

BROWN COUNTY

ORDINANCE NO. 2002 – 1

ADULT USE ORDINANCE

SECTION 100. STATUTORY AUTHORIZATION.

Subpart 1. Statutory Authorization. This Adult Use Ordinance is adopted pursuant to the authority delegated to Brown County by Minnesota Statutes, Chapter 394, commonly known as the Minnesota County's Planning and Zoning Enabling Legislation.

Subpart 2. Findings and Purpose. This section is intended to regulate (adult uses) those 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.

The nature of adult uses is such that they are recognized as having adverse secondary impacts, based upon studies of the impacts that adult establishments have on their surrounding communities. These studies have been conducted by the Minnesota Attorney General, the American Planning Association, and cities such as St. Paul, Minnesota; Indianapolis, Indiana; Hopkins, Minnesota; Ramsey, Minnesota; Phoenix, Arizona; Los Angeles, California; and Seattle, Washington.

The adverse secondary impacts found in the studies include increased crime rates, decreased property values, increased transience, neighborhood blight, and potential health risks. These impacts are particularly apparent when they are accessible to minors and located near residential properties or residential uses such as schools, day care centers, libraries or parks. The nature of the adult uses require that they not be allowed within certain zoning districts, or set back a minimum distance from each other, or other residential uses. Special regulation of these uses is necessary to ensure that the adverse secondary effects would not contribute or enhance criminal activity in the area of such uses, nor will it contribute to the blighting of or downgrading of the surrounding property and lessening of its value.

It is therefore in the best interest of the public health, safety, and welfare of the citizens of Brown County that certain types of activities, as set forth in this ordinance, are prohibited upon the premises of conditional use permits liquor, wine, and beer establishments so as to best protect and assist the owners and operators and employees of these premises, as well as patrons and the public in general. Further, the County intends, that the standards in this ordinance reflect the prevailing community standards in the County of Brown. This Ordinance is intended to prevent harm stemming from the physical immediacy and combination of alcohol, nudity, and sex. The County Board of Commissioners also desires to prevent any subliminal endorsement of sexual harassment or activities likely to lead to the possibility of various acts of criminal conduct such as prostitution, sexual assault, and disorderly conduct.

SECTION 200 TITLE AND SHORT TITLE

200.1 TITLE. Pursuant to Minnesota Statutes, Chapter 394, the Planning and Zoning Enabling Legislation, the Brown County Board of Commissioners ordains Ordinance 2002-1, the Brown County Adult Use Ordinance.

200.2 SHORT TITLE. This Ordinance shall be known, and may be referred to, as the Adult Use Ordinance. When referred to herein, it shall be known as "this Ordinance".

SECTION 300 ~ IMPLEMENTATION

300.1 JURISDICTION. The provisions of this Ordinance shall apply to all adult uses located in un-incorporated areas within the boundaries of Brown County.

300.2 COMPLIANCE. All adult uses shall be in full compliance with requirements of this Ordinance; the Brown County Zoning Ordinance; the Brown County Sewage Treatment Ordinance, Section 721; other applicable provisions of County, State, or Federal laws, and applicable fire, health, and/or safety codes.

300.3 NON-CONFORMING ADULT USES. Non-conforming adult uses shall be subject to the provisions contained in the Brown County Zoning Ordinance, Section 306, Non-conformities.

300.4 ENFORCEMENT. The Brown County Board, the Brown County Sheriff, and the Zoning Administrator are responsible for the enforcement of this Ordinance.

300.5 PENALTY. Any person violating any provision of this Ordinance is guilty of a misdemeanor. In addition; Brown County may sue for injunctive relief on any violation, or to prevent a violation, or may suspend and/or revoke any permits or conditional use permits issued by the Board with cause.

Subpart 1. Suspension or Revocation of Adult Use Conditional use permit. Any violation of this Ordinance shall be a basis for suspension or revocation of any permit or conditional use permit granted hereunder. In the event the County Board proposes to suspend or revoke the Adult Use Conditional use permit, the County Board shall hold a hearing. The County will provide 10 days written notice before such a hearing.

Subpart 2. 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 Brown 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

300.6 INTERPRETATION. In the interpretation and application, the provisions of this Ordinance shall be interpreted to protect the public health, safety and welfare of the citizens of Brown County by providing for the regulation of adult uses. This Ordinance is not intended to limit or repeal any other powers granted to Brown County by the State of Minnesota.

300.7 SEVERABILITY. If any section, clause, provision, or portion of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected thereby.

300.8 ABROGATION AND GREATER RESTRICTIONS. It is not intended by this Ordinance to repeal, abrogate, or impair any existing ordinances, or laws. When this Ordinance is inconsistent with any other Ordinance or law, that which imposes the greater restriction shall prevail.

300.9 REFERRAL TO OTHER LAWS. If any section of this Ordinance references another Ordinance, Statute, Rule, or other provision of law, the reference shall be for that other provision of law as currently enacted and as it may be amended or re-codified in the future

SECTION 400 ~ DEFINITIONS

400.1 WORD USAGE. Unless specifically defined below, words or phrases used in this Ordinance shall be interpreted so as to give them the same meaning as they have in common usage and so as to give this Ordinance its most reasonable application. For the purpose of this Ordinance, the words "must" and "shall" are mandatory and not permissive. All distances, unless otherwise specified, shall be measured horizontally.

400.2 PERMITTED USES. Permitted uses of land or buildings as hereinafter listed, shall be permitted only in the districts indicated, and under the conditions specified.

400.3 DEFINITIONS.

Subpart 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.

Subpart 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.

Subpart 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.

Subpart 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".

Subpart 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".

Subpart 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".

Subpart 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".

Subpart 8. Adult Use-Conservation/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 an emphasis on "specified sexual activities" or "specified anatomical areas".

Subpart 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".

Subpart 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".

Subpart 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".

Subpart 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 observation by patrons therein.

Subpart 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.

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

Subpart 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.

Subpart 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.

Subpart 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".

Subpart 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".

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

- A. On-sale Intoxicating Malt Liquor Conditional use permit, or
- B. On-sale Intoxicating Liquor Conditional use permit, or
- C. On-sale Wine Conditional use permit.

Subpart 20. Police Related Service Calls. Requests for assistance made to the Brown 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.

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

Subpart 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.

Subpart 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 the use of excretory functions in the context of a sexual relationship, and any of the following sexual-oriented acts or conduct: anilingus, buggery, coprophagy, coprophilia, cunnilingus, fellatio, necrophilia, pederasty, pedophilia, piquerism, sapphism, zoerasty.
- B. Clearly depicted human genitals in the state of sexual stimulation, arousal, or tumescense.
- 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 500 ADMINISTRATION

500.1 ADULT USE CONDITIONAL USE PERMIT REQUIRED. No person shall own or operate an adult use establishment without first having secured an Adult Use Conditional Use Permit from Brown County.

Subpart 1. Application. The application for an Adult Use Conditional Use Permit shall include:

- A. If the application is an individual: the name, residence, phone number, and birth date of the applicant shall be provided. If the applicant is a partnership: the name, residence, phone number, and birth date of each general and limited partner shall be provided. If the applicant is a corporation: the name, residence, phone numbers, and birth dates of all persons holding more than five (5) percent of the issued outstanding stock of the corporation.
- B. The name, address, phone number, and birth date of the operator and manager of such operation, if different from the owner(s).

- C. The address and legal description of the premises where the adult establishment is to be located.
- D. A statement detailing any gross misdemeanor or felony convictions relating to sex offenses, obscenity, or the operation of an adult establishment of adult business by the applicant, operator, or manager, and whether or not the applicant has ever applied for or held a conditional use permit to operate a similar type business in any other community(s). In the case of a corporation, a statement detailing any felony convictions by the owners of more than five percent (5%) of the issued and outstanding stock of the corporation, and whether or not those property owners have ever applied for or held a conditional use permit to operate a similar type of business in other community(s).
- E. The activities and types of business to be conducted.
- F. The hours of operation.
- G. Provisions to be utilized to restrict access by minors.
- H. A building plan of the premises detailing all internal operations and activities.

Subpart 2. Responsibility to Obtain Other Permits/Conditional use permits. The granting of any permit or conditional use permit pursuant to requirements of this Ordinance, or other applicable Brown County Ordinances, shall not relieve applicants of their responsibility to obtain any required state or federal permits.

500.2 ADULT USE CONDITIONAL USE PERMIT FEE.

Subpart 1. Submittal of Fees. Each application for an Adult Use Conditional use permit shall be submitted to the County Zoning Administrator and shall be accompanied by payment in full of the required fee for the Adult Use Conditional use permit.

Subpart 2. Expiration of Adult Use Conditional use permit. Each conditional use permit shall be issued for a period of three (3) calendar year(s).

Subpart 3. Annual Fee. The annual fee for an Adult Use Conditional use permit shall be as detailed in the fee schedule established by the Brown County Board of Commissioners. The fee may be adjusted from time to time by Board resolution.

Subpart 4. Refund of Fee. If any application for a conditional use permit is rejected, the conditional use permit fee shall not be refunded. No part of the fee paid for any conditional use permit issued under this Ordinance shall be refunded.

500.3 GRANTING OF ADULT USE CONDITIONAL USE PERMIT.

Subpart 1. Each owner of the establishment, be it individual, partner, limited partner, shall be subjected to a criminal history background check by the Sheriff or his designee. Costs of the criminal history investigations shall be borne by the applicant according to a fee schedule established by the Sheriff. The application for the adult use conditional use permit shall not be considered complete until all required information has been furnished, the investigation has been completed by the Sheriff, and a report provided to the Planning and Zoning Administrator by the applicant.

The Planning Commission shall hold a public hearing and report its findings to the County Board within thirty (30) days after the County Zoning Administrator receives a complete application. At the hearing opportunity shall be given to any person to be heard relating to the granting of the conditional use permit. The County Board shall grant or deny said Adult Use Conditional use permit within thirty (30) days of the conclusion of the hearing.

Subpart 2. The Adult Use Conditional use permit shall be issued only to the applicant and shall not be transferable to another holder. Each conditional use permit shall be issued only for the premises described in the application. No conditional use permit may be transferred to another premises or person without the written permission of the County. If the conditional use permit is a partnership or corporation, a change in the identity of any of the principals of the partnership or corporation shall be deemed to be a transfer of the conditional use permit.

500.4 PERSONS INELIGIBLE FOR ADULT USE CONDITIONAL USE PERMIT. No conditional use permit shall be issued to any person:

- A.** Under twenty-one (21) years of age.
- B.** Who is overdue in payments to a city, county, state, or federal government of taxes, fees, fines or penalties, or charges for municipal services and utilities assessed against them or imposed upon them.
- C.** Who has been convicted of a gross misdemeanor or felony, or of violating any law of this state or local Ordinance relating to sex offenses, obscenity offenses, or adult establishments.
- D.** Who is not the proprietor of the establishment for which the conditional use permit is issued.
- E.** To any applicant who is acting as an agent for an individual who would be disqualified pursuant to the above criteria.
- F.** Who has not paid the required investigation/permit fees required by this Ordinance.

500.5 PLACES INELIGIBLE FOR ISSUANCE OF ADULT USE CONDITIONAL USE PERMIT.

- A.** No conditional use permit shall be granted for adult establishments on any premises where a conditional use permit/license has been convicted of a violation of this Ordinance, or where any conditional use permit hereunder has been revoked for cause, until one (1) year has elapsed after such conviction or revocation.
- B.** No conditional use permit shall be granted for any adult establishment which is not in compliance with the County's land use regulations, or fire, health, and safety codes and all provisions of federal and state law.

500.6 CONDITIONS OF ADULT USE CONDITIONAL USE PERMIT.

- A.** All conditional use permitted premises shall have the conditional use permit posted in a conspicuous place at all times.
- B.** No Minor shall be permitted on the premises.
- C.** Any designated inspection officer of the County shall have the right to enter, inspect, and search the premises of a conditional use permitted during business hours.
- D.** No adult goods or materials shall be offered, sold, transferred, conveyed, given, displayed, or bartered to any minor.
- E.** In granting a conditional use permit for an adult establishment, the County Board may impose additional conditions to protect the best interest of the surrounding area or the County as a whole.
- F.** The conditional use permit must keep itemized written records of all transactions involving the sale or rental of all items or merchandise for at least one year after the transaction. At a minimum, those records must describe the date of the transaction, a description of the transaction, the purchase or rental price, and a detailed description of the item or merchandise that is being purchased or rented. These written records must be provided to the County upon request.
- G.** The conditional use permit must cover or otherwise arrange all windows, doors, and apertures to prevent any person outside the conditional use permitted premises from viewing any items or merchandise inside the premises depicting specified sexual activities or specified anatomical areas.

SECTION 600 ADULT USE OPERATIONAL RESTRICTIONS

600.1 ADULT USES-PRINCIPAL.

Subpart 1. General Provisions. Adult uses as defined in Section 400.3 of this Ordinance shall be subject to the following general provisions:

- A.** No person(s) under eighteen (18) years of age shall be permitted in any adult use-principal premises, enterprise, establishment, business or place.
- B.** No liquor license shall be issued to any adult use related premises, enterprise, establishment, business, or place open to some or all members of the public, at or in which there is an emphasis on the presentation, display, depiction, description of, or participation in "specified sexual activities" or "specified anatomical areas".
- C.** No adult use related premises, enterprise, establishment, business or place shall allow or permit the sale or service of set ups to mix alcoholic drinks. No alcoholic beverages shall be consumed on the premises of such premises, enterprise, establishment, business, or place.
- D.** Activities classified as obscene are not permitted and are prohibited. In no instance shall the application or interpretation of this Ordinance be construed to allow an activity otherwise prohibited by law.
- E.** Adult uses, either principal or accessory, shall be prohibited from locating in any building which is also utilized for residential purposes.
- F.** An adult use which does not qualify as an accessory use pursuant to Section 600.3 below, shall be classified as an adult-use principal.

Subpart 2. Permitted Locations for Adult Use-Principal.

- A.** Adult use-principal, shall only be allowed in the B-1, Highway Business District.
 - 1.** Access, parking, screening, lighting, and other relevant site related criteria for all Adult uses shall be as set forth in the Brown County Zoning Ordinance, Section 701.
- B.** Adult-use principal, shall be located at least five hundred (500) lineal feet, as measured in a straight line from the closest point of the main entrance of the building within which the adult use-principal is located, to the property line of:
 - 1.** Any residentially used or zoned property.
 - 2.** Any permitted day-care center.
 - 3.** Any public or private educational facility classified as an elementary, junior high, or senior high school.
 - 4.** Any hotel or motel.
 - 5.** Any public park or trails system.
 - 6.** Any nursing home.
 - 7.** Any youth establishment.
 - 8.** Any church or church related organization.
 - 9.** Another adult establishment. No adult use-principal shall be located in the same building or upon the same property as another adult use-principal.

Subpart 3. Hours of Operation. Hours of operation for Adult-uses principal, shall be from 11:00 a.m. to 12:30 a.m. A differing time schedule may be approved by the County Board if it can be satisfactorily demonstrated to the Board that all of the following apply:

- A.** The use does not adversely impact or affect uses or activities within five hundred (500) feet.
- B.** The use will not result in increased policing and related service calls.
- C.** Is critical to the operation of the business.

Subpart 4. Sign Regulations. Adult use-principal shall adhere to the following sign regulations in addition to those set forth in the Brown County Zoning Ordinance, Section 727, Sign Regulations.

- A.** Sign message shall be generic in nature and shall only identify the name and type of business. Signs shall not be pictorial.

B. Signs shall be limited to the size and number of signs permitted in the district in which the use is located.

600.2 ADULT CABARET REGULATIONS.

Subpart 1. The following additional restrictions apply to Adult Cabarets:

- A. No person, firm, partnership, corporation, or other entity shall advertise, or cause to be advertised, an adult cabaret without a valid Adult Use Conditional use permit.
- B. An Adult Use Conditional use permit shall maintain and retain for a period of two (2) years the names, addresses, and ages of all persons engaged, hired, or employed as dancers or performers by the conditional use permit.
- C. An adult cabaret shall be prohibited in establishments where alcoholic beverages are served.
- D. No owner, operator, or manager of an adult cabaret shall permit or allow any dancer or other live entertainer to perform nude unless as provided in subparts G & H below.
- E. No patron or any person other than a dancer or live entertainer, as provided in subparts G & H below, shall be nude in an adult cabaret.
- F. No dancer, live entertainer, performer shall be under eighteen (18) years of age.
- G. All dancing shall occur on a platform intended for that purpose which is raised at least two (2) feet above the level of the floor.
- H. No dancer or performer shall perform or dance closer than ten (10) feet from any patron unless such dancer or performer is enclosed behind a floor to ceiling glass partition.
- I. No dancer shall fondle or caress any patron and no patron shall fondle or caress any dancer or performer.
- J. No person under eighteen (18) years of age shall be admitted to an adult cabaret.

600.3 VIEWING BOOTH REGULATIONS

Subpart 1. The following additional regulations apply to viewing booths:

- A. Individual Motion Picture viewing booths must be without doors and the occupant must be visible at all times.
- B. Only one person may be in a viewing booth at a time.
- C. Walls separating booths must be such that the occupants cannot engage in sexual activity.
- D. Each booth must be kept clean and sanitary.
- E. Minimum lighting requirements must be maintained.

600.4 ADULT USE, ACCESSORY.

Subpart 1. Permitted Locations for Accessory Adult Uses. Adult use-accessory shall be permitted in the B-1, Highway Business District, provided the accessory use conforms with the provisions of this subdivision. Adult Use-Accessory shall:

- A. Comprise no more than ten percent (10%) of the floor area of the establishment in which it is located.
- B. Comprise no more than twenty percent (20%) of the gross receipts of the entire business operation.
- C. Not involve or include any activity except the sale or rental of merchandise.

Subpart 2. Separation of Areas. Adult use-accessory shall be restricted from, and prohibit access to minors, by physically separating the following and similar items from areas of general public access:

- A. Movie Rental display areas shall be restricted from general view and shall be located within a separate room, the access of which is in clear view of, and under the control of, the persons responsible for the operation.

B. Magazines or publications classified as adult uses shall not be physically accessible to minors and shall be covered with a wrapper or other means to prevent display of any material other than the publication title.

C. Other adult uses not specifically cited shall comply with the intent of this Ordinance.

Subpart 3. Advertising. Adult Use-Accessory shall be prohibited from both internal and external advertising and signing of adult materials and products.

SECTION 700 REPEAL AND ADOPTION

700.1 REPEAL. Any portion of any Ordinance in conflict with this Ordinance is hereby repealed.

700.2 PUBLIC HEARING AND PLANNING COMMISSION RECOMMENDATION. The Brown County Planning Commission, after proper notice and publication, held a public hearing on the adoption of this Ordinance on the _____, at the Brown County Courthouse. After hearing public testimony and with due deliberation, the Planning Commission voted ___ Ayes and ___ Nays to recommend adoption of this Ordinance to the Brown County Board of Commissioners.

700.3 ADOPTION. The Brown County Board of Commissioners, after proper notice and publication, held a public hearing on the adoption of this Ordinance on the September 3, 2002 at the Brown County Courthouse. After hearing public testimony and with due deliberation, the Brown County Board of Commissioners voted 4 Ayes and 1 Nays (Commissioner Wellner) to adopt this Ordinance.

700.4 EFFECTIVE DATE. This Ordinance shall be in full force and effect 30 days after its passage and publication, as provided by law.

Adopted this 3rd day of September, 2002.

James Berg _____ /s/ Chairperson, Brown County

Board of Commissioners

Attest: CharlesEnter _____ /s/ County Administrator