

Middlesex County Board of Supervisors



ORDINANCE

AN ORDINANCE OF THE COUNTY OF MIDDLESEX, VIRGINIA PERTAINING TO
PUBLIC NUDITY

BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF MIDDLESEX, COUNTY,
VIRGINIA, THAT THE FOLLOWING ORDINANCE IS HEREBY ADOPTED:

Section 1 Public Nudity Unlawful:

It shall be unlawful for any person to knowingly, voluntarily and intentionally appear in public, in a public place or in a place open to the public or open to public view in a state of nudity, or to employ encourage or procure another person to so appear.

Section 2 Definition:

As used in this Ordinance, “state of nudity” means a state of undress so as to expose the human male or female genitals, pubic area or buttocks with less than a fully opaque covering or the showing of the female breast with less than a fully opaque covering of any portion thereof below the top of the nipple.

As used in this Ordinance, public place includes, but is not limited to all outdoor places owned by or open to the general public, and all buildings, structures and enclosed places owned by or open to the general public, including places of entertainment, taverns, restaurants, clubs, dance halls, banquet halls, hotels, party rooms or halls limited to specific members, places restricted to adults or patrons invited to attend, whether or not an admission or cover charge is levied.

Section 3 Exceptions:

Nothing in this Ordinance shall be construed to apply to the exhibition, presentation, showing or performance of any play, ballet drama, tableau, production of motion picture in any theater, concert hall, museum of fine arts, school, institution of higher learning or other similar establishment which is primarily devoted to such exhibitions, presentation, shows or performance as a form of expression of opinion, communication speech, ideas, information, art or drama, as differentiated from commercial or business advertising, promotion or exploitation of nudity for the purpose of advertising, promoting, selling or serving products or services or otherwise advancing the economic welfare of a commercial or business enterprise, such as a hotel, motel, bar, nightclub, restaurant, tavern or dance hall.

Nothing in this Ordinance shall be construed to apply to the breast feeding of a child. Nor shall this Ordinance be construed to apply to and prohibit public nudity which is part of a presentation, show, or display which, when taken as a whole, has serious literary, artistic, political or scientific value.

Section 4 Penalty:

Any person violating the provisions of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by confinement in jail for not more than twelve (12) months and a fine of not more than two thousand five hundred dollars (\$2,500.00), either or both.

Section 5 Enforcement:

The provisions of this Ordinance shall be enforced by the County's Sheriff's Office or such other officials as are sworn to enforce the laws of the County of Middlesex or the Commonwealth

of Virginia.

This ordinance shall be in effect upon adoption.

Board of Supervisors, Middlesex County, VA

Mark E. "Chip" Holt, III	Aye
Wayne H. Jessie, Sr.	Aye
Peter W. Mansfield	Aye
John B. Koontz, Jr.	Nay
Kathleen H. Swinehart	Aye

Adopted at the regular meeting of the Middlesex County Board of Supervisors held on October 2, 2018.

A Copy Teste:



Matthew Walker, Clerk