

## ORDINANCE PROHIBITING PUBLIC INDECENCY

Whereas, the laws of the State of Mississippi prohibit public indecency and indecent exposure; and

Whereas, the City of Aberdeen is authorized to adopt additional laws pursuant to ordinance that are not inconsistent with the general laws of the State of Mississippi; and

Whereas, the City of Aberdeen, Mississippi, finds exposure of an individual's buttocks, genital area or undergarments is lewd and indecent; and

Whereas, the City of Aberdeen, Mississippi desires to respond to the adverse effects of such lewdness so as to protect the health, safety, and welfare of the citizenry; and

Whereas, the City of Aberdeen, Mississippi, recognize that wearing saggy pants is injurious to public health, safety and welfare; and

Whereas, with the passage of any ordinance, the City of Aberdeen, Mississippi accepts as binding the applicability of general principles of criminal and civil law and procedure of the rights and obligations under the United States and Mississippi Constitutions, Mississippi code, and the Mississippi Rules of Civil and Criminal Procedure; and

Whereas, it is not the intent of this ordinance to suppress any speech activities protected by the U.S. Constitution or the Mississippi Constitution, nor to limit or restrict any right protected by the United States Constitution or the Constitution of the State of Mississippi, but to enact these laws to combat the effects of the indecency and lewdness; and

Whereas, the City of Aberdeen finds that specified conduct and acts should be prohibited in public locations.

IT IS HEREBY ordained by the Board of Aldermen of the City of Aberdeen, Mississippi as follows:

### **1. Public Indecency**

It shall be unlawful for any person to willfully perform any of the following acts in a place where a person should reasonable expect to be in view of the public:

- 1 An act or simulated act of sexual intercourse or masturbation;
- 2 Exposure of the genitals;
- 3 A lewd appearance in a state of partial or complete nudity;
- 4 A lewd caress or indecent fondling of the body of another person;
- 5 A lewd caress or indecent fondling of the sexual organs of any person, including oneself;

6 Urination or defecation; or

7 Appears wearing pants, shorts, or skirts more than three inches below the top of the hips (crest of the ilium) exposing the skin or undergarments.

## **2. Fines and Penalties**

A citation shall be issued to the offender and the person shall be subject to a penalty of not less than fifty dollars (\$50.00) for the first offense and not more than two hundred dollars (\$200.00) for a subsequent offense. In addition to the fine, the Aberdeen Municipal Court may order such person to participate in up to forty (40) hours of court approved community service activities. Violators shall not be subject to arrest or imprisonment for violation of this section, however, the Aberdeen Municipal Court shall have full authority to enforce its orders, judgments, and sentences.

## **3. Defenses**

It is a defense under this section if it is determined, after a hearing or trial, that the person was exercising rights protected by the federal or state constitution. Any defense under this section must be asserted prior to any hearing or trial in the matter.

## **4. Severability**

If any provision or item of this Ordinance or the application thereof is held invalid,, such invalidity shall not affect other provisions, items or applications of this Ordinance which can be given affect without the invalid provisions, items or applications, and to this end the provisions of this Ordinance are hereby declared severable.

## **5. Effective Date**

This Ordinance shall become effective after passage and thirty (30) days following publication. The City Clerk shall cause the Ordinance to be published in a local newspaper with general circulation. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Alderman Wilchie Clay then moved for the adoption of the above and foregoing ordinance; his motion was duly seconded by Alderman Dean Irvin; with the vote by the full Board of Aldermen of the City of Aberdeen, Mississippi, being as follows:

Alderman Alonzo Sykes: Absent;

Alderman Wilchie Clay voted Aye; Alderman Sammy Burroughs  
voted Aye; Alderman Dean Irvin voted Aye; Alderman John  
Allen voted Aye;

NOW, THEREFORE, upon the unanimous vote of the Alderman of the City of Aberdeen,  
Mississippi, this Ordinance was adopted on this the 21st day of August, 2012.

CITY OF  
ABERDEEN, MISSISSIPPI

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CECIL BELLE, MAYOR

ATTEST:

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JACKIE BENSON, CITY CLERK