



December 29, 2025

To: Mayor Michael Topliff  
City Council Members  
Kellie Mayers, City Clerk

From: City Administrator Sam Anselm

Re: Amendment to Chapter 28, Article V., Section 28-141 of our Municipal Code

**Executive Summary**

This ordinance amends Chapter 28 – Offenses, Article V. – Offenses Against Morals., Section 28-141 of the West Plains Municipal Code regarding lewd and immoral conduct.

**Discussion**

During review of our municipal code, we discovered that the portions of current language in Section 28-141 as difficult to enforce by police or our municipal prosecutor. Upon consultation with our city attorney, revised language prepared by our attorney is being presented to provide further clarification of the definitions of nudity and indecent dress. The proposed change also cleans up some language in subsection (i) regarding persons who loiter in taverns, cabarets or nightclubs.

**Fiscal Impact**

There is no anticipated financial impact of these changes.

BILL NO. 4816

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY OF WEST PLAINS, MISSOURI, AMENDING  
SECTION 28-141 OF THE CITY OF WEST PLAINS MUNICIPAL CODE RELATING  
TO LEWD AND IMMORAL CONDUCT.

WHEREAS, the city council periodically reviews its municipal code to ensure clarity, consistency, and compliance with current legal standards; and

WHEREAS, the city council finds that acts of lewdness, public indecency, prostitution, and similar conduct threaten the health, safety, welfare, and morals of the citizens of West Plains, Missouri; and

WHEREAS, the state of Missouri prohibits such acts under, including but not limited to, RSMo § 566.093 -Sexual misconduct, first degree, penalties, RSMo. §567 - Prostitution, and RSMo § 573.525-573.537 -Regulation of sexually oriented businesses; and

WHEREAS, the city wishes to adopt regulations to mirror state law and provide a local mechanism for enforcement, thereby enhancing the city's ability to protect public order and decency consistent with the constitution and laws of the United States and the State of Missouri.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE  
CITY OF WEST PLAINS, MISSOURI AS FOLLOWS:

Section 1: Section 28-141 of City of West Plains municipal code is hereby amended to read as follows:

Section 28-141 – Lewd and immoral conduct

- A. The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:
1. City – The City of West Plains, Missouri
  2. Public Place – Any place to which the public or a substantial group of the public has access, whether publicly or privately owned, including but not limited to streets, sidewalks, parks, plazas, businesses, and vehicles open to public view.
  3. Nudity or State of Nudity – The showing of the human genitals, pubic area, vulva, anus, or intergluteal cleft, with less than fully opaque covering, or the showing of the female breast with less than a fully opaque covering of any portion of the nipple or areola.
  4. Lewd, Indecent, or Lascivious Behavior – Conduct by which by its nature is offensive to commonly accepted standards of decency and morality and is performed in a public place or in view of the public.
  5. Prostitution – The act of performing, offering, or agreeing to perform sexual conduct in exchange for a fee or something of value, as defined in § Chapter 567, RSMo.
  6. Promoting Prostitution and Patronizing Prostitution – Conduct as defined in §567.050-567.070, RSMo.

7. Breastfeeding – The act of a mother breastfeeding or expressing breast milk is specifically excluded from the definitions of lewd, indecent, or sexual conduct pursuant to §191.918, RSMo.

B. Prohibited Acts

1. Public Indecency and Lewd Acts

- a. It shall be unlawful for any person to intentionally or knowingly expose his or her genitals under circumstances in which the person knows the conduct is likely to cause affront or alarm.
- b. It shall be unlawful for any person to engage in sexual contact, or sexual intercourse in a public place or in view of the public under circumstances likely to cause affront or alarm.
- c. It shall be unlawful to commit any open, gross, lewd, indecent, or lascivious act in any public place or in a place visible to the public.

2. Prostitution and Related Offenses

- a. No person shall engage in prostitution within the City of West Plains.
- b. No person shall offer or agree to engage in sexual conduct in exchange for a fee or anything of value.
- c. No person shall promote, patronize, procure, or otherwise participate in prostitution as defined in Missouri state law.

C. Exceptions

1. Breastfeeding – Nothing in this ordinance shall prohibit a mother from breastfeeding or expressing breast milk in any location where she is authorized to be.

Section 2 : That this ordinance shall be in full force and effect from and after its passage and approval.

PASSED AND APPROVED THIS \_\_\_\_ DAY OF \_\_\_\_\_ 20\_\_\_\_.

CITY OF WEST PLAINS, MISSOURI

BY: \_\_\_\_\_

MAYOR MICHAEL TOPLIFF

ATTEST:

\_\_\_\_\_  
CITY CLERK KELLIE MAYERS