

TOWNSHIP OF MARCELLUS

ORDINANCE # 98 - 0120

PUBLIC NUDITY ORDINANCE

An Ordinance to secure the public health, safety, and general welfare of the residents and property owners of Marcellus Township, Cass County, Michigan, through the prohibition of public nudity within the Township, and prescribing the sanctions for violation of the ordinance.

TOWNSHIP OF MARCELLUS  
CASS COUNTY, MICHIGAN

ORDAINS:

SECTION I

TITLE

This Ordinance shall be known and cited as the Marcellus Township Public Nudity Ordinance.

SECTION II

DEFINITIONS

The following terms used in this Ordinance are defined as follows:

A. "Person" means an individual, partnership, corporation, or any other entity of any nature.

B. "Public Nudity" means displaying any individual's genitals or anus with less than a fully opaque covering, or a female individual's breast with less than a fully opaque covering of the nipple and areola, 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. Public nudity does not include any of the following:

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

2. "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.

3. "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 III

PUBLIC NUDITY PROHIBITED

A. No person shall knowingly or intentionally engage in public nudity within Marcellus Township.

B. No person shall knowingly or intentionally provide for and/or promote and/or

aid and/or abet public nudity within Marcellus Township.

**SECTION IV**  
**ENFORCEMENT AND SANCTIONS**

Any person who violates any of the provisions of this Ordinance shall be deemed to be responsible for a municipal civil infraction as defined by Michigan statute, punishable by a civil fine determined in accordance with the following schedule:

	Minimum Fine	Maximum Fine
> 1st offense within 3 year period*	\$ 75.00	\$500.00
> 2nd offense within 3 year period*	\$150.00	\$500.00
> 3rd offense within 3 year period*	\$325.00	\$500.00
> 4th or more offense within 3 year period*	\$500.00	\$500.00

\* Determined on the basis of the date of commission of the offense(s).

Additionally, the violator shall pay costs which may include all expenses, direct and indirect, to which Marcellus Township has incurred in connection with the municipal civil infraction. In no case, however, shall costs of less than \$9 nor more than \$500 be ordered.

Any violation of this Ordinance shall also constitute a basis for injunctive relief against the violator(s), restraining and prohibiting continuation of the violation, in addition to any other relief or sanction herein set forth or allowed by law.

**SECTION V**  
**SEVERABILITY**

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

**SECTION VI**  
**EFFECTIVE DATE**

This Ordinance shall become effective 30 days after publication.

*The foregoing Ordinance was legally adopted at a regular meeting of the Marcellus Township Board held January 20, 1998.*

1/20/98

SIGNED.

*Ann M. Webb*

ANN WEBB, Township Clerk