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## CHAPTER 124

### ADULT ENTERTAINMENT BUSINESSES

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124.01 Location Restricted

124.02 Definitions

124.03 Establishment of Adult Entertainment  
Businesses

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#### **124.01 LOCATION RESTRICTED.**

Any adult entertainment business which is distinguished or characterized by an emphasis on sex acts or specified anatomical areas shall not be established in any district zoned for residential use or within 1,000 feet of another business, school, church, public park, day care center, nursery school, or any type of dwelling.

#### **124.02 DEFINITIONS.**

1. Definitions of adult entertainment businesses include the following:

A. “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 sex acts or specified anatomical areas, including, but not limited to, topless or bottomless dancers, exotic dancers, strippers, male or female impersonators, or similar entertainment.

B. “Adult bookstore” means an establishment having as a 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 or describing sex acts or specified anatomical areas.

C. “Adult hotel or motel” means any building or vehicle with accommodations used for the temporary occupancy of one or more individuals and is an establishment where material is presented that is distinguished or characterized by an emphasis on depicting or describing sex acts or specified anatomical areas for observation by the accommodated individuals.

D. “Adult motion picture arcade” means any building or vehicle to which the public is permitted or invited where coin or slug-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by an emphasis on matter depicting or describing sex acts or specified anatomical areas.

E. “Adult motion picture theater” means an enclosed building or vehicle used for presenting material distinguished or characterized by an emphasis on matter depicting or describing sex acts or specified anatomical areas.

F. “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 sex acts.

G. “Massage parlor” means any building, room, place, vehicle, or establishment, where manipulated massage or manipulated exercise is practiced for pay upon the human body with an emphasis on sex acts or specified anatomical areas 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, or physical or occupational therapist who treats only patients recommended by a licensed physician and operates only under such physician’s direction, whether with or without the use of mechanical, therapeutic, or bathing devices. The term does not include regular licensed medical clinics, nursing homes, beauty parlors, or barber shops.

H. "Sexual encounter center" means any business, agency, or persons who for any form of consideration or gratuity provides a place where three or more persons may congregate, assemble or associate for the purpose of engaging in sex acts or exposing specified anatomical areas.

2. Definitions of sex acts and specified anatomical areas are as follows:

A. "Sex act" means any sexual contact, actual or simulated, either natural or deviate, between two or more persons, or between a person and an animal, by penetration of the penis into the vagina or anus, or by contact between the mouth or tongue and genitalia or anus, or by contact between a finger or hand of one person and the genitalia of another, or by the use of artificial or substitute sexual organs in contact with the genitalia or anus.

B. "Specified anatomical areas" include human genitals, pubic region, buttocks, and the female breast below a point immediately above the top of the areola.

#### **124.03 ESTABLISHMENT OF ADULT ENTERTAINMENT BUSINESSES.**

1. The establishment of an adult entertainment business shall include the opening of such business as a new business, the relocation of such business, or the conversion of an existing business location to any of the uses described as an adult entertainment business.

2. Measurement of the 1,000-foot restriction shall be taken on a direct line from the property line of such adult entertainment business to the point on the property line of another business, school, church, public park, day care center, nursery school, or any type of dwelling.

3. All adult entertainment businesses shall have their openings, entries, windows, etc., constructed, located, covered, or screened in such a manner as to prevent a view into the interior of such building from any pedestrian sidewalk, walkway, street, or other public or semi-public area. 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 other public or semi-public area.

4. No alcohol shall be permitted in any adult entertainment business, unless specifically authorized by Iowa law. This prohibition applies equally to the proprietor and the patrons of the business.

5. No minors shall be permitted in any entertainment business.

#### **124.04 VIOLATIONS.**

Each day that a person is in violation of this chapter shall be considered a separate violation.

## **ORDINANCE NO. 2021-\_\_**

### **AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF EAGLE GROVE, IOWA BY AMENDING PROVISIONS PERTAINING TO THE ADULT ENTERTAINMENT BUSINESSES**

**BE IT ENACTED** by the City Council of the City of Eagle Grove, Iowa:

**SECTION 1. SECTIONS MODIFIED.** Sections 124.01, 124.02(1)(A), and 124.03 of the Code of Ordinances of the City of Eagle Grove, Iowa, is repealed and the following adopted in lieu thereof:

#### **124.01 LOCATION RESTRICTED.**

Any adult entertainment business shall not be established in any district zoned for residential use or within 1,000 feet of another business, school, church, public park, day care center, nursery school, or any type of dwelling.

#### **124.02 DEFINITIONS.**

1. Definitions of adult entertainment businesses include the following:

A. "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 sex acts or specified anatomical areas, including, without limitation, topless or bottomless dancers, exotic dancers, strippers, or similar entertainment.

#### **124.03 ESTABLISHMENT OF ADULT ENTERTAINMENT BUSINESSES.**

1. The establishment of an adult entertainment business shall include the opening of such business as a new business, the relocation of such business, or the conversion of an existing business location to any of the uses described as an adult entertainment business. The conversion of an existing business location to an adult entertainment business shall include the isolated, intermittent, temporary, or sporadic use of an existing business location, in whole or in part, for any of the uses described as an adult entertainment business.

**SECTION 2. REPEALER.** All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

**SECTION 3. SEVERABILITY CLAUSE.** If any section, provision, or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision, or part thereof not adjudged invalid or unconstitutional.

**SECTION 4. WHEN EFFECTIVE.** This ordinance shall be in effect from and after its final passage, approval, and publication as provided by law.

Passed by the Council the \_\_\_\_ day of \_\_\_\_\_, 2021, and approved this \_\_\_\_ day of \_\_\_\_\_, 2021.

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Sandra McGrath, Mayor

ATTEST:

\_\_\_\_\_  
Bryce Davis

City Administrator/Clerk

First Reading: \_\_\_\_\_

Second Reading: \_\_\_\_\_

Third Reading: \_\_\_\_\_

I certify that the foregoing was published as Ordinance No. 2021-\_\_\_\_\_ on the \_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
City Clerk