ORDINANCE NO. 947
AN ORDINANCE PROHIBITING SPECIFIED NUDE AND SEMINUDE CONDUCT

The Board of Supervisors of the County of Solano, State of California, does ordain as follows:

SECTION I.
Chapter 18.1 is added to the Solano County Code to read as follows:

CHAPTER 18.1
PROHIBITION AS TO SPECIFIED NUDE AND SEMI-NUDE CONDUCT

Section 1. Title.
Chapter 18.1 entitled "Prohibition as to Specified Nude and Seminude Conduct" is hereby added to the Solano County Code.

Section 1.5. Legislative Findings.
The Board of Supervisors does find that there exists and has existed an increasing trend toward nude and seminude live acts, exhibitions, and entertainment, and of undress by female employees in food, drink and like establishments serving the public, and that such competitive commercial exploitation of nudity is adverse to the public peace, morals and good order, and that it is in the best interest of the public safety, welfare and convenience of the County to restrict such nudity and the commercial promotion and exploitation thereof, as hereinafter set forth.

Section 1.6. Authority.
Sections 1.5 through 2.5, inclusive, are adopted pursuant to the provisions of Sections 318.5 and 318.6 of the Penal Code of the State of California. All words used in these sections which also are used in Section 318.5 and 318.6 of the Penal Code 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.
Ordinance No. 947 continued:

Section 2. Prohibited Conduct.

Section 2.1. Definitions.

As used in Sections 2.2 through 2.5 inclusive, and in Sections 318.5 and 318.6 of the Penal Code, the phrase "theater, concert hall, or other similar establishment which is primarily devoted to theatrical performances," means a building, playhouse, room, hall, or other place having a permanent stage and permanently affixed seats so arranged that a body of spectators can have an unobstructed view of the stage upon which theatrical or vaudeville performances or similar forms of artistic expressions are presented, and where such performances are not incidental to the promoting of the sale of food, drink, or other merchandise, and for which a county license for a theater is in full force and effect. This definition does not supersede the provisions of Sections 1.5 and 1.6 above.

Section 2.2. Prohibition Against Display of Female Breasts.

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 any portion of either breast below a straight line so drawn that both nipples and all portions of both breasts which have a different pigmentation than that of the main portion of the breasts are below such straight line; or

B. Employes 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 breasts may be observed.

Section 2.3. Prohibition Against Display of Private Parts.

Every person is guilty of a misdemeanor who exposes his or her private parts or buttocks, or employs any device or covering which is intended to simulate the private parts or pubic hair of such person while participating in any live act, demonstration, or exhibition in any public place, place open to public view, or while serving food or drink, or both, to any customer.

Section 2.4. Accessories to Prohibited Conduct.

Every person is guilty of a misdemeanor who permits, procures, counsel, or assists any person to violate any provision of Sections 2.2 or 2.3 above.

Section 2.5. Exceptions.

Sections 2.2 through 2.4, inclusive, 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 statute of the State of California.

Section 3. Punishment for Violations.

Section 3.1. Misdemeanor.

Each violation of the provisions of Section 2.2 through 2.4 shall punishable as a misdemeanor conviction of which shall make the violator subject to a fine not to exceed FIVE HUNDRED DOLLARS ($500.00) or imprisonment for a term not to exceed six (6) months, or both such fine and imprisonment.

Section 3.2. Continued Violations.
Ordinance No. 947 continued:

Each day a violation of Sections 2.2 through 2.4, inclusive, of this ordinance shall occur shall constitute a separate offense hereunder.

Section 4. Severability.

If any section, subsection, subdivision, paragraph, sentence, clause, or phrase in this ordinance, or any part thereof, is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity of effectiveness of the remaining portions of this ordinance, or any part thereof.

SECTION II.

This ordinance shall be published once before the expiration of FIFTEEN (15) DAYS after its final passage in the Dixon Tribune, a newspaper of general circulation, printed and published in the County of Solano, State of California, and shall be in full force and effect THIRTY (30) DAYS after its passage.

COUNTY OF SOLANO, A political Subdivision of the State of California,

By /s/ Richard Brann
Chairman of the Board of Supervisors

ATTEST: NEIL CRAWFORD, County Clerk and Ex-officio of the Board of Supervisors

by /s/ Garland Dunham
Deputy Clerk

I, NEIL CRAWFORD, County Clerk and Ex-officio Clerk of the Board of Supervisors, of the County of Solano, State of California, do hereby certify that the above and foregoing ordinance was introduced at a regular meeting thereof held on the 13 day of July, 1976.

On the motion of Supervisor Hillyard and the second of Supervisor Brazelton, this ordinance was adopted at a regular meeting of said Board on the 20 day of July, 1976 by the following vote:

AYES: SUPERVISORS: BRAZELTON, HILLYARD, SCOFIELD AND BRANN

NOES: SUPERVISORS: NONE

ABSENT: SUPERVISORS: HANNIGAN

WITNESS my hand and the seal of said board this 20 day of July, 1976.

NEIL CRAWFORD, County Clerk

By /s/ Garland Dunham
Deputy Clerk