

CITY OF HAMPTON, GEORGIA

ORDINANCE NO. 74

AN ORDINANCE TO PROHIBIT PUBLIC INDECENCY;
TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE
FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, the Mayor and Council of the City of Hampton, Georgia, in the exercise of their sound judgment and discretion, after giving thorough thought to all the implications involved, and keeping in mind the public interest and welfare of the citizens of the City of Hampton, have determined that it is in the best interest of the citizens that this Ordinance be adopted.

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF HAMPTON, GEORGIA, AND IT IS HEREBY ORDAINED BY AUTHORITY THEREOF, AS FOLLOWS:

That the Code of Ordinances of the City of Hampton, is amended by adding a new Section, which shall read as follows:

"Section ONE. Public Indecency.

A. Based on the experiences of other urban counties and municipalities, including, but not limited to, Atlanta and Fulton County, Georgia; DeKalb County, Georgia; Seattle and Renton, Washington; New York, New York; Los Angeles, California; and Ft. Lauderdale and Palm Beach, Florida, which experiences we believe are relevant to the problems faced by the City of Hampton, Georgia, we take note of the notorious and self-evident conditions attendant to the commercial exploitation of human sexuality, which do not vary greatly among generally comparable communities within our country. Moreover, it is our finding that public indecency, public nudity and semi-nudity, under certain circumstances, begets criminal behavior and tends to create undesirable community conditions. Among the acts of criminal behavior identified with public indecency and public nudity are disorderly conduct, prostitution and drug trafficking and use. Among the undesirable community conditions identified with public indecency and public nudity are depression of property values in the surrounding neighborhood, increased expenditure for and allocation of law enforcement personnel to preserve law and order, increased burden on the judicial system as a consequence of the criminal behavior hereinabove described, and acceleration of community blight by the concentration of certain establishments in particular areas. Therefore, the prohibition of public indecency is in the public welfare, and it is a matter of governmental interest and concern to prevent the occurrence of criminal behavior and undesirable community conditions normally associated with public indecency, public nudity or semi-nudity. To that end, this Ordinance is enacted for the purposes, among others, of protecting and preserving

the health, safety, welfare and morals of the citizens of the City of Hampton, Georgia; protecting societal order; reflecting moral disapproval of people appearing in the nude among strangers in public places; and proscribing public nudity across the board.

B. A person shall be prohibited, while in a public place, from knowingly or intentionally:

1. engaging in sexual intercourse;
2. engaging in deviate sexual conduct;
3. appearing in a state of nudity; or
4. fondling the genitals of himself, herself or another person.

C. For the purposes of this Section:

1. "Nudity" shall mean the showing of the human male or female genitals, pubic area, or buttocks 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, or the showing of covered male genitals in a discernibly turgid state.

2. "Public place" shall mean any area or place, including but not limited to, any building, structure or business, accessible to the public, regardless of whether privately or publicly owned.

3. "Accessible to the public" shall mean any area or place, including but not limited to, any building, structure or business, where the public is invited and are free to go upon special or implied invitation, and including but not limited to, such an area or place available to all or a segment of the public.

4. "Showing" shall mean pointing out or drawing attention to.

D. Violation of this Ordinance shall be enforced by civil proceedings.

E. If this Ordinance conflicts with any other Ordinance of the City of Hampton, then this Ordinance shall be controlling between the conflicting Ordinances.

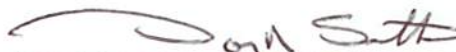
F. Should any section, paragraph, sentence, clause, or phrase of this Ordinance be declared unconstitutional or invalid for any reason, the remainder of said Ordinance shall not be affected thereby.

G. Section B. 3. shall not apply when the nudity is part of some larger form of expression that merits First Amendment protection pursuant to the Constitution of the United States of America or the Constitution of the State of Georgia."

BE IT ORDAINED, that any Ordinance in conflict herewith is hereby specifically repealed.

BE IT ORDAINED, that the sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable; and if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, that unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance, since the same would have been enacted by the Mayor and Council without the incorporation in this Ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.


SO ORDAINED, THIS 9TH DAY OF MARCH, 1993.

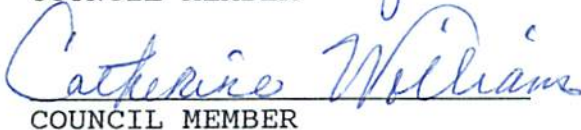

MAYOR


COUNCIL MEMBER


COUNCIL MEMBER

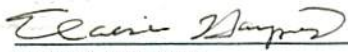

COUNCIL MEMBER


COUNCIL MEMBER


COUNCIL MEMBER


COUNCIL MEMBER

ATTEST:


CITY CLERK

FIRST READING FEBRUARY 9, 1993
SECOND READING MARCH, 9, 1993