

## CHAPTER 51

### ORDINANCE CONTROLLING NUDITY IN BUSINESSES

#### Article I. Purpose

##### **Section 51.101 - Purpose**

The purpose of this Ordinance is to regulate nudity as a form of commercial exploitation and to regulate dress as a form of conduct and not to impede the free exchange and expression of ideas. The conduct regulated is that which the community and Town Council in public meetings have clearly found to be offensive to the general welfare, public safety, order and morals of the Town of Freeport and its citizens.

#### Article II - Definitions

##### **Section 51.201 - Theater.**

As used in this Ordinance, "theater" means (a) a building, playhouse, hall or other place having a permanent stage upon which movable scenery and theatrical or vaudeville or similar performances are given and permanently affixed seats so arranged that a body of spectators can have an unobstructed view of the stage, or (b) a building, room, hall, or other place whose primary function is to present movies or motion pictures and which has a permanent movie screen and permanently affixed seats so arranged that a body of spectators can have an unobstructed view of said screen, or (c) an open-air or "drive-in" movie having a permanently affixed movie screen and permanently affixed devices for broadcasting the soundtracks of movies or motion pictures inside of the patrons' vehicles.

##### **Section 51.202 - Sales Person, Waiter, Waitress and Entertainer.**

A person shall be deemed a sales person, waiter, waitress or entertainer if such person acts in that capacity, without regard to whether or not such person is paid any compensation by the management of the business in which the activity is performed.

##### **Section 51.203 - Expose.**

"Expose" or "exposed" means unclothed or uncostumed or not covered by fully opaque cloth or textile material, or employing any device or covering which is intended to give the appearance of or to simulate the genitals, pubic hair, buttocks, perineum, anus or a portion of the female breasts at or below the areola thereof.

#### Article III - Prohibitions

**Section 51.301** It shall be unlawful for a person who, while acting as a sales person, waiter, waitress, entertainer or in any other capacity as an owner, manager, or employee in a business to expose his or her genitals, pubic hair, buttocks, perineum or anus or to expose any portion of the female breasts at or below the areola thereof.

**Section 51.302.** It shall be unlawful for a person to cause, permit, procure, counsel, or assist any person to expose himself or herself as prohibited by Section 51.30

1 of this Ordinance.

**Section 51.303.** It shall be unlawful for a person operating a business to, at said place of business, display or cause or permit the display of photographs, covers of magazines, newspapers or other printed matter which expose or show genital, pubic hair, buttocks, perineum, anus, or female breasts at or below the areola thereof, in such manner that such photographs, covers of magazines, newspapers or other printed matter are visible to children or unwilling adults using the sidewalks, streets or highways.

#### **Article IV - Exceptions**

**Section 51.401.** Sections 51.201 and 51.202 of this Ordinance do not apply to a theater or similar establishment which is primarily devoted to theatrical performances or the presentation of movies.

**Section 51.402.** This Ordinance does not apply to any act authorized or prohibited by any statute of the State of Maine.

#### **Article V - Penalty**

**Section 51.501.** Any act made unlawful by this Ordinance and any violation of this Ordinance shall be punishable by a fine of not more than \$500 (five hundred) for each offense. Each day that such unlawful act or violation continues shall be considered a separate offense.

**Section 51.502.** In addition to any other penalty provided by the law, the commission of acts prohibited by this Ordinance shall constitute a nuisance and may be abated by the town seeking an injunction to prohibit further and continued violation thereof.

#### **Article VI - Severability**

**Section 51.601.** If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance.