

File

ORDINANCE NO. 902

AN ORDINANCE DEFINING THE OFFENSE OF EXPOSURE OF THE FEMALE PERSON IN ESTABLISHMENTS SERVING FOOD AND/OR LIQUOR; MAKING SUCH OFFENSE UNLAWFUL; PROVIDING PENALTIES; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT OR INCONSISTENT HEREWITH; FIXING THE EFFECTIVE DATE OF THIS ORDINANCE, PROVIDING FOR SEVERABILITY AND SAVINGS.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROSWELL, NEW MEXICO:

SECTION 1. EFFECTIVE DATE. - This Ordinance shall be and become effective on December 20, 1969.

SECTION 2. APPLICATION. - This Ordinance has no application to an offense committed prior to its effective date.

An offense is committed prior to the effective date of this ordinance if any of the essential elements of the offense occurred before that date.

Prosecutions for prior offenses shall be governed, prosecuted and punished under applicable ordinances existing at the time such violations or offenses were committed.

SECTION 3. PENALTY. - Any person violating the provisions of this Ordinance, upon conviction, shall be punished by a fine of not more than Three Hundred (\$300) Dollars or by imprisonment for not more than ninety (90) days, or by both such fine and imprisonment at the discretion of the Court. Each day of violation shall constitute a separate offense.

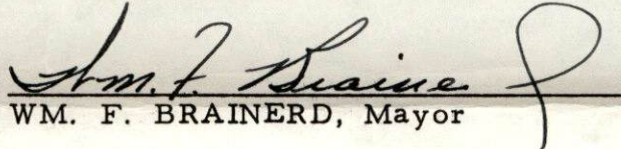
SECTION 4. EXPOSURE OF THE FEMALE PERSON. - It shall be unlawful for any person, owner, proprietor, manager, keeper, or the agent, employee or servant of any such owner, proprietor, manager, or keeper of any establishment serving food and/or alcoholic beverages, including but not limited to a lounge, tavern, retail liquor dispenser, hotel, motel or other place open to the public within the City, for pay or otherwise, knowingly to show, cause to be shown, exhibited or otherwise exposed to public view in and upon such premises one or both female breasts in the person of any entertainer, performer, employee, agent or other individual.

SECTION 5. REPEALER, SEVERABILITY. - All ordinances or parts of ordinances in conflict or inconsistent herewith are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed to revive any ordinance or parts of any ordinance heretofore repealed.

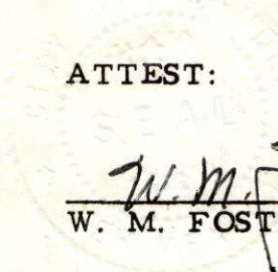
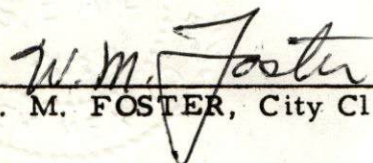
That if any section, paragraph, clause or provision of this Ordinance shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any other part of this Ordinance.

PASSED, ADOPTED, SIGNED AND APPROVED on December 9, 1969.

CITY SEAL

  
WM. F. BRAINERD, Mayor

ATTEST:

  
  
W. M. FOSTER, City Clerk