

ARTICLE XVII. SEXUALLY ORIENTED BUSINESSES

SECTION 1. CONDITIONAL USE.

1. Sexually oriented business (s) are only permitted by special permission from the Board of Supervisors within the "M" Manufacturing zone. To receive approval the sexually oriented business shall meet the following minimum standards:
 - a. The business shall be a minimum of 1500 feet from the following uses: 1). church, synagogue, chapel, or similar place of religious worship or instruction; 2). A public or private elementary or secondary school; 3). A boundary of a residential zoning district; 4). A library, or a public park, playground or other recreational facility; 5). A licensed day care center or nursery or preschool; or 6). Another sexually oriented business. The measurement shall be made in a straight line from the nearest point of the building or structure used as a part of the premises where a sexually oriented business is conducted, to the nearest property line of the premises of a church, synagogue, regular place of worship, or library, or public or private elementary or secondary school, or to the nearest boundary of an affected park, residential district, or residential lot, or licensed day care center.
 - b. The business may not be operated in the same building, structure, or portion thereof, containing another sexually oriented business.
 - c. The Board of Supervisors shall grant a permit for the sexually oriented business. The following standards shall apply to all permits for a sexually oriented business:
 - i. The permit may be suspended by the Board of Supervisors for a period not to exceed 30 days if he determines that the permittee: 1). Has violated or is not in compliance with any section of these regulations; or 2). Refused to allow an inspection of the sexually oriented business; or 3). Refused to comply with any standards contained on the permit.
 - ii. The permit applicant's taxes shall be paid in full by the time the application is submitted;
 - iii. The permit shall be revoked if the permittee and/or licensee gave false or misleading information in the materials submitted during the application process; The use adversely impacts nearby commercial or residential uses; The use jeopardizes or endangers the public health or safety of persons residing or working in the surrounding area, constitutes a public nuisance, or has resulted in repeated nuisance activities including but not limited to disturbances of peace, illegal drinking activity, public drunkenness, drinking in public, harassment of passerby, gambling, prostitution, sale of stolen goods, public urination, theft, assaults, battery, acts of vandalism, loitering...lewd conduct or sheriff detentions and arrests; The permittee and/or licensee or an employee has knowingly allowed possession, use, or sale of controlled substances on the premises; a permittee and/or licensee or an employee has knowingly allowed prostitution on the premises; The permittee and/or licensee or an employee knowingly operated the sexually oriented business during a period of time when the permittee's and/or licensee's permit and/or license was suspended; A permittee and/or licensee or an employee has knowingly allowed any act of sexual intercourse, sodomy, oral copulation, masturbation, or other sexual conduct to occur in or on the permitted and/or licensed premises; The permittee and/or licensee is delinquent in payment to the City or State for any taxes or fees; The owner or operator of the permitted establishment knowingly allowed a person under 18 years of age to enter an establishment; and That there was a change of owner or operator for which a transfer conditional use application was not timely filed.
 - d. The Board of Supervisors shall have the authority to require applicants to provide any details about the business prior to the issuance of a permit.
 - e. It shall be unlawful for a person to operate a sexually oriented business without a valid permit and/or license issued by the Board of Supervisors.
 - f. A permittee and/or licensee shall not transfer the permit and/or license to another, nor shall a permittee and/or licensee operate a sexually oriented business under the authority of a permit and/or license at any place other than the address designated in the application. The transfer of ownership shall include any of the following: 1). Sale, lease, or sublease of the business; 2). The transfer of securities that forma controlling interest in the business, whether by sale, exchange, or similar means; or 3). The establishment of a trust, gift, or other similar legal device that transfers

the ownership or control of the business, except for transfer by bequest or other operation of law upon the death of the person possessing the ownership or control.

- g. Each permit and/or license shall expire one year from the date of issuance and may be renewed only by making application. Application of renewal should be made at least 30 days before the expiration date, and when made less than 30 days before the expiration date, the expiration of the permit and/or license will not be affected. When the Board of Supervisors denies renewal of a license, the applicant shall not be issued a permit and/or license for one year from the date of denial. If, subsequent to denial, the Board of Supervisors finds that the basis for denial of the renewal permit and/or license has been corrected or abated, the applicant may be granted a permit and/or license if at least 90 days have elapsed since the date denial became final.
- h. The annual fee for a sexually oriented business permit and/or license is \$100. This fee is to pay for the cost of the administration and enforcement of this ordinance.
- i. Signs for the sexually oriented business shall contain no photographs, silhouettes, drawings, or pictorial representations in any manner, and may contain only the name of the enterprise.
- j. It shall be the duty of the operator of each sexually oriented business to ensure that an attendant is stationed at each public entrance to the sexually oriented business at all times during such sexually oriented businesses' regular business hours. It shall be the duty of the attendant to prohibit any person under the age of 18 years from entering the sexually oriented business. It shall be presumed that an attendant knew a person was under the age of 18 unless such attendant asked for and was furnished: 1). A valid operator's commercial operator's, or non-commercial driver's license; or 2). A valid personal identification certificate issued by the State of Iowa reflecting that such person is 18 years of age or older.
- k. The Board of Supervisors has the right to deny a sexually oriented business for any of the following reasons:
 - i. The use does not comply with the County Comprehensive Plan;
 - ii. To prevent the concentration of sexually oriented businesses and to establish reasonable and uniform regulations;
 - iii. The use will adversely impact nearby residential and/or commercial uses; and
 - iv. Promote the public health, safety, and welfare of the County Citizens.