

**AN ORDINANCE OF THE  
CITY OF KERKHOVEN  
PROHIBITING THE ASSOCIATION OF ADULT ENTERTAINMENT  
WITH THE SALE OF ALCOHOL**

Be it ordained by the City of Kerkhoven as follows:

WHEREAS, the statutes of the State of Minnesota authorize local municipalities to prescribe regulations for the sale of alcoholic beverages which are not in conflict with state statutes; and

WHEREAS, the City Council of the City of Kerkhoven upon due consideration finds that nudity and near nudity and sexual conduct are proper subjects for regulation in connection with the control of the sale of alcoholic beverages within the City of Kerkhoven; and

WHEREAS, the City Council further finds that any form of nudity coupled with alcohol consumption in a public place begets undesirable behavior and that there is a relationship between the consumption of alcoholic beverages and nudity and an increase in disruption of peace and the good order of the community. Concurrence of nudity and alcoholic beverages are hazardous to the health and the safety of those in attendance and tends to depreciate the value of adjoining property and to harm the economic welfare of the community as a whole. When there is concurrence of nudity and consumption of alcoholic beverages, other activities which are illegal, immoral and unhealthy tend to accompany them, concentrate around them, and be aggravated by them. Such other activities include, but are not limited to, prostitution, solicitation for prostitution, lewd and lascivious behavior, possession, distribution and transportation of obscene materials, sale or possession of controlled substances and violent crimes against persons and property; and

WHEREAS, the City Council has determined that the enactment of an ordinance prohibiting nudity and sexual conduct in establishments licensed to sell alcoholic beverages, beer, wine, malt liquor or other intoxicating spirits, or which are licensed as a bottle club under Minnesota Statutes, within the City of Kerkhoven will prevent or limit such undesirable conduct and activities.

NOW, THEREFORE, BE IT ORDAINED, by the City of Kerkhoven, Minnesota, as follows:

Section 1. **Improper Exhibitions.** In any establishment licensed to sell alcoholic beverages, beer, wine, malt liquor or other intoxicating spirits, or which is licensed as a bottle club, it shall be unlawful for any person to perform, or for any licensee or manager or agent of the licensee to permit any employee, entertainer or patron to engage in any live act, demonstration, dance or exhibition on the licensed premises which:

- a. Exposes his or her genitals, pubic hair, buttocks, perineum, anal region or pubic hair region; or
- b. Exposes any device, costume or covering which gives the appearance of or simulates genitals, pubic hair, buttocks, perineum, anal region or pubic hair region; or
- c. Exposes any portion of the female breast at or below the areola thereof; or
- d. Engages in or simulates sexual intercourse or any sexual contact, including the touching of any portion of the female breast or the male or female genitals.

Section 2. **License Suspension or Revocation.** In addition to any other penalties provided for violation of this Ordinance, any liquor license or bottle club license issued by the City of Kerkhoven shall be subject to suspension, revocation or nonrenewal upon violation of this Ordinance.

Section 3. **Penalty.** Any violation of this Ordinance shall be a misdemeanor and upon conviction therefore shall be punishable as provided by law.

This Ordinance introduced by Council Member Finstrom on September 23, 2002

This Ordinance published December 26, 2002

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