

Chapter 158

PUBLIC EXPOSURE

- | | |
|---|--|
| <p>§ 158-1. Title.</p> <p>§ 158-2. Scope and intent.</p> <p>§ 158-3. Definitions.</p> | <p>§ 158-4. Exposure prohibited; exceptions.</p> <p>§ 158-5. Promoting exposure.</p> <p>§ 158-6. Penalties for offenses.</p> |
|---|--|

[HISTORY: Adopted by the Board of Trustees of the Village of Caledonia 5-18-1993 as L.L. No. 2-1993 (Ch. 80 of the 1981 Code). Amendments noted where applicable.]

§ 158-1. Title.

This chapter shall be known and may be cited as the "Public Exposure Law of the Village of Caledonia, New York."

§ 158-2. Scope and intent.

- A. The intent of this chapter is to regulate the public exposure of portions of the human body in public places within the Village of Caledonia. It is the finding and the opinion of the Board of Trustees of the Village of Caledonia and the community-at-large that display of one (1) or more portions of the human body ordinarily or customarily covered or clothed when in a public place, including the genitalia and the portion of the female breast that is below the top of the areola, is not a practice common or generally acceptable to the community or the average residents of the Village of Caledonia.
- B. The Board of Trustees further notes that the Village of Caledonia is almost exclusively residential in nature, with a small commercial use zoning district surrounded by residential properties and several nonconforming commercial use buildings or structures, predating zoning and interspersed among residential properties. It is further recognized that a majority of commercial buildings contain one (1) or more residential apartment units.
- C. The Board of Trustees enacts this chapter for the purpose of protecting and maintaining the neighborhood character and the peaceful, residential nature of the village and its neighborhoods and to prevent or limit additional parking demands that cannot be met on site and traffic or similar congestion and noise and nuisance often accompanying organized and deliberate displays or showings of public exposure.

§ 158-3. Definitions.

As used in the chapter, the following terms shall have the meanings indicated:

BODILY EXPOSURE — The deliberate or intentional uncovered or exposed display of one (1) or more portions of the human body ordinarily or customarily covered or clothed

when in a public place, including the genitalia and the portion of the female breast that is below the top of the areola.

COMMUNITY — The Village of Caledonia, New York.

PERSON — For purposes of this chapter only, the term “person” is defined as a male or female of an age sufficient to understand the inappropriate display of parts of the human body and of an age when such display is voluntarily regulated by said person.

PUBLIC PLACE — A place to which the public or a substantial group of persons have access or where persons routinely or normally gather, including but not limited to places of amusement, dance halls, restaurants, bars, taverns, lounges, discotheques and lobbies or other portions of hotels or apartments not constituting rooms or apartments designed for actual residence.

§ 158-4. Exposure prohibited; exceptions.

- A. Within four hundred (400) feet of any dwelling or residence, it shall be unlawful for any person, whether or not such person is entertaining or performing in a dance, play, exhibition, show or entertainment, to deliberately expose or display without opaque covering in any bar, restaurant, tavern, place of amusement or public place within the Village of Caledonia, in the presence of the public or of patrons of such establishments, any portion of the human body ordinarily or customarily covered or clothed when in a public area, particularly the genitalia and that portion of the female breast that is below the top of the areola.
- B. Notwithstanding the foregoing, the incidental exposure of all or part of the female breast concurrently with the breast-feeding of an infant child by that person shall not be prohibited by this chapter.

§ 158-5. Promoting exposure.

It shall be unlawful for any person, business entity or corporation conducting a public meeting or public assembly or maintaining or operating a bar, restaurant, tavern, place of amusement, discotheque or any public place within the Village of Caledonia to knowingly permit, allow or promote the bodily exposure of any waiter or waitress, barmaid, entertainer or other person who appears before the public or patrons of such establishment, whether or not such person is entertaining or performing in a dance, play, exhibition, show or entertaining, so as to display the portion of the exposed female breast below the top of areola or the genitalia.

§ 158-6. Penalties for offenses.

- A. Any person, firm or corporation found to be violating any provision of this chapter shall be guilty of a violation and, upon conviction thereof, shall be fined in the amount not to exceed two hundred fifty dollars (\$250.) or imprisoned for a period not to exceed fifteen (15) days, or both.

- B. A separate offense shall be construed as each event of such unclothed or uncovered bodily exposure separated by a measurable lapse of time of at least five (5) minutes, such that, for example, two (2) showings in a single day shall constitute two (2) separate offenses.