

LYON TOWNSHIP
ROSCOMMON COUNTY, MICHIGAN

ORDINANCE NUMBER 41

ADOPTED: October 8, 1997

EFFECTIVE: October 8, 1997

ZONING AND ADULT ENTERTAINMENT

An ordinance to secure the public health, safety, and welfare of the residents and property owners of Lyon Township, Roscommon County, Michigan and prescribe the sanctions for violation of the ordinance.

PURPOSE AND INTENT

An ordinance to provide for the regulation, control, and prohibition of certain undesirable adult entertainment and certain displays and exhibitions of the human body near residential areas and properties upon which alcoholic beverages are sold.

TOWNSHIP OF LYON
ROSCOMMON COUNTY, MICHIGAN

ORDAINS:

SECTION 1

TITLE

This ordinance shall be known and cited as Lyon Township Zoning and Adult Entertainment

SECTION 2

DEFINITIONS

The following terms used in this ordinance are as follows:

A. Adult Bookstore: An establishment having, as a substantial or significant portion of its stock in trade, books, magazines and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing or relating to "specific sexual activities" or "specified anatomical areas" as here-in-after defined, or an establishment with a segment or section devoted to the sale or display of such material.

B. Adult Mini Motion Picture Theater: An enclosure with a capacity for less than 50 persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas", as hereinafter defined for observation by patrons therein.

C. Adult Motion Picture Theater: An enclosure with a capacity of 50 or more persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to “specified sexual activities” or “specified anatomical areas”, as hereinafter defined for observation by patrons therein.

D. Massage Parlor: An establishment where persons conduct or permit to be conducted or engaged in, massages of the human body or parts thereof by means of pressure, imposed friction, stroking, kneading, rubbing, tapping, pounding, vibrating, or otherwise stimulating the same with hands, other parts of the human body, mechanical devices, creams, ointments, oils, alcohol or any other means of preparations to provide enjoyment to the recipient. This shall not apply to a business established by a licensed massage therapist for acceptable therapeutic purposes.

E. Adult Smoking Or Sexual Paraphernalia Store: An establishment having as a substantial or significant portion of its stock in trade, paraphernalia designed or usable for sexual stimulation or arousal or for smoking, ingesting, or inhaling marijuana, narcotics, or other stimulating or hallucinogenic drug-related substances.

SECTION 3

REGULATIONS

UNLAWFUL ACTS

1. It shall be unlawful for any person to operation any of the following businesses within 1,000 feet of any residentially zoned property:

- a . Adult book store
- b. Adult motion picture theater
- c. Adult mini motion picture theater
- d. Massage parlor
- e. Adult smoking or sexual paraphernalia store

2. It shall be unlawful for any person to allow, permit, or participate in any of the following activities in any store, bar, or business establishment in which alcohol is sold, whether or not for carry out or on-premises consumption.

- a. Any activity in which the participants have less than completely and opaquely covered genitals, pubic regions, buttocks, and female breasts.
- b. The showing to the patrons of any photographs, movies, or videos relating to acts or acts of human masturbation, sexual intercourse, or sodomy, fondling, or other erotic touches of human genitals, public regions, buttocks, or female breasts, human genitals in a state of sexual stimulation or arousal of the anatomical regions mentioned in (a) above.

SECTION 4

VIOLATIONS AND PENALTIES

Any person who violates any of the provisions of this ordinance shall be deemed to be responsible for a Municipal Civil Infraction as defined by Michigan statute, punishable by a civil fine determined in accordance with the schedule:

	<u>Minimum Fine</u>
1 st offense within a 3-year period*	\$ 50.00
2 nd offense within a 3-year period*	\$125.00
3 rd offense within a 3-year period*	\$250.00
4 th or subsequent offense in a three-year period*	\$400.00

*Determined on the basis of the date of commission of the offense(s).

Additionally, the violator shall pay costs which may include all expenses, direct and indirect, to which Lyon Township has been put in connection with the Municipal Civic Infraction.

In addition, any violation of this ordinance is hereby declared to be a public nuisance per se which may be abated in Circuit Court in lieu of or in addition to other civil infractions.

Each day that a violation exists shall constitute a separate offense for enforcement purposes.

SECTION 5

SEVERABILITY

The provisions of this ordinance are hereby declared to be severable and if any clause, sentence, word, section or provision is declared void or unenforceable for any reason by any court of competent jurisdiction, it shall not affect any other portion of this ordinance.

SECTION 6

REPEAL

All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

SECTION 7

EFFECTIVE DATE

This ordinance shall take effect October 8, 1997.