

Nude Dancing Ordinance
Chatham County,
Georgia

ARTICLE III

The Chatham County (Georgia) Nude Dancing Ordinance

§17-301 Title.

The title of the Ordinance shall be "The Chatham County Nude Dancing Ordinance."

§17-302 Jurisdiction.

This Ordinance shall be effective and applicable in Chatham County, Georgia outside the corporate limits of any municipality therein.

§17-303 Findings; Public Purpose.

1. Based on the experience of other urban counties and municipalities, including, but not limited to, Atlanta and Fulton County, Georgia; DeKalb County, Richmond County, Georgia; Fort Lauderdale; Palm Beach, Manatee County, Florida, Indianapolis, Indiana; Austin, Texas; Phoenix, Arizona; and Los Angeles, California; all of which are relevant to the problems and conditions prevailing in Chatham County, Georgia, we take note of the notorious and self-evident conditions attendant to the commercial within our country. Moreover, it is the finding of the Commission that public nudity (either partial or total) under certain circumstances, particularly circumstances related to the sale and consumption of alcoholic beverages in so-called "nude-bars" or establishments offering so-called "nude entertainment," begets criminal behavior and trends to create undesirable community conditions. Among the acts of criminal behavior identified with nudity and alcohol are disorderly conduct, prostitution, and drug trafficking and use. Among the undesirable community conditions identified with nudity and alcohol are depression of property values in the surrounding neighborhood, increased expenditure for and allocation of law enforcement personnel to preserve law and order, increased burden on the judicial system as a consequence of the criminal behavior hereinabove described, and acceleration of community blight by the concentration of such establishments in particular areas. Therefore, the limitation of nude conduct in establishments licensed to sell alcohol for consumption on the premises is in the public welfare and it is a matter of governmental interest and concern to prevent the occurrence of criminal behavior and undesirable community conditions normally associated with establishments which serve alcohol and also allow and/or encourage nudity. To that end, this Ordinance is hereby adopted.

2. Enactment.

The following types of entertainment, attire, and conduct are prohibited upon any premises licensed to sell, serve, or dispense alcoholic beverages, as defined by O.C.G.A., Section 3-1-2, for consumption on such premises within the unincorporated area of Chatham County.

a. The employment or use of any person, in any capacity, in the sale or service of alcohol beverages which such person is unclothed or in such attire, costume or clothing, as to expose in view any portion of the female breast below the top of the areola or of any portion of the male or female pubic hair, anus, cleft of the buttocks, vulva, and genitals.

b. Live entertainment where any person appears in the manner described in paragraph (1) of this section or where such persons (or person) perform(s) act of or acts which simulate any of the following:

(a) Sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation or any sexual act which is prohibited by law.

(b) The caressing or fondling of the breasts, buttocks, anus or genitals.

(c) The displaying of the male or female pubic hair, anus, vulva or genitals.

3. The holding, promotion, sponsoring or allowance of any contest, promotion, special night, event or any other activity where patrons of the licensed establishment are encouraged or allowed to engage in any of the conduct described in paragraphs (1) and (2) above.

Provided, however, that nothing contained in this Section II shall apply to the premises of any mainstream performance house, museum or theater which derives less than twenty (20) per cent of its gross annual income from the sale of alcohol beverages.

§17-304 Enforcement.

Failure to comply with any of the requirements and provisions of this Ordinance shall constitute a violation. Any person who violates this Ordinance shall, upon conviction thereof, be fined not more than Five Hundred Dollars (\$500.00), imprisonment in the County jail for 30 days, or labor on the work gang for 60 days for any single offense, or any combination thereof, and shall pay all costs and expenses. each day such violation continues shall be considered a separate offense. Nothing contained herein shall prevent Chatham County from taking such other lawful action as is necessary to prevent or remedy any violation of this Ordinance.

§17-305 Severability. It is hereby declared to be the intention of the Board of Commissioners that the sections, paragraphs, sentences, clauses, and phrases of this enactment are severable, and if any phrase, clause, sentence, paragraph, or section hereof shall be declared unconstitutional by the valid judgment or decree of any court or competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this enactment, since the same could have been enacted by the Board of Commissioners without the

Incorporation herein of any such unconstitutional phrase, clause, sentence, paragraph or section.

§17-306 Repeal of Conflicting Ordinance.

All Ordinances or parts of ordinances in conflict or inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency or conflict.