

## **ORDINANCE PROHIBITING PUBLIC INDECENCY**

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

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

**BE IT ORDAINED BY THE MAYOR AND BOARD OF ALDERMEN  
OF THE CITY OF SALTILLO, MISSISSIPPI, AS FOLLOWS:**

**NOW, THEREFORE, IT IS HEREBY ORDAINED AS FOLLOWS:**

### **Section I. Definitions.**

#### **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. An act or simulated act of sexual intercourse or masturbation;
2. Exposure of the genitals;
3. A lewd appearance in a state of partial or complete nudity;
4. A lewd caress or indecent fondling of the body of another person;
5. A lewd caress or indecent fondling of the sexual organs of any person, including oneself;
6. Urination or defecation; or
7. Appears wearing pants or skirts more than three inches below the top of the hips (crest of the ilium) exposing the skin or undergarments.

### **Section II. Fines and Penalties**

A citation shall be issued to the offender and the person shall be subject to a penalty of not less than fifty dollars (\$50.00) for the first offense and not more than two hundred dollars (\$200.00) for a subsequent offense. In addition to the fine, the Saltillo 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 Saltillo Municipal Court shall have full authority to enforce its orders, judgments and sentences.

### **Section III. 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.

**Section IV. Severability, Conflict, Effective Date, and Publication & Recording.**

(A) Severability. Should any section, clause, paragraph, provision, or part of this ordinance for any reason be held invalid or unconstitutional by any court of competent jurisdiction, this act shall not affect the validity of any other section, clause, paragraph, provision, or part of this ordinance. All provisions of this ordinance shall be considered separate provisions, and completely severable from all other portions.

(B) Conflict. In any case where a provision of this ordinance is found to be in conflict with a provision of any other ordinance or code of the City of Saltillo, Mississippi, existing on the effective date of the ordinance, the provisions of this ordinance shall take precedence.

(C) Effective Date. This Ordinance shall become effective upon publication and after one (1) month from the date of passage.

(D) Publication & Recording. The City Clerk is instructed to publish this ordinance one time in the Northeast Mississippi Daily Journal and to obtain proof of publication thereof and record this ordinance in the ordinance book.

**Section V. Adoption and Certification.**

UPON MOTION of Alderman Scott Knight, duly seconded by Alderman Terry Glidewell, the aforesaid ordinance was put to a vote with Aldermen voting as follows:

ALDERMEN VOTING "YEA":

Mitch Brazeal  
Scott Knight  
Terry Glidewell  
Jewell Webb  
Brad Woodcock

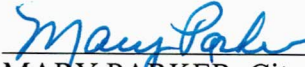
ALDERMEN VOTING "NAY":

ALDERMEN ABSENT OR NOT VOTING:

**ORDAINED AND ADOPTED** this the 5 day of June, 2012, at the Regular Meeting of the Mayor and Board of Aldermen of the City of Saltillo, Mississippi.

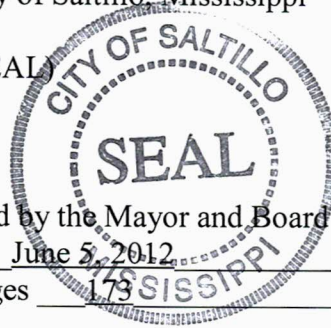


BILL WILLIAMS, Mayor  
City of Saltillo, Mississippi



MARY PARKER, City Clerk  
City of Saltillo, Mississippi

(SEAL)



NOTE: This ordinance was approved and adopted by the Mayor and Board of Alderman at their Regular Meeting on June 5, 2012 and appears in Minute Book 4 at pages 173.