

Ordinance No. 71

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, AMENDING CHAPTER 7, DIVISION 8, TITLE 8 OF THE SAN BERNARDINO COUNTY CODE AS ADOPTED BY THE TOWN OF YUCCA VALLEY RELATING TO ADULT-ORIENTED BUSINESSES.

The Town Council of the Town of Yucca Valley does ordain as follows:

Section 1. Chapter 7, Division 8, Title 8 of the San Bernardino County Code as adopted by the Town of Yucca Valley is amended to read as follows:

“Chapter 7
ADULT-ORIENTED BUSINESSES

Sections:	88.0701	Definitions
	88.0705	General Provisions
	88.0710	Development Standards
	88.0715	Establishment of An Adult-Oriented Business

88.0701 Definitions

For the purposes of this Chapter, the following definitions shall apply:

- (A) Adult-Oriented Businesses shall include any of the following:
- (1) Adult Arcade. An establishment where, for any form of consideration, one or more motion picture projectors, slide projectors or similar machines, for viewing by 5 or fewer persons each, are used to show films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by an emphasis upon the depiction or description of “specified sexual activities” or “specified anatomical areas.”
 - (2) Adult Bookstore. An establishment which has a substantial portion of its stock-in-trade and offers 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 sexual activities” or “specified anatomical areas;” or

- (b) Instruments, devices or paraphernalia which are designed for use in connection with “specified sexual activities.”
- (3) Adult Cabaret. Night club, bar, restaurant or similar establishment which regularly features live performances which are characterized by the exposure of “specified anatomical areas” or by “specified sexual activities,” or film, motion pictures, video cassettes, slide or other photographic reproductions which are characterized by an emphasis upon the depiction or description of “specified sexual activities” or “specified anatomical areas.”
- (4) Adult Motel. A motel or similar establishment offering public accommodations for any form of consideration which provides patrons with close circuit television transmissions, films, motion pictures, video cassettes, slides or other photographic reproduction which are characterized by an emphasis upon the depiction or description of “specified sexual activities” or “specified anatomical areas.”
- (5) Adult Motion Picture Theater. An establishment where, for any form of consideration, films, motion pictures, video cassettes, slides or similar photographic reproductions are shown, and in which a substantial portion of the total presentation time is devoted to the showing of material which is characterized by an emphasis upon the depiction or description of “specified sexual activities” or “specified anatomical areas.”
- (6) Adult Theater. A theater, concert, hall, auditorium or similar establishment which, for any form of consideration, regularly features live performances which are characterized by exposure of “specified sexual activities” or “specified anatomical areas.”
- (7) Massage Parlor. An establishment where, for any form of consideration, massage, alcohol rub, fomentation, electric or magnetic treatment, or similar treatment or manipulation of the human body is administered unless such treatment or manipulation is administered by a medical practitioner, chiropractor, acupuncturist, physical therapist or similar professional person licensed by the State. This definition does not include an athletic club, health club, school, gymnasium, reducing salon, spa or similar establishment where massage or similar manipulation of the human body is offered as an incidental or accessory service.

- (8) Sexual Encounter Establishment. An establishment, other than a hotel, motel or similar establishment offering public accommodations, which, for any form of consideration, provides a place where two (2) or more persons may congregate, associate or consort in connection with “specified sexual activities” or the exposure of “specified anatomical areas.” This definition does not include an establishment where a medical practitioner, psychologist, psychiatrist or similar professional person licensed by the State engages in sexual therapy.
- (B) Specified Anatomical Areas. Includes any of the following:
- (1) Less than completely and opaquely covered human genitals, pubic region, buttocks, anus or female breasts below a point immediately above the top of the areole; or
 - (2) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.
- (C) Specified Sexual Activities. Includes any of the following:
- (1) The fondling or other erotic touching of human genitals, pubic region, buttocks, anus or female breasts;
 - (2) Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation or sodomy;
 - (3) Masturbation, actual or simulated; or
 - (4) Excretory functions as part of or in connection with any of the activities set forth in subdivisions (1) through (3) of this subsection.
- (D) Substantial Enlargement. The increase in floor area occupied by the business by more than 10%, as such floor area exists on the effective date of this Development Code.
- (E) Substantial Portion. For the purposes of subsection (A)(2) of this section, “substantial portion” shall mean 20% or more of the face value of the stock-in-trade, or 20% of the floor area of the store, whichever is more.”

88.0705 General Provisions

Adult businesses shall only be permitted to be established in the Industrial (I) Land Use District subject to the general development requirements of Division 4, Chapter 3, Section 84.0370 of this Title, the following standards specified by this Chapter and a Conditional Use Permit.

88.0710 Development Standards

- (A) **Prohibition.** It is unlawful to cause or permit the establishment or substantial enlargement of an adult arcade, adult bookstore, adult cabaret, adult motel, adult motion picture theater, adult theater, massage parlor or sexual encounter establishment within 2,000 feet of another such business or within 1,000 feet of any religious institution and any school or public park within the Town or within 1,000 feet of any property designated for residential use or used for residential purposes, or within 1,000 feet of State Highway 62 or State Highway 247. Adult Businesses are permitted subject to a CUP only in the Industrial (I) land use districts.
- (B) For the purposes of this section, all distances shall be measured in a straight line, without regard to intervening structures, from the nearest point of the building or structures in which the adult oriented business is or will be located to the nearest property line of any land use, Land Use District or zone described in Subsection (A).
 - (1) All building openings, entries and windows shall be located, covered or screened to prevent viewing the interior from any exterior area.
 - (2) No loudspeaker or sound equipment audible to persons in any public exterior area shall be used in connection with an adult oriented business, and the business shall be so conducted that sounds associated with the business are not emitted into any public exterior area.

88.0715 Establishment of an Adult Oriented Business

The establishment of an adult-oriented business shall include any of the following:

- (A) The opening or commencement of any such business as a new business.
- (B) The conversion of an existing business (whether or not an adult-oriented business), to any of the adult-oriented businesses defined herein.
- (C) The addition of any of the adult-oriented businesses defined herein to any other existing adult-oriented businesses.
- (D) The relocation of any adult-oriented business.”

Section 2. Notice of Adoption. Within fifteen (15) days after the adoption hereof, the Town Clerk shall certify to the adoption of this Ordinance and cause it to be published once in a newspaper of general circulation printed and published in the County and circulated in the Town pursuant to Section 36933 of the Government Code.

Section 3. Effective Date. This Ordinance shall become effective thirty (30) days from and after the date of its adoption.

APPROVED AND ADOPTED by the Town Council and signed by the Mayor and attested by the Town Clerk this 2nd day of May, 1996.

Robert A. Heald
Mayor

ATTEST:

Sue Truda
Town Clerk

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

Naome Schuglar
Town Attorney

Sue Truda
Town Manager

STATE OF CALIFORNIA

COUNTY OF SAN BERNARDINO

TOWN OF YUCCA VALLEY

I, Sue Tsuda, Town Clerk of the Town of Yucca Valley, California hereby certify that the foregoing ordinance was duly and regularly introduced at a meeting of the Town Council on the 18th day of April, 1996, and that thereafter the said ordinance was duly and regularly adopted at a meeting of the Town Council on the 2nd day of May, 1996, by the following vote, to wit:

Ayes: Council Members Burnside, Crouter, Loveless, Pedersen and Mayor Hockett


Noes: None

Absent: None

Abstain: None

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the Town of Yucca Valley, California, this 6th day of May, 1996.

(SEAL)


Town Clerk of the Town of
Yucca Valley