

Simi Valley, California  
**Text of City's Anti-Nudity Ordinance**  
December, 2000

ORDINANCE NO. 988

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SIMI VALLEY AMENDING TITLE 5, OF THE SIMI VALLEY MUNICIPAL CODE BY ADDING CHAPTER 37 TITLED PUBLIC NUDDITY**

WHEREAS, the City of Simi Valley has a valid governmental purpose of protecting public order, decency and morality; and

WHEREAS, the City Council finds that the appearance of people in the nude in a public place or in a place open to or visible by the public, including children; is inimical to public safety and order, decency, and morality; and

WHEREAS, the City Council is concerned regarding the indecency of citizen(s) of the community who have from time to time appeared in public in a state of nudity, with no applicable prohibitive state statutes; and

WHEREAS, the City Council has expressed its intention to limit or restrict such indecent immoral activities, to provide penalties for violations thereto; and

WHEREAS, the United States Supreme Court has upheld regulation of nudity to protect the public order, decency and morality in *Barnes v. Glen Theatre, Inc.*, 111 S. Ct. 2456, 115 L. Ed 2d 504 (1991), and in *City of Erie v. PAP'S AM*, 2000 Daily Journal DAR 3255.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SIMI VALLEY DOES ORDAIN AS FOLLOWS:

SECTION 1. Chapter 37 Titled Public Nudity is added to the Simi Valley Municipal Code as follows:

Section 537.101. Public Nudity--Prohibited.

It shall be unlawful, for any person, while in any public park, playground, public rightofway, or in any other public place or public accommodation, or in any place open to the public or obviously open to public view (with or without payment of an admission fee), to knowingly and intentionally

- (a) Expose his or her genitals, pubic hair, natal cleft, perineum, anal region, or pubic hair region; or
- (b) Expose 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
- (c) Expose the nipples and/or areolae of the female breast, except as necessary while breast feeding an infant under two years of age; or
- (d) Expose any device (commonly known as a "pasty" or "pasties") worn as a cover over the nipples and/or areolae of the female breast, which device simulates and gives the realistic appearance of nipples and/or areolae.

Section 537.102. Exceptions.

The provisions set forth in Section 537,101 above shall not apply to:

(a) Any child under ten years of age; or

(b) Any acts prohibited, or the prohibition of which is preempted by any provision of state law.

Section 537.103. Penalties.

It shall be unlawful for any person, firm or corporation to violate any provision or to fail to comply with any of the requirements of this ordinance. Any person, firm or corporation violating any provision of this ordinance or failing to comply with any of its requirements shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not exceeding One Thousand Dollars (\$1,000.00) or by imprisonment not exceeding six (6) months, or by both such fine and imprisonment. Each such person, firm or corporation shall be deemed guilty of a separate offense for each day during any portion of which any violation of any of the provisions of this ordinance is committed, continued or permitted by such person, firm or corporation, and shall be punishable for as provided for in this ordinance.

SECTION 2. If any section, subsection, sentence, clause or word of this ordinance is for any reason held to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed and adopted this ordinance, and each and all provisions thereof, irrespective of the fact that any one or more of said provisions may be declared to be invalid.

SECTION 3. The City Clerk shall cause this ordinance or a summary hereof to be published in a newspaper of general circulation, published in the County of Ventura and circulated in the City, and if applicable, to be posted, in accordance with Section 36933 of the California Government Code; shall certify to the adoption of this ordinance and shall cause a certified copy of this ordinance, together with proof of publication, to be filed in the Office of the Clerk of this City.

SECTION 4. This ordinance shall go into effect and be in full force and effect at 12:01 a.m. on the thirtyfirst (31st) day after its passage.

PASSED and ADOPTED this

Attest:

Alice K. Redondo  
Assistant City Clerk

Bill Davis, Mayor of the City of  
Simi Valley, California

Approved as to Form:  
David H. Hirsch, City Attorney

Approved as to Content:  
Mike Sedell, City Manager

Randy G. Adams, Chief of Police