

TOWN OF DIXMONT

ORDINANCE CONTROLLING NUDITY IN BUSINESS

Section 1. 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 Board of Selectmen have clearly found to be offensive to the general welfare, public safety, order and morals of the Town of Dixmont and its citizens.

Section 2. Definitions. For the purpose of this Ordinance, the following definitions apply

- A. Business: 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.
- B. Expose: Unclothed or uncostumed or not covered by a fully opaque material.
- C. 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 owner or management of the establishment in which the activity is performed.
- D. Theatre: (1) 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 are so arranged that a body of spectators can have an unobstructed view of the stage, or (2) 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 have an unobstructed view of said screen, or (3) 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 3. Prohibitions.

- A.: 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, employee, or independent contractor in a business conducted and/or operated within the Town of Dixmont: (1) to expose his

or her genitals, pubic hair, buttocks, perineum, or anus; (2) to expose any portion of the female breast at or below the areola thereof; or (3) to display covered male genitals in a discernibly turgid state.

- B. It shall be unlawful for a person to cause, permit, procure, counsel, or assist any person to expose and/or display himself or herself as prohibited by Section 3(A) of this Ordinance.

Section 4. Exceptions. This Ordinance does not apply to:

- A. A theater or similar establishment which is primarily devoted to theatrical performances or the presentation of movies.
- B. Any act authorized or prohibited by any statute of the State of Maine.

Section 5. Penalties and Enforcement. The violation of any provision of this Ordinance shall be punishable by a civil penalty of not less than \$500.00 nor more than \$1,000.00 for each offense. Each act of violation and every day upon which any violation shall occur shall constitute a separate offense. Any penalties shall inure to the benefit of the Town. In addition to such penalties, the Town may enjoin or abate any violation of this Ordinance by appropriate action. If the Town prevails in an action to enforce this Ordinance, or an action to enjoin or abate any activity prohibited by this Ordinance, the Town shall be awarded its costs of suit, including reasonable expert fees, attorney fees, and investigative costs.

Section 6. Severability. If any section, phrase, sentence, or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.