

**City of Luna Pier
Monroe County, Michigan**

ORDINANCE NO. 189

AN ORDINANCE TO PROHIBIT THE DISPLAY OR DEPICTION OF
NUDITY AND SEXUAL ACTS IN ESTABLISHMENTS LICENSED
UNDER THE MICHIGAN LIQUOR CONTROL ACT.

THE CITY OF LUNA PIER ORDAINS:

Section 1. Title.

This Ordinance shall be referred to and may be cited as the City of Luna Pier Entertainment, Nudity and Sexual Acts Prohibition Ordinance and shall hereinafter be referred to as “this Ordinance.”

Section 2. Purpose and Intent.

The Luna Pier City Council hereby determines that the display or depiction of nudity and sexual acts in establishments licensed under the Michigan Liquor Control Act deteriorates the residential, business and commercial environment of the City and that establishments which permit these activities negatively effect the safety, health and welfare of the public and property values. The prohibitions contained in this Ordinance are the minimum amount necessary to protect these important public interests.

Section 3. Nudity Defined.

Nudity is defined as the exposure to view of persons, of any of the following body parts, either directly or indirectly, including but not limited to by exposure, by see-through clothing articles, or by body stockings:

1. The whole or part of the pubic region;
2. The whole or part of the anus;
3. The whole or part of the buttocks;
4. The whole or part of the genitals;
5. The breast area including nipple, or more than one-half of the area of the breast.

Section 4. Nudity Prohibited.

No person holding a license pursuant to the Michigan Liquor Control Act, no person in charge of a licensed premises, no employee of the licensee, no employee of the person in charge of the licensed premises or any other person shall permit a display of nudity at any time in any establishment licensed or subject to licensing by the Michigan Liquor Control Commission.

Section 4. Explicit Sexual Activity Prohibited.

No person holding a license pursuant to the Michigan Liquor Control Act, no person in charge of a licensed premises, no employee of the licensee, no employee of the person in charge of the licensed premises or any other person shall permit or engage in any of the following described conduct or activity on the licensed premises:

- a. Acts or displays, whether live, on film, video tape, broadcast or by any means, which constitute or simulate:
 1. Sexual intercourse, fellatio, cunnilingus, masturbation, sodomy, bestiality, flagellation or any other act involving the touching or contacting of the genitals or any sexual acts which are prohibited by law; or
 2. The touching, caressing or fondling of the breast, buttocks, pubic region or genitals or the stimulation thereof by any device, tool, implement or object; or
 3. Uncovered human genitals, pubic hair, pubic region, anus, or vulva or covered human male genitals in a discernibly turgid state; or
 4. Scenes wherein artificial devices or inanimate objects depict any of the prohibited activities described above.
- b. Dancing by employees, contractors, patrons or others on the premises where dancers touch or are touched by persons and dancers are compensated directly or indirectly including but not limited to wages, tips or voluntary gratuities.
- c. Lingerie fashion shows involving nudity as described in Section 3 of the Ordinance.

Section 6. Enforcement.

Officers, employees and representatives of the Luna Pier Police Department, the Monroe County Sheriff's Department and the Michigan State Police, the City of Luna Pier Building Official and his designated agents are hereby authorized to issue citations to any person violating the provisions of this Ordinance. Any article or articles of clothing worn by the offender or utilized during the commission of a violation of this Ordinance may be seized and held as evidence pending final disposition of any civil or criminal proceedings brought pursuant to this Ordinance.

Section 7. Criminal Penalty.

Any person, corporation, and the owner or occupant of any establishment, their shareholders, directors and officers violating any provision of this Ordinance shall be guilty of a misdemeanor and subject to a fine of not more than Five Hundred Dollars (\$500.00), incarceration for a period not to exceed 93 days, or both a fine and incarceration within the discretion of a court of competent jurisdiction. The imposition of any sentence shall not exempt the offender from compliance with the requirements of this Ordinance.

Section 8. Revocation and Non-renewal of Liquor License and Civil Penalties.

The Luna Pier City Council from time to time, shall review the activities of all licensed liquor establishments in the City. The City Council, upon finding that any violation of law or Ordinance including but not limited to this Ordinance, its amendments or successors, or violation of the covenant executed in connection herewith or violation of the Rules and Regulation of the liquor Control Commission, may recommend sanctions as provided by law up to and including no-renewal or revocation of said liquor licenses and permit applied for or issued.

Any violation of the terms of this Ordinance, its amendments or successors shall serve as a basis for revocation of any occupancy permit.

Section 9. Nuisance Per Se.

The owner or operator of any establishment or business upon which a violation of the ordinance occurs shall be deemed to be permitting the existence of a nuisance per se injurious to the public health, safety and welfare of the citizens of the City of Luna Pier, which shall be subject to abatement, including but not limited to a permanent injunction in the discretion of a court of competent jurisdiction.

Section 10: Prior and Inconsistent Ordinances Repealed

All ordinances and amendments thereto which are in conflict with this Ordinance are, to the extent of such conflict, repealed.

Section 11: Severability

This ordinance and its various parts, sentences, paragraphs, sections, subsections, phrases and clauses shall be severable, and if any of them are held invalid by any court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions.

Section 12: Effective Date

This ordinance shall become effective ten (20) days after a summary has been published as provided by law.

Certified by P. Michelle Cureton, City Clerk

P. Michelle Cureton

Date