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# Adult-entertainment law thrown out

## Ruling opens door to totally nude dancing, lawyer says

By RICK McDONOUGH  
The Courier-Journal

Dancers at Louisville's topless bars can now perform bottomless as well, a lawyer representing several of the establishments said yesterday after a Jefferson Circuit judge ruled that the city's

adult-entertainment licensing ordinance is unconstitutional.

Attorney Michael Hatzell is telling his clients, including the Centerfold Lounge and several other businesses with cabaret licenses, that "there's no reason to abide by" the city's ordinance forbidding totally nude dancing in establishments that serve alcohol.

"The city is back to being wide open," Hatzell said.

City law director Bill Stone said it's not clear what Judge James Shake's ruling means, and

the city will file a motion today asking the judge for a clarification.

Once Shake does that, Stone said, city officials will decide whether to appeal the ruling or ask the Board of Aldermen to modify the adult-entertainment law.

About 14 Louisville bars have cabaret licenses, said Bill Schreck, who is in charge of the city department that issues the licenses. Seven other businesses have adult-entertainment licenses, including six bookstores

and one club that offers nude dancing but doesn't sell alcohol, he said.

Shake's decision, made public yesterday, said the city's adult-entertainment ordinance has flaws in the appeals and licensing processes. When a business is denied a license, Shake said, the ordinance does not say that the decision can be appealed to the courts.

"An essential protection is lacking," he said.

The other problem, Shake said, is that the city requires an

applicant to obtain "approval by numerous other agencies over which the city has no control," which could lead to "an impermissible delay in acting on the licensing request."

Shake's ruling stemmed from a case filed against the city in 1999 by Scarlet Inc., a company that was denied a license to operate the Centerfold Lounge at 423 W. Chestnut St. as a cabaret with topless dancing.

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Jefferson Circuit Judge James Shake ruled that Louisville's adult-entertainment law has flaws in the appeals and licensing processes.

## Judge throws out adult-entertainment law

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Schreck said he turned down the lounge's application because it was within 500 feet of another licensed cabaret, the Body Shop II at 421 W. Chestnut St. Both businesses are operated by Don Wheeler and Gregory Coghill, according to court records.

Shake's ruling did not address the claim by the owners of the

Centerfold Lounge that the business should have been awarded a license. Instead, he threw out the entire adult-entertainment ordinance, saying that "adequate constitutional protections do not exist for cabaret license applicants under the ordinance."

Aldermanic President Steve Magre said the problems cited by the judge "sound easy enough to correct."

Schreck said the Centerfold Lounge opened without a license in late 1998, shortly before the city amended its adult-entertainment ordinance to create a category for cabarets.

At that time, the city was struggling with another court ruling that had overturned a city law banning nude dancing at establishments that are licensed to serve alcohol.