

The County Board of Morrison County hereby ordains:

COPY

Part A

1400. ADULT USE

1401. Definitions: For the purposes of this section, the following words shall have the following meanings:

1401.a ADULT USES:

Adult bookstore, adult motion picture theatre, adult mini-motion picture theatre, adult health club/sport club/massage parlor, adult sauna/steam room/bathhouse facility, adult health/sport club, adult companionship/conversation/rap establishment, adult cabaret, adult novelty business, adult motion picture arcade, adult modeling studio, adult body painting studio and other premises, enterprises, establishments, businesses or places open to some or all members of the public and membership clubs at or in which there is an emphasis on the presentation, display, depiction or description of "specified sexual activities" or "specified anatomical areas".

Activities classified as obscene as defined by Minnesota Statutes 617.241; or successor statutes, are not included in the definitions of adult uses.

1401 b. LIVE ON SITE: means

1. The presentation, display, depiction, or description of specified sexual activities or specified anatomical areas by a performer on the premises of a adult use, including but not limited to:

a. ADULT BODY PAINTING STUDIO: means

An establishment or business which provides the service of applying paint or other substance, whether transparent or non-transparent, to or on the body of a patron when such body is wholly or partially nude or the application of paint or other substance by a patron to the body of another person.

b. ADULT CABARET: means

A building or portion of a building which provides exotic dancing, striptease or other live entertainment, if such building or portion of a building excludes minors by reason of age or if such dancing or other live entertainment is distinguished or characterized by an emphasis on the presentation, display, depiction or description of, including, "specified sexual activities" or "specified anatomical areas".

c. ADULT COMPANIONSHIP/CONVERSATION/RAP ESTABLISHMENT. means

A companionship/conversation/rap establishment which excludes minors by reason 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".

d. ADULT HEALTH CLUB/SPORT CLUB/MASSAGE PARLOR: means

A health club, sport club or massage parlor that excludes or restricts minors by reason of age, or that provides services distinguished or characterized by an emphasis on "specified sexual activities" or "specified anatomical areas".

e. ADULT MODELING STUDIO: means

An establishment whose business is the provision to customers of figure models

who are provided with the intent of giving sexual stimulation or sexual gratification to customers and 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.

f. ADULT SAUNA/STEAM ROOM/BATHHOUSE FACILITY means

A sauna which excludes minors by reason of age, or which provides a steam bath or heat bathing room used for the purpose of bathing, relaxation, or reducing which utilizes steam or hot air as a cleaning, relaxing or reducing agent, if the service provided by the sauna/steam room/bathhouse facility is distinguished or characterized by an emphasis on, "specified sexual activities" or "specified anatomical areas".

1401 c. MEDIA ON SITE means

1. The presentation, display, depiction, or description of specified sexual activities or specified anatomical areas by means of printed materials, drawings, sketches, paintings, cartoons, movies, videos, computer generated images, or other visual or auditory devices or toys, for use on the adult use premises, including but not limited to:

a. ADULT MINI-MOTION PICTURE THEATRE: means

A building or portion of a building with a capacity for less than 50 persons used for presenting still or motion pictures if such building or portion of a building excludes minors by reason of age, or if such pictures are distinguished or characterized by an emphasis on "specified sexual activities" or "specified anatomical areas" for observation by patrons therein.

b. ADULT MOTION PICTURE ARCADE: means

A building or portion of a building wherein coin or slug-operated or electronically, electrically or mechanically controlled or operated 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 depicting or describing "specified sexual activities" or "specified anatomical areas".

c. ADULT MOTION PICTURE THEATRE: means

A building or portion of a building with a capacity of 50 or more persons used for presenting still or motion pictures if such building or portion of a building excludes minors by reason of age or if such pictures are distinguished or characterized by an emphasis on "specified sexual activities" or "specified anatomical areas".

1401 d. MEDIA OFF SITE means

1. The presentation, display, depiction, or description of specified sexual activities or specified anatomical areas by means of toys, devices, printed materials, drawings, sketches, paintings, cartoons, movies, videos, computer generated images, or other visual or auditory devices for use at a location other than the adult use premises including but not limited to:

a. ADULT BOOKSTORE: means

A building or portion of a building used for the barter, rental or sale of items consisting of printed matter, pictures, slides, records, audio tapes, videotapes, motion picture films, digital video discs, compact discs or other computer generated images, if such building or portion of a building excludes minors by reason of age or if a substantial or significant portion of the items bartered, rented or sold are distinguished or characterized by an emphasis on the depiction of description of

"specified sexual activities" or "specified anatomical areas".

b. ADULT NOVELTY BUSINESS: means

A building or portion of a building used for the barter, rental or sale of toys, instruments, devices, clothing or paraphernalia designed or used in connection with the presentation, display depiction, or description of specified anatomical areas or specified sexual activities.

1401 e. EDUCATIONAL INSTITUTION: means

A premises or site upon which there is an institution of learning for minors, whether public or private, which conducts regular classes and/or courses of study. The term "educational institution" includes a premises or site upon which there is a nursery school, kindergarten, elementary school, junior high school, senior high school, vocational school or college.

1401 f. LICENSE: means

Permission granted by Morrison County to operate a business or commercial enterprise where there is an emphasis on the presentation, display, depiction or description of specified anatomical areas or specified sexual activities.

1401 g. LICENSED FAMILY DAY CARE, LICENSED GROUP FAMILY DAY CARE, LICENSED CHILD CARE CENTER: means

A facility holding a license from Morrison County or Minnesota pursuant to Minnesota Statutes, Chapter 245A and/or Minnesota Rules, Chapter 9502 or Chapter 9503, as amended.

1401 h. LICENSED PREMISES means

That physical area of a sexually oriented business devoted to uses or activities which emphasize the presentation, display, depiction, or description of specified anatomical areas or specified sexual activities, which is required to be licensed under the Morrison County Ordinance Regulating Sexual Oriented Businesses and which is specifically identified in the license granted to the Sexually Oriented Business.

1401 i. MINOR: means

Any natural person under the age of eighteen (18) years.

1401 j. PERFORMER: means

A performer is any individual including, but not limited to, employees, independent contractors, and patrons of the sexually oriented business, who personally presents, displays, depicts, or describes specified sexual activities or specified anatomical areas.

1401 k. PERMIT: means

A land use permit required as a prerequisite to the establishment of certain uses in certain zoning districts.

1401 l. PRESENTATION: means

The display, depiction or description of specified sexual activities or specified anatomical areas.

1401 m. PUBLIC PARK: means

A park, reservation, open space, playground, beach or recreation or community center in the County owned, leased, or used wholly or in part by a city, county, state, school district, or federal government for recreational, educational or environmental purposes.

1401 n. PLACE OF WORSHIP: means

A building or space that is used as a place where people of the same faith or religion regularly assemble for worship.

1401 o. SPECIFIED ANATOMICAL AREAS: means

- 1) Less than completely and opaquely covered human genitals, pubic region, buttock, anus or female breast(s) below a point immediately above the top of the areola.
- 2) Exposed or opaquely covered human male genitals in a discernibly turgid state.

1401 p. SPECIFIED SEXUAL ACTIVITIES: means

- 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, and any of the following sexually oriented acts or conduct: anilingus, buggery, coprophagy, coprophilia, cunnilingus, fellatio, necrophilia, pederasty, pedophilia, piquerism, sapphism, sodomy, zooerasty; or
- 2) Presentation, display, depiction, or description of 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 regions or pubic hair, buttocks, or female breasts; or
- 5) 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; or
- 6) Erotic or lewd touching, fondling or other sexual oriented contact with an animal by a human being; or
- 7) Human excretion, urination, menstruation, vaginal or anal irrigation; or any combination of the above.

1402. PERMIT APPLICATION REQUIREMENTS

1402.1 Permit Required:

No person, firm or corporation shall operate or allow the operation of an Adult Use or a Sexually Oriented Business on property under the person's ownership or control without a valid "sexually oriented business" license issued by Morrison County pursuant to the Morrison County Ordinance Regulating Sexually Oriented Businesses and an adult use permit as required by this section. This requirement is in addition to other permits required by this ordinance.

1402.2 Applications: The applicant for an adult use land use permit shall complete an application on a form provided by the county. This application shall include:

1. The name, address of owner, parcel number, phone number and birth date of the applicant, if an individual; and, if a corporation, partnership, LLC, or similar entity, the names, residences, phone numbers and birth dates of those owners holding more than twenty (20) percent of the issued and outstanding stock of the corporation or ownership

interest in a partnership, LLC or similar entity.

- 2. A detailed floor plan, drawn to scale, showing the type of activities which will be conducted in each area of the sexually oriented business; the design of performance or display areas, seating areas, restrooms, service areas, and non public areas.
- 3. A Sanitary System design that meets the requirements of Section 1301 of this ordinance, those Sanitary System requirements identified in any Morrison County Public Health ordinances and those included in Chapter 7080, MN Pollution Control Agency, Individual Sewage Treatment Systems Program.

1403. CHANGES IN DESIGN OR USE

- 1. If an applicant makes any changes in the proposed design or use of the property, or any other changes to the information submitted in the application, before an adult land use permit is issued, the applicant shall submit the proposed changes in writing to the Morrison County Zoning Administrator.
Changes submitted by the applicant will automatically restart the time limit imposed by Minnesota Statute 15.99.
- 2. If an adult use permit holder proposes changes in the design, construction, or use of an already permitted adult use, the permit holder must submit to the Morrison County Zoning Administrator, a detailed description of the proposed change in writing and no change can be made unless and until the Zoning Administrator issues a written opinion that the change complies to all requirements of this ordinance.

1404. GRANTING OF PERMIT

- 1. The County shall issue an adult use land use permit only to the owner of the real property or to an applicant who has express written permission from the owner to use the land for an adult use.
- 2. An adult use permit shall be valid only for the specific building and type of use described in the application.
- 3. Adult uses are subject to the conditions and performance standards listed in Sec 1405 of this ordinance.

1405. PERFORMANCE STANDARDS AND CONDITIONS OF LAND USE PERMIT - ADULT USE

- 1. The County may issue adult use land use permits to businesses located in a commercial zone, subject to the following conditions.
 - a. No Adult Use shall be located closer than 1,320 feet to any other adult use. Measurements shall be made in a straight line, without regard to city or county boundaries, intervening structures or objects, from the nearest point of the licensed premises containing the adult use to the nearest point of the other licensed premises containing the adult use.
 - b. No Adult Use shall be located closer than 1,320 feet to any dwelling unit, pool hall, video arcade, hotel, motel, licensed day care home, public library, licensed child care or day care center, or licensed group family day care home. Measurements shall be made in a straight line, without regard to city or county boundaries, intervening structures or objects, from the nearest point of the licensed premises containing the adult use to nearest point of the dwelling unit, pool hall, video arcade, hotel, motel, licensed day care home, public library, licensed child care or day care center or licensed group family day care home.

- c. No Adult Use shall be located closer than 1,320 feet to any residential subdivision lot line, residential lot line, residential zone, public park, campground, or public swimming pool, beach or playground. Measurements shall be made in a straight line, without regard to city or county boundaries, intervening structures or objects, from the nearest point of the licensed premises containing the adult use to nearest residential subdivision lot line, residential lot line, residential zone, public park, campground, or public swimming pool, beach or playground.
- d. No Adult Use shall be located closer than 1,320 feet to any place of worship or educational institution. Measurements shall be made in a straight line, without regard to city or county boundaries, intervening structures or objects, from the nearest point of the licensed premises containing the adult use to nearest lot line of the place of worship or educational institution.
- e. An adult use shall not sell or dispense non-intoxicating or intoxicating liquors or hold a consumption and display permit, as those terms are defined in Minnesota Statute 340A, nor shall an adult use be located in a building that contains a business that sells or dispenses non-intoxicating or intoxicating liquors or holds a consumption and display permit, nor shall an adult use be located closer than 1,320 ft. to any building that contains a business that sells or dispenses non-intoxicating or intoxicating liquors or holds a consumption and display permit. Measurements shall be made in a straight line, without regard to city or county boundaries, intervening structures or objects, from the nearest point of the licensed premises containing the adult use to the nearest point of the licensed establishment containing alcohol use.
- f. All setbacks identified in this section are reciprocal from adult uses to the uses identified in Section 1405 e. of this ordinance.
- g. No adult use can offer or conduct more than one of the following on the same parcel:
 - (1.) Adult uses defined in this section as Live On Site
 - (2.) Adult uses defined in this section as Media On Site
 - (3.) Adult uses defined in this section as Media Off Site
- h. All adult uses shall prominently display at all public entrances, located within two (2) feet of the door opening device of the business establishment or section of the establishment devoted to adult uses a sign which states: "This business sells or displays material containing adult themes. Persons under eighteen (18) years of age shall not enter": The sign shall be in clear legible letters each letter being at least one inch high.
- i. Adult Use Parking Requirements are as follows:
 - 1. Minimum Parking Space Size. Each space shall contain a minimum area of not less than two hundred fifty (250) square feet including access drives, a width of not less than eight and one-half (8 1/2) feet and a depth of not less than twenty (20) feet. Each space shall be adequately served by access drives.
 - a) Live On Site adult uses must provide one (1) parking space for each seventy-five (75) square feet of floor area of the licensed premise.
 - b) Media On Site adult uses must provide one (1) parking space for each seventy-five (75) square feet of floor area of the licensed premise.
 - c) Media Off Site adult uses must provide one (1) parking space for each one

hundred (100) square feet of floor area of the licensed premise.

j. Adult uses must be contained entirely within an enclosed building with opaque coverings over all doors, windows, or other openings.

1406. EXISTING ADULT USES

1. Adult uses legally existing on the date Sections 1400 to 1406 are adopted and which do not conform to the requirements of Section 1400 to 1405, may continue subject to the following provisions:
 - a. No such use shall be expanded, enlarged or relocated within the same or another building or structure, except in conformity with the provisions of this ordinance;
 - b. The adult use shall be licensed as a sexually oriented business by the County within 6 months of the adoption of Section 1400 Adult Use, as the amendment to the Morrison County Land Use Ordinance.

Part B

Repealer:

Section 1202.8 Adult Use, and the definitions: "Adult Use", "Specified Sexual Activities" and "Specified Anatomical Areas" in Section 400 of the current Morrison County Land Use Control Ordinance are hereby repealed.

This Ordinance Section becomes effective November 3, 2003


Eugene Young, Chairman

Morrison County Board of Commissioners


ATTEST:
Timothy J. Houle
County Administrator