

Chapter 18

LICENSES, PERMITS AND MISCELLANEOUS BUSINESS REGULATIONS*

* **Cross References:** Utilities, ch. 42; B-1 retail business district, § 46-256; B-2 retail and service business district, § 46-257; B-3 auto-oriented business district, § 46-258; B-4 commercial recreation business district, § 46-259; I-1 limited industrial district, § 46-260; I-2 general industrial district, § 46-261; signs in business districts, § 46-428.

State Law References: Authority to regulate businesses, MCL 42.17.

Article I. In General

Secs. 18-1--18-10. Reserved.

Article II. Sexually Oriented Businesses

Division 1. Generally

Sec. 18-11. Definitions.
Sec. 18-12. Purpose of article.
Sec. 18-13. Exemptions.
Sec. 18-14. Classification.
Sec. 18-15. Inspection.
Sec. 18-16. Location.
Sec. 18-17. Adult motels.
Sec. 18-18. Exhibition of sexually explicit films, videos or live entertainment in viewing rooms.
Sec. 18-19. Escort agencies.
Sec. 18-20. Nude model studios.
Sec. 18-21. Public nudity.
Sec. 18-22. Prohibition against children.
Sec. 18-23. Hours of operation.
Secs. 18-24--18-30. Reserved.

Division 2. License

Sec. 18-31. Required.
Sec. 18-32. Application.
Sec. 18-33. Issuance.
Sec. 18-34. Fees.
Sec. 18-35. Expiration.
Sec. 18-36. Transfer.
Sec. 18-37. Suspension.
Sec. 18-38. Revocation.
Secs. 18-39--18-45. Reserved.

Article III. Hawkers, Peddlers, Solicitors, Carnivals, Circuses, Fairs, Freak Shows and Tent Shows

Division 1. Generally

Secs. 18-46--18-50. Reserved.

Division 2. License

Sec. 18-51. License required for hawkers, peddlers and persons taking orders for goods.
Sec. 18-52. Bond for persons taking orders for goods.
Sec. 18-53. License required for carnivals and other shows.
Sec. 18-54. License required for itinerant photographers and magazine salesmen.
Sec. 18-55. License required for persons or organizations soliciting funds.
Sec. 18-56. Application.
Sec. 18-57. Fees.

Sec. 18-58. Issuance.

Sec. 18-59. Health permit for persons peddling food; exemption for persons selling own produce.

Sec. 18-60. Transfer.

Sec. 18-61. Possession and exhibition.

Sec. 18-62. Suspension or revocation.

Sec. 18-63. Authority of township board.

ARTICLE I.

IN GENERAL

Secs. 18-1--18-10. Reserved.

ARTICLE II.

SEXUALLY ORIENTED BUSINESSES

DIVISION 1.

GENERALLY

Sec. 18-11. Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Adult arcade means any place to which the public is permitted or invited wherein coin-operated, slug-operated, or for any form of consideration, electronically, electrically, or mechanically controlled still or motion picture machines, projectors, video or laser disc players, or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of specified sexual activities or specified anatomical areas.

Adult bookstore, adult novelty store and adult video store mean a commercial establishment having ten percent or more of all usable interior, retail, wholesale, or warehouse space devoted to the distribution, display, or storage of books, magazines, and other periodicals and/or photographs, drawings, slides, films, videotapes, recording tapes, and/or novelty items which are distinguished or characterized by their emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas (as defined in this section), or an establishment with a segment or section devoted to the sale or display of such material. Such establishment or the segment or section devoted to the sale or display of such material in an establishment is customarily not open to the public generally, but only to one or more classes of the public, excluding any minor by reason of age.

Adult cabaret means an establishment which features any of the following: topless dancers and/or bottomless dancers, go-go dancers, strippers, male and/or female impersonators or similar entertainers, or topless and/or bottomless waitpersons or employees.

Adult motel means a hotel, motel or similar commercial establishment which:

- (1) Offers accommodations to the public for any form of consideration; provides patrons with closed-circuit television transmissions, films, motion pictures, videocassettes, slides or other photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical areas; and has a sign visible from the public right-of-way which advertises the availability of this adult type of photographic reproductions;
- (2) Offers a sleeping room for rent for a period of time that is less than ten hours; or
- (3) Allows a tenant or occupant of a sleeping room to subrent the room for a period of time that is less than ten hours.

Adult motion picture theater and *adult live stage performing theater* mean an enclosed building 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 defined in this section) for observation by patrons therein. Such establishment is customarily not open to the public generally, but only to one or more classes of the public, excluding any minor by reason of age.

Employee means a person who performs any service on the premises of a sexually oriented business on a full-time, part-time or contract basis, whether or not the person is denominated an employee, independent contractor, agent or otherwise and whether or not such person is paid a salary, wage or other compensation by the operator of such business. The term employee does not include a person exclusively on the premises for repair or maintenance of the premises or equipment on the premises, or for the delivery of goods to the premises.

Escort means a person who, for consideration, agrees or offers to act as a companion, guide, or date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.

Escort agency means a person or business association who furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes for a fee, tip, or other consideration.

Establishment means and includes any of the following:

- (1) The opening or commencement of any sexually oriented business as a new business;
- (2) The conversion of an existing business, whether or not a sexually oriented business, to any sexually oriented business;
- (3) The additions of any sexually oriented business to any other existing sexually oriented business; or
- (4) The relocation of any sexually oriented business.

License means a person in whose name a license to operate a sexually oriented business has been issued, as well as the individual listed as an applicant on the application for a license; and in the case of an employee, a

person in whose name a license has been issued authorizing employment in a sexually oriented business.

Nude model studio means any place where a person who appears seminude, in a state of nudity, or who displays specified anatomical areas and is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration. The term "nude model studio" shall not include a proprietary school licensed by the state or a college, junior college or university supported entirely or in part by public taxation; a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation; or in a structure:

- (1) That has no sign visible from the exterior of the structure and no other advertising that indicates a nude or seminude person is available for viewing;
- (2) Where in order to participate in a class, a student must enroll at least three days in advance of the class; and
- (3) Where no more than one nude or seminude model is on the premises at any one time.

Nudity and state of nudity mean the showing of the human male or female genitals, pubic area, vulva, anus, anal cleft or cleavage, with less than a fully opaque covering, the showing of the female breast with less than a fully opaque covering of any part of the nipple, or the showing of the covered male genitals in a discernibly turgid state. The terms "nudity and state of nudity" do not include the following:

- (1) A woman's breast-feeding of a baby whether or not the nipple or areola is exposed during or incidental to the feeding.
- (2) Material as defined in section 2 of Public Act No. 343 of 1984 (MCL 752.362).
- (3) Sexually explicit visual material as defined in section 3 of Public Act # No. 33 of 1978 (MCL 722.673).

Person means an individual, proprietorship, partnership, corporation, association, or other legal entity.

Seminude and seminude condition mean the showing of the female breast below a horizontal line across the top of the areola at its highest point or the showing of the male or female buttocks. This definition shall include the entire lower portion of the human female breast, but shall not include any portion of the cleavage of the human female breast, exhibited by a dress, blouse, skirt, leotard, bathing suit, or other wearing apparel provided the areola is not exposed in whole or in part. The terms "seminude" and "seminude condition" do not include the following:

- (1) A woman's breast-feeding of a baby whether or not the nipple or areola is exposed during or incidental to the feeding.
- (2) Material as defined in section 2 of Public Act No. 343 of 1984 (MCL 752.362).
- (3) Sexually explicit visual material as defined in section 3 of Public Act No. of 1978 (MCL

722.673).

Sexual encounter center means a business or commercial enterprise that, as one of its principal business purposes, offers for any form of consideration:

- (1) Physical contact in the form of wrestling or tumbling between persons of the opposite sex; or
- (2) Activities between male and female persons and/or persons of the same sex when one or more of the persons is in a state of nudity or seminude.

Sexually oriented business means an adult arcade, adult bookstore, adult novelty store, adult video store, adult cabaret, adult motel, and adult motion picture theater or adult live stage performing theater, escort agency, nude model studio, or sexual encounter center.

Specified anatomical areas means portions of the human body defined as follows:

- (1) Less than completely and opaquely covered human genitals, pubic region, buttocks, 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.

Specified criminal activity means any of the following offenses:

- (1) Prostitution or promotion of prostitution; dissemination of obscenity; sale, distribution or display of harmful material to a minor; sexual performance by a child; possession or distribution of child pornography; public lewdness; indecent exposure; indecency with a child; engaging in organized criminal activity; sexual assault, molestation of a child; gambling; or distribution of a controlled substance; or any similar offenses to those described in this subsection under the criminal or penal code of other states or countries;
- (2) For which less than:
 - a. Two years have elapsed since the date of conviction or the date of release from confinement imposed for the conviction, whichever is the later date, if the conviction is of a misdemeanor offense;
 - b. Five years have elapsed since the date of conviction or the date of release from confinement for the conviction, whichever is the later date, if the conviction is of a felony offense; or
 - c. Five years have elapsed since the date of the last conviction or the date of release from confinement for the conviction, whichever is the later date, if the convictions are of two or more misdemeanors or combination of misdemeanor offenses occurring within any 24-month period.
- (3) The fact that a conviction is being appealed shall have no effect on the disqualification of the

applicant or a person residing with the applicant.

Specified sexual activities means the explicit display of one or more of the following:

- (1) Human genitals in a state of sexual stimulation or arousal.
- (2) Acts of human masturbation, sexual intercourse, or sodomy.
- (3) Fondling or other erotic touching of human genitals, pubic region, buttocks, or female breast.

Substantial enlargement (of a sexually oriented business) means the increase in floor areas occupied by the business by more than 25 percent, as the floor areas exist on the date the ordinance from which this division is derived takes effect.

Transfer of ownership or control (of a sexually oriented business) means and includes any of the following:

- (1) The sale, lease, or sublease of the business;
- (2) The transfer of securities which constitute a controlling interest in the business, whether by sale, exchange, or similar means; or
- (3) The establishment of a trust, gift, or other similar legal device which transfers the ownership or control of the business, except for transfer by bequest or other operation of law upon the death of the person possessing the ownership or control.

(Ord. No. 49, § 2, 10-28-2002)

Cross References: Definitions generally, § 1-2.

Sec. 18-12. Purpose of article.

The purpose of this article is to regulate sexually oriented businesses in order to promote the health, safety, morals, and general welfare of the citizens of the township, and to establish reasonable and uniform regulations to prevent the deleterious location and concentration of sexually oriented businesses within the township. The provisions of this article have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials. Similarly, it is not the intent nor effect of this article to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent nor effect of this article to condone or legitimize the distribution of obscene material.

(Ord. No. 49, § 1, 10-28-2002)

Sec. 18-13. Exemptions.

It is a defense to prosecution under section 18-21 that a person appearing in a state of nudity did so in a modeling class operated:

- (1) By a proprietary school licensed by the state or a college, junior college, or university supported

entirely or partly by taxation;

- (2) By a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation; or
- (3) In a structure:
 - a. Which has no sign visible from the exterior of the structure and no other advertising that indicates a nude person is available for viewing;
 - b. Where, in order to participate in a class a student must enroll at least three days in advance of the class; and
 - c. Where no more than one nude model is on the premises at any one time.

(Ord. No. 49, § 20, 10-28-2002)

Sec. 18-14. Classification.

Sexually oriented businesses are classified as follows:

- (1) Adult arcades;
- (2) Adult bookstores, adult novelty stores, or adult video stores;
- (3) Adult cabarets;
- (4) Adult motels;
- (5) Adult motion picture theaters or adult live stage performing theaters;
- (6) Escort agencies;
- (7) Nude model studios; and
- (8) Sexual encounter centers.

(Ord. No. 49, § 3, 10-28-2002)

Sec. 18-15. Inspection.

(a) An applicant or licensee shall permit representatives of the police department, health department, fire department, zoning department, or other township departments or agents to inspect the premises of a sexually oriented business for the purpose of ensuring compliance with the law, at any time occupied or open for business.

- (b) A person who operates a sexually oriented business or his agent or employee commits a

misdemeanor if he refuses to permit such lawful inspection of the premises at any time it is open for business.
(Ord. No. 49, § 7, 10-28-2002)

Sec. 18-16. Location.

(a) It shall be unlawful for any person to operate or cause to be operated a sexually oriented business within 1,000 feet of:

- (1) A church, synagogue, mosque, temple or building which is used primarily for religious worship and related religious activities;
- (2) A public or private educational facility including but not limited to child day care facilities, nursery schools, preschools, kindergartens, elementary schools, private schools, intermediate schools, junior high schools, middle schools, high schools, vocational schools, secondary schools, continuation schools, special education schools, junior colleges, and universities; school includes the school grounds, but does not including facilities used primarily for another purpose and only incidentally as a school;
- (3) A boundary of a residential district as defined in chapter 46, which pertains to zoning, and the zoning map;
- (4) A public park or recreational area which has been designated for park or recreational activities including but not limited to a park, playground, nature trails, swimming pool, reservoir, athletic field, basketball or tennis courts, pedestrian/bicycle paths, wilderness areas, or other similar public land within the township which is under the control, operation, or management of the township park and recreation authorities;
- (5) The property line of a lot devoted to a residential use as defined in chapter 46;
- (6) An entertainment business which is oriented primarily towards children or family entertainment; or
- (7) A licensed premises, licensed pursuant to the alcoholic beverage control regulations of the state.

(b) It shall be unlawful for any person to cause or permit the operation, the substantial enlargement, or transfer of ownership or control of a sexually oriented business within 1,000 feet of another sexually oriented business.

(c) It shall be unlawful for any person to cause or permit the operation, establishment, or maintenance of more than one sexually oriented business in the same building, structure, or portion thereof, or the increase of floor area of any sexually oriented business in any building, structure, or portion thereof containing another sexually oriented business.

(d) For the purpose of subsection (a) of this section, measurement shall be made in a straight line, without regard to the intervening structures or objects, from the nearest portion of the building or structure used as the part of the premises where a sexually oriented business is conducted, to the nearest property line of the

premises of a use listed in subsection (a) of this section. Presence of a municipal, county or other political subdivision boundary shall be irrelevant for purposes of calculating and applying the distance requirements of this section.

(e) For purposes of subsection (b) of this section, the distance between any two sexually oriented businesses shall be measured in a straight line, without regard to the intervening structures or objects or political boundaries, from the closest exterior wall of the structure in which each business is located.
(Ord. No. 49, § 12, 10-28-2002)

Sec. 18-17. Adult motels.

(a) Evidence that a sleeping room in a hotel, motel, or a similar commercial establishment has been rented and vacated two or more times in a period of time that is less than ten hours creates a rebuttal presumption that the establishment is an adult motel as that term is defined in section 18-11.

(b) A person commits a misdemeanor if, as the person in control of a sleeping room in a hotel, motel, or similar commercial establishment that does not have a sexually oriented license, he rents or subrents a sleeping room to a person and, within ten hours from the time the room is rented, he rents or subrents the same sleeping room again.

(c) For purposes of subsection (b) of this section, the terms "rent" or "subrent" mean the act of permitting a room to be occupied for any form of consideration.
(Ord. No. 49, § 13, 10-28-2002)

Sec. 18-18. Exhibition of sexually explicit films, videos or live entertainment in viewing rooms.

(a) A person who operates or causes to be operated a sexually oriented business, other than an adult motel, which exhibits on the premises in a viewing room of less than 150 square feet of floor space, a film, video cassette, live entertainment, or other video reproduction which depict specified sexual activities or specified anatomical areas, shall comply with the following requirements:

- (1) Upon application for a sexually oriented license, the application shall be accompanied by a diagram of the premises showing a plan thereof specifying the location of one or more manager's stations and the location of all overhead lighting fixtures and designating any portion of the premises in which patrons will not be permitted. A manager's station may not exceed 32 square feet of floor area. The diagram shall also designate the place at which the permit will be conspicuously posted, if granted. A professionally prepared diagram in the nature of an engineer's or architect's blueprint shall not be required; however, each diagram should be oriented to the north or to some designated street or object and should be drawn to a designated scale or with marked dimensions sufficient to show the various internal dimensions of all areas of the interior of the premises to an accuracy of plus or minus six inches. The township may waive the foregoing diagram for renewal applications if the applicant adopts a diagram that was previously submitted and certifies that the configuration of the premises has not been altered since it was prepared.
- (2) The application shall be sworn to be true and correct by the applicant.

- (3) No alteration in the configuration or location of a manager's station may be made without the prior approval of the township.
- (4) It is the duty of the licensee of the premises to ensure that at least one licensed employee is on duty and situated in each manager's station at all times that any patron is present inside the premises.
- (5) The interior of the premises shall be configured in such a manner that there is an unobstructed view from a manager's station of every area of the premises to which any patron is permitted access for any purpose, excluding restrooms. Restrooms may not contain video reproduction equipment. If the premises has two or more manager's stations designated, then the interior of the premises shall be configured in such a manner that there is an unobstructed view of each area of the premises to which any patron is permitted access for any purpose from at least one of the manager's stations. The view required in this subsection must be by direct line of sight from the manager's station.
- (6) It shall be the duty of the licensee to ensure that the view area specified in subsection (5) of this subsection remains unobstructed by any doors, curtains, partitions, walls, merchandise, display racks or other materials and, at all times, to ensure that no patron is permitted access to any area of the premises which has been designated as an area in which patrons will not be permitted in the application filed pursuant to subsection (1) of this section.
- (7) No viewing room may be occupied by more than one person at any time.
- (8) The premises shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access at an illumination of not less than five footcandles as measured at the floor level.
- (9) It shall be the duty of the licensee to ensure that the illumination described in subsection (8) of this subsection maintained at all times that any patron is present in the premises.
- (10) No licensee shall allow openings of any kind to exist between viewing rooms or booths.
- (11) No person shall make or attempt to make an opening of any kind between viewing booths or rooms.
- (12) The licensee shall, during each business day, regularly inspect the walls between the viewing booths to determine if any openings or holes exist.
- (13) The licensee shall cause all floor coverings in viewing booths to be nonporous, easily cleanable surfaces, with no rugs or carpeting.
- (14) The licensee shall cause all wall surfaces and ceiling surfaces in viewing booths to be constructed of, or permanently covered by, nonporous, easily cleanable material. No wood, plywood, composition board or other porous material shall be used within 48 inches of the floor.

(b) A person having a duty under this section, commits a misdemeanor if he knowingly fails to fulfill that duty.

(Ord. No. 49, § 14, 10-28-2002)

Sec. 18-19. Escort agencies.

(a) An escort agency shall not employ any person under the age of 18 years.

(b) A person commits an offense if the person acts as an escort or agrees to act as an escort for any person under the age of 18 years.

(Ord. No. 49, § 15, 10-28-2002)

Sec. 18-20. Nude model studios.

(a) A nude model studio shall not employ any person under the age of 18 years.

(b) It shall be unlawful for any person under the age of 18 years to appear seminude or in a state of nudity in or on the premises of a nude model studio. It is a defense to prosecution under this subsection if the person under 18 years was in a restroom not open to public view or visible to any other person.

(c) It shall be unlawful for any person to appear in a state of nudity, or to knowingly allow another to appear in a state of nudity in an area of a nude model studio premises which can be viewed from the public right-of-way.

(d) A nude model studio shall not place or permit a bed, sofa, or mattress in any room on the premises, except that a sofa may be placed in a reception room open to the public.

(Ord. No. 49, § 16, 10-28-2002)

Sec. 18-21. Public nudity.

(a) It shall be a misdemeanor for a person who knowingly and intentionally, in a sexually oriented business, appears in a state of nudity or depicts specified sexual activities.

(b) It shall be a misdemeanor for a person who knowingly or intentionally in a sexually oriented business appears in a seminude condition unless the person is an employee who, while seminude, shall be at least ten feet from any patron or customer and on a stage at least two feet from the floor.

(c) It shall be a misdemeanor for an employee, while seminude in a sexually oriented business, to solicit any pay or gratuity from any patron or customer or for any patron or customer to pay or give any gratuity to any employee, while such employee is seminude in a sexually oriented business.

(d) It shall be a misdemeanor for an employee, while seminude, to touch a customer or the clothing of a customer.

(Ord. No. 49, § 17, 10-28-2002)

Sec. 18-22. Prohibition against children.

It shall be unlawful for any person to knowingly allow a person under the age of 18 years on the premises of a sexually oriented business.

(Ord. No. 49, § 18, 10-28-2002)

Sec. 18-23. Hours of operation.

No sexually oriented business, except for an adult motel, may remain open at any time between the hours of 1:00 a.m. and 8:00 a.m. on weekdays and Saturdays, and 1:00 a.m. and 12:00 noon on Sundays.

(Ord. No. 49, § 19, 10-28-2002)

Secs. 18-24--18-30. Reserved.

DIVISION 2.

LICENSE

Sec. 18-31. Required.

It is unlawful for any person:

- (1) To operate a sexually oriented business without a valid sexually oriented business license issued by the township pursuant to this division.
- (2) Who operates a sexually oriented business to employ a person to work for the sexually oriented business who is not licensed as a sexually oriented business employee by the township pursuant to this division.
- (3) To obtain employment with a sexually oriented business without having secured a sexually oriented business employee license pursuant to this division.

(Ord. No. 49, § 4(A), 10-28-2002)

Sec. 18-32. Application.

- (a) An application for a license must be made on a form provided by the township.

(b) All applicants must be qualified according to the provisions of this division. The application may request and the applicant shall provide such information (including fingerprints) as to enable the township to determine whether the applicant meets the qualifications established in this section.

(c) If a person who wishes to operate a sexually oriented business is an individual, the person must sign the application for a license as the applicant. If a person who wishes to operate a sexually oriented business is other than an individual, each individual who has a 20 percent or greater interest in the business must sign the application for a license as the applicant. Each applicant must be qualified under the following subsection and each applicant shall be considered a licensee if a license is granted.

(d) The completed application for a sexually oriented business license shall contain the following information and shall be accompanied by the following documents:

- (1) If the applicant is:
 - a. An individual, the individual shall state his legal name and any aliases and submit proof that he is 18 years of age;
 - b. A partnership, the partnership shall state its complete name and the names of all partners, whether the partnership is general or limited, and furnish a copy of the partnership agreement, if any;
 - c. A corporation, the corporation shall state its complete name, the date of its incorporation, evidence that the corporation is in good standing under the laws of its state of incorporation, the names and capacity of all officers, directors and principal stockholders, and the name of the registered corporate agent and the address of the registered office for service of process.
- (2) If the applicant intends to operate the sexually oriented business under a name other than that of the applicant; he must state the sexually oriented business's fictitious name and submit the required registration documents.
- (3) Whether the applicant, or a person residing with the applicant, has been convicted of a specific criminal activity as defined in section 18-11 and, if so, the specified criminal activity involved, the date, place and jurisdiction of each.
- (4) Whether the applicant, or a person residing with the applicant, has had a previous license under this division or other similar sexually oriented business ordinances from another municipality or county denied, suspended or revoked, including the name and location of the sexually oriented business for which the permit was denied, suspended or revoked, as well as the date of the denial, suspension or revocation, and whether the applicant or a person residing with the applicant has been a partner in a partnership or an officer, director or principal stockholder of a corporation that is licensed under this division whose license has previously been denied, suspended or revoked, including the name and location of the sexually oriented business for which the permit was denied, suspended or revoked as well as the date of denial, suspension or revocation.
- (5) Whether the applicant or a person residing with the applicant holds any other licenses under this division or other similar sexually oriented business ordinance from another municipality or county and, if so, the names and locations of such other licensed businesses.
- (6) The single classification of license for which the applicant is filing.
- (7) The location of the proposed sexually oriented business, including a legal description of the property, street address, and telephone numbers, if any.

- (8) The applicant's mailing address and residential address.
- (9) A recent photograph of the applicant.
- (10) The applicant's driver's license number, social security number, and/or his state or federally issued tax identification number.
- (11) A sketch or diagram showing the configuration of the premises, including a statement of total floor space occupied by the business. The sketch or diagram need not be professionally prepared, but it must be drawn to a designated scale or drawn with marked dimensions of the interior of the premises to an accuracy of plus or minus six inches.
- (12) A current certificate and straight-line drawing prepared within 30 days prior to application by a registered land surveyor depicting the property lines and the structures containing any existing sexually oriented businesses within 1,000 feet of the property to be certified; the property lines of any established religious institution, synagogue, school, or public park or recreation area within 1,000 feet of the property to be certified. For purposes of this subsection, a use shall be considered existing or established if it is in existence at the time an application is submitted.
- (13) If an applicant wishes to operate a sexually oriented business, other than an adult motel, which shall exhibit on the premises, in a viewing room or booth of less than 150 square feet of floor space, films, videocassettes, other video reproductions, or live entertainment which depict specified sexual activities or specified anatomical areas, then the applicant shall comply with the application requirements set forth in section 18-18.

(e) Before any applicant may be issued a sexually oriented business employee license, the applicant shall submit on a form to be provided by the township the following information:

- (1) The applicant's name or any other name (including "stage" names) or aliases used by the individual;
- (2) Age, date, and place of birth;
- (3) Height, weight, hair and eye color;
- (4) Present residence address and telephone number;
- (5) Present business and address and telephone number;
- (6) Date, issuing state and number of driver's permit or other identification card information;
- (7) Social security number; and
- (8) Proof that the individual is at least 18 years of age.

(f) Attached to the application form for a sexually oriented business employee license as provided in subsection (e) of this section, shall be the following:

- (1) A color photograph of the applicant clearly showing the applicant's face, and the applicant's fingerprints on a form provided by the police department. Any fees for the photographs and fingerprints shall be paid by the applicant.
- (2) A statement detailing the license history of the applicant for the five years immediately preceding the date of the filing of the application, including whether such applicant previously operated or is seeking to operate, in this or any other municipality, county or state has ever had a license, permit, or authorization to do business denied, revoked, or suspended, or had any professional or vocational license or permit denied, revoked, or suspended. In the event of any such denial, revocation, or suspension, state the name, the name of the issuing or denying jurisdiction, and describe in full the reason for the denial, revocation or suspension. A copy of any order of denial, revocation, or suspension shall be attached to the application.
- (3) A statement whether the applicant has been convicted of a specified criminal activity as defined in section 18-11, and if so, the specified criminal activity involved, the date, place and jurisdiction of each.

(Ord. No. 49, § 4(B), 10-28-2002)

Sec. 18-33. Issuance.

(a) Upon the filing of such application for a sexually oriented business employee license, the township shall issue a temporary license to such applicant. The application shall then be referred to the appropriate township departments for an investigation to be made on such information as is contained on the application. The application process shall be completed within 45 days from the date the completed application is filed. After the investigation, the township shall issue a license, unless it is determined by a preponderance of the evidence that one or more of the following findings is true:

- (1) The applicant has failed to provide information reasonably necessary for issuance of the license or has falsely answered a question or request for information on the application form;
- (2) The applicant is under the age of 18 years;
- (3) The applicant has been convicted of a specified criminal activity as defined in section 18-11;
- (4) The sexually oriented business employee license is to be used for employment in a business prohibited by local or state law, statute, rule or regulation, or prohibited by a particular provision of this article.
- (5) The applicant has had a sexually oriented business employee license revoked by the township within two years of the date of the current application. If the sexually oriented business employee license is denied, the temporary license previously issued is immediately deemed null and void. Denial, suspension, or revocation of a license issued pursuant to this subsection shall be subject to appeal as set forth in section 18-38.

(b) A license granted pursuant to this section shall be subject to annual renewal upon the written application of the applicant and a finding by the township that the applicant has not been convicted of any specified criminal activity as defined in section 18-11 or committed any act during the existence of the previous license, which would be grounds to deny the initial license application. The renewal of the license shall be subject to the payment of the fee as set forth in section 18-34.

(c) Within 45 days after receipt of a completed sexually oriented business application, the township shall approve or deny the issuance of a license to an applicant. The township shall approve the issuance of a license to an applicant unless it is determined by a preponderance of the evidence that one or more of the following findings is true:

- (1) An applicant is under 18 years of age.
- (2) An applicant or a person with whom the applicant is residing is overdue in payment to the township of taxes, fees, fines, or penalties assessed against or imposed upon him in relation to any business.
- (3) An applicant has failed to provide information reasonably necessary for issuance of the license or has falsely answered a question or request for information on the application form.
- (4) An applicant or a person with whom the applicant is residing has been denied a license by the township to operate a sexually oriented business within the preceding 12 months or whose license to operate a sexually oriented business has been revoked within the preceding 12 months.
- (5) An applicant or a person with whom the applicant is residing has been convicted of a specified criminal activity as defined in section 18-11.
- (6) The premises to be used for the sexually oriented business have not been approved by the health department, fire department, and the building official as being in compliance with applicable laws and ordinances.
- (7) The license fee required by this division has not been paid.
- (8) An applicant of the proposed establishment is in violation of or is not in compliance with any of the provisions of this article.

(d) The license, if granted, shall state on its face the name of the person or persons to whom it is granted, the expiration date, the address of the sexually oriented business and the classification for which the license is issued pursuant to section 18-14. All licenses shall be posted in a conspicuous place at or near the entrance to the sexually oriented business so that they may be easily read at any time.

(e) The health department, fire department, and the building official shall complete their certification that the premises is in compliance or not in compliance within 45 days of receipt of the application by the township.

(f) A sexually oriented business license shall be issued for only one classification as found in section 18-14.
(Ord. No. 49, § 5, 10-28-2002)

Sec. 18-34. Fees.

(a) Every application for a sexually oriented business license (whether for a new license or for renewal of an existing license) shall be accompanied by a nonrefundable application and investigation fee. The fee shall be set by resolution of the township board of trustees.

(b) In addition to the application and investigation fee required in subsection (a) of this section, every sexually oriented business that is granted a license (new or renewal) shall pay to the township an annual nonrefundable license fee within 30 days of license issuance or renewal. The license fee shall be set by resolution of the township board of trustees.

(c) Every application for a sexually oriented business employee license (whether for a new license or for renewal of an existing license) shall be accompanied by an annual nonrefundable application, investigation, and license fee; the amount of such fee shall be established by resolution of the township board of trustees.

(d) All license applications and fees shall be submitted to the township clerk.
(Ord. No. 49, § 6, 10-28-2002)

Sec. 18-35. Expiration.

(a) Each license shall expire one year from the date of issuance and may be renewed only by making application as provided in section 18-32. Application for renewal shall be made at least 30 days before the expiration date, and when made less than 30 days before the expiration date, the expiration of the license will not be affected.

(b) When the township denies renewal of a license, the applicant shall not be issued a license for one year from the date of denial. If, subsequent to denial, the township finds that the basis for denial of the renewal license has been corrected or abated, the applicant may be granted a license if at least 90 days have elapsed since the date denial became final.

(Ord. No. 49, § 8, 10-28-2002)

Sec. 18-36. Transfer.

A licensee shall not transfer his license to another, nor shall a licensee operate a sexually oriented business under the authority of a license at any place other than the address designated in the application.
(Ord. No. 49, § 11, 10-28-2002)

Sec. 18-37. Suspension.

The township shall suspend a license for a period not to exceed 30 days if it determines that a licensee or an employee of a licensee has:

(1) Violated or is not in compliance with any section of this article.

(2) Refused to allow an inspection of the sexually oriented business premises as authorized by this article.

(Ord. No. 49, § 9, 10-28-2002)

Sec. 18-38. Revocation.

(a) The township shall revoke a license if a cause of suspension in section 18-37 occurs and the license has been previously suspended within the preceding 12 months.

(b) The township shall revoke a license if it determines that a licensee:

(1) Gave false or misleading information in the material submitted during the application process;

(2) Has knowingly allowed possession, use, or sale of controlled substances on the premises;

(3) Has knowingly allowed prostitution on the premises;

(4) Knowingly operated the sexually oriented business during a period of time when the licensee's license was suspended;

(5) Except in the case of an adult motel, allowed any act of sexual intercourse, sodomy, oral copulation, masturbation, or other sex act to occur in or on the licensed premises; or

(6) Is delinquent in payment to the township, county, or state for any taxes or fees past due.

(c) When the township revokes a license, the revocation shall continue for one year, and the licensee shall not be issued a sexually oriented business license for one year from the date the revocation became effective. If, subsequent to revocation, the township finds that the basis for the revocation has been corrected or abated, the applicant may be granted a license if at least 90 days have elapsed since the date the revocation became effective.

(d) After denial of an application, or denial of a renewal of an application, or suspension or revocation of any license, the applicant or licensee may seek prompt judicial review of such administrative action in any court of competent jurisdiction. The administrative action shall be promptly reviewed by the court. (Ord. No. 49, § 10, 10-28-2002)

Secs. 18-39--18-45. Reserved.

ARTICLE III.

HAWKERS, PEDDLERS, SOLICITORS, CARNIVALS, CIRCUSES, FAIRS, FREAK SHOWS AND TENT SHOWS*

* **Cross References:** Streets, sidewalks and other public places, ch. 30.

DIVISION 1.

GENERALLY

Secs. 18-46--18-50. Reserved.

DIVISION 2.

LICENSE

Sec. 18-51. License required for hawkers, peddlers and persons taking orders for goods.

No person shall peddle or hawk any goods, wares, merchandise, services, or other things of value within the township, or sell or offer to sell any goods, wares, merchandise, services, or other things of value, on any public street, sidewalk, alley or other public place, or from house to house, without first obtaining a license from the township, nor shall any person go from house to house soliciting or taking orders for goods, wares, merchandise, or other articles or things of value to be delivered at some subsequent date without first obtaining a license from the township.

(Ord. No. 30, § 2.01)

Sec. 18-52. Bond for persons taking orders for goods.

No person soliciting or taking orders for goods, wares, merchandise, services or other articles or things of value to be delivered at some future date shall ask or receive any deposit or any payment or part payment of money in advance of the delivery of such goods unless such person shall have first deposited with the township clerk a cash bond in the amount of \$500.00 or a surety bond in like amount with good and sufficient sureties to be approved by the clerk, conditioned to indemnify and save harmless any person dealing with any such solicitor against any damage or loss which he may suffer by reason of the failure of any such merchandise to be delivered or by reason of any false or fraudulent representation which such solicitor may have made with respect to such merchandise. No license shall be issued to any such solicitor until the bond required by this section shall have been deposited with and approved by the township clerk.

(Ord. No. 30, § 2.02)

Sec. 18-53. License required for carnivals and other shows.

No person shall promote, conduct, operate or maintain any carnival, circus, fair, freak show or tent show in any public street, alley or public place, nor shall any person promote, conduct, operate or maintain any carnival, circus, fair, freak show or tent show in any private place without a license from the township board.

(Ord. No. 30, § 2.04)

Sec. 18-54. License required for itinerant photographers and magazine salesmen.

No person shall go from house to house or place to place within the township for the purpose of taking

photographic portraits or soliciting orders therefor, or for the purpose of selling or taking orders for magazines, without a license.

(Ord. No. 30, § 2.05)

Sec. 18-55. License required for persons or organizations soliciting funds.

No person, religious, charitable, fraternal, or other organization of any kind, or their agents, representatives or employees shall solicit funds or secure subscriptions for the payment thereof within the township without first securing a license to do so from the clerk.

(Ord. No. 30, § 2.06)

Sec. 18-56. Application.

All applications for licenses under this division shall be made to the township clerk and shall contain such information as shall be necessary to fully inform the clerk with respect thereto, and shall be accompanied by the applicable fee.

(Ord. No. 30, § 3.01)

Sec. 18-57. Fees.

The fees to be paid for the several classes of licenses required by this division shall be as determined by resolution of the township board from time to time.

(Ord. No. 30, § 5.01)

Sec. 18-58. Issuance.

Upon receiving a written application for a license under this division and payment of the proper fee, the township clerk shall cause a review to be made by the township board. Upon satisfactory approval, the clerk may issue to the applicant a license. No license shall be issued except to a person of good character who demonstrates the intent and ability to comply with the provisions of this division.

(Ord. No. 30, § 3.02)

Sec. 18-59. Health permit for persons peddling food; exemption for persons selling own produce.

No license shall be granted to any person for the peddling or hawking of food, food products or edibles of any character unless the applicant shall first secure a certificate from the health department setting forth that he is not suffering from any contagious or infectious disease. No license shall be required of a farmer selling produce, flowers, fruits, or vegetables raised and sold by him at his place of residence.

(Ord. No. 30, § 3.03)

Sec. 18-60. Transfer.

Licenses issued under this division shall be nontransferable.

(Ord. No. 30, § 3.04)

Sec. 18-61. Possession and exhibition.

Each person engaged in public solicitation as permitted under this division shall keep in his possession a copy of the license issued by the clerk and shall exhibit it to any citizen upon demand.
(Ord. No. 30, § 3.05)

Sec. 18-62. Suspension or revocation.

The clerk shall have authority to revoke or suspend any license issued under this division as a result of any misrepresentation or false statement made by the applicant.
(Ord. No. 30, § 4.01)

Sec. 18-63. Authority of township board.

The township board shall have final authority to issue, revoke, suspend or waive any license requirements or fee covered by this division, and shall hear and act on any appeal by individuals concerned.
(Ord. No. 30, § 4.02)