

## § 114.02 DEFINITIONS.

For the purposes of this chapter the following definitions shall apply unless the context clearly indicates of requires a different meaning.

**COMMERCIAL or PRIVATE SEXUAL ENTERTAINMENT CENTER.** Any establishment not otherwise described in this section which regularly makes available material, services, or entertainment appealing to sexual interest, including but not limited to a bath house, swingers club or other similar establishment if the establishment or its entertainment, services, or goods are advertised by or on behalf of the establishment in a manner patently designed to appeal to such sexual interest. Entertainment appealing to adult sexual interest shall mean any exhibition, live performance, display or dance of any type, which has as a significant or substantial portion of such performance in any sexual activities, or the exhibition of any person or persons in a nude state as defined herein.

**DIRECTOR.** The chief financial officer of the City of Smiths Grove or his designee.

**ESTABLISHMENT.** A business entity, enterprise, activity, undertaking, or endeavor of any nature conducted for gain or profit, or a not-for-profit private club conducted, operated, or owned by an individual, partnership, limited liability company, registered limited liability partnership, corporation, association or any other entity, fixed, mobile or traveling, including its owners, operators, directors, shareholders, partners and employees.

**LICENSEE.** A person who is the holder of a valid license under this chapter, also including an agent, servant or employee or other person acting on behalf of the licensee whenever the licensee is prohibited from doing a certain act under this chapter.

**NUDE.** Exposure of a person in such a manner as to expose to view by patrons or members the genitals, pubic region or the areola or nipple of the female breast, even partially or completely covered by translucent material, or human or simulated male genitals in a discernable turgid state.

**SEXUAL ACTIVITY.** Depiction of human genitals or the female breast, or acts of human masturbation, sexual intercourse, sodomy, fellatio, cunnilingus, holding or other erotic touching of the human genitals, pubic region, buttocks or breasts.

**SEXUALLY EXPLICIT ENTERTAINMENT ACTIVITY OR ACTIVITIES, SEXUALLY EXPLICIT ENTERTAINMENT ESTABUSHMENT or SEXUALLY ORIENTED BUSINESS,** as used in this chapter, shall mean one or more of the following activities:

(1) **SEXUALLY EXPLICIT AMUSEMENT ARCADE.** An establishment which maintains one or more of the following: customer-operated motion picture devices, computers or other image producing devices, peep shows, viewing areas, or other similar devices either electronically, electrically or mechanically controlled, or coin, token or

slug operated and where the images so displayed are distinguished or characterized by the depicting or describing of sexual activities.

(2) **SEXUALLY EXPLICIT BOOKSTORE or NOVELTY STORE.** An establishment which has a significant or substantial portion of its stock and trade or derives a significant or substantial portion of its revenues, or devotes a significant or substantial portion of its interior business or advertising, or maintains a substantial section of its sale or display space for the sale, rent or display of pictures , books, periodicals, magazines, appliances, instruments, devices, toys, paraphernalia, videos, DVDs, and similar material which are distinguished or characterized by their emphasis on depictions of sexual activities.

(3) **SEXUALLY EXPLICIT VIDEO CASSETTE CENTER.** An establishment which has a significant or substantial portion of its stock and trade, or derives a significant or substantial portion of its revenues, or devotes a significant portion of its interior business for advertising or maintains a substantial section of its sale or display space for the rental or retail sale of video cassettes or DVDs which depict material distinguished or characterized by an emphasis on or depictions of sexual activities.

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