

Exeter Township Adult Entertainment Licensing Ordinance

Ordinance No. 46

The Township of Exeter, Monroe County, Michigan, ordains:

Section 1: License Required

No person, firm or corporation shall engage in or carry out the business of adult entertainment without first obtaining a license to operate such business from the Township Board.

Section 2: Definitions

Adult Entertainment Business: Businesses which are required to and/or do exclude minors by virtue of age and further defined as follows:

- A. Adult Bookstore: An establishment having as a substantial or significant portion of its stock in trade devoted to the sale, barter or rental of books, magazines, other periodicals, posters, films, video tapes, video discs, or other media, whether printed or electronic, which are distinguished or characterized by their emphasis on matter depicting or relating specified sexual activities or specified anatomical areas, or an establishment with a segment or section devoted to the sale or display of such material.
- B. Adult Cabaret: An establishment which features one or more topless dancers, go-go dancers, exotic dancers, strippers, male or female impersonators, or similar entertainers.
- C. 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 their emphasis on matter depicting or relating to specified sexual activities or specified anatomical areas, for observation by patrons therein.
- D. Adult Motel: A motel which presents materials distinguished or characterized by their emphasis on matter depicting or relating to specified sexual activities or specified anatomical areas, for the entertainment of its patrons.
- E. Adult Personal Service Business: A business whose activities include a person or persons, while nude or displaying specified anatomical areas, providing personal services to another person or persons. It includes, but is not limited to, the following activities and services: modeling studios, photographic studios, wrestling studios, theatrical performances, tattoo studios, body painting studios, and massage studios.

- F. Specified Sexual Activities: Human genitals in a state of sexual stimulation; acts of human masturbation, sexual intercourse, oral copulation, or sodomy; and fondling or other erotic touching of human genitals, pubic region, buttock, or female breast.
- G. Specified Anatomical Areas: Less than completely covered human genitals, pubic region, buttock, anus, and female breast below a point immediately above the top of the areola; and human male genitals in a discernibly turgid state, even if completely and opaquely covered.

Section 3: Owner to See License

No person, firm or corporation shall knowingly allow or permit any building or land owned or possessed by him or it to be used for such a purpose unless a township license to operate such a business has been shown to such owner or possessor.

Section 4: Procedure for Issuance

A. Application:

1. Filing, fee. Every applicant for a license to maintain, operate or conduct an adult entertainment business shall file an application under oath with the Township upon a form provided by the Township Clerk and pay a non-refundable annual license fee of \$ 100.00.
2. Inspection of premises. Copies of the application shall within five (5) days also be referred to the department of building and engineering and the fire department. The departments shall within thirty (30) days inspect the premises proposed to be operated as an adult entertainment establishment and shall make written verification to the Township Clerk concerning compliance with the codes of the Township.
3. Contents. Each application shall contain the following information:
 - a. A definition of service to be provided;
 - b. The location, mailing address and all telephone numbers where the business is to be conducted;
 - c. The name and residence address of the applicant:
 1. If the applicant is a corporation, the names and residence addresses of each of the officers and directors of the corporation and of each stockholder owning more than ten (10) percent of the stock of the



corporation, and the address of the corporation itself, if different from the address of the adult entertainment business.

2. If the applicant is a partnership, the names and residence addresses of each of the partners including limited partners, and address of the partnership itself, if different from the address of the adult entertainment business.

- d. The two (2) addresses immediately prior to the present address of the applicant;
- e. Proof that the applicant is at least eighteen (18) years of age;
- f. Individual or partnership applicant's height, weight, color of eyes and hair, and sex;
- g. Copy of identification such as driver's license and social security card;
- h. One portrait photograph of the applicant at least two inches by two inches and a complete set of applicant's fingerprints which shall be taken by the Monroe County Sheriff Department or Michigan State Police. If the applicant is a corporation, one photograph at least two inches by two inches of all officers and managing agents of the corporation and a complete set of the same officers' and agents' fingerprints which shall be taken by the Monroe County Sheriff Department or Michigan State Police. If the applicant is a partnership, one front-face portrait photograph at least two inches by two inches in size of each partner or limited partner's fingerprints which shall be taken by the Monroe County Sheriff Department or Michigan State Police;
- i. Business, occupation or employment of the applicant for the three years immediately preceding the date of application;
- j. The adult entertainment or similar business license history of the applicant; whether such person, in previously operating in this or another city or state has had a business license revoked or suspended, the reason thereof, and business activity or occupation subsequent to such action or suspension or revocation;
- k. All criminal convictions other than misdemeanor traffic violations, including the dates of convictions, nature of the crimes and place convicted;

- l. The name and address of each individual who is or will be employed in the establishment;
- m. A description of any other business to be operated on the same premises or on adjoining premises owned or controlled by the applicant;
- n. Authorization for the Township, its agents and employees to seek information and conduct an investigation into the truth of the statements set forth in the application and the qualifications of the applicant for the license;
- o. Such other identification and information necessary to discover the truth of the matters specified in this section as required to be set forth in the application;
- p. The names, current addresses and written statements of at least three bona fide permanent residents of the United States that the applicant is of good moral character touching upon applicant's honesty, fairness and respect for the laws of the State of Michigan and the United States. If the applicant is able, the statement must first be furnished from residents of the Township, then the County, then the State and lastly from the rest of the United States. These references must be persons other than relatives and business associates.

Upon completion of the above provided form and the furnishing of all information required by this section, the Township Clerk shall accept the application for the necessary investigations. The holder of an adult entertainment business license shall notify the Township Clerk of each change in any of the data required by this section to be furnished within ten (10) days after such change occurs.

B. The application shall be accompanied by the following:

1. Evidence that applicant has obtained public liability insurance in the amount of "one million dollars CSL(Combined property damage and liability)." from a company or companies approved by the Commissioner of Insurance of the State of Michigan which insurance shall insure applicant, his employees and agents, against liability for death or injury to persons or damages to property which may result from the conduct of such licensed business, which policy or policies shall remain in full force and effect for the specified amount during the term of the license. The evidence of insurance shall include an endorsement to the effect that the insurance company shall notify the Township Clerk, in writing, at least 10 days before the expiration or cancellation of said policy or policies.
2. A corporate surety bond in the amount of \$100,000.00 in a form to be approved by the Township attorney, conditioned upon applicant's faithful compliance with all of the terms and provisions of this licensing ordinance, and all applicable provisions of other Township ordinances, county ordinances and state ordinances. Bond shall be renewed annually.

C. Facilities Required:

No license to conduct an adult entertainment business shall be issued unless an inspection by the Township and/or State, as required, reveals that the business complies with all state and local codes. Nothing contained in this ordinance shall be construed to eliminate other requirements of statutes or ordinances concerning the maintenance of premises, nor to preclude authorized inspection thereof, whenever such inspection is deemed necessary by the police, building, fire, or health department.

Section 5: Grounds for Denial

The Township shall issue a license for an adult entertainment business after ratification by the board that requirements for an adult entertainment business described by Section 4 have been satisfied unless it finds:

- A. The correct license fee has not been tendered to the Township and, in the case of a check or bank draft, honored with payment upon presentation;
- B. The operation, as proposed by the applicant, if licensed, would not comply with all applicable laws, including but not limited to the Township's building, zoning and health regulations;
- C. The applicant, if an individual; any of the stockholders holding more than ten (10) percent of the stock of the corporation, or any of the officers and directors if the applicant is a corporation; and of the partners including limited partners if the applicant is a partnership; or the holder of any lien of any nature upon the business and/or the equipment used therein; and the manager or other person principally in charge of the operation of the business, have been convicted of any of the following offenses or convicted of an offense outside the state that would have constituted any of the following offenses if committed within the state:

1. An offense involving the use of force and violence upon the persons of another that amounts to a felony;
2. An offense involving sexual misconduct;
3. An offense involving narcotics, dangerous drugs or dangerous weapons that amount to a felony.

The Township may issue a license to any person convicted of any of the crimes described in subsection C of this section if it finds that such conviction occurred at least five years prior to the date of the application and the applicant has had no subsequent felony convictions of any nature and no subsequent misdemeanor convictions of crime mentioned in this section;

- D. The applicant has knowingly made any false, misleading or fraudulent statement of fact in the license application or in any document required by the Township in conjunction therewith;
- E. The applicant has had an adult entertainment business or other similar permit or license denied, revoked or suspended by the Township or any other state or local agency within the five years prior to the date of the application;
- F. The applicant if an individual, any of the officers and directors if the applicant is a corporation, any of the partners including limited partners if the applicant is a partnership, and the manager or other person principally in charge of the operation of the business, is not over the age of 18 years.

Section 6: Requirements for Operation

After issuance of the license, licensee shall meet the following requirements:

- A. The insurance and bond required above shall continue in full force and effect until expiration or termination of the license.
- B. Licensee shall permit township, county and state officials to enter upon the licensed premises at all reasonable times to determine compliance with the requirements of this ordinance and other applicable township, county and state ordinances and statutes.
- C. Licensee shall not knowingly permit violations of any township ordinance, county ordinance or state statute by any of his patrons.

- D. Licensee shall provide off-street parking facilities sufficient to accommodate all persons to be admitted to his place of business based on the maximum capacity specified in the application.
- E. Licensee shall provide sufficient fences or barriers or shall so patrol the boundaries of his business premises as to efficiently prevent his patrons from directly trespassing on neighboring premises.
- F. Licensee shall so conduct his business that it shall not give rise to a nuisance by reason of noise, vibration, smoke, odor, or dust.
- G. Licensee shall limit his business activities to the hours specified in his license.
- H. Licensee shall post a copy of this ordinance and a copy of his license in his place of business in a location where they can be read easily by his patrons.

Section 7: Expiration and Renewal

Each license granted under the provisions of this ordinance shall expire one year from the date of issuance. Any application to renew a license previously issued under this ordinance shall be accompanied by a renewal fee of \$ 100.⁰⁰ to defray the cost of administering the ordinance during the renewal phase of licensing.

Section 8: Non-transferability

A license issued under this ordinance shall not be transferable to any other firm or person.

Section 9: Suspension and Revocation

A license required by this ordinance may be suspended or the renewal thereof refused by the Township for misrepresentation of any material fact in the application for such license. Any license may be suspended or revoked by the Township for good cause. The term "good cause" shall mean any act or omission or the permitting of a condition to exist with respect to the licensee in question which is contrary to the safety or welfare of the public, unlawful or fraudulent in nature, a violation of any provision or provisions of this ordinance under which the license was granted, is beyond the scope of the license issued, or a fact, circumstance or condition which, had it existed or been known to the Township at the time the license was granted, would have been sufficient grounds for the refusal thereof. Revocation of a license may take place only after a hearing before the Township Board upon not less than seven days' written notice to licensee at the address stated in the application of the licensee stating the time and place of such hearing and the reasons for revocation.



Section 10: Penalty

Violation of this Ordinance shall be a misdemeanor which shall be punishable upon conviction thereof by a fine not to exceed \$500.00, or by imprisonment not exceeding 90 days or by both such fine and imprisonment, at the discretion of the Court, together with payment of court costs.

Section 11: Nuisance

Any violation of any provision of this ordinance is hereby declared to be a nuisance per se and enjoined by appropriate legal action.

Section 12: Severability

It is the legislative intent of the Township Board that each and every provision of this ordinance be liberally construed to protect and preserve the peace, safety and welfare of the inhabitants of the Township, and should any provision, section or portion thereof be held unconstitutional or invalid, such holding shall not affect the validity of the remaining provisions, it being the intent that the remainder of such ordinance shall stand notwithstanding the invalidity of any provision thereof.

Section 13: Effective Date

This Ordinance shall become effective 30 days after final passage and adoption.

I, Nancy Krzyzke, Exeter Township Clerk, do hereby certify that the above Ordinance was approved and adopted by the Township Board at the regular meeting thereof, held on the 15th day of October, 1996, at 7:30 p.m. Eastern Standard Time, the vote thereon being as follows:

In favor of the Ordinance (5)
Against the Ordinance (0)

Nancy Krzyzke
Clerk, Exeter Township

Attest:

Cheryl L. Baltrip
CHERYL BALTRIP
Exeter Township Supervisor