

RESOLUTION NO. 2023-25
A RESOLUTION ADOPTING A COMMUNITY DECENCY POLICY

WHEREAS, in order to promote and uphold the health, prosperity, safety, unalienable rights and general welfare of the people of Franklin, Tennessee, the Board of Mayor and Aldermen is authorized to prescribe regulations and standards within the City; and

WHEREAS, Under Tennessee Law, cities in the state of Tennessee have the power and authority to define and write and enact, and establish penalties for community decency, provided that they are consistent with state law; and

WHEREAS, under Tennessee law, cities may enact policies that regulate activities and conduct in public places, including parks, streets, public squares, sidewalks, and other areas that are open to the public; and

WHEREAS, these policies can include provisions that define and restrict nudity, lewd or sexually suggestive acts or behavior, indecent exposure, excessive and / or sexually offensive intimate public displays of affection, etc. including any behavior that violates state regulations; and

WHEREAS, community decency refers to the generally accepted standards of behavior and conduct that are deemed appropriate and acceptable by a particular community, behavior that is respectful, considerate, and does not demean or harm others; and

WHEREAS, community decency is about promoting a harmonious and respectful environment where individuals can coexist peacefully and with mutual respect. It can be enforced through social norms, education initiatives to promote responsible and respectful behavior within a community and local ordinances; and

WHEREAS, the Board of Mayor and Aldermen believes it is in the best interest of the City of Franklin to adopt a Community Decency Policy.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF MAYOR AND ALDERMEN OF THE CITY OF FRANKLIN, TENNESSEE, AS FOLLOWS:

Section 1. Purpose: The purpose of this policy is to promote public decency and maintain a family-friendly environment in public places within the Franklin City limits.

Section 2. Definitions: For the purpose of this policy, the following terms shall have the meanings ascribed to them:

- a. Public Place: Any area within the city limits that is open to the general public, including but not limited to parks, streets, sidewalks, plazas, the public square, public transportation vehicles, and other areas open to the public.
- b. Indecent Behavior: Any act or conduct that does not align with generally accepted community standards of behavior and conduct, including but not limited to nudity, lewd or sexually suggestive behavior, indecent exposure, sexual acts, excessive and offensive intimate public displays of affection. Any behavior that violates state and local laws or regulations.

Section 3. Prohibited Conduct: It shall be an offense and unlawful for any person to engage in indecent behavior in any public place within the City limits and will be enforced to the fullest extent of State law.

Section 4. Exemptions: This policy shall not apply to breastfeeding mothers or to individuals who are changing clothes in designated areas.

Section 5. Penalties:

- a. Forfeit Use: Any group, non-profit, organization, school, or organized group or gathering of a group of people using public spaces, free of charge or by paid use, who violate this policy will be banned from using public City spaces for two (2) years before being allowed to submit subsequent applications for use of any public space.
- b. Group Penalties: Any group, non-profit, organization, school, or organized group or gathering of a group of people using public spaces, free of charge or by paid use, who violate this policy will be cited and prosecuted to the fullest extent of the law.

Section 6. Enforcement: The City police department shall be responsible for the enforcement of this policy by citing violators pursuant to State law.

Section 7. Severability: If any provision of this policy or the application thereof to any person or circumstances is held invalid, the remainder of the policy and the application of such provisions to other persons or circumstances shall not be affected thereby.

Section 8. Effective Date: This policy shall become effective immediately after its passage and adoption by the Board of Mayor and Aldermen.

IT IS SO RESOLVED AND DONE on this ____ day of _____, 2023.

ATTEST:

CITY OF FRANKLIN, TENNESSEE:

By: _____

Eric S. Stuckey
City Administrator

By: _____

Dr. Ken Moore
Mayor

Approved as to Form:

By: _____

Sauna R. Billingsley
City Attorney