

5:50. - Regulations concerning adult entertainment businesses.

- (1) *Definitions.* The following words and phrases shall have the following definitions when used in this section.
- (a) *Adult entertainment business.* One or a combination of more than 1 of the following types of businesses: adult bookstore, adult motion picture theater, adult mini-motion picture theater, adult personal service business, adult novelty business, adult nightclub.
 - (b) *Adult bookstore.* An establishment having as a principal activity the sale of books, magazines, newspapers, video tapes, video discs and motion picture films which are characterized by their emphasis on portrayals of human genitals and pubic regions or acts of human masturbation, sexual intercourse or sodomy.
 - (c) *Adult motion picture theater.* An enclosed building with a capacity of 50 or more persons having as a principal activity displaying motion pictures characterized by their emphasis on portrayals of human genitals and pubic regions or acts of human masturbation, sexual intercourse or sodomy for observation by patrons therein.
 - (d) *Adult mini-motion picture theater.* An enclosed building having as a principal activity the presenting of material characterized by emphasis of portrayals of human genitals and pubic regions or actions of human masturbation, sexual intercourse or sodomy for observation by patrons therein in individual viewing booths.
 - (e) *Adult novelty business.* A business which has as a principal activity the sale of devices of simulated human genitals or devices designed for sexual stimulation.
 - (f) *Adult personal service business.* A business having as a principal activity a person, while nude or partially nude, providing personal services for another person on an individual basis in a closed room. It includes, but is not limited to, the following activities and services; massage parlors, exotic rubs, modeling studios, body painting studios, wrestling studios, individual theatrical performances. It does not include activities performed by persons pursuant to, and in accordance with, licenses issued to such persons by the State of Michigan.
 - (g) *Adult nightclub.* A business with the principal activity of providing entertainment by nude or partially nude performers.
 - (h) *Partially nude.* Having any or all of the following bodily parts exposed: buttocks, genitals, pubic area or female breasts.
 - (i) *Principal activity.* A use accounting for more than 20% of a business' stock in trade, display space, floor space, live entertainment time or movie display time per year.
- (2) *Locations of adult entertainment businesses.* An adult entertainment business may be located in the city only in accordance with the following restrictions:

- (a) No such business shall be located on a lot within 700 feet of a district which, pursuant to this chapter, has been classified R1A, R1B, R1C, R2A, R2B, R3, R4A, R4B, R4C, R4C/D, R4D, R6, planned unit developments with residential uses, or land zoned residential in a township.
 - (b) Such businesses shall only be located in a district classified pursuant to this chapter as M1 or M2.
 - (c) No such business shall be established within 700 feet of another adult entertainment business.
- (3) *Use regulations.*
- (a) No person shall reside in or permit any person to reside in the premises of an adult entertainment business.
 - (b) No person shall operate an adult personal service business unless there is conspicuously posted in each room where such business is carried on a notice indicating the prices for all services performed by said business. No person operating or working at such a place of business shall solicit or accept any fees except those indicated on any such notice.
 - (c) No person operating an adult entertainment business shall permit it to be used for acts of prostitution or to be frequented by known prostitutes who have been convicted of the act of prostitution within the last 24 months and any customers convicted of being customers of prostitutes within the last 24 months.
 - (d) No person shall operate an adult personal service business without obtaining a current code compliance license. Such licenses shall be issued by the Administrator or the Administrator's designee following an inspection to determine compliance with the Code of the City of Ann Arbor and upon payment of a license fee of \$100.00. Such a license shall be subject to the regulations contained in Chapter 76 of Title VII of this Code.
 - (e) No person operating an adult entertainment business shall permit any person under the age of 18 to be on the premises of said business either as an employee or customer.
 - (f) No person shall become the lessee or sublessee of any property for the purpose of using said property for an adult entertainment business without the express written permission of the owner of the property for such use.
 - (g) No lessee or sublessee of any property shall convert that property from any other use to an adult entertainment business without the express written permission of the owner of the property for such use.

(Ord. No. 45-77, 2-23-78; Ord. No. 20-83, 9-12-83; Ord. No. 60-90, § 1, 10-15-90; Ord. No. 09-28, § 11, 11-16-09)

