

CITY CODE § 6.22 - SHOWS.

Subd. 1. *License Required.* It is unlawful for any person to present any public show, movie, caravan, circus, carnival, theatrical or other performance or exhibition without first having obtained a license therefor from the city.

Subd. 2. *Exceptions.* No license shall be required in the following instances:

- A. Performances presented in the local schools and colleges, under the sponsorship of the schools and colleges, and primarily for the students thereof only;
- B. Performances of athletic, musical or theatrical events sponsored by local schools or colleges using student talent only; and
- C. Any performance or event in, or sponsored by, bona fide local church and non-profit organizations; provided that, the organization shall be incorporated.

Subd. 3. *Obscenity Prohibited.*

A. *Definitions.* As used in this subdivision, the following words and terms shall have the meanings stated.

1. The term "nudity" means uncovered, or less than opaquely covered, post-pubertal human genitals, pubic areas, the post-pubertal human female breast below a point immediately above the top of the areola or the covered human male genitals in a discernibly turgid state. For purposes of this definition, a female breast is considered uncovered if the nipple only or the nipple and the areola only are covered.
2. The term "obscene performance" means a performance which, in whole or in part, depicts or reveals nudity, sexual conduct, sexual excitement or sado-masochistic abuse, or which includes obscenities or explicit verbal descriptions or narrative accounts of sexual conduct.
3. The term "obscenities" means those slang words currently generally rejected for regular use in mixed society, that are used to refer to genitals, female breasts, sexual conduct or excretory functions or products, either that have no other meaning or that in context are clearly used for their bodily, sexual or excretory meaning.
4. The term "performance" means any play, motion picture film, dance or other exhibition pictured, animated or live, performed before an audience.
5. The term "sado-masochistic abuse" means flagellation or torture by or upon a person who is nude or clad in undergarments or in revealing or bizarre costume, or the condition of being fettered, bound or otherwise physically restrained on the part of one so clothed.
6. The term "sexual conduct" means human masturbation, sexual intercourse or any touching of the genitals, pubic areas or buttocks of the human male or female, or the breasts of the female, whether alone or between members of the same or opposite sex or between humans and animals in an act of apparent sexual stimulation or gratification.
7. The term "sexual excitement" means the condition of human male or female genitals or the breasts of the female when in a state of sexual stimulation or the sensual experiences of humans engaging in or witnessing sexual conduct or nudity.

B. *Prohibited Activity.* It is unlawful for any licensee, for a monetary consideration or other valuable commodity or service, to knowingly or recklessly:

1. Exhibit an obscene performance;
2. Directly or indirectly sell an admission ticket or other means to gain entrance to an obscene performance; or
3. Directly or indirectly permit admission of a person to premises whereon there is exhibited an obscene performance.

C. *Prosecution.* Any prosecution under this subdivision shall include the following elements:

1. The average person, applying contemporary community standards, would find the performance, taken as a whole, appealing to the prurient interest of the audience;
2. The performance describes or depicts, in a patently offensive way, sexual conduct included in the definition of "obscene performance"; and
3. The performance, taken as a whole, lacks serious literary, artistic, political or scientific value.