



Legislation Details (With Text)

File #: 23-403

Type: Ordinances for Introduction **Status:** Agenda Ready

File created: 4/26/2023 **In control:** City Council/Public Financing Authority

On agenda: 5/16/2023 **Final action:**

Title: Approve for introduction Ordinance No. 4282 Amending Huntington Beach Municipal Code Chapter 9.20 relating to Public Nudity

Attachments: 1. Att 1 Ordinance No 4282 Amending HBMC Chapter 9.20, 2. Att 2 Legislative Draft HBMC Chapter 9.20, 3. Att 3 PowerPoint

Date	Ver.	Action By	Action	Result
5/16/2023	1	City Council/Public Financing Authority	tabled	Pass

REQUEST FOR CITY COUNCIL ACTION

SUBMITTED TO: Honorable Mayor and City Council Members

SUBMITTED BY: Al Zelinka, City Manager

VIA: Ashley Wysocki, Acting Director of Community & Library Services

PREPARED BY: Carrie Gonzales, Management Aide

Subject:

Approve for introduction Ordinance No. 4282 Amending Huntington Beach Municipal Code Chapter 9.20 relating to Public Nudity

Statement of Issue:

Staff recommends approving for introduction Ordinance No. 4282 Amending Chapter 9.20 of the Huntington Beach Municipal Code relating to Public Nudity in order to more clearly define unlawful exposure in public, including prohibiting public nudity in any City owned or operated facility.

Financial Impact:

Not applicable.

Recommended Action:

Approve for introduction Ordinance No.4282, "An Ordinance of the City of Huntington Beach amending Chapter 9.20 of the Huntington Beach Municipal Code relating to Public Nudity".

Alternative Action(s):

Do not approve the recommended action, and direct staff accordingly.

Analysis:

In 2007, the City Council adopted Ordinance No. 3773, which amended the Prohibited Public

Conduct Chapter 9.20 of the Huntington Beach Municipal Code (HBMC) to add Section 9.20.015 to specifically address public nudity.

On October 12, 2022, the City Attorney's Office provided a legal opinion recommending that HBMC 9.20.015, Public Nudity be amended to more clearly define unlawful exposure in public and provide additional clarity by including City owned or operated facilities to the existing code. The proposed revisions to HBMC 9.20.015 are referenced below, in bold:

"It shall be unlawful for any person over the age of nine years old to appear, bathe, sunbathe, walk or be on **or in** any public park, **City owned or operated facility**, 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, **public property** 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."

The proposed Ordinance No. 4282 has been prepared by the City Attorney's office (Attachment 1).

Environmental Status:

Pursuant to CEQA Guidelines Section 15378(b)(5), administrative activities of governments that will not result in direct or indirect physical changes in the environment do not constitute a project.

Strategic Plan Goal:

Community Engagement

Attachment(s):

1. Ordinance No. 4282 "An Ordinance of the City of Huntington Beach amending Chapter 9.20 of the Huntington Beach Municipal Code relating to Public Nudity"
2. Legislative Draft HBMC Chapter 9.20
3. Ordinance No. 4282 Amendment PowerPoint