

Ordinance No. 10-17 ORDINANCE: To amend Chapter 13 of the Rockville City Code entitled "Miscellaneous Offenses" by amending Section 13-52 "Indecent exposure; violation of section declared misdemeanor" so as to prohibit inappropriate sexual conduct in public places

WHEREAS, the Mayor and Council wishes to amend the Rockville City Code so as to prohibit inappropriate sexual conduct in public places and to provide that violations of such conduct are misdemeanors;

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF ROCKVILLE, that Chapter 13 of the Rockville City Code entitled "Miscellaneous Offenses" by amending Section 13-52 "Indecent exposure; violation of section declared misdemeanor" to read as follows:

**Sec. 13-52. - Indecent exposure and lewd conduct; violation of section declared misdemeanor.**

(a) Definitions. The following words, terms and phrases, when used in this Section 13-52, shall have the meanings ascribed to them in this subsection.

(1) Indecent exposure means purposefully displaying one's genitals and/or breasts in public, including, but not limited to:

a. Exposure of any portion of human anus or genitals, including the display of male genitals in a discernable turgid state, even if completely and opaquely covered; or

b. Exposure of the female breast lower than the upper edge of the areola; provided, however, that nothing in this Section shall prohibit the breastfeeding of an infant or child.

(2) Lewd Act or Lewd Conduct means:

a. Touching caressing or fondling of the male or female genitals or female breasts, whether clothed or naked; or

b. Sexual conduct as defined herein; or

c. Simulated acts of human sex, including intercourse, oral copulation, sodomy, or masturbation of oneself or of one person by another.

(3) "Place open to the public" means any place open to the public or any place to which the public is invited and in, on, or around any privately owned place of business, private parking lot, or private institution, including places of worship, cemetery, or any place of amusement and entertainment whether or not a charge of admission or entry thereto is made. "Place open to the public" includes the elevator, lobby, halls, restrooms, corridors and areas open to the public of any store, office or apartment building.

(4) "Public" or "public display" means easily visible from a public thoroughfare or from property of others in any portion of any public facility or park, or in any other public place in a manner so obtrusive as to make it difficult for an unwilling person to avoid exposure.

(5) "Public place" means any public street, road, or highway, alley, lane, sidewalk, crosswalk, or other public way, or any public resort, place of amusement, park, playground, public building or grounds appurtenant thereto, school building or school grounds, public parking lot, or any vacant lot.

(6) "Sexual Act" means sexual intercourse, including but not limited to oral copulation, sodomy, or masturbation of oneself or of one person by another; an act of sexual contact with oneself or with another person, which includes but is not limited to the touching, caressing or fondling of the male or female genitalia or female breasts; whether clothed or naked; or simulated acts of sexual intercourse, including but not limited to oral copulation, sodomy, or masturbation of oneself or of one person by another.

(7) "Sexual contact" means:

a. Any touching of the sexual or other intimate parts of a person done for the purpose of gratifying sexual desire of either party or a third party; or

b. Masturbation, manual or instrumental, of oneself in the presence of another, or one person by another.

(8) "Sexual conduct" means sexual intercourse or sexual contact.

(9) "Sexual intercourse" means:

a. Its ordinary meaning, occurring upon any penetration, however slight; or

b. Any penetration of the vagina or anus, however slight, by an object, when committed by one person or another, whether such persons are of the same or opposite sex, except when such penetration is accomplished for medically recognized treatment or diagnostic purposes; or

c. Any contact between persons involving the sex organs of one person in the mouth or anus of another, whether such persons are of the same or opposite sex.

(b) A person may not act in a disorderly manner by indecently exposing his or her person within a public place as defined herein, [public streets, sidewalks, highways] or private and public parking lots within the corporate limits of the City. [Any person who violates this section is guilty of a misdemeanor.]

(c) A person may not intentionally perform any lewd act in a public place knowing that such conduct is likely to cause reasonable affront and alarm.

(d) A person must not commit a sexual act in a public place, a place open to the public; or any other place where the person may be seen from a public place or place open to the public.

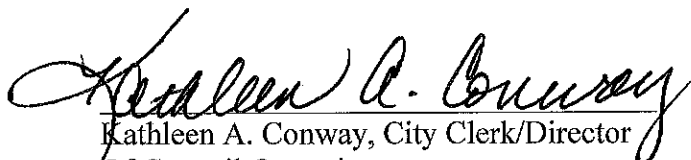
(e) Any person who violates any provision of this Section 13-52 is guilty of a misdemeanor.

Note: Underlining indicates material added

[Brackets] indicate material deleted.

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I hereby certify that the foregoing is a true and correct copy of an Ordinance adopted by the Mayor and Council at its meeting of September 11, 2017.

  
Kathleen A. Conway, City Clerk/Director  
Of Council Operations