

Adult Motion Picture Theater Ordinance
Adams County,
Colorado

ORDINANCE NO. 7
ADULT MOTION PICTURE THEATER ORDINANCE

WHEREAS, there exists a potential for Adult Motion Picture Theaters to locate in the unincorporated portion of Adams County and

WHEREAS, such establishments have an adverse impact on residential neighborhoods in the area in which they are located; and,

WHEREAS, these adverse impacts include attraction of transients, parking and traffic problems, increase in cries and noise, decrease in property values, increase in safety hazards to the neighborhood children, and overall deterioration of neighborhood quality: and,

WHEREAS, it is the intent of the Board of County Commissioners to serve a substantial governmental interest by attempting to preserve the quality and vitality of residential neighborhoods in Adams County; and,

WHEREAS, alternative avenues of communication are not unreasonably limited for "speech" of this nature, and

WHEREAS, Section 30-15-401, C.R.S., authorizes the Board of County Commissioners to adopt by ordinance regulations necessary for the operation of Adult Motion Picture Theaters.

NOW, THEREFORE, BE IT ORDAINED, by the Board of County Commissioners, County of Adams, State of Colorado, that the operation of Adult Motion Picture Theaters open to the public shall be subject to the following regulations:

(1) These regulations shall apply to any Adult Motion Picture Theater open to the public. However, these regulations shall not apply to any liquor licensed establishments as such establishments are already subject to stringent regulation under the Colorado Liquor Code.

(2) The term "Adult Motion picture Theater" means any enclosed building or other structure used for presenting motion picture films, video cassettes, cable television, or any other such visual media, distinguished or characterized by an emphasis on matter depicting or describing or relating to "specified sexual activities" or "specified anatomical areas" for observation by patrons therein.

(3) The term "specified sexual activities" means:

- (a) Human genitals in a state of sexual stimulation or arousal;
- (b) Acts of human masturbation, sexual intercourse or sodomy;

(c) Fondling or other erotic touching of human genitals, pubic region, buttock or female breast.

(4) The term "specified anatomical areas" means any portion of the female breast below the top of the areola and any portion of any person's pubic hair, anus, cleft of the buttocks, vulva or genitals.

(5) No one under 21 years of age shall be admitted to any Adult Motion Picture Theater. This minimum age limitation also applies to any employees, agents, servants or independent contractors working on the premises during hours when the Adult Motion Picture Theater is in operation.

(6) Adult Motion Picture Theaters shall only be open to the public from the hours of 4:00 p.m. to 12:00 midnight, Monday through Saturday of each week.

(7) No Adult Motion Picture Theater shall be operated or maintained within 1000 feet of any residentially sorted or used property, measured from the closest property line of such residential property to the property line of the Adult Motion Picture Theater.

(8) No Adult Motion Picture Theater shall be operated or maintained within 1000 feet of any school, licensed day care center, public park, or church property measured from the closest property line of such school, licensed day care center, public park, or church property to the property line of the Adult Motion Picture Theater.

8.5 No Adult Motion Picture theater shall be operated or maintained within 1000 feet of any other Adult Motion Picture Theater or any adult entertainment establishment as defined Theater or any adult entertainment establishment as defined in County Ordinance No. 1, measured from the closest property line of such Adult Motion Picture Theater or adult entertainment establishment property to the property line of the Adult Motion Picture Theater.

(9) Any Adult Motion Picture Theater operating at the effective date of this ordinance in violation of parts (7) or (8) above shall be allowed to continue operating for an amortization period of six (6) months. Six months after this ordinance becomes effective, all Adult Motion Picture Theaters must comply with parts (7) or (8) above or be subject to the penalty provisions set forth herein.

(10) Except for the amortization period set forth in part (9) above, each day of operation in violation of any provision of this ordinance shall constitute a separate offense.

(11) Any person who violates any provision of these regulations commits a class 2 petty offense and upon conviction thereof shall be punishable by a fine of \$300 for each separate violation.

(12) Any arresting law enforcement officer shall follow the penalty assessment procedure provided in ,Section 16-2-201, C.R.S., for any violation of this ordinance.

(13) Any Adult Motion Picture Theater which engages in repeated or continuing violations of these regulations shall constitute a public nuisance. For purposes of these regulations "repeated violations" shall mean three or more violations of any provision set out herein within a one (1) year period dating from the time of any violation, and a "continuing violation" shall mean a violation of any provision set out herein lasting for three or more consecutive days.

(14) The District Attorney, acting pursuant to Section 16-13-302, C.R.S., may bring an action in the District Court for Adams County for an injunction against the operation of such establishments in a manner which violates any of the provisions set out herein.

(15) It is necessary for the health and safety of the residents of Adams County, and, in order to prevent a flood of new Adult Motion Picture Theaters prior to the effective date of this Ordinance, that this Ordinance will become effective immediately upon its adoption on July 7, 1993.

(16) If any provision of this ordinance is held invalid or unconstitutional by a court of competent jurisdiction, such decision shall not invalidate this Ordinance in its entirety, and to this end the provisions of this Ordinance are declared to be severable.

(17) Any Adult Motion Picture Theater operating before the effective date of this ordinance shall comply with every provision of this ordinance on the effective date except as set forth in Number 9 above.