

**ORDINANCE NO. 3**

**TOWNSHIP OF MICHIGAMME**

**MARQUETTE COUNTY, MICHIGAN  
SEXUALLY EXPLICIT ENTERTAINMENT**

**SECTION I. TITLE: SEXUALLY EXPLICIT ENTERTAINMENT ORDINANCE**

**SECTION II : PURPOSE**

In the development and execution of this Ordinance, it is recognized that there are some uses which, because of their very nature are recognized as having serious objectionable operational characteristics, particularly when located so as to have a deleterious effect upon the adjacent areas. Special Detailed Use regulations are necessary to insure that these adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhood. These Detailed use regulations are itemized in this section. The primary control or regulation is for the purpose of preventing the location of these uses within specified distances from residentially zoned land, single or multiple family dwellings, a church or other religious institution, or a public park or land zoned for such use.

**SECTION III: DEFINITIONS**

- A. For the purpose of this section, "specified sexual activities" is defined as:
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 human genitals, pubic region, buttock, or female breast.
- B. For the purpose of this section, "specified anatomical areas" are defined as:
1. Less than completely and opaquely covered; a) human genitals, pubic region, b) buttock and c) 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.
- C. As used in this section, "sexually explicit entertainment" is the offering for observation by patrons or members of the public, whether or not a fee, compensation or other goods and services are sold or offered in conjunction therewith, of entertainment which is distinguished or characterized by an emphasis on acts depicting, suggesting, describing, displaying or relating to "specified sexual activities" or "specified anatomical areas."
- D. As used in this section "adult bookstore" is a establishment having as a substantial or significant portion of its stock and trade, videos, books, magazines or 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 the same as defined herein, or an establishment with a segment or section devoted to the sale or display of such material.

E. For the purpose of this section, adult motion picture or video theater is defined as: 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 the same as defined herein, for observation by patrons therein.

F. For the purpose of this section "used" is defined as: a continuing course of conduct of exhibiting "specified sexual activities" and/or "specified anatomical areas" in a manner which appeals to a prurient interest.

#### **SECTION IV: PROHIBITIONS AND RESTRICTIONS**

A. No persons shall use, establish, build, operate, or allow to be operated an adult bookstore, an adult motion picture theater, an adult video rental store, or sexually explicit entertainment in any building or on any lands:

1. Within one thousand (1000) feet from all of Michigamme Township's District, i.e., Residential, Lake Shore/River, Recreation Structure, Town Development One, Town Development Two, Industrial and Resource Production Twenty.
2. Within one thousand (1000) feet from any church or other religious institution, school, or public park.

B. An adult bookstore, an adult motion picture theater or an adult video rental store is only permitted within a Timber Production Forty District as a Conditional Use authorized by permit, and shall be located within such District subject to the restrictions of this section relating to distance separations as set forth in Section A.1. Above.

C. No person shall use or allow to be used, any land or building within Michigamme Township for sexually explicit entertainment, if any portion of such land or building is occupied, used, owned or leased by a license or permitted under any license or permit issued by the Michigan Liquor Control Commission.

D. Sexually explicit entertainment is only permitted in a Timber Production Forty District as a conditional Use only, and shall be located within such District subject to the restrictions of this section relating to distance separations as set forth in Section A.1. Above.

#### **SECTION V: VIOLATIONS**

Any person who violates this Ordinance or fails to comply with any of its requirements shall be in violation of the Civil Infraction Ordinance and will be subject to its rulings.

#### **SECTION VI: SEVERABILITY**

The sections of this ordinance shall be deemed severable, and should any section, clause paragraph, or provision thereof be deemed unconstitutional or contrary to the laws of the State of Michigan and thereafter voided by any court of competent jurisdiction, the same shall not affect the validity of this ordinance as a whole or any other part thereof other than that part or section so declared to be unconstitutional or invalid.

**SECTION VII: REPEALER**

All ordinances, resolutions, orders or parts thereof, in conflict with the provisions of this ordinance are, to the extent of such conflict, hereby repealed.

**Michigamme Township Board**

By: *Alvar Maki* Date July 25, 2013  
Alvar Maki: Township Supervisor

By: *Jean Howe* Date July 25, 2013  
Jean Howe: Township Clerk

**TOWNSHIP CLERK CERTIFICATION**

I, HEREBY CERTIFY that the above ordinance is a true copy of the ordinance adopted by the Michigamme Township Board at its meeting held on the 25<sup>th</sup> day of July 2013:

Vote: 5 Ayes, 0 Nays;

Board Members voting "Aye": Tembreull, Perry, Skytta, Howe, Maki

Board Members voting "NAY": \_\_\_\_\_

I, FURTHER CERTIFY THAT THIS ORDINANCE WAS:  
Published in the Mining Journal: July 31, 2013  
Filed with the Marquette County Clerk: August 30, 2013

**MICHIGAMME TOWNSHIP CLERK**

By: *Jean Howe* Date 08/30/13  
Jean Howe Township Clerk