

Ordinance
Town of Woodstock NH

Entertainment Ordinance

Purpose and Intent.

The purpose and intent of this Ordinance is to protect the safety, welfare, public health and morals of the community along with stabilizing property values. In recognition of the protections afforded to citizens under the First and Fourteenth Amendments, it is not the Town's intent to inhibit free speech or the press, but rather protect the community. Further, this Ordinance is adopted to ensure the safety of dancers, entertainers and the patrons of such establishments in accordance with the decency standards of the Town.

Exotic Dancing/Unusual Entertainment Permit

- A. No person, persons, society, fraternal organization, association, corporation or other Entity shall provide Exotic Dancing or Unusual Entertainment to the public in any hall, building, tent, business, or in any other location within the Town of Woodstock that is licensed by the State of New Hampshire to sell alcoholic beverages without a permit issued by the Woodstock Board of Selectmen or its designee.
- B. Any such permit shall be issued to the same person or Entity named in the State of New Hampshire license to sell alcoholic beverages. A permit is not transferable to a new location operated by the same permit holder. A permit is not transferable to a new person or Entity if ownership of the business or location changes or if the name on the liquor license changes.
- C. Any such permit may be issued for a single day event or for an entire year. Permits may be issued for a twenty-four (24) hour period or for one (1) year from the date of approval by the Board of Selectmen.
- D. The permits shall only be issued for Exotic Dancing or Unusual Entertainment held in locations approved by the Fire Department, Police Department, Health Officer and the Board of Selectmen. The Town shall inspect the premises for which the permit is sought for fire and building code conformance prior to and issuance of the permit. The Town will provide advance notice prior to any pre-issuance inspection.

Fees

A yearly permit may be issued for an annual fee of \$200.00 per permit type issued. A license fee for a single day permit shall be 25.00. The license fee for a non-profit or educational organization single day event may be waived.

Definitions

"Bikini" bottoms shall be bottom type under-wear or swimsuit type garment that is worn in the same manner as a G-string or shorts. A Bikini bottom shall be considered more substantial than a G-string and shall cover all of the genitalia.

"Entity" means any and all persons, natural and artificial, including any individual, firm, corporation or association serving alcohol to the general public pursuant to a license by the N.H. Liquor Commission.

"Exotic Dancing" means a type of unusual entertainment in which the primary content and purpose is to make sexually explicit gestures or movements, to display nude or human figures, or to display persons wearing minimal clothing designed to expose females breasts or male or female buttocks or genitalia, and includes, but is not limited to, strip tease routines in which clothing is removed during the course of the performance.

"Nude" means the showing of the human male or female genitals or pubic area, with less than a fully opaque covering, of the female breast with less than a fully opaque covering of any part of the nipple, or the showing of the covered male genitals in a fully turgid state. Pasties and a bikini type bottom shall be considered a minimum adequate level of attire to comply with the requirements of this ordinance. Bikini type bottom shall be approved by the Board of Selectmen if a question arises.

"Unusual Entertainment" means contests involving audience participation, including but not limited to swimsuit contests, wet tee shirt contests, hot legs contests, best body contests, hard body contests, tattoo contests and toga parties.

Application Process

- A. Applicants desiring a permit for Exotic Dancing or Unusual Entertainment shall file a application supplied by the Town of Woodstock with the Selectmen's office.
- B. The applicant shall be required to attach a copy of their current and valid N.H. State Liquor License to the application at the time of submission.
- C. The applicant shall be required to be in compliance at all times with any requirements of Federal and State Law or local ordinances of the Town

of Woodstock.

- D. The Town of Woodstock shall process the permit within 30 days of the receipt by either accepting or denying the application.
- E. If the application is denied, a written narrative explaining the reasons for the denial will be attached to a copy of the application and returned to the applicant for their review,
- F. The appropriate fee for the requested permit shall be attached at the time the application is filed.

Conditions of the Permit

- A. Employees shall not consume alcoholic beverages while working, consistent with RSA 179:20.
- B. All performers shall wear Bikini type bottoms at all times and female performers shall wear pasties at all times. No clear latex will be allowed.
- C. Exotic Dance performers are to have absolutely no physical contact with Customers during public or private performances.
- D. Exotic Dance performers receiving tips and gratuities shall receive them only in the hand of the performer or in his or her garter.
- E. Exotic Dance performers are prohibited from taking or accepting tips from customers using any part of their anatomy other than their hands.
- F. The entrance of the Exotic Dancing/Unusual Entertainment establishment shall not be within 500 feet of any pre-existing private residence. This may be waived upon approval in writing of all occupants and owners of private residences within the 500-foot circumference.

Denial or Revocation of Permit

- A. The Board of Selectmen or their designee may revoke or suspend an issued permit at any time for any violation of any Town of Woodstock Ordinance. Further, the Board of Selectmen or its designee may revoke or suspend an issued permit for any violation under Title XIII: Alcoholic Beverages, Chapters 175 through 180 of NH State Law.
- B. In the event that a permit is denied, suspended or revoked, the applicant shall have the right to appeal such decision, by filing a written request to the Board of Selectmen within 30 days. Upon receipt of the appeal, the Board of Selectmen shall hold a hearing in accordance with RSA 43:2.

- C. The Selectmen, upon completing the hearing, shall issue a written decision.

Posting of Permit

The permit shall be posted in a conspicuous place with in the area of the event or business.

Compliance and Penalties

- A. Any establishment with an Exotic Dancing/Unusual Entertainment permit shall allow representatives of the Police Department, Fire Department, Town Administration or Health Officer to inspect the premises of the entertainment facility at any time the facility is open for business. The purpose of such inspections is to ensure compliance with all applicable statute, codes, ordinances, regulations and laws.
- B. Any person, persons, society, fraternal organization, associations, corporation or other entity that fails to comply with the provisions of this Ordinance or is found to be operating without a permit as required under this Ordinance shall be guilty of a violation and subject to a fine of up to one thousand dollars (\$1000.00) per violation. Each day (or portion thereof) of non-compliance and each different rule infraction shall constitute a separate violation.
- C. The Board of Selectmen or its designee is hereby given authority to enforce the provisions of this Ordinance and to take action in any court of competent jurisdiction within the State of New Hampshire.
- D. The invalidity of any provision of this Ordinance shall not affect the validity of any other provisions.
- E. This Ordinance shall take effect upon its passage and any other ordinance or parts of Ordinances inconsistent herewith are hereby repealed.

Passed at Town Meeting March 9, 2010.

IN WITNESS WHEREOF, this Entertainment Ordinance is hereby adopted and approved on the 23rd day of March, 2010 by the Woodstock Board of Selectmen.

Gil Rand
Joel Bourassa
James Fadden Jr.

UNDER SEAL OF THE TOWN, RECEIVED AND RECORDED ON THIS
23rd DAY OF MARCH, 2010 BY:

Judy Welch
Town Clerk, Town of Woodstock