

**ORDINANCE CONTROLLING NUDITY IN BUSINESS
TOWN OF ISLAND FALLS**

Section 1.0 Ordinance Controlling Nudity in Business

1.1 Purposes

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 Selectmen have clearly found to be offensive to the general welfare, public safety, order and morals of the Town of Island Falls and its citizens.

1.2 Definitions as used in the Ordinance:

THEATER means (a) a building, playhouse, hall or other place having a permanent stage upon which moveable 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 or © an open-air or "drive-in" movie having a permanently affixed devices for broadcasting the sound tracks of movies or motion pictures inside of the patrons' vehicles.

SALES PERSON 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 establishment in which the activity is performed.

EXPOSE or EXPOSED means unclothed or uncostumed or not covered by a fully opaque material.

BUSINESS includes any activity engaged in or caused to be engaged in by any person or persons, natural or corporate, with the object and purpose of economic gain, benefit, or advantage, either direct or indirect.

1.3 Prohibition

1.3.01 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 conducted and/or operated anywhere within the Town of Island Falls, (a) to expose his or her genitals, pubic hair, buttocks, perineum, or anus or (b) to expose any portion of the female breasts at or below the areola thereof.

1.3.02 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 1.3.01** of this Ordinance.

1.3.03 It shall be unlawful for a person operating a business anywhere within the Town of Island Falls 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 genitals, 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.

1.4 Exceptions

1.4.01 Sections **1.3.01** and **1.3.02** of this Ordinance do not apply to (a) a theater or similar establishment which is primarily devoted to theatrical performances or the presentation of movies.

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

1.5 Penalty

1.5.01 Any act made unlawful by this Ordinance and any violation of this Ordinance shall be punishable by a fine not less than one thousand dollars (\$1,000.00) nor more than two thousand five hundred dollars (\$2,500.00) for each offense. Each act of violation and every day upon which any such violation shall occur, shall constitute a separate offense.

1.5.02 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.

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