

ORDINANCE NO. 113

AN ORDINANCE TO PROHIBIT PUBLIC NUDITY IN THE VILLAGE OF DECATUR, MICHIGAN.

THE VILLAGE OF DECATUR, MICHIGAN ORDAINS:

Section 1. PURPOSE.

The purpose of this Ordinance is to protect and secure the public health, safety, morals, and general welfare of persons and property by prohibiting public nudity within the Village of Decatur, Michigan.

Section 2. DEFINITION.

As used herein "public nudity" is hereby defined as knowingly or intentionally displaying in a public place, or for payment or promise of payment by any person, including but not limited to payment or promise of payment of an admission fee, of any individual's genitals or anus with less than a fully opaque covering, or a female individual's breast with less than a fully opaque covering of the nipple and areola. Public nudity does not include: a woman's breast feeding of a baby, whether or not the nipple or areola is exposed during or incidental to the feeding; material as defined in Section 2 of Act No. 343 of the Public Acts of 1984, as amended, being MSA 28.579 (362); or, sexually explicit visual material as defined in Section 3 of Act No. 33 of the Public Acts of 1978, as amended, being MSA 25.254 (3).

Section 3. PROHIBITION OF PUBLIC NUDITY.

No person shall engage in public nudity. No business establishment, including but not limited to owners, officers, or persons in charge of, or in control of premises, shall permit persons to engage in public nudity.

Section 4. SEVERABILITY.

Should any section, subsection, sentence, clause, phrase, or portion of this Ordinance be held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such determination shall not affect the validity of the remaining portions of this Ordinance.

Section 5. PENALTIES.

Any person, firm, or corporation who shall violate any provision of this Ordinance shall be deemed guilty of a misdemeanor and shall, upon conviction thereof, be subject to a fine of not more than five hundred (\$500.00) dollars plus Court costs and costs of prosecution, or by imprisonment in the County jail for a term not exceeding ninety (90) days, or both, at the discretion of the Court. Each day that a violation occurs shall be considered a separate offense. The Village may in addition seek injunctive relief.

Section 6. REPEAL.

Any and all other Ordinances or parts thereof of the Village of Decatur, Michigan in conflict with the provisions of this Ordinance are, to the extent of such conflict, hereby repealed.

Section 7. EFFECTIVE DATE.

This Ordinance shall become effective the 18th day of November, 1996.

Adopted by the Village Council of the Village of Decatur, Michigan on this 28th day of October, 1996.