

ORDINANCE 146

AN ORDINANCE PROHIBITING PROSTITUTION, NUDITY AND OTHER ACTS WITHIN THE CITY OF BIRD ISLAND

The City Council of the City of Bird Island does ordain as follows:

Ordinance #75 is hereby amended by the addition of the followings:

The following terms will have the following definitions for the purpose of this Ordinance.

A. Public Place – the term “public place” means any place or premises accessible to the general public including but not limited to streets, alleys, sidewalks, driveways, and parks and also includes such parts of buildings and other premises whether publicly or privately owned which are used by the general public or as to which the general public is invited, commercially, for a fee or otherwise or in or on which the general public is permitted, including any club or association of members which accepts members from the general public and shall also include private property wherein the conduct complained of is openly and easily visible to members of the general public from positions not on said private property.

B. It shall be unlawful for any person or corporation licensed to sell non intoxicating malt liquor or intoxicating liquor on sale in the City of Bird Island to permit on the licensed premises:

1. Any person to display pubic hair, genitals, buttocks, or the female breast below the top of the coloring or pigmented ring surrounding the nipple.
2. Any person to perform acts of or acts which simulate:
 - a. sexual intercourse – normal or perverted;
 - b. masturbation, bestiality, or excretory functions;
 - c. with or upon another perform, the touching, caressing, or fondling of buttocks, genitals, or female breasts.

It shall be unlawful for any person within the premises licensed for the sale of non intoxicating malt liquor or intoxicating liquor on sale to display publicly or perform any acts which are prohibited in the above B.

C. Person – the term “person” shall, include individuals, firms, partnerships, corporations, joint ventures, clubs, associations, and organizations and shall further include the officers, agents, partners, directors, and employees thereof.

D. Nudity – the term “nudity” means the showing of the human male or female genitals, pubic area or buttocks with less than a fully opaque covering or the showing of a post-pubertal female breast with less than a fully opaque covering of any portion thereof below the top of the nipple thereof or the showing of covered male genitals in a discernibly turgid state.

E. Sadoomasochistic abuse – the term “sadoomasochistic abuse” means scenes, exhibitions, enactments, reenactments, displays or acts involving a person or persons, any of whom are nude, clad in under any act, which constitutes an omission, and therefore, a violation of this ordinance, whether individually or in connection with one or more persons or as principal, agent, or accessory, shall be guilty of such offense and every person who falsely, fraudulently, forcibly or willfully induces, causes, coerces, requires, permits or directs another to violate any of the provisions of this chapter is like wise guilty of such offense.

Penalties: The conviction of any license holder of a violation of any of the provisions of this ordinance shall constitute grounds for the suspension or revocation of any license issued pursuant to Ordinance #142.

This Ordinance shall become effective after adoption and upon thirty (30) days following the legal publication.

Adopted this 19th day of March, 1980.

Mayor Elmer Krueger

Frank T. Saunders, Clerk

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