

CHAPTER 16

PROHIBITION OF PUBLIC NUDITY ORDINANCE

16.1 Public Nudity Prohibited. No person shall engage in public nudity. No business establishment shall permit persons to engage in public nudity. For purposes of this Ordinance, the term "business establishment" shall include, but not be limited to, owners, officers, employees, and other persons in charge of or in control of a business premises or any part thereof.

16.2 Public Nudity Defined. As used herein "public nudity" means knowingly or intentionally displaying to another person(s) any individual's genitals, pubic area or anus with less than a fully opaque covering, or a female individual's breast with less than a fully opaque covering of the nipple or areola: (1) in a public place; or (2) for payment or promise of payment by any person including, but not limited to, payment or promise of payment of an admission fee. Public nudity does not include a woman's breast feeding of a baby, whether or not the nipple or areola is exposed during or incidental to the breast feeding.

16.3 Public Place Defined. As used herein, "public place" means any premises which are open to the general public or any business, club, association, lodge, fraternal organization or other association, group or entity.

16.4 Public Nudity Declared a Nuisance. Any premises in which public nudity is offered, promoted, allowed or encouraged shall constitute a public nuisance, and shall be subject to abatement proceedings.

16.5 Enforcement By All Legal Means. The Township may in its discretion enforce the terms of this Ordinance by any and all available remedies. Such remedies may include legal proceedings for the enjoining or prevention of violations, the issuance of municipal civil infractions and other enforcement means.

16.6 Penalties. A violation of this Ordinance is a municipal civil infraction, for which the fine shall be not less than \$250 nor more than \$500 for the first offense, and not less than \$750 nor more than \$1,000 for a subsequent offense, in the discretion of the Court, and in addition to all other costs, damages and expenses. For purposes of this section, "subsequent offense" means a violation of a provision of this Ordinance committed by the same person within 12 months of a previous violation of the same provision of the Ordinance for which said person admitted responsibility or was adjudicated to be responsible; provided, however, that offenses committed on subsequent days within a period of one week following the issuance of a citation for a first offense shall be considered separate first offenses. Each day during which any violation continues shall be deemed a separate offense.

16.7 Conflicting Ordinances. All ordinances or parts of ordinances in conflict herewith are repealed to the extent necessary to give this Ordinance full force and effect.

16.8 Severability. In the event that any section, term or provision of this Ordinance shall be held invalid by any court of competent jurisdiction, the same shall not affect any other provision of this Ordinance, except insofar as the section, term or provision thus declared invalid shall be inseparable from the remainder of the Ordinance or any part thereof.

