

Chapter 1

General Offenses

Article A. Nudity

Section:

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4-1A-1: **Purpose:** A person who knowingly or intentionally, in a Public Place commits the crime of Public indecency if he or she:

- A. Engages in sexual intercourse, or
- B. Engages in sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation or sodomy and masturbation, actual or simulated, or
- C. Appears in a state of nudity, or
- D. Fondles the genitals of himself, herself or another person.

4-1A-2 **Definitions:**

NUDITY: means the showing of the human male or female genitals, pubic hair or buttocks with less than fully opaque covering; the showing of the female breast with less than opaque covering of any part of the nipple; the exposure of any device, costume, or covering which gives the appearance of or simulates the genitals, pubic hair, natal cleft, perineum anal region or pubic hair region; or the exposure of any device worn as a cover over the nipples and/or areola of the female breast, which device stimulates and gives the realistic appearance of nipples and/or areola.

PUBLIC PLACE: includes all outdoor place owned by or open to the general public, and all buildings and enclosed places owned by or open to the general public, including such places of entertainment, taverns, restaurants, clubs, theaters, dance halls, banquet halls, party rooms or halls limited to specific members, restricted to adults or to patrons invited to attend, weather or not an admission charge is levied.

4-1A-3: **Prohibition:** The prohibition set forth in subsection 1(c) shall not apply to:

- A. Any child under the age of ten (10) years of age;
- B. Any individual exposing a breast in the process of breastfeeding an infant under the age of two (2) years of age;
- C. Any person while performing any excretory function within a public restroom;
- D. Any person changing his or her clothing in a dressing room, the sole purpose of which is to provide privacy for such purposes;
- E. Any person while receiving medical or therapeutic treatment from any physician, paramedic, nurse or other medical practitioner licensed by the State of Idaho.

4-1A-4: **Penalty:** In addition to whatever penalties are applicable under the Idaho Criminal Code, if any person fails to obey or comply with or violates any of the criminal provisions of this ordinance, such person upon conviction of such offense, shall be guilty of a misdemeanor and shall be punished by a fine not to exceed one thousand dollars (\$1,000.00) and/or by imprisonment not to exceed six (6) months in jail. (Ord. 05-0804-1, 08-04-05)