

CITY OF SAN MARCOS ORDINANCES

CHAPTER 10.42 - NUDITY, URINATION OR DEFECATION IN PUBLIC RIGHTS-OF-WAY AND PUBLIC PLACES

10.42.010 - Purpose and Intent.

The presence of persons who are nude, exposed to public view, or urinating and/or defecating in a place open to the public, in or on public rights-of-way, public parks, public beaches or any other public land or facility, or in or on any private property open to public view from any public right-of-way, public park, public beach or other public land or facility, is offensive to members of the general public unwillingly exposed to such persons. Nudity, if it is to be permitted to be exposed to public view, should be confined to a defined area. Urination and/or defecation in a public place should be prohibited. The provisions of this chapter are enacted for the purpose of securing and promoting the public health, safety, morals, and general welfare of all persons in the City of San Marcos.

(Ord. No. 2005-1244, 2-22-05)

10.42.020 - Definitions.

(a)

Nude means devoid of an opaque covering which covers the genitals, pubic hair, buttocks, perineum, anus or anal region of any person, or any portion of the breast at or below the areola thereof of any female person, or 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.

(Ord. No. 2005-1244, 2-22-05)

(b)

Public Rights-of-Way shall mean any place of any nature which is dedicated to use by the public for pedestrian or vehicular travel, and includes, but is not limited to, a street, sidewalk, curb, gutter, crossing, intersection, parkway, highway, alley, lane, mall, court, way, avenue, boulevard, road, roadway, viaduct, drainage channel, storm water channel, canal, subway, tunnel, bridge, thoroughfare, square and any other similar public way.

(Ord. No. 2005-1244, 2-22-05)

10.42.030 - Public Nudity, Urination, Defecation Prohibited.

It is hereby declared a public nuisance and unlawful for any person to:

(Ord. No. 2005-1244, 2-22-05)

(a)

Be nude and exposed to public view in or on any public right-of-way, public park, public beach or waters adjacent thereto, or other public land or facility, or.

(Ord. No. 2005-1244, 2-22-05)

(b)

Urinate or defecate in a public right-of-way or in or on any private property open to public view from any public right-of-way, public park, public beach or other public land or facility except in an area expressly set aside for such purpose, as stated in Section 10.42.040(c).

(Ord. No. 2005-1244, 2-22-05)

10.42.050 - Penalties for the Violation of this Chapter.

A violation of this section shall constitute a misdemeanor and shall be punishable by a fine of at least \$1,000.00 or by imprisonment for a period of not to exceed six months, or by both fine and imprisonment. The City may prosecute violations of this chapter under its civil administrative authority pursuant to Section 1.12.020 of this Municipal Code, in which case the fine shall also be applicable.

(Ord. No. 2005-1244, 2-22-05)