

**35-O-10**

**AN ORDINANCE**

**Amending Title 9, "Public Safety,"  
Section 5, "General Offenses,"  
of the City Code of the City of Evanston  
Paragraph 11, "Public Nudity; Urinating or Defecating in Public"**

**WHEREAS**, It is against the safety, morals, and general welfare of the People of the City of Evanston to permit nudity, urination, or defecation in public; and

**WHEREAS**, the City of Evanston has been granted the power to regulate such activity to preserve the safety, morals, and general welfare of the citizens of Evanston; and

**WHEREAS** this amendatory ordinance further defines what nudity is, and would provide guidance to law enforcement and to the People of the City of Evanston;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EVANSTON, COOK COUNTY, ILLINOIS:**

**SECTION 1:** That Title 9, "Public Safety," Section 5, "General Offenses," Paragraph 11, "Public Nudity; Urinating or Defecating in Public" of the Evanston City Code of 1979, as amended, is hereby further amended by adding a definition of nudity:

9-5-11: Public Nudity; Urinating or Defecating in Public:

(A) It shall be unlawful for any person to appear in a public place in a state of nudity or to make any indecent exposure of his/her person. For purposes of this section, nudity shall be defined as: the showing of the human male or female genitals, pubic areas or buttocks, or female breast with less than a fully opaque covering of any portion thereof below the top of the nipple. Women breastfeeding in public are exempt from this definition.

(B) It shall be unlawful for any person to urinate or defecate:

1. In or on a public street, alley, sidewalk, yard, park, building, structure, plaza, public or utility right of way, or other public place; or

2. In public view.

(a) It shall be a defense to prosecution for urinating or defecating that the person was in a restroom.

**SECTION 2:** That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

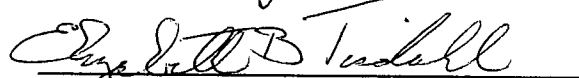
**SECTION 3:** That this Ordinance 35-O-10 shall be in full force and effect from and after its passage, approval, and publication in the manner provided by law.

Introduced: June 28, 2010

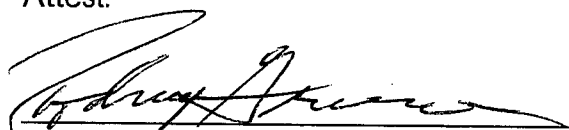
Adopted: July 12, 2010

Approved:


July 19, 2010

  
Elizabeth B. Tisdahl, Mayor

Attest:

  
Rodney Greene, City Clerk

Approved as to form:

  
W. Grant Farrar, Corporation Counsel