

ORDINANCE NUMBER 4B

ADULT ENTERTAINMENT BUSINESS

Section 11.0 Adult Entertainment Business As Special Use

Because some uses are recognized as having a deleterious effect upon adjacent areas, causing blight, a chilling effect upon other businesses and occupants, and a disruption in neighborhood development, especially when concentrated in a confined area, it is considered necessary and in the best interest of the orderly and better development of the community to prohibit the overcrowding of such uses into a particular location and require, instead, their dispersal throughout the commercial zones of the Township to thereby minimize their adverse impact on any specific neighborhood.

In order to prevent undesirable concentration of such uses, the following uses and activities may be allowed as Special Uses in the commercial zones, provided that for each such use an application for a special use permit is submitted and approved in accordance with the procedures, provisions and standards of Article VII of this Ordinance and provided that each such use is not located within 1000 feet of two other such uses nor within 500 feet of any residentially zoned district as measured along a line forming the shortest distance between any portion of the respective properties of the existing and proposed following specified uses and activities and between such uses and the adjoining residentially zoned district:

- A. Adult Book Store
- B. Adult Motion Picture Theater
- C. Adult Mini Motion Picture Theater
- D. Adult Smoking or Sexual Paraphernalia Store
- E. Massage Parlor
- F. Host or Hostess Establishments offering socialization with a host or hostess for consideration
- G. Open Dance Hall
- H. Tavern or Cabaret providing live or projected entertainment where intoxicating liquors may or may not be sold for consumption on the premises. Projected entertainment shall not include standard television reception
- I. Sauna, hot tub or other similar health or body improvement or enjoyment enterprises
- J. Any combination of the foregoing

Section 11.1 Definitions

For the purpose of interpreting the application of the foregoing limitations on certain business locations, the following terms or designations shall have the following meanings:

- 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 “specified sexual activities” or “specified anatomical areas”, as hereinafter defined, or an establishment with a segment or section devoted to the sale or display of such material.
- B. **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.
- C. **Adult Mini Motion 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.
- D. **Adult Smoking or Sexual Paraphernalia Store:** An establishment having, as a substantial or significant portion of its stock in trade, paraphernalia designed or useable for sexual stimulation or arousal or for smoking, ingesting or inhaling marijuana, narcotics or other stimulating or hallucinogenic drug-related substances.
- E. **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 relaxation or enjoyment to the recipient.
- F. **Open Dance Hall:** An establishment where public dancing by patrons is available during at least four days per week with partners furnished by the establishment.
- G. **Host or Hostess Establishment:** Establishment or clubs offering socialization with a host or hostess for a consideration to the host or hostess or for an admission or membership fee.
- H. **Sauna, Hot Tub, or other similar health or body improvement enterprises:** An establishment where saunas, hot tubs, whirlpools, sun lamps and similar body relaxing, smoothing or

improving facilities are available for male and female customers with or without supervision or participation by employees or independent contractors of the business.

I. Specified Sexual Activities:

1. Acts of human masturbation, sexual intercourse, or sodomy.
2. Fondling or other erotic touching of human genitals, pubic regions, buttocks or female breasts.
3. Human genitals in a state of sexual stimulation or arousal.

J. Specified Anatomical areas:

1. Less than completely and opaquely covered human genitals, pubic regions, buttocks and female breasts below a point immediately above the top of the areola.
2. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

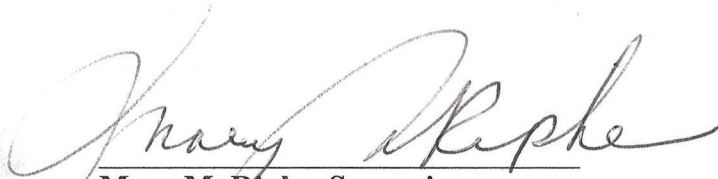
Section 11.2 Waiver of Spacing Requirements:

The Township Planning Commission and the Township Zoning Board may waive the foregoing spacing requirements if it finds the following conditions exist.

- A. The proposed use will not be contrary to the public interests or injurious to nearby properties in the proposed location and the spirit and intent of the purpose of the spacing regulations will be observed.
- B. The proposed use will not enhance or promote a deleterious effect upon adjacent areas through causing or encouraging blight, a chilling effect upon other businesses and occupants and a disruption in neighborhood development.
- C. The establishment of the additional regulated use in the area will not be contrary to any program of neighborhood conservation nor interface with any program of urban renewal.
- D. Where all other applicable regulations within the Township Zoning Ordinance or other pertinent Township Ordinance will be observed.

**ORDINANCE #4B
ADULT ENTERTAINMENT
BUSINESS**

**This ordinance shall take effect immediately after publication.
Adopted, approved, ordained and ordered published by the Backus
Township Board at a meeting held on the 3rd day of March A.D. 1997.**



Mary M. Ripke, Supervisor



Louise M. Nagy, Clerk

I, Louise M. Nagy, Clerk of the Township of Backus, Michigan, do hereby certify that the foregoing ordinance was published in the Houghton Lake Resorter, a newspaper circulated in the Township of Backus, on the 13th day of March A.D. 1997

How Voted:

Ripke, yes; Nagy, yes; Rase, yes; Enos, absent; Londry, yes