

ORDINANCE NO. 125

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF ENNIS, MONTANA, PROVIDING FOR REGULATION OF ENTERTAINMENT WITHIN THE LIMITS OF THE TOWN OF ENNIS AND THE THREE (3) MILE LAW ENFORCEMENT LIMIT; AND IMPOSING PENALTIES.

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF ENNIS:

Section 1

9.14.010 Live entertainment to remain on platform while performing.

The owner or proprietor of any establishment may permit in the establishment instrumental and/or vocal music or entertainment and/or radio and television entertainment whether such entertainment is provided by paid or voluntary live male or female entertainers or performers or by mechanical, electrical, electronic or other comparable device or equipment; provided, that all live entertainment as herein specified shall be performed on a platform or other exclusive area provided for such purpose, and no entertainer or performer whether male or female shall be permitted to leave such platform or area while entertaining or performing.

9.14.020 Separate from premises.

There shall be no door or other entrance leading from an establishment serving alcoholic beverages for on-premises consumption into another room, building, premises or place wherein or whereon any entertainment prohibited by section 9.14.010 is permitted; it being further provided that the owner, proprietor or person in charge of any bar or cocktail lounge shall not operate or conduct or be interested in operating or conducting any room, building, premises or place wherein or whereon any such entertainment is permitted, which room, building, premises or place of the entertainment is within three hundred (300) feet of the establishment.

9.14.030 Nuisance.

Any owner, proprietor or person in charge of any establishment who permits any entertainment or any species or kind other than as provided in this section or permits any person to promenade or exhibit himself or herself for gain, drink or hire, or to solicit orders for beer or other drinks is guilty of committing a nuisance and shall be punished as provided in section 9.14.050.

9.14.060 Topless, bottomless prohibited.

(a) Any owner, proprietor or person in charge of an establishment who knowingly permits any female person to appear with breast or breasts uncovered is guilty of a misdemeanor.

(b) Any female who intentionally appears with breast or breasts uncovered in an establishment as in subsection (a), whether she be employed by the establishment or not, is guilty of a misdemeanor.

(c) A breast shall be considered uncovered under the prohibitions of this section, when any portion of the nipple or areola is not covered by a fully opaque material or is so thinly covered as to appear uncovered.

(d) Any owner, proprietor or person in charge of an establishment who knowingly permits any person to appear clothed, costumed, unclothed or uncostumed in such a manner that the lower part of his/her torso, consisting of the private parts, or genitalia, or anal cleft, or cleavage of the buttocks, is not covered by a fully opaque material, or is so thinly covered as to appear uncovered, is guilty of a misdemeanor.

(e) Any person who intentionally appears with private parts uncovered in an establishment as in subsection (d), whether employed by the establishment or not, is guilty of a misdemeanor.

9.14.050 Criminal Penalties.

Any person who violates any provision of this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in an amount of not less than One Hundred Dollars (\$100) or more than Five Hundred Dollars (\$500) and/or by imprisonment not to exceed six (6) months, for each such offense. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder.

In the construction and interpretation of this section, the revocation of a license or permit shall not be considered as a recovery or penalty so as to bar any other penalty being enforced.


9.14.060 Severability.

If any provision of this ordinance is declared unconstitutional, or the applicability thereof to any person or circumstances is held invalid, the constitutionality of the remainder of the Ordinance and the applicability thereof to other persons and circumstances shall not be affected thereby.

PROVISIONALLY PASSED, ADOPTED AND APPROVED by the Town Council of the Town of Ennis, Montana, this 13<sup>th</sup> day of June, 1996.

  
MAYOR

ATTEST:

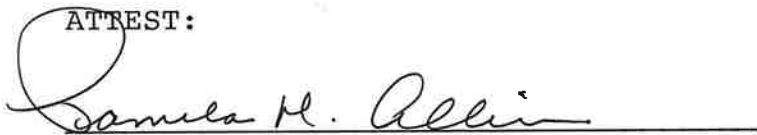
  
TOWN CLERK

FINALLY PASSED, ADOPTED AND APPROVED by the Town Council of the  
Town of Ennis, Montana, this 8<sup>th</sup> day of August, 1996.



Richard W. Barr  
Mayor

ATTEST:



Pamela M. Allison  
Town Clerk

APPROVED AS TO FORM:



Karen Mc Mullin  
City Attorney

AFFIDAVIT OF PUBLICATION

STATE OF MONTANA } SS.  
County of Madison

Daryl L. Tichenor

being duly sworn says that he is publisher and printer of The Madisonian, a weekly newspaper published in the City of Virginia City, County of Madison, State of Montana; that the annexed notice is a true copy which was published in said newspaper for a period of 1

successive weeks, commencing on the 18<sup>th</sup>

day of July, 1996,

and ending on the 18<sup>th</sup> day of

July, 1996

Daryl L. Tichenor  
Publisher and Printer.

Subscribed and sworn to before me this 2nd day of August, 1996

Tami L Christensen

Notary Public in and for the State of Montana, residing at Ennis, Montana. My commission expires January 31, 2000



**ORDINANCE NO. 125**  
AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF ENNIS, MONTANA, PROVIDING FOR REGULATION OF ENTERTAINMENT WITHIN THE LIMITS OF THE TOWN OF ENNIS AND THE THREE (3) MILE LAW ENFORCEMENT LIMIT; AND IMPOSING PENALTIES  
Town of Ennis  
State of Montana  
County of Madison  
I, Pamela M. Allison, Town Clerk of the Town of Ennis, Montana, do hereby certify that the foregoing is the true and correct title and number of Council Ordinance No. 125 Provisionally passed and adopted at a regular session thereof held on the 13th day of June, 1996.  
Dated this 12th day of July, 1996.  
Pamela M. Allison  
Town Clerk  
(Pub. July 18, 1996) te