

Chapter 180
PUBLIC INDECENCY

ARTICLE I
Indecent Exposure

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[HISTORY: Adopted by the City Council of the City of Laconia as indicted in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Licensing — See Ch. 161.

Zoning — See Ch. 235.

ARTICLE I
Indecent Exposure
[Adopted 11-23-1998 by Ord. No. 10.98.10]

§ 180-1. Purpose and findings.

This article is adopted by the City of Laconia for the purpose of upholding and supporting public health, public safety, morals and public order. The conduct prohibited hereunder is deemed to be contrary to the societal interest in order and morality. In addition, the prohibited conduct has been widely found and is deemed to have harmful secondary effects in places and communities where it takes place, including crimes of various types and reduction of property values, not only in the immediate vicinity, but on a community-wide basis.

§ 180-2. Prohibited conduct.

- A. From and after the effective date of this article, it shall be unlawful for any person to knowingly or intentionally, in a public place:
 - (1) Engage in sexual intercourse;
 - (2) Engage in deviate sexual conduct;
 - (3) Appear in a state of nudity; or
 - (4) Fondle the person's genitals or the genitals of another person.
 - (5) Urinate, defecate or masturbate in a public place which can be viewed by any person.
[Added 5-14-2001 by Ord. No. 01.2001.01]

- B. From and after the effective date of this article, it shall be unlawful for any person to knowingly or intentionally aid, induce or cause another person to commit any act prohibited under Subsection A, even if the other person:
- (1) Has not been prosecuted for the offense;
 - (2) Has not been convicted of the offense;
 - (3) Has been acquitted of the offense; or
 - (4) Has not engaged in the prohibited conduct.

§ 180-3. Exemption.

- A. Notwithstanding the foregoing, the conduct prohibited hereunder shall not include conduct permitted as part of the operation of a sexually-oriented business pursuant to § 235-42 of the City of Laconia Zoning Ordinance, provided that such sexually-oriented business has been lawfully established and possesses all necessary land use approvals and other required permits at the time the conduct occurs.
- B. Nothing herein is intended nor shall it be construed to alter, affect, enlarge, expand or diminish the range of conduct permitted as part of the operation of a sexually-oriented business that has been lawfully established pursuant to § 235-42 of the City of Laconia Zoning Ordinance.

§ 180-4. Definitions.

For the purpose of this article, the following words shall be defined as follows:

NUDITY — The showing of the human male or female genitals, pubic area or buttocks with less than a fully opaque covering, or the showing of the female breast with less than a fully opaque covering of any part of the nipple.

PUBLIC PLACE:

- A. Any public street, way, alley, parking area, park, common, beach or other property or public institution of the city.
- B. Any outdoor location, whether publicly or privately owned, which is visible to the public at the time the prohibited conduct occurs.
- C. Any area within any theater, hall, restaurant, food service establishment, shopping mall, business, place of public accommodation or other private property which is generally frequented by the public.

§ 180-5. Violations and penalties.

Any person who violates this article shall be fined \$250 for the first offense, \$500 for the second offense and \$1,000 for the third and each successive offense. Each act of conduct prohibited under this article, whether occurring at separate times on the same day, or on different days, shall constitute a separate violation.

§ 180-6. Intent; construal of provisions.

- A. It is specifically the intention of this article to prohibit as broad a range of the defined conduct as may be lawfully accomplished. To that end, the determination by a court of competent jurisdiction that a given application of this article to certain specific conduct is beyond the authority of the city shall not affect the validity of other applications of the article that may be lawfully enforced.
- B. To the extent that any prohibition under this article is declared overbroad by a court of competent jurisdiction, it is the declared intention to apply the article in a constitutionally permissible manner.

