

**Title 8 LAND DEVELOPMENT
YOLO COUNTY CODE**

**CHAPTER 7: ADULT ENTERTAINMENT USES
AND ADULT-RELATED ESTABLISHMENTS**

Article 1: ADULT ENTERTAINMENT USES

Sec. 8-7.101 Purpose

The purpose of this Article is to declare the zones within which adult entertainment uses, as defined in this Article, may be located, and specify requirements regarding the distance from other types of land uses which must be maintained by adult entertainment uses, in order to minimize the adverse impacts associated with the concentration of adult entertainment uses or their location in residential neighborhoods or near churches or places frequented by minors.

Sec. 8-7.102 Definitions

For the purposes of this Chapter, unless otherwise apparent from the context, certain words and phrases used in this Chapter are defined as follows:

Adult entertainment use.

“Adult entertainment use” shall include all of the following types of establishments and no other:

(1) *Adult bookstore.* “Adult bookstore” shall mean a retail sales use having as a substantial or significant portion of its stock-in-trade books, magazines, and other periodicals whose dominant or predominant character and theme is the depiction or description of specified sexual activities or specified anatomical areas, as defined in this Section, or a use with a segment or section devoted to the retail sale or display of such materials.

(2) *Adult motion picture theater.* “Adult motion picture theater” shall mean an enclosed building and/or a drive-in motion picture theater to which the public is invited or permitted, either of which is used for presenting filmed or videotaped materials whose dominant or predominant character and theme are the depiction of specified sexual activities or specified anatomical areas, as defined in this Section, for observation by six (6) or more patrons of such use at any one time.

(3) *Adult picture arcade.* “Adult picture arcade” shall mean any place 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, television sets, or other image producing devices are used to display images to five (5) or fewer persons per machine at any one time, and which images have as a dominant or predominant character and theme the depiction of specified sexual activities or specified anatomical areas as defined in this Section.

(4) *Nude dancing theater.* “Nude dancing theater” shall mean any building or structure used for the presentation of live dancing or modeling, the dominant or predominant

character and theme of which are the display of specified sexual activities or specified anatomical areas, as defined in this Section, and to which the public is permitted or invited.

(5) *Adult hotel.* “Adult hotel” shall mean any hotel wherein material is presented which is distinguishable or characterized by an emphasis on depicting or describing specified sexual activities, as defined in this Section, and which establishment restricts admission to such building, or portion thereof, to adults only. As used in this Section, “hotel” shall mean that term as defined in this Code.

(6) *Adult-related establishment.* “Adult-related establishment” shall mean any such establishment as defined in this Chapter.

Establishment of an adult entertainment use. “Establishment of an adult entertainment use” shall mean and include the opening of such a business as a new business, the relocation of such business or the conversion of an existing business, to any adult entertainment use.

Retail sale. “Retail sale” shall mean a sale in which the vendor collects from the purchaser the State sales tax.

Specified sexual activity. “Specified sexual activity” shall mean and include, and shall be limited to, the following:

- (1) Actual or simulated genital or anal sexual intercourse;
- (2) Oral copulation;
- (3) Bestiality;
- (4) Direct physical stimulation of unclothed genitals;
- (5) Masochism;
- (6) Erotic or sexually-oriented torture, beating, or the infliction of pain; or
- (7) The use of excretory functions in the context of a sexual relationship.

Specified anatomical areas. “Specified anatomical areas” shall mean and include, and shall be limited to, the following:

- (1) Less than completely and opaquely covered human genitals, mons pubis, buttocks, and female breasts below the top of the areola; and/or
- (2) Human male genitals in a discernibly turgid state, even if completely or opaquely covered.

Use, used. “Use” and/or “used” shall mean to practice customarily.

Sec. 8-7.103 Allowed zones and spacing requirements

(a) *Establishment: Allowed zones.* The establishment of adult entertainment uses shall be prohibited in any zone within the County with the exception only of the General Commercial (C-G), and Highway Services Commercial (C-H) zones; provided, however, no adult entertainment use may be established in any such zone unless the entire parcel upon which such use is located is outside all of the specified distance requirements set forth in subsection (b) of this Section and unless the adult entertainment use complies with all the other regulations imposed within the zone by this Chapter.

(b) *Spacing requirements.* The spacing requirements set forth in this subsection shall all be observed in the establishment of any adult entertainment use. Distances shall be measured in a straight line, between the nearest property line of the parcel on which the adult entertainment use is located to the nearest zone line or property line of the parcel upon which the following uses are located:

(1) No adult entertainment use shall be established within 500 feet of any existing adult entertainment use or any existing adult-related establishment.

(2) No adult entertainment use shall be established within 500 feet of any public or private school, publicly-owned park or playground, or church, synagogue, or other place of worship to which the public is invited or permitted to attend.

(3) No adult entertainment use shall be established on any parcel which has any part of its boundary contiguous to any part of the boundary of any parcel which is in the Low Density Residential (R-L), Medium Density Residential (R-M), or High Density Residential (R-H) zones, as specified in Article 5 of Chapter 2, or upon which a residential use exists as the principal permitted use. For the purposes of this subsection, “contiguous” shall mean physically touching, and “residential use” shall include mobile home parks, recreational vehicle campgrounds, and campgrounds, but shall exclude motels. The distance restrictions set forth in this subsection are cumulative, not separate; therefore, adult entertainment uses may be established only on parcels which meet all of the spacing requirements set forth in this subsection.

Sec. 8-7.104 Compliance with other laws

This Article and Chapter shall not be construed as relieving adult entertainment uses from any applicable requirement of any federal or State law, regulation, or this Code, specifically including building and health regulations; provided, however, this Article is not intended and shall not be construed as regulating matters preempted by State or federal laws.

ARTICLE 2: ADULT-RELATED ESTABLISHMENTS

Sec. 8-7.201 Purpose

The purpose of this Article is to regulate the location of adult-related establishments to insure that adverse effects will not contribute to the blight or downgrading of neighborhoods or deter or interfere with the operation and development of hotels, motels, and lodging houses and other businesses in the County, and to adopt regulations and standards will tend to prevent the clustering of such establishments.

Sec. 8-7.202 Definitions

For the purposes of this Chapter, unless otherwise apparent from the context, certain words and phrases used in this Chapter are defined as follows:

Adult entertainment use. “Adult entertainment use” shall mean any such use as defined in Article 1 of this Chapter.

Adult-related establishment. “Adult-related establishment” shall mean any bathhouse, escort bureau, introductory service, massage parlor, outcall massage service, modeling studio, or sexual encounter center as defined in this Chapter. “Adult-related establishment” shall also include any other business or establishment which has available for, or offers any patron, for pecuniary compensation, consideration, hire, or reward, services, entertainment, or activities which involve specified sexual activities or the display of specified anatomical areas. “Adult-related establishment” shall not include any adult entertainment use. Any use which is both an adult entertainment use and an adult-related establishment shall be defined as an adult entertainment use and be subject to all the requirements of Chapter.

Bathhouse. “Bathhouse” shall mean an establishment whose primary business is to provide, for a fee or other consideration, access to any kind of bath facility, including showers, saunas, and hot tubs.

Escort. “Escort” shall mean a person who, for hire or reward:

- (1) Accompanies others to or about social affairs, entertainment, or places of amusement; or
- (2) Keeps company with others about any place of public resort or within any private quarters.

Escort bureau. “Escort bureau” shall mean a business, which, for a fee or other consideration, furnishes or offers to furnish escorts.

Establishment of an adult-related establishment. “Establishment of an adult-related establishment” shall mean and include the opening of such a business as a new business, the relocation of such a business, or the conversion of an existing use to any adult-related establishment.

Figure model. “Figure model” shall mean any person who, for hire or reward, poses to be observed, sketched, painted, drawn, sculptured, photographed, or otherwise depicted.

Introductory service. “Introductory service” shall mean a business, which, for a fee or other consideration, will help persons to meet or become acquainted with others for social purposes. For the purposes of this subsection, “others” shall include personnel of the introductory service.

Modeling studio. “Modeling studio” shall mean a business, which provides, for a fee or other consideration, figure models that display specified anatomical areas to be observed, sketched, photographed, painted, sculptured, or otherwise depicted by persons paying such consideration or gratuity. “Modeling studio” shall not include schools maintained pursuant to the standards set by the Board of Education of the State.

Outcall massage service. “Outcall massage service” shall mean a business or establishment where the primary function of such business is to engage in or carry on massage for pecuniary compensation or consideration, hire, or reward not at a fixed location but at a location designated by the customer or client.

Sexual encounter center. “Sexual encounter center” shall mean a business which provides two (2) or more persons, for pecuniary compensation, consideration, hire, or reward, with a place to assemble for the purpose of engaging in specified sexual activities or displaying specified anatomical areas. “Sexual encounter center” shall not include hotels or motels.

Specified sexual activity. “Specified sexual activity” shall mean an activity as defined in this Chapter.

Specified anatomical areas. “Specified anatomical areas” shall mean such areas as defined in this Chapter.

Sec. 8-7.203 Allowed zones and spacing requirements

(a) *Establishment: Allowed zones.* The establishment of adult-related establishments shall be prohibited in any zone within the County with the exception only of the General Commercial (C-G), and Highway Services Commercial (C-H) zones; provided, however, no adult-related establishment may be established in any such zone unless the entire parcel upon which such use is located is outside all of the specified distance requirements set forth in subsection (b) of this Section and unless the adult-related establishment complies with all the other regulations imposed within the zone by this Chapter.

(b) *Spacing requirements.* The spacing requirements set forth in this subsection shall all be observed in the establishment of any adult-related establishment. Distances shall be measured in a straight line, between the nearest property line of the parcel on which the adult-related establishment is located to the nearest zone line or property line of the parcel upon which the following uses are located:

(1) No adult-related establishment shall be established within 500 feet of any existing adult entertainment use or adult-related establishment.

(2) No adult-related establishment shall be established within 500 feet of any public or private school, publicly owned park or playground, or church, synagogue, or other place of worship to which the public is invited or permitted to attend.

(3) No adult-related establishment shall be established on any parcel which has any part of its boundary contiguous to any part of the boundary of any parcel which is in the Low Density Residential (R-L), Medium Density Residential (R-M), or High Density Residential (R-H) zones, or upon which a residential use exists as the principal permitted use. For the purposes of this subsection, “contiguous” shall mean physically touching, and “residential use” shall include mobile home parks, recreational vehicle campgrounds, and campgrounds, but shall exclude motels. The distance restrictions set forth in this subsection are cumulative, not separate; therefore, adult-related establishments may be established only on parcels which meet all of the spacing requirements set forth in this subsection.

Sec. 8-7.204 Compliance with other laws

This Chapter shall not be construed as relieving adult-related establishments from any applicable requirement of any federal or State law, regulation, or this Code, specifically including building and health regulations; provided, however, this Chapter is not intended and shall not be construed as regulating matters preempted by State or federal laws.