

CHAPTER 132: NUDITY IN ALCOHOL ESTABLISHMENTS

Section

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§ 132.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

"BUSINESS ESTABLISHMENT." A business within the city, where liquor, beer and/or wine is sold for consumption on the premises pursuant to a retail drink license and/or retail cereal malt beverage liquor license that has been issued by the city.

"LICENSE." A retail drink license or a retail cereal malt beverage liquor license issued by the city.

"LICENSEE." Any person to whom a retail drink liquor license or a retail cereal malt beverage liquor license has been issued by the city, including the officers and agents of the licensee.

"LOCAL ADMINISTRATOR." The duly appointed alcohol beverage control administrator of the city.

"OCCUPATIONAL LICENSE." The occupational Licenses issued for the business establishment pursuant to the City's Occupational License Ordinance.

"PERSON." A human being, and where appropriate, a public or private corporation, an unincorporated association, a partnership, a government or a governmental authority.

"PREMISES." The land and building in and upon which any business establishment regulated by alcoholic beverage statutes is carried on.

"RETAIL LICENSEE." Any licensee, including its officers and agents, who sell at retail any alcoholic beverage for the sale of which an occupational license is required.
(Ord. 03:98, passed 3-9-98)

§ 132.02 PERSONS PROHIBITED FROM PERFORMING NUDE OR NEARLY NUDE ACTIVITIES.

It is unlawful for, and a person is guilty of, performing nude or

nearly nude activity when that person appears on a business establishment's premises in such a manner or attire as to expose to view any portion of the pubic area, anus, vulva or genitals, or any simulation thereof, or when any female appears on a business establishment's premises in such manner or attire as to expose to view the top of the areola at its highest point or simulation thereof. This definition shall include the entire lower portion of the human female breast, but shall not include any portion of the cleavage of the human female breast exhibited by a dress, blouse, shirt, leotard, bathing suit, or other wearing apparel; provided, the areola is not exposed in whole or in part.

(Ord. 03:98, passed 3-9-98) Penalty, see § 132.99

§ 132.03 LICENSEE PROHIBITED FROM PERMITTING NUDE OR NEARLY NUDE ACTIVITIES.

A licensee or retail licensee is guilty of permitting nude or nearly nude activity when, having control of the business establishment's premises, which it knows or has reasonable cause to know is being used by any person to appear on the premises in such manner or attire as to expose to view portion of the pubic area, anus, vulva or genitals, or any simulation thereof, or used by any female to appear on the premises in such manner or attire as to expose to view any portion of the breast below a horizontal line across the top of the areola at its highest point or simulation thereof; it permits such activity or fails to make reasonable and timely effort to halt or abate such activity or fails to make reasonable and timely effort to halt or abate such activity or use. This definition shall include the entire lower portion of the human female breast, but shall not include any portion of the cleavage of the human female breast exhibited by a dress blouse, shirt, leotard, bathing suit, or other wearing apparel; provided, the areola is not exposed in whole or in part.

(Ord. 03:98, passed 3-9-98) Penalty, see § 132.99

§ 132.04 HEARING; REVOCATION OF LIQUOR LICENSE.

(A) In the event that a violation of Sections 132.02 and/or 132.03 occurs, the local administrator shall forthwith conduct a hearing pursuant to Kentucky Revised Statutes, Section 243.520 (in conjunction with Sections 241.160 and 241.190), to determine whether the liquor licensee, at whose business establishment the activity prohibited by this chapter occurred, shall have his or her or its license suspended or revoked.

(B) In the event three (3) or more violations of Sections 132.02 and/or 132.03 occur at a business establishment within a twelve (12) month period, the liquor administrator, after a hearing, shall revoke the retail drink licensee or retail cereal malt beverage liquor license or both.

(Ord. 03:98, passed 3-9-98)

§ 132.05 REVOCATION OF OCCUPATIONAL LICENSE.

(A) In the event that a violation of Sections 132.02 or 132.03 occurs, the Code Enforcement Officer shall issue a citation against retail licensee and a hearing shall be held by the Code Enforcement Board to determine whether the occupational license shall be revoked or suspended. The hearing shall be held in accordance with the Rules of Procedure adopted by the Code Enforcement Board.

(B) In the event that three (3) or more violations of Sections 132.02 or 132.03 occur at a business establishment within a twelve (12) month period, after notice and a hearing before the Code Enforcement Board, the Code Enforcement Board, shall revoke the occupational license of the retail licensee. The hearing shall be held in accordance with the Rules of Procedure adopted by the Code Enforcement Board.

(Ord. 03:98, passed 3-9-98)

§ 132.99 PENALTY.

Any person who violates any of the provisions of Chapter 132 shall, upon conviction thereof, be fined not more than five hundred dollars (\$500.00) or imprisoned for a period of not more than twelve (12) months, or both so fined and imprisoned.