

## **Chapter 15**

### **LICENSING POWERS**

#### **15.01.00 Definitions**

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

**15.01.01 *Topless*** is defined as less than completely and opaquely covered female breasts below a point immediately above the top of the areola;

**15.01.02 *Bottomless*** is defined as less than completely and opaquely covered human genitalia; human buttocks, or human pubic area, that being from puberty on is normally covered with fine, soft short hairs, whether or not such area is shaved or otherwise depilated.

**15.01.03 *Obscene Live Conduct*** knowingly means (a) the performance of acts, or simulated acts, of sexual intercourse, masturbation, sodomy, bestiality, or copulation, flagellation, or any sexual acts prohibited by law; (b) the actual or simulated touching, caressing, or fondling of the breasts, buttocks, anus, or genitals; (c) the actual or simulated displaying of pubic hair, anus, vulva, or genitals; (d) the permitting by a licensee of any person to remain in or upon the licensed premises who exposes to public view any portion of his or her genitals or anus; and, (e) the displaying of films or pictures depicting acts, the live performance of which was prohibited by the above regulations.

**15.01.04 *knowingly*** means being aware of the character of the matter or live conduct.

#### **15.02.00 Prohibition – Establishment for the Sale of Alcohol**

It shall be unlawful for any person to knowingly and in a lewd and obscene manner be topless and/or bottomless in any establishment licensed by the Michigan State Liquor Commission to sell and/or serve intoxicating beverages or in any other establishment within the corporate limits of the City of Sandusky.

#### **15.03.00 Prohibition – Establishment for the Sale of Food**

It shall be unlawful for any owner, operator, employer, agent or any employee of any business or establishment within the corporate limits licensed by the Michigan State Liquor Commission or in any other establishment within the corporate limits of the City of Sandusky to permit any person or persons to appear in the presence of the patrons of said establishment in a lewd, obscene, topless and/or bottomless manner or to permit any person to serve food or beverages appearing in such manner.

#### **15.04.00 Prohibited Conduct**

It shall be unlawful for any owner, operator, employer, agent or any employee of any business or establishment to permit or for any person or persons to engage in any of the following conduct in any such establishment within the corporate limits licensed by the

Michigan State Liquor Commission or in any other establishment within the corporate limits of the City of Sandusky:

**15.04.01** The performance of acts, or simulated acts, of sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation, or any other sexual acts prohibited by law;

**15.04.02** The actual or simulated touching, caressing or fondling of the breasts, buttocks, anus or genitals;

**15.04.03** The actual or simulated displaying of the pubic hair, anus, vulva or genitals; and

**15.04.04** The displaying of films or pictures depicting acts, the live performance of which is prohibited by this Chapter.

**15.05.00 Penalty**

Any person convicted under this Section shall be guilty of a misdemeanor punishable under the provisions of Chapter 1 Section 6.