

AN ORDINANCE OF THE CITY OF OSAGE BEACH, MISSOURI, AMENDING CHAPTER 600 ALOCHOLIC BEVERAGE, SECTION 600.050 EXPOSURE OF PRIVATE PARTS OF BODY OR SIMULATION THEREOF IN COMMERCIAL ESTABLISHMENTS LICENSED BY CHAPTER WHERE INTOXICATING LIQUOR IS SERVED OR CONSUMED 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 Within the City Code there are hereby enacted new Sections with material repealed and replacing set forth below with new material set out in **RED** and deleted material struck as follows: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 600.050 Exposure of Private Parts of Body or Simulation Thereof in Commercial Establishments Licensed By Chapter Where Intoxicating Liquor Is Served or Consumed.

A. It shall be unlawful for any person maintaining, owning or operating a commercial establishment located within the City where intoxicating liquor is offered for sale or may be consumed on the premises **to permit**:

1. The performance of acts or simulated acts of sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation, or any sexual acts which are prohibited by law;
2. The displaying of any portion of the areola of the female breast;
3. The actual or simulated touching, caressing, or fondling of the breast, buttocks, anus, or genitals;
4. The actual or simulated displaying of the pubic hair, anus, vulva, or genitals;
5. Any person to remain in or upon the licensed premises who exposes to public view any portion of his/her genitals or anus; and
6. The displaying of films, video programs, or pictures depicting acts, the live performances of which are prohibited by this section or by any other law.

- ~~1. To suffer or permit any female person, while on the premises of the commercial establishment, to expose to the public view that area of the human female breast at or below the areola thereof.~~
- ~~2. To suffer or permit any female person, while on the premises of the commercial establishment, to employ any device or covering which is intended to give the appearance of or simulate such portions of the human female breast as described in Subsection (A)(1) of this Section.~~
- ~~3. To suffer or permit any person, while on the premises of the commercial~~

~~establishment, to expose to public view his/her genitals, pubic area, anus, or anal cleft or cleavage.~~

- ~~4. To suffer or permit any person, while on the premises of the commercial establishment, to employ any device or covering which is intended to give the appearance of or simulate the genitals, pubic area, anus, anal cleft or cleavage.~~
- ~~5. To suffer or permit the performance of acts, or simulated acts of sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation or any sexual acts which are prohibited by law.~~
- ~~6. To suffer or permit the displaying of any portion of the areola of the female breast.~~
- ~~7. To suffer or permit the actual or simulated touching, caressing or fondling of the breast, buttocks, anus or genitals.~~
- ~~8. To suffer or permit the actual or simulated displaying of the pubic hair, anus, vulva or genitals.~~
- ~~9. To suffer or permit any person to remain in or upon the licensed premises who exposes to public view any portion of his/her genitals or anus.~~
- ~~10. To suffer or permit the displaying of films, video programs or pictures depicting acts, the live performances of which are prohibited by this Section or by any other law.~~

~~117.~~ To suffer or permit any violation of the City of Osage Beach Code of **Ordinances** Chapter including but not limited to Chapter **210**, Article **VI** "Offenses Concerning Weapons And Firearms".

~~B. It shall be unlawful for any female person, while on the premises of a commercial establishment located within the City at which intoxicating liquor is offered for sale or may be consumed on the premises, to expose to public view that area of the human female breast at or below the areola thereof, or to employ device or covering which is intended to give the appearance of or simulate such areas of the female breast as described herein.~~

~~€B.~~ It shall be unlawful for any person, while on the premises of a commercial establishment located within the City at which intoxicating liquor is offered for sale or may be consumed on the premises, **to engage in any of the actions prohibited by subpart (A) above** ~~to expose to public view his/her genitals, pubic area, anus, anal cleft or cleavage, or to employ any device or covering which is intended to give the appearance of or simulate genitals, pubic area, anus or anal cleft or cleavage.~~

~~ĐC.~~ **Sexually oriented businesses shall not be required to comply with subparts (A)(2)-(6) of this Section so long as they otherwise comply with R.S.Mo. §§ 575.525-573.540. As used in this section, "sexually oriented business" shall have the same meaning as defined in R.S.Mo. § 573.010.**

- D. As used in this Section, “premises of the commercial establishment” shall not include those parts of hotel lodging rooms, changing rooms, or restrooms which are not exposed to public view.
- E. Any person who shall violate any provision of this Section shall be subject to the penalties set forth in Section **100.190** and shall be subject to suspension or revocation of the license in accordance with Section **600.190**.

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.23.41 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.

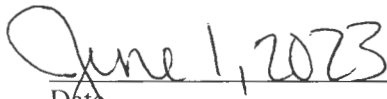
June 1, 2023
Date

Tara Berreth
Tara Berreth, City Clerk

Approved as to form:


Cole Bradbury, City Attorney

I hereby approve Ordinance No.23.41.


Date


Michael Harmison, Mayor


Tara Berreth, City Clerk