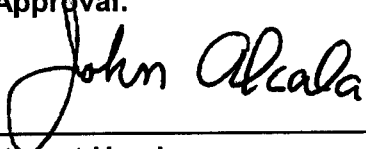



# City of Topeka City Council Form

5H

<b>Date:</b>  9/26/2005	<b>Staff Approval:</b>  _____ <b>Department Head</b>	<b>City Manager Approval</b>  _____
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**DOCUMENT DESCRIPTION:** An Ordinance introduced by Councilmember Brett Blackburn concerning nudity on public property.

**POLICY ISSUE:** At this time the City of Topeka does not have an ordinance addressing nudity on public property. This ordinance would make it unlawful to be nude in any public park and recreation area or on any public rights-of-way in the corporate limits of the City of Topeka and unlawful to be nude on private property outside an enclosed structure and in view of persons on public rights-of-way or public parks and recreation areas in the corporate limits of the City of Topeka.

**STAFF RECOMMENDATION:**

**BACKGROUND:**

**BUDGETARY IMPACT:** None

**SOURCE OF FUNDING:**

**ATTACHMENTS:** Ordinance

1 (Published in the Topeka Metro News \_\_\_\_\_)

2  
3  
4 ORDINANCE NO. \_\_\_\_\_

5  
6 AN ORDINANCE introduced by Councilmember Brett Blackburn concerning public  
7 nudity in the City of Topeka.

8  
9 BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF TOPEKA, KANSAS:

10 Section 1. That City of Topeka Code Chapter 54, Article V, Division 1, Section  
11 54-136, is hereby amended by the addition of the following language:

12 **NUDITY ON PUBLIC PROPERTY; DEFINITIONS.**

13 The following definitions apply to § 54-137:

14 (a) Nude shall mean any state of undress in which the human genitals, pubic  
15 region, buttock or female breast, at a point below the top of the areola, is less than  
16 completely and opaquely covered.

17 (b) Public Park and Recreation Area shall mean all real property in the Corporate  
18 limits of the City of Topeka that is owned, operated or managed by the City of Topeka, the  
19 State of Kansas, or the United States of America, or any agency thereof, or any other local  
20 unit of government, which is open for public visitation and usage for park or recreational  
21 purposes.

22 (c) Public Rights-of-Way shall mean all real property in which the City of Topeka  
23 has acquired an interest for roadway construction and maintenance purposes, including all  
24 improved or unimproved portions thereof. Public rights-of-way also shall include all  
25 bridges, culverts, and all appurtenances thereto used in connection with roadways  
26 constructed and maintained by the City of Topeka.

27 Section 2. That City of Topeka Code Chapter 54, Article V, Division 1, Section  
28 54-137, is hereby amended by the addition of the following language:

29 **Public Nudity Prohibited.**

30 a) It shall be unlawful to be nude in any public park and recreation area or on  
31 any public rights-of-way in the corporate limits of the City of Topeka. This prohibition shall  
32 include, but not be limited to, nudity during the acts of swimming, sunbathing, changing into  
33 or out of swimming garments or other clothes, or any similar act in any such area that is not  
34 enclosed or shielded from public view.

35 b) It shall be unlawful to be nude on private property outside an enclosed  
36 structure and in view of persons on public rights-of-way or public parks and recreation  
37 areas in the corporate limits of the City of Topeka.

38 Section 3. That City of Topeka Code Chapter 54, Article V, Division 1, Section  
39 54-138, is hereby amended by the addition of the following language:

40 **PENALTY.**

41 Any person who violates City of Topeka Code § 54-137 shall be subject to a fine of  
42 up to fifty dollars (\$50.00).

43 Section 4. This Ordinance shall take effect and be in force after its passage,  
44 approval and publication in the official city newspaper.

45 PASSED and APPROVED by the City Council \_\_\_\_\_.

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ATTEST:

\_\_\_\_\_  
Iris E. Walker, City Clerk

\_\_\_\_\_  
William W. Buntin, Mayor

APPROVED AS TO FORM AND LEGALITY
DATE <u>9/27/05</u> BY <u>BA</u>
TO BE CODIFIED <input checked="" type="checkbox"/>
NOT TO BE CODIFIED <input type="checkbox"/>