

**FRENCHTOWN CHARTER TOWNSHIP
ADULT ENTERTAINMENT ORDINANCE
Ord. No. 173; Date of Adoption: September 1995**

THE CHARTER TOWNSHIP OF FRENCHTOWN HEREBY ORDAINS:

Section 1. Legislative Findings and Intent.

The Township Board of Frenchtown Charter Township recognizes and concludes that the activity of "adult entertainment" as that term is more particularly described in Section 3 of this Ordinance, is an activity which, because of its nature, is known to have seriously objectionable operational characteristics, and thus in an activity which has a deleterious effect on adjacent areas and unless properly regulated would result in the destruction of neighboring property values and a threat to the public health, safety and welfare of the persons in Frenchtown Charter Township. Accordingly, it is the intent and purpose of the Frenchtown Charter Township Board to adopt reasonable regulations for adult entertainment businesses in the Township, so as to minimize the injury caused by this activity on the public health, safety, and welfare on the persons and property within the Township.

Section 2. Short Title.

This Ordinance shall be known and may be cited and referred to as the Frenchtown Charter Township Adult Entertainment Ordinance and shall hereinafter be referred to as "this Ordinance."

Section 3. Definitions.

- (a) Adult Bookstore. An establishment having a substantial or significant portion of its stock in trades devoted to the sale or rental of books, magazines, newspapers, video tapes, video discs, motion picture films, or any other media, whether printed or electronic, which are characterized by their emphasis on portrayals of Specific Sexual Activities or Specific Anatomical Areas, or an establishment with a segment or section devoted to the display of such materials.
- (b) Adult Cabaret. An establishment which features one or more dancers, strippers, male or female impersonators or similar entertainers, performers, wait staff or other persons who reveal or show Specific Anatomical Areas of their bodies or who engage in, perform, or simulate Specific Sexual Activities.
- (c) Adult Entertainment Business. Adult bookstores, adult cabarets, adult novelty businesses, adult motion picture theaters, adult personal service businesses, and restricted adult businesses.
- (d) Adult Motion Picture Theater. An establishment used for presenting to others motion picture films, video cassettes, cable television, or other visual media,

distinguished or characterized by an emphasis on Specific Sexual Activities or Specific Anatomical Areas for observation by patrons therein.

- (e) Adult Novelty Business. An establishment which offers for sale devices which simulate human genitals or devices designed for sexual stimulation.
- (f) Adult Personal Services Business. An establishment having a person or persons, while nude or while displaying Specific Anatomical Areas, providing personal services for another person or persons, which include, but is not limited to, the following activities and services, if the person or persons providing the personal service are nude or display Specific Anatomical Areas: massage parlors, exotic rubs, modeling studios, tattoo parlors, body painting studios, wrestling studios, and theatrical performances.
- (g) Establishment. A business or enterprise which utilizes any building, structure, premises, parcel, place or area.
- (h) Massage Parlor. Any establishment where private massage is practiced, used, or made available as a principal use of the premises.
- (i) Restricted Adult Business. Any of the above defined uses, which are not customarily open to the public generally, but only to one or more classes of the public, excluding any minor by reason of age.
- (j) Specific Anatomical Areas. Less than completely and opaquely covered human genitals, pubic regions, buttocks, and female breasts below a point immediately above the line of the areola; and male genitals in discernibly turgid state, even if completely and opaquely covered.
- (k) Specific Sexual Activities. Activities which include, but are not limited to: human genitals in a state of sexual stimulation or arousal; acts of masturbation, sexual intercourse, or sodomy; fondling or other erotic touching of genitals, pubic regions, buttocks, or female breasts.

Section 4. License Required.

No Adult Entertainment Business shall be established, maintained, or conducted in Frenchtown Charter Township by any person without the owner or operator first obtaining a license to operate such place from the Township Board. Any such license shall be valid only one year from the date of issuance.

Section 5. Application.

Every owner or operator as defined herein desiring to obtain a license as required by this Ordinance shall file a written application to the Township of Frenchtown, together with an application fee of \$500.00 or as provided by resolution of the Township Board to defray the costs of administration of this Ordinance in the initial phase of licensing. The application shall be filed with the Township Clerk who shall be responsible for processing the application and forwarding the same to the Township Board. The application shall include the following information:

- (a) Name of owner and operator; if a partnership, names of all partners; if a firm, society, club or association, names of all officers and directors; if a corporation, the objects for which organized, the names and addresses of the officers and directors, and if more than 30% of the outstanding stock of such corporation is owned by one person or in joint ownership, then the name of such person(s);
- (b) Addresses of all listed as above;
- (c) The location and description of the premises or place where the Adult Entertainment Business will be located, and a description of the type of adult entertainment activity conducted on the premises;
- (d) The total square footage of floor space in the room or building in which the Adult Entertainment Business will be operated, along with a building and plot plans showing the entire structure and premises and in particular the specific areas where the license is to be utilized. The plans shall demonstrate adequate off-street parking, lighting, refuse disposal facilities, security arrangements for maintaining order, noise control, and, where appropriate, adequate plans for screening.
- (e) Whether the owner or operator has at any time been convicted of a felony or offense involving moral turpitude or has been convicted of any alcohol or narcotics violation or violation of any gambling laws or ordinances.
- (f) Whether or not any permit or license heretofore granted to applicant to engage in any business has been revoked or denied, and, if so, the circumstances surrounding the revocation or denial.
- (g) A statement whether the applicant has made application for a similar license on premises other than that described in its application, and the disposition of such application.
- (h) A schedule of the days of the week and the hours of such days during which the applicant seeks permission for the operation of the Adult Entertainment Business.
- (i) The application shall be signed by both the owner and operator. In the case of a club, society, corporation, firm, or association, the owner's signature requirement shall be met by the signature of the President and Secretary or equivalent officers with proper authority. Where the ownership is a partnership, the signature of all

general partners are required. Any false or incorrect statements made on any such application shall be immediate and substantial grounds for revocation of a license granted pursuant to such application.

Section 6. Inspection of Premises.

Before an Adult Entertainment Business license shall be issued, investigation of the application and inspection of the premises shall be made by the Township Building Official, Fire Chief, or their agent, and such other departments or agencies as may be deemed necessary by the Township Board to determine whether the premises fully comply with all pertinent ordinances and regulations. Before any Adult Entertainment Business license may be recommended for approval, it must be determined that the applicant is providing sufficient off-street parking and sufficient aids and regulations whereby vehicular traffic shall not constitute a nuisance or danger. For a standard of such determination, minimum off-street parking facilities shall be as required by the zoning ordinance of the Charter Township of Frenchtown. Before the Fire Chief or his agents approve the same, it must be determined that adequate space is provided to permit safe ingress and egress in said premises. The Building Official shall determine whether the building involved meets all requirements of the Township's building code and other applicable Township ordinances, including the Zoning Ordinance.

Section 7. Location.

An Adult Entertainment Business regulated by this Ordinance may be located in the Township only in conformance with the following restrictions:

- (a) No Adult Entertainment Business shall be permitted within one thousand (1,000) feet of any of the following:
 - (i) a state licensed child care facility
 - (ii) a church, place of worship, or other religious facility
 - (iii) a day nursery, preschool, primary school, secondary school, college or university
 - (iv) a public library, public building, public park, public playground
 - (v) a zoning district (excluding agricultural districts) in which residential uses are permitted
 - (vi) a dwelling used or designed for residential purposes, regardless of the zoning district in which it is located
- (b) No Adult Entertainment Business shall be permitted within one thousand (1,000) feet of the property line of any other Adult Entertainment Business.

- (c) The distances provided for in subsection 7(a)(1) through 7(a)(5) inclusive and subsection 7(b) of this Ordinance shall be measured by projecting a straight line without regard for intervening buildings or structures between the nearest points of the property lines of the protected use and the proposed regulated Adult Entertainment Business, or between the nearest point of the zoning district boundary from which the regulated Adult Entertainment Business is to be separated to the nearest point of the property line of the proposed regulated Adult Entertainment Business.
- (d) The distances provided for in subsection 7(a)(6) shall be measured by projecting a straight line without regard for intervening buildings or structures between the nearest point of the property line of the Adult Entertainment Business and the residential dwelling.

Section 8. Issuance of License.

No Adult Entertainment Business license shall be issued:

- (a) For premises where there exists a violation of the applicable Building, Electrical, Mechanical, Plumbing, or Fire Codes, applicable zoning regulations, applicable Public Health Regulations, or any other applicable Township Ordinance or state law.
- (b) For premises where it is determined by the Township Board that the premises do not have adequate off-street parking, exterior and interior lighting, refuse disposal facilities, security arrangements for maintaining order, screening, and noise or nuisance control.
- (c) Until the Township Building Department and the Township Fire Department have inspected the subject premises and ascertained that all physical requirements have been complied with, the adequacy of security arrangements on the premises for maintaining order and avoiding public disturbance is satisfactory.

Section 9. Time Requirements; License Denial.

The Township Board shall act on a license application or license renewal application within sixty (60) days of the date the application is filed with the Township Clerk. If the Township Board determines after a review of the application and accompanying written recommendations that an application for a license under this Ordinance must be denied, the Township Clerk shall inform the applicant of this fact by written notice either personally served on the applicant or mailed by First Class mail to the applicant's last known address. This written notice shall inform the applicant of the reasons the application was denied and of the applicant's right to seek judicial review of the decision.

Section 10. License Renewal Fee.

Any application to renew a license previously issued under this Ordinance shall be accompanied by a renewal fee of \$250.00 to help defray the costs of administering the Ordinance during the renewal phase of licensing.

Section 11. Suspension or Revocation of License.

Any license issued under this Ordinance may be revoked or suspended during the period of its issuance as a result of any violations of the terms and conditions of the license and this Ordinance. Such revocation or suspension shall be determined by the Township Board at a meeting of the Board preceded by notice to the licensee of the proposed action and the reasons therefore, and the time, date, and place of the meeting at which the matter is to be heard. This notice shall be either personally served or mailed by First Class mail to the applicant's last known address at least seven (7) days prior to the date of the Township Board meeting which this matter is to be heard. The licensee shall have an opportunity to present any evidence or arguments on its own behalf at that time. The extent of the suspension or revocation shall be in the discretion of the Township Board and shall be based upon the nature of the violation or violations which have occurred, the frequency thereof, and the likelihood of their correction with respect to future operations. The reasons for any suspension or revocation shall be set forth in writing and mailed to the licensee at its last known address within eight (8) days after the Township Board decision concerning the same.

Section 12. Repeal.

All Ordinances or parts of Ordinances in conflict with this Ordinance are to the extent of such conflict repealed.

Section 13. Severability.

This Ordinance, and the various parts, sentences, paragraphs, sections, subsections, phrases, and clauses thereof are declared to be severable and if any of them are adjudged unconstitutional or invalid, it is hereby provided that the remainder of the Ordinance shall not be affected.

Section 14. Penalty.

Any person or persons, firm or corporation who shall violate any of the provisions of this Ordinance shall, upon conviction thereof before a court of competent jurisdiction, be guilty of a misdemeanor and subject to a fine of not more than Five Hundred Dollars (\$500.00) or to imprisonment in the County Jail for a period not to exceed ninety (90) days, or to both such fine and imprisonment. Each day such violation continues shall be deemed a separate offense. The imposition of sentence shall not exempt the offender from compliance with the requirements of this Ordinance.

Section 15. Effective Date.

This Ordinance shall become effective immediately upon publication in a newspaper of general circulation in the Charter Township of Frenchtown, Monroe County, Michigan.