

AN ORDINANCE OF THE CITY OF OSAGE BEACH, MISSOURI, AMENDING CHAPTER 210 OFFENSES, ARTICLE IX SEXUAL OFFENSES; SECTION 210.1500 DEFINITIONS, ADDING NEW SECTION 210.1570 REGULATING SEXUALLY ORIENTED BUSINESS, REMOVING SECTION 210.1870 REGULATING EROTIC DANCE ESTABLISHMENTS, EROTIC DANCERS RESTRICTIONS – LICENSING AND RECORDS

OF THE CITY CODE FOR VARIOUS PURPOSES AS SET FORTH.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF OSAGE BEACH, MISSOURI AS FOLLOWS:

Section 1. Within the City Code there are hereby enacted new Sections with material repealed and replacing set forth below with new material set out in **RED** and deleted material struck as follows:

Section 210.1500 ~~Article~~ **Definitions.**

As used in this Article, the following terms shall have the meanings set forth herein:

DEVIATE SEXUAL INTERCOURSE

Any act involving the genitals of one person and the hand, mouth, tongue or anus of another person or a sexual act involving the penetration, however slight, of the penis, female genitalia, or the anus by a finger, instrument or object done for the purpose of arousing or gratifying the sexual desire of any person or for the purpose of terrorizing the victim.

~~EROTIC DANCE~~

~~Any dance performed by an erotic dancer in an erotic dance establishment that emphasizes or seeks to arouse or excite a patron's sexual desires.~~

~~EROTIC DANCE ESTABLISHMENT~~

~~A fixed place of business which, as a portion or all of its business, emphasizes activities or seeks, through one (1) or more dancers, to arouse or excite the patrons' sexual desires or sexual fantasies whether or not alcoholic beverages, beer, intoxicating liquor, or other non-intoxicating beverages are sold or consumed on the premises.~~

~~EROTIC DANCER~~

~~Any male or female who performs in an erotic dance establishment who is not fully clothed or is wearing clothing designed to accentuate the body in a manner which would tend to sexually arouse another person.~~

NUDITY or STATE OF NUDITY

The showing of the human male or female genitals, pubic area, or buttocks with less than a fully opaque covering, the showing of the female breast with less than a fully opaque covering of any part of the nipple or areola or any part of the female breast below the areola, or the showing of the covered male genitals in a discernibly turgid state. The showing of the human genitals, pubic area, vulva, anus, anal cleft, or the female breast with less than a fully opaque covering of any part of the nipple or areola.

PATRON

A customer of an establishment where erotic dancing occurs while on the premises.

SEXUAL CONDUCT

~~Sexual intercourse, deviate sexual intercourse or sexual contact.~~ Actual or simulated, normal or perverted acts of human masturbation; deviate sexual intercourse; sexual intercourse; or physical contact with a person's clothed or unclothed genitals, pubic area, buttocks, or the breast of a female in an act of apparent sexual stimulation or gratification or any sadomasochistic abuse or acts including animals or any latent objects in an act of apparent sexual stimulation or gratification.

SEXUAL CONTACT

Any touching of another person with the genitals or any touching of the genitals or anus of another person, or the breast of a female person, or such touching through the clothing, for the purpose of arousing or gratifying the sexual desire of any person or for the purpose of terrorizing the victim.

SEXUAL INTERCOURSE

Any penetration, however slight, of the female genitalia by the penis.

SEXUALLY ORIENTED BUSINESS

“Sexually Oriented Business” shall include all businesses defined as such under R.S.Mo. § 573.010.

Section 210.1570 Regulating Sexually Oriented Businesses.

It shall be unlawful to operate a Sexually Oriented Business in any manner which violates R.S.Mo. § 573.531. Each day that a violation is permitted to exist or occur, and each distinct violation, shall constitute a separate offense.

~~Section 210.1870 Regulating Erotic Dance Establishments, Erotic Dance and Erotic Dancers~~ ~~Restrictions—Licensing and Records.~~

~~A.—Restrictions On Erotic Dance Performances.~~

- ~~1.—It shall be unlawful for any person under the age of eighteen (18) years to be in or upon any premises for which an erotic dance establishment license is required.~~
- ~~2.—It shall be unlawful for any erotic dancer to have any sexual contact with any patron.~~
- ~~3.—It shall be unlawful for any erotic dancer to dance at a distance of less than ten (10) feet from any patron or to touch any patron while dancing.~~
- ~~4.—It shall be unlawful for any erotic dancer to dance on a stage that is not raised at least two (2) feet above the area on which the patron or patrons sit or stand.~~
- ~~5.—It shall be unlawful for any patron to tip, pay, give a gratuity or other thing of value to any erotic dancer or to someone else in his/her behalf and it shall be unlawful for~~

~~any erotic dancer to receive from a patron in any manner any tip, pay, gratuity or other thing of value either directly or indirectly. It shall also be unlawful for any erotic dancer to solicit any pay, tip, gratuity, or other thing of value from any patron.~~

~~6. It shall be unlawful for any patron to have sexual contact with any erotic dancer.~~

~~B. *Licensing And Business Records.*~~

~~1. It shall be unlawful for any establishment in which erotic dancing occurs to allow erotic dancing to occur on premises without an erotic dance establishment license.~~

~~a. A prospective licensee shall provide the Osage Beach Police Department with his/her name, address, phone number, principal occupation, and similar information for all partners or stockholders in the venture, as well as a description of the proposed establishment, the nature of the proposed business, and the magnitude thereof. Upon providing this information, a license to allow erotic dancing within the establishment will be issued within five (5) business days.~~

~~b. Owners or operators of an establishment with an erotic dance license shall maintain business records that include the names and addresses and ages of all persons employed as dancers or contracted to perform dances for a period of two (2) years. Said list or lists shall be made available to the Osage Beach Police Department upon request at any time. No later than March first (1st) of each year, an erotic dance establishment licensee shall file a verified report with the City Clerk showing the licensee's gross receipts and the amounts paid to each of the dancers, identifying each by name and amount, for the preceding calendar year.~~

~~2. It shall be unlawful for any erotic dancer to dance at an erotic dance establishment within the City limits of the City of Osage Beach, Missouri, without first securing a license to do so from the City of Osage Beach. A dancer applying for a license shall provide the City with his/her name, address, phone number, birth date, aliases (past and present), and the business name or names and address or addresses where the dancer intends to dance. The license shall be obtained from the Osage Beach Police Department and shall be issued upon application or at least within two (2) business days thereafter.~~

Section 2. Severability

The chapters, sections, paragraphs, sentences, clauses and phrases of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional or otherwise invalid by the valid judgment or degree of any Court of any competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs, or sections of this ordinance since the same would have been enacted by the Board of Aldermen without the incorporation in this ordinance of any such unconstitutional or invalid phrase, clause, sentence, paragraph or section.

Section 3. Repeal of Ordinances not to affect liabilities, etc.

Whenever any part of this ordinance shall be repealed or modified, either expressly or by implication, by a subsequent ordinance, that part of the ordinance thus repealed or modified shall continue in force until the subsequent ordinance repealing or modifying the ordinance shall go into effect unless therein otherwise expressly provided; but no suit, prosecution, proceeding, right, fine or penalty instituted, created, given, secured or accrued under this ordinance previous to its repeal shall not be affected, released or discharged but may be prosecuted, enjoined and recovered as fully as if this ordinance or provisions had continued in force, unless it shall be therein otherwise expressly provided.

Section 4. That this Ordinance shall be in full force and effect from and after the date of passage and approval of the Mayor.

READ FIRST TIME: May 18, 2023

READ SECOND TIME: June 1, 2023

I hereby certify that Ordinance No.23.40 was duly passed on June 1, 2023, by the Board of Aldermen of the City of Osage Beach. The votes thereon were as follows:

Ayes: 4

Nays: 0

Abstentions: 0

Absent: 2

This Ordinance is hereby transmitted to the Mayor for his signature.

June 1, 2023
Date

Tara Berreth
Tara Berreth, City Clerk

Approved as to form:

Cole Bradbury
Cole Bradbury, City Attorney

I hereby approve Ordinance No.23.40.

Michael Harmison
Michael Harmison, Mayor

June 1, 2023
Date

Tara Berreth
Tara Berreth, City Clerk