## **ORDINANCE NO. 5138**

AN ORDINANCE REPEALING CHAPTER 9.20.30, CHAPTER 9.32.20, AND CHAPTER 9.24.20 OF THE MCMINNVILLE MUNICIPAL CODE AND AMENDING CHAPTER 9.24.40 OF THE MCMINNVILLE MUNICIPAL CODE.

## **RECITALS:**

WHEREAS, the Police Chief has referred three existing Municipal Code Sections most recently re-adopted in 1972 to the Interim City Attorney for review as to their constitutionality pursuant to existing law; and

WHEREAS, The Interim City Attorney has reviewed the constitutionality of such three existing Municipal Code provisions and found each, in his opinion to be unconstitutional and unenforceable in whole or in part under current binding law; and

WHEREAS, the City Council desires to amend the McMinnville Municipal Code to repeal in their entirety or amend each of such specified unconstitutional Municipal Code sections.

## NOW, THEREFORE, THE COMMON COUNCIL FOR THE CITY OF CARLTON ORDAINS AS FOLLOWS:

**Section 1.** McMinnville Municipal Code Chapters 9.20.30, 9.24.020, and 9.32.20 are hereby repealed in their entirety.

**Section 2.** Chapter 9.24.20 of the McMinnville Municipal Code is hereby amended to read as follows:

## "9.24.040 Public Indecency

No person shall, while in or in view of a public place, perform:

- A. Act of sexual intercourse:
- B. An act of masturbation or oral or anal sexual intercourse;
- C. An act of exposing his or her genitals with the intent of arousing the sexual desire of themself or another person."

**Section 3.** This Ordinance will take effect 30 days after passage by the City Council.

Passed by the McMinnville City Council this 26th day of September, 2023 by the following votes:

Ayes: <u>Garvin, Geary, M</u>	ienke, Payne
Nays:	
POL-	
MAYOR	
Approved as to form:	Attest:
Weth Howll	Claudia Cisneros
City Attorney	City Recorder

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Effective Date: October 26, 2023

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