

# Sherburne County Sexually Orientated Business Licensing Ordinance

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## **Section I. Purpose**

This license is intended to help further enforce public safety and health concerns through appropriate departments. Public safety concerns such as criminal complaints relating to prostitution, providing services to minors, have been identified by law enforcement reports to be potential public safety concerns associated with Sexually Orientated Businesses. Furthermore, the potential for sexually transmitted diseases that can be generated in confined areas in Sexually Orientated Businesses has been identified in public health reports as a public health concern.

## **Section II. Title**

This licensing ordinance shall be known and referred to as the Sherburne County Sexually Orientated Business Licensing Ordinance, hereinafter "License".

## **Section III Jurisdiction, Scope, Interpretation, Severability**

### **A. Jurisdiction**

The jurisdiction of this license shall apply to all the unincorporated areas of Sherburne County in which the county has zoning and land use authority. Sexually Orientated Businesses are allowed as a Conditional Use Permit (CUP) in the Sherburne County Heavy Industrial Zoning District as referenced in the Sherburne County Zoning Ordinance, Section 12, Subdivision 3. The conditions are outlined in Section 16, Subdivision 2, and part 39 of the Zoning Ordinance.

### **B. Scope**

From and after the effective date of this license all Sexually Orientated Businesses shall be subject to the terms of this License/Ordinance.

### **C. Interpretation**

The provisions of this ordinance shall be controlling, unless the provisions provided under Minnesota State Statute, other ordinance, or regulation impose more stringent requirements in which those requirements shall be controlling. Words and phrases contained within this license are to be construed according to the rules of grammar and according to their common and approved usage. Singular words contained within this license include the plural and the plural, the singular. Words of one gender include the other gender and words in the past or present tense also include the future.

### **D. Severability**

If any provision of this license or the application thereof to any person or circumstance is held invalid, said invalidity does not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and for this purpose, the provisions of this ordinance are severable.

## Section IV Definitions

The definitions for the following are defined in the Sherburne County Zoning Ordinance (as amended) are hereby incorporated.

*Adults- Only Bookstore*  
*Adults- Only Motion Picture Theater*  
*Adult Entertainment Center*  
*County*  
*County Board*  
*Nudity*  
*Sauna*  
*Sexual Conduct*  
*Sexual Excitement*  
*Sexually-Orientated Business*  
*Zoning District*

## Section V. Requirements

Sexually Orientated Businesses may operate in the Heavy Industrial District as provided in the Sherburne County Zoning Ordinance upon obtaining a Conditional Use Permit, the issuance of the Sherburne County Sexually Oriented Business License, and meeting any other requirements imposed by law.

The following license requirements shall be met:

- (A) All entrances to the building or buildings, with the possible exception of emergency fire exits, which are not usable by patrons to enter the building, shall be visible from a public right-of-way;
- (B) The layout of display areas shall be designed so that the management of the establishment and/or law enforcement and public health personnel can observe all patrons while they have access to any merchandise offered for sale or review including, but not limited to, books, magazines, photographs, videotapes or other motion pictures and;
- (C) Illumination of the premises exterior shall be adequate to observe the location and activities of all persons on the exterior premises;

## Section VI. Licensing

### (A) License Required

No person shall own or operate a Sexually Orientated Business within Sherburne County without first having obtained a license to do so.

### (B) Application Procedure

License applications shall be made to the Sherburne Sheriff's Department prior to applying for any necessary permits through the Sherburne County Zoning Office.

**(C) Submission Information**

1. Name, address, relation to the business, and phone # of the applicant;
2. Business name, owner name, business address, business phone #, type of entity;
3. Site plan;
4. Sheriff Report of criminal activity, charges, pending of otherwise;
5. Public Health report of inspections of plans or premises for confined areas or other unsafe health conditions.
6. Any complaints or resolution of the same; and
7. Review by the County Attorney's Office.

**(D) Fees/ Expiration Date**

A fee for said license shall accompany the application. Licenses issued pursuant to this Article shall expire annually on the 31<sup>st</sup> day of May. Application renewal for the upcoming year shall be made within 30 days of expiration. Application fees shall be set annually by the County Board based on processing and enforcement costs.

**(D) No Transfers**

No licenses issued pursuant to this ordinance may be transferred to another location or person.

**Section VII. Denial of License, Suspension, Revocation, Appeal****A. Basis for Denial**

Sherburne County shall deny licenses for the following reasons:

- (1) Failure to submit a fully completed application form;
- (2) Submission of an application which falsely states a material fact;
- (3) Failure to meet the requirements of this license;
- (4) Failure to pay the application fee;
- (5) Deterioration or alteration of the proposed licensed premises to the extent that the premises constitute a substantial hazard to the health or safety of its occupants;
- (6) Failure to obtain a Conditional Use Permit; or
- (7) A pattern of health hazards or criminal activity directly attributable to the business or evidence of a significant health hazard.

**B. License Denial/Suspension/Revocation**

No license shall be suspended or revoked until after a hearing is held before the county board or its designee. The licensee shall receive at least ten days notice of such hearing and may be represented by counsel at such hearing, and may present any relevant evidence or arguments at such hearing. The licensee may appeal the decision of the county board or its designee to the District court within 30 days of the decision.

**C. Appeals**

Any person denied a license by the County Sheriff's Department may appeal to the county board or its designee by giving written notice of appeal to the county board within ten days of

receiving notice of such denial. The board shall then hear the appeal within 30 days after notice of appeal is received. Appellant may be represented by counsel and may submit all relevant evidence or arguments. If the county board or its designee affirms or modifies the denial the license applicant may appeal the decision to the District court within 30 days of the decision.

## Section IX. Administration-Enforcement

### A. Violations and Penalties:

Any person, firm or corporation who shall violate any of the provisions hereof, or shall fail to comply with any of the provisions hereof, or who shall make any false statement in any document required to be submitted under the provisions thereof, shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished pursuant to law. A separate offense shall be deemed committed upon each day during or on which violation occurs or continues.

### B. Enforcement:

This License shall be issued and enforced by the Sherburne County Sheriff, who is hereby designated the enforcing officer.

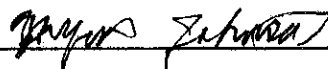
### C. Actions:

In the event of a violation or threatened violation of this ordinance, the Board of County Commissioners or any member thereof, in addition to other remedies, may institute appropriate actions or proceedings to prevent, restrain, correct or abate such violations or threatened violations, and it shall be the duty of the County Attorney to institute such action.

## Section X. Date of Effect

This ordinance shall be in full force and effect from and after its passage, approval and publication, as provided by law.

Passed and approved this 15<sup>th</sup> day of June, 1999



Mike Johnson, Chair  
Sherburne County Board of Commissioners

The Foregoing instrument was acknowledged  
before me this 20 day of July, 1999

