

**ORDINANCE #204
PUBLIC NUDITY**

Adopted: 02/11/92
Effective: 03/21/92

An ordinance to prohibit public nudity within the Charter Township of Bangor and to provide for penalties for the violation thereof.

THE CHARTER TOWNSHIP OF BANGOR, BAY COUNTY, MICHIGAN, HEREBY ORDAINS:

SECTION 1. SHORT NAME. This Ordinance shall be known as the Charter Township of Bangor Prohibition of Nudity Ordinance.

SECTION 2. ACTIVITY PROHIBITED. No person shall appear nude in any public place, including any building or establishment open to the general public in Bangor Township, Bay County, Michigan.

SECTION 3. DEFINITIONS.

- A. Nudity means the showing of the human male or female genitals, pubic area, or anus 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, or the showing of covered male genitals in a discernably turgid state.
- B. Public places includes:
 - 1. All out doors land and areas open to the general public including beaches, parks, public streets, and alleys;
 - 2. All buildings, rooms, theaters, athletic grounds, bars, restaurants, dance halls and lounges open to the public whether or not entrance is gained by the payment of an admission charge.

SECTION 4. PENALTY.

- A. Any person who shall violate any of the provisions of this Ordinance shall be guilty of a misdemeanor, and upon conviction thereof before any court of competent jurisdiction shall be punished by a fine of not more than \$500.00 or imprisonment in the Bay County jail for a period of time not to exceed 90 days, or by both such fine and imprisonment.
- B. If a person is convicted of violating this Ordinance, then the sentencing judge may order, as part of the sentence, that the person shall make restitution in an amount less than or equal to

the costs and expenses incurred by the Charter Township of Bangor in prosecution of this Ordinance.

- C. A judge's order to a defendant to pay monetary costs pursuant to this Ordinance may be enforceable by either criminal or civil contempt of court, or it may be enforced in like manner as a final civil judgement in any court or competent jurisdiction.

SECTION 5. SEVERABILITY. This Ordinance and the various parts, sections, subsections, phrases and clauses thereof are hereby declared to be severable. If any part, sentence, paragraph, section, subsection, phrase or clause is adjudged unconstitutionally or invalid, it is hereby provided that the remainder of this Ordinance shall not be affected thereby. The Township Board hereby declares that it would have passed this Ordinance, and each section, subsection, phrase, sentence and clause thereof, irrespective of the fact that any one or more sections, subsections, phrases, sentences or clauses be declared invalid.

SECTION 6. EFFECTIVE DATE. This Ordinance shall be published once in the Bay City Democrat on or before the 20th day of February, 1992, and shall become effective on the 21st day of March, 1992.