

## CHAPTER XVII: LICENSING OF ADULT USES AND SEXUALLY-ORIENTED BUSINESSES

### PART I. FINDINGS AND PURPOSES.

1701.01. PURPOSE AND FINDINGS: Subdivision 1. The purpose of this ordinance is to control, through licensing and other regulations, certain land uses that have a direct and detrimental effect on the character of the City's residential and commercial neighborhoods.

Subd. 2. The Henderson City Council makes the following findings about the effect adult uses and sexually oriented businesses have on the character of the City's neighborhoods. In making the findings, the City Council accepts the recommendations of staff that has studied the experiences of other areas about such businesses. Based on studies and findings, the Henderson City Council concludes:

- A. Adult uses and sexually oriented businesses can contribute to an increase in crime in the area where such businesses are located. This can be a burden to City crime-prevention programs and law-enforcement services.
- B. Adult uses and sexually oriented businesses can significantly contribute to the deterioration of residential neighborhoods and can increase neighborhood blight. These businesses also can impair the character and quality of the residential housing in the area where such businesses are. This situation could lessen the amount of desirable housing for residents.
- C. The concentration of adult uses and sexually-oriented businesses in one area can greatly affect the area where such businesses are concentrated and on the quality of city life. A cycle of decay can result from the influx of adult uses and sexually oriented businesses. Others may perceive the presence of such businesses as an indication that the area is deteriorating and the result can be devastating. That is, other businesses move out of the vicinity and residents flee from the area. Lower property values, which can result from the concentration of such businesses, erode the City's tax base, and contribute to blight.
- D. Adult uses and sexually oriented businesses have adverse secondary impacts of the types discussed above.
- E. It is necessary to provide for the special and express regulation of businesses, establishments or commercial enterprises that operate as adult body painting studios, adult bookstores, adult cabarets, adult car washes, adult companionship establishments, adult hotels or motels, adult massage parlors or health clubs, adult mini-motion picture theaters, adult modeling studios, adult motion picture arcades or theaters, adult novelty businesses, adult saunas, and similar adult-oriented services operating under different names to protect the public health, safety and welfare, and to guard against the inception and transmission of disease.
- F. The commercial enterprises such as the types described in (e) above and all other similar establishments whose services include sessions offered to adults conducted in private by members of the same or opposite sex, and employing personnel with no specialized training, are susceptible to operations contravening, subverting, or endangering the morals of the City by being the site of acts of prostitution, illicit sex, and occasions of violent crimes, and thus requiring close inspection, licensing and regulation.
- G. Control and regulation of commercial establishments of these types, in view of the abuses often perpetrated, require intensive efforts by the police department and other departments of the City. It is necessary for the City to provide services to all of

Henderson without concentrating the public services in one area. The concentrated use of City services detracts from and reduces the level of service available to the rest of Henderson. Thus, these types of establishments can diminish the ability of the City to protect and promote the general health, welfare, morals, and safety of Henderson.

- H. The City Council adopts the following land-use and licensing regulations, recognizing that it has an interest in the present and future character of the City's residential and commercial neighborhoods. These regulations are to lessen the detrimental and adverse affects adult uses and sexually oriented businesses have on the use of adjacent land, and to protect and promote the health, safety, and welfare of the residents of Henderson.

It is not the intent of the City Council to prohibit adult uses or sexually oriented businesses or establishments from having an opportunity to locate in Henderson. It also is not the intent of the City Council to regulate these businesses because of content, but only on the basis of likely adverse secondary effects.

## PART II. DEFINITIONS.

1702.01. DEFINITIONS: The following words shall have the following meanings:

- A. *Adult uses*: Adult body painting studios, adult bookstores, adult cabaret, adult car wash, adult hotels or motels, adult motion picture theaters, adult mini-motion picture theaters, adult massage parlors, adult health/sports clubs, adult saunas/steam rooms/bath houses, adult companionship establishments, adult rap/conversation parlors, adult novelty businesses, adult motion picture arcades, adult modeling studios, and all other premises, enterprises, establishments, businesses, and 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 the public could see. This definition does not apply to the practice of medicine, surgery, osteopathy, chiropractic, physical therapy, or podiatry by state-licensed or registered persons. Activities classified as obscene as defined by Minnesota Statutes §617.241 are not lawful and are not included in the definition of adult uses.
- B. *Adult Use – Accessory*: The offering of goods and/or services classified as adult uses on a limited scale that is incidental to the primary activity and goods and/or services offered by the establishment. Examples of such items include adult magazines, adult movies, adult novelties, and the like.
- C. *Adult Uses – Principal*: The offering of goods and/or services classified as adult uses as a primary or sole activity of a business or establishment, and include but are not limited to the following:
1. *Adult Body Painting Studios*: An establishment or business that provides the service of applying paint or other substance, whether transparent or nontransparent, to or on the body of a patron when such body is wholly or partially nude in terms of "specified anatomical areas."
  2. *Adult Bookstores*: An establishment, building or business engaging in the barter, rental, or sale of items or merchandise consisting of printed matter, pictures, slides, records, audio-tapes, videotapes, computer or video disks, motion picture film, or any other similar materials, if such a shop is not open to the public generally but only to one or more classes of the public, excluding any minor because of age, if more than twenty

(20%) percent of the usable floor area of the establishment, building or business, or it at least 500 square feet, whichever is smaller, has products or materials distinguished or characterized by an emphasis on matters depicting, describing or related to “specified sexual activities” or “specified anatomical areas.”

3. *Adult Cabaret*: An establishment, building or business that provides dancing or other live entertainment if such dancing or other live entertainment is distinguished or characterized by an emphasis on the performance, presentation, display, depiction, or description of “specified sexual activities” or “specified anatomical areas.”
4. *Adult Car Wash*: A wash facility for any type of motor vehicle that allows employees, agents, independent contractors, or persons to appear in a state of partial or total nudity in terms of “specified anatomical areas.”
5. *Adult Companionship Establishment*: An establishment or business if such establishment excludes minors because of age, or which provides the service of engaging in or listening to 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.”
6. *Adult Entertainment Facility*: A building or space in which an admission is charged for entrance, or food or nonalcoholic beverages are sold or intended for consumption, and in which may be observed live presentation of entertainment distinguished or characterized by an emphasis on matters depicting, describing, or relating to “specified sexual activities” or “specified anatomical areas.”
7. *Adult Establishment*: An establishment, building or business engaging in any of the following activities or which uses any of the following business procedures or practices: either:
  - a. Any business conducted exclusively for the patronage of adults and about which minors are specifically excluded from patronage thereat either by law or by the operators of such business; or
  - b. Any other business that offers its patrons services, products or entertainment characterized by an emphasis on matter depicting, exposing, describing, discussing or relating to “specified sexual activities” or “specified anatomical areas.”  
Specifically included in the term, but without limitation, are adult bookstores, adult motion picture theaters, adult mini-motion picture theaters, adult massage parlors, adult health clubs, adult saunas, adult companionship establishments, adult health clubs, adult cabarets, adult car washes, adult novelty businesses, adult motion picture arcades, adult modeling studios, adult hotel or motel, and adult body painting studios.
8. *Adult Hotel or Motel*: A hotel or motel from which minors are specifically excluded from patronage and in which material is presented that is distinguished or characterized by an emphasis on matter depicting, describing or relating to “specified sexual activities” or “specified anatomical areas.”
9. *Adult Massage Parlor; Health/Sport Club*: A massage parlor or health/sport club that restrict minors because of age, which provide the services of massage, if such service is distinguished or characterized by an emphasis on “specified sexual activities” or “specified anatomical areas.”
10. *Adult Mini-Motion Picture Theater*: A business, building or establishment in an enclosed building with a capacity for less than 50 persons used for presenting visual

media material if such business as a prevailing practice excludes minors by virtue of age, or if said material is distinguished or characterized by an emphasis on “specified sexual activities” or “specified anatomical areas” for observation by patrons.

11. *Adult Modeling Studio*: An establishment or business 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 who engage in “specified sexual activities” or display “specified anatomical areas” while being observed, painted, painted upon, sketched, drawn, sculptured, photographed, or otherwise depicted by such customers.
  12. *Adult Motion Picture Arcade*: Any building or place to which the public is allowed or invited in which coin or slug-operated or electronically, electrically or mechanically controlled still or motion picture machines, projectors, computers, or other image-producing devices that show images to five or fewer persons per machine at once, and where the images so displayed are distinguished or characterized by an emphasis on depicting or describing “specified sexual activities” or “specified anatomical areas.”
  13. *Adult Motion Picture Theaters*: A business premises within an enclosed building with a capacity of 50 or more persons used for presenting visual media material is said business as a prevailing practice excludes minors by virtue of age, or if said material is distinguished or characterized by an emphasis on the depiction or description of “specified sexual activities” or “specified anatomical areas” for observation by patrons.
  14. *Adult Novelty Business*: A business that has at least twenty (20%) percent of its floor area as a principal activity the sale of materials or devices that stimulate human genitals or devices designed for sexual stimulation or which depict or relate to “specified sexual activities” or “specified anatomical areas.”
  15. *Adult Sauna/Steam Room/Bathhouse*: A sauna/steam room/bathhouse that excludes minors because of age, or which provides a steam bath or heat bathing room used for bathing, pleasure, relaxation, or reducing, utilizing steam or hot air as a cleaning, relaxing or reducing agent, if the service provided by the sauna/steam room/bathhouse is distinguished or characterized by an emphasis on “specified sexual activities” or “specified anatomical areas.”
- D. *Licensed Family Day-Care, Home; Licensed Group Family Day-Care Home; Licensed Child-Care Center*: A facility holding a license from Sibley County or Minnesota pursuant to Minnesota Statutes, Chapter 245A, and/or Minnesota Rules, Chapter 9502 or Chapter 9503, as amended.
- E. *Minor*: Any natural person under the age of eighteen (18) years.
- F. *Nudity*: The showing of the human male or female genitals or pubic area with less than a fully opaque covering; the showing of the female breast with less than a fully opaque covering of any portion thereof below a point immediately above the top of the areola; or the depiction or showing of the covered male genitals in a discernibly turgid state.
- G. *Public Library*: Any library that provides free access to all residents of a City or County without discrimination and is organized under the provisions of Minnesota Statutes, Chapter 134.
- H. *Public Park*: A park, reservation, open space, playground, beach, or recreation or community center in the City owned, leased, or used, wholly or in part, by a City, County, State, School District or Federal Government for recreation purposes.

- I. *Place of Worship*: A building or space that is principally used as a place where people of the same faith or religion regularly assemble for worship.
- J. *School*: A building or space that is principally used as a place where twenty-five (25) or more persons receive a full course of educational instruction. Any post-secondary or post-high school educational building, including any college or any vocational, technical college, shall not be deemed a school for purposes of this ordinance.
- K. *Sexually-Oriented Business*: An adult book store, adult body painting studio, adult car wash, adult cabaret, adult hotel or motel, adult companionship establishment, adult motion picture theater, adult mini-motion picture theater, adult massage parlor, adult entertainment facility, adult health or sports clubs, adult novelty business, adult modeling studio, or adult sauna as defined herein. Activities classified as obscene as defined by Minnesota Statutes §617.241 are not lawful and are not included in the definition of adult uses.
- L. *Specified Anatomical Areas*: Anatomical areas consisting of:
  - 1. Less than completely and opaquely covered genitals, pubic region or pubic hair, buttock, anus, or female breast or breasts below a point immediately above the top of the areola or any combination of the foregoing; and
  - 2. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.
- M. *Specified Sexual Activities*: Activities consisting of the following:
  - 1. Actual or simulated sexual intercourse, oral copulation, anal intercourse, oral-anal copulation, bestiality, direct physical stimulation or fondling of unclothed genitals, pubic region, buttock or female breast, flagellation or torture in a sexual relationship, or the use of excretory functions in a sexual relationship, and any of the following sexually-oriented acts or conduct: anilingus, buggery, coprophagy, coprophilia, cunnilingus, fellatio, necrophilia, pederasty, pedophilia, piquerism, sapphism, sodomy, zoerasty; or
  - 2. Human genitals in the state of sexual stimulation, arousal or tumescence; or
  - 3. Use or acts of human or animal ejaculation, sexual intercourse, sodomy, oral copulation, coitus, or masturbation; or
  - 4. Fondling or touching of human genitals, pubic region or pubic hair, buttocks, or female breast or breasts; or
  - 5. Stimulation involving a person or persons, any of whom are nude, clad in undergarments or in sexually revealing costumes, who are engaged in activities involving the flagellation, torture, fettering, binding or other physical restraint of any such person; or
  - 6. Erotic or lewd touching, fondling or other sexually-oriented contact with an animal by a human being; or
  - 7. Human excretion, urination, menstruation, vaginal or anal irrigation; or
  - 8. Any combination of the above.

### PART III. LICENSES.

1703.01. LICENSE REQUIRED: No person, firm, or corporation shall own or operate an adult use or sexually oriented business in Henderson without having first secured a license as provided herein. Licenses shall be one of two types: (a) Adult Use Principal or (b) Adult Use Accessory.

1703.02. APPLICATIONS: The City shall prepare an application for an adult use principal or sexually oriented business license. This application shall include:

1. The name, residence, phone number and birth date of the applicant, if an individual; and if a corporation, the names, residences, phone numbers and birth dates of those owners holding more than five (5%) percent of the issued and outstanding stock of the corporation;
2. The name, address, phone number and birth date of the operator and manager of such operation, if different from the owners;
3. The address and legal description of the building, establishment or premises where the adult use or sexually-oriented business is to be located;
4. A statement detailing each gross misdemeanor or felony relating to a sex offense and/or the operation of adult uses and related activities of which the applicant or, for a corporation, the owners of more than five (5%) percent of the outstanding stock of the corporation, have been convicted, and whether the applicant has ever applied for or held a license to operate a similar type of business in other cities;
5. The activities and types of business to be conducted;
6. The hours of operation;
7. The provisions made to restrict access by minors;
8. A building plan of the premises detailing all internal operations and activities;
9. A description or building plan that details all proposed interior and exterior changes to an existing building or structure.

1703.03. LICENSE FEES:

- A. Each application for a license shall be accompanied by a receipt from the City finance director for payment in full of the required application and investigative fee for the license as established by the City Council. All fees shall be paid into the general fund of the City.
- B. All licenses shall expire on the last day of December in each year. The City shall issued each license for one (1) year, except that if part of the license year has elapsed when the application is made, the City may issue a license for the remainder of the year for a prorated fee. In computing such fee, the City shall count any unexpired fraction of a month as one (1) month.
- C. The annual fee for an adult-use or sexually oriented business license shall be as established by the City Council.
- D. No part of the fee paid for a license issued under this ordinance shall be refunded except in the following instances upon application to the City manager within thirty (30) days from the happening of the event. The City shall refund a prorated portion of the fee for the unexpired period of the license, computed monthly, when operation of the licensed business ceases not less than one (1) month before expiration of the license because of:
  1. Destruction or damage of the licensed premises by fire or other catastrophe;
  2. The licensee's illness;
  3. The licensee's death;
  4. A change in the legal status making unlawful for the licensed business to continue.
- E. Each application shall contain a provision on the application in **bold print** stating that any withholding of information or the providing of false or misleading information will

be grounds for the denial or revocation of a license. Any changes in the information provided on the application or provided during the investigation shall be reported to the City Council by the applicant or licensee. If said changes take place during the investigation, the data shall be provided to the Henderson Chief of Police or City Administrator in writing, and they shall report the changes to the City Council. Failure to report said changes by the applicant(s) or the licensee may result in a denial or revocation of a license.

1703.04. GRANTING OF LICENSE:

Subd. 1. The City shall investigate all facts set out in the application. After the City finishes its investigation, the City shall hold a public hearing and shall give everyone to be heard for or against the granting of the license a chance to present his or her views. After the investigation and public hearing, but under no circumstances longer than one hundred twenty (120) days application is made, the City Council shall grant or refuse the application.

Subd. 2. The City shall only issue the license to the applicant. The license shall not be transferred to another holder. The City shall only issue each license for the premises or location described in the application. No license may be transferred to another place without the approval of the City Council.

1703.05. PERSONS INELIGIBLE FOR LICENSE: The City shall not grant a license to nor may one be held by any person who:

1. Is under twenty-one (21) years of age.
2. Has been convicted of a felony or of violating any Minnesota law.
3. Is not the proprietor of the establishment for which the license is issued.
4. Has not paid the license and investigative fees required by this ordinance.
5. Is not a citizen of the United States.
6. Has had an adult use or similar license or permit revoked under an ordinance or statute similar to this.
7. Already holds a liquor license for the same premises.

1703.06. PLACES INELIGIBLE FOR LICENSE:

1. No license shall be granted for adult uses or sexually-oriented business on any premises where a licensee has been convicted of a violation of this Chapter, or where any license hereunder has been revoked for cause, until one (1) year has elapsed after such conviction or revocation.
2. Except uses lawfully existing at the time of this Ordinance adoption, no license shall be granted for any adult use or sexually-oriented business that does not meet all City code requirements, all building and fire code requirements and all provisions of state and federal law.
3. No licenses shall be granted for any adult use or sexually oriented business where the licensee has been granted a liquor license for the same premises.

1703.07. NONCONFORMING USES: Any adult use or sexually-oriented business existing on the effective date of the adoption of this ordinance may be continued subject to the following provisions:

- A. No such adult use or sexually oriented business shall be expanded or enlarged except in conformity with the provisions of this ordinance.

- B. A nonconforming adult use or sexually oriented business shall be required to apply for and receive an adult use license from the City. The City does not require a public hearing before issuing a license for the nonconforming adult use or sexually oriented business.

1703.08. CONDITIONS OF LICENSE – GENERALLY:

- A. Every license shall be granted subject to the conditions in the following subdivisions and all other provisions of this chapter, and of any applicable sections of the Henderson City Code, state and federal law.
- B. All licensed premises shall have the license posted in a conspicuous place.
- C. No minor shall be allowed in or on the premises of an adult use or sexually oriented business.
- D. Any designated inspection officer or law enforcement officer of the City shall have the right to enter, inspect, and search the premises of a licensee during business hours.
- E. Every licensee shall be responsible for the conduct of their place of business and shall maintain conditions of this ordinance and the City code.
- F. No adult goods, materials, or services shall be offered, sold, transferred, conveyed, given, displayed, or bartered to any minor.

1703.09. CONDITIONS OF LICENSE – ADULT USE PRINCIPAL: The City permits adult use principal and sexually-oriented businesses only in the C-1 and C-2 (commercial) zoning districts subject to the following conditions:

- A. No adult use principal or sexually-oriented business shall be located closer than 500 feet from any other adult use principal or sexually-oriented business in the City. Measurements shall be made in a straight line, without regard to City boundaries, intervening structures or objects, from the nearest point of the actual business premises of the adult use principal or sexually-oriented business to the nearest point of the actual business premises of any other adult use principal or sexually-oriented business.
- B. No adult use principal or sexually-oriented business shall be located closer than 300 feet from any place of worship, school, public park, open space, licensed family day-care home, licensed group family day-care home, public library, or licensed child-care or day-care center in any City. Measurements shall be made in a straight line, without regard to City boundaries, intervening structures or objects, from the nearest point of the actual business premises of the adult use principal or sexually-oriented business to the nearest property line of the premises or building used as a place of worship, school, public park, open space, licensed family day-care home, licensed group family day-care home, public library, or licensed child-care or day-care center.
- C. All adult uses and sexually oriented businesses must follow all of this code.
- D. The City prohibits any building owner or operator from having more than one (1) of the following uses, tenants or activities in the same building or structure:
  - 1. Adult Body Painting Studio
  - 2. Adult Book Store
  - 3. Adult Cabaret
  - 4. Adult Car Wash
  - 5. Adult Companionship Establishment
  - 6. Adult Entertainment Facility



7. Adult Hotel or Motel
  8. Adult Modeling Studio
  9. Adult Sauna/Steam Room/Bath House
  10. Adult Motion Picture Theater
  11. Adult Mini-Motion Picture Theater
  12. Adult Massage Parlor
  13. Adult Health/Sports Club
  14. Adult Novelty Business
  15. Any business or establishment in which there is an emphasis on the presentation, display, depiction, or description of “specified sexual activities” or “specified anatomical areas” that the public could see.
- E. An adult use principal and sexually oriented business shall not sell or dispense non-intoxicating or intoxicating liquors, nor shall it be located in a building that contains a business that sells or dispenses non-intoxicating or intoxicating liquors.
  - F. No adult use principal and sexually-oriented business entertainment shall engage in any activity or conduct or permit any other person to engage in any activity or conduct in or about the adult use establishment that is prohibited by an ordinance of Henderson, the laws of the State of Minnesota, or the United States of America. Nothing in this ordinance shall be construed as authorizing or permitting conduct that is prohibited or regulated by other statutes, ordinances, including but not limited to, statutes or ordinances prohibiting the exhibition, sale or distribution of obscene material generally, or the exhibition, sale or distribution of specified materials to minors.
  - G. No adult use principal or sexually-oriented businesses shall be conducted in any manner that permits the perception or observation from any property not approved as an adult use of any materials depicting, describing or related to “Specified Sexual Activities” or “Specified Anatomical Areas” by any visual or auditory media, including display, decoration, sign, show window, sound transmission or other means.
  - H. All adult use principal and sexually-oriented businesses shall prominently display a sign at the entrance and located within two (2) feet of the door-opening device of the adult-use establishment or section of the establishment devoted to adult books or materials which states: “This business sells or displays material containing adult themes. Persons under age 18 years of age shall not enter.”
  - I. No person under the age of 18 shall be permitted on or in the premises of an adult use or sexually oriented business establishment. No person under the age of 18 shall be permitted access to material displayed, offered for sale, given, transferred, conveyed or rented by an adult use or sexually-oriented business.
  - J. Adult use principal and sexually oriented businesses shall be open no longer that between the hours of 10:00 a.m. and 10:00 p.m. on the days of Monday through Saturday, and closed on Sunday.

1703.10. **CONDITIONS OF LICENSE – ADULT USE ACCESSORY:** The City may issue adult use accessory licenses to businesses or establishments located in the C-1 or C-2 Zoning Districts subject to the following requirements:

1. The adult use accessory shall comprise no more than twenty (20%) percent of the floor area, or up to 500 square feet, whichever is smaller, of the establishment, space, structure or building in which it is located.

2. Display areas for adult movie or video tape rentals or other products shall be restricted from general view and shall be located within a separate room, for which the access is in clear view and in the control of the person responsible for the operation.
3. Magazines and publications or other similar products classified or qualified as adult uses shall not be accessible to minors and shall be covered with a wrapper or other means to prevent display of any materials other than the publication title.
4. Adult use accessory shall be prohibited from both internal and external advertising and signing of adult materials and products.

1703.11. REVOCATION, SUSPENSION OR NONRENEWAL OF LICENSE: The City Council may revoke, suspend, or not renew a license upon recommendation of the City Administrator that shows the licensee, its owners, managers, employees, agents or any other interested parties have engaged in any of the following conduct:

1. Fraud, deception or misrepresentation about securing the license.
2. Habitual drunkenness or intemperance in the use of drugs, including but not limited to, the use of drugs defined in Minnesota Statutes, Section 618.01, barbiturates, hallucinogenic drugs, amphetamines, Benzedrine, Dexedrine or other sedatives, depressants, stimulants or tranquilizers.
3. Engaging in conduct involving moral turpitude or permitting or allowing others within their employ or agency to engage in conduct involving moral turpitude or failing to prevent agents, officers, or employees in engaging in conduct involving moral turpitude.
4. Failure to follow any requirements of the ordinances of Henderson about sanitary and safety conditions, zoning requirements, building code requirements or ordinances, the violation of which involves moral turpitude, or failure to follow the requirements of this ordinance.
5. Conviction of an offense involving moral turpitude.

The license holder may appeal any suspension, revocation, or non-renewal to the City Council. The Council shall consider the appeal at a regularly scheduled public hearing on or after ten (10) days from service of the notice of appeal to the City Administrator.

At the conclusion of the hearing, the Council may order:

- a. That the revocation, suspension, or non-renewal be affirmed.
- b. That the revocation, suspension, or non-renewal be lifted and that the license be returned to the license holder.
- c. The Council may impose, at their discretion, any additional terms, conditions or stipulations for the suspension or issuance of the license.

#### PART IV. SIGN RESTRICTIONS.

1704.01. REGULATIONS: The following sign regulations shall apply to all adult use and sexually oriented businesses in the City. These regulations are to protect children from exposure to sexually oriented or shocking signs and materials and to preserve the value of property near adult use and sexually oriented businesses. These regulations are aside from any other provision of the City Code:

1. All signs shall be flat wall or freestanding signs. No signs shall be located on the roof, or contain any flashing lights, moving elements, or electronically or mechanically changing messages.

2. The City's sign regulations for the zoning district where the business is located, shall regulate the amount of allowable sign area and the number of allowed signs for an adult use or sexually-oriented business.
3. No merchandise, photos, or pictures of the products or entertainment on the premises shall be displayed in window areas or any area where they can be viewed from the sidewalk or public right-of-way adjoining the building or structure in which the adult use or sexually-oriented business is located.
4. No signs shall be placed in any window. A two (2) square-foot sign may be placed on the door to state hours of operation and admittance to adults only.

1704.02. PENALTY: Any person violating any provisions of this ordinance is guilty of a misdemeanor, and upon conviction shall be punished not more than the maximum penalty for a misdemeanor as prescribed by state law.

1704.03. SEVERABILITY: If any section, subsection, sentence, clause, or phrase of this code amendment is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this code amendment. The Council declares that it would have adopted the code amendment and each section, subsection, sentence, clause or phrase of it, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases are declared invalid.