

COUNTY OF BENTON  
STATE OF MINNESOTA  
ORDINANCE NUMBER 101

AN ORDINANCE REGULATING CERTAIN ATTIRE AND CONDUCT, ENTERTAINERS AND CONDUCT, AND VISUAL DISPLAYS IN OR ON PREMISES LICENSED AS BOTTLE CLUBS, AND IN OR ON PREMISES LICENSED FOR ON-SALE SALE OF NON-INTOXICATING MALT LIQUOR, INTOXICATING LIQUOR AND WINE; PROVIDING FOR THE REVOCATION OF LICENSES FOR A VIOLATION THEREOF.

THE COUNTY BOARD OF BENTON COUNTY ORDAINS:

SECTION 1. Definitions.

Subdivision 1. For the purposes of this Ordinance, except where the context otherwise requires, the terms defined in this section shall have the meaning given them.

Subdivision 2. "License" means any of the following licenses issued or approved by the County of Benton pursuant to Minnesota Statute, Chapter 340:

- (1) bottle club (consumption and display) license, or
- (2) on-sale non-intoxicating malt liquor license, or
- (3) on-sale intoxicating liquor license, or
- (4) on-sale wine license.

Subdivision 3. "Licensed Premises" means the real estate in Benton County for which a "License" is issued.

SECTION 2. Attire and Conduct.

The following acts or conduct in or on Licensed Premises are deemed contrary to public welfare and morals, and therefore no License shall be held at any Licensed Premises where such conduct or acts are permitted:

- (a) To employ or use any person in the sale or service of set ups or alcoholic beverages in or upon the Licensed Premises while 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 of any portion of the pubic hair, anus, cleft of the buttocks, or genitals.

(b) To employ or use the service of any hostess or other person to mingle with the patrons while such hostess or other person is unclothed or in such attire, costume or clothing as described in Section 2 (a).

(c) To encourage or permit any person on the Licensed Premises to touch, caress or fondle the breasts, buttocks, anus, or genitals of any other person.

(d) To permit any employee or person to wear or use any device or covering, exposed to view, which simulates the buttocks, genitals, anus, pubic hair or any portion thereof.

### SECTION 3. Entertainers and Conduct.

Subdivision 1. Acts or conduct in or on Licensed Premises in violation of Section 3, Subdivision 2, 3, or 4, are deemed contrary to public welfare and morals, and therefore no License shall be held at any Licensed Premises where such conduct or acts are permitted.

Subdivision 2. Live entertainment is permitted on any Licensed Premises, except that no Licensee shall permit any person to perform acts of or acts which simulate:

(a) Sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation, or any other sexual acts which are prohibited by law.

(b) The displaying of any portion of the female breast below the top of the areola, or of any portion of the pubic hair, anus, cleft of the buttocks or genitals.

Subdivision 3. No Licensee shall permit any person to use artificial devices or inanimate objects to depict any of the prohibited activities described in Section 3.

Subdivision 4. No Licensee shall permit any person to remain in or upon the Licensed Premises who exposes to public view any portion of his or her pubic hair, anus, genitals, cleft of the buttocks, or any portion of the female breast below the top of the areola.

SECTION 4. Visual Displays.

Subdivision 1. Acts or conduct in or on Licensed Premises in violation of Section 4. Subdivision 2, are deemed contrary to public welfare and morals, and no License shall be held at any Licensed Premises where such conduct or acts are permitted.

Subdivision 2. No Licensee shall permit the showing of film, still pictures, electronic reproductions or other visual reproductions depicting:

(a) Acts or simulated acts of sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation, or any other sexual acts which are prohibited by law.

(b) The touching, caressing, or fondling of the breast, buttocks, anus or genitals.

(c) The displaying of any portion of the female breast below the top of the areola, or of any portion of the pubic hair, anus, cleft of the buttocks or genitals.

(d) Scenes wherein artificial devices or inanimate objects are used to depict, or drawings are used to portray, any of the activities described in Section 4, Subdivision 2 (a), (b), and (c).

SECTION 5. Penalty.

Upon a finding that the Licensee has failed to comply with this Ordinance the Licensee's License(s) may be revoked. No revocation shall take effect until the Licensee has been afforded an opportunity for a hearing pursuant to Minnesota Statutes 15.0418 to 15.0426. This Section shall not be deemed to preclude other civil remedies, including injunctive relief, pending the outcome of the above-referenced hearing.

SECTION 6. Severability.

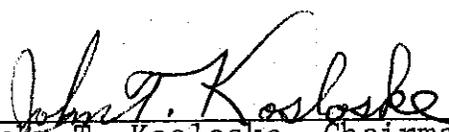
If any provision of this Ordinance or the application thereof to any person or circumstances is held invalid, such

invalidity shall not affect other provisions or application of the Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are severable.

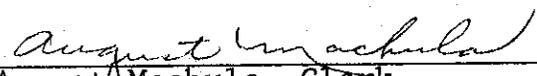
SECTION: 7. Effective Date.

This Ordinance becomes effective upon its passage and publication according to law.

Passed by a majority vote of all members of the Benton County Board of Commissioners, this 7th day of June, 1977.

  
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John T. Kosloske, Chairman  
Benton County Board of Commissioners

ATTEST:

  
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August Machula, Clerk  
Benton County Board of Commissioners