

BROOKINGS COUNTY

Ordinance # 94 - 2

An Ordinance Prohibiting Indecent Exposure or Simulation Thereof and Establishing a Licensee's Duty to Prevent the Same

BE IT ORDAINED BY THE COUNTY OF BROOKINGS, SOUTH DAKOTA:

SECTION I:

It is unlawful for any person or premises licensed for the sale of alcoholic beverages within the County of Brookings, State of South Dakota, to cause to allow, or permit any person on said licensed premises, while in the presence of any other person:

- A. To show the human male or female genitals, pubic area or buttocks with less than a full opaque covering, or the showing of the female breast with less than a full opaque covering or any portion thereof below the top of the nipple, or the depiction of covered male genitals in a discernible turgid state.
- B. To expose any device, costume or covering which gives the appearance of, or simulates, the genitals or pubic area of the male or female body, or the nipple or areola of the female breast.
- C. To perform erotic dancing which simulates sexual activity or which violates community standards, including male strippers, female strippers, topless or bottomless waitresses, erotic performers or similar type activities.

SECTION II:

A violation of this ordinance shall be punishable by a fine not to exceed \$200.00 or imprisonment not to exceed thirty (30) days or by both such fine and imprisonment.

SECTION III:

Any licensee in alcoholic beverages who violates this Ordinance shall be subject to the suspension or revocation of his, her, or its license for each violation independently of any proceeding of a criminal nature. A hearing for the said suspension or revocation shall be conducted under the same provisions for termination as set out in the licensee's operating agreement.

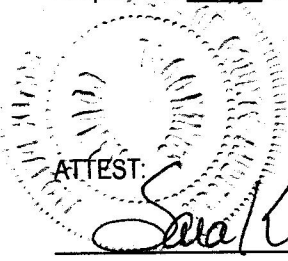
SECTION IV:

Should any section, clause, or provision of this Ordinance be declared by the Courts to be invalid, the same shall not effect the validity of this Ordinance as a whole or any part thereof, other than the part so declared to be invalid.

First Reading: October 11, 1994

Second Reading: October 18, 1994

Adopted this 18 day of October, 1994.



ATTEST:

Sara Kneip
Sara Kneip
Brookings County Auditor

Donald Larson
Donald Larson, Chairperson
Brookings County Commission