

CHAPTER 64

PUBLIC DECENCY

§64.1 **Legislative purpose**

It is hereby declared the policy of the Village of Avon, State of New York, that in order to preserve public peace and good order and to safeguard the health, safety, welfare and morals within the area of the Village of Avon, it is necessary to regulate and control the operations and conduct of places of public assembly conducted as cabarets, bars or lounges, dance halls, discotheques or the like so as to fix certain responsibilities and duties of persons owning, operating or controlling such establishments and employed therein.

§64.2 **Definitions**

As used in this chapter:

1. "Place of public assembly" shall mean any room, place or space which is occupied or arranged to be occupied for recreational, amusement, social, sports or similar purposes; or any building, shed or enclosure, whether indoor or outdoor, coming within the occupancy and other similar classifications of this section, as determined by the officer charged with the enforcement of this section. For the purposes of interpretation, the term "public assembly" where used in this law, shall include the term "public assembly" or "assembly" as may be used in other codes, laws, ordinances, rules or regulations, as may be applicable in the Village of Avon.

2. "Cabaret" shall mean any place of public assembly in which the business of, directly or indirectly, selling or serving food, drink or alcoholic beverages to the public is conducted and in which any musical entertainment, singing, dancing in a designated area or other form of amusement is also permitted and shall include such a room, place or space which provides incidental musical entertainment by mechanical devices with or without dancing.

3. "Bars and/or lounges" shall mean any place of public assembly in which the business of, directly or indirectly, selling and/or serving drink to the public is conducted and in which any musical entertainment, singing, dancing in a designated area or other form of amusement is also permitted, and shall include such a room, place or space which provides incidental musical entertainment devices with or without dancing.

4. "Dance halls" shall mean any place of public assembly in which dancing is carried on and to which the public may gain admittance either with or without the payment of a fee.

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5. "Discotheques" and the like shall mean any place of public assembly in which the business of, directly or indirectly, selling and/or serving food, drinks and/or alcoholic beverages to the public is conducted in which dancing is carried on by any musical entertainment and to which the public may gain admission either with or without the payment of a fee.

6. "Person" shall mean an individual, partnership, club, association, corporation, society or any other organized group of persons and shall include officers, directors, stockholders and trustees of a club, corporation, association or society.

§64.3 **Prohibited exposure of person**

A. Exposure by individuals.

It shall be unlawful for a female to expose that portion of her breast below the top of the areola or to appear before or come in contact with patrons with the portion of her breast below the top of the areola not covered with a fully opaque covering, or for any person, male or female to show the lower part of the torso uncovered or so thinly covered or draped as to appear uncovered, or to appear in any scene, sketch, act or entertainment with breasts (in case of female) or the lower part of the torso uncovered or so thinly draped as to appear uncovered.

B. Promoting exposure.

It shall be unlawful for any person conducting, maintaining or operating a cabaret, bar and/or lounge, dance hall or discotheque establishment, or any other place of public assembly within the Village of Avon to suffer or permit any waitress, barmaid, entertainer or other person who comes in contact with or appears before or is likely to come in contact with or appear before patrons with breasts uncovered in such a manner that the portion of the breast below the top of the areola is not covered with a fully opaque covering, or the lower part of the torso uncovered or so thinly covered or draped as to appear uncovered; or to appear in any scene, sketch, act or entertainment with breasts or the lower part of the torso uncovered, or so thinly draped as to appear uncovered. Reference to breasts in this section refers to females only. Reference to the lower part of the torso refers to both male and female.

§64.10 **Penalty**

Any person who shall violate any provision of this Chapter shall be guilty of a violation punishable by a fine not exceeding Two Hundred Fifty Dollars (\$250.00) or imprisonment for a period not to exceed fifteen (15) days or both.

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Historical Note

Chapter 64 was added by Local Law #2 of 1975 on December 2, 1975 and was filed in the office of the Secretary of State on December 29, 1975, effective immediately.

Cross-reference:

Peace and good order. §65.41 et seq.

References:

Authority to enact this chapter. Penal L §245.01, §245.02

Nudity. In the absence of lewd conduct, nude sunbathing on a public beach is not prohibited by Penal L §245.00. *People v. Hardy*, 77 Misc2d 1092

Offenses against public order. Penal L §240.00 et seq.

Offensive exhibition. Penal L §245.05

Offensive sexual material, display of. Penal L §245.11

Topless dancers. Local law banning performances by topless dancers is within police power. (Penal L §245.01, §245.02). *Brandson Shores v. Inc. Vil. of Greenwood Lake*, 68 Misc2d 343