

## Title 9

### Public Peace, Morals

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## Chapter 9.02

### Town Park Regulations

- 9.02.010 Definitions.**
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- 9.02.095 Compliance With Rules and Regulations for Parks.**
- 9.02.100 Penalty Clause.**

#### **9.02.010 Definitions.**

Public Park or Parks. "Public park" is defined as any park, parkway, recreation area, open space or trail owned by the Town of Hayden, which has been designated by the Town Manager for public use. (Ord. 481 § 1 (part), 1999)

#### **9.02.020 Destruction of Park Property.**

It shall be unlawful to cut, mark, remove, break or climb upon, damage or deface trees, shrubs, plants, turf, or any of the buildings, fences, bridges or other structure or property within or upon park premises; or in any other way injure or impair the natural beauty or usefulness of any park or recreation area. (Ord. 322, 1983)

#### **9.02.030 Erection of Tents and Buildings.**

It shall be unlawful to build or place any tent, building, booth, stand or other structure in or upon the park or other recreational facility without first having obtained a permit to do so from the Town Police Chief/Administrator. (Ord. 322, 1983)

#### **9.02.050 Animals in the Park.**

It shall be unlawful for any person to allow a dog to run at large within the park. They shall be on a leash at all times. It shall be unlawful for any person to ride or lead any horse or other livestock in the park or recreational area except by a special permit. (Ord. 322, 1983)

#### **9.02.060 Motorized Vehicles.**

It shall be unlawful for any person to drive any type of motorized vehicle within the park or recreational area, except for authorized service and emergency vehicles. (Ord. 322, 1983)

#### **9.02.070 Littering.**

It shall be unlawful for any person to litter within the limits of the park or recreational area. (Ord. 322, 1983)

**9.02.080 Alcoholic Beverages.**

It shall be unlawful to have alcoholic beverages other than 3.2 beer within the park or recreational area. (Ord. 322, 1983)

**9.02.090 Overnight Camping.**

It shall be unlawful for any person to camp overnight within the park or recreational area. (Ord. 322, 1983)

**9.02.095 Compliance With Rules and Regulations for Parks.**

It is unlawful for any person to fail to abide by posted rules, regulations and safety regulations for use of any park. (Ord. 489 (part), 2000)

**9.02.100 Penalty Clause.**

Any violation of this Chapter shall be punished in accordance with the provisions of Chapter 1.08 of this code. (Ord. 322, 1983)

**Chapter 9.04**

**Resisting Officer – Aiding \***

**9.04.010 Acts Prohibited.**

**9.04.020 Violation – Penalty.**

**9.04.010 Acts Prohibited.**

Any person who resists any peace officer or member of the police department of the Town, or in any manner interferes with, hinders or prevents any such officer from discharging his duties as such, or who attempts to do so, or any person who assists any other person, charged or convicted of an offense less than a felony, being in the custody or confinement of any such officer, to escape or attempt to escape from such custody or confinement, or who rescues or attempts to rescue any person so in custody or confinement, is in violation of the provisions of this chapter. (Ord. 124 § 1, 1960, amended 1978).

**9.04.020 Violation – Penalty.**

Any violation of any of the provisions of this chapter shall be punished in accordance with the provisions of Chapter 1.08 of this code. (Ord. 124 § 2, 1960, amended 1978).

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\* For statutory provisions on the obstruction of public officers, see CRS 1973, §§ 18-8-101—18-8-104; for provisions on escape, see CRS 1973, §§ 18-8-201 and 18-8-202.

## **Chapter 9.08**

### **Concealed Weapons**

#### **9.08.010 Regulations Generally.**

#### **9.08.020 Duty of Town Marshal.**

#### **9.08.030 Violation – Penalty.**

#### **9.08.010 Regulations Generally.**

Any person or persons, other than a peace officer, who shall, within the limits of the Town, carry upon or about his or her person any pistol, revolver, Bowie knife, dirk, razor, slingshot, sandbag, brass knuckles or knucks made of any other material, or who shall carry concealed upon or about his or her person any other deadly weapons, shall be deemed in violation of the provisions of this chapter. (Ord. 11 § 1, 1906; amended 1978).

#### **9.08.020 Duty of Town Marshal.**

All such weapons confiscated pursuant to this chapter shall be forfeited to the Town and destroyed or sold at public auction by the Town Marshal, and the proceeds of such sale shall inure to the Town. (Ord. 11 § 3, 1906; amended 1978).

#### **9.08.030 Violation – Penalty.**

Any violation of any of the provisions of this chapter shall be punished in accordance with the provisions of Chapter 1.08 of this code. (Ord. 11 § 9, 1906; added 1978).

## **Chapter 9.12**

### **Curfew**

#### **9.12.010 Citation.**

#### **9.12.020 Definitions.**

#### **9.12.030 Curfew for Minors.**

#### **9.12.040 Exceptions.**

#### **9.12.050 Parental Responsibility.**

#### **9.12.060 Violation – Penalty.**

#### **9.12.070 Proof of Age.**

#### **9.12.010 Citation.**

The Ordinance codified in this chapter shall be known and may be cited as Town of Hayden Curfew Ordinance. (Ord. 267 § 1, 1979).

#### **9.12.020 Definitions.**

For the purposes of this chapter, the following terms, phrases and words, and their derivations, shall have the meanings given herein. When not inconsistent with the context, words used in the

present tense include the future, words in the plural include the singular and words in the singular include the plural.

A. "Minor" is any person under the age of eighteen (18).

B. "Parent" is any person having legal custody of a minor (1) as a natural or adoptive parent; (2) as a legal guardian; (3) as a person who stands in loco parentis or (4) as a person to whom legal custody has been given by order of the court.

C. "Remain" means to stay behind, to tarry and to stay unnecessarily upon the streets, including the congregating of groups (or of interacting minors) totaling four or more persons in which any minor involved would not be using the streets for ordinary or serious purposes such as mere passage or going home.

D. "Public Place" is any public road, street or alley and a place people may legally enter without invitation or restraint. (Ord. 372, 1990; Ord. 267 § 2, 1979).

#### **9.12.030 Curfew for Minors.**

A. Except as may be permitted under Section 9.12.040 of this chapter, it is unlawful for any person under the age of sixteen (16) years to be or remain upon the streets, alleys or public places within the Town of Hayden between the hours of ten p.m. and five a.m.

B. Except as may be permitted under Section 9.12.040, it is unlawful for any person who has attained the age of sixteen (16) years but is under the age of eighteen (18) years to be or remain upon the streets, alleys or public places within the Town of Hayden during the following listed times:

1. Sunday through Thursday, inclusive, from September 1 through May 31 — ten p.m. to five a.m.
2. Friday and Saturday, from September 1 through May 31 — twelve p.m. (midnight) to five a.m.
3. Each day commencing June 1 through August 31, twelve p.m. (midnight) to five a.m. (Ord. 372, 1990).

#### **9.12.040 Exceptions.**

In the following cases, a minor on a street, alley or public place during the period for which Section 9.12.030 is intended to provide the maximum limits of regulation, shall not be considered in violation of this Chapter:

A. When accompanied by a parent of such minor;

B. When accompanied by a person of the age of twenty-one years authorized by a parent of such minor to take the parent's place in accompanying such minor for a designated period of time and purpose within a specified area;

C. When exercising First Amendment rights protected by the United States Constitution, such as the free exercise of religion, freedom of speech and the right of assembly. Such minor shall evidence the bona fides of such exercise by first delivering, to police personnel at the Hayden Police Department, 250 W. Jefferson Avenue, Hayden, Colorado, a written communication, signed by such minor and countersigned, if practicable, by a parent of such minor, with their home address and telephone number, addressed to the Town Marshal of Hayden, specifying when, where and in what manner such minor will be on the streets, alleys or public places during the period when this chapter is otherwise applicable to such minor, in the exercise of a First Amendment right specified in such communication;

D. In the case of a reasonable necessity but only after such minor's parent has communicated to the Hayden Police Department the fact establishing such reasonable necessity relating to specified areas at a designated time for a described purpose, including points of origin and destination;

E. When the minor is required to be on the streets, alleys or public places in the course of the lawful employment of such minor;

F. When the minor is, with parental consent, in a motor vehicle for the purposes of normal travel. (Ord. 267 § 4, 1979).

#### **9.12.050 Parental Responsibility.**

It is unlawful for a parent having legal custody of a minor to knowingly permit or by inefficient control to allow such minor to be or remain upon any street, alley or public place, as provided herein, under circumstances not constituting an exception to or otherwise beyond the scope of this chapter. The term "knowingly" includes knowledge which a parent should reasonably be expected to have concerning the whereabouts of a minor in that parent's legal custody. (Ord. 267 § 5, 1979).

#### **9.12.060 Violation – Penalty.**

Any violation of the provisions of this chapter will be punished in accordance with the provisions of Chapter 1.08 of this code. (Ord. 267 § 6, 1979).

#### **9.12.070 Proof of Age.**

In determining the age of a minor, proof of age may be required by the appropriate authority. Proof of age may be provided by a valid driver's license, school activities or picture identification card, or similar evidence on which the investigating party may reasonably rely. (Ord. 372, 1990)

### **Chapter 9.16**

#### **Disorderly Conduct**

##### **9.16.010 Definitions.**

##### **9.16.020 Acts Designated.**

##### **9.16.030 Violation – Penalty.**

### **9.16.010 Definitions.**

For the purposes of this chapter, the following definitions shall apply:

A. "Intentionally." A person acts "intentionally" with respect to conduct or to a result described by a provision defining an offense where his conscious objective is to cause such result or engage in such conduct.

B. "Knowingly." A person acts "knowingly" with respect to conduct or to a circumstance described by a provision defining an offense when he is aware that his conduct is of such nature or that such circumstance exists.

C. "Recklessly." A person acts "recklessly" when he consciously disregards a substantial and unjustifiable risk that a result will occur or that a circumstance exists. (Ord. 266 part A, 1979).

### **9.16.020 Acts Designated.**

It is unlawful for any person to be disorderly in any public place or in any private home or place to such an extent as to jeopardize or to be injurious to persons, property or public peace and order. Any person who intentionally, knowingly or recklessly conducts himself in any of the following ways is guilty of disorderly conduct, namely:

A. Any person who acts in a violent or tumultuous manner toward another whereby any person is placed in fear of safety of his life, limb or health;

B. Any person who causes, provokes or engages in any fight, except that self-defense shall be a complete defense;

C. Any person who uses abusive, threatening, indecent, profane or vulgar language, and the language by its very utterance tends to incite an immediate breach of the peace;

D. Any person who makes an offensive gesture or display and the gesture or display tends to incite an immediate breach of peace;

E. Any person who looks into any window, door, skylight or other opening, in any house, room or building, for the purpose of observing the actions of the occupants thereof to such an extent as to harass or to be injurious to the occupants;

F. Any person who urinates or defecates on any public or private property, except in a public or private toilet;

G. Any person, not being a police officer, who discharges a firearm or other explosive or combustible material in any place within the limits of the Town;

H. Any person, not being a police officer, who displays a deadly weapon in any place within the limits of the Town in a manner calculated to threaten or alarm;

I. Any person who disturbs the peace or quiet of any neighborhood or person by loud, unusual or unreasonable noise which serves no legitimate purpose. (Ord. 266 part B, 1979).

**9.16.030 Violation – Penalty.**

Any violation of the provisions of this chapter will be punished in accordance with the provisions of Chapter 1.08 of this code. (Ord. 266 part C, 1979).

**Chapter 9.17**

**Regulation of Sexually Oriented Businesses**

- 9.17.010 Definitions.**
- 9.17.020 Interior Lighting Regulations.**
- 9.17.030 Location of Sexually Oriented Businesses and Design of Same.**
- 9.17.040 Measurement of Distance.**
- 9.17.050 Other Locational Regulations.**
- 9.17.060 Stage Required in Adult Cabaret and Adult Theater.**
- 9.17.070 Conduct in Sexually Oriented Business.**
- 9.17.080 Employee Tips.**
- 9.17.090 Unlawful Acts.**
- 9.17.100 Exemptions.**
- 9.17.110 Regulation of Peep Booths.**
- 9.17.120 Hours of Operation.**
- 9.17.130 Minimum Age.**
- 9.17.140 Signs for Sexually Oriented Businesses.**

**9.17.010 Definitions.**

As used in this chapter, unless the context otherwise requires:

A. "Adult arcade" means any commercial establishment to which the public is permitted or invited where, for any form of consideration, one or more still or motion picture projectors, slide projectors, or similar machines, or other image or virtual reality producing machines, for viewing by five or fewer persons per machine at any one time, are used regularly to show films, motion pictures, video cassettes, slides, or other photographic, digital or electronic reproductions describing, simulating or depicting "specified sexual activities" or "specified anatomical areas."

B. "Adult bookstore, adult novelty store, or adult video" means a commercial establishment that, as one of its principal business purposes, offers for sale or rental for any form of consideration any one or more of the following:

1. Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes or video reproductions, slides, or other visual representations however produced that depict or describe "specified sexual activities" or "specified anatomical areas"; or
2. Instruments, devices, or paraphernalia which are designed for use in connection with "specified sexual activities."

C. "Adult cabaret" means a nightclub, bar, restaurant, concert hall, auditorium or other commercial establishment that features:

1. Persons who appear nude or in a state of nudity or seminudity; or
2. Live performances that are characterized by the exposure of "specified anatomical areas" or by the exhibition of "specified sexual activities."

D. "Adult motel" means a hotel, motel or similar commercial establishment that offers accommodations to the public for any form of consideration and provides patrons with closed-circuit television transmission, films, motion pictures, video cassettes, slides, or other media productions, however produced, which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas," and which commercial establishment has a sign visible from the public right-of-way which advertises the availability of this adult type of media production.

E. "Adult motion picture theater" means a commercial establishment that is distinguished or characterized by the showing, for any form of consideration, of films, motion pictures, video cassettes, slides, or similar photographic reproductions, on more than one hundred days per year, that have an "X" rating or that have an emphasis on depicting or describing "specified sexual activities" or "specified anatomical areas."

F. "Adult theater" means a theater, concert hall, auditorium, or similar commercial establishment that, for any form of consideration, regularly features persons who appear in a state of nudity or live performances which are characterized by an emphasis on exposure of "specified anatomical areas" or by "specified sexual activities."

G. "Commercial establishment" may have other principal business purposes that do not involve the depicting or describing "specified sexual activities" or "specified anatomical areas" and still be categorized as a sexually oriented business. Such other business purposes will not serve to exempt such commercial establishments from being categorized as a sexually oriented business so long as one of its principal business purposes is the offering for sale or rental for consideration the specified materials that depict or describe "specified sexual activities" or "specified anatomical areas." The term "commercial establishment" includes clubs, fraternal organizations, social organizations, civic organizations or other similar organizations with paid memberships.

H. "Employee" means a person who works or performs in and/or for a sexually oriented business, regardless of whether or not said person is paid a salary, wage, or other compensation by the operator of said business.

- I. "Establishment of a sexually oriented business" means and includes any of the following:
  1. The opening or commencement of any such business as a new business;
  2. The conversion of an existing business into a sexually oriented business;
  3. The addition of a different sexually oriented business to any other existing sexually oriented business; or
  4. The relocation of a sexually oriented business.

J. "Foyer" means an architectural element of a building that consists of an entry hall or vestibule that is completely enclosed and contains one door to provide access to areas outside of the building and a separate door to provide access to areas inside of the building.

K. "Licensee" means a person in whose name a license to operate a sexually oriented business has been issued, as well as the individual listed as an applicant on the application for a sexually oriented business license.

L. "Licensing officer" means the Town Clerk or his or her designee.

M. "Manager" means an operator, other than a licensee, who is employed by a sexually oriented business to act as a manager or supervisor of employees or is otherwise responsible for the operation of the business.

N. "Nudity or state of nudity" means:

1. The appearance of human bare buttock, anus, male genitals, female genitals, or the areola or nipple of the female breast; or

2. A state of dress which fails opaquely and fully to cover human buttocks, anus, male or female genitals, pubic region, or areola or nipple of the female breast.

O. "Nude model studio" means any place where a person who appears in a state of nudity or displays "specified anatomical areas" is provided for money or any form of consideration to be observed, sketched, drawn, painted, sculpted, photographed, or similarly depicted by other persons.

P. "Operator" means and includes the owner, license holder, custodian, manager, operator, or person in charge of any licensed premises.

Q. "Peep booth" means a room, semi-enclosure or other similar area located within a licensed premises wherein a person may view representations of "specified anatomical areas" or "specified sexual activities."

R. "Person" means an individual, proprietorship, partnership, corporation, limited liability company, association, or other legal entity.

S. "Premises or licensed premises" means any premises that requires a sexually oriented business license and that is classified as a sexually oriented business, including parking lots and sidewalks immediately adjacent to the structure containing the sexually oriented business.

T. "Principal business purpose" means any establishment, having as a substantial or significant portion of its stock in trade the items listed in subparagraphs 1. and 2. of the definition of adult bookstore, adult novelty store, or adult video store above and having on the premises at least thirty percent of the establishment's display space occupied by the display of the items described therein.

U. "Principal owner" means any person owning, directly or beneficially:

1. Any membership or partnership interest in a limited liability company or limited liability partnership if such person has any legal control or authority over the management or operation of the entity; or

2. In the case of any other legal entity, five (5) percent or more of the ownership interests in the entity, except for shareholders, but including such shareholders who are corporate officers or directors or who otherwise have any legal control or authority over the management or operation of the entity.

V. "Public park" means an area of land owned by a governmental entity and intended to be used for recreational purposes, but not including any such land that contains no improvements and is intended only for open space purposes, and not including any such land that is intended for use only for pathway purposes.

W. "Sexually oriented business" means an adult arcade, adult bookstore, adult novelty shop, adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, or nude model studio. The definition of sexually oriented business shall not include an establishment where a medical practitioner, psychologist, psychiatrist, or similar professional person licensed by the State of Colorado engages in medically approved and recognized sexual therapy.

X. "Seminude or seminudity" means a state of dress in which clothing covers no more than the genitals, pubic region, and areola of the female breasts, as well as portions of the body covered by supporting straps or devices, which supporting straps or devices are used to support or enable the wearing of such clothing.

Y. "Specified anatomical areas" as used herein means and includes any of the following:

1. Human genitals, pubic region, buttocks, anus or female breasts below a point immediately above the top of the areola, that are not completely and opaquely covered; or

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

Z. "Specified criminal acts" means sexual crimes against children, sexual abuse, sexual assault, or crimes connected with another sexually oriented business including, but not limited to, distribution of obscenity, prostitution, or pandering.

AA. "Specified sexual activities" means and includes any of the following:

1. The fondling or other intentional touching of human genitals, pubic region, buttocks, anus or female breasts;

2. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy;

3. Masturbation, actual or simulated;

4. Human genitals in a state of sexual stimulation, arousal, or tumescence; or

5. Excretory functions as part of or in connection with any of the activities set forth in subsections 1 through 4 of this definition.

BB. "Transfer of ownership or control of a sexually oriented business" means and includes any of the following:

1. The sale, lease, or sublease of the business;
2. The transfer of securities that constitute a controlling interest in the business, whether by sale, exchange, or similar means; or
3. The establishment of a trust, management arrangement, gift or other similar legal device that transfers ownership or control of the business, including a transfer by bequest or operation of law. (Ord. 507 (part), 2001)

**9.17.020 Interior Lighting Regulations.**

A. The interior portion of the premises of a sexually oriented business to which patrons are permitted access shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place (including peep booths) at an illumination of not less than five foot candles as measured at the floor level.

B. It shall be the duty of the licensee and employees present on the premises to ensure that the illumination described above is maintained at all times that any patron is present on the premises. (Ord. 507 (part), 2001)

**9.17.030 Location of Sexually Oriented Businesses and Design of Same.**

A. It is unlawful to operate or cause to be operated a sexually oriented business outside of the accommodations of commercial and industrial district zones.

B. It is unlawful to operate or cause to be operated a sexually oriented business within the accommodations of commercial and industrial district zones, within five hundred feet of:

1. Any church;
2. Any school meeting all requirements of the compulsory education laws of the State of Colorado;
3. An existing residential dwelling;
4. A public park;
5. A licensed childcare facility;
6. A retirement home.

C. It is unlawful to cause or permit the operation, establishment, or maintenance of a sexually oriented business within one hundred 100 feet of any other sexually oriented business.

D. All exterior windows in a sexually oriented business shall be opaque to such an extent that interior objects viewed from outside shall be so obscure as to be unidentifiable. Exterior windows in sexually oriented businesses shall not be used for any display or sign except for a sign that complies with the requirements of local codes.

E. All doors for ingress and egress to a sexually oriented business, except emergency exits used only for emergency purposes, shall be located on the front of the sexually oriented business. For purposes of this subsection, the front of a sexually oriented business shall be deemed to be that facade of the building that faces the front lot line of the lot or parcel on which the business is located. Every sexually oriented business shall have a foyer at every point of ingress or egress, except for emergency exits. In the case of a sexually oriented business having more than one front lot line, the sexually oriented business shall be oriented such that the front of the business faces away from the nearest of any of the land uses listed in subsection B of this section. (Ord. 507 (part), 2001).

#### **9.17.040 Measurement of Distance.**

A. The distance between any two sexually oriented businesses shall be measured in a straight line, without regard to intervening structures, from the closest exterior structural wall of each business, or, in the case of a sexually oriented business operating within a condominium estate or leasehold estate, from the closest airspace boundary of such condominium estate or from the closest wall of such leasehold estate.

B. The distance between any sexually oriented business and any church, school, dwelling, public park or childcare facility shall be measured in a straight line, without regard to intervening structures or objects, from the closest exterior structural wall of the sexually oriented business to the nearest property line of the premises of a church, school, dwelling, public park, childcare facility or retirement home. If the premises where the sexually oriented business is conducted is comprised of a condominium estate or leasehold estate, such distance shall be measured in a straight line, without regard to intervening structures or objects, from the nearest airspace boundary of the condominium estate or the nearest wall of the leasehold estate used as part of the premises where the sexually oriented business is conducted to the nearest property line of the premises of a church, school, dwelling, public park, childcare facility or retirement home. (Ord. 507 (part), 2001)

#### **9.17.050 Other Locational Regulations.**

A. Any sexually oriented business lawfully operating on the effective date of the ordinance codified in this chapter that is in violation of Section 9.17.030 will be permitted to continue for a period of six months from the effective date hereof.

B. A sexually oriented business which at the time it received its sexually oriented business license was in compliance with the location requirements of Section 9.17.030 does not violate that section if when the sexually oriented business applies to renew its valid sexually oriented business license a church, school, dwelling, public park, childcare facility, or retirement home is now located within five hundred feet of the sexually oriented business. This provision applies only to the renewal of a valid sexually oriented business license and does not apply to an application for a sexually oriented business license that is submitted as a result of the previous sexually oriented business license at the same location expiring or being revoked. (Ord. 507 (part), 2001)

**9.17.060 Stage Required in Adult Cabaret and Adult Theater.**

Any adult cabaret or adult theater shall have one or more separate areas designated as a stage in the diagram submitted as part of the application for the sexually oriented business license. Entertainers shall perform only upon a stage. The stage shall be fixed and immovable and located inside the building in which the adult use operates. No seating for the audience shall be permitted within three feet of the edge of the stage. No members of the audience shall be permitted upon the stage or within three feet of the edge of the stage. (Ord. 507 (part), 2001)

**9.17.070 Conduct in Sexually Oriented Business.**

A. No licensee, manager or employee mingling with the patrons of a sexually oriented business, or serving food or drinks, shall be in a state of nudity. It is a defense to any prosecution for a violation of this subsection that an employee of a sexually oriented business exposed any specified anatomical area only during the employee's bona fide use of a restroom or during the employee's bona fide use of a dressing room that is accessible only to employees.

B. No licensee, manager or employee shall encourage or knowingly permit any person upon the premises to touch, caress, or fondle the genitals, pubic region, buttocks, anus or breasts of any person. (Ord. 507 (part), 2001)

**9.17.080 Employee Tips.**

A. It is unlawful for any employee of a sexually oriented business to receive tips from patrons except as set forth in subsection C of this section.

B. A licensee that desires to provide for tips from its patrons shall establish one or more boxes or other containers to receive tips. All tips for such employees shall be placed by the patron of the sexually oriented business into the tip box.

C. A sexually oriented business that provides tip boxes for its patrons as provided in this section shall post one or more signs to be conspicuously visible to the patrons on the premises, in bold letters at least one inch high to read as follows:

All tips are to be placed in the tip box and not handed directly to employees. Any physical contact between a patron and employees is strictly prohibited.

(Ord. 507 (part), 2001)

**9.17.090 Unlawful Acts.**

It is unlawful for a licensee, manager or employee to violate any of the requirements of this chapter, or knowingly to permit any patron to violate the requirements of this chapter. (Ord. 507 (part), 2001)

**9.17.100 Exemptions.**

A. The provisions of this chapter regulating nude model studios do not apply to:

1. A college, junior college, or university supported entirely or partly by taxation;
2. A private college or university that maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation; or
3. A business located in a structure that has no sign visible from the exterior of the structure and no other advertising that indicates a nude person is available for viewing; and where, in order to participate in a class, a student must enroll at least three days in advance of the class; and where no more than one nude model is on the premises at any one time. (Ord. 507 (part), 2001)

#### **9.17.110 Regulation of Peep Booths.**

A. It is unlawful for a person who operates or causes to be operated a sexually oriented business with peep booths to violate the following requirements of this section:

1. At least one employee must be on duty and situated at each manager's station at all times that any patron is present inside the premises. The interior of the premises shall be configured in such a manner that such employee shall be clearly visible from every area of the premises to which any patron is permitted access for any purpose, excluding restrooms. If the premises has two or more manager's stations designated, then the interior of the premises shall be configured in such a manner that there is an unobstructed view of the employee in at least one of the manager's stations from each area of the premises to which any patron is permitted access for any purpose. The view required in this subsection must be by direct line of sight from the manager's station. The view area shall remain unobstructed by any opaque coverings, two-way mirrors, doors, walls, merchandise, display racks, or other materials at all times, and no patron shall be permitted access to any area of the premises that has been designated as an area in which patrons will not be permitted in the application filed for a sexually oriented business license.
2. The interior of the premises shall be configured in such a manner that there is an unobstructed view from a manager's station of every area of the premises to which any patron is permitted access for any purpose, excluding restrooms. Restrooms may not contain video display equipment. If the premises has two or more manager's stations designated, then the interior of the premises shall be configured in such a manner that there is an unobstructed view of each area of the premises to which any patron is permitted access for any purpose from at least one of the manager's stations. The view required in this subsection must be by direct line of sight from the manager's station. The view area shall remain unobstructed by any opaque coverings, two-way mirrors, doors, walls, merchandise, display racks, or other materials at all times, and no patron shall be permitted access to any area of the premises that has been designated as an area in which patrons will not be permitted in the application filed pursuant to a sexually oriented business license.
3. No peep booth may be occupied by more than one person at any one time.
4. No door, two-way mirror, screen, opaque covering or other covering shall be placed or allowed to remain on any peep booth, and no holes or openings shall be placed or allowed to remain in the wall between any two adjacent peep booths. (Ord. 507 (part), 2001)

**9.17.120 Hours of Operation.**

A. It is unlawful for a sexually oriented business to be open for business or for the licensee, manager or any employee of a licensee to allow patrons upon the licensed premises during the following time periods:

1. On any Tuesday through Saturday from two a.m. until seven a.m.;
2. On any Monday, other than a Monday that falls on January 1, from twelve a.m. until eight a.m.;
3. On any Sunday from two a.m. until eight a.m.;
4. On any Monday which falls on January 1 from two a.m. until seven a.m. (Ord. 507 (part), 2001)

**9.17.130 Minimum Age.**

A. Except for such employees as may be permitted by law, it is be unlawful for any person under the age of twenty-one years to be upon the premises of a sexually oriented business that operates pursuant to a type A sexually oriented business license. It is unlawful for any person under the age of eighteen years to be upon the premises of a sexually oriented business.

B. It is unlawful for the licensee, manager or any employee of the licensee to allow anyone under the age of twenty-one years, except for such employees as may be permitted by law, to be upon the premises of a sexually oriented business operated pursuant to a type A sexually oriented business license. It shall be unlawful for the licensee, manager or any employee of the licensee to allow anyone under the age of eighteen years upon the premises of a sexually oriented business. (Ord. 507 (part), 2001)

**9.17.140 Signs for Sexually Oriented Businesses.**

In addition to complying with all local sign regulations, a sexually oriented business shall display a sign, clearly visible and legible at the entrance to the business, that gives notice of the adult nature of the sexually oriented business and of the fact that the premises is off limits to minors or those under the age of twenty years, as the case may be. No sign for a sexually oriented business shall contain flashing lights, words, lettering, photographs, silhouettes, drawings or pictorial representations that emphasize specified anatomical areas or specified sexual activities. (Ord. 507 (part), 2001)

**Chapter 9.20**

**Trespass**

**9.20.010 Acts Prohibited.**

**9.20.020 Penalty Clause.**

**9.20.010 Acts Prohibited.**

A. No person shall:

1. Enter or remain upon land or premises of another in defiance of a legal request or order by the owner or some other authorized person; or

2. Enter into or upon land or a building that is posted, locked or otherwise fenced or enclosed in such a manner that a reasonably prudent person would understand that the owner does not want any such person on the land or in the building.

B. No person shall enter any motor vehicle of another without permission of the owner. It is a specific defense to a charge under this subsection that the entry was for a brief period of time to secure the vehicle from harm, or was directed or authorized by a public official.

C. No person shall climb on any building or other structure belonging to the Town or under the possession and control of the Town without having first obtained authorization from the Chief of Police.

D. No person shall enter any property belonging to the Town or under the possession and control of the Town that is fenced or otherwise designed to exclude intruders or is posted with signs that forbid entry without having first obtained authorization from the Chief of Police. (Ord. 480 § 1 (part), 1999)

**9.20.020 Penalty Clause.**

Any violation of the provisions of this chapter shall be punished in accordance with the provisions of Chapter 1.08. (Ord. 480 § 1 (part), 1999)