

16.08.015 – Adult ~~oriented~~ businesses.

"Adult ~~oriented~~ businesses" are: (1) any business which is conducted exclusively for the patronage of adults and from which minors are specifically excluded by law; provided, that any business licensed by the State Department of Alcoholic Beverage Control shall not be an adult-oriented business unless it complies with another definition within this section; and/or (2) any business, where employees or patrons expose "specified anatomical areas" or engage in "specified sexual activities;" and/or (3) any business or establishment which offers its patrons services or entertainment characterized by an emphasis on matter depicting, exposing, describing, discussing or relating to "specified sexual activities" or "specified anatomical areas."

- B. These types of businesses shall not include the following: (1) any bona fide medical establishment operated by properly licensed and registered medical personnel with appropriate medical credentials for the treatment of patients; (2) any massage establishment, the clientele of which consists substantially of persons referred to the establishment in writing for massage therapy by physicians, surgeons, chiropractors or osteopaths duly licensed to practice their respective professions in the State of California; provided, that the massage establishment retains such written referrals in its records for a period of not less than three years, and makes such written references available for inspection by the county health officer or his designated representative at all times during the normal business hours of operation of the massage establishment; and (3) an athletic club, health club, school, gymnasium, state licensed cosmetology or barber establishment, reducing salon, spa or similar establishment where massage or similar manipulation of the human body is offered as an incidental or accessory service.

- C. Adult-oriented businesses shall include but shall not be limited to the following:

- ~~1. "Adult arcade" means any place to which the public is permitted or invited wherein coin-operated 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 the depicting or describing of "specified sexual activities" or "specified anatomical areas."~~
2. Adult bookstore. "Adult bookstore" means an establishment having as a substantial portion of its stock-in-trade, and offering for sale for any form of consideration, any one or more of the following:
 - a. Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, slides or other visual representations which are characterized by an emphasis upon the depiction or description of "specified anatomical areas;" or
 - b. Instruments, devices or paraphernalia which are designed for use in connection with "specified sexual activities."
3. Adult Cabaret. An "adult cabaret" means a cabaret which features topless and/or bottomless dancers, strippers, male or female impersonators, or similar entertainers.
4. Adult Theater. An "adult theater" means any place, building, enclosure or structure partially or entirely, temporarily or permanently used for dramatic or operatic presentations, motion pictures, or any picture projected from slides or films, vaudeville show, performances, or any place of public entertainment which are 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 theaters specifically include places 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, used or available for presenting material distinguished by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas," for observation by patrons therein.

4. Sexual Novelty Store. A "sexual novelty store" means an establishment having as a substantial portion of its stock-in-trade goods which are replicas of, or which simulate, "specified anatomical areas," or goods which are designed to be placed on "specified anatomical areas," or to be used in conjunction with "specified sexual activities" to cause sexual excitement.
5. "Adult Video Store" means a commercial establishment which, as one of its principal business purposes, offers for sale or rental for any form of consideration any one or more of the following:
6. Films, motion pictures, video cassettes or video reproductions, slides, or other visual representations which depict or describe "specified sexual activities" or "specified anatomical areas"; or

A commercial establishment may have other principal business purposes that do not involve the offering for sale or rental of material depicting or describing "specified sexual activities" or "specified anatomical areas" and still be categorized as adult bookstore or adult video store. Such other business purposes will not serve to exempt such commercial establishments from being categorized as an adult bookstore or adult video store so long as one of its principal business purposes is the offering for sale or rental for consideration the specified materials which depict or describe "specified sexual activities" or "specified anatomical areas."

7. "Adult motel" means a hotel, motel or similar commercial establishment which:
 - a. Offers accommodations to the public for any form of consideration; provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas"; and has a sign visible from the public right-of-way which advertises the availability of this adult type of photographic reproductions; or
 - b. Offers a sleeping room for rent for a period of time that is less than ten hours; or
 - c. Allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than ten hours.
 - d. Evidence that a sleeping room in a hotel, motel, or similar commercial establishment has been rented and vacated two or more times in a period of time that is less than ten consecutive hours.
8. "Adult motion picture theater" means a commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions are regularly shown which are characterized by the depiction of "specified sexual activities," "specified anatomical areas," or persons in a state of nudity.
9. "Nude Dancing" means any dance, choreographed or not, in which the performers remove all or part of their clothing, a strip tease, lap dance, or individual dance. Nude Dancing shall also mean a form of erotic entertainment in which a dancer gradually undresses with or without music. Nude dancing shall include fan dancing, defined as a solo dance in which large fans are manipulated to suggest or reveal nakedness, and bubble dancing, defined as a dance similar in nature to a fan dance but includes the use of bubbles instead of fans.