

ORDINANCE 4001

Section 1. This ordinance shall be known as the HOMER TOWNSHIP INDECENT EXPOSURE ORDINANCE

Section 2. **PURPOSE**

An ordinance enacted to regulate indecent exposure of any type which may significantly interfere with the comfort, welfare or safety of residents of the township and to provide for the enforcement and penalties for the violations thereof. This ordinance repeals all ordinances, parts of ordinances and resolutions in conflict therewith.

Section 3. **DEFINITIONS**

- 3.1. Indecent exposure is defined as any willful public display of: the genital area (totally or in part) of either sex, or female breasts with less than a fully opaque covering; sexual acts or simulations thereof; urinating/defecating in public view.
- 3.2. Willful public display/view is defined as an activity, whether in person, by electronic means or signage, inside or outside of any structure, in any window or doorway, or other similar place that is visible to any passerby from a public thoroughfare, public or common walkway, or from any adjacent property

Section 4. **VIOLATIONS**

It shall be unlawful for any person or group of persons, or any person who is an owner or acting as an agent of an owner of an establishment to perform or allow the performance of any of the following:

- 4.1 Any willful public display of female breasts and/or genitalia (including anus) of either sex with less than a fully opaque covering whether done in person or by any electronic means or signage.
- 4.2 Any willful public display of sexual acts or simulations thereof including but not limited to:
 - 4.2.1. Individual sexual acts
 - 4.2.2. Sexual acts involving members of same/opposite sex
 - 4.2.3. Sexual acts between members of different species.
- 4.3 Willful public display of any individual urinating &/or defecating.

Section 5. SEVERABILITY

The sections, paragraphs, sentences, clauses and phrases of this ordinance are severable, and if any section, paragraph, sentence, clause or phrase of this ordinance shall be declared unconstitutional, unlawful or unenforceable by valid judgment or decree of any court or competent jurisdiction, such ruling shall not affect the remaining sections, paragraphs, sentences, clauses or phrases of this ordinance

Section 6. ENFORCEMENT & PENALTIES

- 6.1. This ordinance shall be enforced by the Zoning Administrator/designee, law enforcement personnel, or state/federal enforcement personnel.

- 6.2 Any person(s) or other entity who violates any provision of this ordinance, including the property owner and person or entity in possession or control of the property and/or establishment where the violation occurred is responsible for a municipal civil infraction as defined by Michigan laws and subject to a civil fine set by the court which shall be in addition to all other costs, attorney fees, damages, expenses and other remedies as provided by law. In addition to pursuing a municipal civil infraction the Township specifically reserves the right and shall have the authority to proceed in any court of competent jurisdiction for the purpose of obtaining an injunction, restraining order or other appropriate remedy to abate said nuisance and to compel compliance with this ordinance. Each day that a violation shall continue is to constitute a separate offense. All remedies available to the Township under this ordinance and Michigan law shall be deemed to be cumulative and not exclusive.

11/8/11