

TOWNSHIP OF THETFORD

Ordinance Number 85 2015-06-85

AN ORDINANCE TO PROVIDE FOR THE ANNUAL LICENSING OF BUSINESSES OFFERING ENTERTAINMENT TO THE GENERAL PUBLIC WITHIN THE TOWNSHIP AND TO CREATE A PROCEDURE FOR THE PROCUREMENT OF SUCH LICENSES; RELATING TO ITS DURATION, TO PROHIBIT ILLEGAL ENTERTAINMENT; TO RESTRICT THE TRANSFER OF THE LICENSE, AND TO PROVIDE FOR THE REVOCATION OF THE LICENSE FOR NONCOMPLIANCE WITH THIS ORDINANCE; TO EXEMPT POLITICAL, CHARITABLE OR RELIGIOUS ESTABLISHMENTS AND GOVERNMENTAL AGENCIES FROM THE OPERATION AND EFFECT OF THIS ORDINANCE; TO PROVIDE FOR THE ENFORCEMENT OF AND TO PROVIDE PENALTIES FOR THE VIOLATION THEREOF.

THE TOWNSHIP OF THETFORD ORDAINS:

SECTION I.

Title

This Ordinance shall be known and cited as the Thetford Township Entertainment Licensing Ordinance.

SECTION II.

Definitions

A. "Business Establishment" means a for-profit commercial establishment(s), including but not limited to establishment(s) licensed by the Michigan Liquor Control Commission for the sale of alcoholic beverages and establishments serving food for consumption on the premises.

B. "Entertainment" means:

- (1) Closed circuit television
- (2) Contests
- (3) Dancers
- (4) Dancing
- (5) Dialogues

- (6) Monologues
- (7) Motion pictures
- (8) Music provided by live musicians or by electronic means previously recorded
- (9) Still slides
- (10) Vocalists, single and/or group

C. "Licensing Agent" means the Township Clerk or such other Township official or employee as may be designated by resolution of the Township Board.

D. "Nudity" means the exposure to the public view of a person's

- (1) Anus
- (2) Genitals
- (3) Pubic region
- (4) Breasts and nipples

either by a person or persons present or by the showing of films, television, slides, or other electronic reproductions with less than a fully opaque complete covering.

E. "Person" means any individual, partnership, association or corporation.

F. "Public View" means visible to a person present within a business establishment into which establishment a person may enter without charge, by the payment of a fee or charge, or by maintaining a membership which entitles the member to enter the establishment.

G. "Township" means the Township of Thetford.

SECTION III.

Purpose

The purpose of this Ordinance is to protect the public morals of the residents of the Township, by regulating entertainment, by prohibiting certain types of entertainment, as to protect the public by establishing a registry of businesses offering entertainment within the Township for police protection purposes, fire protection purposes, for the general information of the public and for the promotion of the Township.

SECTION IV.

License Requirements

No person may commence or continue a business establishment offering entertainment, as herein defined, within the Township without having first obtained a Township license therefor as hereinafter provided and without maintaining such license in current effect during any business operation of activity.

SECTION V.

Procurement Procedure for License

No license to commence or continue a business shall be issued until the owner or operator thereof shall have first submitted an application to the licensing agent of the Township on a form provided by the licensing agent for the such purposes. A fee of \$50.00 shall accompany the application. Upon the filing of a properly completed application and upon payment of the fee, the licensing agent shall issue a license to the person to commence or continue the business designated in said application if the business complies with the terms of this Ordinance.

SECTION VI.

Conditions of License

A. The license issued under this Ordinance shall be effective until January 1st of the succeeding year with renewals of the same to be issued upon application in the same manner as set forth herein for the original issuance of the license.

B. The applicant or transferee must have been a bonafide resident of the State of Michigan for one year preceding the filing of the application, and a citizen of the United States.

C. No license shall be issued if:

(1) The business establishment would be illegal under any law or ordinance of the United States of America, the State of Michigan, County of Genesee of the Township.

(2) The business real estate or its goods, fixtures, equipment or inventory has any delinquent, unpaid real property taxes, personal property taxes, water bills, sewer connection fees or sewer bills outstanding.

(3) The business building is in violation of the Township Building Code.

D. No license may be transferred by the holder to any other person except upon prior approval of the Township Board.

E. The licensing agent shall have the right of inspection of the business premises to assure compliance with this Ordinance.

SECTION VII.

Exemptions

No license shall be required of any political, charitable or religious establishment situated within the Township. The provisions of this Ordinance are not applicable to any agent of the United States of America, the State of Michigan, or any political subdivision thereof.

SECTION VIII.

Prohibited Entertainments

Nudity entertainment is prohibited in the Township.

SECTION IX.

Enforcement

A. In the event of a violation of any provision of this Ordinance after a license has been issued, the license may be revoked by action of the Township Board following a public hearing.

B. The violation of this Ordinance is hereby declared to be a public nuisance per se and a court of competent jurisdiction shall order the nuisance abated.

SECTION X.

Penalty for Violation

Violation of the provisions of this Ordinance or failure to comply with any of its requirements shall constitute a misdemeanor. Any person who violates this Ordinance or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than Five Hundred (\$500.00) Dollars, or imprisoned for not more than Ninety (90) days, or both, and in addition shall pay all costs and expenses involved in the case.

- A. Each day such violation continues shall be considered a separate offense.
- B. The owner of any business establishment or other person who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided.
- C. Nothing herein contained shall prevent the Township from taking such other lawful action as is necessary to prevent or remedy any violation.

SECTION XI.

Severability

This Ordinance shall be deemed to be severable, and in the event that any work, phrase, sentence or paragraph thereof shall be declared unconstitutional or invalid, the same shall not effect any other portion of this Ordinance nor the validity of the Ordinance as a whole.

SECTION XII.

Effective Date

This Ordinance shall become effective upon the date of its publication following its final passage.

We hereby certify that the foregoing Ordinance was adopted on Second Reading by the Township Board of the Township of Thetford at its meeting on March 22, 1993.

First Reading:
March 8, 1993

Harold Brady
Harold Brady, Supervisor

Date of Publication:

Myra Hobson
Myra Hobson, Clerk

Second Reading:
March 22, 1993

Date of Publication:
March 31, 1993

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