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P. Hrngs. _____
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Filed: 08-18-15

Sponsored by: Burnett

First Reading: August 24, 2015

Second Reading: September 14, 2015

COUNCIL BILL NO. 2015- 227

GENERAL ORDINANCE NO. 6225

AN ORDINANCE

1 AMENDING the Springfield City Code, Chapter 78 – Offenses and Miscellaneous
2 Provisions, Article V – Offenses Against Morals by repealing Section 78-
3 222 – Indecent exposure in its entirety and enacting in lieu thereof a new
4 Section 78-222 – Indecent exposure.
5
6

7 BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SPRINGFIELD,
8 MISSOURI, as follows, that:
9

10 NOTE: Language to be added is underlined. Language to be deleted is ~~stricken~~
11

12 Section 1 – The Springfield City Code is hereby amended by repealing the
13 existing Section 78-222 – Indecent exposure in its entirety and enacting a new Section
14 78-222 – Indecent exposure, which section shall read as follows:
15

16 Sec. 78-222. – Indecent exposure.
17

18 (a) No person shall engage in or commit any act of indecent exposure or
19 conduct in place open to public view.
20

21 (b) “Indecent exposure or conduct” shall include:
22

23 (1) The exposure of one’s genitals, buttocks, vulva, pubic hair, pubic
24 area or the female breast below a point immediately above the top
25 of the areola, for the purpose of sexual arousal or gratification or
26 which is likely to cause affront or alarm; provided, however, that
27 any exposure of the female breast necessarily incident to breast-
28 feeding an infant shall not be deemed to be a violation of this
29 chapter.
30

31 (c) Exception. This section shall not prohibit performances of adult
32 entertainment in compliance with section 10-7.
33

34• ~~Sec. 78-222. – Indecent exposure.~~

35 (a)

36 ~~For purposes of this section, the term "nudity" means the showing of the human~~
37 ~~male or female genitals, or pubic area, or the middle third of the buttocks,~~
38 ~~measured vertically, with less than a fully opaque covering, the showing of the~~
39 ~~female breast with less than a fully opaque covering of any part of the nipple, or the~~
40 ~~showing of covered male genitals in a discernibly turgid state.~~

41 (b)

42 ~~No person shall appear in a place open to public view in a state of nudity.~~

43
44

45 Section 2 – This ordinance shall be in full force and effect from and after
46 passage.

47

48 Passed at meeting: September 14, 2015

49

50

Robert L. Stephen
Mayor

51

52

53 Attest: Ante J. Catter, City Clerk

54

55 Filed as Ordinance: September 14, 2015

56

57 Approved as to form: D. K. Wil, City Attorney

58

59 Approved for Council action: Greg Burnett, City Manager

EXPLANATION TO COUNCIL BILL NO. 2015-227

FILED: 08-18-15

ORIGINATING DEPARTMENT: Law Department

PURPOSE: To amend the Springfield City Code, Chapter 78 – Offenses and Miscellaneous Provisions, Article V – Offenses Against Morals by repealing the existing Section 78-222. – Indecent exposure and enacting a new section in lieu thereof.

BACKGROUND: Councilman Burnett has requested that the City’s indecent exposure provisions be updated using the definition for female breast found in the Cape Girardeau, Missouri ordinance. The City of Springfield code section regulating indecent exposure presently prohibits showing of the female breast with less than a fully opaque covering of any part of the nipple. The proposed language will increase the area that is prohibited from exposure on both the female breast and the buttocks of either gender.

Submitted by:



Dan Wichmer, City Attorney

Approved by:



Greg Burris, City Manager