

ALAMO TOWNSHIP
KALAMAZOO COUNTY, MICHIGAN

ORDINANCE 46-M

AN ORDINANCE TO PROHIBIT KNOWINGLY OR INTENTIONALLY APPEARING NUDE IN A PUBLIC PLACE AS DEFINED HEREIN WITHIN ALAMO TOWNSHIP; TO DECLARE THE SAME A MUNICIPAL CIVIL INFRACTION; TO PROVIDE PENALTIES AND ENFORCEMENT REMEDIES FOR VIOLATION THEREOF; TO REPEAL ALL ORDINANCES OR PROVISION THEREOF IN CONFLICT HEREWITH; AND TO SET AN EFFECTIVE DATE.

ALAMO TOWNSHIP ORDAINS:

Section 1. Definitions.

- A. *Nudity* shall mean the showing of human male or female genitalia, pubic hair or buttocks with less than a fully opaque covering; the showing of the female breast with less than a fully opaque covering of any part of the nipple; the exposure of any device, costume or covering which gives the appearance of or simulates the genitals, pubic hair, natal cleft, perineum anal region or pubic hair region; or the exposure of any device worn as a cover over the nipples and/or areola of the female breast, which device simulates and gives the realistic appearance of nipples and/or areolae.

- B. *Public Place* shall mean all outdoor places, open to the general public and all buildings, and enclosed places open to the general public including, but not limited to, Township, County and State Parks, restaurants, clubs, theaters, dance halls, banquet halls, bowling alleys, arcades, party rooms or halls, whether or not restricted to adults, specific members or to patrons specifically invited to attend, irrespective of whether admission is charged.

Section 2.

A person shall not knowingly or intentionally appear in a state of nudity in a public place as defined herein.

Section 3.

The prohibition set forth in Section 2 above shall not apply to:

1. Any child under the age of 10 years.
2. Any woman exposing a breast in the process of breastfeeding an infant under two years of age.
3. 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.
4. 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. Penalties and Enforcement.

Any person who engages in public nudity, as defined herein, shall be deemed guilty of a misdemeanor and shall be punished by a fine of not more than \$500.00 or by imprisonment in the County Jail for not more than 90 days or both. Each time a violation occurs shall be deemed a separate offense punishable as a separate misdemeanor.

In addition, any place where public nudity, as defined herein, occurs is deemed a public nuisance and shall be subject to all civil remedies, both at law and equity, including appropriate injunctive and other relief, available to the Township.

Section 5. Severability.

The provisions of this Ordinance are hereby declared to be severable and if any clause, sentence, word, section or provision is declared void or unenforceable for any reason by any Court of competent jurisdiction, it shall not affect any portion of this Ordinance other than said part or portion thereof.

Section 6. Repealer.

All Ordinances or parts of Ordinances in conflict with this Ordinance are hereby repealed. Specifically, this Ordinance shall not be construed to repeal any provision of the Township's Zoning Ordinance, or the Building Code adopted by the Township.

Section 7. Effective Date.

This Ordinance shall take effect on March 9, 2004.

Kathye LaCount
Alamo Township Clerk

CERTIFICATE

I, Kathye LaCount, Alamo Township Clerk, do hereby certify that the foregoing Alamo Township Ordinance No. 46-M was adopted by the Alamo Township Board at a regular meeting held on February 9, 2004, and that the following is a record of the vote of the members of said Township Board on said Ordinance.

AYES: Vlietstra, Stoneburner, Potter-Williams, Feniger

NAYS: None

ABSTENTIONS: None

ABSENT: LaCount

Kathye LaCount
Alamo Township Clerk