

Council/Agency Meeting Held: _____	_____ City Clerk's Signature
Deferred/Continued to: _____	
<input type="checkbox"/> Approved <input type="checkbox"/> Conditionally Approved <input type="checkbox"/> Denied	
Council Meeting Date:                      9/4/07	Department ID Number:              CA07-32

**CITY OF HUNTINGTON BEACH  
REQUEST FOR CITY COUNCIL ACTION**

**SUBMITTED TO:** Honorable Mayor and City Council Members

**SUBMITTED BY:** Jennifer McGrath, City Attorney

**PREPARED BY:** Jennifer McGrath, City Attorney

**SUBJECT:** Adoption of Ordinance Deleting HBMC Section 9.20.010

Statement of Issue, Funding Source, Recommended Action, Alternative Action(s), Analysis, Environmental Status, Attachment(s)

**Statement of Issue:** The City Council adopted Ordinance No. 3773 which amended Chapter 9.20 of the Huntington Beach Municipal Code to add a section which specifically addressed public nudity. With the addition of this new section, certain parts of Chapter 9.20 are redundant and for the sake of clarity, should be deleted.

**Funding Source:** No funds are required.

**Recommended Action:** Motion to: Adopt Ordinance No. 3778 AN ORDINANCE OF THE CITY OF HUNTINGTON BEACH AMENDING CHAPTER 9.20 OF THE HUNTINGTON BEACH MUNICIPAL CODE RELATING TO PUBLIC DRESSING.

**Alternative Action(s):** Do not adopt Ordinance No. 3778.

**Analysis:** Section 9.20.010-Dressing in Public Places should be deleted from Chapter 9.20. This section has the potential to create confusion and controversy as to interpretation of the newly added section (9.20.015) which bans nudity on any public land or private property open to public view. For the same reasons, Section 9.20.050-Nuisance should be modified to eliminate duplication of the newly added section.

G-2A

# REQUEST FOR CITY COUNCIL ACTION

MEETING DATE: 9/4/07

DEPARTMENT ID NUMBER: CA07-32

**Strategic Plan Goal:** Create an environment that promotes tourism to increase revenues to support community services and transform the city's economy into a destination economy.

**Environmental Status:** N/A

**Attachment(s):**

City Clerk's Page Number	No.	Description
3	1.	Ordinance No. <u>3778</u> AN ORDINANCE OF THE CITY OF HUNTINGTON BEACH AMENDING CHAPTER 9.20 OF THE HUNTINGTON BEACH MUNICIPAL CODE RELATING TO PUBLIC DRESSING.
5	2.	Legislative Draft of Chapter 9.20

G-2A.3

**ATTACHMENT NO. 1**

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AN ORDINANCE OF THE CITY OF HUNTINGTON BEACH  
AMENDING CHAPTER 9.20 OF THE HUNTINGTON BEACH MUNICIPAL  
CODE RELATING TO PUBLIC DRESSING

The City Council of the City of Huntington Beach does hereby ordain as follows:

SECTION 1. That Chapter 9.20 of the Huntington Beach Municipal Code is hereby amended by deleting Chapter 9.20.010 Dressing in Public Places.

SECTION 2. That the first paragraph of Section 9.20.050 is hereby deleted, said section to now read as follows:

9.20.050 Nuisance.

It shall be deemed a public nuisance for any person to urinate or evacuate his bowels on private property in an area exposed to the public view, or on any public street, sidewalk, alley, park or other public place except in a public restroom.

SECTION 3. This ordinance shall become effective 30 days after its adoption.

PASSED AND ADOPTED by the City Council of the City of Huntington Beach at a regular meeting thereof held on the \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_.

\_\_\_\_\_  
Mayor

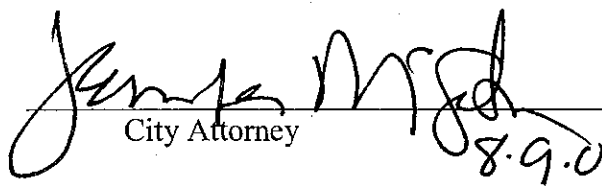
ATTEST:

\_\_\_\_\_  
City Clerk

REVIEWED AND APPROVED:

*for*   
\_\_\_\_\_  
City Administrator

INITIATED AND  
APPROVED AS TO FORM:

  
\_\_\_\_\_  
City Attorney 8.9.07

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G-2A.5

**ATTACHMENT NO. 2**

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LEGISLATIVE DRAFT

Chapter 9.20

PROHIBITED PUBLIC CONDUCT

(542-5/49, 1935-11/74, 2992-4/89, Urg. Ord. 3192-4/93, 3215-12/93, 3289-8/95, 3412-3/99, 3773-7/07)

Sections:

- 9.20.010 Dressing in public places
- 9.20.015 Public Nudity
- 9.20.020 Human waste
- 9.20.030 Picketing of private residences
- 9.20.040 Trespassing on school grounds
- 9.20.050 Nuisance

~~9.20.010 Dressing in Public Places. No person shall dress or undress for the purpose of putting on or taking off a bathing garment in or upon any public street, alley or other public place, or underneath any pier or wharf in the city, or upon any public beach, or within any public toilet, or within a vehicle other than a house trailer, motorhome or camper designed for living purposes. (542-5/49, 1935-11/74)~~

9.20.015 Public Nudity. It shall be unlawful for any person over the age of nine years old to appear, bath, sunbathe, walk or be on any public park, playground, beach, or in the water adjacent thereto, or on any other public land, or on any private property open to public view from any public beach, playground, park, public place, or public right-of-way in such a manner as to knowingly and intentionally expose his or her genitals, pubic hair, natal cleft, perineum, anal region or pubic hair region, or expose the nipples and/or areola of the female breast except as necessary while engaging in breastfeeding. (3773-7/07)

9.20.020 Human waste. No person shall urinate or evacuate his bowels on private property in an area exposed to the public view, or on any public street, sidewalk, alley, park, or other public place, except in a public restroom. (2992-4/89)

9.20.030 Picketing of private residences. In enacting this section, the City Council finds as follows: (Urg. Ord. 3192-4/93)

- (a) Protecting the well-being, tranquility, and privacy of the homes of residents of the City is a significant governmental interest. (Urg. Ord. 3192-4/93)
- (b) A special benefit of the privacy all residents enjoy within their homes is the ability to avoid intrusions and unwanted speech. (Urg. Ord. 3192-4/93)
- (c) Picketing which targets the dwellings of specific residents of the City is an inherent and offensive intrusion on residential privacy. (Urg. Ord. 3192-4/93)
- (d) Picketing before or about dwellings obstructs and interferes with the free and safe use of public sidewalks and public streets. (Urg. Ord. 3192-4/93)
- (e) The purpose of this section is to protect and preserve the well-being, tranquility and privacy of the home by ensuring the residents of the City are free from picketing directed specifically at them. (Urg. Ord. 3192-4/93)
- (f) This section is enacted for the further purpose of protecting the free and safe use of public sidewalks and streets. (Urg. Ord. 3192-4/93)

It is unlawful for any person to engage in picketing within 300 feet of a residence or dwelling of any individual, where such picketing is focused or targeted against that residence, dwelling or individual. (Urg. Ord. 3192-4/93, 3412-3/99)

Violations of this section shall constitute a misdemeanor punishable by fine or imprisonment, or both. No fine imposed pursuant to this section for any single violation thereof shall exceed Five Hundred dollars (\$500), nor shall imprisonment exceed six (6) months for each violation hereof and each day that any such separate violation continues shall constitute a separate violation. (Urg. Ord. 3192-4/93)

9.20.040 Trespassing on school grounds. No person shall enter posted school grounds without first obtaining permission from the administrative office of the school or school district, except for the following persons: (3215-12/93)

- (a) Students, currently enrolled at that school. (3215-12/93)
- (b) Teachers, staff members and other employees of the school district. (3215-12/93)
- (c) Service providers and vendors doing business with the school, including counselors. (3215-12/93)
- (d) Volunteers approved by the school. (3215-12/93)
- (e) Parents of students currently enrolled. (3215-12/93)
- (f) Law enforcement and other governmental employees and representatives having business at the school. (3215-12/93)
- (g) Attendees at school events that are open to the public, while those events are open and only in the area open for the event. (3215-12/93)
- (h) Attendees at authorized Civic Center Act functions. (3215-12/93)

9.20.050 Nuisance. ~~It shall be deemed a public nuisance for any person to dress or undress for the purpose of putting on or taking off a bathing garment in or upon any public street, alley or other public place, or underneath any pier or wharf in the city, or upon any public beach, or within any public toilet, or within a vehicle other than a house trailer, motorhome or camper. (3289-8/95)~~

It shall be deemed a public nuisance for any person to urinate or evacuate his bowels on private property in an area exposed to the public view, or on any public street, sidewalk, alley, park or other public place except in a public restroom. (3289-8/95)