

TITLE NINE – SUPPLEMENTAL REGULATIONS

CHAPTER 1190 ADULT ENTERTAINMENT BUSINESSES

1190.00 Purpose.

1190.01 Definitions.

1190.02 Conditional Use Permit Required.

CROSS REFERENCES

Powers and Duties – See Ohio Revised Code 713.02

Restriction in Location – See Ohio Revised Code 713.07

Basis of Districting and Zoning – See Ohio Revised Code 713.10

Power to Grant Conditional Use – See P. & Z. 1137

1190.01 PURPOSE.

It is the intent to regulate adult entertainment businesses as herein defined, in such a manner as to:

Prevent the erosion of the character of the surrounding neighborhoods and to

Prohibit the establishment of such businesses within close proximity to residential and agricultural districts, schools, churches, parks and playgrounds.

1190.02 DEFINITIONS.

For the purposes of Chapter 1190, the following terms, phrases, and words shall have the meaning given to them herein:

- A. Adult Entertainment Business.
An adult bookstore, adult motion picture theater, adult drive-in motion picture theater, or an adult only entertainment establishment as defined.
- B. Adult Book Store.
An establishment which utilizes fifteen percent (15%) or more of its retail selling area for the purpose of
 1. Retail sale or rental, or
 2. Display by coin or slug-operated machines,

Electrically or

Electronically or

Mechanically controlled still or motion picture machines,
projectors, or other image producing devices, or both;
Books,

Magazines,

Other periodicals,

Films,

Tapes and cassettes

Which are distinguished by their emphasis on adult materials as defined in this section.

- C. Adult Motion Picture Theater.
An enclosed motion picture theater which is

Regularly used for or utilizes fifteen (15%) percent or more of its total viewing time for

Presenting material distinguished or characterized by an emphasis on matter

Depicting,

Describing, or

Related to adult material as defined in this section.

- D. Adult Motion Picture Drive-in Theater.
An open air drive-in theater which is

Regularly used for or utilizes fifteen (15%) percent or more of its total viewing time, for

Presenting material distinguished or characterized by an emphasis on matter

Depicting,

Describing, or

Related to adult materials as defined in this section.

E. Adult Only Entertainment Establishment.

An establishment at which the patron directly or indirectly is charged a fee which

Private viewing booths, or

Features entertainment or services which constitute adult material as defined in this section, or which

Features

Dance routines,

Exhibits, or

Gyrational choreography of persons totally

Bottomless,

Nude,

Topless, or

Strippers,

Male or female impersonators, or

Similar entertainment or services

Which constitute adult material.

F. Adult Material.

Any

Book,

Description,

Figure,

Image,

Magazine,

Motion picture film,
Newspaper,
Pamphlet,
Phonograph record or tape,
Picture,
Poster,
Print,
Slide,
Transparency,
Other tangible thing, or
Any service,

Capable of arousing interest through

Sight,
Sound or
Touch, and

1. Which material is distinguished or characterized by an emphasis on matter

Describing,
Displaying, or
Representing

Bestiality,
Human bodily functions of elimination,
Masturbation,

Nudity,
Sexual activity,
Sexual excitement; or

2. Which service is distinguished or characterized by an emphasis on

Bestiality,
Human bodily functions of elimination,
Masturbation,
Nudity,
Sexual activity,
Sexual excitement.

G. Bottomless.
Less than complete opaque covering of male or female genitals, pubic area or buttocks.

H. Massage Parlor.
An establishment or place primarily in the business of providing massage services,

Operated by anyone not a duly licensed

Chiropractor,
Licensed massage therapist,
Medical doctor,
Nurse,
Osteopath, or

Physical therapist treating patients recommended by a licensed physician under a duly licensed physician's direction, or

Person practicing the art of massage on the face and hands in a duly licensed beauty parlor or barber shop.

- I. **Nude or Nudity.**
The showing, representation or depiction of human
 - Male or female genitals,
 - Pubic area or
 - Buttocks
With less than complete opaque covering of any portion thereof, or

Female breasts with less than a complete opaque covering or any portion thereof below the top of the nipple, or

Of covered male genitals in a discernible turgid state.
- J. **Sexual Activity.**
Sexual conduct or sexual contact, or both.
- K. **Sexual Contact.**
Any touching of an erogenous zone of another, including without limitation, the
 - Buttock,
 - Genitals,
 - Public region,
 - Thigh, or,
 - If the person is female, a breast,
For the purpose of sexually arousing or gratifying either person.
- L. **Sexual Excitement.**
The condition of the human male or female genitals, when in a state of sexual stimulation or arousal.
- M. **Topless.**
The showing of a female breast with less than a complete opaque covering of any portion hereof below the top of the nipple.

1190.02 CONDITIONAL USE PERMIT REQUIRED.

No building shall be erected, constructed, or developed, and

No building or premise shall be reconstructed, remodeled, arranged for use or used for any adult entertainment business,

Unless authorized by issuance of a conditional use permit in accordance with the provisions.

An adult entertainment business shall comply with the following conditional use criteria:

- A. Adult entertainment businesses shall comply with the regulation applicable to all properties in any district in which they are located.
- B. No adult entertainment business shall be permitted in a location which is within fifteen hundred (1,500') feet of another adult entertainment business.
- C. No adult entertainment business shall be permitted in a location which is within one thousand (1,000') feet of any church, any public or private school, any park, any playground, or any social services facility or neighborhood center.
- D. No adult entertainment business shall be permitted in a location which is within five hundred (500') feet of any resident or boundary of any residential district.