

CHAPTER 19
ADULT USES AND SEXUALLY-ORIENTED BUSINESSES

1900.001 FINDINGS AND PURPOSE.

Subd. 1 The purpose of this chapter is to control, through licensing and zoning 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 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 urban areas about such businesses. Based on studies and findings, the 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 can also 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 the quality of urban life. A cycle of decay can result from the influx and concentration 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, that can result from the concentration of such businesses, erode the City's tax base and contribute to urban 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 above and all other similar establishments whose services include sessions offered to adults conducted in private by members of the same or opposite sex 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, 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 Taylors Falls without concentrating the public services to one area. The concentrated use of City services detracts from and reduces the level of service available to the rest of Taylors Falls. Thus, these types of establishments can diminish the ability of the City to protect and promote the general health, welfare, morals and safety of Taylors Falls.
- 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 effects adult uses and sexually-oriented businesses have on adjacent land uses and to protect and promote the health, safety and welfare of the residents of Taylors Falls.

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 Taylors Falls. It also is not the intent of the City Council to regulate these businesses on the basis of content, but only on the basis of likely adverse secondary effects.

1900.002 DEFINITIONS

- Subd. 1 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, adults 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. Obscene "work", "material" and "performance" as defined by Minnesota Statutes 617.241 are not lawful and are included in the definition of adult uses.
- Subd. 2 Adult Use Accessory.** The offering of goods and/or services classified as adult uses on a limited scale that are 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.
- Subd. 3 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:
 - A. **Adult Body Painting Studio.** 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”.

- B. **Adult bookstore.** An establishment, building or business engaging in the barter, rental, or sale of items or merchandise consisting of printed matter, pictures, slides, records, audiotapes, 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 if at least five hundred (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.”
- C. **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.”
- D. **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.”
- E. **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.”
- F. **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.”
- G. **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:
 - 1. 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
 - 2. 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.

- H. **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.”
- I. **Adult Mini-Motion Picture Theater.** A business, building or establishment in an enclosed building with a capacity for less than fifty (50) persons used for presenting visual media material if such business as a prevailing practice excludes minor 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.
- J. **Adult Massage Parlor, Health/Sport Club.** A massage parlor or health/sport club that restricts minors because of age, which provides the services of massage, if such service is distinguished or characterized by an emphasis on “specified sexual activities” or “specified anatomical areas.”
- K. **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 “specified anatomical areas” while being observed, painted, painted upon, sketched, drawn, sculptured, photographed, or otherwise depicted by such customers.
- L. **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 (5) 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.”
- M. **Adult Motion Picture Theaters.** A business premises within an enclosed building with a capacity of fifty (50) or more persons used for presenting visual media material if said business as a prevailing practice excludes minors by virtue of age, or if said materials are distinguished or characterized by an emphasis on the depiction or description of “specified sexual activities” or “specified anatomical areas” for observation by patrons.
- N. **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.”
- O. **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”.

- Subd. 4** **Licensed Family Day-Care home, Licensed Group Family Day-Care Home, Licensed Child-Care Center.** A facility holding a license from Chisago County or Minnesota pursuant to Minnesota Statutes Chapter 245A, and/or Minnesota Rules, Chapter 9502 or Chapter 9503, as amended.
- Subd. 5** **Minor.** Any natural person under the age of eighteen (18) years.
- Subd. 6** **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 a covered male genitals in a discernibly turgid state.
- Subd. 7** **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.
- Subd. 8** **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.
- Subd. 9** **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.
- Subd. 10** **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 chapter.
- Subd. 11** **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 Section 617.241 are not lawful and are not included in the definition of adult uses.
- Subd. 12** **Specified Anatomical Areas.** Anatomical areas consisting of:
- A. Less than completely and opaquely covered human 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
 - B. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.
- Subd. 13** **Specified Sexual Activities.** Activities consisting of any of the following:
- A. Actual or stimulated 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.

- B. Human genitals in the state of sexual stimulation, arousal or tumescence.
- C. Use or acts of human or animal ejaculation, sexual intercourse, sodomy, oral copulation, coitus, or masturbation.
- D. Fondling or touching of human genitals, pubic region or pubic hair, buttocks, or female breast or breasts.
- E. Situations 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.
- F. Erotic or lewd touching, fondling or other sexually-oriented contact with an animal by a human being.
- G. Human excretion, urination, menstruation, vaginal or anal irrigation.
- H. Any combination of the above.

1900.003 LICENSE REQUIRED. No person, firm or corporation shall own or operate an adult use or sexually-oriented business in Taylors Falls without having first secured a license as provided herein. Licenses shall be one of two (2) types:

- 1. Adult use principal.
- 2. Adult use accessory.

1900.004 NUMBER OF LICENSES AVAILABLE.

Subd. 1 A license may be issued for only one Adult Establishment located at a fixed and certain place. Any person, partnership or corporation, which desires to operate more than one Adult Establishment, shall have a separate license for each such business.

Subd. 2 No more than two (2) licenses for an Adult Establishment may be issued and active in the City at any given time.

1900.005 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; and if a corporation, (partnership/LLC/trust or other business entity which is not a natural person) the name of the corporation, the date and state of incorporation, the name and address of the registered agent and the name and address of all share holders owning more than five (5) percent of the stock in said corporation and all officers and directors of the corporation.
- 2. The name, address, phone number and birth date of the operator(s) and manager(s) of such operation, if different from the owner(s).

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 owner(s) of more than five (5) percent of the outstanding stock of the corporation, have been convicted, and whether the applicant(s) have 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.

1900.006 STANDARDS FOR ISSUING LICENSES

Subd. 1 To receive a license to operate an Adult Establishment, an applicant must meet the following standards:

1. The applicant must be eighteen years of age or older.
2. The applicant or his or her spouse has not been denied a similar license by any other city, county or state within the preceding twelve months or where a licensee has not 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.
3. All current real estate taxes have been paid on the licensed premises.
4. Except uses lawfully existing at the time of this chapter 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.
5. The applicant or spouse has not been convicted of a felony or of violating any Minnesota Law.
6. The applicant or spouse has not had an adult use or similar license or permit revoked under a chapter or statute similar to this.
7. All license and investigation fees required by this Chapter have been paid.

Subd. 2 For the purposes of this section the term "applicant" shall include an individual, all persons having a financial interest in a partnership or joint venture, and, in the case of a

corporation (partnership/LLC/trust or other business entity which is not a natural person), all officers, directors and stockholders required to be named in the application.

Subd. 3 All police, fire and building code investigations shall be completed within twenty-one days after the date the completed application is filed with the City Clerk. Upon a showing of good cause and reasonable diligence on the part of an investigator, the City Council may extend the investigation period for a reasonable time. Any investigation not completed within the allotted time period shall be deemed to be waived.

1900.007 LICENSE FEE.

Subd. 1 The annual fee for an adult-use or sexually-oriented business license shall be determined by the City Council by resolution.

Subd. 2 Each application for a new or renewal license shall be accompanied by a receipt from the City Clerk-Treasurer for payment in full of the license fee and the fixed investigation fee as set forth in Section 305.05, Subd. 1, if any. All fees shall be paid into the general fund. If an application for a license is rejected, the Clerk-Treasurer shall refund the amount paid as the license fee.

Subd. 3 All licenses shall expire on the last day of December in each year. The City shall issue 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 month.

Subd. 4 No part of the fee paid by any license issued under this chapter shall be refunded except in the following instances upon application to the City 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 month before expiration of the license because of:

- a. Destruction or damage of the licensed premises by fire or other catastrophe.
- b. The licensee's illness.
- c. The licensee's death.
- d. A change in the legal status making it unlawful for the licensed business to continue.

Subd. 5 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 Chisago County Sheriff's Department or City Clerk 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.

1900.008 GRANTING OF LICENSE.

Subd. 1 Within sixty days of receiving a completed application for a license, the City Clerk shall submit the application to the City Council for approval or denial.

Subd. 2 Failure or refusal of the applicant to give any information relative to the investigation of the application shall constitute grounds for denial of the license.

Subd. 3 The City shall investigate all facts set out in the application. After the City finishes its investigation, the City shall hold a public hearing. After the investigation and public hearing, the City Council shall grant or refuse the application.

Subd. 4 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.

1900.009 RENEWAL OF LICENSE

Subd. 1 Every license issued pursuant to this chapter shall expire at 12:00 midnight on December 31st of each year unless sooner revoked by the City Council, and must be renewed before operation is allowed in the following year.

Subd. 2 Applications for renewal must be submitted with the annual license fee to the City Clerk not later than sixty days before the license expires.

Subd. 3 Renewal of a license may be issued by the City Clerk unless the Clerk finds cause for not renewing the license in which case the Clerk shall submit the renewal application to the City Council prior to the expiration of the license.

Subd. 4 No license for which application for renewal has been timely made shall be deemed to expire until the City Council has rendered its decision not to renew a license. No application for renewal of a license may be denied by the City Council until after the applicant has received ten days' written notice of a public hearing before the Council. The applicant may appear with or without counsel at that public meeting and may present such evidence and witnesses, as he or she deems appropriate.

1900.010 NONCONFORMING USES. Any adult use or sexually-oriented business existing on the effective date of the adoption of this chapter may be continued subject to the following provisions:

Subd. 1 No such adult use or sexually-oriented business shall be expanded or enlarged except in conformity with the provisions of this chapter.

Subd. 2 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.

1900.011 CONDITIONS OF LICENSE - GENERALLY

Subd. 1 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 City code, state and federal law.

Subd. 2 All licensed premises shall have the license posted in a conspicuous place.

Subd. 3 No adult goods, materials or services shall be offered, sold, transferred, conveyed, given, displayed, or bartered to any minor.

Subd. 4 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.

Subd. 5 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 licensee if such act or omission occurs either with the authorization, knowledge or approval of the licensee, or as a result of the licensee's negligent failure to supervise the employee's conduct, and the licensee shall be punishable for such act or omission in the same manner as if the licensee committed the act or caused the omission.

Subd. 6 Any act or omission of any employee constituting a violation of the provisions of this Chapter shall be deemed the act or omission of the licensee for purposes of determining whether the license shall be revoked, suspended or renewed.

Subd. 7 The operator shall maintain the premises in a clean and sanitary manner at all times.

Subd. 8 The operator shall maintain at least ten-foot candles of light in the public portions of the establishment, including aisles, at all times. However, if a lesser level of illumination in the aisles shall be necessary to enable a patron to view the adult entertainment in a booth, room or cubicle adjoining an aisle, a lesser amount of illumination may be maintained in such aisles, provided, however, at no time shall there be less than 1 foot candle of illumination in said aisles as measured from the floor.

Subd. 9 All business transactions shall occur within the licensed building.

Subd. 10 The operator shall ensure compliance of the establishment and its patrons with the provisions of this Chapter.

1900.012 CONDITIONS OF LICENSE - ADULT USE PRINCIPAL. The City permits adult use principal and sexually-oriented businesses only in the B-1 Central Business Zoning District and the B-2 General Business Zoning District subject to the following conditions:

Subd. 1 No adult use principal or sexually-oriented business shall be located closer than one thousand (1,000) 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.

Subd. 2 No adult use principal or sexually-oriented business shall be located closer than three hundred fifty (350) feet from any residential lot line, 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 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 property line of the premises or building used as a dwelling or residence, 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.

Subd. 3 No adult use principal or sexually-oriented business shall be located closer than three hundred fifty (350) feet from any residential lot line, any residential zoning district or any residential planned unit development (PUD) 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 or sexually-oriented business to the nearest residential lot line, boundary of the residential zoning district or planned unit development (PUD).

Subd. 4 All adult uses and sexually-oriented businesses must follow all of this Code.

Subd. 5 The City prohibits any building owner or operator from having more than one of the following uses, tenants or activities in the same building, structure or tax parcel:

Adult body painting studio.
Adult book store.
Adult cabaret.
Adult car wash.
Adult companionship establishment.
Adult entertainment facility.
Adult hotel or motel.
Adult modeling studio.
Adult sauna/steam room/bath house.
Adult motion picture theater.
Adult mini-motion picture theater.
Adult massage parlor.
Adult health/sports club.
Adult novelty business.

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.

Subd. 6 An adult use principal and sexually-oriented businesses 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.

Subd. 7 No adult use principal and sexually-oriented businesses 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 any ordinance of the City of Taylors Falls, the laws of the State of Minnesota, or the United States of America. Nothing in this

chapter 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.

Subd. 8 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.

Subd. 9 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 material which states: “This business sells or displays material containing adult themes. Persons under age 18 years of age shall not enter.”

Subd. 10 No person under the age of eighteen (18) shall be permitted on or in the premises of an adult use or sexually-oriented business establishment. No person under the age of eighteen (18) shall be permitted access to material displayed, offered for sale, given, transferred, conveyed or rented by an adult use or sexually-oriented business.

Subd. 11 Adult use principal and sexually-oriented businesses shall not be open between the hours of 1:00 a.m. and 8:00 a.m. on the days of Monday through Saturday, nor between 1:00 a.m. and 12:00 noon on Sunday.

1900.013 REVOCATION OF LICENSE

Subd. 1 The City Council shall revoke a license for any of the following reasons:

1. Discovery that false or misleading information or data were given on any initial or renewal application or material facts was omitted from any such application.
2. The operator or an employee of the operator violates any provisions of this chapter or any rule or regulation adopted by the Council pursuant to this Chapter, provided, however, that in the case of a first offense by an operator where the conduct was solely that of an employee the penalty shall not exceed a suspension of thirty days if the Council finds that the operator had no actual or constructive knowledge of such violation and could not by the exercise of due diligence have had such actual or constructive knowledge.
3. The operator becomes ineligible to obtain a license.
4. Any cost or fee required to be paid by this ordinance is not paid.
5. Any intoxicating liquor or cereal malt beverage is served or consumed on the premises of the Adult Establishment.

Subd. 2 The Council, before revoking or suspending any license, shall give the operator ten days written notice of the charges against him or her, and an opportunity for a public hearing

before the Council at which time the operator may appear with or without counsel and may present such evidence and witnesses as he or she deems appropriate.

Subd. 3 The transfer of a license or any interest in a license shall automatically and immediately revoke the license.

Subd. 4 Any operator whose license is revoked shall not be eligible to receive a license for one year from the date of revocation. No location or premises for which a license has been issued shall be used as an Adult Establishment for six months from the date of revocation of the license.

1900.014 EXCLUSIONS. All public and private schools located within the City of Taylors Falls are exempt from obtaining a license hereunder when instructing pupils in sex education as part of its curriculum.

1900.015 SIGN RESTRICTIONS. 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.

Subd. 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.

Subd. 2 The City's sign regulations for the zoning district where the business is located shall regulate the amount allowable sign area and the number of allowed signs for an adult use or sexually-oriented business.

Subd. 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.

Subd. 4 No signs shall be placed in any window. A two-square-foot sign may be placed on the door to state hours of operation and admittance to adults only.

1900.016 PENALTY

Subd. 1 Any individual, partnership or corporation (partnership/LLC/trust or other business entity which is not a natural person) who is found to have violated the provisions of this Chapter shall be guilty of a misdemeanor and upon conviction shall be punished not more than the maximum penalty for a misdemeanor as prescribed by state law and shall also be subject to revocation of any license.

Subd. 2 Each violation of this ordinance shall be considered a separate offense and any violation continuing more than one day shall be considered a separate offense.

1900.017 ENFORCEMENT. Members of the law enforcement agency providing service to the City, the Fire Marshal, or designee, the Building Official or designee and the Zoning Administrator or

designee, shall have authority to enter any Adult Establishment at all reasonable times to inspect the premises for the purposes of enforcing this Chapter and all other applicable State laws, fire codes and building codes.

1900.018 MEANS OF ENFORCEMENT. The City may enforce any provision of this ordinance by mandamus, injunction or any other appropriate civil remedy in any court of competent jurisdiction. The ordinance may also be enforced by appropriate criminal prosecution.

1900.019 SEPARABILITY. Every section, provision or part of this ordinance is declared separable from every section, provision or part of this ordinance. If any section, provision, or part of this ordinance is adjudged to be invalid by a court of competent jurisdiction, such judgment shall not invalidate any other section, provision, or part of this ordinance.

APPROVED NOVEMBER 25, 2002
PUBLISHED DECEMBER 4, 2002