

**LYON TOWNSHIP  
ORDINANCE #41  
Zoning and Adult Entertainment Ordinance  
Adopted October 8, 1997**

**ARTICLE I: Preamble**

An ordinance to provide for the regulation, control, and prohibition of certain undesirable adult entertainment and certain displays and exhibitions of the human body near residential areas and properties upon which alcoholic beverages are sold.

**ARTICLE II. Legislative Findings**

It is hereby determined that some activities are recognized as having a deleterious effect upon adjacent areas, causing blight, a chilling effect upon other businesses and occupants, a disruption in neighborhood development and a general detriment to the moral welfare of the community, now, therefore the township enacts this ordinance to protect the health, safety, and welfare of the township by minimizing the adverse impact in the township.

**ARTICLE III. Definitions**

For the purpose of this ordinance, the following terms or designations shall have the following meanings:

a. Adult bookstore: An establishment having, as a substantial or significant portion of its stock in trade, books, magazines and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing or relating to "specific sexual activities" or "specified anatomical areas" as here-in-after defined, or an establishment with a segment or section devoted to the sale or display of such material.

b. Adult mini motion picture theater: An enclosure with a capacity for less than 50 persons 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 hereinafter defined for observation by patrons therein.

c. Adult motion picture theater: An enclosure with a capacity of 50 or more persons 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 hereinafter defined for observation by patrons therein.

d. Massage parlor: An establishment where persons conduct or permit to be conducted or engaged in, massages of the human body or parts thereof by means of pressure, imposed friction, stroking, kneading, rubbing, tapping, pounding, vibrating, or otherwise stimulating the same with hands, other parts of the human body, mechanical devices, creams, ointments, oils, alcohol or any other means of preparations to provide enjoyment to the recipient. This shall not apply to a business established by a licensed massage therapist for acceptable therapeutic purposes.

e. Adult smoking or sexual paraphernalia store: An establishment having as a substantial or significant portion of its stock in trade, paraphernalia designed or usable for sexual stimulation or arousal or for smoking, ingesting, or inhaling marijuana, narcotics or other stimulating or hallucinogenic drug-related substances.

#### **ARTICLE IV. Unlawful Acts**

1. It shall be unlawful for any person to operate any of the following businesses within 1,000 feet of any residentially zoned property:

- a. Adult book store
- b. Adult motion picture theater
- c. Adult mini motion picture theater
- d. Massage parlor
- e. Adult smoking or sexual paraphernalia store

2. It shall be unlawful for any person to allow, permit, or participate in any of the following activities in any store, bar, or business establishment in which alcohol is sold, whether or not for carry out or consumption on-premises consumption.

a. Any activity in which the participants have less than completely and opaquely covered genitals, pubic regions, buttocks, and female breasts.

b. The showing to the patrons of any photographs, movies, or videos presenting material characterized by an emphasis or matter depicting or relating to acts or acts of human masturbation, sexual intercourse, or sodomy, fondling, or other erotic touching of human genitals, public regions, buttocks, or female breasts, human genitals in a state of sexual stimulation or arousal of the anatomical regions mentioned in (a) above.

#### **ARTICLE V. Violation and Penalties**

Any person who violated any provision of this ordinance or any amendment thereto, or who fails to perform any act required hereunder or does any prohibited act, shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not more than \$100.00 or imprisonment in the County Jail for not more than ninety (90) days, or both, for each offense. Each and every day on which any violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder. Any violation of this ordinance is hereby declared to be a public nuisance per se which may be abated in Circuit Court either in lieu of, or in addition to, criminal prosecution.

#### **ARTICLE VI. Severability**

Shall any portion of this ordinance be declared invalid by Court action, the ordinance as a whole and all remaining portions shall be considered valid and in full force and effect.

#### **ARTICLE VIII. Effective Date**

This ordinance shall take effect immediately upon publication.