

Adult Entertainment Businesses Ordinance
Shasta County,
California

17.88.290 Adult entertainment businesses.

A. Purpose. The board of supervisors finds that "adult entertainment" businesses, because of their very nature, are recognized as having objectionable operational characteristics, particularly when several of them are concentrated under certain circumstances, thereby having a deleterious effect upon the adjacent areas. Special regulation of these businesses is necessary to ensure that these adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhoods. The primary purpose of the regulation is to prevent concentration or clustering of these businesses in any one area. For the purposes of this section, the definitions set out in subsections B through D apply.

B. Adult Entertainment Businesses Defined. "Adult entertainment businesses" means any business or establishment which offers its patrons services or entertainment characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas." "Adult entertainment businesses" includes the following defined terms:

"Adult book store" means an establishment having as a substantial or significant portion of its stock in trade, books, magazines and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas": or an establishment with a segment or section devoted to the sale or display of such materials.

"Adult hotel or motel" means a hotel or motel wherein material is presented which is distinguished or characterized by an emphasis on matter depicting "specified sexual activities" or "specified anatomical areas."

"Adult mini motion picture theater" means an enclosed building with a capacity for less than fifty persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" for observation by patrons therein.

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

"Adult motion picture theater" means an enclosed building with a capacity of fifty more persons used for presenting material distinguished or characterized by an emphasis on matter depiction, describing or relating to "specified sexual activities" or "specified anatomical areas" for observation by patrons therein.

"Cabaret" means a nightclub, theater or other establishment which features live performances by topless and/or bottomless dancers, "go-go" dancers, exotic dancers, strippers or similar entertainers. where such performances are distinguished or characterized by an emphasis on matter depicting "specified sexual activities" or "specified anatomical areas."

"Massage parlor". means any place where, for any form of consideration or gratuity, massage, alcohol rub, administration of fomentations, electric or magnetic treatments or any other treatment or manipulation of the human body occurs as pan of or in connection with "specified sexual activities" or where any person providing such treatment. manipulation or service related thereto exposes "specified anatomical areas."

"Model studio" means any business where, for any form of consideration or gratuity. figure models who display "specified anatomical areas" are provided to be observed, sketched, drawn, painted, sculptured, photographed or similarly depicted by persons paying such consideration or gratuity.

"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, not all members of the same family, may congregate, assemble or associate for the purpose of engaging in "specified sexual activities" or exposing "specified anatomical areas."

C. Specified Sexual Activities. "Specified sexual activities" includes the following:

1. 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;
2. Clearly depicted human genitals in a state of sexual stimulation, arousal or tumescence;
3. Use of human or animal masturbation, sodomy, oral copulation, coitus or ejaculation;
4. Fondling or touching of nude human genitals, pubic region, buttocks or female breast;
5. Masochism, erotic or sexually oriented torture, beating or the infliction of pain;
6. Erotic or lewd touching, fondling or other contact with an animal by a human being;
7. Human excretion, urination, menstruation or vaginal or anal irrigation.

D. Specified Areas. "Specified anatomical areas" includes less than completely and opaquely covered:

1. Mature human genitals;

2. Mature human buttocks;

3. Mature human female breast below a point immediately above the top of the areola;

4. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

E. Regulation of Location.

1. In those land use districts where the "adult entertainment" businesses regulated by this section would otherwise be permitted uses, it shall be unlawful to establish any such "adult entertainment" business if the location is:

a. Within five hundred feet of any area zoned for residential use, or

b. Within one thousand feet of any other "adult entertainment" business, or

c. Within one thousand feet of any public or private school, park, playground, public building, church, any noncommercial establishment operated by a bona fide religious organization or any establishment likely to be used by minors;

2. The "establishment" of any "adult entertainment" business shall include the opening of such a business as a new business, the relocation of such business or the conversion of an existing business location to any "adult entertainment" business use.

F. Waiver of Locational Provisions.

1. Any property owner or his authorized agent may apply to the planning commission for a waiver of any locational provisions contained in this chapter. The planning commission, after a hearing, may waive any locational provision, if all of the following findings are made:

a. The proposed use will not be contrary to the public interest or injurious to nearby progenies, and the spirit and intent of this chapter will be observed, and

b. The proposed use will not enlarge or encourage the development of a "skid row" area, and

c. The establishment of an additional regulated use in the area will not be contrary to any program of neighborhood conservation, and

d. All applicable regulations of this code will be observed;

2. The procedure for this hearing shall be the same as that provided in Section 17.92.020, with, among other matters, the same notice requirements, the same right of

appeal to the board of supervisors and the same fees payable by the applicant. (Prior code § 5.03.040)