

Introduced by Harry N. Manole

Seconded by Tom N. Vedbraaten

ORDINANCE NO.16, 3RD SERIES

AN ORDINANCE OF THE CITY OF CROOKSTON, MINNESOTA, AMENDING  
CITY CODE CHAPTER 152, ENTITLED, "ZONING" BY ADDING  
CERTAIN DEFINITIONS TO SECTION 152.003, ADDING  
SECTION 152.162 AND CHANGING SECTION 152.065, ALL  
TO REGULATE THE LOCATION OF ADULT USE ESTABLISHMENTS.

BE IT ORDAINED BY THE CITY OF CROOKSTON, as follows:

Section 1. City Code, Section 152.003, entitled "Definitions" is amended by adding new items, to read:

**ADULT ARCADE.** An establishment where, for any form of consideration, one or more motion picture projectors, slide projectors, or similar machines for viewing by five (5) or fewer persons each are used to show films, motion pictures, video cassettes, slides, or other photographic reproductions that are characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas.

**ADULT BOOKSTORE.** An establishment that has as a substantial portion of its stock-in-trade and offers for sale, for any form of consideration, any one or more of the following: 1) books, magazines, periodicals, or other printed matter, or photographs, films, motion pictures, video cassettes, slides, or other visual representation that are characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas; or 2) instruments, devices, or paraphernalia that are designed for use in connection with specified sexual activities.

**ADULT CABARET.** A nightclub, bar, restaurant, or similar establishment that regularly features live performances that are characterized by the exposure of specified anatomical areas or by specified sexual activities, or films, motion pictures, video cassettes, slides, or other photographic reproductions in which a substantial portion of the total presentation time is devoted to the showing of material that is characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas.

**ADULT MOTION PICTURE THEATER.** An establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions are shown, and in which a substantial portion of the total presentation time is devoted to the showing of material characterized by an emphasis on the depiction or description of specified sexual activities or specified anatomical areas.

**ADULT THEATER.** A theater, concert hall, auditorium, or similar establishment characterized by (activities featuring) the exposure of specified anatomical areas or by specified sexual activities.

**ADULT USE ESTABLISHMENTS.** Adult use establishments include, but are not limited to: adult arcade, adult bookstore, adult cabaret, adult motion picture theater, adult theater, or sexual encounter establishment.

**SEXUAL ENCOUNTER ESTABLISHMENT.** An establishment other than a hotel, motel, or similar establishment offering public accommodations, which for any form of consideration, provides a place where two or more persons may congregate, associate, or consort in connection with specified sexual activities or the exposure of specified anatomical areas. This definition does not include an establishment where a medical practitioner, psychologist, psychiatrist, or similar professional person licensed by the state engages in sexual therapy.

**SPECIFIED ANATOMICAL AREAS.** As used herein, specified anatomical areas means and includes any of the following:

- 1) less than completely and opaquely covered human genitals, pubic region, buttocks, anus, or female breasts below a point immediately above the top of the areola; or 2) human male genitals in a discernibly turgid state, even if completely and opaquely covered.

**SPECIFIED SEXUAL ACTIVITIES.** As used herein, specified sexual activities means and includes any of the following:

- 1) the fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts; 2) sex acts, actual or simulated, including intercourse, oral copulation, sodomy; 3) masturbation, actual or simulated; or (4) excretory functions as part of or in connection with any of the activities set forth in subdivisions 1 through 3 of this subsection.

Section 2. City Code, Chapter 152, entitled "Zoning" is amended by adding a section, to read:

**SEC. 152.162. ADULT USE ESTABLISHMENTS.**

Notwithstanding any language to the contrary contained elsewhere in the City Code, adult use establishments are prohibited except where specifically authorized.

Section 3. Subparagraph B entitled "Permitted Uses" of City Code, Section 152.065, entitled "Heavy Industry(I-1)", is amended by adding an item, to read:

- (9) Adult use establishments, provided that they are located no closer than 500 feet from a residential district or another adult use establishment.

Section 4. This Ordinance shall take effect upon its passage and publication according to the provisions of the Home Rule Charter for the City of Crookston, Minnesota.

Upon a call of ayes and nays as to the passage of this Ordinance, the vote stood as follows:

Voting in the negative: \_\_\_\_\_

Voting in the affirmative: Buness, Mjoen, Mykleseth, Manole,  
Vedbraaten, Martin and Lindgren

Upon this vote, the Ordinance was declared passed by the Mayor.

Passed this 25th day of November, 2008.

Approved the 9th day of December, 2008.

  
\_\_\_\_\_  
Mayor

ATTEST: Betty Arvidson  
City Clerk-Treasurer

Published: December 19, 2008.