

20.300

**CABARETS; LICENSING AND OPERATION
TOWNSHIP OF TYRONE, MICHIGAN
ord. no. 18 eff. Apr. 29, 1978**

Whereas, it is determined by this Board to be in the interest of the health, safety and welfare of this township to regulate certain conduct in certain establishments that serve liquor within this township.

It is hereby resolved that this Board enact the following ordinance, an ordinance regulating certain defined conduct in certain establishments within the township.

THE TOWNSHIP OF TYRONE HEREBY ORDAINS:

20.301 Sec. 1. DEFINITIONS.

For the purpose of this Ordinance, the following words and phrases shall have the meanings respectively ascribed to them by this section:

- A. **CABARET** - Any place wherein food and any type of alcoholic beverage is sold or given away on the premises and the operator thereof holds a license from the state to sell alcoholic beverages by the glass and where the patrons are provided with entertainment or space for dancing, including club cabarets and limited cabarets.
- B. **CLUB CABARET** - An association of persons over the age of eighteen years, organized as a nonprofit corporation, which shall have a listed membership with regular fees for joining or annual dues; which shall be licensed by the Michigan Liquor Control Commission as a club with established by-laws, officers and directors; and which shall be engaged in operating a cabaret.
- C. **LIMITED CABARET** - Any place wherein food and beer, whiskey, wine or other spirituous liquor is served on the premises at a profit, including restaurants, as defined in section 2 of PA 8 of 1933 (Extra Sessions), and amendments thereto, commonly known as the Michigan Liquor Control Act.
- D. **OPERATOR** - Any person, licensed by the Michigan State Liquor Control Commission, or such person's agent or employee, operating any cabaret.

- E. **PERSON** - Any person, co-partnership, firm, corporation, society, club, association or organization which engages in, sponsors or conducts the operation of any cabaret.
(ord. no. 18 eff. Apr. 29, 1978)

20.302 Sec. 2. LICENSES REQUIRED; TEMPORARY OR PROBATIONARY PERMITS.

- A. **PROPER LICENSE REQUIRED.** It shall be unlawful for any person to hereafter operate any cabaret club cabaret or limited cabaret in the Township without having first obtained proper license thereof from the Township Board.
- B. **APPLICATION.** Application for cabaret licenses shall be made with the Township Clerk upon payment of the application fee provided in section 3.
- C. **INSPECTION BY OFFICIAL DEPARTMENTS.** Upon receipt of the completed application for a license under this ordinance, the Clerk shall request that the County Building Inspector make an inspection of the proposed premises of any cabaret, club cabaret or limited cabaret for the purposes of determining whether the premises meet all requirements of the County Building Code. The applicant shall request, and provide written evidence, establishing that the premises have been inspected by the Township Zoning Administrator, as well as the Township Fire Department or its contracted Fire Department, and the County Health Department to establish that the premises do meet all zoning requirements, as well as Health Department requirements, as well as fire safety requirements. Such written evident of the premises condition, shall be furnished to the Township Board prior to the granting of any licenses.
- D. **APPLICATION IS PLACED ON AGENDA.** Upon receipt of a completed application for any cabaret license and the reports of departments provided for in subsection (c) the Clerk shall place the application upon the agenda of the next regular Township Board meeting.
- E. **ISSUANCE OF LICENSE.** The Township Board shall issue a license for a cabaret, a club cabaret or a limited cabaret at a specified location only upon satisfaciton of the following requirements:

1. Submission of a completed application to the Board with the appropriate licensing fee;
2. Report of the Township Zoning Administrator, the Township Fire Department, or its contracted representative, the County Board of Health, as well as the County Building Inspector, indicating compliance with the County Building Code, the Township Zoning Ordinance, the County Health Code, as well as state health requirements for cleanliness and all other laws relating to the health, safety and welfare of the patrons of the cabaret.
3. Compliance of the proposed cabaret with the Township Zoning Ordinance;
4. Submission of proof of proper licensing by the state for the operations contemplated except that no license may be issued by the Board if:
 - a. The applicant is in substantial non-compliance with the rules and regulations of the Liquor Control Commission promulgated pursuant to PA 8 of 1933,
 - b. The applicant has been convicted of a criminal offense either state or federal in the two years preceding the application.
 - c. The premises for which the license is sought is in substantial non-compliance with the Township Building Code, the State Fire Code or the State Health Code.
 - d. The applicant has violated any provision of this ordinance in the past two years.

F. MUST COMPLY WITH APPLICABLE ORDINANCES. No license shall be issued until the applicant shall have complied with the requirements of the Township Zoning Ordinance, the provisions of this ordinance and other applicable ordinances of the township provided that in the event of a transfer of ownership of any existing licensed cabaret, or limited cabaret the Township Supervisor may issue a temporary or probationary permit pending determination of whether or not a permanent license shall be issued.

(ord. no. 18 eff. Apr. 29, 1978)

20.303 Sec. 3. LICENSING FEE.

The following fees shall be paid upon application for the respective licenses upon filing of the application for a license and thereafter on May 1 of each year in which a renewal is requested.

- A. **CABARET.** The annual license fee for a cabaret license shall be \$125.00 plus the cost of inspections.
- B. **CLUB CABARET.** The annual license fee for a club cabaret shall be \$100.00 plus cost of inspections.
- C. **LIMITED CABARET.** The annual license fee for a limited cabaret shall be \$75.00 plus cost of inspections.
(ord. no. 18 eff. Apr. 29, 1978)

20.304 Sec. 4. EXPIRATION DATE AND RENEWAL.

- A. Cabaret licenses issued pursuant to this ordinance shall expire on the first day of May of each year.
- B. Renewal of a cabaret license may be obtained by the payment of the licensing fees set forth in Section 3 to the Clerk of the Township, subject to Section 2 (e) (4) and Section 5 hereof.
(ord. no. 18 eff. Apr. 29, 1978)

20.305 Sec. 5. AUTHORITY OF TOWNSHIP BOARD TO REFUSE OR REVOKE LICENSES:

- A. **VIOLATION; PROOF SUBMITTED TO BOARD.** The Township Board may refuse to issue or renew a license for the operation of any business regulated by this ordinance and may revoke any license already issued upon proof submitted to the Board of a violation by any applicant, or licensee, his agent, or employee of any criminal statute of the state or of any ordinance of this township regulating, controlling or in any way relating to the construction, use or operation of any of the establishments included in this ordinance which evidences a flagrant disregard for the safety or welfare of either employees or patrons, or which limits person residing or doing business nearby unreasonably in their right to utilize their property.

- B. **SUSPENSION.** In the event that any violation as set forth in subsection (a) by a licensee, his agent or his employee occurs, the Township Supervisor may suspend any cabaret license issued pursuant to this ordinance for a period of 30 days.

- C. **HEARING.** Upon suspension of any cabaret license by the Supervisor, or refusal to renew, or in the event that the Board has reason to believe that a violation as set forth in subsection (a) has occurred, a hearing shall be held by the Township Board to review the allegations of violations. The hearing may be held during a regular Township Board meeting or at a special meeting called by the Board upon notice mailed to the licensee at least five (5) days prior to the hearing. At the hearing the Board may suspend, refuse to renew, or revoke a license, or adjourn the hearing to a later date for the purpose of taking additional information.
(ord. no. 18 eff. Apr. 29, 1978)

20.306 Sec. 6. PROHIBITED ACTIVITIES.

No licensee of his agent or employee shall engage in or permit the following conduct or activities on the premises of a cabaret of any class:

- A. **DISORDERLY CONDUCT.** Any disorderly conduct or the use of any lewd or obscene language is prohibited.

- B. **RESORT; THIEVES; PROSTITUTES.** The premises of a cabaret are not to be utilized as a resort for thieves, prostitutes or other disorderly persons.

- C. **IMMORAL ACTIVITIES.** No person, patron, employee shall be permitted to annoy, molest, accost or solicit, for immoral purposes, any patrons or employees in or upon the premises.

- D. **INDECENT CONDUCT.** The following conduct, either by patrons or employees is prohibited:
 - 1. The performance of acts or simulated acts, of sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation or any other sexual acts which are prohibited by law.

2. The actual or simulated caressing or fondling of the breast, buttock, pubic region or genitals.
3. The actual or simulated displaying of the pubic hair, pubic region, anus, vulva, genitals or breast.

E. **SMOKING ON DANCE FLOOR.** No person, patron or employee shall smoke or hold a lighted cigar, cigarette or pipe on the dance floor while dancing.

F. **PARTICIPATION IN ENTERTAINMENT.** No patron may take any active part in any entertainment except that patrons may engage or participate in community singing.

G. **MINGLING WITH PATRONS.** Employees, including entertainers, of a cabaret shall not solicit food or drinks from patrons or otherwise mingle with patrons during or immediately following their regular hours of employment in the cabaret.

H. **GAMBLING.** No gambling nor the use, possession, or presence of gambling apparatus or paraphernalia shall be permitted on the premises.

I. **INDECENT EXPOSURE.** No person may remain in or upon the licensed premises who engages in conduct prohibited in paragraph (1) and (2) of subsection (d) of this section or who exposes to public view any portion of his or her private parts as described in paragraph (3) of subsection (d) of this section.

J. **DRUGS OR CONTROLLED SUBSTANCES.** No person shall engage in the sale, distribution, possession, transfer of, use of, or trafficking in a drug or controlled substance as prohibited in the Michigan Controlled Substance Act of 1971, being Act 196 of the Public Acts of 1971 of the State of Michigan or of the Comprehensive Drug Abuse Prevention and Control Act, of 1970, being Act. Oct. 27, 1970, P.L. 91-513, 84 Stat. 1236 of the statutes of the United States.
(ord. no 18 eff. Apr. 29, 1978)

20.307 Sec. 7. OPERATIONAL REQUIREMENTS.

Licensees of cabarets of all classes in the Township shall:

- A. **DRESSING ROOMS FOR ENTERTAINMENT.** Provide separate and adequate dressing rooms for male and female entertainers, if entertainment is provided.
- B. **DANCE FLOOR; AREA REQUIRED.** Prohibit overcrowding of the dance floor, by providing no less than two hundred square feet of dance space in establishments which have a seating capacity of less than one hundred persons, or no less than four hundred square feet in establishments which have a seating capacity of one hundred or more persons. Dance space shall be plainly indicated by floor markings and shall be kept free of tables, chairs or any other obstacles during the time that dancing is permitted; and
- C. **ALCOHOLIC BEVERAGES.** Prohibit the sale or service of any alcoholic beverage to any intoxicated person and prohibit any intoxicated person from dancing, loitering or being employed on the licensed premises.
(ord. no. 18 eff. Apr. 29, 1978)

20.308 **Sec. 8. DANCING AND ENTERTAINMENT; HOURS PROHIBITED.**

No dancing or entertainment shall be permitted in any cabaret, or club cabaret between the hours of 2:00 A.M. and 7:00 A.M. Michigan time on any day; provided that the exceptions in the Michigan Liquor Control act governing hours of operation on January 1st shall prevail on the aforementioned dates.

(ord. no. 18 eff. Apr. 29, 1978)

20.309 **Sec. 9. OPERATION OF CABARETS IN HOTELS.**

Hotels licensed by the State Liquor Control Commission may operate cabarets in approved locations within the premises of such licensed hotel in accordance with the definition of a "cabaret" contained in section 1, provided, that no public dance permitting minors under eighteen years of age shall be held or situated in a manner which would permit or allow any minor to have access to any location in which liquor or other alcoholic beverage is being served, and that the location being operated as a cabaret is clearly defined and separated.

(ord. no. 18 eff. Apr. 29, 1978)

20.310 **Sec. 10. OPERATORS RESPONSIBLE FOR VIOLATIONS OF AGENTS AND SERVANTS.**

Any violation of this ordinance committed by any agent or servant of an operator shall be deemed a violation by the operator, whether or not such violation is committed with his knowledge. The operator and his agents or servants shall not allow patrons to do or commit any of the acts prohibited by this ordinance.
(ord. no. 18 eff. Apr. 29, 1978)

20.311 **Sec. 11. PENALTY.**

Any person operating a cabaret, limited cabaret or club cabaret in this township without a license, as provided in this ordinance or during a period of suspension or revocation of a license shall be guilty of a misdemeanor and upon conviction thereof shall be punished for each violation by a fine not exceeding one hundred dollars (\$100.00), or imprisonment in the County Jail of Livingston County, Michigan for a period not to exceed ninety (90) days or both as determined by the Court. Each day during which operation of any class of cabaret occurs without a license as provided herein shall constitute a separate violation of this ordinance.
(or. no. 18 eff. April 29, 1978)

20.312 **Sec. 12. SEVERABILITY.**

The sentences, sections and provisions of this ordinance are declared to be severable, and any section which is declared inoperative for any reason by a Court of competent jurisdiction shall in no way affect the remaining sentences, sections or provisions of this ordinance.
(ord. no. 18 eff. Apr. 29, 1978)

20.313 **Sec. 13. CONFLICTING ORDINANCES REPEALED.**

To the extent that other ordinances of the township, or portions or provisions thereof, conflict with this ordinance, they are hereby repealed.
(ord. no. 18 eff. Apr. 29, 1978)

20.314 **Sec. 14. EFFECTIVE DATE.**

This Ordinance shall become effective thirty (30) days after publication in the Fenton Independent.

Adopted: March 21, 1978
Published: March 30, 1978
Effective: April 29, 1978

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