

VILLAGE OF MT. AUBURN

ORDINANCE NO. 77

AN ORDINANCE AMENDING ARTICLE III TO CHAPTER 11
TO THE MT. AUBURN VILLAGE CODE
(RE: OFFENSE OF PUBLIC INDECENCY)

ADOPTED BY THE
BOARD OF TRUSTEES
OF THE
VILLAGE OF MT. AUBURN
THIS 6th DAY OF MARCH, 2000.

PUBLISHED IN PAMPHLET FORM BY AUTHORITY
OF THE BOARD OF TRUSTEES OF THE VILLAGE OF
MT. AUBURN, CHRISTIAN COUNTY, ILLINOIS,
THIS 6th DAY OF MARCH, 2000.

ORDINANCE NO. 77

AN ORDINANCE AMENDING ARTICLE III TO CHAPTER 11
TO THE MT. AUBURN VILLAGE CODE
(RE: OFFENSE OF PUBLIC INDECENCY)

WHEREAS, the current ordinance, Chapter 11, Article III, section 11-3-2, Public Indecency, does not adequately define the offense of Public Indecency as defined by Barnes v. Glen Theatre, Inc., 501 U.S. 560, of the United States Supreme Court; and

WHEREAS, to enable the Village to properly enforce the public indecency statute, if violations occur, it is necessary to change the existing definition to comply with the aforementioned case decided by the United States Supreme Court.

BE IT ORDAINED by the President and the Board of Trustees of the Village of Mt. Auburn, Chapter 11, Article III, Section 11-3-2, is hereby deleted and in its place, the following:

11-3-2 PUBLIC INDECENCY.

(a) A person commits the offense of public indecency if they knowingly or intentionally, in a public place:

- (1) Engage in sexual intercourse;
- (2) Engage in deviate sexual conduct;
- (3) Appear in a state of nudity;
- (4) Make a lewd exposure of the body done with the intent to arouse or to satisfy the sexual desire of the person; or
- (5) Fondle their own genitals or those of another person.

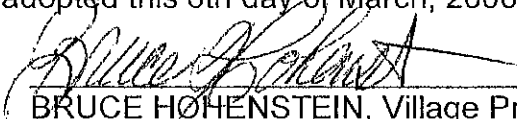
(b) Definitions.

(1) Nudity. Means the showing of the human male or female genitals, pubic area, female breasts with less than a full opaque covering below a point immediately above the top of the areola, human male genitals in a discernibly turgid

state, even if completely and opaquely covered, or that portion of the buttocks which would be covered by a properly worn "thong"- type bikini bottom.

(2) Public Place. Means any location frequented by the public, or where the public is present or likely to be present, or where a person may reasonably be expected to be observed by members of the public. Public places include, but are not limited to, streets, sidewalks, parks, beaches, business and commercial establishments (whether for-profit or not-for-profit and whether open to the public at large or where entrance is limited by a coverage charge or membership requirement), hotels, motels, restaurants, nightclubs, country clubs, cabarets and meeting facilities utilized by social, fraternal or similar organizations. Premises used solely as a private residence, whether permanent or temporary in nature, shall not be deemed a public place. Public places shall not include enclosed single-sex public restrooms; enclosed single-sex functional showers, locker and/or dressing room facilities; enclosed motel rooms and hotel rooms designed and intended for sleeping accommodations; doctors' offices; churches, synagogues or similar places when used for circumcisions, baptisms or similar religious ceremonies; portions of hospitals; and similar places in which nudity or exposure is necessarily and customarily expected outside of the home; nor shall it include a person appearing in a state of nudity in a modeling class operated by a proprietary school licensed by the state; a college, junior college or university supported entirely or partly by taxation; or a private college or university which maintains and operates educational programs in which credits are transferrable to a college, junior college or a university supported entirely or partly by taxation or an accredited private college.

ON MOTION DULY MADE AND SECONDED and pursuant to roll call vote, this Ordinance was passed, approved and adopted this 6th day of March, 2000.


BRUCE HOHENSTEIN, Village President
Village of Mt. Auburn, Illinois

ATTEST:


TAMMY HAMELL, Village Clerk

AYES: Copenbarger, Campbell, Clayton, Beck, Bothell, Hamfland

NAYS: _____

ABSENT: _____

FILED IN THE OFFICE OF THE VILLAGE CLERK,
VILLAGE OF MT. AUBURN, ON THE 6th DAY OF MARCH, 2000.

PUBLISHED IN PAMPHLET FORM ON MARCH 6th, 2000.

CERTIFICATE

STATE OF ILLINOIS)
) SS.
COUNTY OF CHRISTIAN)

I, TAMMY HAMELL, certify that I am the duly elected and acting Village Clerk of the Village of Mt. Auburn, Christian County, Illinois.

I further certify that on March 6, 2000, the Board of Trustees of said Village passed and approved Ordinance No. 77 entitled "**AN ORDINANCE AMENDING ARTICLE III TO CHAPTER 11 TO THE MT. AUBURN VILLAGE CODE (RE: OFFENSE OF PUBLIC INDENCENCY)**".

The pamphlet form of Ordinance No. 77 including the Ordinance and a cover sheet thereof was prepared, and a copy of such Ordinance was posted in the Village Hall, commencing on March 6, 2000, and continuing for at least ten days thereafter. Copies of such Ordinance were also available for public inspection upon request in the Office of the Village Clerk.

DATED at Mt. Auburn, Illinois, this 16th day of March, 2000.


TAMMY HAMELL, Village Clerk

(MUNICIPAL SEAL)