

ORDINANCE NO. 138
PUBLIC ENTERTAINMENT ORDINANCE

The Charter Township of Larkin ordains: An Ordinance to protect and secure the public health, safety and general welfare by the regulation of certain forms of commercial entertainment and personal service within the Charter Township of Larkin, Midland 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.

Section I. Title

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

Section II. Purpose

The purpose of this Ordinance is to regulate public commercial entertainers and servers involving dancing, monologues, pantomimes, and other personal type of body exhibitions, contortions or display, and personal service provided by any waitress, barmaid, waiter, bartender, performer, or other person by establishments within the Township where such public commercial entertainment and personal service of customers is presented, promoted, permitted or provided, to thereby prohibit any lewd, obscene, immoral, or unduly sexually stimulating entertainment acts, shows, or personal exhibitions or displays.

Section III. Regulations

(A) No person, firm or corporation shall permit or allow any form of commercial public entertainment or personal service by any waitress, barmaid, waiter, bartender, performer, or other person, of customers to be presented or provided within his, its, or their establishment, nor shall any such person engage in, present, or provide any form of public entertainment or personal service of customers within the Charter Township of Larkin, involving any lewd, obscene, immoral or unduly sexually stimulating dancing, monologues, pantomimes, or other type of body exhibitions, contortions, display or personal service. Waitresses, barmaids, waiters or bartenders without substantial covering of the genital area and/or without covering the female breasts at a point immediately above the top of the areola, are specifically prohibited.

(B) The prohibited conduct, display or personal service prohibited by this Ordinance is hereby defined as that which, when taken as a whole, appeals to the prurient interest in sex, which portrays sexual conduct in a patently offensive way, and which taken as a whole, does not have serious literary, artistic, political, or scientific

value, so that the average person, applying contemporary community standards would find that such conduct, display or personal service appeals to the prurient interest.

The proprietor of any establishment offering public entertainment and the performer and the personal server shall have the burden of proving compliance with the foregoing provisions in the event of any controversy concerning the same.

Section IV. Saving Clause

The provisions of this Ordinance are hereby declared to be separable and if any clause, sentence, word, section, or provision is declared void or unenforceable for any reason, by any court of competent jurisdiction, it shall not effect any portion of the Ordinance other than said part or portion thereof.

Section V. Penalty

Any person or other entity who violates any provision of this Ordinance is responsible for a municipal civil infraction as defined by Michigan law and subject to a civil fine of not more than \$500.00, plus costs, which may include all direct or indirect expenses to which the Township has been put in connection with the violation. In no case, however, shall costs of less than \$9.00 or more than \$500.00 be ordered. In addition, all violations of this Ordinance are declared a nuisance per se. The Township specifically reserves the right and shall have the authority to proceed in any court of competent jurisdiction for the purpose of obtaining an injunction, restraining order or other appropriate remedy to abate said nuisance and to compel compliance with this Ordinance.

In addition to the foregoing, the Charter Township of Larkin, through the Township Board of such Township, reserves the right to revoke any entertainment license issued under the terms of the within Ordinance in the event of a violation of any of the regulations contained in the within Ordinance.

Section VI. Effective Date

This Ordinance shall become effective thirty (30) days after publication thereof.

Section VII. Repeal

All Ordinances or parts of Ordinances in conflict with any of the provisions of this Ordinance are hereby repealed.

September 30, 2004

Adopted by the Township Board, Charter Township of Larkin, County of
Midland, Michigan.

Ordinance No. 138, adopted May 10, 1983
Amended by Ordinance No. 217, adopted April 9, 1996

September 30, 2004