

CHAPTER 9.36PUBLIC RIGHTS-OF-WAY: SEXUALLY EXPLICIT MATERIAL

9.36.010 Definitions. Whenever the following words and phrases are used in this Chapter, they shall have the meaning ascribed to them in this section: (Ord. 87-77)

A. "Nudity" shall mean the showing with less than a fully opaque covering of the genitals, pubic hair, buttocks, natal cleft, perineum, anus, or anal region of any person, other than a child under the age of puberty, or any portion of the breast at or below the areola thereof of any female person, other than a child under the age of puberty.

B. "Sexual Conduct" shall mean an act of sexual intercourse, masturbation, homosexuality, sodomy, bestiality, anal intercourse, oral copulation, flagellation, or other act of sexual arousal involving any physical contact with a person's clothed or unclothed genitals, pubic region, pubic hair, buttocks, natal cleft, perineum, anus or anal region, or, if such person be a female, breast.

C. "Pictorial Material" shall mean any material suggesting or conveying a visual image, and includes, but is not limited to, a photograph, painting, or drawing.

D. "Public Right-of-Way" shall mean any place of any nature which is dedicated to use by the public for pedestrian and 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, subway, tunnel, bridge, thoroughfare, park, square, and any other similar public way.

9.36.020 Prohibition. No person shall knowingly place in or adjacent to a public right-of-way pictorial material depicting nudity or sexual conduct unless such pictorial material is positioned, covered, or screened in such a manner as to prevent a public view of such pictorial material by a person upon the public right-of-way.