

BEFORE THE BOARD OF COUNTY COMMISSIONERS

FOR LINCOLN COUNTY

Ordinance No. 42FILED
JUL 1 1976

AN ORDINANCE AMENDING ORDINANCE #28 OF THE LINCOLN COUNTY CODE TO PROHIBIT PUBLIC NUDITY (IN OR NEAR DESIGNATED PUBLIC PLACE) AND/OR (IN OR NEAR DESIGNATED COUNTY PARKS)

The Board of County Commissioners for Lincoln County, Oregon, ordains as follows:

SECTION 1: PURPOSE. Lincoln County recognizes its responsibility to individuals to insure freedom of self-expression, and recognizes the need for the protection of the individual, particularly the minor, against all non-consensual acts, and protection of the young and immature and protection of the public from affronts to generally accepted standards of conduct, therefore, Lincoln County hereby undertakes the protection of the reasonable sensitivities of others from unwanted sexual display through the limited curtailment of public nudity.

SECTION 2: DEFINITIONS. As used in the provisions of this Ordinance, hereafter set forth:

- (1) **Nudity:** Uncovered, or less than opaquely covered, portions of the human body of an individual 12 years of age or older as follows: genitals, pubic areas, (the human female breast below a point immediately above the top of the areola), (or the covered male genitals in a discernibly turgid state). (For the the purposes of this definition, a female breast is considered uncovered if the nipple only or the nipple and areola only are covered.)
- (2) **Public Place:** A place to which the general public has unrestricted access and where casual observers, including minors, are likely to wander.

SECTION 3: PUBLIC NUDITY PROHIBITED. No person shall in or within (50) or (100) yards and in view of the below named (County parks) and/or (public places) expose his or her nudity to (another person) or (a person of the opposite sex):

- (1) Moonshine Park
- (2) Morgan Park
- (3) Twin Bridges Park
- (4) Hee Hee Illahee Park

SECTION 4: ADDITIONAL AREAS. The Board of County Commissioners may designate additional public places wherein public nudity is prohibited. In making such designation the Board of County Commissioners shall after public notice and public hearing consider the following criteria:

- (1) Public character of this area.
- (2) Traditional use of the area within five-year period preceding the proposed designation.
- (3) Intensity and frequency of area use.
- (4) Traffic safety.
- (5) Balancing of interests of all residents of Lincoln County.

The area designated shall not be larger than necessary to address the specific problem set forth in the petition seeking such designation, nor shall such designation encompass locations not related to consideration of the above criteria.

SECTION 5: PROCEDURE. The Board by separate order shall adopt rules of procedure to insure public notice and public hearing prior to designating areas as set forth above.

SECTION 6: DEFENSES. In any prosecution under this ordinance, it is an affirmative defense for the defendant to prove:

- (1) The defendant was in a familial relationship with the persons viewing the nudity.
- (2) The defendant had the tacit or explicit consent of the persons viewing the nudity.

SECTION 7: PENALTIES. Violation of any provision of this Ordinance is a misdemeanor.

SECTION 8: EMERGENCY. Declaring an emergency, this Ordinance shall be effective upon its passage.

ADOPTED and approved by the Board of Commissioners of Lincoln County this 20th day of July, 1976.

LINCOLN COUNTY BOARD OF COMMISSIONERS

BY: Albert R. Strand
Chairman

BY: Jack W. Potts

BY: Andy Zedwick