

## **ORDINANCE NO. 855**

### **AN ORDINANCE AMENDING THE CODE OF ORDINANCES FOR THE CITY OF DYERSVILLE CHAPTER 127 – ADULT ENTERTAINMENT FACILITIES**

**SECTION 1. AMENDMENT OF ORDINANCE.** Chapter 127 of the municipal ordinances of the City of Dyersville, Iowa, is hereby amended as follows. Section 127.02 is hereby deleted, and the below is substituted in its place.

#### **127.02 DEFINITIONS.**

The following words, terms, and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

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 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.
2. “Adult entertainment facilities” includes but is not limited to the following:
  - A. Adult bookstore means an establishment having as the primary portion of its stock in trade, books, magazines, and other periodicals which are substantially devoted to the depiction of specified sexual activities and specified anatomical areas.
  - B. Adult business means any business or establishment where a specified sexual activity or specified anatomical area is displayed.
  - C. Adult motel means a motel or similar establishment offering public accommodations for any form of consideration which provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas.
  - D. Adult movie theatre means any theatre, arcade, or similar establishment where an enclosed building or open-air facility is used for presenting material in the form of motion picture film, videotape, or similar means which is substantially devoted to the depiction of specified sexual activities and specified anatomical areas, for observation by persons therein.
  - E. Adult news rack means any coin-operated machine or device which dispenses material substantially devoted to the depiction of specified sexual activities and specified anatomical areas.

- F. Adult nightclub means any club, cabaret, nightclub, bar, restaurant, or similar establishment where an enclosed building at which Adult amusement or entertainment is provided or performed.
  - G. Adult entertainment cabaret means a public or private establishment that is licensed to serve food and/or alcoholic beverages, at which Adult amusement or entertainment is provided or performed.
  - H. Body shop or model studio means any public or private establishment which describes itself as a body shop or model studio; or where, for any form of consideration or gratuity, figure models who display specified anatomical areas are provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by persons paying such consideration or gratuity, or where for any form of consideration or gratuity, nude and seminude dancing, readings, counseling sessions, body painting, and other activities that present materials distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas are provided for observation by or communication to persons paying such consideration or gratuity.
3. “Specified anatomical area” means less than completely and opaquely covered human genitalia, mature human buttocks, and a mature human breast 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.
4. “Specified sexual activities” means any of the following conditions:
- A. Human genitals in a state of sexual stimulation or arousal.
  - B. Acts or representations of acts of human masturbation, sexual intercourse or sodomy, bestiality, oral copulation, or flagellation.
  - C. Fondling or erotic touching of human genitals, pubic region, buttock, or female breast.
  - D. Minors engaged in a prohibited sexual act or simulation of a prohibited sexual act.
  - E. Excretory functions as part of or in connection with any activities set forth in Paragraphs A through D of this subsection.

**SECTION 2. 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 3. EFFECTIVE DATE.** This ordinance shall be in effect from and after its final passage, approval, and publication as provided by law.

Passed and approved by the City Council of the City of Dyersville, Iowa, the \_\_\_\_ day of

\_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Jeff Jacque, Mayor

ATTEST:

\_\_\_\_\_  
Tricia L. Maiers, City Clerk