ORDINANCE NO. 2168

AN ORDINANCE PROHIBITING NUDITY IN A PUBLIC PLACE IN COUNCIL GROVE, KANSAS.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF COUNCIL GROVE, KANSAS:

Section 1. NUDITY IN A PUBLIC PLACE IS PROHIBITED. It shall be unlawful for any person to knowingly, intentionally or recklessly, appear in a state of nudity in a public place.

Section 2. DEFINITIONS: The following words or phrases, when used in this ordinance, shall have the following meaning:

(a) *Nudity* means less than completely or opaquely covering and exposing to view:

(1) Human male or female genitals; or

(2) Any portion of the anal cleft or cleavage of the male or female buttocks. Attire that is insufficient to comply with this requirement includes, but is not limited to, G-strings, T-backs, thongs or any other clothing that does not completely or opaquely cover the anal cleft or cleavage of the male or female buttocks; or

(3) The portion of the human female breast directly or laterally below a point immediately above the top of the areola with less than a fully opaque covering; this definition shall include the entire lower portion of the human female breast, but shall not include any portion of the cleavage of the human female breast exhibited by a dress, blouse, shirt, leotard, bathing suite, or other clothing, provided that the areola is not exposed; or

(4) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

(b) *Person* means any live human being aged ten or older.

(c) *Places set apart for nudity* means public places outside of the home where nudity or exposure is necessary and customarily expected; including motel rooms and but not limited to, public restrooms, enclosed single-sex functional shower, locker and/or dressing room facilities, enclosed motel rooms and hotel rooms designed and intended for sleeping accommodations, doctor's offices and portions of hospitals set apart for this purpose.

(d) *Public place* means any location frequented by the public, or where the public is present or likely to be present, including, but not limited to, streets, avenues, highways, roads, waterways, stores, meeting facilities or 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 cover charge or membership) within the corporate boundaries of the City of Council Grove. This definition shall include any commercial establishment featuring live sexually oriented entertainment, including, but not limited to, cabarets, adult arcades, adult dance studios and nightclubs.

Section 3. EXEMPTIONS: The prohibitions set forth in this ordinance shall not apply to the following:

(a) A woman exposing her breast in the process of breastfeeding a child.

(b) Places set apart for nudity. This exception does not include the use of a place set apart for nudity for a purpose not intended by that place, including any sexual conduct, including sexual conduct for profit, promotion of business or commercial exploitation.

(c) Any theater, concert hall, art center, museum or similar establishment that is primarily devoted to the arts or theatrical performances and in which nudity is

incorporated into the art exhibit or theatrical performance and is not a mere guise or pretense used to exploit the conduct of being nude for profit or commercial gain.

(d) Nudity incorporated into an educational curriculum at an accredited university, technical school or institution whose classes may transfer to an accredited university or technical school.

Section 4. EFFECTIVE DATE. This ordinance shall be effective upon its publication in the official City newspaper.

PASSED AND APPROVED BY GOVERNING BODY OF COUNCIL GROVE, KANSAS ON THIS 2nd day of June, 2015.

Steven Shepard
Mayor

ATTEST:

Danny Matthews
City Clerk

(SEAL)