ORDINANCE NO. 49

AN ordinance Providing for Regulation of indecent exposure in establishments.

Be it enacted by the City Council of Dana, Iowa:

SECTION 1. The Dana Municipal Code of 1993 is hereby amended by adding the following new sections: REGULATION OF BUSINESS, CHAPTER 146

146.01 PURPOSE. The purpose of this chapter is provide for municipal regulation of indecent exposure in establishments.

SECTION 2. DEFINITIONS.

As used in this chapter, unless the context otherwise requires:

1 . "Minor" means any person under the age of eighteen.

2 "Licensed premise" means the same as defined in Iowa Code Section 123.3 (20).

3. "Estabilishments" means any business open to the Public.

4. "Sex act" means anysexual contact, actual or simulated, either natural or deviate, between two or more persons, or between a person and an animal, by penetration of the penis into the vagina or anus, or by contact between the mounth or tougne and genitalia or anus, or by contact between a finger of one person and the genitalia of another person or by use of artifical sexual organs or substitutes therefrom in contac6 with the genitalia or anus.

SECTION 3. INDENT EXPOSURE.

Noholder of a liquor license or beer permit or any establishment open to the Public or any owner, manager, or person who exercises direct control over any premises shall do any of the following:

1. Allow or permit the actual or simulated public performance of any sex act upon or in any premises.

2. Allow or permit the exposure of the genitals or buttocks or female breast of any person who acts as a waiter or waitress.

3. Allow or permit the exposure, by less than complete or opaque means, of:

(a) genitals of any person;

(b) the female breast area below a point immediately above the top of the areola;

(c) public hair;

(d) anus; or

(e) male genitals in a discernibly turgid state even if completely and opaquely covered,

of any person who acts as an entertainer, whether or not the owner of the premises in which the activity is performed employs or pays any compensation to such person to perform such activity.

4. Allow or permit any person to remain in or upon the premises who exposes to pulic view the person's genitals, public hair, or anus.

5. Allow or permit the displaying of moving pictures, films,or pictures depicting any sex act or display of the public hair, anus, or genitals upon or in such permises.

6. Advertise that any activity prohibited by this section is allowed permitted in such premises.

7. Allow or permit a minor to engage in or otherwise perform in a live act intended to arouse or satisfy the sexual desires or appeal to prurient interest of patrons.

SECTION 5. EXCEPTION.

The provisions of this chapter shall not apply to a theater, concert hall, art center, museum, or similar establishment which is primarily devoted to the arts or theatrical performances and any cicumstances allowed as part of a theater, concert hall, art center, museum, or similar establishment or there performances.

SECTION 6. This Ordinance shall be in full force and effect from and after passage and posting as provided by law.

Passed by the City Council of Dana, Iowa, on this 23rd day of August, 1995.

AAEST: George Blabb CITY CLERK

Jack Palmer MAYOR