

KINROSS CHARTER TOWNSHIP ORDINANCE NO. 1.115

DATED May 29, 1996

An ordinance to protect and secure the public health, safety and general welfare by the regulation of certain forms of commercial entertainment, adult bookstores, adult theaters and cabarets, within the Charter Township of Kinross, Chippewa County, Michigan; to provide penalties for the violation of the provisions of this ordinance; and to repeal any ordinances or parts of ordinances in conflict herewith.

THE CHARTER TOWNSHIP OF KINROSS, CHIPPEWA COUNTY, MICHIGAN
ORDAINS:

Section I - Title

This Ordinance shall be known and cited as the Kinross Charter Township Public Entertainment Ordinance.

Section II. Definitions

As used in this ordinance, unless the context clearly indicates a different meaning:

- (a) **“Adult Bookstore”** means an establishment wherein more than twenty percent (20%) of its stock in trade is comprised of books, magazines and other periodicals having, as their dominant theme, matter depicting, describing or relating to specified anatomical areas or specified sexual activities, as defined in this ordinance, or an establishment with a segment or section devoted to the sale or display of such material.
- (b) **“Adult Theater”** means an enclosed building used for live performances or presenting material by means of motion pictures, video tapes or receivers, photographic slides or other similar means of projection or display, which performances or material is distinguished and characterized by an emphasis on matter depicting, describing or relating to specified anatomical areas or specified sexual activities, as defined in this ordinance, for observation by patrons therein.
- (c) **“Cabaret”** means any place wherein food or any type of alcoholic or other beverage is sold or given away on the premises, the operator of which place may or may not hold a yearly license to sell such beverages by the glass.
- (d) **“Live Entertainment”** means the presentation of acts which are presented live for the enjoyment of the audience.
- (e) **“Specified Anatomical Areas”** means:

(1) less than completely and opaquely covered human genitals or human pubic regions, buttock or female breast below a point immediately above the top of the areola; and

(2) Human male genitals in a discernible turgid state, even if completely and opaquely covered.

(f) “Specified Sexual Activities means:

(1) Human genitals in a state of sexual stimulation or arousal;

(2) Acts of human masturbation, sexual intercourse or sodomy; and

(3) Fondling or other erotic touching of human genitals or a human pubic region, buttock or female breast.

(g) Person (s) shall mean an individual person (s), co-partnership, firm, corporation, society, club, association or other business or private entity.

SECTION III: Prohibition

(a) No person, in the Township, shall own, operate or maintain, or permit to be owned, operate or maintain an adult bookstore or adult theater, as defined in this ordinance.

(b) No person shall present or allow to be presented, or participate in, any live acts or entertainment which are distinguished or characterized by their emphasis on matters depicting, describing or relating to specific sexual activities or specified anatomical areas herein defined.

(b) No person owning, operating, managing or employed by or within a cabaret shall dance, perform or serve food, beverages or alcoholic beverages while displaying or allowing to be visible, specified anatomical areas, as defined in this ordinance, or allow any other person to do so.

(c) No person owning, operating, managing or employed by or within a cabaret shall, by means of dancing, acting or otherwise moving about, perform specified sexual activity, as defined in this ordinance, or allow any other person to do so.

(d) No person owning a cabaret, or his or her agent or employee, shall knowingly permit any exhibition or advertising, in connection with any establishment prohibited under this section, to be displayed in any manner which is visible from any public street or highway, which exhibition or advertising depicts, describes or relates to specified sexual activities or specified anatomical areas, as defined in this ordinance.

SECTION IV: Zoning Compliance.

No person shall operate an adult bookstore or cabaret, or place of live entertainment until he shall have complied with the requirements of the Zoning Ordinance, the provisions of this ordinance and other applicable ordinances of the Charter Township of Kinross.

SECTION V: Violations and Penalties.

Any person, member of a partnership, and/or officer and director of a corporation, violating any of the provisions of this section shall be guilty of a misdemeanor, and upon conviction thereof, shall be subject to a fine of not more than five hundred dollars (\$500.00) and be punished by imprisonment in the county jail for a period of not to exceed ninety (90) days for each offense.

SECTION VI: Severability.

Each section, subsection or provision thereof of this ordinance are declared to be separable and the holding of any section, subsection or provision thereof, to be invalid or unenforceable shall not affect the validity or enforceability of any other sections, subsections or provisions.

SECTION VII: Repeal

All ordinances or parts of ordinances in conflict herewith, are hereby repealed. Repeals 1.106.

SECTION VIII: Effective Date

This ordinance will become effective thirty (30) days after this date of publication.