

ORDINANCE NO. _____

WHEREAS, the City Council recognizes and believes the public health, safety, and welfare of the community to be adversely effected by public nudity, not only as an offense to the protection of order and morality in the community but also due to secondary adverse effects of public nudity including, but not necessarily limited to, prostitution, assaultive behavior, and other related criminal behavior; and

WHEREAS, the City Council finds that a ban on public nudity would accomplish the elimination of the harmful primary and secondary effects of public nudity and is necessary to protect the health, safety, and well-being of the city and the persons residing therein; and

WHEREAS, the City Council enacts the following ordinance amending Section 9.16.230 of the Lincoln Municipal Code relating to public nudity and repealing Section 9.16.230 of the Lincoln Municipal Code as hitherto existing.

BE IT ORDAINED by the City Council of the City of Lincoln, Nebraska:

Section 1. That Section 9.16.230 of the Lincoln Municipal Code be amended to read as follows:

9.16.230 Public Nudity; Unlawful.

~~It shall be unlawful for any person to intentionally expose his or her genitals, pubic area, or buttocks while employed in providing any service, product, or entertainment in any business or commercial establishment.~~

(a) It shall be unlawful for a person to, knowingly or intentionally, in a public place or in any place open to the public, appear in a state of nudity.

(b) ~~Nudity~~ means the showing of the human male or female genitals or pubic area with less than a fully opaque covering, the showing of the female breast with less than a fully opaque

covering on any part of the nipple, or the showing of covered male genitals in a discernibly turgid state.

(c) This section shall not apply to:

(1) Any theater, concert hall, art center, museum, or similar establishment which is primarily devoted to the arts or theatrical performances and in which any of the circumstances contained in this section were permitted or allowed as part of such art exhibit or performance:

(2) Any dressing/changing room or restroom facility open to the public;

(3) Any person under twelve years of age; or

(4) Mothers who are breast feeding.

Section 2. That Section 9.16.230 of the Lincoln Municipal Code as hitherto existing be and the same is hereby repealed.

Section 3. That this ordinance shall take effect and be in force from and after its passage and publication according to law.

Introduced by:

Approved as to Form & Legality:

City Attorney

Staff Review Completed:

Administrative Assistant