

Chapter 5

**AMUSEMENTS AND ENTERTAINMENTS**

- Art. I. In General, §§ 5-1–5-30  
Art. II. Adult Entertainment, §§ 5-31–5-38

**ARTICLE I. IN GENERAL**

**Secs. 5-1–5-30. Reserved.**

**ARTICLE II. ADULT ENTERTAINMENT**

**Sec. 5-31. Definitions.**

As used in this article the phrase “theater, concert hall, or other similar establishment which is primarily devoted to theatrical performances” shall mean a building, playhouse, room, hall or other place having permanently affixed seats so arranged that a body of spectators can have an unobstructed view of the stage upon which theatrical or vaudeville performances or similar forms of artistic expression are presented, and where such performances are not incidental to the promoting of the sale of food, drink or other merchandise and for which a village license for a theater is in full force and effect.

(Ord. No. 65, Art. I, 7-1-76)

**Sec. 5-32. Exposure by waiters, waitresses and entertainers—Prohibitions.**

Every person is guilty of a misdemeanor who while acting as a waiter, waitress or entertainer in an establishment which serves food, beverages, or food and beverages, including, but not limited to, alcoholic beverages, for consumption on the premises of such establishment:

- (a) Exposes his or her genitals, pubic hair, buttocks, natal cleft, perineum, anal region or pubic hair region;
- (b) Exposes any device, costume or covering which gives the appearance of or simulates the genitals, pubic hair, buttocks, natal cleft, perineum, anal region or pubic hair region; or
- (c) In the case of a female, exposes any portion of the nipples or areola (the more darkly pigmented portion encircling the nipple) of her breasts.

(Ord. No. 65, Art. II, § 1, 7-1-76)

**Sec. 5-33. Same—Employment or payment not necessary for offense.**

A person shall be deemed to be a 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.

(Ord. No. 65, Art. II, § 3, 7-1-76)

**Sec. 5-34. Same—Counseling or assisting.**

(a) Every person is guilty of a misdemeanor who causes, permits, procures, counsels or assists any person to expose or simulate exposure as prohibited in section 5-32 above.

(b) Proof that a person has violated any of the provisions of section 5-32 above, during normal business hours in an establishment referred to in section 5-32 shall constitute prima facie evidence that the manager or managers, as the case may be, caused, permitted, procured, counseled, or assisted this violation.

(Ord. No. 65, Art. II, § 2, 7-1-76)

**Sec. 5-35. Exposure by performers in public—Prohibitions.**

Every person is guilty of a misdemeanor who, while participating in any live act, demonstration, or exhibition in any public place, place open to the public, or place open to public view:

- (a) Exposes his or her genitals, pubic hair, buttocks, natal cleft, perineum, anal region, or pubic hair region;
- (b) Exposes any device, costume or covering which gives the appearance of or simulates the genitals, pubic hair, buttocks, natal cleft, perineum, anal region, or pubic hair region; or
- (c) In the case of a female, exposes any portion of the nipples or areola (the more darkly pigmented portion encircling the nipple) of her breasts.

(Ord. No. 65, Art. III, § 1, 7-1-76)

**Cross reference**—Streets, sidewalks and other public places, Ch. 45.

**Sec. 5-36. Same—Counseling or assisting.**

(a) Every person is guilty of a misdemeanor who causes, permits, procures, counsels or assists any person to expose or simulate exposure as prohibited in section 5-35, above.

(b) Proof that a person has violated any of the provisions of said section 5-35 above, during normal business hours in an establishment referred to in said section 5-35 shall constitute prima facie evidence that the manager or managers, as the case may be, caused, permitted, procured, counseled, or assisted this violation.

(Ord. No. 65, Art. III, § 2, 7-1-76)

**Sec. 5-37. Exemption of theatrical performances.**

The provisions of this article shall not apply to a theater, concert hall or other similar establishment which is primarily devoted to theatrical performances.

(Ord. No. 65, Art. IV, 7-1-76)

**Sec. 5-38. Penalties for violation.**

Any person who shall be convicted of violating any of the provisions of this article shall for each offense be punished by imprisonment in the county jail for not more than ninety (90) days or by a fine of not more than one hundred dollars (\$100.00), or by both such fine and imprisonment.

(Ord. No. 65, Art. VI, 7-1-76)



Chapters 6–8

**RESERVED**

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