

# ROCK COUNTY INTERIM ADULT USE ORDINANCE

## SECTION 1 - DEFINITIONS

1. **Adult Uses.** Adult uses include, but are not limited to, adult bookstores, adult motion picture theaters, adult picture rental, adult mini-motion picture theaters, adult massage parlors, adult steam room/bathhouse/sauna facilities, adult companionship establishments, adult rap/conversation parlors, adult health/sport clubs, adult cabarets, adult novelty businesses, adult motion picture arcades, adult modeling studios, adult hotels/motels, adult body painting 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 are capable of being seen by members of the public.
2. **Adult Uses - Accessory.** A use, business, or establishment having ten percent (10%) or less of its stock in trade or floor area allocated to, or twenty percent (20%) or less of its gross receipts derived from movie rentals or magazine sales.
3. **Adult Uses - Principal.** A use, business, or establishment having more than ten percent (10%) of its stock in trade or floor area allocated to, or more than twenty percent (20%) of its gross receipts derived from movie rentals or magazine sales.
4. **Adult Use - Body Painting Studio.** A business or establishment 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 in terms of "specified anatomical area".
5. **Adult Use - Bookstore.** A building or portion of a building used for the barter, rental, or sale of items consisting of printed matter, pictures, slides, records, audio tape, videotape, or motion picture film if such building or portion of a building is not open to the public generally but only to one or more classes of the public excluding any minor by reason of age or if a substantial or significant portion of such items are distinguished or characterized by an emphasis on the presentation, display, depiction, or description of "specified sexual activities" or "specified anatomical areas".
6. **Adult Use - Cabaret.** A building or portion of a building used for providing dancing or other live entertainment, if such building or portion of a building excludes minors by virtue of age or if such dancing or live entertainment is distinguished or characterized by an emphasis on the presentation, display, depiction, or description of "specified sexual activities" or specified anatomical areas".
7. **Adult Use - Companionship Establishment.** A companionship establishment which excludes minors by reason of age or which provides the service of listening to or engaging

in 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”.

**8. Adult Use - Conversation/Rap Parlor.** A conversation/rap parlor which excludes minors by reason of age or which provides the service of listening to or engaging in conversation, talk, or discussion, if such service is distinguished or characterized by and emphasis on “specified sexual activities” or “specified anatomical areas”.

**9. Adult Use - Health/Sport Club.** A health/sports club, which excludes minors by reason of age or if such club is distinguished or characterized by an emphasis on “specified sexual activities” or specified anatomical areas”.

**10. Adult Use - Hotel/Motel.** A hotel or motel from which minors are specifically excluded from patronage and wherein material is presented which is distinguished or characterized by an emphasis on matter depicting, or describing or relating to “specified sexual activities” or “specified anatomical areas”.

**11. Adult Use - Massage Parlor, Health Club.** A massage parlor or health club which restricts minors by reason of age and which provides the service of massage if such service is distinguished or characterized by an emphasis on “specified sexual activities” or “specified anatomical areas”.

**12. Adult Use - Mini Motion Picture Theater.** A building or portion of a building with a capacity of less than fifty (50) persons used for presenting material if such building or portion of a building as a prevailing practice excludes minors by reason of age or if such material is distinguished or characterized by an emphasis on “specified sexual activities” or “specified anatomical areas” for observations by patrons therein.

**13. Adult Use - Modeling Studios.** An establishment 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 and 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.

**14. Adult Use - Motion Picture Arcade.** Any place to which the public is permitted or invited wherein coin operated or slug operated, or electronically, electrically, or mechanically controlled or operated still or motor picture machines, projectors, or other image-producing devices are maintained to show images to five (5) 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 “specific sexual activities” or “specific anatomical areas”.

**15. Adult Use - Motion Picture Theater.** A building or portion of a building with a capacity of more than fifty (50) persons used for presenting material if such building or portion of a building as a prevailing practice excludes minors by reason of age or if such

material is distinguished or characterized by an emphasis on “specified sexual activities” or “specified anatomical areas” for observation by patrons therein.

16. **Adult Use - Novelty Business.** A business which has as a principal activity the sale of devices which stimulate human genitals or devices which are designed for sexual stimulation.

17. **Adult Use - Sauna.** 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, utilizing steam or hot air as a cleaning, relaxing, or reducing agent, if the service provided by the steam room/bathhouse facility is distinguished or characterized by an emphasis on “specified sexual activities” or “specified anatomical areas”.

18. **Adult Use - Steam Room/Bathhouse Facility.** A building or portion of a building used for providing a steam bath or heat bathing room used for the purpose of pleasure, bathing, relaxation, or reducing, utilizing steam or hot air as a cleaning, relaxing, or reducing agent, if such building or portion of a building restricts minors by reason of age, or if the service provided by the steam room/bathhouse facility is distinguished or characterized by an emphasis on “specified sexual activities” or “specified anatomical areas”.

19. **Liquor License.** Any of the following licenses issued or approved by the County of Rock pursuant to Minnesota Statute, Chapter 340A:

- a. On-sale Intoxicating Malt Liquor License, or
- b. On-sale Intoxicating Liquor License, or
- c. On-sale Wine License.

20. **Police Related Service Calls.** Requests for assistance made to the Rock County Sheriff’s Office from a neighboring resident, a victim of crime, a patron of the establishment, or the management of the Adult Use. Such calls may include but are not limited to: assaults, disorderly conduct, indecent exposure, prostitution, and trespassing.

21. **Minor.** Person(s) under eighteen (18) years of age.

22. **Specified Anatomical Areas:**

- a. Human genitals, pubic region, buttock, anus, or female breast(s), below a point immediately above the top of the areola, unless completely and opaquely covered.
- b. Erect penis, even if completely and opaquely covered.

23. **Specified Sexual Activities:**

- a. Actual or simulated sexual intercourse, oral copulation, anal intercourse, oral-anal copulation, bestiality, direct physical stimulation of unclothed genitals, flagellation or torture in the context of a sexual relationship, or use of excretory functions in the context of a sexual relationship, and any of the following sexual-oriented acts of conduct: anilingus, buggery, coprophagy, coprophilia, cunnilingus, fellation, necrophilia, pederasty, pedophilia, piquerism, sapphism, zooerasty; or
- b. Clearly depicted human genitals in the state of sexual stimulation, arousal or tumescence.
- c. Use of human or animal ejaculation or ejaculate, sodomy, oral copulation, coitus, or masturbation.
- d. Fondling or touching of nude human genitals, pubic region, buttocks, or female breast(s).
- e. Situations involving a person or persons, any of whom are nude, clad in undergarments, or in sexually revealing costumes, and who are engaged in activities involving the flagellation, torture, fettering, binding, or other physical constraint of any such persons.
- f. Erotic or lewd touching, fondling or other sexually oriented contact with an animal by a human being.
- g. Human erection, urination, menstruation, vaginal or anal irrigation.

## **SECTION 2 - PROHIBITED USES**

No person or entity shall own, operate, or permit or allow to be operated or conducted an adult use or any adult use activity as defined herein.

## **SECTION 3 - ENFORCEMENT**

The Rock County Board, the Rock County Zoning Administrator, and the Rock County Sheriff shall be responsible for the enforcement of this Ordinance.

## **SECTION 4 - PENALTY**

Any person violating any provision of this Ordinance is guilty of a misdemeanor. In addition, Rock County may sue for injunctive relief for any violation. Also, Rock County may sue for injunctive relief to prevent a violation. The County may suspend or revoke any permits or licenses issued by the Board with cause.

1. **Revocation of Liquor License.** Any violation of this Ordinance shall be a basis for suspension or revocation of a Liquor License issued pursuant to Minnesota Statutes, Chapter 340A. The Rock County Board of Commissioners or anyone they delegate shall follow the notice and hearing requirements for contested cases under Minnesota Statutes, Chapter 14.57 to 14.70 of the Administrative Procedures Act.

COUNTY OF ROCK

By Jane A. Wildung  
Jane Wildung, Its Chairman

ATTEST:

Kyle J. Oldre  
Kyle J. Oldre, County Administrator

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