

**FILLMORE
COUNTY**

**ADULT USES AND
SEXUALLY ORIENTED
BUSINESSES**

ADOPTED MARCH 1998
Amended March 2004

FILLMORE COUNTY ADULT USES AND SEXUALLY ORIENTED BUSINESSES ORDINANCE

AN ORDINANCE OF FILLMORE COUNTY, MINNESOTA, PERMITTING AND REGULATING ADULT USES AND SEXUALLY ORIENTED BUSINESSES

The County Board of Commissioners of Fillmore County, Minnesota, ordains:

SECTION 1 ADULT USES AND SEXUALLY ORIENTED BUSINESSES

A. FINDINGS AND PURPOSES

- 1) The purpose of this ordinance is to control through permitting and zoning regulations certain land uses that have a direct and detrimental effect on the character of the county's residential, rural residential, agricultural and commercial districts.
- 2) Fillmore County makes the following findings about the effect adult uses and sexually oriented businesses have on the character of each district. In making the findings, the County accepts the recommendations of staff that have studied the experiences of other communities in the nation about such businesses. The Minnesota Attorney General, the American Planning Association, and the cities of St. Paul, Rochester, Indianapolis, Phoenix, Los Angeles, Seattle and New York have studied the impacts of adult uses and sexually oriented businesses on rural and urban areas. These studies have concluded that adult uses and sexually oriented businesses have adverse impacts on the surrounding neighborhoods. Based on these studies and findings, Fillmore County 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 county crime prevention programs and law enforcement services.
 - b. Adult uses and sexually oriented businesses can significantly contribute to the deterioration of nearby 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 located. This situation can 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 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. 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 county's tax base and contribute to rural and urban blight.
 - d. It is necessary to provide for the special and express regulation of businesses, establishments or 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.

- e. The enterprises such as the types described in (d) 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 county by being the site of acts of prostitution, illicit sex, and occasions of violent crimes, and thus requiring close inspection, permitting, and regulation.
- f. Control and regulation of establishments of these types, in view of the abuses often perpetrated, require intensive efforts by the sheriff's office, police departments and other departments of the county. It is necessary for the county to provide services to all of Fillmore County without concentrating the public services in one area. The concentrated use of county services detracts from and reduces the level of service available to the rest of the County. Thus, these types of establishments can diminish the ability of the county to protect and promote the general health, welfare, morals and safety of Fillmore County.
- g. The county adopts the following land use and permitting regulations, recognizing that it has an interest in the present and future character of the county's zoning districts. These regulations are to lessen the detrimental and adverse effects that 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 Fillmore County.

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

B. DEFINITIONS.

The following words shall have the following meanings:

Adult Uses: Adult body painting studios, adult book stores, adult cabaret, adult car wash, adult hotels or motels, adult motion picture theaters, adult mini-motion picture theaters, adult massage parlors, adult health/sport 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 other premises, enterprises, establishments, businesses, or 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 Conditional Use Permit or registered persons. Businesses engaged in massage that are operated by a Certified Massage Therapist also do not apply. 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.

Adult Uses - 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.

Adult Uses - Principal: The offering of goods and/or services classified as adult uses as a primary or sale activity of a business or establishment and include, but are not limited to, the following:

- 1) **Adult Body Painting Studio:** An establishment or business that 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 in terms of "specified anatomical areas".
- 2) **Adult Book Store:** 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) per cent of the useable floor area of the establishment, building or business, or if 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 of 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 non-alcoholic beverages are sold or intended for consumption, and in which may be observed a 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 book stores, 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 restricts 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 show images to one person or a small group of people 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 fifty 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 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 as a principal activity the sale of materials or devices that stimulate human genitals or devices designed for sexual simulation or which depict or which relate to "specified sexual activities" or "specified anatomical areas".
- 15) Adult Sauna/Steam Room/Bathhouse: A business 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”.

Board: The Fillmore County Board of Commissioners.

County: Fillmore County, Minnesota.

Fillmore County: Any town, township, city, village, or other municipality that is subject to or has adopted or adopted by reference the Fillmore County Zoning Ordinance.

Licensed Family Day Care Home, Licensed Group Family Day Care Home, Licensed Child Care Center: A facility holding a license from Fillmore County or Minnesota pursuant to Minnesota Statutes, Chapter 245A, and/or Minnesota Rules, Chapter 9502 or Chapter 9503, as amended.

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

Nudity: The showing of the human male or female genitals or pubic area with less than fully opaque covering; the showing of the female breast with less than fully opaque covering of any portion thereof below a point immediately above the top of the areola; or the depiction or showing of the male genitals in a discernibly turgid state.

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.

Public Park: 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 purposes.

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.

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.

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 club, 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.

Specified Anatomical Areas: Anatomical areas consist of:

- 1) Less than completely and opaquely covering 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
- 2) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

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, sapphisin, sodomy, zooerasty; 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 regions or pubic hair, buttocks, or female breast or 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 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.

C. PERMITS

- 1) **Permit Required:** No person, firm or corporation shall own or operate an adult use and sexually oriented business in Fillmore County without having first secured a Permit as provided herein. Permits shall be one of two types:
 - a. Adult Use Principal.
 - b. Adult Use Accessory.
- 2) **Application Form:** The County shall prepare an application form for an Adult Use Principal Permit and an Adult Use Accessory Permit. This application shall include:
 - a. The name, residence, phone number and birth date of the owner(s) or applicant(s), if an individual; and, if a corporation, partnership, LLC, or similar entity, the names, residences, phone numbers and birth dates of those owner(s) holding more than five (5) per cent of the issued and outstanding stock of the corporation or ownership interest in a partnership, LLC or similar entity.
 - b. The name, address, phone number and birth date of the operator and manager of such operation, if different from the owner(s) or applicant(s);
 - c. The address and legal description of the building, establishment or premises where the adult use or sexually oriented business is to be located.
 - d. 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 owner(s) or applicant(s) or, for a corporation, the owner(s)s of more than five (5) per cent of the issued and outstanding stock of the corporation, or ownership interest in a

- partnership, LLC or similar entity, have been convicted, and whether the applicant(s) or owner(s) has ever applied for or held a Conditional Use Permit to operate a similar type of business in other cities.
- e. A detailed description of the activities and types of business to be conducted;
 - f. The hours of operation;
 - g. A detailed description of the provisions made to restrict access by minors;
 - h. A building plan of the premises detailing internal operations and activities;
 - i. A description or building plan that details all proposed interior and exterior changes to an existing building or structure.
 - j. All owners, operators, and employees must be fingerprinted.

3) Permit Fees

- a. A fee as established by the County Board of Commissioners shall be paid at the time of the submittal of an application for an adult use or sexually oriented business.
- b. 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 Permit. Any changes in the information provided on the application or provided during the investigation shall be reported in writing to the County by the owner(s) or applicant(s) or permittee within 10 (ten) days of change. If said changes take place during the investigation, the data shall be provided to the Zoning Administrator in writing, and the administrator shall report the changes to the County Board. Failure to report said changes by the applicant(s) or owner(s) or the permittee within 10 (ten) days may result in a denial or revocation of a Permit.
- c. Pay cost of criminal background check as part of permit fee.

4) Granting of a Permit

- a. The County shall investigate all facts set out in the application.
- b. The County shall only issue the Permit to the owner(s) or applicant(s). The Permit shall not be transferred to another holder. The County shall only issue each Permit for the premises or location described in the application.

5) Persons Ineligible for a Permit

The County shall not grant a Permit to nor may one be held by any person who:

- a. Is less than twenty-one (21) years of age.
- b. Has been convicted of a felony or gross misdemeanor. A criminal check will be completed.
- c. Is not the proprietor of the establishment for which the Permit is issued.
- d. Has not paid the Permit fees required by this ordinance.
- e. Is not a citizen of the United States.
- f. Has had an adult use or similar permit revoked under an ordinance or statute similar to this.
- g. If a corporation, LLC or other entity, person holding ownership interest may not possess any of the above disqualifying factors.

6) Places Ineligible for a Permit

- a. No Permit shall be granted for adult uses and sexually oriented business on any premises where a Permittee has been convicted of a violation of this ordinance, or

where any Permit hereunder has been revoked for cause, until one (1) year has elapsed after such conviction or revocation.

- b. Except uses lawfully existing at the time of this ordinance adoption, no Permit shall be granted for any adult use and sexually oriented business that does not meet all County ordinance requirements and all provisions of state and federal law.

7) Non-Conforming Uses. Any adult use and 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 and sexually oriented business shall be expanded or enlarged except in conformity with the provision of this ordinance;
- b. A nonconforming adult use and sexually oriented business shall be required to apply for and receive an adult use and sexually oriented business permit from the County.

8) Conditions for granting a Permit - Generally

- a. Permit shall be granted subject to the conditions in the following subdivisions and all other provisions of this ordinance and of any applicable city, county, state and federal law.
- b. All permitted premises shall have the Permit posted in a conspicuous place.
- c. No mirror shall be allowed in or on the premises of an adult use and sexually oriented business.
- d. Any designated inspection officer or law enforcement officer of the County shall have the right to enter, inspect, and search the premises of a permittee during business hours.
- e. Every permittee shall be responsible for the conduct of their place of business and shall maintain conditions consistent with this ordinance and the city and County ordinances generally.
- f. No adult goods, materials or services shall be offered, sold, transferred, conveyed, given, displayed or bartered to any minor.

9) Conditions of a Permit - Adult Use Principal

The County permits adult use principal and sexually oriented businesses only in the industrial zoning district, subject to the following conditions:

- a. No adult use principal and sexually oriented business shall be located closer than 1,000 feet from any other adult use principal and sexually oriented business in the County. Measurements shall be made in a straight line, without regard to boundaries, intervening structures or objects, from the nearest point of the actual business premises of the adult use principal and sexually oriented business to the nearest point of the actual business premises of any other adult use principal and sexually oriented business.
- b. No adult use principal and sexually oriented business shall be located closer than 1,000 feet from any place of worship, school, hospital, public park, , licensed family day-care home, licensed group family day-care home, public library, or licensed child care or day care center. 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 and sexually-oriented business to the nearest property line of the premises or building used as a dwelling or residence, place of worship, school, hospital, public park, licensed family day care home,

- licensed group family day care home, public library, or licensed child care or day care center.
- c. No adult use principal and sexually oriented business shall be located closer than 1,000 feet from any dwelling, any residential zoning district or any residential planned unit development (PUD). Measurements shall be made in a straight line, without regard to boundaries, intervening structures or objects, from the nearest point of the actual business premises of the adult use and sexually oriented business to the nearest residential lot line, boundary of the residential zoning district or planned unit development (PUD).
 - d. All adult uses and sexually oriented businesses must follow this entire ordinance.
 - e. The County prohibits any building owner(s) or operator from having more than one (1) of the following uses, tenants or activities in the same building or structure:
 - 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/Bathhouse;
 - 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 can see.
 - f. 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.
 - g. No adult use principal and sexually oriented business 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 Fillmore County, 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.
 - h. Adult use principal and 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 relating 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.
 - i. All adult use principal and sexually oriented businesses shall prominently display a sign at the entrance and located within two 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 18 years of age shall not enter".
 - j. No person under the age of 18 years shall be permitted on or in the premises of an adult use or sexually oriented business establishment. No person under the age of 18

- years shall be permitted access to material displayed, offered for sale, given, transferred, conveyed or rented by an adult use or sexually oriented business.
- k. Adult use principal and sexually oriented businesses shall not be open between the hours of 12:01 a.m. and 10:00 a.m. on the days of Monday through Saturday. Must be closed on Sunday.

10) Conditions of Permit - Adult Use Accessory

The County may issue adult use accessory Permits to businesses or establishments located in the Commercial Zoning District subject to the following requirements:

- a. The adult use accessory shall comprise no more than twenty (20) per cent 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.
- b. 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.
- c. 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.
- d. Adult use-accessory shall be prohibited from both internal and external advertising and signing of adult materials and products.

11) Revocation or Suspension of a Permit

- a. The County Zoning Administrator may revoke or, suspend a Permit upon recommendation of the Fillmore County Sheriff's Office that shows the permittee, its owners, managers, employees, agents or any other interested parties have engaged in any of the following conduct:
 - i) Fraud, deception or misrepresentation about securing the Permit.
 - ii) Habitual drunkenness or intemperance in 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.
 - iii) Failure to follow any requirements of the ordinances of Fillmore County or statutes of the State of Minnesota 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.
 - iv) Conviction of an offense involving moral turpitude.
- b. The permittee may appeal such suspension, or revocation to the County Board of Commissioners. The Board shall consider the appeal at a regularly scheduled board meeting on or after ten days from service of the notice of appeal to the County Coordinator. At the conclusion of the hearing, the Board may order:
 - i) that the revocation or suspension be affirmed; that the revocation, or suspension be lifted and that the permit be returned to the permit holder;
 - ii) the Board may impose, at their discretion, any additional terms, conditions or stipulations for the suspension or issuance of the permit.

D. SIGN RESTRICTIONS

The following sign regulations shall apply to all adult use and sexually oriented businesses in the County. These regulations are to protect children from exposure to sexually oriented signs and materials and to preserve the value of property near adult use and sexually oriented businesses. These regulations are aside from all other provision of the Fillmore County Zoning Ordinance.

- 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) No sign advertising an adult use or sexually oriented business shall be over 32 square feet in any district.
- 3) An adult use or sexually oriented business may have only one electrically lit sign attached to the front of the place of business and none on any other side.
- 4) 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.
- 5) No signs shall be placed in any window. A two-foot square sign must be placed on the door to state hours of operation and admittance to adults only.

E. PENALTY

Any person violating any provision 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. Each day of violation is an additional misdemeanor.

F. SEVERABILITY

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The Board declares that it would have adopted the ordinance 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.

SECTION 2 EFFECTIVE DATE

This ordinance shall become effective upon its passage and publication.

Passed by the Fillmore County Board of Commissioners this 3rd day of March, 1998.

County Board Chairman

County Auditor

Date

Date