



LAW DEPARTMENT

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January 30, 2026

Detroit City Council
1340 Coleman A. Young
Municipal Center
Detroit, Michigan 48226

Re: Proposed ordinance to amend Chapter 28 of the 2019 Detroit City Code, Article I, *City Business Licenses*

Honorable City Council:

Council Member Scott Benson has requested that the Law Department prepare an ordinance to amend Chapter 28 of the 2019 Detroit City Code, *Licenses*, Article I, *City Business Licenses*, by amending Section 28-1-1, *Definitions*, to make necessary technical corrections by repealing the definitions for *Adult arcade*, *Adult bookstore or adult video*, *Adult cabaret*, *Adult motion picture theater*, *Nudity*, *Semi-nude*, *Semi-nude model studio*, *Sexually-oriented business*, *Specified anatomical areas*.

A copy of the ordinance which has been approved as to form is attached for your review and consideration.

Respectfully submitted,

/s/ Vie Serifovski

Vie Serifovski

Senior Assistant Corporation Counsel

Enclosure

cc: Malik Washington, Mayor's Liaison

S U M M A R Y

AN ORDINANCE to amend Chapter 28 of the 2019 Detroit City Code, *Licenses*, Article I, *City Business Licenses*, by amending Section 28-1-1, *Definitions*, to make necessary technical corrections by removing the definitions for *Adult arcade*, *Adult bookstore or adult video*, *Adult cabaret*, *Adult motion picture theater*, *Nudity*, *Semi-nude*, *Semi-nude model studio*, *Sexually-oriented business*, *Specified anatomical areas*.

1 **BY COUNCIL MEMBER _____ :**

2 **THIS ORDINANCE** amends Chapter 28 of the 2019 Detroit City Code, *Licenses*, Article
3 1, *City Business Licenses*, by amending Section 28-1-1, *Definitions*, to make necessary technical
4 corrections by removing the definitions for *Adult arcade, Adult bookstore or adult video, Adult*
5 *cabaret, Adult motion picture theater, Nudity, Semi-nude, Semi-nude model studio, Sexually-*
6 *oriented business, Specified anatomical areas.*

7 **IT IS HEREBY ORDAINED BY THE PEOPLE OF THE CITY OF DETROIT**
8 **THAT:**

9 **Section 1.** Chapter 28 of the 2019 Detroit City Code, Article I, *City Business Licenses*,
10 Section 28-1-1 be amended, to read as follows:

11 **CHAPTER 28. LICENSES**

12 **ARTICLE I. CITY BUSINESS LICENSES**

13 **Sec. 28-1-1. Definitions**

14 For purposes of this article, the following words and phrases shall have the meaning
15 respectively ascribed to them by this section:

16 ~~*Adult arcade* means any place to which the public is permitted or invited wherein coin-~~
17 ~~operated or slug operated or electronically, electrically, or mechanically controlled still or~~
18 ~~motion picture machines, projectors, or other image producing devices are regularly maintained~~
19 ~~to show images to five or fewer persons per machine at any one time, and where the images so~~
20 ~~displayed are characterized by their emphasis upon matter exhibiting any specified sexual~~
21 ~~activity, or specified anatomical areas, as defined in this section.~~

22 ~~*Adult bookstore or adult video store* means a commercial establishment which, as a~~
23 ~~principal business activity, offers for sale or rental for any form of consideration any one or more~~

1 ~~of the following: books, magazines, periodicals or other printed matter, or photographs, films,~~
2 ~~motion pictures, video cassettes, compact discs, digital video discs, slides, or other visual~~
3 ~~representations, which are characterized by their emphasis upon the display of specified sexual~~
4 ~~activities or specified anatomical areas, as defined in this section, or instruments, devices, or~~
5 ~~paraphernalia which are designed or marketed primarily for stimulation of human genital organs~~
6 ~~or anus, including, but not limited to dildos, vibrators, penis pumps, cock rings, anal beads, butt~~
7 ~~plugs, and physical representations of the human genital organs, but not including condoms or~~
8 ~~other items primarily intended for protection against sexually transmitted diseases or for~~
9 ~~preventing pregnancy.~~

10 ~~*Adult cabaret* means a nightclub, bar, juice bar, restaurant, bottle club, or similar~~
11 ~~commercial establishment, regardless of whether alcoholic liquor is served, which regularly~~
12 ~~features live conduct characterized by semi-nude persons.~~

13 ~~*Adult motion picture theater* means a commercial establishment where digital recordings,~~
14 ~~films, motion pictures, slides, videocassettes, or similar photographic reproductions that are~~
15 ~~characterized by their emphasis upon the display of specified sexual activity, or specified~~
16 ~~anatomical areas, as defined in this section, are regularly shown to more than five persons for~~
17 ~~any form of consideration.~~

18 ~~*Business License Center* means the City of Detroit Buildings, Safety Engineering, and~~
19 ~~Environmental Department Business License Center.~~

20 ~~*Completed application* means an application where the business license applicant has~~
21 ~~provided the City complete and accurate responses to each field on the application form, has~~
22 ~~signed and dated the application in the presence of a notary public, and has fully paid the~~
23 ~~requisite application fee.~~

1 ***Drug paraphernalia*** means any equipment, product, material, or combination of
2 equipment, products or materials, which are specifically designed for use in planting,
3 propagating, cultivating, growing, harvesting, manufacturing, compounding, converting,
4 producing, processing, preparing, testing, analyzing, packaging, repackaging, storing,
5 containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human
6 body a controlled substance, including, but not limited to:

- 7 (1) An isomerization device specifically designed for use in increasing the potency
8 of any species of plant which is a controlled substance;
- 9 (2) Testing equipment specifically designed for use in identifying, or in analyzing,
10 the strength, effectiveness or purity of a controlled substance;
- 11 (3) A weight scale or balance specifically designed for use in weighing or measuring
12 a controlled substance;
- 13 (4) A dilutant or adulterant including, but not limited to, quinine hydrochloride,
14 mannitol, mannite, dextrose and lactose, specifically designed for use with a
15 controlled substance;
- 16 (5) A separation gin or sifter specifically designed for use in removing twigs and
17 seeds from, or in otherwise cleaning or refining, marijuana;
- 18 (6) An object specifically designed for use in ingesting, inhaling, or otherwise
19 introducing marijuana, cocaine, hashish, or hashish oil into the human body, such
20 as:
 - 21 a. A metal, wooden, acrylic, glass, stone, plastic, or ceramic pipe with or
22 without a screen, a permanent screen, a hashish head, or punctured metal
23 bowl;

- 1 b. A water pipe;
- 2 c. A carburetion tube and device;
- 3 d. A smoking and carburetion mask;
- 4 e. A roach clip, meaning an object used to hold a burning material, such as a
- 5 marijuana cigarette, that has become too small or too short to be held in
- 6 the hand;
- 7 f. A miniature cocaine spoon, and a cocaine vial;
- 8 g. A chamber pipe;
- 9 h. A carburetor pipe;
- 10 i. An electric pipe;
- 11 j. An air-driven pipe;
- 12 k. A chillum;
- 13 l. A bong; or
- 14 m. An ice pipe or chiller;
- 15 (7) A kit specifically designed for use in planting, propagating, cultivating, growing,
- 16 or harvesting any species of plant which is a controlled substance, or from which
- 17 a controlled substance can be derived;
- 18 (8) A kit specifically designed for use in manufacturing, compounding, converting,
- 19 producing, processing, or preparing a controlled substance;
- 20 (9) A device, commonly known as a cocaine kit, that is specifically designed for use
- 21 in ingesting, inhaling, or otherwise introducing a controlled substance into the
- 22 human body, and which may consist of at least a razor blade or other cutting
- 23 device and a mirror or other type of reflective or cutting surface;

1 *License* means a license issued by the Buildings, Safety Engineering, and Environmental
2 Department Business License Center.

3 *Licensee* means any person licensed under this Code by the Buildings, Safety
4 Engineering, and Environmental Department Business License Center.

5 ~~*Nudity* means the showing of the human male or female genitals, pubic area, vulva, anus,
6 or anal area with less than a fully opaque covering.~~

7 *Person* means:

- 8 (1) An individual, owner, operator, partnership, fiduciary, firm, association,
9 company, corporation, joint venture, or other legal entity; or
- 10 (2) When used in a provision imposing a criminal penalty and applied to an
11 association, the parties or members thereof; or
- 12 (3) When used in a provision imposing a criminal penalty and applied to a
13 corporation, the officers thereof.

14 *Principal business activity* means activity where the commercial establishment meets one
15 or more of the following criteria:

- 16 (1) At least 35 percent of the establishment's displayed merchandise consists of
17 books, magazines, periodicals or other printed matter, or photographs, films,
18 motion pictures, video cassettes, compact discs, digital video discs, slides, or
19 other visual representations that are characterized by their emphasis upon the
20 display of any specified sexual activity or specified anatomical areas, or
21 instruments, devices, or paraphernalia, which are designed or marketed primarily
22 for stimulation of human genital organs or anus, including, but not limited to,

1 dildos, vibrators, penis pumps, cock rings, anal beads, butt plugs, and physical
2 representations of the human genital organs; or

3 (2) At least 35 percent of the establishment's revenues derive from the sale or rental,
4 for any form of consideration, of books, magazines, periodicals or other printed
5 matter, or photographs, films, motion pictures, video cassettes, compact discs,
6 digital video discs, slides, or other visual representations that are characterized by
7 their emphasis upon the display of any specified sexual activity or specified
8 anatomical areas, or instruments, devices, or paraphernalia, which are designed
9 or marketed primarily for stimulation of human genital organs or anus, including,
10 but not limited to, dildos, vibrators, penis pumps, cock rings, anal beads, butt
11 plugs, and physical representations of the human genital organs; or

12 (3) The establishment maintains at least 35 percent of its floor space for the display,
13 sale, or rental of said items, including aisles and walkways used to access said
14 items maintained for the display, sale, or rental of books, magazines, periodicals
15 or other printed matter, or photographs, films, motion pictures, video cassettes,
16 compact discs, digital video discs, slides, or other visual representations that are
17 characterized by their emphasis upon the display of any specified sexual activity
18 or specified anatomical areas, or instruments, devices, or paraphernalia, which are
19 designed or marketed primarily for stimulation of human genital organs or anus,
20 including, but not limited to, dildos, vibrators, penis pumps, cock rings, anal
21 beads, butt plugs, and physical representations of the human genital organs; or

22 (4) The establishment maintains at least 500 square feet of its floor space for the
23 display, sale or rental of said items, including aisles and walkways used to access

1 said items maintained for the display, sale, or rental of said items and regularly
2 advertises itself or holds itself out, by using "adult," "adults-only," "XXX," "sex,"
3 "erotic," "novelties," or substantially similar language, as an establishment that
4 caters to adult sexual interests; or

5 (5) The establishment maintains an adult arcade.

6 *Provisional business license* means a temporary license issued by the Buildings, Safety
7 Engineering, and Environmental Department Business License Center that authorizes a business
8 to operate for a period not to exceed 12 months while it completes the requirements for a regular
9 business license.

10 ~~*Semi-nude* means the showing of the male or female buttocks, or the showing of the
11 female breast below a horizontal line across the top of the areola and extending across the width
12 of the breast at that point, but does not mean the showing of any portion of the cleavage of female
13 breasts exhibited by a bikini, dress, blouse, shirt, leotard, or similar wearing apparel.~~

14 ~~*Semi-nude model studio* means a place where persons regularly appear semi-nude for the
15 payment of money or any form of fee or compensation in order to be observed, sketched, drawn,
16 painted, sculptured, photographed, or similarly depicted by other persons, but does not mean any
17 place where persons appear in a state of nudity or semi-nude in a class operated:~~

18 ~~(1) — By a junior college, a college, or a university supported entirely or partly by
19 taxation;~~

20 ~~(2) — By a private college or university which maintains and operates educational
21 programs in which credits are transferable to a junior college, a college, or a
22 university supported entirely or partly by taxation; or~~

23 ~~(3) — In a structure:~~

1 ~~a. Which has no sign visible from the exterior of the structure and no other~~
2 ~~advertising that indicates a semi-nude person is available for viewing; and~~

3 ~~b. Where, in order to participate in a class, a student must enroll at least three~~
4 ~~days in advance of the class.~~

5 ~~*Sexually-oriented business* means:~~

6 ~~(1) An adult arcade;~~

7 ~~(2) An adult bookstore or adult video store;~~

8 ~~(3) An adult cabaret;~~

9 ~~(4) An adult motion picture theater; or~~

10 ~~(5) A semi-nude model studio.~~

11 ~~*Specified anatomical areas* means less than completely and opaquely covered:~~

12 ~~(1) Female breast below a point immediately above the top of the areola;~~

13 ~~(2) Male or female buttocks;~~

14 ~~(3) Male or female genitals and pubic area; and~~

15 ~~(4) A penis in a discernibly erect state.~~

16 ~~*Specified criminal activity* means any of the following specified crimes for which less~~
17 ~~than five years has elapsed since the date of conviction or the date of release from confinement~~
18 ~~for the conviction, whichever is the later date:~~

19 (1) Criminal sexual conduct under MCL 750.520b through 750.520e;

20 (2) Sex offenses concerning a minor under MCL 750.142 through 750.145c; or

21 (3) Indecent exposure under MCL 750.335a; or

22 (4) Gross indecency under MCL 750.338 through 750.338b; or

- 1 (5) Soliciting and accosting, pandering, prostitution, and related offenses under MCL
2 750.448 through 750.462; or
- 3 (6) Obscenity under MCL 752.365; or
- 4 (7) Controlled substance offenses under MCL 333.7401 through 333.7455; or
- 5 (8) Assault and related offenses under MCL 750.81 through 750.90c; or
- 6 (9) Stalking and related offenses under MCL 750.411h through 750.411i; or
- 7 (10) Fraud and related offenses under the Michigan Penal Code Act 328 of 1931;
8 including but not limited to: MCL 750.157u through MCL 750.157w, MCL
9 750.218, MCL 750.174 through MCL750.182a, MCL 750.294 through 750.300,
10 and 750.356c through 750.356d.
- 11 (11) Any attempt, solicitation, or conspiracy to commit one of the foregoing offenses;
12 or
- 13 (12) Any offense in another jurisdiction that, had the predicate acts been committed in
14 the State of Michigan, would have constituted any of the offenses that are
15 delineated in Subsections (1) through (10) of this definition.

16 *Specified sexual activity* means:

- 17 (1) Intercourse, oral copulation, masturbation or sodomy; or
- 18 (2) Excretory functions as a part of or in connection with intercourse, oral copulation,
19 masturbation or sodomy.

20 *Transfer of ownership or control of a business* means any of the following:

- 21 (1) The sale, lease, or sublease of the business; or
- 22 (2) The transfer of securities which constitute an influential interest in the business,
23 whether by sale, exchange, or similar means; or

1 (3) The establishment of a trust, gift, or other similar legal device that transfers the
2 ownership or control of the business, except for transfer by bequest or other
3 operation of law upon the death of the person possessing the ownership or control.

4 **Section 2.** This ordinance is hereby declared necessary to preserve the public peace,
5 health, safety and welfare of the People of the City of Detroit.

6 **Section 3.** All ordinances, or parts of ordinances, that conflict with this ordinance are
7 repealed.

8 **Section 4.** In the event this ordinance is passed by two-thirds (2/3) majority of City
9 Council Members serving, it shall be given immediate effect and become effective upon
10 publication in accordance with Section 4-118(1) of the 2012 Detroit City Charter. Where this
11 ordinance is passed by less than a two-thirds (2/3) majority of City Council Members serving, it
12 shall become effective on the thirtieth (30) day after publication, in accordance with Section 4-
13 118(2) of the 2012 Detroit City Charter.

Approved as to form:


Conrad L. Mallett
Corporation Counsel