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Appeal on strip club's closure

Supervisors hold Headliners' fate

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Sacramento County supervisors must decide whether staff properly revoked the business license of a Rancho Cordova strip club because, essentially, there wasn't enough nude dancing going on.

The board is set to hear an appeal Wednesday by Headliners, which already has wrestled with the county in state and federal courts over the validity of its license.

A federal judge sided with the county, which argued that the "juice bar" lost its license because it did not continually operate as an "adult live theater" for a year, beginning in December 1996. But the Superior Court judge ordered an administrative hearing before the license could be revoked.

After a two-day proceeding that included testimony from a nude dancer, a county hearing officer agreed in June that the club had closed for a year. Under zoning ordinances, a business license expires if the operation shuts down for at least 12 months.

The decision was appealed, placing the long-running dispute over the nude dance club in the board's lap, because owners believe the real issue is freedom of expression, attorney Jeffrey Kravitz said. Supervisors are scheduled to hear the appeal at 11 a.m. in chambers at 700 H St., Sacramento.

"You cannot shut down a strip club just because you don't like nude dancing," said Kravitz, who represents the club's owners. "We very firmly believe this is a fight about free speech — and women's rights, too, because all of the dancers are women."

The nude-dancing club — then known as Tail Feathers — opened in a leased industrial warehouse on Pyrites Way in 1994.

The sexually oriented business became a "non-conforming use" in August 1995, when supervisors rezoned property within 1,000 feet for residential use. But Tail Feathers was allowed to keep operating under zoning rules as long

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Club: Financial trouble cut days of operation

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as the activity for which it was licensed did not shut down for a year or more.

County staff said evidence showed the strip club ceased regular operations in 1997 and that the property was used for non-related purposes, including storage of phone directories.

"It's usually pretty simple," said county business license manager Gary Fuson. "If they're gone for a year, the license is closed."

Kravitz said Tail Feathers stopped its normal operations of six days a week because of eco-

nomics while owners looked for new financing. But he said the club operated "intermittently," hosting bachelor parties, private celebrations and other "social" events that included music with nude dancing.

The club reopened as Headliners and held "more regular" business hours by December 1997 and returned to six-day operations by January 1998, Kravitz said. Headliners continued operating nightly until last June, when club operators began renegotiating with the property owners, he said.