

ORDINANCE NO. 134, 2015
OF THE COUNCIL OF THE CITY OF FORT COLLINS
MAKING CERTAIN AMENDMENTS TO SECTION 17-142 OF THE
CODE OF THE CITY OF FORT COLLINS RELATED TO PUBLIC NUDITY

WHEREAS, some citizens have expressed concerns regarding the current prohibition of the exposure of the female breast in public places in the City; and

WHEREAS, City staff has conducted public outreach, including an online survey, to inquire whether the majority of the citizens of Fort Collins have similar concerns about such prohibition; and

WHEREAS, City Council has carefully considered the information obtained from the public outreach and provided by staff and other sources, and believes that there is strong public support and desire to retain the current prohibition; and

WHEREAS, in light of such information, City Council finds it to be in the best interest of the public to maintain the current prohibition of the exposure of the female breast in public and to exclude from this prohibition children under ten years of age and breastfeeding mothers; and

WHEREAS, City Council also finds it to be in the public interest to retain the prohibition on intentional exposure of any portion of the genitals or buttocks in public places and to add provisions excluding from this prohibition children under ten years of age, persons undergoing bona fide medical examinations or emergencies and persons in changing areas or other places designated for changing clothes or where nudity is explicitly allowed; and

WHEREAS, the City Council has determined that the City Code amendments set forth herein are in the best interest of the City and its citizens.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. That the Council hereby adopts the foregoing recitals as its findings and conclusions.

Section 2. That Section 17-142 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 17-142. Public indecency-nudity.

(a) No person who is ten (10) years of age or older shall knowingly appear intentionally expose any portion in any public place in a nude state or state of undress such that the of his or her genitals or buttocks of either sex or the breast or breasts of a female are exposed while that person is located:-

(1) in a public right-of-way, in a natural area, recreation area or trail, or recreation center, in a public building, in a public square, or while located in any other public place; or

(2) on private property if the person is in a place that can be viewed from the ground level by another who is located on public property and who does not take extraordinary steps, such as climbing a ladder or peering over a screening fence, in order to achieve a point of vantage.

(3) As used in this Section, *public place* shall mean a place to which the public or a substantial number of the public has access, and includes but is not limited to highways including sidewalks, transportation facilities, school, places of amusement, parks, playgrounds and the common areas of public and private buildings and facilities, and shall not include any theater, concert hall, museum, school or similar establishment to the extent the same is serving as a performance venue.

(b) No female who is ten (10) years of age or older shall knowingly appear in any public place with her breast exposed BELOW THE TOP OF THE NIPPLE while located:

(1) in a public right-of-way, in a natural area, recreation area or trail, or recreation center, in a public building, in a public square, or while located in any other public place; or

(2) on private property if the person is in a place that can be viewed from the ground level by another who is located on public property and who does not take extraordinary steps, such as climbing a ladder or peering over a screening fence, in order to achieve a point of vantage.

(3) Public place in this Section shall be defined as in Section (a)(3) above.

(c) The prohibition in subsection (a) does not extend to:

(1) persons undergoing bona fide emergency medical examinations or treatment; or

(2) persons located in dressing rooms, shower rooms, bathrooms, or in other enclosed areas specifically designated for changing clothes or in which nudity is explicitly permitted; or

(d) The prohibition in subsection (b) does not extend to women breastfeeding in places they are legally entitled to be.

Introduced, considered favorably on first reading, and ordered published this 20th day of October, A.D. 2015, and to be presented for final passage on the 3rd day of November, A.D. 2015.

Mayor

ATTEST:

City Clerk

Passed and adopted on final reading on the 3rd day of November, A.D. 2015.

Mayor

ATTEST:

City Clerk