1   **CITY OF SANTA FE, NEW MEXICO**

2   **BILL NO. 2010-24**

3   **INTRODUCED BY:**

4   Mayor Coss

5   Councilor Ortiz

6   Councilor Trujillo

7   Councilor Dominguez

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10   **AN ORDINANCE**

11 **REPEALING SECTION 16-7.4 SFCC 1987, INDECENT EXPOSURE; AND CREATING A**

12 **NEW SECTION 16-7.4 SFCC 1987 REGARDING PUBLIC INDECENCY.**

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14 **BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF SANTA FE:**

15   **Section 1.**   **[REPEAL.]**   **Section 16-7.4 SFCC 1987 (being Ord. #Ord. #2005-7, §3)**

16 **is repealed.**

17   **Section 2.**   **A new Section 16-7.4 SFCC 1987 is ordained to read:**

18   **16-7.4**   **[NEW MATERIAL.]** **Public Indecency**

19   A.   *Short Title.* Section 16-7.4 may be cited as the "Public Indecency Ordinance".

20   B.   *Definitions.* As used in this section:

21   *Nudity* means the showing of the human male or female genitals, pubic area, or

22 buttocks with less than a fully opaque covering, the showing of the female breast with less

23 than a fully opaque covering of any part of the nipple, or the showing of the covered male

24 genitals in a discernibly turgid state.

25   C.   *Prohibitions.*

1   (1)   No person shall knowingly or intentionally, in a public place:

2   (a)   Engage in sexual intercourse;

3   (b)   Appear in a state of nudity;

4   (c)   Fondle the genitals of himself or another person.

5   (2)   No person who owns or operates a public place shall knowingly or

6   intentionally permit or allow another person to violate the provisions of this article in that

7   public place; provided, however, this section shall not apply to forms of expression and the

8   communications of ideas, such as theatrical appearances, which may not be prohibited absent

9   a finding of obscenity.

10   D.   *Penalty.* Any person who violates the provisions of this article shall be deemed

11   guilty of a petty misdemeanor, and upon conviction thereof shall be subject to the penalty provisions

12   set forth in Article 1-3 SFCC 1987. Each time this Section is violated shall be considered a separate

13   offense.

14   APPROVED AS TO FORM:

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17   GENO ZAMORA, CITY ATTORNEY

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25   *Mdb/jep&mdb/Bills2010/Indecent Exposure*