

## **Chapter 10**

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### ARTICLE I.

#### IN GENERAL

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

### ARTICLE II.

#### SEXUALLY ORIENTED BUSINESSES

##### Sec. 10-19. Purpose.

It is the purpose of this chapter 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 chapter 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 or effect of this chapter 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 chapter to condone or legitimize the distribution of obscene material.  
(Compiled Ords. 1990, § 20.351)

##### Sec. 10-20. Definitions.

The following words, terms and phrases, when used in this chapter, 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, or 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 or adult video store* means 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, video tapes, 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 herein, 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, video cassettes, 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 sub-rent the room for a period of time that is less than ten hours.

*Adult motion picture theater* or *adult live stage performing theater* means 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 herein) 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 said person is paid a salary, wage or other compensation by the operator of said 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. 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 or a state of nudity* means 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 term "nudity" or a "state of nudity" does not include the following:

- (1) A woman's breastfeeding 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 or in a seminude condition* means 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. Seminudity or a state of seminude condition does not include the following:

- (1) A woman's breastfeeding 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).

*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 is seminude.

*Sexually oriented business* means an adult arcade, adult bookstore, adult novelty store, adult video store, adult cabaret, adult motel, 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 offenses similar to those described above under the criminal or penal code of other states or countries for which:
  - a. Less than 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. Less than 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. Less than 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.
- (2) 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 this chapter 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.

(Compiled Ords. 1990, § 20.352)

## **Sec. 10-21. 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.

(Compiled Ords. 1990, § 20.353)

**Sec. 10-22. License required.**

(a) It is unlawful:

- (1) For any person to operate a sexually oriented business without a valid sexually oriented business license issued by the township pursuant to this chapter.
- (2) For any person 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 chapter.
- (3) For any person to obtain employment with a sexually oriented business without having secured a sexually oriented business employee license pursuant to this chapter.

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

(c) All applicants must be qualified according to the provisions of this chapter. The application may indicate a 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 chapter.

(d) If a person who wishes to operate a sexually oriented business is an individual, the person must sign the application for a license as 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 applicant. Each applicant must be qualified under section 10-23 and each applicant shall be considered a licensee if a license is granted.

(e) 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 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:
- a. The sexually oriented business's fictitious name; and
  - b. 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 this chapter, 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 chapter 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 chapter 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 chapter 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 number, 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 floorspace 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 section, 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 floorspace, films, videos cassettes, 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 10-32.
- (f) 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.
- (g) Attached to the application form for a sexually oriented business employee license as provided above, 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, state or county, 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, the name and the name of the issuing or denying jurisdiction shall be stated, and the reason for the denial, revocation or suspension shall be described in full. 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 this chapter and, if so, the specified criminal activity involved, the date, place and jurisdiction of each.

(Compiled Ords. 1990, § 20.354)

### **Sec. 10-23. Issuance of license.**

(a) Upon the filing of said application for a sexually oriented business employee license, the township shall issue a temporary license to said 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 this chapter;
- (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 chapter;
- (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 10-28.

(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 this chapter 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 10-24.

(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 defined in this chapter.
- (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 chapter 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 chapter.

(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 10-21. 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 issue for only one classification found in section 10-21.

(Compiled Ords. 1990, § 20.355)

**Sec. 10-24. License fee; submittal of fees and license applications.**

(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), 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 said fee shall be as established by resolution of the township board of trustees.

(d) All license applications and fees shall be submitted to the clerk of the township.  
(Compiled Ords. 1990, § 20.356)

**Sec. 10-25. 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.  
(Compiled Ords. 1990, § 20.357)

**Sec. 10-26. Expiration of license.**

(a) Each license shall expire one year from the date of issuance and may be renewed only by making application as provided in section 10-22. 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.  
(Compiled Ords. 1990, § 20.358)

**Sec. 10-27. Suspension of license.**

The township shall suspend a license for a period not to exceed 30 days if it determines that a license or

an employee of a licensee has:

- (1) Violated or is not in compliance with any section of this chapter;
- (2) Refused to allow an inspection of the sexually oriented business premises as authorized by this chapter.

(Compiled Ords. 1990, § 20.359)

**Sec. 10-28. Revocation of license.**

(a) The township shall revoke a license if a cause of suspension in section 10-27 occurs and the license has been previously suspended within the preceding 12 months.

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

- (1) A licensee gave false or misleading information in the material submitted during the application process;
- (2) A licensee has knowingly allowed possession, use, or sale of controlled substances on the premises;
- (3) A licensee has knowingly allowed prostitution on the premises;
- (4) A licensee 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, a licensee has knowingly allowed any act of sexual intercourse, sodomy, oral copulation, masturbation, or other sex act to occur in or on the licensed premises; or
- (6) A licensee is delinquent in payment to the municipality, 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. (Compiled Ords. 1990, § 20.360)

**Sec. 10-29. Transfer of license.**

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. (Compiled Ords. 1990, § 20.361)

**Sec. 10-30. Location of sexually oriented businesses.**

(a) It shall be unlawful for any person to operate or cause to be operated a sexually oriented business in any zoning district other than in a location and manner as defined and described in appendix A, the township zoning code.

(b) 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 that 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; the term "school" includes the school grounds, but does not include facilities used primarily for another purpose and only incidentally as a school;
- (3) A boundary of a residential district as defined in appendix A the township zoning code;
- (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 city park and recreation authorities;
- (5) The property line of a lot devoted to a residential use as defined in appendix A, the township zoning code;
- (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.

(c) 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.

(d) 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.

(e) For the purpose of subsection (b) 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 (b). Presence of a municipal, county or other political subdivision boundary shall also be irrelevant for purposes of calculating and applying the distance requirements of this section.

(f) For purposes of subsection (c) 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.  
(Compiled Ords. 1990, § 20.362)

### **Sec. 10-31. Additional regulations for 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 this chapter.

(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 sub-rents a sleeping room to a person and, within ten hours from the time the room is rented, he rents or sub-rents the same sleeping room again.

(c) For purposes of subsection (b) of this section, the term "rent" or "sub-rent" means the act of permitting a room to be occupied for any form of consideration.  
(Compiled Ords. 1990, § 20.363)

### **Sec. 10-32. Regulations pertaining to 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 floorspace, a film, video cassette, or other video reproduction or live entertainment which depicts specified sexual activities or specified anatomical areas shall comply with the following requirements:

- (1) Upon application for a sexually oriented business 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 managers' 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), 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 in the application filed pursuant to subsection (1) of this section as an area in which patrons will not be permitted.
- (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 above is 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 subsection (a)(1)--(14), commits a misdemeanor if he knowingly fails to fulfill that duty.

(Compiled Ords. 1990, § 20.364)

#### **Sec. 10-33. Additional regulations for 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.

(Compiled Ords. 1990, § 20.365)

#### **Sec. 10-34. Additional regulations for 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 that 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.

(Compiled Ords. 1990, § 20.366)

#### **Sec. 10-35. Additional regulations concerning 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 said 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.  
(Compiled Ords. 1990, § 20.367)

**Sec. 10-36. Prohibition against persons under 18 in a sexually oriented business.**

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.  
(Compiled Ords. 1990, § 20.368)

**Sec. 10-37. 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 p.m. on Sundays.  
(Compiled Ords. 1990, § 20.369)

**Sec. 10-38. Exemptions.**

It is a defense to prosecution under section 10-35 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, 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.

(Compiled Ords. 1990, § 20.370)

**Sec. 10-39. Penalty.**

A person, corporation, partnership or any other legal entity who violates the provisions of this article shall be guilty of a misdemeanor.  
(Compiled Ords. 1990, § 20.371)

**Secs. 10-40--10-66. Reserved.**

### **ARTICLE III.**

#### **SALVAGE YARDS\***

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\* **State Law References:** Junkyards, MCL 445.451 et seq.

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#### **Sec. 10-67. Definitions.**

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

*Salvage dealer* means any person who operates, occupies, owns, manages, or is employed in any salvage yard as defined in this section.

*Salvage yard* means any place within the township used for the acquisition, storage, selling or dismantling and disposing of salvage or refuse material of automobiles, trailers, vehicles, trucks, used rags, paper, metal, parts or products, machinery, appliances or any used personal tangible property. The term "salvage yard" includes premises described as an automobile dismantling yard or business, scrap yard, rag and metal yard, junkyard or the like.  
(Compiled Ords. 1990, § 20.401)

#### **Sec. 10-68. License required; new and renewal.**

(a) *Operation prohibited without license.* No person shall operate or engage in the operation, occupancy or management of a salvage yard unless said salvage yard shall be licensed in accordance with this article and, as applicable, the laws of the state. Pursuant to this requirement:

- (1) No license shall be issued for a period greater than one year or part thereof.
- (2) Every license shall terminate on June 1 of each year and application for renewal shall be made on or before said date.
- (3) Application for license or license renewal shall be made to the clerk of the township who shall set before the township board each and every application.
- (4) In the case of application for licensing of a new facility, said application may be made to the clerk of the township at any time throughout the year. Within 60 days of receipt of a complete application, said clerk shall transmit the application to the township board for review and determination of approval or denial.
- (5) In the case of renewal, it shall be the responsibility of each licensee to apply for renewal of the license no later than 45 days before June 1 of each year.

- (6) No license may be transferred.
- (7) It shall be the responsibility of the applicant to secure necessary state permits pursuant to the operation of a salvage yard. Failure to do so will result in violation of this article and revocation of the township salvage yard license. Accordingly, the applicant must provide evidence that necessary state permits have been secured. To ensure compliance with this requirement, the township shall adhere to the following policy:
  - a. *New salvage yard.* A building permit, necessary for the construction of the salvage yard and associated structures, will not be issued until a copy of the state permit has been filed with the township.
  - b. *Existing salvage yard.* A copy of the yard's current, unexpired, state permit must be submitted at the time of license renewal.

(b) *Fees and administration.* Fees, the form of application, and other mechanics of administration shall be provided for in resolution by the township board.

(c) *Applications.* Applications for salvage yard licenses and for renewals thereof shall be in writing and shall be directed to the clerk of the township. Applications shall be made on a form provided and prescribed by the township board, which form shall refer to this article. The application shall contain information as the township board may lawfully consider relevant to the operation of salvage yards and the standards, rules and regulations set forth herein. Any application that omits information or misrepresents same shall be considered void and the submission of such an application shall be considered grounds for revocation of any license. The application, in addition to requiring said information, shall contain a statement that the applicant will abide by the terms, standards, rules and regulations of this article if granted a license.

(d) *Investigation of applicant and site.* Upon receipt of an application for salvage yard license or license renewal by the clerk of the township, the same shall be referred to the township board, which shall direct the building official or his designee as approved by the township board to make a full and complete investigation of the applicant and the site that the applicant proposes to use in the salvage yard business. The investigating person may call upon any police, fire, state or other official agency for assistance in the investigation and may receive and present recommendations from any agency concerned with either the applicant or the premises upon which the applicant proposes to carry on or continue a business or activity of operating a salvage yard.

(e) *Payment of personal property taxes.* As a requirement of approval or renewal of a salvage yard license, payment of all personal property taxes shall be current as of the most recent taxing period for which personal property taxes are due.

(Compiled Ords. 1990, § 20.402)

**Sec. 10-69. Revocation or suspension of license and procedure and attachment of conditions to effect compliance.**

- (a) Any license issued under this article may be suspended or revoked by action of the township

board after hearing held with notice given to the licensee before the township board, in the event of violation hereof. The board through the clerk of the township shall issue its notice of hearing and state in a bill of particulars or with the notice the basis upon which the board has determined that a hearing should be held, and state with particularity the charges made against the licensee. The licensee shall be afforded an opportunity for a hearing with or without counsel, which hearing shall be held in accordance with the Open Meetings Act of the state. After hearing all the evidence presented concerning the charges set forth against the licensee, the township board shall determine whether or not to suspend, up to two years, or revoke the license, and in connection with its decision, shall issue written reasons therefor.

(b) In the event that a license is revoked, no new license shall be issued to the licensee or his or its successors in interest at the said location or in the township for a period of two years from the date of said revocation.

(c) In the event that the township board so determines, it may attach special conditions to the license as a means of continuing the license in effect, provided said special conditions are reasonably related to effecting compliance of the licensee with the standards set forth in this article.

(d) Any decision by the township board in connection with a license hearing shall reflect and refer to the standards, rules and regulations set forth herein.  
(Compiled Ords. 1990, § 20.403)

#### **Sec. 10-70. Standards and regulations for operation.**

(a) All licensees shall comply with the standards and regulations in this section governing the operation of salvage yards and shall further demonstrate their ability to comply with same prior to the issuance of any license.

(b) No salvage yard shall be operated so as to create a nuisance by reason of noise, disagreeable odors, fumes, filth or loose debris.

(c) A salvage yard shall be maintained in an orderly and safe manner and located within the enclosed area required by this article. All materials shall be placed in rows and/or piles in such a fashion as to provide sufficient space to accommodate the access and maneuvering requirements of fire safety personnel and equipment. In determining the size and spatial arrangement of said access and maneuvering space, the licensee shall consult with the township fire chief who shall provide recommendations that shall be incorporated into the site plan and actual layout of the salvage yard. Said recommendations shall be based on township fire code standards as applicable to the type of salvage yard operation and materials stored and/or processed.

(d) No open burning of salvage material shall be allowed. The open burning of brush, leaves and similar material may be allowed provided necessary burning permits have been secured from the county health department and the township.

(e) All storage and operations of any kind shall be carried on within a completely enclosed area screened and fenced from view from any point outside the fence, and no salvage materials placed in the salvage yard shall be openly visible to properties located within nonindustrially zoned districts from any place outside the screen or fence. The fence shall be at least eight feet and no more than ten feet as measured from ground

level, shall be of sturdy single colored material, and shall be kept in good repair. All fencing shall be designed and constructed to withstand snow and wind loads common to the area. In addition to the required fencing, a landscape buffer shall be placed between the salvage fence and any abutting parcel that is not zoned industrial. At a minimum the landscape buffer shall meet the following standards:

- (1) The buffer shall be 20 feet in width and may be included as part of the yard requirements as specified within the township zoning ordinance as set forth in appendix A.
  - (2) Within the buffer area, evergreen trees of at least five feet in height shall be planted no less than 12 feet apart, and no less than five feet from the outside boundary of the buffer. Said trees shall be of a variety capable of sustaining extended periods of drought. The height of trees at time of planting shall be measured from the top of the root ball to the mid-point of the leader. All ground areas shall be maintained in grass or other approved ground cover, and nothing shall be stored in the buffer. Existing vegetation within the buffer area may be substituted for the above requirements provided it can be demonstrated that said vegetation is of a similar density and size and provides a comparable screening effect.
  - (3) An earth berm may be substituted for the buffer area. The said berm shall be at least ten feet wide at its base and three feet in height, not including vegetation. Said berm shall not exceed a three to one slope, shall be covered with grass or other approved ground cover, and shall have evergreen trees as above described no less than 20 feet apart throughout its entire length. At the time of planting the said trees shall be no less than four feet in height as measured from the top of the root ball to the mid-point of the leader. Trees shall be planted on the slope of the berm that faces the nonindustrial district or on the top of the berm.
- (f) No materials shall be stored in a manner likely to endanger the health or safety of any person or persons. All materials stored in the premises shall be stored in such a way that access and inspection to same is available to any enforcement personnel.
- (g) Paving or bituminous concrete shall be provided to accommodate the circulation and parking of customers and employees.
- (h) Each salvage yard shall have a permanent office building for the transaction of business, which shall be erected in accordance with the applicable township construction codes.
- (i) Every salvage yard and person responsible for the operation of the salvage yards shall file all reports required by the state on a timely basis.
- (j) Removal and storage of liquids.
- (1) The removal of any liquid or fluid from vehicles, appliances or other equipment or goods brought into the salvage yard shall be accomplished on a ground surface protective device incorporating a collection and retention system such that said fluids and liquids shall not discharge into the soil beneath or adjacent to the said device. Said liquids and fluids shall include antifreeze, water, gasoline, oil, lubricants, sealers, grease, cooling and heating fluids, or other liquids and fluids of any kind. In the event the above said vehicles, appliances or other

equipment or goods are not to be drained of all liquids or fluids at the time of entry into the salvage yard, said vehicles, appliances or other equipment or goods shall be properly maintained so as to prevent any leakage of liquids or fluids onto the ground surface.

- (2) All such liquids and fluids after removal but before shipped from the premises shall be stored in leakproof tanks that must be constructed and maintained to prevent the escape of any such liquid and fluid. Said tanks shall be located a minimum of 50 feet from any property line. All tanks, including any mechanism or device associated therewith, shall be located on a ground surface protective device designed to capture loss of liquids and fluids as a result of a tank leak or during transfer of liquids and fluids. Underground storage tanks shall be permitted subject to compliance with all state and federal regulations.
- (3) The surface protective device and all removal and storage systems associated with the collection, storage and removal of liquids and fluids may be subject to inspection by township personnel at any time. Pursuant to the inspection, the township may retain the services of a state registered professional, or other expert, to assist in said inspection. The inspection shall include a visual examination of the system to determine that:
  - a. All connections, seals, aboveground storage tanks and other system components shall possess no visible evidence of leakage.
  - b. The ground surface protective device shall possess no visible evidence of unsealed cracks or other openings or conditions which would potentially allow the escape and subsequent penetration of liquids or fluids to the ground surface.
  - c. All system components associated with the removal or transfer of fluids or liquids have been designed, are properly located, and are adequately functioning so as to prevent the spillage of said fluids or liquids onto the ground surface.
  - d. All components of the system have been properly maintained.
  - e. Other areas of the salvage yard, including materials located thereon, may also be inspected to determine that any materials retaining liquids or fluids have been properly secured so as to prevent the spillage of said liquids or fluids onto the ground surface.

If, in the opinion of the township as based on the above inspection or other information, it is determined that the liquid or fluid collection, storage and transfer system is not functioning as required by the ordinance and/or that materials stored on site exhibit evidence of leakage onto the ground surface, the salvage dealer shall take immediate steps to correct all deficiencies including, if necessary, the removal and replacement of contaminated soils, installation of a purging system to remove contaminated groundwater, and other such action as necessary to restore the site to acceptable state and federal environmental standards. Until corrective measures have been completed, the township may require the salvage dealer to cease all or portions of the salvage operations.

- (4) The salvage yard shall maintain a listing of the liquids and fluids stored on site. Said list shall be

made available to the township upon request.

- (5) As a requirement of license renewal, the applicant shall provide certification that the liquid and fluid collection, storage and transfer system is operating properly pursuant to the containment of said liquids and fluids as required by this article and applicable state and federal regulations.
- (k) Pre-existing salvage yards.
- (1) Salvage yards and persons licensed to operate salvage yards under previous ordinances shall take immediate steps to prevent the leakage of said liquids and fluids into the ground. Within two years of the effective date of the ordinance from which this article is derived, all salvage yards licensed under previous ordinances shall comply with subsection (j) of this section pursuant to the removal and storage of fluids and liquids.
- (2) Salvage yards existing prior to the effective date of the ordinance from which this article is derived, either as a legal nonconforming use under the nonconforming provisions of the township zoning ordinance as set forth in appendix A, or as a use covered by an approved site plan issued under the provisions of the township zoning ordinance, may be continued without meeting the standards of subsections (e), (h) and (i) of this section pursuant to fence height, provided:
  - a. Salvage yards falling under the control of a site plan previously approved by the township must be in full compliance with said plan at the time of permit renewal. The lack of compliance of the previously approved site plan at the time of permit renewal will require the entire salvage yard to meet all of the conditions of this article. Pursuant to a salvage yard meeting compliance with a previously approved site plan, it shall be permissible to extend, add, or alter buildings, parking and circulation, and storage areas provided:
    - 1. Said extension, addition, or alteration shall be confined to within the geographic area identified on the site plan as the designated area for conducting salvage yard operations, including areas specifically denoted for use or placement by buildings, parking and circulation, and storage.
    - 2. That where feasible and practicable, attempts shall be made to meet the requirements of subsection (e) pursuant to fence height.
    - 3. Other requirements of this article shall be met.
    - 4. Any expansion of the site beyond that covered by an approved site plan shall meet all of the standards of this article as determined by the township to be applicable to said expansion as based on the location and proposed use of said expanded area.
    - 5. Any site expansion shall be considered an amendment to the approved site plan.
  - b. Salvage yards existing prior to the effective date of the ordinance from which this article

is derived and not covered by an approved site plan, and considered a legal nonconforming use under the provisions of the township zoning ordinance as set forth in appendix A, shall not be extended, added to or altered unless the entire salvage yard shall meet the standards of this article. Pursuant to this subsection, the salvage yard shall refer to that area encompassed by existing salvage material, commercial or industrial buildings associated with the salvage operation, and related vehicular circulation and parking system. It shall not mean the entire parcel owned or under the control of the salvage business unless said parcel is being utilized as indicated above.

c. All other salvage yards must meet the standards of this article.  
(Compiled Ords. 1990, § 20.404)

### **Sec. 10-71. Violations.**

The following shall constitute violations of this article:

- (1) Operation of a salvage yard as defined herein without a license.
- (2) Operation of a salvage yard during the period when a license has been suspended or revoked.
- (3) The failure to comply with the standards and regulations of this article.
- (4) Failure to submit required design plans, certifications, or the failure to cure said omission upon demand of the township.
- (5) Failure to pay required fees.
- (6) Failure to be current with payment of personal property taxes.
- (7) Failure to allow or the intentional prevention of, any inspection by the township personnel, including testing, observation and inquiries regarding the operation of the salvage yard.
- (8) The submission of applications or information to the township that is untrue or misleading.

(9) Each day any of the said violations continue shall be considered a separate violation.  
(Compiled Ords. 1990, § 20.405)

### **Sec. 10-72. Penalties for violation.**

Violation of this article shall constitute a misdemeanor.  
(Compiled Ords. 1990, § 20.406)

**Secs. 10-73--10-102. Reserved.**

## **ARTICLE IV.**

## **SOLICITORS AND CANVASSERS\***

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\* **State Law References:** Transient merchants, MCL 445.371 et seq.

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### **Sec. 10-103. Solicitor and canvasser defined.**

The word "solicitor" or "canvasser" as used in this article shall include partnerships, unincorporated associations, corporations or any other entity, whether for profit or nonprofit, and whether a resident of the township or not, traveling either by foot, wagon, automobile, truck, bus or any other type of vehicle or conveyance from place to place, from house to house, or from street to street, taking or attempting to take orders for the sale of goods, wares, merchandise, books or magazines, personal property of any nature whatsoever for future delivery upon the sale thereof, whether or not such individual, partnership, unincorporated associations, corporations or any other entity, has, carries or exposes for sales, samples of such property, or whether he is collecting advance payment on such sales or not, and such definition shall further include any entity as above described, who for himself or itself hires, leases, uses or occupies any building, structure, tent, railroad boxcar, boat, hotel, lodginghouse, motel room, apartment, shop or any other place within the township for the sole purpose of exhibiting samples and taking orders for future delivery. In other words, the term "solicitor" includes the term "canvasser."

(Compiled Ords. 1990, § 20.551)

### **Sec. 10-104. License.**

No such entity shall engage in the business of soliciting or canvassing within the township without first obtaining a license therefor. The said license shall be reviewed by the township supervisor, and shall be approved by him. Any person who engages in soliciting or canvassing as defined in this article, without such license being issued, is hereby declared to be engaging in a nuisance and is in violation of this article for which penalties shall be incurred as hereinafter set forth.

(Compiled Ords. 1990, § 20.552)

### **Sec. 10-105. License application.**

The license application shall be in a form authorized by the township board, and may be revised from time to time, on recommendation of the supervisor, without further action by the township board. No application shall require any person to state information regarding his race, religious creed, ethnic background, nationality or his color, and no such information shall be used in any way as a basis for the refusal of granting of a license. Said license application shall contain at least the following:

- (1) The name of the applicant, including any trade names, corporation names, or other assumed names or aliases.
- (2) The permanent home address or address of the main place of business of the applicant, and the full local address of the applicant, if any, or if different from the permanent address.
- (3) If an individual, the license applicant shall disclose the name and address of his employer and any other party for whom he solicits in the township, together with the type of credentials in his

possession establishing the relationship between himself and the person upon whose behalf he acts.

- (4) A brief description of the nature of the business and of the items and goods to be sold, solicited or canvassed for.
- (5) If the licensee will be taking orders for future delivery of goods, the place where the goods or property are proposed to be sold, solicited or orders taken for are manufactured or produced, where such products or goods are located at the time the said application is filed, and the proposed method of delivery.
- (6) A photograph of the applicant, taken within 60 days immediately prior to the date of filing the application, which picture shall be at least two inches by two inches in size, showing the head and shoulders of the applicant in a clear manner.
- (7) Such evidence as from time to time is required by the supervisor, evidencing the good character and business responsibility of the applicant as well as any entity the applicant represents shall be requested.

(Compiled Ords. 1990, § 20.553)

#### **Sec. 10-106. Letter regarding conviction of applicant.**

A letter as to whether or not the applicant has been convicted of any crime, the nature of the said offense and the punishment or penalty given therefor may be required by the supervisor as a condition of issuing the license.

(Compiled Ords. 1990, § 20.554)

#### **Sec. 10-107. License fee.**

Upon filing the application for a soliciting license, the applicant shall also deposit with the township supervisor or clerk, the sum as established by resolution. In no case however, shall the fee for a soliciting and canvassing license be so applied as to occasion an undue burden on interstate commerce, or discriminate between applicants on the basis of race, creed, color or national origin.

(Compiled Ords. 1990, § 20.555)

#### **Sec. 10-108. Standards concerning the issuance of a license.**

The supervisor may consider the information supplied by the applicant and any other information that he deems relevant to the application for a license, and may examine the applicant for said purpose before issuing the said license. The supervisor shall not deny the license without just cause, but may deny the license when it appears from information reasonably available to the supervisor, that the applicant may be engaging in practices which are illegal in the state, may be exhibiting obscene material, may be soliciting for the sale of merchandise which is of lesser quality or type than that advertised and promoted by the solicitor or canvasser, may be engaged in fraudulent practice or misrepresentation, or that incomplete and unreliable arrangements have been made for the continued delivery of products, either by subscription or later deliveries, after payment of all or part of the purchase price has been made by the proposed purchasers. The supervisor may deny the license for

other grounds that are deemed reasonably related to the health, safety and welfare of the residents of the township, in relation to the activities being carried on by the solicitors or canvassers applying for said license. (Compiled Ords. 1990, § 20.556)

**Sec. 10-109. Use of license.**

Each license shall be issued for a period of 72 hours, unless extended by the township board. The hours of canvassing or soliciting shall be from 9:00 a.m. to 9:00 p.m. (Compiled Ords. 1990, § 20.557)

**Sec. 10-110. Revocation of license.**

After the granting of a license, if upon proper investigation and the receiving of reasonable and competent evidence results in a determination by the supervisor that the licensee is carrying on the solicitation and canvassing allowed by the license in a manner detrimental to the health, safety and welfare of the residents of the township, or in contradiction to the standards set forth in the previous section, the supervisor may issue a notice of revocation of the said license. In the event of said notice, the licensee shall be entitled to a hearing before the township board regarding the revocation of the said license. The said hearing may, at the option of the licensee, be recorded. The township board shall have the option to use recording equipment or a court reporter, as it determines appropriate. In the event the licensee wishes to have the hearing recorded in a more expensive manner than that chosen by the township board, the said recording shall be at the licensee's expense. After such hearing, the township board may make a decision regarding the revocation of the license, either certifying to the supervisor that it concurs and that the license revocation is approved by the township board, or that the township board recommends the re-issuance of the license, either on terms, or by full re-instatement. Said hearing shall be held no later than five days after the supervisor's initial action regarding revocation. (Compiled Ords. 1990, § 20.558)

**Sec. 10-111. Exemptions.**

Persons under 18 years of age, when engaged in soliciting on foot in the neighborhood of their residence, under the direct supervision of any school or recognized charitable or religious organization, shall be exempt from the requirements of this article. (Compiled Ords. 1990, § 20.559)

**Secs. 10-112--10-137. Reserved.**

**ARTICLE V.**

**VEHICLE PAINT AND BODY SHOPS**

**Sec. 10-138. Businesses affected by this article.**

This article applies to all businesses which engage in the repair, painting, maintenance, alteration, building or rebuilding of motor vehicles, trailers, boats, mobile homes, house trailers, camper trailers, tent campers, motorcycles, or motor-propelled vehicles of any type. (Compiled Ords. 1990, § 20.801)

**Sec. 10-139. License required.**

Any person, persons, partnership, corporation or other entity operating or maintaining an affected business at any location in the township shall obtain an annual license for the operation or maintenance of said business within the township from the township board. No such business or premises shall be operated or maintained without first having obtained the said license.

(Compiled Ords. 1990, § 20.802)

**Sec. 10-140. Administration and fees.**

The fees for licenses under this article shall be determined by the township board by resolution. The mechanics of the administration of this article, including dates and methods of applications and renewals, the holding of hearings and enforcement actions shall be determined by resolution of the township board.

(Compiled Ords. 1990, § 20.803)

**Sec. 10-141. Conditions of license.**

Each licensee under this article shall maintain the licensed business in accordance with the following conditions and standards:

- (1) All licensees must maintain their business premises in an orderly, safe and neat appearing manner, and obey all the ordinances of the township, county or statutes of the state or United States of America.
- (2) All licensed businesses shall comply with the zoning ordinance of the township as well as all other ordinances, and shall maintain a building on the premises for the carrying on of the business and for the storage of all implements, tools, spare parts, used parts and other personal property incidental to the business. Said building shall not be a trailer building or mobile home. It shall contain sanitary facilities acceptable to the county health department and the township building inspector.
- (3) Lighting on the premises shall not be erected or used so as to constitute an obstruction or distraction of vision, result in glare on neighboring properties, or constitute a traffic hazard.
- (4) No such business shall store any junk, rubbish, garbage or trash on the premises, and shall comply in all respects with the township ordinances affecting the storage of junk, rubbish, garbage or trash. Licensure under this article shall not constitute permission to operate or maintain a junkyard or salvage yard.
- (5) Every such business shall comply with all laws, rules and regulations whether local, state or federal, concerning the storage, handling, transportation and disposal of toxic or hazardous substances.
- (6) No such business shall store any of the above-named vehicles, boats or other equipment except incidental to their repair, and in any case for no longer than 21 days. Equipment, vehicles, boats

and other implements being repaired, painted, maintained, altered, built or rebuilt may not be kept on the premises outside a fully enclosed building after 21 days. All equipment or vehicles, boats and other implements being repaired, painted, maintained, altered, built, or rebuilt or otherwise dealt with in the business shall be stored behind a screen or fence which obstructs the said equipment or vehicles, boats or other implements from view from any place on the property line of the premises upon which the business is being conducted.

- (7) No implements, tools, spare parts, used parts or other personal property shall be stored outside a building.
- (8) Where applicable, licensees shall make all regularly required filings with agencies of the state and shall comply with all requirements of the law relating to the operation of their businesses, sales, practices, registration requirements and licensing requirements.

(Compiled Ords. 1990, § 20.804)

#### **Sec. 10-142. Enforcement.**

(a) *Application.* Applicants for licenses under this article shall demonstrate compliance with the conditions set forth above to the reasonable satisfaction of the township building inspector and the township board before a license will be issued or renewed.

(b) *Revocation.* The township board may revoke any license issued under this article and refuse to issue a license hereunder if it reasonably appears to the township board after appropriate investigation and hearing that the operation of the said business premises is in violation of this article or any ordinance of the township, or any state, county or federal law.

(c) *Inspections.* Licensees consent to inspection of all parts of the premises by township personnel at all reasonable times.

(Compiled Ords. 1990, § 20.805)

#### **Sec. 10-143. Violations.**

The following are violations of this article:

- (1) Operation of a business without a license when one is required.
- (2) The violation of any rule, regulation or condition contained in this article or hereinafter contained by amendment.
- (3) The failure to pay a license fee.
- (4) The failure to allow or agree to the inspection of the premises by any authorized official of the township at reasonable times.
- (5) The failure to comply with enforcement orders and directives of the township.

(6) Each day a violation continues shall constitute a new violation.  
(Compiled Ords. 1990, § 20.806)

**Sec. 10-144. Penalties.**

Violation of this article shall constitute a misdemeanor.  
(Compiled Ords. 1990, § 20.807)

**Secs. 10-145--10-171. Reserved.**

**ARTICLE VI.**

**VEHICLE SALES**

**Sec. 10-172. Definitions.**

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

*Farm vehicle* means every motor vehicle, including tractors, combines and other driveable equipment, designed and used primarily as a farm implement for drawing plows, mowing machines and other implements of husbandry.

*Mobile home* means a mobile home as defined by the state Mobile Home Commission Act (MCL 125.2301 et seq.), being a structure that can be drawn on a highway and is used for residential or office purposes. The term includes trailer coaches.

*Motor vehicle* means every vehicle which is self-propelled.

*Motorboat* means any vessel propelled by machinery, whether or not machinery is the principal source of propulsion.

*Motorcycle* means every motor vehicle having a saddle or seat for the use of a rider and is designed to travel on not more than three wheels in contact with the ground but excluding a tractor.

*Motor-driven cycle* means every motorcycle including every motor scooter with a motor which produces five maximum brake horsepower, and every bicycle with motor attached, except pedal bicycles with helper motors that produce less than one brake horsepower when used by a physically handicapped or recuperating person.

*Person* means a natural person, partnership, corporation, joint venture, or other entity.

*Trailer coach* means every vehicle designed or used for dwelling or camping purposes or exclusively for camp living and drawn behind a motor vehicle.

*Vehicle* means every device in, upon or by which any person or property may be transported or drawn

on or off a highway, excepting devices moved by human power or used exclusively upon stationary rails or tracks. The term "vehicle" includes motorcycles, motor-driven cycles, offroad vehicles, all-terrain vehicles, and farm vehicles.

*Vessel* means every description of watercraft, other than a seaplane on the water, used or capable of being used as a means of transportation on water.  
(Compiled Ords. 1990, § 20.451)

**Sec. 10-173. License.**

Any person, persons, partnership, corporation or other entity operating or maintaining a business in the township which engages in the sale, renting, leasing, displaying or promotion of the sale, renting, leasing or displaying of new or used vehicles, motor vehicles, trailer coaches, motorcycles, motor-driven cycles, mobile homes, farm vehicles, all-terrain vehicles, offroad vehicles, vessels or motorboats shall obtain an annual license for such operation or maintenance within the township from the township board. No such business or premises shall be operated or maintained without having first obtained the said license.  
(Compiled Ords. 1990, § 20.452)

**Sec. 10-174. Transferability.**

No license issued pursuant to this article shall be transferable. The term "transfer" shall include use of an existing license by a different person, or a change in the membership of any partnership or joint venture or shareholders of any corporation of those having the majority of ownership thereof. In the event of an attempt to transfer a license, any person attempting to transfer, or attempting to operate under a license not issued to said person, shall be subject to the revocation and penalty provisions of this article including the penalties for violation as a misdemeanor.  
(Compiled Ords. 1990, § 20.453)

**Sec. 10-175. Administration and fees.**

The fees for licenses under this article shall be determined by the township board by resolution. The mechanics of the administration of this article, including dates and methods of applications and renewals shall be determined by resolution of the township board.  
(Compiled Ords. 1990, § 20.454)

**Sec. 10-176. Conditions of license.**

All licenses issued under this article shall be issued subject to the following conditions:

- (1) All licensees must maintain their business premises in an orderly, safe and neat appearing manner, and obey all the ordinances of the township, the county or statutes or regulations of the state and the United States.
- (2) Every said licensed business shall have sufficient areas of bituminous or concrete waterproof paving for outdoor display purposes. Said display areas shall not include in their dimensions said areas lying within the extensions of any driveway, nor shall they include any required parking

space, aisle ways or drives used in connection with access to buildings or other facilities or structures located on the premises. The said display areas shall be large enough to accommodate all vehicles, vessels or any other merchandise displayed for sale. No vehicle, vessel or other merchandise may be displayed for sale except upon the said display area.

- (3) All licensed businesses shall construct on each premises an office building complying with all construction codes in effect in the township, having a minimum first floor area of 400 square feet. This shall not be construed so as to allow a trailer house or mobile home as an office. Said building shall contain sanitary facilities acceptable to the county health department and the township building inspector.
- (4) Lighting of the premises shall not be erected or used so as to constitute an obstruction or distraction of vision or a traffic hazard.
- (5) No dismantled or junk vehicles, trailer coaches, mobile homes, vessels or motorboats shall be allowed to be parked or stored within the property designated as the business premises.
- (6) Where applicable, licensees shall make all regularly required filings with agencies at the state and shall comply with all requirements of any law relating to the operation of their businesses, sales practices and licensing requirements.
- (7) The application and any written submissions together with the site plan for the business shall be incorporated in the license, and are considered additional conditions thereof.
- (8) Applicants for licenses under this article shall comply with the conditions herein and the provisions of all ordinances including zoning requirements, as well as county, state and federal laws.
- (9) The township board may revoke or suspend any license issued under this article, and may refuse to issue a license under this article, if it determines that the provisions hereof or the provisions of any ordinance or law have been violated. Township actions regarding licenses under this article shall be taken after hearing and notice of the charges have been afforded to the licensee or applicant.

(Compiled Ords. 1990, § 20.455)

#### **Sec. 10-177. Penalties for violations.**

Violation of this article shall constitute a misdemeanor.

(Compiled Ords. 1990, § 20.456)