

**63.000 PUBLIC NUDITY**  
**Ord. No. 2003-08**  
**Adopted: June 25, 2003**

An Ordinance enacted pursuant to the authority of MCL 41.181, 41.184 and 42.15 to prohibit public nudity within the Township of Union, to preserve, promote and protect the health, safety and general welfare of the persons and property within the township to provide for the enforcement hereof, and to provide penalties for the violation hereof including a provision that violations will constitute a misdemeanor and to establish that any violation shall be a public nuisance.

THE CHARTER TOWNSHIP OF UNION, ISABELLA COUNTY, MICHIGAN ORDAINS:

**63.001 Title**

Sec. I.

- 1.1 This Ordinance shall be known and cited as the Public Nudity Ordinance and it shall be sufficient to any action for enforcement of the provisions hereof to define the same by such title or reference to the number hereof.

**63.002 Purpose.**

Sec. II.

- 2.1 It is the purpose of this Ordinance to promote the general health, safety and welfare of the residents and property owners of the township by prohibiting public nudity.

**63.003 Definition.**

Sec. III.

- 3.1 "Public Nudity" shall mean knowingly or intentionally displaying in a public place, or for payment or promise of payment by a person including, but not limited to, payment or promise of an admission fee, any individual's genitals or anus with less than fully opaque covering, or a female individual's breasts with less than a fully opaque covering of the nipple and areola. Public nudity does not include a woman's breastfeeding 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 343 of the Public Acts of 1984 being Section 752.362 of the Michigan Compiled Laws, or sexually explicit visual material as defined in Section 3, Act 33 of the Public Acts of 1978, being Section 722.673 of the Michigan Compiled Laws.

**63.004 Certain conduct prohibited.**

Sec. IV.

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

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### **63.005 Enforcements and penalties for failure to comply.**

Sec. V.

- 5.1 Any person who shall violate any terms of the Ordinance shall upon conviction in a court of competent jurisdiction, be guilty of a misdemeanor, be subject to a fine of not more than \$500.00 or to imprisonment for a period of not more than 90 days or both plus costs of prosecution. Nothing contained in this Ordinance shall prevent the township board, public official or private citizen from taking lawful action as is necessary to restrain or prevent any violation of this Ordinance.
- 5.2 Nuisance provision, actions and violation of this Ordinance are declared to be a nuisance per se. A court of competent jurisdiction may order such nuisance abated and the person violating the Ordinance may be adjudged guilty of maintaining a nuisance per se.

### **63.006 Effective date.**

Sec. VI.

- 6.1 This Ordinance shall take effect in 30 days.

### **63.007 Severability.**

Sec. VII.

- 7.1 The provisions, sections, sentences and phrases of this Ordinance are declared to be severable and if any such portion is declared unconstitutional or invalid for any reason by a court of competent jurisdiction, such finding shall in no way affect or invalidate the remainder of this Ordinance.

### **63.008 Miscellaneous.**

Sec. VIII.

- 8.1 All ordinances, resolutions or orders or parts thereof, in conflict with the provisions of this Ordinance are to the extent of such conflict, repealed.
- 8.2 This Ordinance shall be published once in a newspaper of general circulation within the boundaries of the township, and qualified under state law to publish legal notices, promptly after its adoption, and the same shall be recorded in the Ordinance book of the Township and such recording authenticated by signature of the Township Supervisor and Township Clerk.