

1 **ADULT USE ORDINANCE**

2
3
4 **SECTION 1 - TITLE**

5
6 **The Title of this Ordinance is the Faribault County Adult Use Ordinance.**

7
8 **SECTION 2 – PURPOSE**

9
10 This section is intended to regulate “adult uses,” on those premises, enterprises, establishments,
11 businesses or places open to some or all members of the public, at or in which there is an emphasis on
12 the presentation, display, depiction or description of “specified sexual activities” or “specified anatomical
13 areas” which are capable of being seen by members of the public.

14
15 It is therefore in the best interest of the public health, safety, and welfare of the citizens of Faribault
16 County that certain types of activities, as set forth in this ordinance, are prohibited upon the premises of
17 licensed liquor, wine, and beer establishments so as to best protect and assist the owners and operators
18 and employees of these premises, as well as patrons and the public in general. Further, the County
19 intends that the standards in this ordinance reflect the prevailing community standards in the County of
20 Faribault. This Ordinance is intended to prevent harm stemming from the physical immediacy and
21 combination of alcohol, nudity, and sex. The County Board of Commissioners also desires to prevent any
22 subliminal endorsement of sexual harassment or activities likely to lead to the possibility of various acts of
23 criminal conduct such as prostitution, sexual assault, and disorderly conduct.

24
25 It is further the intent of this Ordinance to:

- 26
27 1. Protect the public health, safety, morals, comfort, convenience and general welfare.
28 2. Protect and preserve economically viable agricultural land.
29 3. Promote orderly development of the residential, commercial, industrial, recreational and public
30 areas.
31 4. Conserve the natural and scenic beauty and attractiveness of the country.
32 5. Conserve and develop natural resources in the County.
33 6. Provide for the compatibility of different land uses and the most appropriate use of land throughout
34 the County.
35 7. Minimize environmental pollution.

36
37 **SECTION 3 JURISDICTION**

38
39 The regulations of this ordinance shall apply to all areas of Faribault County outside the incorporated limits of
40 municipalities unless authority has been delegated.

41
42
43 **SECTION 4 INTERPRETATION AND SEVERABILITY**

44
45 **A.** In the interpretation and application, the provisions of this Ordinance shall be interpreted to protect the
46 public health, safety and welfare of the citizens of Faribault County by providing for the regulation of adult
47 uses. This Ordinance is not intended to limit or repeal any other powers granted to Faribault County by
48 the State of Minnesota. This Ordinance is duly enacted pursuant to Minnesota Statutes Chapter 394,
49 Planning and Zoning Enabling Legislation. It is not intended by this Ordinance to repeal, abrogate, or
50 impair any existing ordinances, or laws. When this Ordinance is inconsistent with any other Ordinance or
51 law, that which imposes the greater restriction shall prevail. If any section of this Ordinance references
52 another Ordinance, Statute, Rule, or other provision of law, the reference shall be for that other provision
53 of law as currently enacted and as it may be amended or re-codified in the future.

SECTION 5 DEFINITIONS

Subdivision 1 Word Usage Unless specifically defined below, words or phrases used in this Ordinance shall be interpreted so as to give them the same meaning as they have in common usage and so as to give this Ordinance its most reasonable application. For the purpose of this Ordinance, the words “must” and “shall” are mandatory and not permissive. All distances, unless otherwise specified, shall be measured horizontally.

Subdivision 2 Permitted Uses Permitted uses of land or buildings as hereinafter listed, shall be permitted only in the districts indicated, and under the conditions specified.

Subdivision 3 Definitions

1. **Adult Uses.** Adult uses include, but are not limited to, adult bookstores, adult motion picture theaters, adult picture rental, adult mini-motion picture theaters, adult massage parlors, adult steam room/bathhouse/sauna facilities, adult companionship establishments, adult rap/conversation parlors, adult health/sport clubs, adult cabarets, adult novelty businesses, adult motion picture arcades, adult modeling studios, adult hotels/motels, adult 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” which are capable of being seen by members of the public.
2. **Adult Uses-Accessory.** A use, business, or establishment having ten percent (10%) or less of its stock in trade or floor area allocated to, or twenty percent (20%) or less of its gross receipts derived from movie rentals or magazine sales.
3. **Adult Uses-Principal.** A use, business, or establishment having more than ten percent (10%) of its stock in trade or floor area allocated to, or more than twenty percent (20%) of its gross receipts derived from movie rentals or magazine sales.
4. **Adults Use-Body Painting Studio.** A business or establishment which provides the service of applying paint or other substance, whether transparent or non-transparent, to or on the body of a patron when such body is wholly or partially nude in terms of “specified anatomical area”.
5. **Adult use-Bookstore.** A building or portion of a building used for the barter, rental, or sale of items consisting of printed matter, pictures, slides, records, audio tape, videotape, or motion picture film if such building or portion of a building is not open to the public generally but only to one or more classes of the public excluding any minor by reason of age or if a substantial or significant portion of such items are distinguished or characterized by an emphasis on the presentation, display, depiction, or description of “specified sexual activities” or “specified anatomical areas”.
6. **Adult Use-Cabaret.** A building or portion of a building used for providing dancing or other live entertainment, if such building or portion of a building excludes minors by virtue of age or if such dancing or live entertainment is distinguished or characterized by an emphasis on the presentation, display, depiction, or description of “specified sexual activities” or “specified anatomical areas”.
7. **Adult Use-Companionship Establishment.** A companionship establishment which excludes minors by reason of age or which provides the service of listening to or engaging in conversation, talk, or discussion between an employee or the establishment and a customer, if such service is distinguished or characterized by an emphasis on “specified sexual activities” or “specified anatomical areas”.

109
110
111
112
113
114
115
116
117
118
119
120
121
122
123
124
125
126
127
128
129
130
131
132
133
134
135
136
137
138
139
140
141
142
143
144
145
146
147
148
149
150
151
152
153
154
155
156
157
158
159
160
161
162

8. **Adult Use-Conversation/Rap Parlor.** A conversation/Rap Parlor which excludes minors by reason of age or which provides the service of listening to or engaging in conversation, talk, or discussion, if such service is distinguished or characterized by and emphasis on “specified sexual activities” or “ specified anatomical areas.”
9. **Adult Use-Health/Sport Club.** A health/sports club, which excludes minors by reason of age or if such club is distinguished or characterized by an emphasis on “specified sexual activities” or “specified anatomical areas.”
10. **Adult Use-Hotel/Motel.** A hotel or motel from which minors are specifically excluded from patronage and wherein material is presented which is distinguished or characterized by an emphasis on matter depicting, or describing or relating to “specified sexual activities” or “specified anatomical areas.”
11. **Adult Use-Massage Parlor, Health Club.** A massage parlor or health club which restricts minors by reason of age and which provides the service of massage if such service is distinguished or characterized by an emphasis on “specified sexual activities’ or “specified anatomical areas.”
12. **Adult Use-Mini Motion Picture Theater.** A building or portion of a building with a capacity of less than fifty (50) persons used for presenting material if such building or portion of a building as a prevailing practice excludes minor by reason of age or if such material is distinguished or characterized by an emphasis on “specified sexual activities” or “specified anatomical areas” for observations by patrons therein.
13. **Adult Use-Modeling Studios.** An establishment whose major business is the provision, to customers, of figure models who are so provided with the intent of providing sexual stimulation or sexual gratification to such customers and who engage in “specified sexual activities” or “ specified anatomical areas” while being observed, painted, painted upon, sketched, drawn, sculptured, photographed, or otherwise depicted by such customers.
14. **Adult Use-Motion Picture Arcade.** Any place to which the public is permitted or invited wherein coin operated or slug operated, or electronically, electrically, or mechanically controlled or operated still or motor picture machines, projectors, or other image-producing devices are maintained to show images to five (5) or fewer persons per machine at any one 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.”
15. **Adult Use-Motion Picture Theater.** A building or portion of a building with a capacity of more than fifty (50) persons used for presenting material if such building or portion of a building as a prevailing practice excludes minor by reason of age or if such material is distinguished or characterized by an emphasis on “specified sexual activities” or “specified anatomical areas” for observation by patrons therein.
16. **Adult Use-Novelty Business.** A business which has as a principal activity the sale of devises which stimulate human genitals or devices which are designed for sexual stimulation.
17. **Adult Use-Sauna.** A sauna which excludes minors by reason of age, or which provides a team bath or heat bathing room used for the purpose of bathing, relaxation, or reducing, utilizing steam or hot air as a cleaning, relaxing, or reducing agent, if the service provided by the steam room/bathhouse facility is distinguished or characterized by an emphasis on “specified sexual activities” or “specified anatomical areas”.

- 163
164
165
166
167
168
169
170
171
172
173
174
175
176
177
178
179
180
181
182
183
184
185
186
187
188
189
190
191
192
193
194
195
196
197
198
199
200
201
202
203
204
205
206
207
208
209
- 18. Adult Use-Steam Room/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, utilizing steam or hot air as a cleaning, relaxing, or reducing agent, if such building or portion of a building restricts minors by reason of age or if the service provided by the steam room/bathhouse facility is distinguished or characterized by an emphasis on “specified sexual activities” or “specified anatomical areas”.
- 19. Dwelling.** A building or portion thereof, designed exclusively for residential occupancy; the term does not include hotels, motels, tents, tent trailers or recreational vehicles.
- 20. Liquor License.** Any of the following licenses issued or approved by the County of Faribault pursuant to Minnesota Statute, Chapter 340A:
- a. On-sale Intoxicating Malt Liquor License, or
 - b. On-sale Intoxicating Liquor License, or
 - c. On-sale Wine License.
- 21. Police Related Service Calls.** Requests for assistance made to the Faribault County Sheriff’s Office from a neighboring resident, a victim of crime, a patron of the establishment, or the management of the Adult Use. Such calls may include but are not limited to: assaults, disorderly conduct, indecent exposure, prostitution, and trespassing.
- 22. Minor.** Person(s) under eighteen (18) years of age.
- 23. Specified Anatomical Areas:**
- a. Human genitals, pubic region, buttock, anus, or female breast(s), below a point immediately above the top of the areola, unless completely and opaquely covered.
 - b. Erect penis, even if completely and opaquely covered.
- 24. Specified Sexual Activities:**
- a. 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, or use of excretory functions in the context of a sexual relationship, and any of the following sexual-oriented acts of conduct: anilingus, buggery, coprophagy, coprophilia, cunnilingus, fellation, necrophilia, pederasty, pedophilia, piquerism, sapphism, zoerasty; or
 - b. Clearly depicted human genitals in the state of sexual stimulation, arousal or tumescence.
 - c. Use of human or animal ejaculation or ejaculate, sodomy, oral copulation, coitus, or masturbation.
 - d. Fondling or touching of nude human genitals, pubic region, buttocks, or female breast(s).
 - e. Situations involving a person or persons, any of whom are nude, clad in undergarments, or in sexually revealing costumes, and who are engaged in activities involving the flagellation, torture, fettering, binding, or other physical constraint of any such persons.
 - f. Erotic or lewd touching, fondling or other sexually oriented contact with an animal by a human being.
 - g. Human erection, urination, menstruation, vaginal or anal irrigation

SECTION 6 REQUIREMENTS AND ADMINISTRATION

210
211
212
213
214
215
216

No person shall own or operate an adult use establishment within the meaning of Section 5, Subd. 3 without first having secured an Adult Use License from Faribault County.

217 **Subdivision 1 Application.** The application for an Adult Use License shall be submitted on a form
218 provided by the County and shall include.

- 219
- 220 a. If the application is an individual: the name, residence, phone number, and birth date
- 221 of the applicant shall be provided. If the applicant is a partnership: the name,
- 222 residence, phone number, and birth date of each general and limited partner shall be
- 223 provided. If the applicant is a corporation: the name, residence, phone numbers, and
- 224 birth dates of all persons holding more than five (5) percent of the issued outstanding
- 225 stock of the corporation.
- 226 b. The name, address, phone number, and birth date of the operator and manager of
- 227 such operation, if different from the owner(s).
- 228 c. The address and legal description of the premises where the adult establishment is to
- 229 be located.
- 230 d. A statement detailing any gross misdemeanor or felony convictions relating to sex
- 231 offenses, obscenity, or the operation of an adult establishment of adult business by the
- 232 applicant, operator, or manager, and whether or not the applicant has ever applied for
- 233 or held a license to operate a similar type business in any other community(s). In the
- 234 case of a corporation, a statement detailing any felony convictions by the owners of
- 235 more than five percent (5%) of the issued and outstanding stock of the corporation,
- 236 and whether or not those property owners have ever applied for or held a license to
- 237 operate a similar type of business in other community(s).
- 238 e. The activities and types of business to be conducted.
- 239 f. The hours of operation.
- 240 g. Provisions to be utilized to restrict access by minors.
- 241 h. A building plan of the premises detailing all internal operations and activities.
- 242 i. The permit shall expire on December 31 of the year it is issued.
- 243
- 244

245 **Subdivision 2 Responsibility to Obtain Other Permits/Licenses.**

246
247 The granting of any permit or license pursuant to requirements of this Ordinance, or other applicable
248 Faribault County Ordinances, shall not relieve applicants of their responsibility to obtain any required
249 state or federal permits.

250 **Subdivision 3 Adult Use License Fee**

- 251
- 252
- 253 1. **Submittal of Fees.** Each application for an Adult Use License shall be submitted to the
- 254 County Auditor and shall be accompanied by payment in full of the required fee for the Adult
- 255 Use License.
- 256 2. **Expiration of Adult Use License.** Each license shall be issued for a period of one (1)
- 257 calendar year. All licenses shall expire on the last day of December of each year. Any portion
- 258 of a year less than 12 months shall be counted as a full year for the purpose of calculation of
- 259 fees.
- 260 3. **Annual Fee.** The annual fee for an Adult Use License shall be as detailed in the fee schedule
- 261 established by the Faribault County Board of Commissioners. The fee may be adjusted from
- 262 time to time by Board resolution.
- 263 4. **Refund of Fee.** No part of the fee paid for any license issued under this Ordinance shall be
- 264 refunded.
- 265

266 **Subdivision 4 Granting of Adult Use License**

- 267
- 268 1. The Faribault County Sheriff shall investigate all facts set out in the application. Each owner
- 269 of the establishment, be it individual, partner, limited partner, shall be subjected to a criminal
- 270 history background check by the Sheriff or his designee. Costs of the criminal history

271 investigations shall be borne by the applicant according to a fee schedule established by the
272 Sheriff. The application for the adult use license shall not be considered complete until all
273 required information has been furnished, the investigation has been completed by the Sheriff,
274 and a report provided to the County Zoning Administrator by the applicant.

- 275 2. The Planning Commission shall hold a public hearing and report it's findings to the County
276 Board after the County Zoning Administrator receives a complete application. At the hearing
277 opportunity shall be given to any person to be heard relating to the granting of the license. The
278 County Board shall grant or deny said Adult Use License within thirty (30) days of the
279 conclusion of the hearing.
- 280 3. The Adult Use License shall be issued only to the applicant and shall not be transferable to
281 another holder. Each license shall be issued only for the premises described in the
282 application. No license may be transferred to another premises or person without the written
283 permission of the County. If the license is a partnership or corporation, a change in the
284 identity of any of the principals of the partnership or corporation shall be deemed to be a
285 transfer of the license.
- 286 4. The license and permit granted hereunder shall be considered a conditional use permit and
287 the requirements for granting a conditional use permit, as defined within the Faribault County
288 Zoning Ordinance, are incorporated herein and made a part hereof.

290 **Subdivision 5 Persons Ineligible for Adult Use License.**

291 No license shall be issued to any person:

- 292 1. Under twenty-one (21) years of age.
- 293 2. Who is overdue in payments to a city, county, state, or federal government of taxes, fees,
294 fines or penalties, or charges for municipal services and utilities assessed against them or
295 imposed upon them.
- 296 3. Who has been convicted of a gross misdemeanor or felony, or of violating any law of this state
297 or local Ordinance relating to sex offenses, obscenity offenses, or adult establishments.
- 298 4. Who is not the proprietor of the establishment for which the license is issued.
- 299 5. To any applicant who is acting as an agent for an individual who would be disqualified
300 pursuant to the above criteria.
- 301 6. Who has not paid the required investigation/licensing fees required by this Ordinance.

302 **Subdivision 6 Places Ineligible for Issuance of Adult Use License**

- 303 1. No license shall be granted for adult establishments on any premises where a licensee has
304 been convicted of a violation of this Ordinance, or where any license hereunder has been
305 revoked for cause, until one (1) year has elapsed after such conviction or revocation.
- 306 2. No license shall be granted for any adult establishment which is not in compliance with the
307 County's land use regulations, or fire, health, and safety codes and all provisions of federal and
308 state law.

309 **Subdivision 7 Conditions of Adult Use License**

- 310 1. All licensed premises shall have the license posted in a conspicuous place at all times.
- 311 2. No Minor shall be permitted on the premises.
- 312 3. Any designated inspection officer of the County shall have the right to enter, inspect, and
313 search the premises of a licensee during business hours.
- 314 4. No adult goods or materials shall be offered, sold, transferred, conveyed, given, displayed, or
315 bartered to any minor.
- 316 5. In granting a license for an adult establishment, the County Board may impose additional
317 conditions to protect the best interest of the surrounding area or the County as a whole.
- 318 6. The licensee must keep itemized written records of all transactions involving the sale or rental
319

- 325 of all items or merchandise for at least one year after the transaction. At a minimum, those
326 records must describe the date of the transaction, a description of the transaction, the
327 purchase or rental price, and a detailed description of the item or merchandise that is being
328 purchased or rented. These written records must be provided to the County upon request.
329 7. The licensee must cover or otherwise arrange all windows, doors, and apertures to prevent
330 any person outside the licensed premises from viewing any items or merchandise inside the
331 premises depicting specified sexual activities or specified anatomical areas.
332

333 SECTION 7 ADULT USE OPERATIONAL REQUIREMENTS

334 Subdivision 1 General Provisions.

335 Adult uses as defined in Section 5, Subd. 3 of this Ordinance shall be subject to the following general
336 provisions:

- 337
- 338 a. No person(s) under eighteen (18) years of age shall be permitted in any adult use-
339 principal premises, enterprise, establishment, business or place.
 - 340 b. No liquor license shall be issued to any adult use related premises, enterprise,
341 establishment, business, or place open to some or all members of the public, at or in
342 which there is an emphasis on the presentation, display, depiction, description of, or
343 participation in "specified sexual activities" or "specified anatomical areas".
 - 344 c. No adult use related premises, enterprise, establishment, business or place shall allow
345 or permit the sale or service of set ups to mix alcoholic drinks. No alcoholic beverages
346 shall be consumed on the premises of such premises, enterprise, establishment,
347 business, or place.
 - 348 d. Activities classified as obscene are not permitted and are prohibited. In no instance
349 shall the application or interpretation of this Ordinance be construed to allow an activity
350 otherwise prohibited by law.
 - 351 e. Adult uses, either principal or accessory, shall be prohibited from locating in any
352 building which is also utilized for residential purposes.
 - 353 f. An adult use which does not qualify as an accessory use pursuant to Section 6-D
354 below, shall be classified as an adult-use principal.
 - 355 g. Another adult establishment. No adult use-principal shall be located in the same
356 building or upon the same property as another adult use-principal.
357

358 Subdivision 2 Hours of Operation.

359 Hours of operation for all Adult-uses, shall be from 9:00 a.m. to 12:30 a.m. A differing time schedule may
360 be approved by the County Board if it can be satisfactorily demonstrated to the Board that all of the
361 following apply:

- 362
- 363 a. The use does not adversely impact or affect uses or activities within 1,000 feet.
 - 364 b. The use will not result in increased policing and related service calls.
 - 365 c. Is critical to the operation of the business.
366

367 Subdivision 3 Sign Regulations.

368 Adult uses shall adhere to the following sign regulations in addition to those set forth in the Faribault
369 County Zoning Ordinance.

- 370
- 371 a. Sign message shall be generic in nature and shall only identify the name and type of
372 business. Signs shall not be pictorial.
 - 373 b. Signs shall be limited to the size and number of signs permitted in the district in which
374 the use is located.
375
376
377
378

379 **Subdivision 4 Adult Cabaret Regulations**
380

- 381 1. The following additional restrictions apply to Adult Cabarets:
382 a. No person, firm, partnership, corporation, or other entity shall advertise, or cause to be
383 advertised, an adult cabaret without a valid Adult Use License.
384 b. An Adult Use License shall maintain and retain for a period of two (2) years the names,
385 addresses, and ages of all persons engaged, hired, or employed as dancers or
386 performers by the licensee.
387 c. An adult cabaret shall be prohibited in establishments where alcoholic beverages are
388 served.
389 d. No owner, operator, or manager of an adult cabaret shall permit or allow any dancer or
390 other live entertainer to perform nude.
391 e. No patron or any person other than a dancer or live entertainer, as provided in
392 subparts G & H below, shall be nude in an adult cabaret.
393 f. No dancer, live entertainer, performer shall be under eighteen (18) years of age.
394 g. All dancing shall occur on a platform intended for that purpose which is raised at least
395 two (2) feet above the level of the floor.
396 h. No dancer or performer shall perform or dance closer than ten (10) feet from any
397 patron unless such dancer or performer is enclosed behind a floor to ceiling glass
398 partition.
399 i. No dancer shall fondle or caress any patron and no patron shall fondle or caress any
400 dancer or performer.
401 j. No person under eighteen (18) years of age shall be admitted to an adult cabaret.
402

403 **Subdivision 5 Viewing Booth Regulations**
404

- 405 1. The following additional regulations apply to viewing booths:
406 a. Individual Motion Picture viewing booths must be without doors and the occupant must
407 be visible at all times.
408 b. Only one person may be in a viewing booth at a time.
409 c. Walls separating booths must be such that the occupants cannot engage in sexual
410 activity.
411 d. Each booth must be kept clean and sanitary.
412 e. Minimum lighting requirements must be maintained.
413
414

415 **Subdivision 6 Adult Use, Accessory**
416

- 417 1. The following additional restrictions apply to adult use accessories.
418 a. **Permitted Locations for Accessory Adult Uses.** Adult use-accessory shall be
419 permitted in the B-1, Highway Business District, provided the accessory use conforms
420 with the provisions of this subdivision. Adult Use-Accessory shall:
421
422 (1) Comprise no more than ten percent (10%) of the floor area of the
423 establishment in which it is located.
424 (2) Comprise no more than twenty percent (20%) of the gross receipts of the entire
425 business operation.
426 (3) Not involve or include any activity except the sale or rental of merchandise.
427
428 b. **Separation of Area.** Adult use-accessory shall be restricted from, and prohibit access
429 to minors, by physically separating the following and similar items from areas of
430 general public access:
431

432
433
434
435
436
437
438
439
440
441
442
443
444
445
446
447
448
449
450
451
452
453
454
455
456
457
458
459
460
461
462
463
464
465
466
467
468
469
470
471
472
473
474
475
476
477
478
479
480
481
482
483
484
485

- (1) Movie Rental display areas shall be restricted from general view and shall be located within a separate room, the access of which is in clear view of, and under the control of, the persons responsible for the operation.
- (2) Magazines or publications classified as adult uses shall not be physically accessible to minors and shall be covered with a wrapper or other means to prevent display of any material other than the publication title.
- (3) Other adult uses not specifically cited shall comply with the intent of this Ordinance.

c. **Advertising.** Adult Use-Accessory shall be prohibited from both internal and external advertising and signing of adult materials and products.

SECTION 8 PERMITTED LOCATION FOR ADULT USES

An adult use establishment as defined in Section 5, Subd. 3 shall only be allowed in the B-1 Highway Business District as conditional uses.

- a. Access, parking, screening, lighting, and other relevant site related criteria for all Adult uses shall be as set forth in the General Regulations of the Faribault County Zoning Ordinance.

Subdivision 1

An adult-use establishment as defined in Section 5, Subd. 3, shall be located at least one thousand (1,000) lineal feet, as measured in a straight line from the closest point of the main entrance of the building within which the adult use-principal is located, to the property line of:

- a. Any residentially used or zoned property.
 - (1) Any residential dwelling site. In an Ag district, for the purpose of this ordinance, a site will be considered the 10 acres surrounding the residential home.
 - (2) Any licensed day-care center.
 - (3) Any public or private educational facility classified as an elementary, junior high, senior high school or pre-school.
 - (4) Any hotel or motel.
 - (5) Any public park or trails system.
 - (6) Any nursing home.
 - (7) Any youth establishment.
 - (8) Any church or church related organization.

SECTION 9 COMPLIANCE

All adult uses shall be in full compliance with requirements of this Ordinance; Faribault Zoning Ordinance, other applicable provisions of County, State, or Federal laws, and applicable fire, health, and/or safety codes.

SECTION 10 PENALTIES

Any person violating any provision of this Ordinance is guilty of a misdemeanor. In addition; Faribault County may sue for injunctive relief for any violation. Also, Faribault County may sue for injunctive relief to prevent a violation. They may suspend or revoke any permits or licenses issued by the Board with cause.

486
487
488
489
490
491
492
493
494
495
496
497
498
499
500
501
502
503
504
505
506
507
508
509
510
511
512
513
514
515
516
517
518
519
520
521
522
523
524
525
526
527
528
529
530
531
532
533
534
535
536

1. **Suspension or Revocation of Adult Use License.** Any violation of this Ordinance shall be a basis for suspension or revocation of any permit or license granted hereunder. In the event the County Board proposes to suspend or revoke the Adult Use License, the County Board shall hold a hearing. The County will provide 10 days written notice before such a hearing.
2. **Revocation of Liquor License.** Any violation of this Ordinance shall be a basis for suspension or revocation of a Liquor License issued pursuant to Minnesota Statutes, Chapter 340A. The Faribault County Board of Commissioners or anyone they delegate shall follow the notice and hearing requirements for contested cases under Minnesota Statutes, Chapter 14.57 to 14.70 of the Administrative Procedures Act.

SECTION 11 ENFORCEMENT

The Faribault County Board, the Faribault County Sheriff, and the Faribault County Zoning Administrator are responsible for the enforcement of this Ordinance.

SECTION 12 REPEAL AND RECOMMENDATIONS

It is not intended by this Ordinance to repeal any Ordinance. However, where this Ordinance imposes greater restrictions, the provisions of this Ordinance shall prevail. All other Ordinances inconsistent with this Ordinance are hereby repealed to the extent of the inconsistency only.

Subdivision 1 Public Hearing and Planning Commission Recommendation

The Faribault County Planning Commission, after proper notice and publication, held a public hearing on the adoption of this Ordinance on the 25th day of June, 2012 at the Faribault County Ag Center Conference Room. After hearing public testimony and with due deliberation, the Planning Commission voted unanimously to recommend adoption of this Ordinance to the Faribault County Board of Commissioners.

SECTION 13 ADOPTION

The Faribault County Board of Commissioners, on the 19th day of July, 2012 at their regular scheduled meeting, after reviewing public testimony and the recommendation of the Faribault County Planning Commission, with due deliberation, the Faribault County Board of Commissioners voted unanimously to adopt this Ordinance.

This Ordinance shall be in full force and effect 30 days after its passage and publication, as provided by law.

Chairman, County Board

Passed this Nineteenth day of July, 2012 State of Minnesota, County of Faribault

I hereby certify that the above is the Resolution
Duly passed, adopted and approved by the County
Board of Faribault on July 19, 2012.

ATTEST: _____
John Thompson, County Auditor