



ADAMS COUNTY SHERIFF'S DEPARTMENT

EDWARD J. CAMP
Sheriff

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ADAMS COUNTY NUDE ENTERTAINMENT STUDY

Inclusions:

1. Synopsis of study
2. Newspaper articles of Colorado Supreme Court Ruling
3. Adams County Nude Entertainment Ordinance #1

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ADAMS COUNTY NUDE ENTERTAINMENT STUDY

In order to offer support of the Nude Entertainment Ordinance, it was felt that several issues needed to be addressed:

1. To determine the correlation, if any, between nude entertainment establishments and the attraction of transients.
2. The correlation, if any, between nude entertainment establishments and increased crime and noise.
3. The correlation, if any, between nude entertainment establishments and increased safety hazard to neighborhood residents and/or neighborhood children.

And in order to testify to those matters, research needed to be performed to support the proposed correlations, if any. We also needed to be prepared to articulate any other findings that the research should yield and especially anything that developed having or showing any other correlation between nude entertainment establishments and functions relating to law enforcement.

Therefore, a study was conducted. Adams County unincorporated area boasted six (6) adult bookstores (all but one offering live nude entertainment), one (1) all nude 'pop shoppe', seven (7) massage parlors, eight (8) topless nightclubs (with liquor licenses), and some six (6) nude 'rap', lingerie, modeling type studios. This made a total of twenty eight (28) locations that were involved in nude entertainment.

Six representative locations were selected at random representing six different areas of the unincorporated portions of Adams County. Periodic checks were made at various times and on different days throughout April of 1988. This was done in order to make a determination of the numbers of transient patrons who were frequenting these businesses but did not live in Adams County. License plates were noted and since Colorado issued all license plates based on county of residence, it was a simple matter to determine the county of origin for patrons. The study clearly demonstrated that 76% of the patronage of these businesses were transient, meaning that they come from counties other than Adams County.

Statistical information was gathered from Sheriffs Department records for the years 1986 and 1987, a period of time in which there was no nude entertainment ordinance in effect. This part of the study was confined to two areas of unincorporated Adams County which supported a larger than normal concentration of the businesses which catered to nude entertainment. The results of the second phase of the study are as follows:

1. The area between 7200 N. Pecos and 7300 N. Pecos was selected because it contained two nude entertainment establishments, a 7-11 store, a neighborhood tavern, three fast-food businesses, and a gas station. The statistical information determined that in 1986, 24 crimes were reported from that area. 83% of them were attributed to the two nude entertainment establishments, 38% were for alcohol related offenses, 42% of them occurred at the address of one particular all nude establishment. Lastly, 64% of these crimes occurred during hours other than those be-

tween the hours of 1600 to 2400 hours. In 1987, a total of 28 crimes were reported from the same area. 93% of them were also attributed to the two nude entertainment establishments, 50% of them being for alcohol related offenses, 77% of them occurring at one particular nude entertainment establishment. Lastly, 22 of these offenses occurred on the same side of the street as the two nude entertainment businesses and 90% of those crimes were reported from those two businesses alone. 61% of those crimes were during hours other than between 1600 and 2400 hours.

2. A further statistical analysis was done on Federal Blvd. between the 5600 block and the 6700 block, an area which held three adult bookstores, two topless nightclubs, 1 neighborhood bar, 1 liquor store, and 1 3.2 beer outlet. During 1986, 55 crimes were reported as compared to 63 crimes in 1987, a 15% increase. In 1986, 29 of those crimes were liquor related and in 1987, there were 41 liquor related offenses reported, a 41% increase over 1986. The trend was demonstrating an increase in reported criminal activity.

3. At 1661 W. 64th, a fairly rural and isolated section of the county which was the location of a prominent topless nightclub, 13 crimes were reported in 1986 as opposed to 18 crimes in 1987, a 39% increase here as well.

1986 and 1987 showed a dramatic increase in nude entertainment establishments opening for business. The increases in crime that was documented and the increase in alcohol related offenses and the increased transiency of the patronage for these businesses all seemed to have direct correlation one with the others. It was clear that the attractant to these businesses was quite simply nude entertainment. This clearly established that the local neighborhoods would have cause for alarm. Criminal history checks of some of the arrestees from a good portion of the arrests made at these businesses for a variety of crimes included prior arrests for morals crimes, sexual assaults, many alcohol related arrests, and crimes of violence. Further, a statistical look at armed robbery over the two year period on the eleven block study area of N. Federal showed that 66% of all reported robberies took place at the three adult bookstores. And seven homicides were recorded between 1977 and 1987 which were directly attributable to adult bookstores and nude entertainment establishments.

The study clearly demonstrated that nude entertainment establishments were an attractant to a class of patronage which was very much undesirable to the good citizens of Adams County and represented a very real danger to the safety of the nearby residential citizenry and an undesirable image/model for youth and the community at large. The rise in crime was clearly demonstrated as was the rise in violence attributed to that crime rise.


Adams County Sheriffs Department officers testified to the results of this study before an Adams County District Court. The officer was accepted as an expert witness on police investigative techniques and was allowed to testify to his opinion of the effects of crime in those specific neighborhoods and its correlation to the nude entertainment establishments at those locations. The Nude Entertainment Ordinance was passed and was kept fairly simplistic. Ultimately, agents representing the Nude Entertainment community challenged the ordinance and it went to the Colorado Supreme Court which upheld the right of the County to

regulate and control nude entertainment.

The enactment of the Nude Entertainment Ordinance has dramatically reduced the number of nude entertainment businesses in Adams County. At the present time, only 14 establishments continue to operate. Five of those businesses operate under liquor licenses which provide the controls and regulations for their specific type of nude entertainment. Three of those numbers involve massage parlors who refuse to license as such and are facing Special Proceeding Filings as Class 3 and 4 Public Nuisances for failure to comply, and are also being eyed for violations of the Nude Entertainment Ordinance. One other business is currently facing a Special Proceeding as a Class 3 and 4 Public Nuisance for violating the Nude Entertainment Ordinance.

Since the Colorado Supreme Court ruling, nude entertainment has been reduced within Adams County. Some businesses who were selling sex for money under the guise of 'nude entertainment', have closed their doors and moved on. Few seem willing to comply with the regulations established and continue in various forms to attempt challenges in order to gain time. The constitutionality challenge to the Ordinance prevented adequate enforcement for a considerable period of time, but is now beginning to take effect.

The ultimate goal is to reduce crime and its impact on the local community and to control those factors which act as 'attractants' to those elements which cause crime. That is now beginning to take place in Adams County.


Sgt. J.S. Long 6902
Special Investigation Section
Detective Division
Adams County Sheriffs Department
Adams County Colorado

UPDATE OF CRIME IMPACT STUDY:

Through 1990, no significant changes were noted in those areas which were originally looked at in 1988, with few exceptions.

Total reported crime in the 7200 block of north Pecos st. in unincorporated Adams County climbed steadily through 1990. The total number of reported crimes increased by 900% and those crimes which were attributed to those businesses which offered nude entertainment and/or alcohol increased 290% overall. Those crimes attributable to alcohol or assaults demonstrated no significant changes, including transiency which was up only 2% over the 1988 study.

The total number of reported incidents attributable to the three primary businesses which offered alcohol and/or nude entertainment was the same, being down 1%.

The tremendous jump in reported incidents is primarily attributed to a change in the reporting requirements of two business. One is a 7-11 store at 7211 Pecos and the other is a Vickers station at 7285 Pecos. They reported thefts involving shoplifting or gas driveaways which accounted for 40% of all reported incidents in the entire 7200 block of N. Pecos. The majority (68%) of the remaining incidents were recorded at the three businesses which offer nude entertainment and/or alcohol sales.

Obviously, the Nude Entertainment Ordinance was not enforced in 1990, as the issue was before the Colorado Supreme Court until very late in the year. This lack of enforcement was noted in the continued high incidence of reported incidents. Additionally, the Department continued to receive some complaints about noise, conduct of patrons, parking, and such, though they also dropped in number. The drop was attributed to frustration in the victims at the ability of the Department to effectively resolve their neighborhood problems in relation to these businesses.

Sgt. J.J. Long 6902 6/20/91

Controls on nude dancing upheld

High court rules county can regulate location, hours of operation

By John Sanko

Rocky Mountain News Staff Writer

Adams County commissioners can't force clothes on naked dancers at liquorless nightclubs, but they can tell them when and where they can do their strip-teases, bumps and grinds.

The Colorado Supreme Court ruled yesterday the county wasn't violating anyone's constitutional rights in clamping down on nude entertainment at nightclubs.

"To be sure, free speech is a fundamental right guaranteed by both the United States and Colorado constitutions, but not all forms of expression involve constitutionally protected speech," the high court said.

"Public nudity in and of itself, for example, is subject to governmental regulation."

The ruling overturned Adams County District Judge Michael Obermeyer, who struck down the county's 1988 ordinance on grounds it was an unconstitutional infringement of free speech. The ruling came in a suit filed by Pecos Junction, 7250 Pecos St., after the law was enacted.

"Terrific — really terrific news," said Adams County Attorney Robert Loew after learning of the high court's ruling.

He said it would give county commissioners the authority they need to oversee so-called "pop shops," which began cropping up a few years ago after liquor codes banned total nudity at bars.

"We haven't gone out to look at other places to see who was in conformity because that ordinance was enjoined from enforcement, but we will now," Loew said.

The law, which Adams County commissioners adopted after numerous complaints from area residents, banned anyone under 21 from entering or working at the all-nude nightspots.

It also limited nude entertainment to the hours of 4 p.m. to midnight and banned such establishments within 500 feet of any residential property, school or church. Violations would be punishable by a \$300 fine and county officials could shut down any facility that had three or more violations in a year.

"There can be no question that

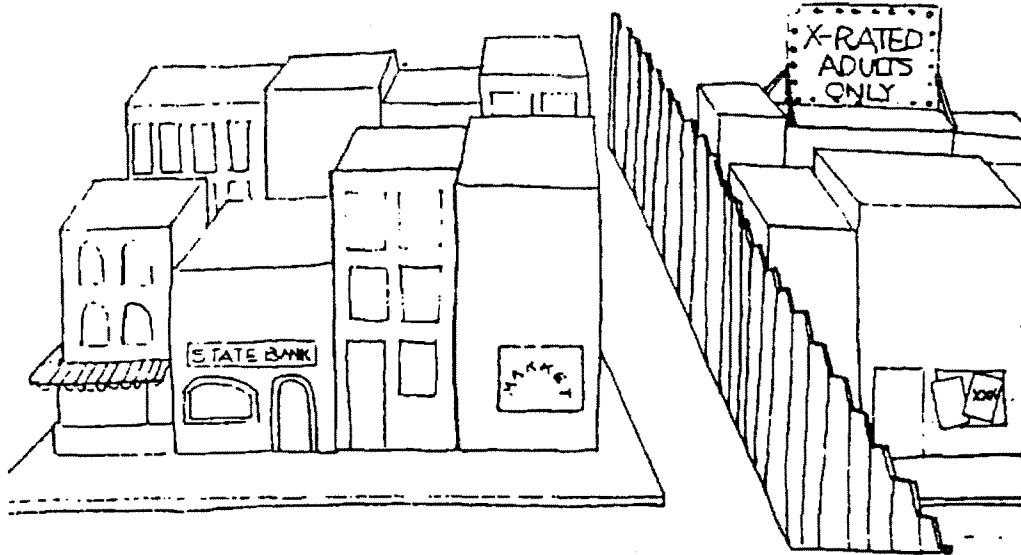
the ordinance is within the constitutional power of Adams County," former Chief Justice Joseph Quinn wrote for a unanimous court.

Denver attorney Michael Gross, who represented an intervenor, Burkey Management Inc., in the lawsuit, said the "really frightening" aspect about such ordinances is that governments can determine what nudity they find OK.

"That's the most outrageous part of the whole thing," he said. "It's government deciding what is artistic."

County officials said there were plenty of spots where nude entertainment establishments could locate with no special permit — 10 square miles of industrial-zoned property — and 1,100 square miles of agriculturally zoned property where a conditional use permit could be granted.

Pecos Junction owner Paul Bekkela could not be reached for comment. At a hearing on his civil suit challenging the law, he argued he would not be able to afford to move into an industrial or agriculturally zoned area, and would not be able to make a profit.



Last dance

Court gives nod to nudity ordinance

By Tusth Amble 10-14-90 p.66
Rocky Mountain News Staff Writer

In Adams County, it's not what you wear, it's when and where you don't wear it that counts.

Last week the Colorado Supreme Court reversed a district court ruling and said zoning ordinances used to curtail all-nude nightclubs are constitutional, despite restrictions on the age of patrons, hours of operation and locations.

The ruling may be the first such in Colorado, but it's another in a national trend of the use of zoning restrictions instead of obscenity statutes to regulate certain activities.

"I don't think you could get an obscenity conviction in Colorado," Arthur Schwartz, a Denver First Amendment attorney, "I think it's virtually impossible."

Schwartz said that more and more communities around the nation are using zoning ordinances to control activities. The laws are easier to establish than the more vaguely worded obscenity statutes, which rely on "community standards of tolerance" to define what is obscene.

"It's a question of the government trying to impose their views on the community," Schwartz said.

The case in question is that of Pecos Junction, a nude entertainment club smack-dab in the middle of a retail and residential area in unincorporated Adams County.

Surrounded by restaurants, stores and motels, Pecos Junction also is within a few blocks of private homes. And that's where the ordinance comes in.

The Nude Entertainment Ordinance, enacted by the Adams County commissioners in 1988, restricts nude entertainment to between the hours of 4 p.m. and midnight Monday through Saturday, to locations at least 500 feet away from residences, churches and schools, and to adults at least 21 years old.

The court also ruled there must be other areas within the county for such businesses to operate, that do not violate the ordinance.

The suit challenging the ordinance was filed by Pecos Junction owner Paul Bekkela in December 1987. In it he claimed that the law violated constitutionally held principles of free speech by denying access by adults between ages 18 and 21, and by restricting free speech to a limited number of hours per day.

The suit also claimed the law unfairly singles out nude entertainment establishments and does not affect other forms of nudity such as movies, plays and museums.

"It's frightening to think that one group of adults can dictate to another group of adults what they can view," Schwartz said.

But the Supreme Court found that the statute didn't violate freedom of speech because it didn't ban nude dancing altogether and didn't "unreasonably inhibit the presentation of nude dancing in Adams County."

Adams County District Attorney Jim Smith said the zoning ordinances are the only way to regulate the so-called "pop shops" like Pecos Junction. The state liquor code prohibits all-nude dancing in places that serve liquor, but does permit topless dancing.

"Anytime you bump into the First Amendment privileges, you have a difficult time getting a conviction upheld," Smith said.

The Adams County District Court ruling held that nude dancing was constitutionally protected free speech and should have the same protection as other forms of dancing. The court acknowledged that the presence of nude entertainment establishments sometimes contribute to higher crime rates in a community, but said there was insufficient evidence to show that the county's interest outweighed the right to free expression.

During a hearing on the matter, an Adams County Sheriff's officer testified that a study of crime rates around nude entertainment establishments in the county did show an increase in crime. It also revealed that 65% of the patrons were nonresidents.

Other county officials said there are more than 1,100 square miles of industrially and agriculturally zoned property in Adams County where Pecos Junction and other nude entertainment establishments could do business without violating the ordinance.

Bekkela said he cannot afford to move his business and would lose profits if he moved it to an industrial or agricultural area.

So while the government, like the French philosopher Voltaire, is willing to defend to the death the right of free speech, it won't hesitate to define when and where that freedom may be exercised.

The Supreme Court found that (Adams County's Nude Entertainment Ordinance) didn't violate freedom of speech because it didn't ban nude dancing altogether and didn't "unreasonably inhibit the presentation of nude dancing in Adams County."

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WILLIAM BOAGL
COUNTY RECORDER
ADAMS COUNTY, COLO.

STATE OF COLORADO)
) ss.
COUNTY OF ADAMS)

DEC 2 3 50 PM '87

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At a regular meeting of the Board of County Commissioners for Adams County, Colorado, held at the County Administration Building in Brighton on Monday, the 30th day of November, 1987, there were present:

- Leo M. Younger, Commissioner Chairman
- Steven E. Cramer, Commissioner
- Harold E. Kite, Commissioner
- Charlie Siner, County Attorney
- Wilma Thatcher, Clerk of the Board

when the following proceedings, among others were held and done, to-wit:

Under Entertainment

ORDINANCE NO. 1

ORDINANCE NO. 1
NUDE ENTERTAINMENT ORDINANCE

WHEREAS, there are a significant number of establishments in the unincorporated portion of Adams County in which persons appear in a state of nudity for the purpose of entertaining the patrons of such establishments; and,

WHEREAS, many of those establishments do not hold liquor licenses and consequently are not subject to the regulations imposed on nude entertainment by the liquor code; and,

WHEREAS, such establishments of this nature adversely impact the residential neighborhoods in which they are located; and,

WHEREAS, these adverse impacts include attraction of transients, parking and traffic problems, increased crime and noise, decreased property values, increased safety hazards to the neighborhood children, and overall deterioration of neighborhood quality; and

WHEREAS, it is the intent of the Board of County Commissioners to serve a substantial government interest by attempting to preserve the quality and vitality of residential neighborhoods in Adams County; and,

WHEREAS, alternative avenues of communication are not unreasonably limited for "speech" of this nature; and,

WHEREAS, the Colorado State Legislature has enacted Section 30-15-401(1)(1)(I), C.R.S.; and,

WHEREAS, Section 30-15-401(1)(1)(I), C.R.S., authorizes the Board of County Commissioners to adopt by ordinance those regulations necessary for the operation of establishments open to the public in which persons appear in a state of nudity for the purpose of entertaining such establishment's patrons.

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Adams County, State of Colorado, that operation of establishments open to the public in which persons appear in a state of nudity for the purpose of entertaining the patrons of such establishments shall be subject to the following regulations:

- (1) These regulations shall apply to any establishment open to the public in which persons appear in a state of nudity for the purpose of entertaining the patrons of such establishments, hereinafter referred to as "Nude Entertainment Establishments." However, these regulations shall not apply to any liquor licensed establishments offering nude entertainment as such establishments are already subject to stringent regulation under the Colorado Liquor Code.

- (2) A person appears in a "state of nudity" when such person is unclothed or in such attire, costume or clothing as to expose to view any portion of the female breast below the top of the areola or any portion of the pubic hair, anus, cleft of the buttocks, vulva or genitals.
- (3) No one under 21 years of age shall be admitted to any Nude Entertainment Establishment. This minimum age limitation also applies to any employees, agents, servants or independent contractors working on the premises during hours when nude entertainment is being presented.
- (4) Nude entertainment shall only be available at Nude Entertainment Establishments from the hours of 4:00 p.m. to 12:00 midnight, Monday through Saturday of each week.
- (5) No Nude Entertainment Establishment shall be operated or maintained within 500 feet of any residentially zoned or used property, measured from the closest property line of such residential property to the property line of the Nude Entertainment Establishment.
- (6) No Nude Entertainment Establishment shall be operated or maintained within 500 feet of any school or church property, measured from the closest property line of such school or church property to the property line of the Nude Entertainment Establishment.
- (7) Any Nude Entertainment Establishment operating at the effective date of this ordinance in violation of parts (5) or (6) above shall be allowed to continue operating for an amortization period of six (6) months. Six months after this ordinance becomes effective all Nude Entertainment Establishments must comply with parts (5) and (6) above or be subject to the penalty provisions set forth herein.
- (8) Except for the amortization period set forth in part (7) above, each day of operation in violation of any provision of this ordinance shall constitute a separate offense.
- (9) Any person who violates any provision of these regulations commits a class 2 petty offense and upon conviction thereof shall be punishable by a fine of \$300 for each separate violation.
- (10) Any arresting law enforcement officer shall follow the penalty assessment procedure provided in Section 16-2-201, C.R.S., for any violation of this ordinance.

- (11) Any Nude Entertainment Establishment which engages in repeated or continuing violations of these regulations shall constitute a public nuisance. For purposes of these regulations "repeated violations" shall mean three or more violations of any provision set out herein within a one (1) year period dating from the time of any violation, and a "continuing violation" shall mean a violation of any provision set out herein lasting for three or more consecutive days.
- (12) The District Attorney, acting pursuant to Section 16-13-302, C.R.S., may bring an action in the District Court for Adams County for an injunction against the operation of such establishments in a manner which violates any of the provisions set out herein.
- (13) This ordinance shall become effective January 5, 1988.
- (14) If any provision of this ordinance is held invalid or unconstitutional by a court of competent jurisdiction, such decision shall not invalidate this ordinance in its entirety, and to this end the provisions of this ordinance are declared to be severable.
- (15) Any nude establishment operating before the effective date of this ordinance shall comply with every provision of this ordinance on the effective date except as set forth in Number 7 above.

BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF ADAMS,
STATE OF COLORADO

Leo M. Younger

LEO M. YOUNGER, Chairman

11-30-87

DATE

CERTIFICATE OF ATTESTATION

STATE OF COLORADO)
) ss.
COUNTY OF ADAMS)

I, William Sokol, County Clerk and ex-officio Clerk of the Board of County Commissioners in and for the County and State aforesaid do hereby certify that the annexed and foregoing Order is truly copied from the Records of the Proceedings of the Board of County Commissioners for said Adams County, now in my office.

This Ordinance was published in full in a newspaper of general circulation in Adams County at least ten (10) days prior to its adoption; to wit, Thornton/Northglenn Sentinel, on November 12, 1987. Said Ordinance was introduced and read in full at a regular meeting of the Board of County Commissioners of the County of Adams, State of Colorado, on November 23, 1987. Said introduction and reading was held prior to the adoption of said Ordinance.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said County, at Brighton, this 30th day of Nov., 1987.



WILLIAM SOKOL
County Clerk and ex-officio Clerk of the Board of County Commissioners

by William Hatcher Deputy