

Chapter 100

ADULT ENTERTAINMENT

[HISTORY: Adopted by the Board of Trustees of the Village of Port Byron as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Ordinance citation procedures — See Ch. 1, Art. V.

Alcoholic beverages — See Ch. 104.

Dance halls — See Ch. 144.

Obscenity — See Ch. 217, Art. I.

ARTICLE I

Exotic Dancing

[Adopted 4-14-1997 by Ord. No. 97-14-4B (Title 2, Ch. 2, Art. 18, of the 1993 Code)]

§ 100-1. Definitions.

For the purpose of this article, the following terms shall have the meanings ascribed to them in this section:

BUSINESS — Includes all businesses, firms, partnerships, companies, corporations or distributorships, whether licensed or unlicensed.

DANCING — Rhythmic movement, usually to music. Limited to social dancing as viewed by contemporary community standards on the licensed premises for patrons.

LIVE ENTERTAINMENT — The offering or permitting of any amusement feature, including music, vaudeville, singing, acting, dancing or contests, whether by personal performance or instrumental device.

NUDITY — Naked, unclothed, partially unclothed, the baring of a part of the human body, the showing or exposing of the human male or female sex organs, genitals, pubic area, buttocks, anus, or any portion of the human breast at or below the upper edge of the areola thereof of any female person not covered by an opaque covering, including the nipple or any portion below the nipple with less than a full opaque covering.

PERSON — Includes any individual, business owner, officer, employee, salesperson, associate, member, representative, agent, operator or employee of the operator, or other person, whether acting as a mere helper of the operator, employee or operator, or acting as a participant or worker in any way, or private citizen.

UNLAWFUL EXHIBITION, PERFORMANCE OR ACTS — To engage in any form of dancing, performance or any other act designed or intended for the touching, displaying, baring, exposing, uncovering, flashing or disrobing of any part of the human body of either sex, which has been defined as nudity or which, to the average person applying contemporary community standards, the dominant theme of the dance, performance or

act taken as a whole appeals to the prurient interest in sex, or for the sexual gratification, excitement or entertainment of either or both sexes. Includes such performances or acts called, referred to, or commonly known as exotic dancing, lap dancing, go-go dancing, stripping, flashing, baring, disrobing, shedding of clothing, wet t-shirt contests or exhibitions, or any act which displays, is designed, or is intended to display or show any part or parts of the human body defined as nudity in this article.

§ 100-2. Prohibited acts.

It shall be unlawful for any business person to commission, allow, authorize, tolerate, facilitate, permit, sanction or participate in any act herein described or described or defined elsewhere in this article as "nudity" or as an "unlawful exhibition, performance or acts" in any business or common place, on public or private lands, Village-owned property, parks or land which is accessible to the public or within view of the public, for personal pleasure, personal gain, financial gain or consideration, or in a private residence for personal gain, financial gain or consideration, provided that it shall not be a violation of this article if a female's breast is displayed while breastfeeding an infant.

§ 100-3. Violations and penalties. ¹

Any person violating any of the provisions of this article, upon conviction, shall be fined not less than \$250 nor more than \$750 for each offense, and a separate offense shall be deemed committed on each day during which a violation occurs or continues.

§ 100-4. Charging violation; prosecution. ²

- A. A law enforcement officer, upon establishing probable cause, shall charge a business or person with a violation of any provision of this article by delivering to that business or person a notice of violation charging that person with the violation.
- B. The business or person so such charged has five business days to satisfy the violation by making payment of the appropriate fine established by this article to the Port Byron Village Clerk. If the fine is not paid to the Village Clerk within five business days after receipt of the notice of violation, the Village Clerk shall forward copies of all reports and the notice of violation to the Village Attorney, who shall then file a local ordinance complaint with the Rock Island County Circuit Court charging that business or person with the violation and establishing a court date for trial.

§ 100-5. Ordinances in conflict herewith.

All ordinances or parts of ordinances in conflict herewith are hereby expressly repealed insofar as they do so conflict, except for penalties provided for in Article X, Penalty, of Chapter 104, Alcoholic Beverages, of the Code of the Village of Port Byron, relating to violations of a liquor licensee.

¹. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. VI).

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