

**AN ORDINANCE OF THE  
CITY OF KERKHOVEN  
PERTAINING TO ZONING OF ADULT ESTABLISHMENTS**

Be it ordained by the City of Kerkhoven as follows:

ZONING ORDINANCE AMENDED. The Zoning Ordinance of the City of Kerkhoven, as amended, is hereby further amended by adding thereto the following sections, to be known as Section 24, thereof.

**Section 24, Subd. 1. Sex-Related Activities as Conditional Uses; Adult Establishments.**

- A. Purpose and Intent. It is the purpose of this section to protect the public health, safety, welfare and morals of the community, and to protect individuals and neighborhoods from the adverse effects of having activities and standards involving pandering to gross sexuality imposed on them.
- B. Definitions. As used in this section, the following terms will have the following meanings, unless the context clearly indicates a different meaning:
- (1) Specified sexual activities: (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.
  - (2) Specified anatomical areas: (a) less than completely and opaquely covered human genitals, pubic region, buttocks or female breast below a point immediately above the top of the areola; (b) human male genitals in a discernibly turgid or aroused state, whether or not covered.
- C. Conditional Uses. None of the following uses, which shall be considered Adult Establishments, shall be permitted in any district unless a conditional use permit for such use has been obtained. These requirements for a conditional use permit shall be in addition to all other requirements of all other applicable sections of this Ordinance:
- (1) Book sales and magazine sales, where either the advertising or the displays or signs in or out of the location offer materials showing specified sexual activities or specified anatomical areas. This does not apply to the availability for sale of any material displayed in such a way that only the name of the book or magazine appears.
  - (2) Movie theaters offering movies or other displays showing specified sexual activities or specified anatomical areas.
  - (3) Any type of theater or establishment offering any kind of show emphasizing specified sexual activities or specified anatomical areas.
  - (4) Any coin-operated devices and any place offering coin-operated devices which show specified sexual activities or specified anatomical areas.
  - (5) Any cabaret, club or tavern offering any entertainment showing specified sexual activities or specified anatomical areas.
- D. Procedure. Any person desiring a conditional use permit for any use specified in this section shall apply in the manner provided by ordinance for a conditional use.
- E. Duration. Conditional use permits issued under this section shall expire one year after issuance, and may be renewed by the same procedure that an original conditional use permit is granted.

**Section 24, Subd. 2. Sex-Related Activities Restricted to Specific Areas.** In order to protect public health, welfare, morals and safety, and to prevent degradation of property values or other injury to the people

of the City of Kerkhoven, conditional use permits shall issue for adult establishments offering specified sexual activities or displaying specified anatomical areas as defined in this Ordinance only in areas zoned as C-1 and C-2. It is further provided, however, that no conditional use permit for such use or establishment shall be issued for any location which is within 250 feet of any residence, church or other place of religious worship, school, public park or playground. No conditional use permit shall issue for any establishment, location or use which is part of, adjacent to or within 250 feet of any establishment licensed to sell, at off sale or on sale, any alcoholic beverage, beer, wine or intoxicating spirits, or is licensed as a bottle club. In addition to any other conditions established pursuant to Section 24, an annual fee in an amount to be set by annual resolution of the City Council shall be paid to the City of Kerkhoven general fund in recognition of additional law enforcement and other related public safety costs. Said fee shall be payable on approval of the conditional use permit by the City Council, and thereafter on the anniversary date thereof.