

ORDINANCE 2004-02

AN ORDINANCE PROHIBITING PUBLIC INDECENCY AND PROVIDING A CRIMINAL PENALTY

THE CITY COUNCIL OF CLARKS GROVE, MINNESOTA ORDAINS:

Section 1. Purpose. The purpose of this ordinance is to prohibit indecency in order to deter criminal activity, to promote societal order and public health, and to protect children.

Section 2. Findings. The Clarks Grove City Council makes the following findings regarding the need to prohibit public indecency:

- A. Public indecency can increase the incidence of criminal activity, including, but not limited to, prostitution, disorderly conduct and sexual assault.
- B. Public indecency can expose children to an unhealthy and nurtureless environment.
- C. Public indecency can present health concerns in places of public accommodation and other public settings.
- D. Public indecency can have a potentially negative impact on the value and marketability of property.

Section 3. Definitions. The following words and terms, when used in this ordinance, shall have the following meanings, unless the context clearly indicates otherwise:

- A. "Nudity" means:
 - (1) The appearance of a human bare buttocks, anus, male genitals, female genitals, female breast; or,
 - (2) A state of dress which fails to opaquely cover a human buttock, anus, male genitals, female genitals, or areola of the female breast.
- B. "Person" means a natural person twelve (12) years of age or older, including employees or agents of a public accommodation.
- C. "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 members of public. Public places include, but are not limited to streets, sidewalks, parks, beaches, businesses and commercial establishments (whether for profit or not for profit and whether open to the public at large or where entrance is limited by a cover charge or membership requirement), bottle clubs, hotels, motels, restaurants, night clubs, country clubs, cabarets and meeting facilities utilized by any religious, social, fraternal or similar organizations. Premises used solely as a private residence, whether permanent or temporary in nature, shall not be deemed a public place. A public place shall not include enclosed single sex public

restrooms, enclosed motel rooms and hotel rooms designed and intended for sleeping accommodations, doctor's offices, portions of hospital and similar places in which nudity or exposure is necessarily and customarily protected therein; nor shall it include a person appearing in a state of nudity in a modeling class operated by (1) a proprietary school licensed by the state; a college or university supported entirely or partly by taxation; or (2) a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college or university supported entirely or partly by taxation or an accredited private college.

Section 4. Public Indecency Prohibited. A person who knowingly or intentionally in a public setting or place:

- A. appears in a state of nudity;
- B. fondles the genitals or himself or herself, or,
- C. fondles the genitals of another person;

commits public indecency and is guilty of a misdemeanor under Minnesota law. A violation of this ordinance is also justification for revocation of any liquor, wine, or beer license.

Section 5. Exclusion. The provisions of Section 4 of this ordinance shall not apply to:

- A. any theatrical production performed in a theater, by a professional or amateur theatrical or musical company, which has serious artistic merit; or,
- B. a woman breast feeding a child.

Section 6. Severability. If any section, sentence, or clause or phrase of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have adopted the section, sentence, clause, or phrases of this ordinance irrespective of the fact that any one or more sections, sentences, clauses or phrases be declared invalid.

Section 7. Effective Date. This ordinance shall be effective immediately upon its passage and publication according to law.

Passed by the City Council of Clarks Grove, Minnesota, this 8th day of March, 2004.

/s/ Bruce Hansen, Mayor

ATTEST:

Kathy Jensen, Clerk

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