NUDITY CONTROL ORDINANCE

ARTICLE I - PURPOSE

Section 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 Board of Selectmen in public meeting have clearly found to be offensive to the general welfare, public safety, order and morals of the Town of East Millinocket and its citizens.

ARTICLE II - DEFINITIONS

Section 2.1 THEATER - As used in this Ordinance “theater” means:

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 has a permanent movie screen and affixed seats so arranged that a body of spectators can have an unobstructed view of said screen, or

b. 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.

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 laws of the Town of East Millinocket:

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.

Section 3.2 It shall be unlawful for a person to cause, permit, procure, counsel or assist any person to expose himself/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 laws of the Town of East Millinocket to, at place of business, display, cause or permit the display of photographs, covers of magazines, newspapers or other printed matter which exposes or shows genitals, pubic hair, buttocks, perineum, anus, or female breasts at or below the areola, in such manner that the photographs, covers or magazines, newspapers or other printed materials are visible to children or unwilling adults.

ARTICLE IV - EXCEPTIONS

Section 4.1 Sections 2.1 and 2.2 (sic) 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 - PENALTIES

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 five-hundred ($500.00) dollars for each offense. Each day that said 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 by seeking an injunction to prohibit further and continued violation.

ARTICLE VI - VALIDITY

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 portion of this ordinance.

Adopted May 1, 1991