

Article V. Nude Activity in Public.

Sec. 30-44. Legislative authorization.

This article is adopted pursuant to sections 318.5 and 318.6 of the Penal Code. All words used in this article which also are used in sections 318.5 and 318.6, are used in the same sense and mean the same as the same respective words used in sections 318.5 and 318.6 of the Penal Code. (Ord. No. 365)

Sec. 30-45. "Theater" defined.

As used in this article and in sections 318.5 and 318.6 of the Penal Code, "theater" means a building, playhouse, room, hall or other place having a permanent stage upon which movable scenery is placed 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, and for which a city license for a theater is in full force and effect. This definition does not supersede the provisions of section 30-44. (Ord. No. 365)

Sec. 30-46. Prohibited acts--Generally.

Every person is guilty of a misdemeanor who exposes his or her genitalia, pubic hair or natal cleft or perineum or employs any device or covering which is intended to simulate the genitalia or pubic hair while participating in any live act, demonstration or exhibition in any public place, place open to the public or place open to public view, or while serving food or drink or both to any customer. (Ord. No. 365)

Sec. 30-47. Same--By females.

Every female 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, or while serving food or drink or both to any customer:

- (a) Exposes the areola of either breast or any portion of either breast below the areola thereof, or
- (b) Employs any device or covering which is intended to simulate such portions of the breast, or
- (c) Wears any type of clothing so that any portion of such part of the breast may be observed. (Ord. No. 365)

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Sec. 30-48. Same--Accessories.

Every person is guilty of a misdemeanor who permits, counsels or assists any person to violate any provision of sections 30-46 or 30-47. (Ord. No. 365)

Sec. 30-49. Exceptions.

This article does not apply to:

- (a) A theater, concert hall or similar establishment which is primarily devoted to theatrical performances.
- (b) Any act authorized or prohibited by any state statute. (Ord. No. 365)

(Ord. No. 365)