

**TOWN OF MEXICO
ORDINANCE CONTROLLING NUDITY IN LICENSED BUSINESSES**

ARTICLE I - PURPOSE

SECTION 1.1. 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 THE BOARD OF SELECTMEN IN PUBLIC MEETINGS HAVE CLEARLY FOUND TO BE OFFENSIVE TO THE GENERAL WELFARE, PUBLIC SAFETY, ORDER AND MORALS OF THE TOWN OF MEXICO AND ITS CITIZENS.

ARTICLE II - DEFINITIONS

SECTION 2.1 - 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 PATRON'S VEHICLES.

SECTION 2.2 - LICENSE ORDINANCE. LICENSE ORDINANCE MEANS THE ORDINANCE AUTHORIZING THE GRANTING OF MUNICIPAL LICENSES FOR BUSINESSES WITHIN THE TOWN OF MEXICO AS AMENDED TO THE DATE ON WHICH THE VIOLATION OF THIS ORDINANCE TAKES PLACE.

SECTION 2.3 - 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 ESTABLISHMENT IN WHICH THE ACTIVITY IS PERFORMED.

SECTION 2.4 EXPOSE. "EXPOSE" OR "EXPOSED" MEANS UNCLOTHED OR UNCOSTUMED OR NOT COVERED BY A FULLY OPAQUE CLOTH OR TEXTILE MATERIAL, OR TO EMPLOY 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 3.1. 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 SUBJECT TO LICENSE UNDER THE LICENSE ORDINANCE OF THE TOWN OF MEXICO: (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.

SECTION 3.2. 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 3.1 OF THIS ORDINANCE.

SECTION 3.3. IT SHALL BE UNLAWFUL FOR A PERSON OPERATING A BUSINESS SUBJECT TO LICENSE UNDER THE LICENSE ORDINANCE OF THE TOWN OF MEXICO 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.

ARTICLE IV - EXCEPTIONS

SECTION 4.1. SECTIONS 2.1 AND 2.2 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.

SECTION 4.2. THIS ORDINANCE DOES NOT APPLY TO ANY ACT AUTHORIZED OR PROHIBITED BY ANY STATUTE OF THE STATE OF MAINE.

ARTICLE V - PENALTY

SECTION 5.1. 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 5.2. 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 6.1. 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.

ADOPTED: 6/7/99

SIGNED: *Arthur Bordeau*
ARTHUR BORDEAU, CHAIRMAN

ROLAND ARSENAULT

Louise Waterhouse
LOUISE WATERHOUSE

Robert Lyons
ROBERT LYONS

BRIAN ELLIOTT
SELECTMEN, TOWN OF MEXICO