

Proposed Ordinance on Public Indecency, Indecent Exposure, and Public Nudity



Introduction

- September 19 – Town Council directs Town staff to prepare an amendment to Title 9 of the Town Code
- Proposed amendment will make public indecency, indecent exposure, and public nudity municipal-level offenses
- Town staff is further directed to place the amendment on the agenda for introduction at the October 3 Town Council meeting

Public Indecency

- Proposed ordinance makes it a municipal offense to perform acts of public indecency in a public place or where the conduct may reasonably be expected to be viewed by members of the public
- Proposed ordinance will directly correspond to the State public indecency law without any substantive changes

Indecent Exposure

- Proposed ordinance makes it a municipal offense to commit indecent exposure:
 - Knowingly exposing one's genitals to the view of another to cause affront or alarm to such person with the intent to arouse or satisfy one's sexual desires
 - Knowingly performing an act of masturbation to the view of another to cause affront or alarm to such person
- Proposed ordinance will directly correspond to the State indecent exposure law with one substantive change
 - Proposed ordinance excludes the felony enhancement provision of the State law regarding indecent exposure committed in view of a child under the age of fifteen

Public Nudity

- Proposed ordinance makes it a municipal offense to knowingly or intentionally appear in a state of nudity in a public place
- “State of nudity” means the showing of the post-pubertal human genitals, pubic region, buttocks, or anus with less than a fully opaque covering
- Includes the exposure of any device, costume or covering which gives the appearance of or simulates the post-pubertal human genitals, pubic region, buttocks, or anus

Proposed Motions

- I move to approve Ordinance No. 2023-024 as introduced by title.
- I move to approve Ordinance No. 2023-024 as introduced by title, with the following conditions: _____.
- I move to continue Ordinance No. 2023-024 to the Town council meeting on _____.