

145.0616 Entertainment and Live Performances Upon the Licensed Premises

A. Definitions for the purposes of this title:

- (1) *Entertainment* means all forms and types of performing or entertaining for patrons on licensed premises without regard to whether such entertainment is provided by means of live performances or manually operated or electronic systems designed for stereophonic playback of prerecorded signals; provided, however, that entertainment shall not be deemed to include the use of any television, radio or coin-operated music machine subject to the restrictions in this section.
- (2) *Live performances* means any person who for consideration, monetary or otherwise, performs in person on a licensed premises as a singer, musician, dancer, comedian, model, or any other type of entertainer.
- (3) *Adult Cabaret* means any commercial premises or private club to which any member of the public or club member is invited or admitted, and where an entertainer provides live entertainment or activity as defined in adult entertainment.
- (4) *Adult entertainment* means:
 - a. Any exhibition, performance or dance of any type conducted in any premises where such exhibition, performance, or dance involves a person who performs in such clothing or sheds clothing to a point where the area below the top to the bottom of the areola of a female breast or any portion of pubic area, anus, buttocks, vulva or genitals are covered by opaque material, or wearing any device or covering exposed to view which simulates the appearance of any portion of the female breast below the top of the areola or any portion of the pubic region, anus, buttocks, vulva or genital, or human male genitals in a discernibly turgid state, even if completely and opaquely covered; and/or
 - b. Any exhibition, performance, or dance which includes any of the following:
 1. The performance of acts, or simulated acts, of sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation or any sexual acts which are prohibited by law; and/or
 2. The actual or simulated touching, caressing, or fondling of the breast, buttock, anus, or genitals; and/or
 3. The actual or simulated display of the pubic hair, anus, vulva, or genitals or the nipples of the female; and/or
 4. Appearances, entertainment or performances of any type consisting of or containing any nude performer or topless female dancer; and/or
 - c. Any exhibition, performance or dance which is intended to sexually stimulate any member of the public and which is conducted on a regular basis or as a substantial part of the premises activity. This includes, but is not limited to, any such exhibition, performance or dance performed for, arranged with, or engaged in with fewer than all members of the public on the premises at that time, which separate consideration paid, either directly or indirectly, for such performance, exhibition or dance and which is commonly referred to as table dancing, couch dancing, taxi dancing, lap dancing, private dancing, or straddle dancing.

- B. No alcohol beverage licensee under this chapter shall permit adult entertainment or an adult cabaret on the licensee's premises.
- C. No entertainment on an alcoholic beverage licensed premises shall contain:
- (1) The performance of acts, or simulated acts, of sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation or any sexual acts prohibited by law;
 - (2) The actual or simulated touching, caressing, or fondling of the breast, buttocks, anus or genitals;
 - (3) The actual or simulated displaying of the pubic hair, anus, vulva or genitals, or the nipples of a female;
 - (4) Appearances, entertainment or performances of any type consisting of or containing any nude performance or nude dancer, or topless female dancer.
 - a. "Nude performer" or "nude dancer" means any person or performs or appears in attire such that any portion of the pubic area, anus, vulva, or genitals is exposed to view or not covered with an opaque material.
 - b. "Topless female performer" or "topless female dancer" means any female who performs or appears in attire such that any portion of her breasts below the top of the areola is exposed to view or not covered with an opaque material.

These restrictions apply to all alcoholic beverage licensed premises whether or not they have a cabaret license.

- D. No entertainment on a licensed premises shall be provided by means of television or video cassettes or digital streaming if the content of that entertainment depicts the acts prohibited in this section.
- E. A licensee shall have the duty and responsibility to make available for inspection by a member of the police department an identification card, such as a driver's license, containing a photograph and the age of all entertainers or performers on the licensed premises. The licensee shall not permit a person to make a live performance on the licensed premises if the licensee is not able to obtain the required identification from the performer.
- F. If any licensee, or any agent, servant or employee shall violate any provision of this section, the license of such premises may be revoked for cause in accordance with the procedures established pursuant to the provisions of this chapter.

145.0617 Application of Prohibited Entertainment and Live Performances to Extraterritorial Jurisdiction.

Section 145.0616 and any related licensing and zoning ordinances shall apply to all territory within the corporate limits of the City and, as permitted by state law to such outlying contiguous territory without the corporate limits within which the City may exercise its police and zoning jurisdiction, as defined by law.

145.0615 Penalty.

A violation of §§ 145.0610, 145.0614, and 145.0616 by any person, firm or corporation shall be deemed a Class B Misdemeanor and, upon conviction thereof, be punished by a fine not to exceed \$1,500 or by imprisonment not to exceed 30 days, or by both such fine and imprisonment, in the discretion of the court, the court to have power to suspend said sentence and to revoke the suspension thereof.

A violation of any other sections of this article by any person, firm or corporation shall be deemed an Infraction and, upon conviction thereof, be punished by a fine not to exceed \$1,000; the court to have power to suspend said sentence and to revoke the suspension thereof.

Such a penalty should be in addition to the authority of the City Council to suspend or revoke an alcoholic beverage license pursuant to the provisions of this chapter.

MAYOR

ATTEST:

CITY AUDITOR

CITY SEAL

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