

City of Rockwood, MI

Friday, May 4, 2018

## Chapter 163. PEACE AND GOOD ORDER

### Article V. Offenses Against Public Morals

[Adopted 10-21-1998 by Ord. No. 366]

#### § 163-42. Indecent exposure.

[Amended 8-6-2008 by Ord. No. 445]

- A. Indecent exposure. It shall be unlawful for any person to knowingly make any open or indecent exposure of his or her person or the person of another. For the purposes of this section, "open" exposure shall be defined as the exposure of the genitals or private parts of a person under circumstances which create a substantial risk that another person may view the exposure. "Indecent" exposure shall be construed as the following types of conduct:
- (1) Patently offensive exhibition of intimate sex acts, whether actual or simulated;
  - (2) Patently offensive exhibitions of the private parts or genitals, exhibition of masturbation or excretory functions or lewd exhibition of the genitals.
- B. Exposure by waiters, waitresses and entertainers.
- (1) No person 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 shall:
    - (a) Expose his or her genitals, pubic hair, buttocks, natal cleft, perineum, anal region or pubic hair region; or
    - (b) Expose any device, costume or covering which gives the appearance of or simulates the genitals, pubic hair, buttocks, natal cleft, perineum, anal region or pubic hair region; or
    - (c) Expose any portion of the female breast at or below the areola, or employ any such device or covering which is intended to simulate such portions of the breast.
  - (2) The male and female genitals, pubic hair, buttocks, natal cleft, perineum, anal region and pubic region and any portion of the female breast at or below the areola must be firmly covered by a fully opaque material.
  - (3) 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.
- C. Exposure by performers in public.

- (1) No person while participating in any live act, demonstration, or exhibition in any public place, place open to the public, or places open to public view shall:
    - (a) Expose his or her genitals, pubic hair, buttocks, natal cleft, perineum, anal region or pubic hair region; or
    - (b) Expose any device, costume or covering which gives the appearance of or simulates the genitals, pubic hair, buttocks, natal cleft, perineum, anal region or pubic hair region; or
    - (c) Expose any portion of the female breast at or below the areola, or employ any such device or covering which is intended to simulate such portions of the breast.
  - (2) The male and female genitals, pubic hair, buttocks, natal cleft, perineum, anal region and pubic region and any portion of the female breast at or below the areola must be firmly covered by a fully opaque material.
- D. Exemption of theatrical establishments. The provisions of Subsection C shall not apply to a theater, concert hall or similar establishment which is primarily devoted to theatrical performance. For the purpose of Subsection D, the phrase, "theater, concert hall, or other similar establishment which is primarily devoted to theatrical performance" shall mean a building, playhouse, room, hall or other place having permanently affixed seats so arranged that a 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.
- E. Urinating or defecating in public. No person shall intentionally or recklessly expose his or her private parts for the purpose of urinating or defecating under circumstances in a public place or under circumstances in which his or her conduct is likely to be viewed by others who are not members of the person's household, whether or not the urination or defecation actually occurs.
- F. Penalty. Violation of this section shall be a misdemeanor punishable by up to 90 days in jail and up to a fine of \$500, or both.

## § 163-43. Indecent or obscene conduct.

It shall be unlawful for any person within the City to engage in any indecent or obscene conduct in any public place.

## § 163-44. Prostitution.

Generally:

- A. It shall be unlawful for any person within the City to commit or offer or agree to commit a lewd act or an act of prostitution or moral perversion, such as, but not limited to, fornication, sodomy, cunnilingus or fellatio or any other lewd or licentious act.
- B. It shall be unlawful for any person within the City to secure or offer another for the purpose of committing a lewd act or an act of prostitution or moral perversion.
- C. It shall be unlawful for any person within the City to be in or near any place frequented by the public or any public place for the purpose of inducing, enticing or procuring another to commit a lewd act or an act of prostitution or moral perversion.

- D. It shall be unlawful for any person within the City to knowingly transport any person to any place for the purpose of committing a lewd act or an act of prostitution or moral perversion.
- E. It shall be unlawful for any person within the City to knowingly receive or offer to or agree to receive any person into any place or building for the purpose of performing a lewd act or an act of prostitution or moral perversion or to knowingly permit any person to remain in any place or building for any such purpose.
- F. It shall be unlawful for any person within the City to direct, or offer to direct, any person to any place or building for the purpose of committing any lewd act of prostitution or moral perversion.

### § 163-45. House of prostitution.

It shall be unlawful for any person within the City to keep or maintain a house of ill fame or assignation or place of prostitution or lewdness.

### § 163-46. Patronizing house of prostitution.

It shall be unlawful for any person within the City to patronize, frequent, loiter or be found in or be a customer of any house of ill fame or assignment or place for the practice of prostitution or lewdness.

### § 163-47. Leasing premises for prostitution.

It shall be unlawful for any person within the City to lease to another any house, room or other premises, in whole or in part, for any of the uses or purposes set forth in this article or to knowingly permit house, room or other premises to be used or occupied for such purposes.

### § 163-48. Soliciting and accosting.

It shall be unlawful for any person within the city, male or female, 17 years of age or older, to accost, solicit or invite another in any public place or in or from any building or vehicle by word, gesture or other means to commit prostitution or do any other lewd or immoral act as defined in this article. This shall not apply to any undercover law enforcement officer while in performance of his or her duties as an enforcement officer.

### § 163-49. Penalty.

A violation of any provision of this chapter shall be a misdemeanor, punishable as provided in Chapter 1, General Provisions, Article II.