

# Sabattus, Maine – Code of Ordinances

## SEXUAL CONTACT ORDINANCE

### Section 1. Purpose

The two purposes of this ordinance are:

1. To prohibit certain acts of commercial exploitation of human sexuality in business establishments within the Town of Sabattus, in order to reduce the likelihood of criminal activity, moral degradation, sexually transmitted diseases and disturbances of the peace which may occur when such commercial exploitation is permitted in such places, and;
2. To protect the health, safety, welfare and morals of the community by using the governments recognized and traditional police power to protect societal order, morality and physical and emotional health in public places without infringing on protected First Amendment rights.

### Section 2. Definitions

For the purpose of this ordinance, the following definitions apply:

*Nudity* - means the showing of the human male or female genitals, pubic area, or buttocks with less than a fully opaque covering, the showing of the female breast with less than a fully opaque covering of any part of the nipple, or the showing of the covered male genitals in an obviously erect state.

*Profit* - means the exchange of money or any item of value in return for any sexual contact.

*Public indecency* - means the knowing or intentional commission of an act of sexual intercourse, a sexual act, sexual contact or nudity in a public place.

*Public place* - means a place to which the public at large or a substantial group has access, including but not limited to commercial or business establishments, public ways, schools, government-owned facilities, and the lobbies, hallways and basement portions of apartment houses, hotels, motels, public buildings and transportation terminals.

*Sexual act* - means any act of sexual gratification between two persons involving direct physical contact between the sex organs of one and the mouth or anus of the other, or direct physical contact between the sex organs of one and an instrument or device manipulated by the other. A sexual act may be proved without allegation or proof of penetration.

*Sexual contact* - means any touching of the genitals or anus, directly or through clothing, other than as would constitute a sexual act, for the purpose of arousing or

# Sabattus, Maine – Code of Ordinances

gratifying sexual desire or for the purpose of causing bodily injury or offensive physical contact.

*Sexual intercourse* - means any penetration of the female sex organ by the male sex organ. Emission is not required.

*Sexual touching* - means any touching of the breasts, buttocks, groin, or inner thigh, directly or through clothing, for the purpose of arousing or gratifying sexual desire.

## **Section 3. Sexual contact for the exchange of money or any item of value prohibited**

Engaging in, agreeing to engage in, or offering to engage in sexual contact, in return for a profit to be received by the person engaging in the sexual contact, or by a 3rd person is prohibited.

Providing or agreeing to provide a person for purposes of engaging in sexual contact, in return for a profit to be received by the person engaging in the sexual contact, or by a 3rd person is prohibited.

Causing or aiding another person to engage in sexual contact in return for a profit to be received by the person engaging in the sexual contact, or by a 3rd person is prohibited.

Leasing or permitting a place controlled by a person who is believed to be in violation of this Ordinance, alone or in association with others, to be used as a site for sexual contact for profit to any person is prohibited.

## **Section 4. Penalties**

The violation of any provision within Section 3 of this Ordinance will be punished by a fine according to the Town of Sabattus Fee Schedule.

Each and every day that any such violation occurs will constitute a separate offense. In addition to this penalty, the town may order additional penalties for any violation of this article by appropriate action, including but not limited to revocation of any town license for a premises or business in which sexual contact for profit benefit is transacted.

## **Section 5. Severability**

If any section, phrase, sentence or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, that portion shall be deemed a separate, distinct and independent provision, and will not affect the validity of the remaining portions thereof.

# Sabattus, Maine – Code of Ordinances

## **Section 6. Public Indecency Prohibited**

Engaging in public indecency prohibited. Encouraging or permitting another person or persons to engage in an act or acts of public indecency, by the person who or entity which owns, leases or otherwise controls a premises in which the act or acts of public indecency occur(s) is prohibited.

## **Section 7. Penalties**

The violation of any provision within Section 6 of this Ordinance will be punished by a fine according to the Town of Sabattus Fee Schedule. Each and every day that any violation occurs will constitute a separate offense. In addition to this penalty, the Town may order additional penalties for any violations of this article by appropriate action, including but not limited to revocation of any Town license for a premises or commercial or business establishment in which the public indecency occurs.

## **Section 8. Severability**

If any section, phrase, sentence or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, that portion will be deemed a separate, distinct and independent provision, and will not affect the validity of the remaining portions thereof.

## **Section 9. Nursing Women**

Notwithstanding any town ordinance to the contrary, no town ordinance shall prohibit, or be interpreted or construed to prohibit or regulate, women from nursing or breast-feeding in public or private.

Accepted:

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Original Adoption:

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Revision Dates:

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