

VILLAGE OF AKRON
NUDE – SEMI-NUDE ORDINANCE
ORDINANCE NO. 1365

**AN ORDINANCE TO REGULATE NUDE – SEMI-NUDE WITHIN THE VILLAGE OF
AKRON.**

**BE IT ORDAINED BY THE VILLAGE COUNCIL OF THE VILLAGE OF AKRON,
MICHIGAN THAT:**

SECTION 1. PREAMBLE:

The Village Council hereby finds that there exists in the community as a whole, an increased trend toward nude and semi-nude acts, exhibitions and entertainment and that such acts and the competitive commercial exploitation of nudity is averse to the public peace, morals and good order; and that it is in the best interest of the public safety and commercial promotions and exploitations thereof, as hereinafter set forth.

SECTION 2. DEFINITIONS:

As used in this Ordinance the phrase “theater, concert hall, or other similar establishment which is primarily devoted to theatrical performances” shall mean a building, playhouse, room, hall or other place having permanently affixed seats so arranged that the body of spectators can have an unobstructed view of the stage upon which theatrical or vaudeville performances or similar forms of artistic expression are presented, and where such performances are not incidental to the promoting of the sale of food, drink or other merchandise and for which a village license for a theater is in full force and effect.

SECTION 3. PUBLIC NUDITY:

- A. No person shall appear in a state of nudity in any public place, including any building or establishment open to the general public in the city.
- B. The term “nudity” shall be defined as:

1. The showing of the human male or female genitals or pubic area with less than a fully opaque covering;
 2. The showing of the human male or female buttocks or anus with less than a fully opaque covering;
 3. The showing of the female breast with less than a fully opaque covering of any part of the nipple; or
 4. The showing of covered male genitals in a discernibly turgid state.
- C. The term “public place” shall be defined as:
1. All out-of-doors land and area open to the general public including public streets and alleys; and
 2. All buildings, rooms theaters, athletic grounds, bars, dance halls, bowling alleys and lounges open to the public whether or not the entrance is gained by the payment of an admission fee.
- D. Public nudity does not include a woman’s breastfeeding of a baby, whether or not the nipple or areola is exposed.
- E. Each violation of the terms of this section shall be a separate offense. In addition to the penalties set forth in section 7, any person who violates any provision of this section shall reimburse the Village for all costs and expenses incurred thereby and the Village may initiate civil process in any court of competent jurisdiction to recover such costs and expenses.
- F. Each subsection of this section and each provision of each section and subsection, is hereby declared to be separable, and the holding of any section, subsection, or provision thereof to be invalid or unenforceable shall not affect the validity or enforceable of any other section, subsection, or provision.

SECTION 4. EXPOSURE BY WAITERS, WAITRESSES AND ENTERTAINERS:

1. **PROHIBITIONS:** Every person is guilty of a misdemeanor who while acting as a waiter, waitress or entertainer in an establishment which serves food, beverages, or food and beverages, including, but not limited to, alcoholic beverages, for consumption on the premises of such establishment:
 - a. Exposes his or her genitals, pubic hairs, buttocks, natal cleft, perineum, anal region or pubic hair region; or

- b. Exposes any device, costume or covering which gives the appearance of or simulates the genitals, pubic hair region; or
- c. In case of a female, exposes any portion of the nipples or areola (the more darkly pigmented portion encircling the nipple) of her breasts.

2. COUNSELING AND ASSISTING:

- a. Every person is guilty of a misdemeanor who causes, permits, procures, counsels or assists any person to expose or simulate exposure as prohibited in subsection 1 above.
- b. Proof that a person has violated any of the provisions of subsection 1, above, during normal business hours in an establishment referred to in subsection 1, shall constitute prima facie evidence that the manager or managers, as the case may be, caused, permitted, procured, counseled, or assisted this violation.

3. **EMPLOYMENT OR PAYMENT NOT NECESSARY FOR OFFENSE:** A person shall be deemed to be a waiter, waitress, or entertainer if such person acts in that capacity without regard to whether or not such person is paid any compensation by the management of the establishment in which the activity is performed.

SECTION 5. EXPOSURE BY PERFORMERS IN PUBLIC:

1. **PROHIBITIONS:** Every person is guilty of a misdemeanor who, while participating in any live act, demonstration, or exhibition in any public place, place open to the public, or place open to the public view:
- a. Exposes his or her genitals, pubic hairs, buttocks, natal cleft, perineum, anal region or pubic hair region; or
 - b. Exposes any device, costume or covering which gives the appearance of or simulates the genitals, pubic hair region; or
 - c. In case of a female, exposes any portion of the nipples or areola (the more darkly pigmented portion encircling the nipple) of her breasts.

2. COUNSELING AND ASSISTING:

- a. Every person is guilty of a misdemeanor who causes, permits, procures, counsels or assists any person to expose or simulate exposure as prohibited in subsection 1, of this Section 4 above.
- b. Proof that a person has violated any of the provisions of subsection 1, above, during normal business hours in an establishment referred to in subsection 1, shall constitute prima facie evidence that the manager or managers, as the case may be, caused, permitted, procured, counseled, or assisted this violation.

SECTION 6. EXEMPTION OF THEATRICAL PERFORMANCES:

The provisions of Section 3 and 4 of this Ordinance shall not apply to a theater, concert hall, or other similar establishment which is primarily devoted to theatrical performances.

SECTION 7. PENALTIES FOR VIOLATION:

Any person who shall be convicted of violating any of the provisions of this Ordinance shall, for each offense, be punished by imprisonment in the county jail for not more than 90 days or by a fine of not more than \$100.00, or both such fine and imprisonment.

SECTION 8. VALIDITY:

- A. All Ordinances or part of any Ordinance in conflict herewith are hereby repealed.
- B. If any section, paragraph, clause or provision of this Ordinance shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Ordinance.

SECTION 9. ORDINANCE IN FORCE:

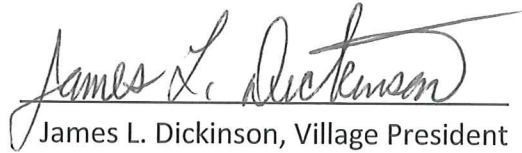
This Ordinance shall be in full force and effect from and after its passage and approval and publication by law.

This Ordinance enacted by the Village Council of the Village of Akron at a regular meeting held at the Council Chambers in said Village on 19th day of December, 2017.


Yeas: 7

Nays: 0

Absent: 0


James L. Dickinson, Village President

I, Shari Hadaway, Clerk of the Village of Akron, do hereby certify that the above Ordinance is a true and correct copy of an Ordinance passed by the Village Council of the Village of Akron, Tuscola County, Michigan, at a regular meeting on 19th day of December, 2017.


Shari Hadaway, Village Clerk