

ORDINANCE 4

AN ORDINANCE PROHIBITING CERTAIN PUBLIC NUDITY

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PLEASANT VALLEY:

SECTION 1. DEFINITION. As used in this Ordinance "state of nudity" means a state of undress so as to expose the human male or female genitals, public area or buttocks with less than a fully opaque covering, or the showing of the female breast with less than a fully opaque covering of any portion thereof below the top of the nipple.

SECTION 2. UNLAWFUL ACTS. Every person who knowingly, voluntarily and intentionally appears in public or in a public place, or in a place open to the public or open to public view in a state of nudity, or employs, encourages or procures another person to so appear, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not more than One Thousand Dollars (\$1,000.00).

SECTION 3. EXCEPTIONS TO APPLICATION OF ORDINANCE. Nothing contained in this ordinance shall be construed to apply to the exhibition, presentation, showing or performance of any play, ballet, drama, tableau, production or motion picture in any theater, concert hall, museum of fine arts, school, institution of higher learning or other similar establishment which is primarily devoted to such exhibitions, presentations, shows or performances as a form of expression of opinion, communication, speech, ideas, information, act or drama as differentiated from commercial business advertising, promotion or exploitation of nudity for the purpose of advertising, promotion, selling or serving products or services, or otherwise advancing the economic welfare of a commercial or business enterprise such as a hotel, motel, bar, nightclub, restaurant, tavern or dance hall.

SECTION 4. EFFECTIVE DATE. This Ordinance shall be in full force and take effect one day from and after the date of its passage, a clear and present danger existing which is totally unrelated to any object of the suppression of expression or speech, but which is related to the morals, health, safety and general welfare of the public.

Passed by the City Council this 27th day of November, 1997.

signed by Jack Bish
Mayor

ATTEST:

signed by Betty Waggoner
City Clerk