

STATE OF MICHIGAN
COUNTY OF HURON
TOWNSHIP OF PORT AUSTIN

ADULT ENTERTAINMENT BUSINESSES ORDINANCE

ZONING ORDINANCE
ORDINANCE NO. 133

WHEREAS, the Port Austin Planning Commission, in compliance with PA 184 of 1943, as amended, being the Township Rural Zoning Act, has recommended an amendment to the Port Austin Township Zoning Ordinance; and

WHEREAS, the same was submitted to the Huron County Planning Commission pursuant to said act and that the Huron County Planning Commission has concurred with the recommendation of Port Austin Township Planning Commission; and

WHEREAS, the recommended amendment has been studied and considered by the Port Austin Township Board which finds it to be compatible with the present land usage, reasonable and necessary for the public peace, health, safety and welfare of the people of the Township of Port Austin.

THE TOWNSHIP OF PORT AUSTIN, HURON COUNTY, MICHIGAN ORDAINS THE FOLLOWING:

The intent of this ordinance is to provide for the regulation and standards governing and concerning adult entertainment business and adult live conduct business.

Because some uses are recognized as having a deleterious effect upon adjacent areas, causing blight, a chilling effect upon other businesses and occupants, and a disruption in neighborhood development, especially when concentrated in a confined area, it is considered necessary and in the best interest of the orderly and better development of the community to prohibit the overcrowding of such uses into a particular location and require, instead, their disbursement throughout the commercial and industrial zones of the township to thereby minimize their adverse impact on any specific neighborhood.

In order to prevent undesirable concentration of such uses, the following uses and activities shall not be located within the specified limitations as set forth in Section 8.00 of this ordinance and shall include the following:

- a. adult book store;
- b. adult motion picture theater;
- c. adult mini motion picture theater;

- d. adult smoking or sexual paraphernalia store;
- e. massage parlor;
- f. host or hostess establishments offering socialization with a host or hostess for a consideration;
- g. sauna, hot tub or other similar health or body improvement or enjoyment enterprises;
- h. any combination of the foregoing;

For the purpose of interpreting the application of the foregoing limitations on certain business locations, 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 "specified sexual activities" or "specified anatomical areas," as hereinafter 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. 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;
- e. 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 relaxation or enjoyment to the recipient;
- f. sauna, hot tub or other similar health or body improvement enterprises: establishment where saunas, hot tubs, whirlpools, sun lamps and similar body relaxing, soothing or improving facilities are available for male and female customers with or without supervision or participation by employees or independent contractors of the business;

- g. specified sexual activities:
 - (1) acts of human masturbation, sexual intercourse, or sodomy;
 - (2) fondling or other erotic touching of human genitals, pubic regions, buttocks or female breasts;
 - (3) human genitals in a state of sexual stimulation or arousal.
- h. specified anatomical areas:
 - (1) less than completely and opaquely covered human genitals, pubic regions, buttocks and female breasts below a point immediately above the top of the areola;
 - (2) human male genitals in a discernibly turgid state, even if completely and opaquely covered.

Regulations Concerning Adult Entertainment Business and Adult Live Conduct Business

1. Permit and/or License Required:
 - a. It shall be unlawful for a person to operate a sexually oriented business without a valid permit and/or license, issued by the Zoning Administrator.
2. An application for a permit and/or license must be on a form provided by the County of Huron. The application must be accompanied by a sketch or a diagram showing the configuration of the premises, including a statement of total floor space occupied by the business. The sketch or diagram need not be professionally prepared but 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.
3. The applicant must be qualified according to the provisions of this ordinance and the premises must be inspected and found to be in compliance with the law by the health department, fire department, building official, police department and zoning administrator.
4. If a person who wishes to operate a sexually oriented business is an individual, he must sign the application for a permit and/or license as applicant. If a person who wishes to operate a sexually oriented business is other than an individual, each individual who has a ten (10%) percent or greater interest in the business must sign the application for a permit and/or license as applicant. If a corporation is listed as owner of a sexually oriented business or as the entity which wishes to operate such a business, each individual having a ten (10%) percent or greater interest in the corporation must sign the application for a permit and/or license applicant.

5. The fact that a person possesses other types of state or county permits and/or licenses does not exempt him from the requirement of obtaining a sexually oriented business permit and/or license.
6. Applications for a permit, whether original or renewal, must be made to the Township Zoning Administrator by the intended operator of the establishment. Applications must be submitted by hand delivery to the office of the Zoning Administrator during regular working hours. The intended operator shall be required to give the following information on the application form:
 - a. The name and street address (and mailing address if different), and _____ (state, i.e. Michigan) driver's license number of the intended operator if he/she has such a driver's license; The name and street address (and mailing address if different) of the owner(s);
 - b. The name under which the establishment is to be operated and a general description of the services to be provided;
 - c. The telephone number of the establishment;
 - d. The address, and legal description of the tract of land on which the establishment is to be located;
 - e. If the establishment is in operation, the date on which the owner(s) acquired the establishment for which the permit is sought, and the date on which the establishment began operations as a sexually oriented business at the location for which the permit is sought; and
 - f. If the establishment is not in operation, the expected start-up date (which shall be expressed in number of days from the date of issuance of the permit). If the expected start-up date is to be more than ten (10) days following the date of issuance of the permit, then a detailed explanation of the construction, repair or remodeling work or other cause of the expected delay and a statement of the owner's time schedule and plan for accomplishing the same.
7. The application shall be accompanied by the following:
 - a. Payment of the application fee in full;
 - b. If the establishment is a Michigan corporation, a certified copy of the articles of incorporation, together with all amendments thereto;
 - c. If the establishment is a foreign corporation, a certified copy of the certificate of authority to transact business in this state, together with all amendments thereto;

- d. If the establishment is a limited partnership formed under the laws of Michigan, a certified copy of the certificate of limited partnership, together with all amendments thereto;
 - e. If the establishment is a foreign limited partnership, a certified copy of the certificate of limited partnership and the qualification documents, together with all amendments thereto;
 - f. Proof of the current fee ownership of the tract of land on which the established is to be situated in the form of a copy of the recorded deed;
 - g. If the persons identified as the fee owner(s) of the tract of land in item (6) are not also the owners of the establishment, then the lease, purchase contract, purchase option contract, lease option contract or other document(s) evidencing the legally enforceable right of the owners or proposed owners of the establishment to have or obtain the use and possession of the tract or portion thereof that is to be used for the establishment for the purpose of the operation of the establishment;
 - h. Any of items (2) through (7), above shall not be required for a renewal application if the applicant states that the documents previously furnished the director with the original application or previous renewals thereof remain correct and current.
8. The application shall contain a statement under oath that:
- a. The applicant has personal knowledge of the information contained in the application and that the information contained therein and furnished therewith is true and correct; and
 - b. The applicant has read the provisions of this article;
 - c. A separate application and permit shall be required for each sexually oriented business.

SECTION 1.00 ISSUANCE OF PERMIT AND/OR LICENSE FOR ADULT BUSINESSES:

- A. The Zoning Administrator shall approve the issuance of a permit and/or license to an applicant within 30 days after receipt of an application unless he finds one or more of the following to be true:
 - 1. An applicant is under eighteen (18) years of age.
 - 2. An applicant or an applicant's spouse is overdue in his payment to the county of taxes, fines, or penalties assessed against him or imposed upon him in relation to a sexually oriented business.

3. An applicant has failed to provide information reasonably necessary for issuance of a permit and/or license or has falsely answered a question or request for information on the application form.
4. An applicant is residing with a person who has been denied a permit and/or license by the county to operate a sexually oriented business within the preceding twelve (12) months, or residing with a person whose license to operate a sexually oriented business has been revoked within the preceding twelve (12) months.
5. The premises to be used for the sexually oriented business has not been approved by the health department, fire department, building official and zoning administrator as being in compliance with applicable laws and ordinances.
6. The permit and/or license fee required by this ordinance has not been paid.
7. An application of the proposed establishment is in violation of or is not in compliance with any of the provisions of this ordinance.
8. An applicant has been convicted of any of the following criminal offenses in any jurisdiction:
 - a. prostitution, procuring a prostitute, or solicitation of a prostitute;
 - b. sale, distribution, or display of obscene material;
 - c. sale, distribution, or display of material which is harmful to minors;
 - d. soliciting, procuring or aiding and abetting an unlawful sexual performance by a minor;
 - e. possession, sale or distribution of child pornography;
 - f. public lewdness;
 - g. indecent exposure;
 - h. indecent conduct with a child;
 - i. sexual assault or rape;
 - j. incest;
 - k. sexual solicitation of a child;
 - l. contributing to the delinquency of a minor;

m. harboring a runaway child; or

- B. The permit and/or license, if granted, shall state on its face the name of the person or persons to whom it is granted, the expiration date, and the address of the sexually oriented business. The permit and/or license shall be posted in a conspicuous place at or near the entrance to the sexually oriented business so that it may be easily read at any time.

The health department, fire department and building official shall complete their certification that the premises is in compliance or not in compliance within twenty (20) days of receipt of the application by the Zoning Administrator. The certification shall be promptly presented to the Zoning Administrator.

- C. In the event that the Zoning Administrator determines that an applicant is not eligible for a permit, the applicant shall be given notice in writing of the reasons for the denial within forty-five (45) days of the receipt of its application by the Zoning Administrator, provided that the applicant may request, in writing, that such period be extended for an additional period of not more than ten (10) days at any time before the notice is issued in order to make modifications necessary to comply with this ordinance.
- D. An applicant may appeal the decision of the Zoning Administrator regarding a denial to the Township Planning and Zoning Commission by filing a written notice of appeal within fifteen (15) days after the applicant is given notice of the Zoning Administrator's decision. The notice of appeal shall be accompanied by a memorandum or other writing setting out fully the grounds for such appeal and all arguments in support thereof. The Zoning Administrator may submit a memorandum in response to the memorandum filed by the applicant on appeal. After reviewing the relevant information the Planning and Zoning Commission shall vote to either uphold or overrule the Zoning Administrator's decision. Such vote shall be taken within forty-five (45) calendar days after the date on which the commission receives the notice of appeal. However, all parties shall be required to comply with the Zoning Administrator's decision during the pendency of the appeal.

SECTION 2.00 FEES:

The annual fee for a sexually oriented business permit and/or license is Two Thousand (\$2,000.00) Dollars. This fee is to be used to pay for the cost of the administration and enforcement of this ordinance.

SECTION 3.00 INSPECTIONS:

An applicant, or permittee and/or licensee shall permit representatives of the Police Department, Health Department, Fire Department, Zoning Department, or other County of State departments or agencies to inspect the premises of a sexually oriented business for the purpose of insuring compliance with the law, at any time it is occupied or open for business.

SECTION 4.00 EXPIRATION OF PERMIT AND/OR LICENSE

- A. Each permit and/or license shall expire one year from the date of issuance and may be renewed only by making application as provided herein. Application for renewal should be made at least thirty (30) days before the expiration date, and when made less than thirty (30) days before the expiration date, the expiration of the permit and/or license will not be affected.
- B. When the Director denies renewal of a license, the applicant shall not be issued a permit and/or license for one year from the date of denial. If, subsequent to denial, the Zoning Administrator finds that the basis for denial of the renewal permit and/or license has been corrected or abated, the applicant may be granted a permit and/or license if at least ninety (90) days have elapsed since the date denial became final.

SECTION 5.00 SUSPENSION:

The Zoning Administrator shall suspend a permit and/or license for a period not to exceed thirty (30) days if he determines that permittee and/or licensee or an employee of a permittee and/or licensee has:

- A. violated or is not in compliance with any section of this ordinance;
- B. become impaired or intoxicating through the use of alcoholic beverages while on the sexually oriented business premises;
- C. refused to allow an inspection of the sexually oriented business premises as authorized by this ordinance;
- D. knowingly permitted gambling by any person on the sexually oriented business premises.

SECTION 6.00 REVOCATION:

- A. The Zoning Administrator shall revoke a permit and/or license if a cause of suspension in Section 5.00 occurs and the permit and/or license has been suspended within the preceding twelve (12) months.
- B. The Zoning Administrator shall also revoke a permit and/or license if he determines that:
 - 1. a permittee and/or licensee gave false or misleading information in the material submitted during the application process;
 - 2. a permittee and/or licensee or an employee has knowingly allowed possession, use, or sale of controlled substances on the premises;
 - 3. a permittee and/or licensee or an employment has knowingly allowed prostitution on the premises;

4. a permittee and/or licensee or an employee knowingly operated the sexually oriented business during a period of time when the permittee's and/or licensee's permit and/or license was suspended;
 5. a permittee and/or licensee or an employee has knowingly allowed an act of sexual intercourse, sodomy, oral copulation, masturbation, or other sexual conduct to occur in or on the permitted and/or licensed premises;
 6. a permittee and/or licensee is delinquent in payment to the County or State for any taxes for fees past due;
 7. the owner or operator of the permitted establishment knowingly allowed a person under eighteen (18) years of age to enter an establishment;
 8. that there was a change of owner or operator for which a transfer application was not timely filed.
- C. When the Zoning Administrator revokes a permit and/or license, the revocation shall continue for one (1) year, and the permittee and/or licensee shall not be issued a sexually oriented permit and/or license for one (1) year from the date revocation became effective. If, subsequent to revocation, the Zoning Administrator finds that the basis for the revocation has been corrected or abated, the applicant may be granted a permit and/or license if at least ninety (90) days have elapsed since the date the revocation became effective.
- D. After denial of an application by the Planning Commission, or denial of a renewal of an application, or suspension or revocation of a permit and/or license by the Zoning Administrator, the applicant or licensee or permittee 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.

SECTION 7.00 TRANSFER OF PERMIT AND/OR LICENSE

A permittee and/or licensee shall not transfer his permit and/or license to another, nor shall a permittee and/or licensee operate a sexually oriented business under the authority of a permit and/or license at any place other than the address designated in the application.

SECTION 8.00 LOCATION RESTRICTIONS

- A. A sexually oriented business may not be operated within 2000 feet of:
1. a church, synagogue or regular place of religious worship;
 2. a public or private elementary or secondary school;

3. a boundary of any residential zoned district or any residential structure within or without a zoned area;
 4. a public park;
 5. a licensed daycare center;
 6. another sexually oriented business.
- B. A sexually oriented business may not be operated in the same building, structure, or portion thereof, containing another sexually oriented business.
- C. For the purpose of this ordinance, measurement shall be made in a straight line, without regard to intervening structures or objects, from the nearest portion of the building or structure used as a part of the premises where a sexually oriented business is conducted, to the nearest property line of the premises of a church, synagogue, regular place of worship, or public or private elementary or secondary school, or to the nearest boundary of an affected public park, residential district, or residential lot, or licensed daycare center.
- D. For purposes of Section 8.00 (C), the distance between any two sexually oriented businesses uses shall be structures or objects, from the closest exterior wall of the structure in which each business is located.

SECTION 9.00 NON-CONFORMING USES:

- A. Any business lawfully operating on the effective date of this ordinance that is in violation of the location of structural configuration requirements of this ordinance shall be deemed a non-conforming use. The non-conforming use will be permitted to continue for a period not to exceed two years, unless sooner terminated for any reason or voluntarily discontinued for a period of thirty (30) days or more. Such non-conforming uses shall not be increased, enlarged, extended or altered except that the use may be changed to a conforming use. If two or more sexually oriented businesses are within 1,000 feet of one another and otherwise in a permissible location, the sexually oriented business which was first established and continually operating at a particular location is the conforming use and the later-established business(es) is/are non-conforming.
- B. A sexually oriented business lawfully operating as a conforming use is to rendered a non-conforming use by the location, subsequent to the grant or renewal of the sexually oriented business permit and/or license, of a church, synagogue, or regular place of religious worship, public or private elementary or secondary school, licensed daycare center, public park, residential district, or residential structures, within two thousand (2,000) feet of the sexually oriented business. This provision applies only to the renewal of a valid permit and/or license, and does not apply when an application for a permit and/or license is submitted after a permit and/or license has expired or has been revoked.

SECTION 10.00 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 (10) hours creates a rebuttable presumption that the establishment is an adult motel as that term is defined in this chapter.
- B. It is unlawful if a person, as the person in control of a sleeping room in a hotel, motel or similar commercial establishment that does not have a sexually oriented permit and/or license, he rents or sub-rents a sleeping room to a person and, within ten (10) hours from the time the room is rented, he rents or sub-rents the same sleeping room again.
- C. For purposes of Section 10.00 (B), the terms "rent" or "sub-rent" mean the act of permitting a room to be occupied for any form of consideration.

SECTION 11.00 REGULATIONS PERTAINING TO EXHIBITION OF SEXUALLY EXPLICIT FILMS OR VIDEOS

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 one hundred fifty (150) square feet of floor space, a film, video cassette, or other video reproduction which depicts specified sexual activities or specified anatomical areas, shall comply with the following requirements:

- A. Upon application for a sexually oriented permit and/or 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 thirty-two (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 (6") inches. The Zoning Administrator 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.
- B. The application shall be sworn to be true and correct by the applicant.
- C. No alteration in the configuration or location of a manager's station may be made without the prior approval of the Zoning Administrator or his designee.

- D. It is the duty of the owners and operator of the premises to ensure that at least one employee is on duty and situated in each manager's station at all times that any patron is present inside the premises.
- E. 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 manager's 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.
- F. It shall be the duty of the owners and operator, and it shall also be the duty of any agents and employees present in the premises to ensure that the view area specified in Section 11.00 (E) remains unobstructed by any doors, walls, merchandise, display racks or other materials at all times and to ensure that no patron is permitted access to any area of the premises which has been designated as an area in which patrons will not be permitted in the application filed pursuant to Section 11.00 (A).
- G. No viewing room may be occupied by more than one person at any time.
- H. The premises shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access.
- I. It shall be the duty of the owners and operator and it shall also be the duty of any agents and employees present in the premises to ensure that the illumination described above, is maintained at all times that any patron is present in the premises.

SECTION 12.00 EXTERIOR PORTIONS OF SEXUALLY ORIENTED BUSINESSES.

- A. It shall be unlawful for an owner or operator of a sexually oriented business to allow the merchandise or activities of the establishment to be visible from a point outside the establishment.
- B. It shall be unlawful for the owner or operator of a sexually oriented business to allow the exterior portion of the sexually oriented business to have flashing lights, or any words, lettering, photographs, silhouettes, drawings, or pictorial representations of any manner except to the extent permitted by the provisions of this ordinance.
- C. It shall be unlawful for the owner or operator of a sexually oriented business to allow exterior portions of the establishment to be painted any color other than a single achromatic color. This provision shall not apply to a sexually oriented business if the following conditions are met:
 - 1. the establishment is a part of a commercial multi-unit center; and

2. the exterior portions of each individual unit in the commercial multi-unit center, including the exterior portions of the business, are painted the same color as one another or are painted in such a way so as to be a component of the overall architectural style or pattern of the commercial multi-unit center.
- D. Nothing in this article shall be construed to require the painting of an otherwise unpainted exterior portion of a sexually oriented business.

SECTION 13.00 SIGN REGULATIONS

- A. Notwithstanding any other county ordinance, code, or regulation to the contrary, it shall be unlawful for the owner or operator of any sexually oriented business or any other person to erect, construct, or maintain any sign for the sexually oriented business other than the one (1) primary sign and one (1) secondary sign, as provided herein.
- B. Primary signs shall have no more than two (2) display surfaces. Each such display surface shall:
1. Not contain any flashing lights;
 2. Be a flat plane, rectangular in shape;
 3. Not exceed seventy-five (75) square feet in area; and
 4. Not exceed ten (10) feet in height or ten (10) feet in length.
- C. Primary signs shall contain no photographs, silhouettes, drawings or pictorial representations of any manner, any may contain only the name of the enterprise.
- D. Each letter forming a word on a primary sign shall be of solid color, and each such letter shall be the same print-type, size and color. The background behind such lettering on a display surface of a primary sign shall be of a uniform and solid color.
- E. Secondary signs shall have only one (1) display surface. Such display surface shall:
1. Be a flat plane, rectangular in shape;
 2. Not exceed twenty (20) square feet in area;
 3. Not exceed five (5) feet in height and four (4) feet in width; and
 4. Be affixed or attached to any wall or door of the enterprise.
- F. The provisions of item (1) and Section 13.00 (B) and Section 13.00 (C) and (D) shall also apply to secondary signs.

SECTION 14.00 PERSONS YOUNGER THAN EIGHTEEN PROHIBITED FROM ENTRY:
ATTENDANT REQUIRED:

- A. It shall be unlawful to allow a person who is younger than eighteen (18) years of age to enter or be on the premises of a sexually oriented business at any time that the sexually oriented business is open for business.
- B. It shall be the duty of the operator of each sexually oriented business to ensure that an attendant is stationed at each public entrance to the sexually oriented business at all times during such sexually oriented businesses' regular business hours. It shall be the duty of the attendant to not allow any person under the age of eighteen (18) years to enter the sexually oriented business. It shall be presumed that an attendant knew a person was under the age of eighteen (18) unless such attendant asked for and was furnished:
 - 1. A valid operator's, commercial operator's or chauffeur's driver's license; or
 - 2. A valid personal identification certificate issued by the State of Michigan reflecting that such person is eighteen (18) years old or older.

SECTION 15.00 MESSAGES OR BATHS ADMINISTERED BY PERSON OF OPPOSITE SEX:

It shall be unlawful for any establishment, regardless of whether it is a public or private facility, to operate as a massage salon, massage parlor or any similar type business where any physical contact with the recipient of such services is provided by a person of the opposite sex.

SECTION 16.00 EXEMPTIONS:

It is a defense to prosecution under this ordinance that a person appearing in a state of nudity or semi-nudity did so in a modeling class operated:

- A. by a proprietary school, licensed by the State of Michigan; a college, junior college, or university supported entirely or partly by taxation;
- B. 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.

SECTION 17.00 NOTICES:

- A. Any notice required or permitted to be given by the Zoning Administrator or any other county office, division, department or other agency under this ordinance to any applicant, operator, or owner of an establishment may be given either by personal delivery or by certified United States mail, postage prepaid, return receipt requested, addressed to the most recent address as specified in the application for the permit, or transfer application which has been received by the Zoning Administrator, or any notice of address change which has been received by the

Zoning Administrator. Notices mailed, as above described, shall be deemed given upon their deposit in the United States mail. In the event that any notice given by mail is returned by the postal service, the Zoning Administrator or his designee shall cause it to be posted at the principal entrance to the establishment.

- B. Any notice required or permitted to be given to the Zoning Administrator by any person under this ordinance shall not be deemed given until and unless it is received in the office of the Zoning Administrator.
- C. It shall be the duty of each owner who is designated on the permit application and each operator to furnish notice to the Zoning Administrator in writing of any change of residence or mailing address.

SECTION 18.00 INJUNCTION/VIOLATIONS:

A person who operates or causes to be operating a sexually oriented business without a valid permit and/or license or otherwise violates this ordinance is subject to a suit for injunction as well as prosecution for criminal violations. Additionally, any person or other entity who violates any of the provisions of this ordinance is responsible for a municipal civil infraction as defined by Michigan law and subject to a civil fine of not more than \$500.00 plus costs which may include all direct or indirect expenses to which the township has put forth in connection with the violation including actual attorneys fees. A violator of this ordinance shall also be subject to such additional sanctions, remedies, and judicial orders as are authorized under Michigan law. Each day a violation of this ordinance continues to exist constitutes a separate violation.

SECTION 19.00 SEVERABILITY:

The provision of this ordinance I hereby declare to be severable, and if any part is declared invalid for any reason by a court of competent jurisdiction, it shall not affect the remainder of the ordinance which shall continue in full force and effect.

SECTION 20.00 SUPPLEMENTARY EFFECT:

All ordinances of the township heretofore or hereafter adopted shall be considered to be supplemented by the terms of this ordinance.

SECTION 21.00 EFFECTIVE DATE:

This ordinance shall take effect immediately upon publication as required by Michigan law following adoption by the township board.

That except as herein specifically modified or amended, the entire Port Austin Township Zoning Ordinance and Map shall remain in full force and effect.

Made and passed at a meeting thereof this 21st day of October, 2002.

Cheryl Gray
CHERYL GRAY, Township Clerk

Marvin L. Goretski
MARVIN L. GORETSKI, Township Supervisor

I hereby certify that the foregoing constitutes a true and complete copy of an Ordinance duly adopted by the Township Board of Port Austin, County of Huron, State of Michigan, at a regular meeting held on the 21st day of October, 2002, and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, and that the minutes of said meeting were kept and will be or have been made available as required by said Act.

I further certify that the following Members were present at said meeting:

Goretski, Babcock, Gray, Andreski, Stockoski

and that the following Members were absent:

None

I further certify that Member Marvin Goretski moved adoption of said Ordinance, and that said motion was supported by Member JoAnne Babcock.

I further certify that the following Members voted for adoption of said Ordinance:

Gray, Andreski, Stockoski

I further certify that said Ordinance has been recorded in the Zoning Book and that such recording has been authenticated by the signatures of the Supervisor and the Township Clerk.

Dated: 10/22/02

Cheryl L. Gray
CHERYL GRAY, Township Clerk