

**BEAR CREEK TOWNSHIP
EMMET COUNTY, MICHIGAN**

AMENDMENT TO ORDINANCE TO REGULATE PUBLIC NUDITY

ORDINANCE # 25-07

On February 2,2000, Bear Creek Township adopted an Ordinance To Regulate Public Nudity, No. 12-00. Bear Creek Township hereby ordains that its Ordinance To Regulate Public Nudity shall be amended as follows:

Section I of the Ordinance shall be restated as follows:

SECTION I-PURPOSE

This Ordinance is intended to prohibit nudity in public places pursuant to the township ordinance power conferred by MCL 41.181, and to establish a definition of nudity in accordance with that statute. This Ordinance is not intended to exclude sexually oriented businesses, as defined by any zoning ordinance or other ordinance in effect for Bear Creek Township, from opening and operating in Bear Creek Township, to deny adults access to sexually oriented businesses and their products, to deny sexually oriented businesses access to their intended markets, to implicate ordinary public behavior, or to offend the guarantees afforded by the First Amendment of the United States Constitution. Neither is it the intent of this Ordinance to legitimize activities prohibited by Bear Creek Township ordinance, Emmet County ordinance, or state or federal law.

Section 5 of the Ordinance shall be restated as follows:

SECTION 5 - EXCEPTIONS

- A. Public nudity occurring within an enclosed area or structure on premises operating in compliance with the Emmet County Zoning Ordinance and any applicable ordinances for the licensing of a sexually oriented business, and which premises are not licensed by the State of Michigan to sell or allow the consumption of alcoholic beverages, shall be exempt from the prohibitions of this Ordinance that prohibit exposure of a female individual's breast or breasts, but shall remain subject to the prohibitions of this Ordinance relating to exposure of an individual's genitals or anus.
- B. Public nudity occurring pursuant to a regular curriculum at an educational institution in any way funded, chartered, or recognized by the State of Michigan shall not be subject to the prohibitions of this Ordinance.

Except as amended by this Ordinance Amendment, all provisions of the Bear Creek Township Ordinance To Regulate Public Nudity shall remain the same as originally adopted. All Ordinances or parts of Ordinances in conflict with this Ordinance Amendment are repealed to the extent necessary to give this Ordinance Amendment full force and effect. This Ordinance Amendment shall become effective thirty (30) days after publication as required by law. A copy of the Bear Creek Township Ordinance To Regulate Public Nudity, as amended, may be inspected or obtained at the Bear Creek Township Hall.

This Ordinance Amendment was approved and adopted by the Bear Creek Township Board of Trustees, on June 6, 2007.

Dennis Keiser, Township Supervisor

Judy Mays, Township Clerk

Clerk's Certification

I hereby certify this Ordinance Amendment was adopted by the Bear Creek Township Board at a regular meeting held June 6, 2007, and that the vote was as follows:

FOR: Keiser, Hoffman, Notestine, Mays

AGAINST: none

ABSENT: Van Horn

I further certify this Ordinance Amendment was published in the *Petoskey News-Review* on June 13, 2007, 2007.

Judy Mays
Bear Creek Township Clerk