

TOWNSHIP OF CHIKAMING
BERRIEN COUNTY, MICHIGAN

ORDINANCE NO. 88
Adopted: March 12, 1998

AN ORDINANCE PROVIDING FOR THE PROHIBITION OF PUBLIC NUDITY WITHIN THE BOUNDARIES OF CHIKAMING TOWNSHIP AND PROVIDING PENALTIES FOR THE VIOLATION THEREOF, AND REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT THEREWITH, IN THE INTERESTS OF THE PUBLIC'S HEALTH, SAFETY AND WELFARE PURSUANT TO MCL 41.181; MSA 5.45(1).

THE TOWNSHIP OF CHIKAMING, BERRIEN COUNTY, MICHIGAN ORDAINS:

Section 1. Public Nudity. It shall be unlawful for any person to permit or engage in any public nudity.

Section 2. Definition. As used in this Ordinance, "public nudity" means 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, any individual's genitals or anus with less than a full opaque covering, or a female individual's breast with less than a fully opaque covering of the nipple and areola. Public nudity shall not include any of the following:

(A) A woman's breast feeding of a baby whether or not the nipple or areola is exposed during or incidental to the feeding.

(B) Material as defined in Section 2 of Act No. 343 of the Public Acts of 1984, being Section 752.362 of the Michigan Compiled Laws.

(C) Sexually explicit visual material as defined in Section 3 of Act No. 33 of the Public Acts of 1978; being Section 722.673 of the Michigan Compiled Laws.

Section 3. Conflicting Ordinances. All ordinances, resolutions or orders, or parts thereof, in conflict with the provisions of this Ordinance are, to the extent of such conflict, hereby repealed.

Section 4. Penalty. Any person, firm, or corporation who shall violate the provisions of this Ordinance shall, upon conviction, be punished by a fine not to exceed \$500.00 or by imprisonment not to exceed ninety(90) days, or by both such fine and imprisonment, at the discretion of the Court. Each day that a violation shall continue shall constitute a separate offense.

Section 5. Other Remedies. The foregoing remedies and penalties are in addition to all other rights and powers of the Township to proceed at law or equity with other and additional appropriate remedies.

Section 6. Validity. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this Ordinance.

Section 7., Effective Date. This ordinance was adopted by the Chikaming Township Board at a regular meeting held in the Township Hall

on the 12th day of March, 1998, shall take effect the 17th day of April, 1998, the same being more than thirty (30) days after the date of publication. All ordinances or parts of ordinances in conflict are hereby repealed.

Jeanne S. Dudeck
 Jeanne S. Dudeck, Clerk
 Township of Chikaming

Attest:

Harold J. Gilmore
 Harold J. Gilmore, Supervisor
 Township of Chikaming

CERTIFICATION

I do hereby certify that the foregoing constitutes a true and complete copy of Ordinance No. 88, duly adopted by the Township Board of the Township of Chikaming, Berrien County, Michigan, at a regular meeting held on the 12th day of March, 1998. I further certify that Gibson moved the adoption of said ordinance and Zimmerman supported said motion. The names and the members of the Township Board and their vote on the foregoing ordinance were as follows:

MEMBERS	AYES	NAYS	ABSTAIN	ABSENT
Zimmerman	<u>X</u>	_____	_____	_____
Gibson	<u>X</u>	_____	_____	_____
Simmons	<u>X</u>	_____	_____	_____
Dudeck	<u>X</u>	_____	_____	_____
Gilmore	<u>X</u>	_____	_____	_____

I further certify that the aforesaid ordinance was recorded in the Ordinance Book for the Township of Chikaming on the 26 day of March, 1998, and such recording has been authenticated by the signatures of the Supervisor and Township Clerk. I further certify that the foregoing ordinance was published in full in the Southcounty Gazette & Shopper, a newspaper circulated in the Township of Chikaming, Berrien County, Michigan, on the 16th day of March, 1998.

Dated: March 26, 1998

Jeanne S. Dudeck
 Jeanne S. Dudeck, Clerk
 Township of Chikaming