

CHAPTER 124

ADULT ENTERTAINMENT BUSINESSES

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124.01 DEFINITIONS. The following terms are defined for use in this chapter:

1. “Adult amusement or entertainment” means an amusement or entertainment which is distinguished or characterized by an emphasis on acts or material depicting, describing, or relating to sex acts or specified anatomical areas, as defined herein, including (but not limited to) topless or bottomless dancers, exotic dancers, strippers, male or female impersonators, or similar entertainment.
2. “Adult entertainment businesses” include the following:
 - A. “Adult bookstore” means an establishment having as a significant portion of its stock in trade books, films, magazines, and other periodicals or goods and items held for sale which are distinguished or characterized by an emphasis on matter depicting or describing sex acts or specified anatomical areas.
 - B. “Adult hotel or motel” means a building with accommodations used for the temporary occupancy of one or more individuals and is an establishment wherein material is presented which is distinguished or characterized by an emphasis on depicting or describing sex acts or specified anatomical areas for observation by the individuals therein.
 - C. “Adult motion picture arcade” means any place to which the public is permitted or invited wherein coin- or slug-operated or electronically, electrically or mechanically controlled 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 matter depicting or describing sex acts or specified anatomical areas.
 - D. “Adult motion picture theater” means an enclosed building used for presenting material distinguished or characterized by an emphasis on matter depicting or describing sex acts or specified anatomical areas.
 - E. “Adult photo studio” means an establishment which, upon payment of a fee, provides photographic equipment and/or models for the purpose of photographing specified anatomical areas or sex acts, as defined herein.
 - F. “Massage parlor” means any building, room, place, or establishment where manipulated massage or manipulated exercise is practiced for pay upon the human body with an emphasis on sex acts or specified anatomical areas, by anyone not a duly licensed physician, osteopath, chiropractor, registered nurse, or practical nurse operating under a physician’s direction, physical therapist, registered speech pathologist and physical or occupational therapist who treat only patients recommended by a licensed physician and operating only under such physician’s direction, whether with or without the use of

mechanical, therapeutic, or bathing devices. The term does not include a regular licensed hospital, medical clinic, or nursing home, duly licensed beauty parlors, or barber shops.

G. “Sexual encounter center” means any business, agency, or person who, for any form of consideration or gratuity, provides a place where three or more persons may congregate, assemble, or associate for the purpose of engaging in sex acts or exposing specified anatomical areas.

3. “Sex acts” means any sexual contact, actual or simulated, either natural or deviate, between two or more persons, or between a person and an animal, by penetration of the penis into the vagina or anus, or by contact between the mouth or tongue and genitalia or anus, or by contact between a finger of one person and the genitalia of another, or by use of artificial sexual organs or substitute therefor in contact with the genitalia or anus.

4. “Specified anatomical areas” include the following: human genitals, pubic region, buttocks, and female breast below a point immediately above the top of the areola.

124.02 LOCATION. No adult entertainment business, as defined herein, shall be established within 1,000 feet of another business, school, church, public park, public playground, public plaza, day nursery, daycare center, nursery school, regularly scheduled school bus stop, or any dwelling (one-family, two-family or multiple-family).

124.03 ESTABLISHMENT OF ADULT ENTERTAINMENT BUSINESS.† The establishment of an adult entertainment business shall include the opening of such business as a new business, the relocation of such business, or the conversion of an existing business location to any of the uses described as an adult entertainment business.

1. The measurement of the 1,000 foot restriction shall be taken on a direct line from the property line of such adult entertainment business to the point on the property line of another business, school, church, public park, public playground, public plaza, day nurseries, day care center, nursery school, regularly scheduled school bus stop, or any dwelling (one-family, two-family or multiple-family dwelling).

2. All buildings used for adult entertainment business shall have openings, entries, windows, etc., constructed, located, covered, or screened in such a manner as to prevent a view into the interior of such building from any pedestrian sidewalk, walkway, street, or other public or semi-public area. Advertisements, displays, or other promotional materials shall not be shown or exhibited so as to be visible to the public from the pedestrian sidewalks, walkways, or other public or semi-public area.

3. No alcohol shall be permitted in any adult entertainment business, unless specifically authorized by Iowa Law. This prohibition applies equally to the proprietor and the patrons of the adult entertainment business.

4. No minor (any person under 18 years of age) shall be permitted in any adult entertainment business.

† **EDITOR’S NOTE:** See also Section 165.15 of this Code of Ordinances.

124.04 VIOLATION. A violation of this chapter shall result in those penalties applicable to a municipal infraction pursuant to Chapter 4 of this Code of Ordinances.

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