

**CHAPTER \_\_\_\_\_**

**ADULT-ORIENTED ESTABLISHMENT  
REGULATIONS**

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**167.01 PURPOSE.** The City of Conrad finds:

1. Adult-oriented establishments require special consideration in order to protect and preserve the health, safety, and welfare of the patrons of such establishments as well as the citizens of Conrad;
2. Adult-oriented establishments, because of their very nature, may have a detrimental effect on nearby existing establishments and surrounding residential areas adjacent to them;
3. The concern over sexually-transmitted diseases is a legitimate health concern of the City that demands reasonable regulation of adult-oriented establishments in order to protect the health and well-being of the community;
4. The City of Conrad wants to prevent these adverse effects and thereby protect the health and welfare of its residents; protect residents from increased crime; preserve the quality of life; and preserve the property values and character of the surrounding neighborhoods.
5. It is the intent of this chapter to enact regulations that address the secondary effects of adult-oriented establishments as well as the health problems associated with such establishments.

**167.02 DEFINITIONS RELATED TO ADULT-ORIENTED ESTABLISHMENTS.**

1. **ADULT BOOKSTORE:** An establishment that has a facility or facilities, including but not limited to booths, cubicles, rooms or stalls for the presentation of "adult entertainment," including adult-oriented films, movies, or live performances for observation by patrons therein; or an establishment having a substantial or significant portion of its stock-in-trade for sale, rent, trade, lease, inspection, or viewing of books, films, video cassettes, magazines, or other periodicals which are distinguished or characterized by their emphasis on matters depicting, describing, or relating to specified anatomical areas or specified sexual activities as defined below.

2. **ADULT ENTERTAINMENT:** Any exhibition of any motion picture, live performance, display, or dance of any type which has as its dominant theme or is distinguished or characterized by an emphasis on any actual or simulated specified sexual activities or specified anatomical areas as defined below.
3. **ADULT MOTION PICTURE THEATER:** An enclosed building used for presenting material having as its dominant theme or distinguished or characterized by an emphasis on matters depicting, describing, or relating to specified sexual activities or specified anatomical areas as defined below for observation by patrons of the building.
4. **ADULT HOTEL OR MOTEL:** 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.
5. **ADULT PHOTO STUDIO:** 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-ORIENTED ESTABLISHMENT:** Any premises including, without limitation, "adult bookstores", "adult motion picture theaters", "adult hotel or motel", or "adult photo studio." It further means any premises to which public patrons or members are invited or admitted and which are physically arranged so as to provide booths, cubicles, rooms, compartments, or stalls separate from the common area of the premises for the purposes of viewing adult-oriented motion pictures, or wherein an entertainer provides adult entertainment to a member of the public, a patron, or a member, where such adult entertainment is held, conducted, operated or maintained for a profit, direct or indirect. "Adult-Oriented Establishment" further includes, without limitation, any premises physically arranged and used as such whether advertised or represented as an adult entertainment studio, exotic dance studio, encounter studio, sensitivity studio, or any other term of like import.
7. **OPERATORS:** Any person, partnership, or corporation operating, conducting, maintaining, or owning any adult-oriented establishment.
8. **SPECIFIED ANATOMICAL AREAS:** Less than completely opaquely covered human genitals, buttocks, female breasts below the areola; or, male genitalia.
9. **SPECIFIED SEXUAL ACTIVITIES:** Simulated or actual (a) showing of human genitals in a state of sexual stimulation or arousal; (b) acts of sexual

activity, sodomy, or sadomasochism; or (c) fondling or erotic touching of human genitals, buttocks, or female breasts.

**167.03 LOCATION RESTRICTIONS.** An adult-oriented establishment shall be prohibited in the City of Conrad in the following locations. Distances provided hereafter 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 adult entertainment business is to be located, to the nearest point of the parcel of property or zoning district boundary line from which the proposed adult entertainment business is to be separated.

1. In a residential district, or within one thousand (1,000) feet of the borders of a residential district.
2. Within one thousand (1,000) feet of any church, synagogue, mosque, temple, or other place of religious worship.
3. Within one thousand (1,000) feet of any public or private school offering general education for students between the years of kindergarten and twelfth grade, public library or museum.
4. Within one thousand (1,000) feet of any day-care home or day-care business.
5. Within one thousand (1,000) feet of any public park, trail, or playground.
6. Within one thousand (1,000) feet of any federal, state, county or city governmental offices.
7. Within one thousand (1,000) feet of any existing establishment selling alcoholic beverages for consumption on premises.

**167.04 DEVELOPMENT DESIGN STANDARDS**

1. Exterior. It shall be unlawful for an operator of an adult-oriented establishment:
  - A. To allow the merchandise or activities of the establishment to be visible from outside the establishment.
  - B. To allow the exterior portion of the adult-oriented establishment to have flashing lights or any words, lettering, photographs, silhouettes, drawings, or pictorial representation of any manner depicting specified anatomical areas or specified sexual activities.
  - C. To allow exterior portions of the establishment to be painted other than a single color.

2. Signage. The operator shall comply with the Zoning Regulations of the City of Conrad. Additionally, the display surfaces of the sign shall not contain any flashing lights or photographs, silhouettes, drawings, or pictorial representations of any manner, except for the name of the enterprise.

**167.05 RESPONSIBILITIES OF THE OPERATOR.** Every act or omission by an employee constituting a violation of the provisions of this chapter shall be deemed the act or omission of the operator if such an act or omission occurs either with the authorization, knowledge, or approval of the operator, or as a result of the operator's negligent failure to supervise the employee's conduct, and the operator shall be punishable for such act or omission in the same manner as if the operator committed the act or caused the omission.

**167.06 MINORS.** It shall be unlawful to allow a person who is younger than eighteen (18) years of age to enter or be on the premises of an adult-oriented establishment at any time that the establishment is open for business. The operator must ensure that an attendant is stationed at each public entrance at all times during regular business hours. The attendant shall prohibit any person under the age of eighteen (18) from entering the establishment.

**167.07 ALCOHOL RESTRICTIONS.** 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 operator and the patrons of the establishment involved.

**167.08 HOURS OF OPERATION.** An adult-oriented establishment may remain open for business no longer than the hours from between 10:00 a.m. to 2:00 a.m., seven days a week.

**167.09 ENFORCEMENT.** Any violation of this ordinance by the owner or operator shall be a Criminal Penalty that would be a Simple Misdemeanor punishable by a fine not to exceed \$625 plus Statutory Surcharge and Court costs, and the Court may order imprisonment not to exceed thirty days in lieu of a fine or in addition to a fine, or a Municipal Infraction with a Scheduled Civil Penalty as provided for under Chapter 4 of the Conrad City Code of Ordinances.