

1979 PUBLIC ENTERTAINMENT ORDINANCE

**TOWNSHIP OF BAINBRIDGE
BERRIEN COUNTY, MICHIGAN**

**Ordinance
No. 17
No. 14**

Adopted: February 5, 1979

An Ordinance to protect and secure the public health, safety and general welfare by the regulation of certain forms of commercial entertainment and personal service within the Township of Bainbridge, Berrien County, Michigan; to provide penalties for the violation of the provisions of this Ordinance and to repeal any ordinances or parts of ordinances in conflict herewith.

THE TOWNSHIP OF BAINBRIDGE ORDAINS:

SECTION I

Title

This Ordinance shall be known and cited as the Bainbridge Township Public Entertainment Ordinance.

SECTION II

Purpose

The purpose of this Ordinance is to regulate public commercial entertainers and servers involving dancing, monologues, pantomimes, and other personal type of body exhibitions, contortions or display, and personal service provided by any waitress, barmaid, waiter, bartender, performer, or other person by establishments within the Township where such public commercial entertainment and personal service of customers is presented, promoted, permitted or provided, to thereby prohibit any lewd, obscene, immoral, or unduly sexually stimulating entertainment acts, shows, or personal exhibitions or displays.

SECTION III

Regulations

- (A) No person, firm or corporation shall permit or allow any form of commercial public entertainment or personal service by any waitress, barmaid, waiter, bartender, performer, or other person of customers to be presented or provided within his, its, or their establishment, nor shall any such person engage in, present, or provide any form of public entertainment or personal service of customers within Bainbridge Township,

involving any lewd, obscene, immoral or unduly sexually stimulating dancing, monologues, pantomimes, or other type of body exhibitions, contortions, display or personal service.

Waitresses, barmaids, waiters or bartenders without substantial covering of the genital area are specifically prohibited.

- (B) The prohibited conduct, display or personal service prohibited by this Ordinance is hereby defined as that which, when taken as a whole, appeals to the prurient interest in sex, which portrays sexual conduct in a patently offensive way, and which, taken as a whole, does not have serious literary, artistic, political, or scientific value, so that the average person, applying contemporary community standards would find that such conduct, display, or personal service appeals to the prurient interest.

The proprietor of any establishment offering public entertainment and the performer and the personal server shall have the burden of proving compliance with the foregoing provisions in the event of any controversy concerning the same.

- (C) Any establishment within Bainbridge Township wherein public commercial entertainment by performers is permitted shall comply with the following regulations prior to the allowance of presentation of such entertainment:

- (1) No such entertainment shall be allowed within any establishment where intoxicating liquors or beer or wine are served unless the entertainer or personal server is at least 21 years of age.
- (2) The establishment shall be equipped with separate male and female dressing rooms adequate in size to comfortably accommodate the performers and located in close proximity to the area set aside for performances. In no event shall such dressing rooms be less than 64 feet in area.
- (3) The area utilized for performances shall be separated from the area occupied by patrons and customers by either a raised stage, railing, or other permanent divider-type construction.
- (4) No performers shall be allowed to dance, mingle, eat, or drink with patrons or customers in the establishments during the period of their employment in the establishment and the proprietor shall be responsible for enforcing compliance with such regulation.
- (5) No such entertainment shall be permitted until an annual license therefor has first been obtained from the Township Clerk of Bainbridge Township. Such license shall not be issued until the Building and Zoning Department of the Township has inspected the premises and ascertained that all physical requirements have been complied with and the Police and Fire Departments have reported favorably on previous operations, if any, of the establishments.

A license fee of \$25.00 shall accompany any application for an annual entertainment permit to help defray the cost of administering the within Ordinance. All licenses shall expire on May 1st of each year, subject to renewal under the terms and conditions herein contained.

SECTION IV

Saving Clause

The provisions of this Ordinance are hereby declared to be separable and if any clause, sentence, word, section, or provision is declared void or unenforceable for any reason, by any court of competent jurisdiction, it shall not affect any portion of the Ordinance other than said part or portion thereof.

SECTION V

Penalty

Any person, firm, or corporation who violates any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor and shall be punished by a fine of not more than One Hundred Dollars (\$100.00), or by imprisonment in the county jail for not to exceed ninety (90) days, or by both such fine and imprisonment. Each day that a violation continues to exist shall constitute a separate offense.

In addition to the foregoing, the Township of Bainbridge through the Township Board of such Township, reserves the right to revoke any entertainment license issued under the terms of the within Ordinance in the event of a violation of any of the regulations herein contained.

SECTION VI

Effective Date

This Ordinance shall take effect on March 17, 1979.

SECTION VII

Repeal

All Ordinances or parts of Ordinances in conflict with any of the provisions of this Ordinance are hereby repealed.

I hereby certify that the foregoing is a true and correct copy of the "Public Entertainment Ordinance" for Bainbridge Township, Berrien County, Michigan, duly adopted on the 5th day of February, 1979.

Beverly Koroch
Bainbridge Township Clerk

A motion that said "Public Entertainment Ordinance" be enacted was made by Beverly Koroch, and supported by James J. Lull, at a regular meeting of the Bainbridge Township Board on the 5th day of February, 1979.

The names of the Township Board Members and their votes are as follows:

NAME	YES	NO
James J. Lull	X	
Beverly Koroch	X	
L. C. Smith, Jr.	X	
Robert Spies, Absent		
Donald Baiers, Absent		

I hereby certify that the foregoing Ordinance was published in the Watervliet Record, Watervliet, Michigan, on the 15th day of February, 1979.

Beverly Koroch
Bainbridge Township Clerk