

Thousand Oaks, California  
**Public Nudity Ordinance**  
December, 2000

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF THOUSAND OAKS REPEALING THE PRESENT CHAPTER 16 OF TITLE 5 OF THE T.O.M.C. AND ADDING A NEW CHAPTER 16 WHICH PROHIBITS THE CONDUCT OF PUBLIC NUILITY.**

The City Council of the City of Thousand Oaks does hereby ordain as follows:

Part 1

The present Chapter 16 of Title 5 (Unlawful exposure of private parts and female breasts) is hereby repealed.

Part 2

A new Chapter 16 is added to Title 5 of the Thousand Oaks Municipal Code to read as follows:

Chapter 16: Prohibition of the Conduct of Public Nudity.

Sec. 5-16.01. Purpose.

The City Council has considered the report of the City of Garden Grove,

California (1991) and the secondary effects of adult businesses which permit displays of public nudity as described in the cases of *Barnes v. Glen Theater, Inc.*, (1991) 501 U.S. 584, 111 S.Ct. 2456, *City of Erie v. PAP's A. M.* (2000) \_\_\_ U. S. \_\_\_\_, 120 S.Ct. 1382, and *City of Renton v. Playtime Theaters, Inc.* (1986) 475 U.S. 41, 106 S. Ct. 925. Public indecency laws are designed to prohibit certain conduct such as public nudity for the purpose of preserving societal order and a community's notion of morality.

The City Council finds that due the described secondary effects of public nudity in adult businesses, as well as, those effects of such conduct in other public places require that the conduct of public nudity be prohibited as set forth in this Chapter. In addition, the City Council finds that the conduct or appearance of people (other than infants or small children) in the nude in a public place or in a place open to or visible by the public, including children, is inimical to public safety and order, and the community's sense of common decency and morality.

The City Council further finds that certain lewd, immoral activities carried on in public places for profit are highly detrimental to the public health, safety and welfare, and lead to the debasement of both women and men, promote violence, public Intoxication, prostitution and other serious criminal activity.

Sec. 5-16.02. Definitions.

a. Nudity. "Nudity" means the showing, exposing, displaying, or exhibiting, of any of the following:

- (1) The human male or female genitals, pubic hair or buttocks with less than fully opaque covering;
- (2) The female breast with less than fully opaque covering below a point immediately above the top of the areola, except as necessary while breast feeding an infant under two years of age;
- (3) 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
- (4) Any device worn as a cover over the nipples and/or areola of the female breast, which device simulates and gives the realistic appearance of nipples or areola.

b. Public Place. "Public place" means any outdoor place owned by a public entity or exterior private property which is open to the general public including, but not limited to, a park, swimming pool, playground, right-of-way, street, walkway, trail, or any other similar open place, including as well the interior areas of any building or enclosed place which is open to the general public, such as places of entertainment, taverns, restaurants, adult or sexually oriented businesses, juice bars, clubs, theaters, dance halls, banquet halls, party rooms or halls even if limited to specific members (or restricted to adults or select patrons invited to attend), whether or not there is a payment of an admission charge required for entrance to such places.

Sec. 5-16.03. Unlawful Public Nudity

Except as allowed under section 5-16.05, it is unlawful for any person in any public place to knowingly and intentionally appear in a state of nudity. The conduct of public nudity is a violation of this section without regard to whether or not such person is paid any compensation by another person to so expose him or her self, or directed to so appear by the management of any establishment in which that conduct occurs.

Sec. 5-16.04. Other Prohibitions: Public performances, Counseling or Assisting.

It shall be unlawful for any person to willfully cause or direct any person to expose him or her self as prohibited in section 5-16.03 of this chapter. In addition, it shall be unlawful for any person who owns, manages, controls or operates any private place which is open to the public, to willfully permit, allow, or procure the conduct of any person to exposing him or her self as prohibited in section 5-16.03 of this chapter.

Sec. 5-16.05. Exceptions.

The provisions of this chapter shall not apply to the following:

- a. Photographs, movies, videos, or any other type of non-live art or performance;
- b. Any child under the age of ten (10) years old; or\
- c. Any act prohibited, or the prohibition of which is preempted, by any provision of state law.

Part 3: Severability

If any section, subsection, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that this Ordinance, and each section, subsection, sentence, clause and phrase hereof, would have been prepared, proposed, adopted, approved and ratified irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

PASSED AND ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2000

Daniel A. Del Campo, Mayor  
City of Thousand Oaks

ATTEST:

Nancy A. Dillon, City Clerk

APPROVED AS TO FORM:

APPROVED AS TO ADMINISTRATION:

Mark G. Sellers, City Attorney

MaryJane V. Lazz, City Manager