

STATE OF MINNESOTA
COUNTY OF WASHINGTON
CITY OF LAKE ELMO

ORDINANCE NO. 97-189

AN ORDINANCE ADOPTING A MORATORIUM RELATING TO ADULT USES

The Lake Elmo City Council ordains that Section 301.170 and its subdivisions shall be added to the Lake Elmo Municipal Code to read as follows:

301.170 Development Moratorium

- A. The City of Lake Elmo is in the process of conducting studies and reviewing its Comprehensive Plan and official controls.
- B. As part of this process, the Lake Elmo City Council has directed the City Attorney to obtain the most current copies of reports prepared by the Minnesota Attorney General relating to the regulation of sexually oriented businesses and/or other relevant studies.
- C. Upon receipt of such information, the City Council will appoint a study group, or otherwise review such information, to determine the effect of sexually oriented businesses upon other uses and neighborhoods within the City.
- D. In order to preserve the integrity of its planning process, the City wishes to prohibit the establishment of sexually oriented businesses until the City can draft appropriate regulations.
- E. Definitions. As used herein, the following terms shall mean:
 - 1. Adult Use. "Adult Use" means bookstores, motion picture theaters, mini-motion picture theaters, massage parlors, steam room/bath house/sauna facilities, companionship parlors, health/sports clubs, cabarets, novelty businesses, motion picture arcades, modeling studios, hotels/motels, body painting studios, and other premises, enterprises, establishments, businesses or places open to some or all members of the public at or in which there is an emphasis on the presentation, display, depiction or description of Specified Sexual Activities or Specified Anatomical Areas that are capable of being seen, heard, and/or smelled by members of the public.
 - 2. Specified Anatomical Areas. "Specified Anatomical Areas" in regard to females means less than completely and opaquely

covered human genitals, pubic regions, buttock, anus, or female breasts below a point immediately above the top of the areola; and in regard to males means male genitals in a discernibly turgid state, even if completely and opaquely covered.

3. Specified Sexual Activities. "Specified Sexual Activities" means:

- a. Sexual intercourse;
- b. Oral copulation;
- c. Anal intercourse;
- d. Oral-anal copulation;
- e. Bestiality;
- f. Direct physical stimulation of unclothed genitals or the female breasts;
- g. Flagellation or torture in the context of a sexual relationship;
- h. Use of excretory functions in the context of a sexual relationship;
- i. Any of the following sexually oriented acts or conduct:
anilingus, buggery, coprophagy, coprophilia, cunnilingus, fellation, necrophilia, pederasty, pedophilia, piquerism, sapphism, zoerasty.

F. Moratorium. In order to allow the City of Lake Elmo an opportunity to review studies relating to Adult Uses; in order to allow the Lake Elmo City Council to adopt reasonable regulations relating to such activities; and in order to protect the integrity of the City's planning process, the Lake Elmo City Council hereby adopts a moratorium prohibiting the establishment of Adult Uses.

G. Duration. The moratorium will commence on the effective date of this ordinance and will continue for one year thereafter unless otherwise terminated or extended by action of the City Council.

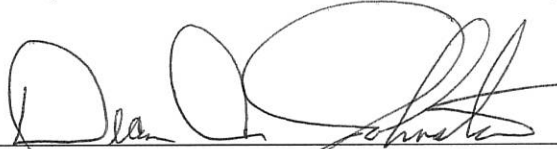
H. Enforcement. The City of Lake Elmo may enforce any provision of this ordinance by mandamus, injunction, or any other appropriate civil remedy in any court of competent jurisdiction.

I. Severability. Every section, provision or part of this ordinance is declared separable from every other section, provision or part of this ordinance. If any section, provision or part of this ordinance is adjudged to be invalid by a court of competent jurisdiction, such judgment shall not invalidate any other section, provision or part of this ordinance.

Effective Date. This ordinance shall become effective the day following its publication or on the day following the publication of an Ordinance Summary approved by the Lake

Elmo City Council.

Adoption Date. Passed by the Lake Elmo City Council on this 20th day of February, 2007.


DEAN JOHNSTON, Mayor

ATTEST:


Thomas Bouthilet, Interim City Administrator

PUBLICATION DATE: This ordinance or a summary of the ordinance was published on the
1ST day of MARCH, 2007.

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ORDINANCE SUMMARY

On the 20th day of February, 2007, the Lake Elmo City Council adopted Ordinance No. 97-189 and by four affirmative votes approved the publication of an Ordinance Summary.

Ordinance No. 97-189 is entitled "An Ordinance Adopting a Moratorium Relating to Adult Uses." The Ordinance defines an adult use and prohibits the establishment of such uses during the moratorium. A copy of Ordinance No. 97-189 can be obtained during normal business hours at the City's administrative offices, 3800 Laverne Avenue, Lake Elmo, Minnesota.

Adoption Date: Adopted this 20th day of February, 2007.


DEAN JOHNSTON, Mayor

ATTEST:


Thomas Bouthilet, Interim City Administrator

PUBLICATION DATE: This ordinance or a summary of the ordinance was published on the 1st day of MARCH, 2007.