

ORDINANCE NO. 302

AN ORDINANCE OF THE CITY OF MEXICO BEACH
PROHIBITING PUBLIC NUDITY; DEFINING "NUDE"
AND "PUBLIC PLACE"; MAKING FINDINGS OF FACT;
REPEALING ORDINANCES IN CONFLICT; AND
PROVIDING AN IMMEDIATE EFFECTIVE DATE.

WHEREAS, the City of Mexico Beach is authorized by the Florida Constitution and Chapter 166, Florida Statutes, to regulate behavior in furtherance of substantial governmental interests; and

WHEREAS, the protection and advancement of public order and welfare are substantial governmental interests; and

WHEREAS, public nudity was a criminal offense at common law, being considered a wrong in itself; and

WHEREAS, the people of the City of Mexico Beach have expressed disapproval of people appearing in the nude in public places; and

WHEREAS, the people of the City of Mexico Beach find and believe that prohibition of total nudity in public places will protect and advance public order and welfare; and

WHEREAS, this ordinance shall not be constructed or enforced to preclude the free expression of erotic or other messages through dance or conduct.

NOW, THEREFORE, BE IT ENACTED BY THE PEOPLE OF THE CITY OF MEXICO BEACH, FLORIDA:

SECTION 1. PUBLIC NUDITY PROHIBITED.

No person shall knowingly or intentionally appear nude in a public place.

SECTION 2. DEFINITIONS.

(a) "Nude" means the showing of any portion of the male or female genitals, pubic area, vulva, or anus with less than a fully opaque and obvious covering, the showing of any portion of the female breast with less than a fully opaque and obvious covering of the entire nipple and areola, or the showing of the covered male genitals in a discerningly turgid state. A simulation of the body part required to be covered, or that which creates the illusion of nudity, shall not qualify as a fully opaque covering.

(b) "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 the public, but excludes public restrooms, bathing and locker room facilities, and those places in which nudity or exposure is necessarily expected outside of the home. By way of example and not limitation, a bar, lounge, restaurant, cafe or theater open to the public is a public place.

SECTION 3. Any person, or persons, violating this ordinance is guilty of a misdemeanor of the second degree, punishable as provided by state statute.

SECTION 4. All ordinances or parts of ordinances in conflict herewith are repealed to the extent of such conflict.

SECTION 5. This ordinance shall take effect immediately upon passage.

INTRODUCED at a regular meeting of the City Council on

January 10, 1995, 1995, and ADOPTED at a regular meeting on
February 14, 1995.

CITY OF MEXICO BEACH, FLORIDA

Darryl J. Dabala

MAYOR

ATTEST:

Patricia L. Hutchinson
City Clerk