

ORDINANCE NO. 465

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF EARLHAM, IOWA, BY ADDING A NEW SECTION PERTAINING TO ADULT ESTABLISHMENT NUISANCES

Be It Enacted by the City Council of the City of Earlham, Iowa:

SECTION 1. NEW SECTION. Chapter 50 of the Code of Ordinances of Earlham, Iowa, is amended by adding a new Section 50.09 entitled, ADULT ESTABLISHMENTS, which is hereby adopted to read as follows:

50.09 ADULT ESTABLISHMENTS.

1. As used in this section, “adult establishment” means any business that provides nude or topless dancing or operates any other adult-oriented business.
2. A public safety nuisance exists when it is established by clear and convincing evidence that an owner, manager, employee, contemporaneous patron, or guest of an adult establishment commits any of the following acts either on the premises or in any parking lots or areas, including but not limited to public rights-of-way, adjacent to the premises:
 - A. Unlawfully discharges a firearm or uses an offensive weapon, as defined in Section 724.1 of the *Code of Iowa*, regardless of whether it inflicts injury or death.
 - B. Assaults another person with a dangerous weapon as defined in Section 702.7 of the *Code of Iowa* resulting in injury or death.
 - C. Engages in a riot as defined in Section 723.1 of the *Code of Iowa* on three or more dates within a 12-month period to which the police respond and disperse a crowd. The participants need not be the same persons for each incident.
3. When the City Attorney believes a serious threat to the public safety exists, the City Attorney or any other attorney on behalf of the City Attorney, may file a suit in equity in the district court without bond seeking abatement of the public safety nuisance arising from an adult establishment.

(Code of Iowa, Sec. 657.12)

SECTION 2. SEVERABILITY CLAUSE. If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

SECTION 3. WHEN EFFECTIVE. This ordinance shall be in effect from and after its final passage, approval and publication as provided by law.

Passed and approved by the Council on the 12th day of August, 2024.

Jeff Lillie, Mayor

ATTEST: _____
Mary Sue Hibbs, City Clerk

First Reading: _____

Second Reading: _____

Third Reading: _____

<u>Member</u>	<u>1st Reading</u>	<u>2nd Reading</u>	<u>3rd Reading</u>
---------------	-------------------------------	-------------------------------	-------------------------------

Fredericksen

Miller

Mudge

Nelsen

Visser

I certify that the foregoing was published as Ordinance No. 465 on the 20th day of August, 2024.

Mary Sue Hibbs, City Clerk