

ORDINANCE NO.: 2012-01

AN ORDINANCE OF THE CITY OF BURNET, TEXAS, AMENDING CHAPTER 70 OF THE CODE OF ORDINANCES TO PROVIDE FOR THE AMENDMENT OF CHAPTER 70, ARTICLE 1, BY THE ADDITION OF SECTION 70-4: NUDITY; MAKING IT UNLAWFUL TO APPEAR IN A STATE OF NUDITY IN ANY PUBLIC PLACE OF THE CITY OF BURNET, TEXAS; AND PROVIDING PENALTIES FOR VIOLATIONS OF THE ORDINANCE.

WHEREAS, the City Council seeks to promote the health, safety, and general welfare of the community by preventing the consequences associated with public nudity;

WHEREAS pursuant to Texas Local Government Code chapter 51 the City Council has the express authority to adopt and publish an ordinance or police regulation that is for the good government, peace or order of the municipality and is necessary or proper for the carrying out a power granted by law to the municipality;

WHEREAS pursuant to Texas Local Government Code chapter 54 the City Council has the express authority to enforce local ordinances and to prescribe penalties for the violation of those ordinances in accordance with the guidelines of that section; and

WHEREAS, the City Council wishes to adopt Section 70-4 of the City's Code of Ordinances, to prohibit public nudity;

NOW THEREFORE; BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS:

Chapter 70, Article I, Section 70-4 shall be added as follows:

Sec. 70-4. Nudity.

(a) No person shall appear in a state of nudity in any public place or in an area viewable from a public place in the City of Burnet, Texas. No intentional conduct is required to be in violation as it is the protection of the public which is at issue in this ordinance.

(b) "Nudity" shall have the same definition as found in Sec. 118.067 of the Burnet Code of Ordinances.

(c) "Public place" includes but is not limited to any place to which the public or a substantial group of the public has access, any public right-of-way (including roadways), public easements, and commercial property which caters to the general public.

(d) It is an affirmative defense to prosecution of this ordinance that a person accused of violating this ordinance is:

(1) Under the age ten (10) or


(2) Was performing at a duly permitted Adult cabaret as that term is defined by Sec. 118.067 of the Burnet Code of Ordinances.

(e). A violation of this offense is punishable as a Class C misdemeanor.

PASSED AND APPROVED on first reading this the 10th day of January, 2012.

FINALLY PASSED AND APPROVED on second reading the 24th day of January, 2012.

CITY OF BURNET, TEXAS



Gary Wideman, Mayor

ATTEST:



Kelly Dix, City Secretary

