

Village of Fonda
2-98 Regulating and controlling exposure of a person

Section 1 Legislative declaration It is hereby declared a policy of the Village of Fonda 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 incorporated Village of Fonda, it is appropriate to regulate and control the exposure of a person or the promoting of the exposure of a person in a public place.

Section -2 Definitions As used in this law (A) Entity means any person proprietorship, partnership, corporation, association, business trust, joint venture, joint stock company, or other for profit or not for profit organization (B) Nude means the showing of !. Human male or female genitals or pubic area with less than fully opaque coverage or 2. any portion of the anal cleft or cleavage of the male or female buttocks. Attire that is insufficient to comply with this includes, but is not limited to g-strings, t-backs, thongs or any other closing or covering that does not completely and opaquely cover the anal cleft or cleavage of the male or female buttocks or 3. the portion of the female human breast directly or laterally below a point immediately above the top of the areola with less than fully opaque covering (This definition shall include the entire lower portion of the female breast, but shall not include any portion of cleavage of the human female breast exhibited by a dress, blouse, shirt, leotard, bathing suit or other clothing, provided the areola is not exposed and shall not apply to the breast-feeding of infants); or 4. human male genitals in a discernibly turgid state, even if completely and opaquely covered. (c) Person means any live human being sixteen (16) years of age or older (d) Place provided or set apart for nudity means enclosed single sex public restroom, enclosed single sex functional shower, hotel rooms designated and intended for sleeping accommodations, medical offices, portions of hospitals, art studios, and similar places in which nudity or exposure is necessarily and customarily expected outside of the home and within the sphere of privacy constitutionally protected. This Term shall not be deemed to include places where a persons conduct of being nude is used for the promotion of business or is otherwise utilized commercially (E) Public place means any location frequented by the public, or where the public is present or likely to be present or where a person may reasonably be expected to be observed by a member of the public.

Section -3 Exposure of Person or permitting exposure of person: It shall be unlawful for any person, knowingly or intentionally, to appear nude in a lewd or indecent manner in a public place or in any other place readily visible to the public except a place provided or set apart for nudity as defined in this law, It shall be unlawful for any person or entity maintaining owning or operating any public place to operate and to knowingly or with reason to know permit or allow any person to appear nude in a lewd or indecent manner in such public place, except a place provided or set apart for nudity as defined in this law

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Section -4 Penalty of violation: Any person or entity convicted of violation of this law for a first offense shall be guilty of a violation and subject to a fine not exceeding (\$250.00) two hundred fifty dollars and/or to be imprisoned for a term not exceeding fifteen (15) days; for a second offense within one (1) year shall be guilty of a violation and subject to a fine not exceeding \$500.00 and/or be imprisoned for a term not exceeding 30 days and for a third violation within one year shall be guilty of a misdemeanor and subject to a fine not exceeding \$1,000.00 and/or be imprisoned for a term not exceeding 60 days.

Section -5 Exclusions This section shall not be deemed to address photographs, movies, video presentations, or any other non-live performances.

Section -6 Jurisdiction Any justice of the Village of Fonda or the Town of Mohawk shall have jurisdiction to hear and determine any prosecution for alleged violation of this local law

Section -7 Enforcement This local law shall be enforced by any law enforcement agency or by such persons as appointed by the Board of Trustees of the Village of Fonda.

Section -8 Severability The invalidity of any section, clause, sentence or provision of this local law shall not affect the validity of any other part of this local law which can be given effect without such invalid part.”

Section -9 Effective date This local law shall become effective as of the date of filing with the Secretary of State of the State of New York.