

ORDINANCE PROHIBITING PUBLIC INDECENCY

WHEREAS, the laws of the State of Mississippi prohibit public indecency and indecent exposure; and

WHEREAS, the City of Columbus is authorized to adopt additional laws pursuant to ordinance that are not inconsistent with the general laws of the State of Mississippi; and

WHEREAS, the City of Columbus finds that specified conduct and acts should be prohibited in public locations.

THEREFORE, be it ordained by the City Council of the City of Columbus, Mississippi as follows:

Statement of Purpose: It is hereby found and determined that the conduct prohibited by this ordinance is indecent and that such conduct violates the community standards of the City of Columbus. Likewise, it is found and determined that wearing pants or skirts below the top of the hip is hazardous both to the person wearing the garment and to the general public, as walking when pants are below the hip decreases the length of the stride and thereby increases the likelihood of tripping and falling, and injuring oneself or others in the process. Hence, this Ordinance is adopted in furtherance of the City's police powers, in the interest of health, sanitation and overall welfare of the community.

Definitions: The following words, terms and phrases, when used in this article, shall have the meanings as defined in this section, except where the context clearly indicates otherwise:

(a) "Lewd" means obscene, lustful, indecent, lascivious, lecherous. The term imports a lascivious intent. It signifies that form of immorality which as relation to moral impurity or that which is carried on in a wanton manner. Given to unlawful indulgence of lust, eager for sexual indulgence.

1. Public Indecency

It shall be unlawful for any person to willfully perform any of the following acts in a place where a person should reasonably expect to be in view of the public:

1. Exposure of the genitals;
2. A lewd caress or indecent fondling of the sexual organs of any person, including oneself;
3. Urination or defecation; or
4. Intentionally wearing pants or skirts below the top of the hips (crest of the ilium) *and* exposing the skin or undergarments.

2. Fines and Penalties

A citation shall be issued to the offender and the person shall be subject to a fine of not less than seventy-five dollars (\$75.00) and not more than two hundred fifty dollars (\$250.00) plus any assessments. In addition to the fine, the Columbus Municipal Court may order such person to participate in up to forty (40) hours of court approved community service activities. Violators shall not be subject to arrest or imprisonment for violation of this section, however, the Columbus Municipal Court shall have full authority to enforce its orders, judgments and sentences.

3. Defenses

It is a defense under this section if it is determined, after a hearing or trial, that the person was exercising rights protected by the federal or state constitution. Any defense under this section must be asserted prior to any hearing or trial in the matter.

4. Severability

If any provision or item of this Ordinance or the application thereof is held invalid, such invalidity shall not affect other provisions, items or applications of this Ordinance which can be given affect without the invalid provisions, items or applications, and to this end the provisions of this Ordinance are hereby declared severable.

5. Effective Date

This Ordinance shall become effective after passage and thirty (30) days following publication. The City Clerk shall cause the Ordinance to be published in a local newspaper with general circulation. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

The foregoing Ordinance was proposed in a motion by Council Member _____, seconded by Council Member _____ and after discussion the Council voted as follows to adopt the ordinance:

Council Member Gene Taylor	Voted _____
Council Member Joseph Mickens	Voted _____
Council Member Charles Box	Voted _____
Council Member Fred Stewart	Voted _____
Council Member Kabir Karriem	Voted _____
Council Member Bill Gavin	Voted _____

Whereupon, the motion having received a majority of affirmative votes, the Mayor declared that the Ordinance had been passed and adopted on this the ____ day of _____, 2012.

CITY OF COLUMBUS, MISSISSIPPI

BY: _____
MAYOR ROBERT E. SMITH, SR.

ATTEST:

MIKE BERNSEN
Secretary/Treasure