

Please see the end of this Ordinance as another Ordinance #53 was established. Due to the first one being Armor Township, it is my belief that the originally intended Ordinance is the last one printed.

ORDINANCE #53

SUMMARY OF CITY OF UNDERWOOD ORDINANCE #53 REGARDING NUDITY, ADULT CABARETS, SPECIFIED SEXUAL ACTIVITY AND RELATED ACTS

THE CITY OF UNDERWOOD ORDAINS:

Subdivision 1. Purpose

It is in the best interest of the public health, safety, and general welfare of the people of Amor Township that acts of nude dancing in liquor establishments, together with other sexually explicit acts, be prohibited.

Subdivision 2. Definitions

“Adult Use” shall include adult cabarets, adult bookstores, adult conversation/rap parlors, adult health/sport clubs, adult massage centers, adult mini-motion picture theatres, adult motion picture theatres, adult steam room/bathhouse facilities.

“Adult Cabaret” shall mean a licensed premises used for providing dancing or other live entertainment, if such dancing or other live entertainment is distinguished or characterized by an emphasis on the display of “specified sexual activities” or “specified anatomical areas.”

“Licensed Premises” shall mean any premises licensed to sell intoxicating liquor or wine, or non-intoxicating liquor.

“Obscene work” shall mean any work which when taken as a whole appeals to the prurient interest in sex; which portrays sexual conduct in a patently offensive way; and which, taken as a whole, does not have serious value.

Subdivision 3. Unlawful Obscenity

It shall be unlawful to promote or possess obscene material, or to produce, present, participate in or direct an obscene performance.

Subdivision 4. Unlawful Acts on Licensed Premises

The following acts on licensed premises are unlawful.

- (a) To employ any person in service of alcoholic beverages who is unclothed or inadequately clothed so as to cover listed anatomical areas.
- (b) To permit any person to touch listed anatomical areas of another person.
- (c) To permit any person to use exposed devices that simulate listed anatomical areas.
- (d) To permit any person to perform or simulate listed sexual acts including the displaying of female breasts directly or laterally below the top of the areola.
- (e) To permit the viewing of otherwise prohibited acts through a glass partition or similar device.
- (f) To permit the carrying of alcoholic beverages from the licensed premises to other premises for the purpose of viewing conduct or attire prohibited in a licensed premises.

Subdivision 5. Adult Cabarets

Adult cabarets shall be located at least 2,640 feet from any other adult use; 800 feet from any residentially zoned property; and 400 feet from any "protected use", such as a home, daycare center, church, library, public park, fire station or motel.

It shall be unlawful for any person in an adult cabaret to perform any act, or to be clothed or unclothed, in a manner that would be prohibited in a "licensed premises" under Subdivision 4 of the ordinance. It shall be unlawful for the licensee or any person owning, operating or managing ad adult cabaret to permit a violation of the ordinance in such establishment.

Subdivision 6. Enforcement

Any person who violates the provision of this ordinance shall be Guilty of a misdemeanor.

Subdivision 7. Savings Clause

If any part of the ordinance is declared invalid, the balance of the ordinance continues to remain in effect.

Dated: April 7, 1997.

Ayes: Bernie Gamber, Chester Johanson, Lee Bakken, Marilyn Olson, Ruby Henderson

Nays: None

Attest:

Approved:

/s/ Katy Johansen
City Clerk

/s/ Bernard Gamber
Mayor

Published in the Battle Lake Review May _____, 1997

ORDINANCE #53

CITY OF UNDERWOOD ORDINANCE REGARDING NUDITY, ADULT CABARETS, SPECIFIED SEXUAL ACTIVITIES AND RELATED ACTS

THE CITY OF UNDERWOOD DOES ORDAIN:

Subdivision 1. Purpose

It is in the best interests of the public health, safety, and general welfare of the people of the City of Underwood that acts of nude dancing in liquor establishments, together with other sexually explicit acts, be prohibited.

Subdivision 2. Definitions

“Adult Use” shall include adult cabarets, adult bookstores, adult conversation/rap parlors, adult health/sport clubs, adult massage centers, adult mini-motion picture theatres, adult motion picture theatres, adult steam room/bathhouse facilities.

“Adult Cabaret” shall mean a licensed premises used for providing dancing or other live entertainment, if such dancing or other live entertainment is distinguished or characterized by an emphasis on the display of “specified sexual activities: or “specified anatomical areas.”

“Licensed Premises” shall mean any premises licensed to sell intoxicating liquor or wine, or non-intoxicating liquor.

“Obscene work” shall mean any work which when taken as a whole appeals to the prurient interest in sex; which portrays sexual conduct in a patently offensive way; and which, taken as a whole, does not have serious value.

- (a) “Adult Use” shall include adult cabarets, adult bookstores, adult conversation/rap parlors, adult health/sport clubs, adult massage centers, adult mini-motion picture theatres, adult picture theatres, adult steam room/bathhouse facilities, and other premises, enterprises, businesses or places open to some or all members of the public at or in which there is an emphasis on the presentation, display, depiction or description of “specified sexual activities: or “specified anatomical areas” which are capable of being seen by members of the public. No obscene work shall be allowed.
- (b) “Adult Cabaret” shall mean a licensed premises used for providing dancing or other live entertainment, if such licensed premises excludes minors by virtue of age, or if such dancing or other live entertainment is distinguished or characterized by an emphasis on the presentation, display, depiction, or

description of “specified sexual activities” or “specified anatomical areas”. No obscene work shall be allowed.

- (c) “Adult Bookstore” shall mean a building or portion of a building used for the barter, rental or sale of items consisting of printed matter, pictures, slides, records, audio tape, videotape or motion picture film if a substantial or significant portion of such items are distinguished or characterized by an emphasis on the depiction or description of “specified sexual activities” or “specified anatomical areas”. “Substantial or significant portion of items”, for purposes of this ordinance shall mean more than fifteen (15) percent of usable floor area. No obscene work shall be allowed.
- (d) “Adult Conversation/Rap Parlor” shall mean a conversation/rap parlor which excludes minors by reason of age, or which provides the service of engaging in or listening to conversation, talk or discussion, if such service is distinguished or characterized by an emphasis on “specified sexual activities: or “specified anatomical areas”. No obscene work shall be allowed.
- (e) “Adult Health/Sport Club” shall mean a health/sport club which excludes minors by reason of age, or if such club is distinguished or characterized by an emphasis on “specified sexual activities” or “specified anatomical areas”. No obscene work shall be allowed.
- (f) “Adult Massage Center” shall mean a massage center which restricts minors by reason of age, or which provides the service of “massage”, if such service is distinguished or characterized