, adult hotels or motels, adult photo studios, adult theaters and massage parlors.
2. "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 herein, including, but not limited to, topless or bottomless dancers, exotic dancers, strippers, male or female impersonators or similar entertainment.
3. "Adult book store or gift shop" means 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 herein.
4. "Adult hotel or motel" means a building with accommodations 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 an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas, as defined herein, for observation by the individuals therein.
5. "Adult photo studio" means 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.
6. "Adult theater" means a theater wherein a substantial and significant portion of the materials presented are distinguished or characterized or relating to specified sexual activities or specified anatomical areas, as defined herein, for observation by patrons herein.
7. "Massage parlor" means any building, room, place or establishment where 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 physician's direction, physical therapist, chiropodist, registered speech pathologist or physical or occupational therapist who treats only patients recommended by a licensed physician and operating 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, duly licensed beauty parlors or barber shops.

8. "Specified anatomical areas" means less than completely and opaquely covered human genitals, pubic region, buttocks, and a female breast below a point above the stop of the areola; and human male genitals in a discernibly turgid state, even if completely and opaquely covered.

9. "Specified sexual activities" means patently offensive acts, exhibitions, representations, depictions or descriptions of: (i) human genitals in a state of sexual stimulation or arousal; (ii) fondling or other erotic touching of human genitals, pubic region, buttocks or female breast; (iii) intrusion, however slight, actual or stimulated, by an object, any part of an animal's body or any party of a person's body; (iv) cunnilingus, fellatio, anilingus, masturbation, bestiality, lewd exhibition of genitals or excretory function, actual or simulated; (v) flagellation, mutilation or torture, actual or simulated, in a sexual context.

#### 124.02 GENERAL REGULATIONS.

1. Adult Uses. Adult uses near a regularly scheduled school bus stop, personal residence, a public or parochial school, licensed day care facility, church, public park or any dwelling (one-family, two-family or multiple dwelling) or near City Hall, has a deleterious effect on both the business and residential segments of the City. The establishment or more than two adult uses within 1,000 feet of each other compounds this deleterious effect. Control of adult uses is needed to allow an acceptable level of such uses while maintaining neighborhoods which meet the expectations of the general public.

A. An adult use shall not be located within 1,000 feet of another adult use, nor shall any adult use be located within 1,000 feet of any public or parochial school, regularly scheduled school bus stop, licensed day care facility, church, public park or any dwelling (one-family, two-family, or multiple dwelling) or within 1,000 feet of City Hall.

B. One thousand-foot restrictions shall be computed by measurement from the nearest property line of the land used for another adult use or be located within 1,000 feet of any regularly scheduled school bus stop, public or parochial school, licensed day care facility, church, public park, or any dwelling (one-family, two-family or multiple dwelling) or within 1,000 feet of City Hall to the nearest entrance of the building in which adult uses are to occur, using a route of direct measured horizontal distance.

C. All building openings, entries, windows, etc., shall be covered or screened in such a manner as to prevent a view of the interior from any public or semi-public area.

D. Advertisements, displays or other promotional materials shall not be shown or exhibited so as to be visible to the public from the pedestrian sidewalks, walkways, or from other public, or semi-public areas.

2. Minors. No minor shall be permitted in any establishment in which adult uses are permitted.

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

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