

ORDINANCE 2010- 05

AN ORDINANCE PROHIBITING PUBLIC NUDITY

WHEREAS, Ordinance Number 9, Section 7 enacted on August 18, 1930 presently provides "No person shall appear in any public place in a state of nudity, nor in a dress not belonging to his or her sex, or any indecent or lewd dress, or make any indecent exposure of his or her person, nor shall commit any indecent exposure of his or her person, nor shall commit any indecent or lewd act"; and

WHEREAS, the Board of Trustees of the Village of Dix desires to update the above cited Ordinance to use language which has been approved by the Courts as consistent with the Illinois and United States Constitution; and

WHEREAS, it is in the public interest to maintain social order, health, welfare, and safety of citizens; and

WHEREAS, the Board of Trustees desires to continue the prohibition on public nudity within the Village of Dix.

NOW, THEREFORE, BE IT ORDAINED by the Board of Trustees of the Village of Dix that Section 7 of Ordinance Number 9 described above is hereby repealed and replaced by the following Ordinance:

An Ordinance Prohibiting Public Nudity

No person shall knowingly or intentionally appear nude or in a state of nudity in a public place.

"Public place" means any location frequented by the public or where the public is present or likely to be present or any location where a person may reasonably be expected to be observed by members of the public or any location that is readily visible to the public or any place to which the public has a right to go or is invited.

"Nude" or "State of Nudity" means the showing of the human male or female genitals, pubic area, vulva, anus, or anal cleft or cleavage with less than a fully opaque covering, the showing of the female breast with less than a fully opaque covering of any part of the nipple and areola, or the showing of the covered male genitals in a discernibly turgid state.

Any person who violates or refuses to comply with the provisions of this Ordinance shall upon conviction thereof be fined not less than \$100.00 nor more than \$750.00

for each violation; each instance of public nudity shall be a separate punishable offense. In addition to any fine or other penalty authorized by law, any person who violates or refuses to comply with this Ordinance shall be subject to an action for an injunction to eliminate or prevent violation of this Ordinance.

This Ordinance shall be in full force and effect from and after its passage, approval and publication as required by law.

PASSED by the Board of Trustees of the Village of Dix this 14th day of December, 2010.

APPROVED by the President of the Village of Dix this 14th day of December, 2010.

APPROVED:

Steve E. Hill
President

ATTEST:

Hazel J. Hopkins
Village Clerk

Published in pamphlet form this 14th day of December, 2010.

Hazel J. Hopkins
Village Clerk