

## **CHAPTER 114: ADULT ESTABLISHMENTS**

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### **§ 114.01 FINDINGS AND PURPOSE.**

(A) Studies conducted by the Minnesota Attorney General, the American Planning Association, and cities such as St. Paul, Minnesota; Indianapolis, Indiana; Hopkins, Minnesota; Ramsey, Minnesota; Rochester, Minnesota; Phoenix, Arizona; Los Angeles, California; and Seattle, Washington have studied the impacts that adult establishments have in those communities. These studies have concluded that adult establishments have adverse impacts on the surrounding neighborhoods. These impacts include increased crime rates, lower property values, increased transiency, neighborhood blight and potential health risks.

(B) Based on these studies and findings, the City Council concludes:

(1) Adult establishments have adverse secondary impacts of the types set forth above;

(2) The adverse impacts caused by adult establishments tend to diminish if adult establishments are governed by geographic, licensing and health requirements;

(3) It is not the intent of the City Council to prohibit adult establishments from having a reasonable opportunity to locate in the city;

(4) M.S. §§ 462.357 and 412.221, as it may be amended from time to time, allow the city to adopt regulations to promote the public health, safety, morals and general welfare; and

(5) The public health, safety, morals and general welfare will be promoted by the city adopting regulations governing adult establishments.  
(Ord. O-2-05, passed 5-17-2005)

## **§ 114.02 DEFINITIONS.**

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

### ***ADULT ESTABLISHMENT.***

(1) Any business that is conducted exclusively for the patronage of adults and that excludes minors from patronage, either by operation of law or by the owners of the business, except any business licensed under this chapter;

(2) Any business that devotes 10% or more of its floor area (not including storerooms, stock areas, bathrooms, basements or any portion of the business not open to the public) to or derives 10% or more of its revenues from items, merchandise, devices or other materials distinguished or characterized by an emphasis on material depicting, exposing, simulating, describing, discussing or relating to specified sexual activities or specified anatomical areas; or

(3) Any business that engages in any adult use as defined in below in this section.

### ***ADULT USE.*** Any of the following activities or businesses:

(1) ***ADULT BODY PAINTING STUDIO.*** An establishment or business that provides the service of applying paint, ink or other substance, whether transparent or non-transparent, to the body of a patron when the person is nude.

(2) ***ADULT BOOKSTORE.*** An establishment or business used for the barter, rental or sale of items consisting of printed matter, pictures, slides, records, audio tape, videotape or motion picture film if:

(a) The business is not open to the public generally but only to 1 or more classes of the public, excluding any minor by reason of age; or

(b) Ten percent or more of the floor area of the business (not including storerooms, stock areas, bathrooms, basements or any portion of the business not open to the public) is devoted to, or 10% or more of the revenue of the business is derived

from, items, merchandise or other materials distinguished or characterized by an emphasis on material depicting, exposing, describing, discussing or relating to specified sexual activities or specified anatomical areas.

(3) **ADULT CABARET.** A business or establishment that provides dancing or other live entertainment distinguished or characterized by an emphasis on:

(a) The depiction of specified sexual activities or specified anatomical areas; or

(b) The presentation, display or depiction of matter that seeks to evoke, arouse or excite sexual or erotic feelings or desire.

(4) **ADULT COMPANIONSHIP ESTABLISHMENT.** A business or establishment that excludes minors by reason of age, and that provides the service of engaging in or listening to conversation, talk or discussion distinguished or characterized by an emphasis on specified sexual activities or specified anatomical areas.

(5) **ADULT CONVERSATION OR RAP PARLOR.** A business or establishment that excludes minors by reason of age, and that provides the services of engaging in or listening to conversation, talk, or discussion distinguished or characterized by an emphasis on specified sexual activities or specified anatomical areas.

(6) **ADULT HEALTH OR SPORT CLUB.** A health or sport club that excludes minors by reason of age, and that is distinguished or characterized by an emphasis on specified sexual activities or specified anatomical areas.

(7) **ADULT HOTEL OR MOTEL.** A hotel or motel that excludes minors by reason of age, and that presents material distinguished or characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas.

(8) **ADULT MASSAGE PARLOR OR HEALTH CLUB.** A massage parlor or health club that excludes minors by reason of age, and that provides massage services distinguished or characterized by an emphasis on specified sexual activities or specified anatomical areas.

(9) **ADULT MINI-MOTION PICTURE THEATER.** A business or establishment with a capacity of less than 50 persons that presents material distinguished or characterized by an emphasis on specified sexual activities or specified anatomical areas.

(10) **ADULT MODELING STUDIO.** A business or establishment that provides figure models who, with the intent of providing sexual stimulation or sexual gratification, engage in specified sexual activities or display specified anatomical areas while being observed, painted, painted upon, sketched, drawn, sculptured, photographed or otherwise depicted.

(11) **ADULT MOTION PICTURE ARCADE.** Any place to which the public is permitted or invited where coin or slug-operated or electronically, electrically or mechanically controlled or operated still or motion picture machines, projectors or other image-producing devices are used to show images to 5 or fewer persons per machine at any 1 time, and where the images so displayed are distinguished or characterized by an emphasis on depicting or describing specified sexual activities or specified anatomical areas.

(12) **ADULT MOTION PICTURE THEATER.** A motion picture theater with a capacity of 50 or more persons that as a prevailing practice excludes minors by reason of age or that as a prevailing practice presents material distinguished or characterized by an emphasis on specified sexual activities or specified anatomical areas for observation by patrons.

(13) **ADULT NOVELTY BUSINESS.** An establishment or business that devotes 10% or more of its floor area (not including storerooms, stock areas, bathrooms, basements or any portion of the business not open to the public) to, or derives 10% or more of its revenues from, items, merchandise or devices that either simulate specified sexual activities or specified anatomical areas or are designed for sexual stimulation.

(14) **ADULT SAUNA.** A sauna that excludes minors by reason of age, and that provides a steam bath or heat bathing room used for the purpose of bathing, relaxation or reducing, if the service provided by the sauna is distinguished or characterized by an emphasis on specified sexual activities or specified anatomical areas.

(15) **ADULT STEAM ROOM OR BATHHOUSE FACILITY.** A building or portion of a building used for providing a steam bath or heat bathing room used for the purpose of pleasure, bathing, relaxation, or reducing, if the building or portion of a building restricts minors by reason of age and if the service provided by the steam room or bathhouse facility is distinguished or characterized by an emphasis on specified sexual activities or specified anatomical areas.

**BOOTHs, STALLS or PARTITIONED PORTIONS of a ROOM or INDIVIDUAL ROOM.**

(1) Enclosures specifically offered to persons for a fee or as an incident to performing high-risk sexual conduct; or

(2) Enclosures which are part of a business operated on the premises which

offers movies or other entertainment to be viewed within the enclosure, including enclosures wherein movies or other entertainment is dispensed for a fee, but does not include enclosures that are private offices used by the owners, managers or persons employed by the premises for attending to the tasks of their employment, and which are not held out to the public or members of the establishment for hire or for a fee or for the purpose of viewing movies or other entertainment for a fee, and are not open to any persons other than employees.

**DOORS, CURTAINS or PORTAL PARTITIONS.** Full, complete, non-transparent closure devices through which one cannot see or view activity taking place within the enclosure.

**HAZARDOUS SITE.** Any commercial premises, building or structure, or any part thereof, which is a site of high-risk sexual conduct as defined herein.

**HIGH-RISK SEXUAL CONDUCT.**

- (1) Fellatio;
- (2) Anal intercourse; or
- (3) Vaginal intercourse with persons who engage in sexual acts in exchange for money.

**NUDE or SPECIFIED ANATOMICAL AREAS.**

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

**OPEN TO AN ADJACENT PUBLIC ROOM SO THAT THE AREA INSIDE IS VISIBLE TO PERSONS IN THE ADJACENT PUBLIC ROOM.** Either the absence of any entire door, curtain or portal partition or a door or other device which is made of clear, transparent material such as glass, plexiglass or other similar material meeting building code and safety standards, which permits the activity inside the enclosure to be entirely viewed or seen by persons outside the enclosure.

**PUBLIC HEALTH OFFICIAL.** An agent or employee of the city, county or state charged with the enforcement of the state or local health laws.

***SPECIFIED SEXUAL ACTIVITIES.***

(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; the use of excretory functions in the context of a sexual relationship; anilingus; buggery; coprophagy; coprophilia; cunnilingus; fellatio; necrophilia; pederasty; pedophilia; piquerism; sapphism; or zooerastia;

(2) Clearly depicted human genitals in the state of sexual stimulation, arousal or tumescence;

(3) Use of human or animal ejaculation, sodomy, oral copulation, coitus or masturbation;

(4) Fondling or touching of nude human genitals, pubic regions, buttocks or female breasts;

(5) Situations involving a person or persons, any of whom are nude, who are clad in undergarments or in sexually revealing costumes and engaged in the flagellation, torture, fettering, binding or other physical restraint of any person;

(6) Erotic or lewd touching, fondling or other sexually oriented contact with an animal by a human being; or

(7) Human excretion, urination, menstruation, or vaginal or anal irrigation.  
(Ord. O-2-05, passed 5-17-2005)

**§ 114.03 LOCATION.**

(A) An adult establishment may not be located within 750 feet of any residentially guided area and may not be located within 750 feet of a school, church or a government building.

(B) An adult establishment may not be located in an area zoned or guided for general business.

(C) For purposes of this section, this distance is a horizontal measurement from the main public entrance of the adult establishment to the nearest point of any property guided residential or general business area.  
(Ord. O-2-05, passed 5-17-2005) Penalty, see § 114.99

**§ 114.04 HOURS OF OPERATION.**

An adult establishment may not be open to the public between the hours of 10:00 p.m. and 8:00 a.m.

(Ord. O-2-05, passed 5-17-2005) Penalty, see § 114.99

**§ 114.05 ADDITIONAL CONDITIONS FOR ADULT CABARETS.**

The following additional conditions apply to adult cabarets.

(A) An owner, operator, or manager of an adult cabaret may not allow any dancer or other live entertainer to display specified anatomical areas or to display or perform specified sexual activities on the premises of the adult cabaret.

(B) A dancer, live entertainer, performer, patron, or any other person may not display specified anatomical areas in an adult cabaret.

(C) The owner, operator or manager of an adult cabaret must provide the following information to the city concerning any person who dances or performs live entertainment at the adult cabaret:

- (1) The person's name;
- (2) Home address;
- (3) Home telephone number;
- (4) Date of birth; and
- (5) Any aliases.

(D) A dancer, live entertainer, or performer may not be under 18 years old.

(E) Dancing or live entertainment must occur on a platform intended for that purpose and that is raised at least 2 feet from the level of the floor.

(F) A dancer or performer may not perform a dance or live entertainment closer than 10 feet from any patron.

(G) A dancer or performer may not fondle or caress any patron and no patron may fondle or caress any dancer or performer.

(H) A patron may not pay or give any gratuity to any dancer or performer.

(I) A dancer or performer may not solicit or accept any pay or gratuity from any patron.

(Ord. O-2-05, passed 5-17-2005) Penalty, see § 114.99

**§ 114.06 LICENSE REQUIRED.**

(A) A person may not own or operate an adult establishment without having first secured a license as provided for in this section. Notwithstanding any other provision of this code to the contrary, the procedures set forth in this section establish the exclusive method for obtaining an adult establishment license.

(B) The application for an adult establishment license must be submitted on a form provided by the city and must include:

(1) If the applicant is an individual, the name, residence, phone number, and birth date of the applicant. If the applicant is a partnership, the name, residence, phone number, and birth date of each general and limited partner. If the applicant is a corporation, the names, residences, phone numbers, and birth dates of all persons holding more than 5% of the issued and outstanding stock of the corporation;

(2) The name, address, phone number, and birth date of the operator and manager of the adult establishment, if different from the owner's;

(3) The address and legal description of the premises where the adult establishment is to be located;

(4) A statement detailing any gross misdemeanor or felony convictions relating to sex offenses, obscenity, or the operation of an adult establishment or adult business by the applicant, operator or manager, and whether or not the applicant, operator or manager has ever applied for or held a license to operate a similar type of business in another community. In the case of a corporation, a statement detailing any felony convictions by the owners of more than 5% of the issued and outstanding stock of the corporation, and whether or not those owners have ever applied for or held a license to operate a similar type of business in another community;

(5) The activities and types of business to be conducted;

(6) The hours of operation;

(7) The provisions made to restrict access by minors; and

(8) A building plan of the premises detailing all internal operations and activities.

(C) The license fee provisions for adult establishments are as follows:

(1) The annual license fee is set by Council resolution.

(2) An application for a license must be submitted to the City Administrator-



Clerk and accompanied by payment of the required license fee. Upon rejection of an application for a license, the city will refund the license fee.

(3) Licenses will expire on December 31 in each year. Each license will be issued for a period of 1 year, except that if a portion of the license year has elapsed when the application is made, a license may be issued for the remainder of the year for a pro rated fee. In computing a pro-rated fee, any unexpired fraction of a month will be counted as 1 month.

(4) No part of the fee paid by any license will be refunded, except that a pro rata portion of the fee will be refunded in the following instances upon application to the City Council within 30 days from the happening of 1 of the following events, provided that the event occurs more than 30 days before the expiration of the license:

(a) Destruction or damage of the licensed premises by fire or other catastrophe;

(b) The licensee's illness, if the illness renders the licensee unable to continue operating the licensed adult establishment;

(c) The licensee's death; or

(d) A change in the legal status making it unlawful for the licensed business to continue.

(5) An application must contain a provision in bold print indicating that withholding information or providing false or misleading information will be grounds for denial or revocation of a license. Changes in the information provided on the application or provided during the investigation must be brought to the attention of the City Council by the applicant or licensee. If a change takes place during the investigation, it must be reported to the Police Chief or the City Administrator-Clerk in writing and they will report it to the City Council. A failure by an applicant or licensee to report a change may result in a denial or revocation of a license.

(D) The investigative fee for an adult establishment license is established by Council resolution.

(E) The procedures for granting an adult establishment license are as follows.

(1) The Chief of Police will conduct and complete an investigation within 30 days after the City Administrator-Clerk receives a complete application and all license and investigative fees.

(2) If the application is for a renewal, the applicant will be allowed to continue business until the City Council has determined whether to renew or refuse to renew a license.

(3) If, after the investigation, it appears that the applicant and the place proposed for the business are eligible for a license, then the license will be issued by the City Council within 30 days after the investigation is completed. If the City Council fails to act within 30 days after the investigation is completed, the application will be deemed approved.

(4) A license will be issued to the applicant only and is not transferable to another holder. Each license will be issued only for the premises described in the application. A license may not be transferred to another premise without the approval of the City Council. If the licensee is a partnership or a corporation, a change in the identity of any partner or holder of more than 5% of the issued and outstanding stock of the corporation will be deemed a transfer of the license. Adult establishments existing at time of the adoption of this chapter must obtain an annual license.

(F) A license will not be granted to or held by a person who:

(1) Is under 21 years of age;

(2) Who is overdue or whose spouse is overdue in payments to the city, county or state of taxes, fees, fines or penalties assessed against them or imposed upon them;

(3) Who has been convicted or whose spouse has been convicted of a gross misdemeanor or felony or of violating any law of this state or local regulation relating to sex offenses, obscenity offenses or adult establishments;

(4) Who is not the proprietor of the establishment for which the license is issued;

(5) Who is residing with a person who has been denied a license by the city or any other Minnesota municipal corporation to operate an adult establishment, or residing with a person whose license to operate an adult establishment has been suspended or revoked within the preceding 12 months; or

(6) Who has not paid the license and investigative fees required by this chapter.

(7) Is not a citizen of the United States or a resident alien;

(G) An adult establishment license will not be granted for:

(1) Any adult establishment on premises where the applicant or any of its officers, agents or employees has been convicted of a violation of this chapter, or where a license hereunder has been revoked for cause, until 1 year has elapsed after the conviction or revocation;

(2) Any adult establishment that is not in full compliance with the City Code and all provisions of state and federal law; or

(3) Any premises that is licensed under Title XI of this code.

(H) A license is subject to the provisions of this chapter, and of any applicable sections of the City Code and all provisions of state and federal law.

(I) Licensed premises must have the license posted in a conspicuous place at all times.

(J) A minor may not be permitted on the licensed premises.

(K) Any designated inspection officer of the city has the right to enter, inspect and search the premises of a licensee during business hours.

(L) The licensee is responsible for the conduct of the licensed place of business and must maintain conditions of order.

(M) Adult goods or materials may not be offered, sold, transferred, conveyed, given or bartered to a minor, or displayed in a fashion that allows them to be viewed by a minor, whether or not the minor is on the licensed premises.

(N) The licensee must keep itemized written records of all transactions involving the sale or rental of all items or merchandise for at least 1 year after the transaction. At a minimum, those records must describe the date of the transaction, a description of the transaction, the purchase price or rental price and a detailed description of the item or merchandise that is being purchased or rented. These written records must be provided to the city upon request.

(O) Suspensions, revocations and non-renewals of adult establishment licenses are governed by the following provisions.

(1) A violation of this chapter is a basis for the suspension or revocation of a license granted hereunder. In the event that the City Council proposes to revoke or suspend the license, the licensee must be notified in writing of the basis for the proposed revocation or suspension. The Council will hold a hearing for the purpose of determining whether to revoke or suspend the license. The hearing must be within 30 days of the date of the notice. The City Council must determine whether to suspend or revoke a license within 30 days after the close of the hearing or within 60 days of the date of the notice, whichever is sooner. The Council must notify the licensee of its decision within that period.

(2) If the Council determines to suspend or revoke a license, the suspension or revocation is not effective until 15 days after notification of the decision to the licensee. If, within that 15 days, the licensee files and serves an action in state or federal court challenging the Council's action, then the suspension or revocation is stayed until the conclusion of the action.

(3) (a) If the City Council determines not to renew a license, the licensee may continue its business for 15 days after receiving notice of non-renewal.

(b) If the licensee files and serves an action in state or federal court within that 15 days for the purpose of determining whether the city acted properly, the licensee may continue in business until the conclusion of the action.

(4) If the City Council does not grant a license to an applicant, then the applicant may commence an action in state or federal court within 15 days for the purpose of determining whether the city acted properly. The applicant may not commence doing business unless the action is concluded in its favor.

(Ord. O-2-05, passed 5-17-2005) Penalty, see § 114.99

**§ 114.07 FINDINGS AND PURPOSE CONDUCT.**

The City Council of the City of Greenfield makes the following findings regarding the need to regulate commercial premises, buildings and structures that are conducive to the spread of communicable disease of danger to persons in order to further the substantial interest of public health.

(A) The experience of other cities establishes that certain commercial premises, buildings and structures, or parts thereof, by reason of the design and use of the premises, buildings or structures are conducive to the spread of communicable disease of danger to persons frequenting these premises, buildings or structures, as well as to the general public, and that the risk of spreading infectious and contagious diseases can be minimized by regulating commercial premises, buildings and structures.

(B) The experience of other cities where commercial premises, buildings and structures are present indicates that the risk of spreading the sexually transmittable disease of Acquired Immune Deficiency Syndrome (AIDS) is increased by the presence of these premises, buildings and structures, because the design or use of these premises, buildings and structures, or parts thereof can facilitate high-risk sexual conduct.

(C) Medical publications of the Center for Disease Control of the United States Department of Health and Human Services indicate that the sexually transmittable disease of AIDS is currently irreversible and uniformly fatal. Medical research has further established that the risk factors for obtaining or spreading AIDS are associated with high risk sexual conduct.

(D) Certain commercial premises, buildings and structures, or parts thereof, by reason of their design and use, are conducive to high-risk sexual conduct and hence the spread of communicable disease and that the risk of spreading infectious and contagious diseases can be minimized by regulating these commercial premises, buildings and structures.

(E) The public health, safety, morals and general welfare will be promoted by the city adopting regulations governing commercial premises, buildings and structures conducive to high-risk sexual conduct.

(F) The purpose of these regulations is to prescribe regulations governing commercial premises, buildings and structures that are conducive, by virtue of design and use, to high-risk sexual conduct which can result in the spread of sexually transmitted diseases to persons frequenting these premises, buildings and structures. (Ord. O-2-05, passed 5-17-2005)

**§ 114.08 PUBLIC HEALTH REGULATIONS.**

(A) A commercial building, structure, premises or part thereof, or facilities therein may not be constructed, used, designed or operated in the city for the purpose of engaging in, or permitting persons to engage in, sexual activities which include high-risk sexual conduct.

(B) It is unlawful to own, operate, manage, rent, lease or exercise control of a commercial building, structure, premises or portion or part thereof in the city, that contains:

(1) Partitions between subdivisions of a room, portion or part of a building, structure or premises having an aperture which is designed or constructed to facilitate sexual activity, including but not limited to vaginal intercourse, anal intercourse or fellatio, between persons on either side of the partition; or

(2) Booths, stalls or partitioned portions of a room or individual room as defined herein which have doors, curtains or portal partitions as defined herein unless the booths, stalls or partitioned portions of a room or individual room have at least 1 side open to an adjacent public room so that the area inside is visible to persons in the adjacent public room as defined herein. Booths, stalls or partitioned portions of a room or individual room that are so open to an adjacent public room must be lighted in a manner that the persons in the area used for viewing motion pictures or other forms of entertainment are visible from the adjacent public rooms, but the lighting need not be of the intensity as to prevent the viewing of the motion pictures or other offered entertainment.

(Ord. O-2-05, passed 5-17-2005) Penalty, see § 114.99

**§ 114.09 EXCEPTIONS.**

(A) The regulations set forth in this chapter do not apply to premises, buildings or structures that are operating and licensed as hotels, motels, apartment complexes, condominiums, townhomes or boarding houses which are subject to other general health and sanitation requirements under state and local law.  
(Ord. O-2-05, passed 5-17-2005)

(B) Material with significant literary content or social commentary;

(C) A business where sexually oriented materials are sold, bartered, distributed, leased, furnished, or otherwise provided for off-site use or entertainment, if the sexually oriented material on each item is blocked from view by an opaque cover as required under M.S. § 617.293, as it may be amended from time to time, and each item is in an area accessible only by an employee of the business;

(D) A person or organization exempted under M.S. § 617.295;

(E) Activity regulated under M.S. § 617.251;

(F) Displaying works of art showing specified anatomical areas, so long as no sexually oriented materials are for sale, and the business does not have a liquor license; and

(G) Movies rated G, PG, PG-13, NC-17 or R.

**§ 114.10 HEALTH ENFORCEMENT POWERS.**

(A) In exercising powers conferred by this or any other chapter of this code relating to communicable diseases, the Public Health Official is to be guided by the most recent instructions, opinions and guidelines of the Center for Disease Control of the United States Department of Health and Human Services that relate to the spread of infectious diseases.

(B) In order to ascertain the source of infection and reduce its spread, the Public Health Official, and persons under the Public Health Official's direction and control, may inspect or cause to be inspected, and to issue orders regarding any commercial building, structure or premises, or any part thereof, that may be a site of high-risk sexual conduct. If the Public Health Official determines that a hazardous site as defined herein exists, the Public Health Official will declare it to be a public health hazard and public health nuisance and will:

(1) Notify the manager, owner or tenant of the hazardous site that the Public Health Official has reasonable belief that the premises, building or structure is a hazardous site as defined herein;

(2) Issue 2 written warnings at least 10 days apart to the manager, owner or tenant of the premises stating the specific reasons for the Public Health Official's opinion that the premises, building or structure is a hazardous site as defined herein; and

(3) Once the notices and warnings have been issued, the Public Health Official must proceed as follows.

(a) After the manager, owner or tenant of the premises has been notified in writing as to the basis of the Public Health Official's determination, the manager, owner or tenant will have 10 days from the date of the last warning to request a hearing before the Public Health Official or the Public Health Official's appointee for the determination as to the existence of the hazardous site. If the manager, owner or tenant of the premises does not request a hearing within 10 days of the date of the last warning notice, the Public Health Official will then cause the premises to be posted with a warning advising the public that the premises have been declared a hazardous site and the Public Health Official will cause orders to be issued to the manager, owner or tenant of the premises constituting the hazardous site to take specified corrective measures to prevent high-risk sexual conduct from taking place within the premises.

(b) If the manager, owner or tenant of the premises requests a hearing, the hearing will be held before the Public Health Official or the Public Health Official's appointee at a date not more than 30 days after demand for a hearing. After considering all evidence, the Public Health Official or the Public Health Official's appointee will make a determination as to whether the premises constitute a hazardous site, as defined herein and issue a decision based upon all hearing evidence presented. If the Public Health Official or the Public Health Official's appointee makes a determination that the premises constitute a hazardous site, the Public Health Official will then issue orders to the manager, owner or tenant of the premises to take corrective measures to prevent high-risk sexual conduct from taking place within the premises and cause the premises to be posted with a warning advising the public that the premises have been declared a hazardous site.

(c) If, within 30 days after issuance of the orders to the manager, owner or tenant of the hazardous site, the Public Health Official determines that corrective measures have not been undertaken, the Public Health Official may:

1. Order the abatement of the hazardous site as a public nuisance, which may be enforced by mandatory or prohibitory injunction in a court of competent jurisdiction; or

2. May secure a court order for the closure of the premises constituting the hazardous site until the premises, building or structure is in compliance with all provisions of this code.

(Ord. O-2-05, passed 5-17-2005)



**§ 114.99 PENALTY.**

Any person violating any provision of this chapter or any person who removes, destroys or defaces warnings posted on premises by the Public Health Official pursuant to this chapter shall be guilty of a misdemeanor and may be sentenced to payment of a fine of up to \$1,000 or 90 days in jail or both.  
(Ord. O-2-05, passed 5-17-2005)