

VILLAGE OF BANCROFT

PUBLIC NUDITY ORDINANCE NO. 217-98

THE VILLAGE OF BANCROFT, SHIAWASSEE COUNTY, MICHIGAN, ORDAINS:

KL.

Section 1. Title

This ordinance shall be known and cited as the Village of Bancroft Public Nudity Ordinance.

Section 2. Purpose

The purpose of this ordinance is to prohibit public nudity within the Village of Bancroft in order to protect and secure the public health, safety, and general welfare of its citizens.

Section 3. Definition

As used in this section, "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 fully opaque covering, or a female individual's breast with less than fully opaque covering of the nipple and areola. Public nudity does not include any of the following.

a. A woman's breastfeeding 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 4: Public Nudity Prohibited

Public nudity as defined in section 3 above within the Village of Bancroft by any person is hereby prohibited.

Section 5: Nuisance

Any violation of this ordinance is hereby declared to be a nuisance. In addition to any other relief or penalties provided by this ordinance, the village attorney may apply to a court of competent jurisdiction, upon direction of the village council, for an injunction to prohibit the continuation of any violation of this ordinance. Such application for relief may include the seeking of a temporary restraining order, temporary injunction or permanent injunction, in the discretion of the court having jurisdiction.

GEORGE GEDDIS III
ATTORNEY AT LAW
2276 EAST MAIN STREET
OWOSSO, MICHIGAN 48867
517/725-9146

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Section 6: Severability

It is the legislative intent of the village council of the Village of Bancroft that each and every provision of this ordinance be liberally construed to protect and preserve the peace, safety, and welfare of the inhabitants of said VILLAGE ^{KC}, and should any provision, section or portion thereof be held unconstitutional or invalid, such holding shall not affect the validity of the remaining provisions, it being the intent that the remainder of such ordinance shall stand notwithstanding the invalidity of any provision thereof.

Section 7: Penalty

Any person who shall violate any provisions of this Ordinance shall upon conviction of such violation be punished by a fine of not to exceed \$100.00, or by imprisonment for a period of not to exceed 90 days, or both such fine and imprisonment in the discretion of the Court.

Section 8: Effective Date

This Public Nudity Ordinance shall be in full force and effective on the 2ND day of APRIL, 1998, and shall be published in its entirety in the Owosso Argus Press at least twenty (20) ^{KC} days prior thereto.

SANDRA CROWDER moved, seconded by TERESA MORSE
that the above ordinance be adopted.

YEAS: SIX
NAYS: NONE
ADOPTED: MARCH 4, 1998

I hereby certify that the foregoing Ordinance was adopted by the Village of Bancroft Council, Shiawassee County, Michigan at REGULAR meeting held on the 4TH day of MARCH, 1998.

Karen K. Cole

KAREN K. COLE
Village Clerk