



Village of Breedsville

82 E Main St. PO Box 152
Breedsville, MI 49027
(269) 427-9029

**ORDINANCE 2023-09 – transferred to electronic format.
ORDINANCE NO. 41498**

ADULT ONLY BUSINESS

An ordinance to create a framework of regulatory standards to be used for approving or disapproving an Adult Only Business.

THE VILLAGE OF BREEDSVILLE ORDAINS:

Section 1. Purpose.

Because certain forms of expression relating to sexual materials have particular functional and inherent characteristics with a high potential of being injurious to surrounding properties by depreciating the quality and value of such property, it is the intent of this section to provide a framework of regulatory standards which can be used for approving or disapproving this type of special use.

Section 2. Site Location Principles.

The following principles shall be utilized to evaluate the proposed location of any such use. These principles shall be applied by the Village of Breedsville as general guidelines to help assess the impact of such a use upon the district in which it is proposed.

- a. No Adult Only Business shall be located within two hundred (200) feet, measured from property line to property line, of a church, school, public park or playground, non-commercial public assembly facility, public office building, any other Adult Only Business or any area where large numbers of minors regularly congregate.

Section 3. Site Development

- a. The site layout, setbacks, structures, function, and overall appearance shall be compatible with adjacent uses.
- b. Windows, displays, signs, and decorative or structural elements of buildings shall not include or convey examples of a sexual nature and are limited to one (1) sign. All such displays and signs shall be in conformance with Village of Breedsville Zoning Ordinances, and shall be approved by the Village of Breedsville prior to their use. Any alterations in the above media shall and must be reviewed and approved by the Village of Breedsville.

- c. All building entries, windows, and other such openings shall be located, covered or screened in such a manner as to prevent a view into the interior from any public or semi-public area, and wherever else it is requested by the Village of Breedsville.
- d. No loudspeakers or sound equipment shall be used by an Adult Only Business that projects sound outside of the Adults Only Business so that the sound can be discerned by the public from public or semi-public areas.
- e. The Adult Only Business shall clearly post at the entrance to the business, or that portion of the business utilized for adult-only business, that minors are excluded.

Section 4. Use Regulations.

- a. No person shall reside in or permit a person to reside in the premises of an Adult Only Business.
- b. No person shall operate an Adult Only Business unless there is conspicuously placed in a room where such business is carried on, a notice indicating the prices for all services performed therein.
- c. The owners, operators, or persons in charge of an Adult Only Business shall not allow entrance into a such building or any portion of a building used for such use, to any minors as defined by MCL 722.51 et seq., as amended.
- d. No Adult Only Business shall possess or disseminate or permit persons therein to possess or disseminate on the premises any obscene materials as defined by MCL 752.361 et seq., as amended.

Section 5. Severability.

If any portion of this ordinance or the application hereof for any person or circumstance shall be found to be invalid in court, such invalidity shall not affect there main portions or application provided that such remaining portions or applications are not determined by said court to be inoperable, and to this end, this ordinance is declared to be severable.

Section 6. Effective date. This ordinance shall become effective immediately upon publication.

DEFINITIONS

Adult-Only Business:

- a. **Adult Bookstore.** An establishment having as a substantial or significant portion of its stock and trade, books, magazines, video tapes, films, recordings, and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing, or relating to "specified sexual activities" or "specific anatomical areas" or any other "sexually explicit matter" 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 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" or any other "sexually explicit matter", as hereinafter defined, for observation by patrons therein.
- c. **Adult Mini-Motion Picture Theater.** An enclosed building with a capacity of less than fifty (50) persons listed for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to "Specified sexual activities" or "specified anatomical areas" or any other "sexually explicit matter", as hereinafter defined, for observation by patrons therein.
- d. **Cabaret.** A business establishment which features topless dancers, go-go dancers, exotic dancers, strippers, male or female impersonators, or similar entertainers.
- e. **Bathing Establishments:** Any place of business which; in exchange for a fee, provides as its principal function, bathing facilities, sauna baths, steam rooms or Turkish baths.
- f. **Nude and/or Topless Services.** An establishment which features or offers as a portion of its business the services of models, masseurs, masseuses, employees, etc., who are nude, semi-nude, or topless when performing their services.
- g. **Adult Novelty Business.** An establishment having as a principal activity the sale of devices for the stimulation of the human genitals or devices designed for sexual stimulation.

h. Adult Personal Service Business. An establishment having as a principal activity a person of one sex, while nude or partially nude, providing personal services for any person on an individual basis in a closed room. It includes, but is not limited to, the following activities and services: massage parlors, exotic rubs, modeling studios, body painting studios, wrestling studios, and individual theatrical performances. It does not include activities performed by persons pursuant to and in accordance with, licenses issued to such persons by the State of Michigan.

1. Escort Services.

An establishment which provides the services of escorting persons for payment of a fee.

2. Specified Sexual Activities:

- a. Human genitals are in a state of sexual stimulation or arousal.
- b. Acts of human masturbation, sexual intercourse, or sodomy.
- c. Fondling or other erotic touching of human genitals, pubic region, buttock or female breast.

3. Specified Anatomical Areas:

- a. Less than completely and opaquely covered: (1) human genitals, pubic region; (2) buttock; and (3) female breast below a point immediately above the top of the areola; and.
- b. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

4. Sexually Explicit Matter:

All matters defined as being sexually explicit under the provision of Act 33 of the Public Acts of Michigan of 1978, as amended, being MCL 722.671, et seq., whose definitions are hereby adopted and included herein by reference.

CERTIFICATION

I further certify that Trustee: L. Weniger moved for adoption of said Ordinance No.2023-09 and that Trustee: T. Weniger seconded said motion.

I further certify that the following Trustees: L. Weniger, T. Weniger, P. Cooley, and President S. Rogusta Voted for the adoption of said Ordinance No.2023-09, and the following Trustees No Trustee voted against such Ordinance. Absent: W. Yeager.

I further certify that said Ordinance No 2023-09 has been recorded in the Ordinance Book of the Village of Breedsville and that such recording has been authenticated by the signatures of the Village President and Village Clerk

I do hereby certify that a synopsis of this Ordinance No. 2023-09, in accordance with statutory requirements, was published on 27 day of January 2023 in the Van Buren Reminder, a copy of which is attached hereto.

Steven Rogusta
President

Linda Norton
Village of Breedsville, Clerk

ATTEST:

Linda Norton
Village of Breedsville, Clerk

