

ORDINANCE NO. 114

AN ORDINANCE TO AMEND AND ADD SECTION XIX OF ORDINANCE NO. 95 RELATING TO A CABARET LICENSE AND LIMITATIONS ON ENTERTAINMENT AND TYPES OF ENTERTAINMENT IN LICENSED PREMISES AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF:

BE IT ORDAINED BY THE Board of City Commissioners of the City of Washburn, North Dakota:

SECTION 1. Section 19 of Ordinance No. 95 is hereby added and enacted to read as follows:

SECTION XIX CABARET LICENSE

1. DEFINITIONS.

a. Entertainment - shall be defined for purposes of this Ordinance to mean all forms and types of performing or entertaining for patrons on licensed premises without regard as to whether such entertainment is provided by means of live performances or manually operated, 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.

b. Live performances - shall be defined for the purpose of this Ordinance to mean any person who for consideration, monetary or otherwise, performs in person on a licensed premise as a singer, musician, dancer, comedian, model, or any other type of entertainer.

2. No licensee under this Chapter shall permit entertainment for more than one day a week any given week without first having obtained a cabaret license as hereinafter provided.

3. The license fee for cabaret license shall be \$1.00 per year.

4. The license fee set forth in subsection 3 of this Section shall be for a period of one year from July 1 to June 30 and shall be payable in advance at the time of the issuance of the license and thereafter, on or before June 10 of each subsequent year for renewal of said license.

5. The application for cabaret license shall be made by the licensee on forms provided by the City Auditor's office of the City of Washburn. The granting of a cabaret license shall be subject to the approval of the commission and it may be suspended or revoked in conformance with procedures established under Section 13.0113.

6. No live performances are permitted on a licensed premise which contain any form of dancing. Such prohibition on dancing does not include the incidental movement or choreography of singers or musicians which are made in connection with their singing or playing of a musical instrument. This restriction applies to all licensed premises whether or not they have a cabaret license.

7. No live performances are permitted on a licensed premise which involve the removal of clothing, garments or any other costume. Such prohibition does not include the removal of headwear or footwear; or the incidental removal of a tie, suitcoat, sportcoat, jacket, sweater or similar outer garments. Incidental removal for purposes of this section shall mean the removal of a garment or article of clothing which is not a part of the act or performance. This restriction applies to all licensed premises whether or not they have a cabaret license.

8. No entertainment on a licensed premise shall contain:

(a) 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;

(b) The actual or simulated touching, caressing or fondling of the breasts, buttocks, anus or genitals;

(c) The actual or simulated displaying of the pubic hair, anus, vulva or genitals; or the nipples of a female.

This restriction applies to all licensed premises whether or not they have a cabaret license.

9. A licensee shall have the duty and responsibility to make available for inspection by a member of the McLean County Sheriff's Department, an identification card, such as a driver's license, containing a photograph and the age of all entertainers or performers on the licensed premise. The licensee shall not permit a person to make a live performance on the licensed premise if the licensee is not able to obtain the required identification from the performer.

10. If any section, subsection, sentence or clause of this ordinance is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of the ordinance.

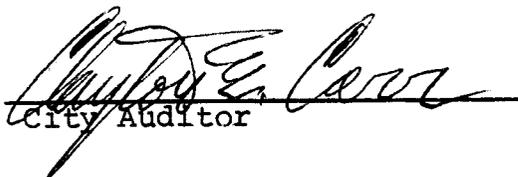
11. Penalty. Any person found guilty of violating any of the provisions of this ordinance shall be punished by a fine of not more than \$500.00 or by imprisonment for not to exceed 30 days or both, such fine and imprisonment in the discretion of the Court.

12. EFFECTIVE DATE. This Ordinance shall be in full force and effect from and after its final passage and publication.

APPROVED


President, City Commission

ATTEST:


City Auditor

First Reading: July 20, 1981

Second Reading: August 3, 1981

Final Passage: August 3, 1981