

ORDINANCE NO. C - _____

An ordinance relating to unlawful public exposure; adopting a new section 10.06.050 to chapter 10.06 of the Spokane Municipal Code.

The City of Spokane does ordain:

Section 1. That there is adopted a new section 10.06.050 to chapter 10.06 of the Spokane Municipal Code to read as follows:

Section 10.06.050 Unlawful Public Exposure

- A. It is unlawful for any person to intentionally commit any act constituting unlawful public exposure or for the owner, lessee, manager, operator or other person in charge of any public place to knowingly permit, encourage, or cause to be committed, whether by commission or omission, any unlawful public exposure upon the public place.
- B. "Unlawful public exposure" means the exposure of any of the following body parts of the person without a full and opaque covering in other than a public place provided or set apart for nudity:
 - 1. Any part of the male or female genitals, pubic hair, pubic area, perineum, anus, or bottom one-half of the anal cleft;
 - 2. Any part of the areola or nipple of the female breast; or
 - 3. More than one-half of the part of the female breast located below the top of the areola.
- C. Body paint, body dye, tattoos, latex, tape, or any similar substance applied to the skin surface, any substance that can be washed off the skin, or any substance designed to simulate or which by its nature simulates the appearance of the anatomical area beneath it, is not full and opaque covering as required by this section.
- D. A violation of this section is a misdemeanor.
- E. This section is not applicable to:
 - 1. Classes, seminars, and lectures held for serious scientific, cultural or educational purposes;
 - 2. Expressive conduct such as exhibits, performances or dances that ~~are not~~ obscene, subject to time, place and manner restrictions;
 - 3. Children under ten years of age; or
 - 4. The exposure of a female breast while nursing an infant or expressing breast milk.

F. For purposes of this section, "public place" shall have the meaning as set forth in SMC 10.06.030 D (2).

PASSED BY THE CITY COUNCIL ON _____, 2013.

Council President

Attest:

Approved as to form:

City Clerk

Assistant City Attorney

Mayor

Date

Effective Date