

Kinross Charter Township Ordinance No. 1.115

PUBLIC ENTERTAINMENT ORDINANCE UPDATED 5/10/21

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

Section 1 Title

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

Section 2 Definitions

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

- a) **Adult Bookstore:** an establishment wherein more than twenty percent (20%) of its stock in trash 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:** a facility 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:** 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:** the presentation of acts which are presented live for the enjoyment of the audience.
- e) **Specified Anatomical Areas:**
 - 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:**
 - 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:** an individual or individuals, co-partnership, firm, corporation, society, club, association, or other business or private entity.

Section 3 Prohibition

- a) No person shall own, operate, or maintain, or permit to be owned, operated, or maintained an adult bookstore or adult theater as defined in this ordinance in the Township.
- 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 emphases on matters depicting, describing, or relating to specific sexual activities or specified anatomical areas herein defined.
- c) 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.
- d) 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.
- e) 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 4 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 5 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 of enforceability of any other sections, subsections, or provisions.

Section 6 Repeal

All ordinances or parts of ordinances in conflict herewith are hereby repealed.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

Section 7 Effective Date

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