

CHIKAMING TOWNSHIP
BERRIEN COUNTY, MICHIGAN

ORDINANCE NO. 81
Adopted: March 14, 1996

AN ORDINANCE TO PROTECT AND SECURE THE PUBLIC HEALTH, SAFETY AND GENERAL WELFARE BY THE REGULATION OF CERTAIN FORMS OF COMMERCIAL ENTERTAINMENT WITHIN THE TOWNSHIP OF CHIKAMING, BERRIEN 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 OF CHIKAMING, BERRIEN COUNTY, MICHIGAN ORDAINS:

Section 1: Title. This Ordinance shall be known and cited as the Chikaming Township Public Entertainment Ordinance.

Section 2: Purpose. The purpose of this Ordinance is to regulate public commercial entertainment involving dancing, monologues, pantomimes, and other personal type of body exhibitions, contortions or display, and establishments within the Township where such public commercial entertainment is presented, promoted, or permitted. This Ordinance shall not apply to public non-commercial entertainment nor public commercial entertainment providing same is presented at a public or private grade school, high school or school for the arts, or at a church.

Section 3: Regulations.

A. No person, firm or corporation shall permit in his/her or its establishment or shall engage in any form of commercial public entertainment by live performers within Chikaming Township involving any of the following:

1. Patently offensive displays, representations, or descriptions of ultimate sexual acts, normal or perverted, actual or simulated; or
2. Patently offensive displays, representations, or descriptions of masturbation, excretory functions, or genitalia; or
3. Public nudity as defined in Section 1 of Act 246 of the Public Acts of 1945, as amended.

B. Any establishment with Chikaming Township in which public commercial entertainment by live performers is permitted shall comply with the following regulations prior to the allowance or presentation of such entertainment:

1. No person under eighteen (18) years of age shall serve any liquor or entertain or work, either on a paid or voluntary basis, in that portion of the premises wherein liquor is being served or consumed.
2. If the establishment offers public entertainment wherein performers are required to change costumes or attire, the establishment shall provide and make use of separate dressing facilities set aside for separate use by male and female performers. The establishment shall not allow the use of restroom, public room, kitchens, or other similar areas for the changing of clothing by entertainers.
3. The area utilized for performances shall be separated from the area occupied by patrons and customers by either a raised stage, railing or other permanent divider-type construction.

4. No performer shall be allowed to dance, mingle, eat or drink with patrons or customers in the establishment during the period of their employment or between performances occurring in a 12-hour period in the establishment and the proprietor shall be responsible.

Section 4: License Requirement.

A. License Requirement. No public commercial entertainment by live performers shall be permitted until an annual license therefor has first been obtained from the Chikaming Township Clerk.

B. Applications. Applications for an entertainment license shall be made to the Township Clerk in writing, signed by the applicant if an individual, or by a duly authorized agent thereof if a partnership or corporation. The application shall be verified by oath or affidavit and shall contain the following statements and information.

1. The name, age, and address of the applicant in the case of an individual; or, in the case of a co-partnership, the persons entitled to share in the profits thereof; in the case of a corporation, the objects for which organized, the names and addresses of the officers and directors, and, if a majority interest in the stock of such corporation is owned by one person or his nominee, the name and address of such person.

2. The nature of the entertainment to be conducted on the subject premises.

3. The location and description of the premises upon which the public commercial entertainment is to be performed.

4. 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.

5. The application shall be accompanied by building and site 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.

C. Issuance of License. No entertainment license shall be issued:

1. 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.

2. For premises where it is determined by the Township Clerk (or, on appeal, by the Township Board) that the premises do not have adequate off-street parking, lighting, refuse disposal facilities, security arrangements for maintaining order, screening, and noise or nuisance control, or where a nuisance does or will exist.

3. Until the Township Building Inspector, Zoning Administrator and the Township Fire Department have inspected the subject premises and ascertained that all physical requirements have been complied with and the Township Police Department has made written recommendation to the Township Clerk regarding the adequacy of security arrangements on the premises for maintaining order and avoiding public disturbance.

D. License Fee. A license fee of \$100.00 shall accompany any application for an annual entertainment license to help defray the cost of administering this Ordinance. This fee shall be waived as to applicants

that have obtained an entertainment permit from the Michigan Liquor Control Commission.

E. If the Township Clerk 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 appeal this matter to the Township Board by filing a written request for such an appeal with the Township Clerk within ten (10) days from the date of personal service or of mailing of the notice of denial to the applicant. The applicant shall be entitled to at least seven (7) days prior notice in writing personally served or mailed to the applicant's last known address of the date, time, and place of the Township Board meeting at which the applicant's appeal will be considered. The applicant shall have an opportunity to present any evidence or argument in its behalf at such time. If the Township Board determines that the applicant's appeal should be denied, the reasons for this decision shall be put in writing and mailed to the applicant at its last known address within ten (10) days after the Township Board decision concerning the same.

F. Duration of License, Renewal. No license issued hereunder shall be issued for a longer period than one (1) year. All licenses issued hereunder shall expire on May 1 of each year. Successive licenses may be obtained upon application therefor, provided all regulations herein have been compiled with.

G. 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 therefor, 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 ten (10) days after the Township Board decision concerning the same.

Section 5. Severability. The provisions of this Ordinance are hereby declared to be severable and if any clause, sentence, word, section or provision is hereafter declared void or unenforceable for any reason by any court of competent jurisdiction, it shall not affect the remainder of such Ordinance which shall continue in full force and effect.

Section 6. Penalty. Any person, firm, or corporation who violates any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be subject to a fine of up to \$500.00 or imprisonment in the County Jail up to ninety (90) days or both such fine and imprisonment. Each day that a violation exists shall constitute a separate offense. The fines and penalties herein provided shall be in addition to any injunctive or other relief which might be available or appropriate under the circumstances.

Section 7. Repeal. All ordinances or parts of Ordinances in conflict herewith, are hereby repealed.

Section 8. Effective Date. This ordinance was adopted by the Township Board of the Township of Chikaming at a regular meeting held in the Township Hall on the 14th day of March, 1996, and ordered effective

on the 15th day of April, 1996, the same being more than thirty (30) days after its publication.

Jeanne S. Dudeck
Jeanne S. Dudeck, Clerk
Township of Chikaming

Attest:

Harold J. Gilmore
Harold J. Gilmore, Supervisor
Township of Chikaming

CERTIFICATION

I do hereby certify that the foregoing constitutes a true and complete copy of Ordinance No. 81, duly adopted by the Township Board of the Township of Chikaming, Berrien County, Michigan, at a regular meeting held on the 14th day of March, 1996. I further certify that Gibson moved the adoption of said ordinance and Dudeck supported said motion. The names and the members of the Township Board and their vote on the foregoing ordinance were as follows:

MEMBERS	AYES	NAYS	ABSTAIN	ABSENT
Zimmerman	<u>X</u>	<u> </u>	<u> </u>	<u> </u>
Gibson	<u>X</u>	<u> </u>	<u> </u>	<u> </u>
Simmons	<u>X</u>	<u> </u>	<u> </u>	<u> </u>
Dudeck	<u>X</u>	<u> </u>	<u> </u>	<u> </u>
Gilmore	<u>X</u>	<u> </u>	<u> </u>	<u> </u>

I further certify that the aforesaid ordinance was recorded in the Ordinance Book for the Township of Chikaming on the 22 day of March, 1996, and such recording has been authenticated by the signatures of the Supervisor and Township Clerk. I further certify that the foregoing ordinance was published in full in the Southcounty Gazette & Shopper, a newspaper circulated in the Township of Chikaming, Berrien County, Michigan, on the 18th day of March, 1996.

Dated: March 22, 1996

Jeanne S. Dudeck
Jeanne S. Dudeck, Clerk
Township of Chikaming