

ORDINANCE NO. 02-94

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HALLSVILLE, TEXAS, PROHIBITING NUDITY IN COMMERCIAL ESTABLISHMENTS LOCATED WITHIN THE CITY LIMITS OF THE CITY OF HALLSVILLE, TEXAS, AT WHICH ALCOHOLIC BEVERAGES ARE SERVED, OFFERED FOR SALE FOR CONSUMPTION ON SUCH PREMISES, OR AT WHICH THE CONSUMPTION OF ALCOHOL IS PERMITTED; SETTING OUT PROHIBITED ACTIVITIES; DEFINING PROHIBITED NUDITY; PROVIDING PENALTIES; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR REPEAL OF ANY ORDINANCES IN CONFLICT THEREWITH; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Hallsville, Texas, finds that there is an increasing commercial exploitation of human sexuality by owners and operators of commercial establishments with the City of Hallsville where alcoholic beverages are served or offered for sale for consumption on the premises, or where alcoholic beverages are permitted to be consumed; and,

WHEREAS, such exploitation takes place in the form of employing or permitting persons to perform or exhibit their nude or seminude bodies to other persons as an inducement to such other persons to purchase alcoholic beverages or to consume alcoholic beverages while on the premises; and

WHEREAS, such exploitation is often accompanied by serious and dangerous criminal activity, such as the possession or use of controlled substances, the proliferation of drug-related activity, prostitution, disorderly conduct, assaults, and the like; and,

WHEREAS, the direct result of such exploitation in the context of the location where it is permitted threatens the preservation of property values of adjoining and adjacent properties and neighborhoods; and,

WHEREAS, the direct result of such exploitation is the moral degradation and disturbances of the peace and good order of the community; and,

WHEREAS, such commercial exploitation of such nude and seminude acts are adverse to the public's interest and the quality of life, tone of commerce, and total community environment in the City of Hallsville; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HALLSVILLE, TEXAS:

Sec. 1. Purpose.

The purpose of this ordinance is to prohibit certain acts of commercial exploitation on human sexuality in commercial establishments within the city limits of the City of Hallsville, Texas, where alcoholic beverages are served, offered for sale for consumption on the premises, or permitted to be consumed on the premises, and to reduce the likelihood of criminal activity, moral degradation and disturbances of the peace and good order of the community, to prohibit lewd and unlawful activity, such as prostitution and the proliferation of controlled substances, all of which may occur when such commercial exploitation is permitted in such places, and to promote the preservation of property values of neighborhoods and adjacent properties.

Sec. 2. Prohibition.

(1) It shall be unlawful for any person maintaining, owning, or operating a commercial establishment located within the boundaries of the City of Hallsville, Texas, at which alcoholic beverages are served or offered for sale for consumption on the premises, or at which alcoholic

beverages are permitted to be consumed:

(A) to suffer or permit any female person, while on the premises of said commercial establishment, to expose that area of the human female breast at or below the top of the areola thereof.

(B) to suffer or permit any female person, while on the premises of said commercial establishment, to use any device or covering which is intended to give the appearance of or simulate such portions of the human female breasts as described in Sec. 16-101 (1) (A) hereof.

(C) to suffer or permit any person, while on the premises of said commercial establishment, to expose his or her genitals, pubic area, buttocks, anus or anal cleft or cleavage.

(D) to suffer or permit any person, while on the premises of said commercial establishment, to use any device or covering which intend to give the appearance of or simulate the genitals, pubic area, buttocks, anus, anal cleft, or cleavage.

(2) It shall be unlawful for any female person, while on the premises of a commercial establishment located within the boundaries of the City of Hallsville, at which alcoholic beverages are served or offered for sale for consumption on the premises, or at which alcoholic beverages are permitted to be consumed, to expose that area of the human female, breast at or below the top of the areola thereof, or to use any device or covering which is intended to give the appearance or simulate such areas of the female breast as described herein.

(3) It shall be unlawful for any person, while on the premises of a commercial establishment located within the boundaries of the City of Hallsville, at which alcoholic beverages are served or offered for sale for consumption on the premises, or at which alcoholic beverages are permitted to be consumed, to expose his or her genitals, pubic area, buttocks, anus, or anal cleft or cleavage, or to use any device or covering which is intended to give the appearance of or simulate the genitals, pubic area, buttocks, anus or anal cleft or cleavage.

Sec. 3. Penalties.

Any violation of the provision of this Article shall be subject to a fine of not more than \$200.00 per offense, with each separate day of violation constituting a separate offense.

Sec. 4. Injunctive Relief.

That the City Attorney is and shall be hereby authorized to seek compliance with this ordinance by seeking injunctive relief in a court of proper jurisdiction to compel the operator, owner, or other violator of this ordinance as the same shall be established, to comply with the terms and provisions thereof. The ability of the City to seek injunctive relief hereunder shall not be subject to , nor shall it be a prerequisite thereof, that the City has sought compliance with this ordinance by application of penalties and sanctions as otherwise set out on this ordinance."

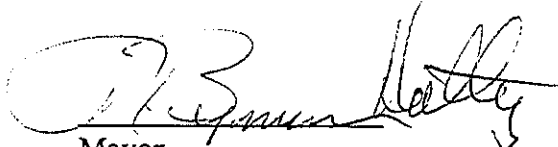
If any clause, section, or other part of this ordinance shall be held invalid or unconstitutional by any court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby, but shall remain in full force and effect.

All ordinances or parts of ordinances that conflict herewith, be and the same are hereby repealed to the extent of such conflict only.


This ordinance shall be in full force and effect immediately upon and after its final passage and publication as required by law.

PASSED AND APPROVED on First Readings the 9th day of August, 1994.

PASSED AND APPROVED on Second Readings the 13th day of September, 1994.


Mayor

ATTEST:


City Secretary

APPROVED AS TO FORM: