

Chapter 6-22

PUBLIC NUDITY

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Section 6-22-01 DEFINITIONS

a. "Nudity" means the showing of the human male or female genitals, pubic area, or buttocks with less than a fully opaque covering; the showing of the female breast with less than a fully opaque covering of any part of the nipple; the exposure of 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 the exposure of 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 and/or areola.

b. "Public Place" includes all outdoor places owned by or open to the general public, and all buildings and enclosed places owned by or open to the general public, including such places of entertainment, taverns, restaurants, clubs, theaters, dance halls, banquets halls, party rooms or halls limited to specific members, restricted to adults or to patrons invited to attend, whether or not an admission charge is levied.

(6063, Added, 05/15/2001)

Section 6-22-02 VIOLATION

It shall be unlawful for a person to knowingly and intentionally, in a public place, appear in a state of nudity.

(6063, Added, 05/15/2001)

Section 6-22-03 EXCLUSIONS

a. This prohibition shall not apply to any child under the age of ten (10) years of age, or any person exposing a breast in the process of breast-feeding.

b. This prohibition shall not apply to persons engaged in dance, ballet, music or dramatic performances, or artistic displays which are of serious artistic merit and are offered on premises in which the predominant business or attraction is not the offering to customers of entertainment which is intended to provide sexual stimulation or sexual gratification. This exclusion does not apply to any activities which may take place on the following premises, as defined in Boise City Code 11-01-03.01: Adult Arcade, Adult Bookstore, Adult Cabaret, Adult Motion Picture Theater, Adult Theater, Bikini Bar, Sexually Oriented Business, or Sexual Encounter Premise.

(6135, Amended, 04/16/2002; 6063, Added, 05/15/2001)

Section 6-22-04 CONSTRUCTION AND SEVERABILITY

It is the intention of the City of Boise that the provisions of this ordinance be construed, enforced and interpreted in such a manner as will cause the least possible infringement of the

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constitutional rights of free speech, free expression, due process, equal protection or other fundamental rights consistent with the purposes of this ordinance. Should a court of competent jurisdiction determine that any part of this ordinance, or any application or enforcement of it is excessively restrictive of such rights or liberties, then such portion of the ordinance, or specific application of the ordinance, shall be severed from the remainder, which shall continue in full force and effect.

(6063, Added, 05/15/2001)

Section 6-22-05 PENALTY

Violation of the provisions of this section is a misdemeanor punishable by a fine of up to three hundred (300) dollars and/or six (6) months in jail, or both.

(6063, Added, 05/15/2001)