

## **INTERIM ORDINANCE NO. 171**

THE CITY COUNCIL OF THE CITY OF ARLINGTON, MINNESOTA TO PROMOTE THE PUBLIC SAFETY, HEALTH AND WELFARE, HEREBY ORDAIN AS FOLLOWS:

### **AN ORDINANCE ESTABLISHING A ONE YEAR MORATORIUM ON THE CREATION OF ADULT ESTABLISHMENTS WITHIN CERTAIN AREAS OF THE CITY OF ARLINGTON.**

1. That the City has passed Ordinance 170, providing for the regulation and licensing of adult establishments in the City of Arlington. While the City has had available to it some similar ordinances of other cities to use as examples, the City is inexperienced regarding the issue of adult establishments, no such establishments having existed in the City. As a small town, the City has limited staff resources and part-time City Council, and requires additional time to address this important subject and the related issues set out below.
  
1. That it would not be appropriate for the City and its citizens to be subject to unregulated adult establishments should it be determined by a court of competent jurisdiction that the City drafting or adoption procedures were defective in any way, or that upon further analysis, the provisions of Ordinance 170 in its present form do not fully address all of the important public safety, health, welfare and property value issues of the community, while fairly balancing the First Amendment rights of potential adult establishment operators and customers.
  
1. That the City is also concerned that the very recent U.S. Supreme Court decision in the case of Aschroft vs. Free Speech Coalition has raised new questions regarding the balancing of free speech rights with the ability of government to control adult establishments that may offer computer generated, virtual reality, cartoon or other depictions of sexual activities not involving live actors. Our Ordinance 170 needs to be studied further to determine if it addresses that issue, and whether it is possible to make appropriate modifications to said ordinance to address that issue. We expect that it will be some time before the implications of the court decision will be fully understood.
  
1. That the Sibley County Board of Commissioners is currently undertaking its own study with the goal of enacting a county-wide ordinance to also regulate adult establishments. In the interest of efficient regulation, police protection and the equal administration of justice, we believe it would be beneficial to determine if our adult establishment ordinance could be redrafted to interplay most efficiently with the County regulations.
  
1. That the City needs additional time to review its other ordinances and licensing regulations to determine if any modification of those ordinances and regulations is necessary to fully and consistently coordinate with the regulations of Ordinance 170. This may result in modifications of Ordinance 170 itself.
  
1. That last fall the City took initial steps to begin placing all of its ordinances and

regulations into a unified City code. As part of that ongoing process, the City needs time to review Ordinance 170 and all of its other ordinances to determine how, and in what form, they will be incorporated into the City code.

1. Therefore, to provide the time to accomplish all of the important tasks set out above, while balancing necessary rights to free expression, the City Council hereby sets a moratorium of one year, from the date of publication of this ordinance, during which time no adult establishments as defined in Ordinance 170 shall be allowed to be established within the City of Arlington, with the exception of those areas and in the manner as already allowed under the terms of said Ordinance 170.

This Ordinance shall become effective immediately upon publication.

For the City of Arlington

/s/ David Czech

By David Czech  
Mayor

/s/ Lowell C. Enerson

By Lowell C. Enerson  
City Administrator

First Reading: April 22, 2002  
Second Reading: April 29, 2002  
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