

1 CITY OF SANTA FE, NEW MEXICO

2 ORDINANCE NO. 2010-22

3
4
5 AN ORDINANCE

6 REPEALING SECTION 16-7.4 SFCC 1987, INDECENT EXPOSURE; AND CREATING A
7 NEW SECTION 16-7.4 SFCC 1987 REGARDING PUBLIC INDECENCY.

8
9 BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF SANTA FE:

10 Section 1. [REPEAL.] Section 16-7.4 SFCC 1987 (being Ord. #Ord. #2005-7, §3)
11 is repealed.

12 Section 2. A new Section 16-7.4 SFCC 1987 is ordained to read:

13 16-7.4 [NEW MATERIAL.] Public Indecency

14 A. *Short Title.* Section 16-7.4 may be cited as the “Public Indecency Ordinance”.

15 B. *Definitions.* As used in this section:

16 *Nudity* means the showing of the human male or female genitals, pubic area, or
17 buttocks with less than a fully opaque covering, the showing of the female breast with less
18 than a fully opaque covering of any part of the nipple, or the showing of the covered male
19 genitals in a discernibly turgid state.

20 C. *Prohibitions.*

21 (1) No person shall knowingly or intentionally, in a public place:

22 (a) Engage in sexual intercourse;

23 (b) Appear in a state of nudity;

24 (c) Fondle the genitals of himself or another person.

25 (2) No person who owns or operates a public place shall knowingly or

1 intentionally permit or allow another person to violate the provisions of this article in that
2 public place; provided, however, this section shall not apply to forms of expression and the
3 communications of ideas, such as theatrical appearances, which may not be prohibited absent
4 a finding of obscenity.

5 (3) This section shall not apply to breastfeeding, consistent with NMSA 1978, §
6 28-20-1, as it may be amended.

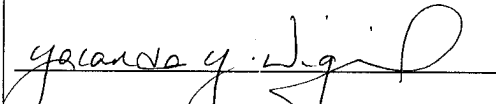
7 D. *Penalty.* Any person who violates the provisions of this article shall be deemed
8 guilty of a petty misdemeanor, and upon conviction thereof shall be subject to the penalty provisions
9 set forth in Article 1-3 SFCC 1987. Each time this Section is violated shall be considered a separate
10 offense.

11 PASSED, APPROVED and ADOPTED this 29th day of September, 2010.


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14 DAVID COSS, MAYOR

15 ATTEST:

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18 _____
18 YOLANDA Y. VIGIL, CITY CLERK

19 APPROVED AS TO FORM:

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22 _____
22 GENO ZAMORA, CITY ATTORNEY

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24
25 *Mdb/jep&mdb/Ord2010/Indecent Exposure*