

Charter Township of Canton Board Proceedings-March-24, 2009

6:30 P.M. - CLOSED SESSION - EMPLOYEE NEGOTIATIONS Motion by Bennett, supported by Williams to move from open session to closed session at 6:30 p.m. for employee negotiations. Motion carried unanimously. **Roll Call** Members Present: Anthony, Bennett, Caccamo, LaJoy, McLaughlin, Taj, Williams Staff Present: Director Eva Motion by Bennett, supported by Williams to move from closed session to open session at 7:00 p.m. Motion carried unanimously. A regular meeting of the Board of Trustees of the Charter Township of Canton was held Tuesday, March 24, 2009, at 1150 Canton Center S., Canton, Michigan. Supervisor LaJoy called the meeting to order at 7:02 p.m. and led the Pledge of Allegiance to the Flag. **Roll Call** Members Present: Anthony, Bennett, Caccamo, LaJoy, McLaughlin, Taj, Williams Staff Present: Executive Director Santomauro, Director Eva, Director Conklin, Director Faas **Adoption of Agenda** Motion by Bennett, supported by McLaughlin to approve the agenda as amended adding C-2 Special Community Event Status and Installation of Signs for Canton Newcomers Mom to Mom Sale. Motion carried unanimously. **Approval of Minutes** Motion by Bennett, supported by Taj to approve the Board Study Minutes of March 3, 2009. Motion carried unanimously. Motion by Bennett, supported by McLaughlin to approve the Board Meeting Minutes of March 10, 2009. Motion carried unanimously. **Payment of Bills** Motion by McLaughlin, supported by Anthony to approve payment of the bills as presented. Motion carried unanimously. **RECOGNITION: 1. RECOGNITION OF ROBERT CARLINI.** Motion by Bennett, supported by McLaughlin to adopt the resolution recognizing Robert Carlini presented by Trustee Williams. Motion carried unanimously. **2. RECOGNITION OF GARY BURNS.** Motion by Bennett, supported by McLaughlin to adopt the resolution recognizing Gary Burns presented by Trustee Taj. Motion carried unanimously. **CONSENT CALENDAR: Item 1. APPOINTMENTS TO THE COMMISSION FOR CULTURE, ARTS & HERITAGE. (CLS)** Motion by Bennett, supported by McLaughlin that the Board of Trustees of the Charter Township of Canton approves the appointment of Eugene Hammonds to the Commission for Culture, Arts & Heritage for a three-year term to expire December 31, 2012. Further, recognize Liz Carlson as the Canton Historical Society representative on the Commission for Culture, Arts & Heritage. Motion carried unanimously. **Item 2. SPECIAL COMMUNITY EVENT STATUS AND THE INSTALLATION OF SIGNS FOR CANTON NEWCOMERS MOM TO MOM SALE. (MSD)** Motion by Bennett, supported by McLaughlin to approve special event status and placement of signs at various locations for Canton Newcomer's Mom to Mom Sale which will be held on March 28, 2009 at the Summit on the Park. Motion carried unanimously. **GENERAL CALENDAR: Item 1. CONSIDER THE ADOPTION OF THE RECOMMENDATIONS FROM MUNICIPAL SERVICES AND FINANCE AND BUDGET ON THE 2009 WATER AND SEWER RATES. (FBD/MSD)** Motion by Bennett, supported by McLaughlin to adopt the 2009 water and sewer rate study and to authorize staff to prepare the necessary ordinance amendments to be brought back to the Township Board for approval. Motion carried unanimously. **Item 2. AUTHORIZE AWARD OF BID FOR MISCELLANEOUS TREE/LANDSCAPE MAINTENANCE PROJECTS. (MSD)** Motion by Bennett, supported by McLaughlin to approve the award of bid for tree and stump removal to Owen Tree Service, Inc. for a total purchase order of \$4,000.00. Motion carried unanimously. Motion by Bennett, supported by McLaughlin to approve the award of bid for Landscape Maintenance at I-275/Michigan Avenue Interchange to Sinacori Landscaping, Inc. for a total purchase order of \$10,590.00. Motion carried unanimously. Motion by Bennett, supported by Williams to approve the award of bid for Watering of Young Trees to Horizon Lawn Maintenance, Inc. for the total purchase order of \$5,400.00. Motion carried unanimously. Motion by Bennett, supported by Williams to approve the award of bid for Pruning of Small Trees, Fertilizing and Mulching Young Trees, Turf Restoration on Lilley Road, and Tree Stake and Strap Removal to Crimboli Nursery, Inc. in the respective amounts of \$7,500.00, \$9,800.00, \$485.00, and \$200.00, for a total purchase order of \$17,985.00. Motion carried unanimously. Motion by Bennett, supported by McLaughlin to approve the resolution required by Wayne County. **Item 3. CONSIDER ADOPTION OF RESOLUTION NO. 1, TENTATIVELY SETTING UP A SPECIAL ASSESSMENT DISTRICT (SAD 2009-1) FOR ROAD REPAIRS AT CREEK CROSSING SITE CONDOMINIUMS. (MSD)** Motion by Bennett, supported by McLaughlin to adopt Resolution No. 1 for the Creek Crossing Site Condominiums SAD 2009-1 and direct the Township Engineer to prepare plans and a cost estimate for the road repairs and construction as requested by petition. Motion carried unanimously. **Item 4. CONSIDER AWARD OF CONSTRUCTION BID FOR THE THEATER DISTRICT ACCESSIBILITY MODIFICATIONS TO GM & SONS, INC. (MSD)** Motion by Bennett, supported by Williams to approve the following budget amendment to the 2009 General Fund Budget. Increase Revenues: General Fund Balance - Fund Balance Appropriation #101-000.695 0001 \$ 135,773 Increase Appropriations: Engineering, Capital Outlay - Infrastructure #101-447-03.970_0050 \$ 135,773 This budget amendment increases the Engineering Department from \$2,050,820 to \$2,186,593 and the total General Fund budget from \$27,500,589 to \$27,636,362. Motion carried unanimously. Motion by Bennett, supported by Williams to award the construction bid for the Theater District Accessibility Modification to GM & Sons, Inc., in the amount of \$123,430 plus a 10% contingency for a total not to exceed \$135,773 and to authorize the Finance and Budget Department to subtract the construction crew days from the bid and create a separate purchase order for Hubbell, Roth & Clark, Inc. in an amount not to exceed \$8,400. Motion carried unanimously. **Item 5. CONSIDER AUTHORIZING HUBBELL, ROTH & CLARK, INC. (HRC), TO PROVIDE CONTRACT ADMINISTRATION, INSPECTION AND CERTIFICATION FOR THE THEATER DISTRICT ACCESSIBILITY MODIFICATIONS. (MSD)** Motion by Bennett, supported by McLaughlin to approve the following budget amendment to the 2009 General Fund Budget. Increase Revenues: General Fund Balance - Fund Balance Appropriation #101-000.695 0001 \$ 18,175 Increase Appropriations: Engineering, Capital Outlay - Infrastructure #101-447-03.970_0050 \$ 18,175 This budget amendment increases the Engineering Department from \$2,186,593 to \$2,204,768 and the total General Fund budget from \$27,636,362 to \$27,654,537. Motion carried unanimously. Motion by Bennett, supported by McLaughlin to authorize Hubbell, Roth & Clark, Inc. to provide construction services for the Theater District Accessibility Modification in accordance with their proposal for an amount not to exceed \$18,175. Motion carried unanimously. **Item 6. APPROVAL OF UNION CONTRACT FOR LOCAL 3860 - AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES (AFSCME). (FBD)** Motion by Bennett, supported by Caccamo to approve the collective bargaining agreement between Canton Township and Local #3860 of the American Federation of State, County and Municipal Employees to run from April 1, 2009 through March 31, 2012. Motion carried unanimously. **Item 7. FIRST READING OF CHAPTER 18 AMENDMENTS AND REPEAL TO THE MESSAGE ORDINANCE AMENDING SECTIONS 18-81, THROUGH 18-91 OF CHAPTER 18, ARTICLE III, MESSAGE ORDINANCE; PROVIDING FOR DEFINITIONS, PROVIDING FOR APPLICATIONS FOR PERMITS AND LICENSES; PROVIDING FOR EXEMPTIONS; PROVIDING FOR PENALTIES; PROVIDING FOR REPEAL OR SEVERABILITY; PROVIDING FOR PUBLICATION AND EFFECTIVE DATE TO THE CODE OF ORDINANCE. (CLERK)** Motion by Bennett, supported by McLaughlin to introduce and table the first reading of Chapter 18 Amendments and Repealing Sections to the Message Ordinance Sections 18-81 through 18-91 the Message Ordinance, providing for the regulation of massage establishments; providing for exemptions; providing for the definition of terms; providing for an application and license process; providing for issuance of licenses; providing for approval/denial of an application; providing for posting of licenses, records of employees, revocation or suspension of licenses, renewal of licenses; providing for facilities necessary and operating requirements of a massage establishment; prohibiting persons of age eighteen or under and alcoholic beverages; providing for the hours of operation, inspections prohibiting unlawful acts, transfers of licenses, change of location or name of licensee; providing for penalties, repeal, or severability, publication and effective date. Publication of the first reading will be April 2, 2009 in the Journal Newspaper. The second reading will be on April 14, 2009 with publication and effective date of April 23, 2009. Motion carried unanimously. **STATE OF MICHIGAN, COUNTY OF WAYNE, CHARTER TOWNSHIP OF CANTON, MESSAGE ESTABLISHMENT ORDINANCE ORDINANCE CHAPTER 18 AN ORDINANCE OF THE CHARTER TOWNSHIP OF CANTON REPEALING ORDINANCE CHAPTER 18, THE MESSAGE ORDINANCE; PROVIDING FOR THE REGULATION OF MESSAGE ESTABLISHMENTS; PROVIDING FOR EXEMPTIONS; PROVIDING FOR THE DEFINITION OF TERMS; PROVIDING FOR AN APPLICATION AND LICENSE PROCESS; PROVIDING FOR THE ISSUANCE OF LICENSES; PROVIDING FOR APPROVAL/DENIAL OF AN APPLICATION; PROVIDING FOR POSTING OF LICENSES, RECORDS OF EMPLOYEES, REVOCATION OR SUSPENSION OF LICENSES, RENEWAL OF LICENSES; PROVIDING FOR FACILITIES NECESSARY AND OPERATING REQUIREMENTS OF A MESSAGE ESTABLISHMENT; PROHIBITING PERSONS OF AGE EIGHTEEN OR UNDER AND ALCOHOLIC BEVERAGES; PROVIDING FOR THE HOURS OF OPERATION, INSPECTIONS, PROHIBITING UNLAWFUL ACTS, TRANSFERS OF LICENSES, CHANGE OF LOCATION OR NAME OF LICENSEE; PROVIDING FOR PENALTIES, REPEAL, OR SEVERABILITY, PUBLICATION AND EFFECTIVE DATE. THE CHARTER TOWNSHIP OF CANTON ORDAINS: SECTION 1. REPEAL OF MESSAGE ORDINANCE.** Ordinance Chapter 18, the Message Ordinance, is repealed. Sec. 18-81. Short title. This article shall be known and may be cited as the "Massage Establishment Ordinance". Sec. 18-82. Definitions. For the purpose of the provisions of this Chapter, the following words and phrases shall be construed to have the meanings herein set forth, unless it is apparent from the context that a different meaning is intended. (a) **Employee** - Any person who renders any service in connection with the operation of a massage establishment and receives compensation from the operator of the business or patrons including a leased employee or subcontractor. (b) **Licensee** - The person to whom a license has been issued to own or operate a massage establishment as defined herein. (c) **Massage** - As defined in Public Act 471 of 2008. (d) **Massage Establishment/Massage Parlor** - Any establishment which engages in the practice of massage as defined in Subsection (c), and which has a fixed place of business where any person, firm, association or corporation carries on any of the activities as defined in Subsection (c). Massage Establishment/Massage Parlor also includes a Turkish bath parlor, steam bath, sauna, magnetic healing institute, health club, health spa, or physical fitness club or business that offers massages on occasion or incidental to its principal operation. Massage Establishment/Massage Parlor does not include a licensed school of massage. (e) **Massage therapist** - As defined in Public Act 471 of 2008. (f) **Outcall Massage** - Any massage given by a person that does not take place in a licensed Massage Establishment under such circumstances that it is reasonably expected that such person shall receive consideration therefor. (g) **Patron** - Any person who receives a massage under such circumstances that it is reasonably expected that he or she shall give consideration therefor. (h) **Person** - Any individual, partnership, firm, association, joint stock company, corporation or combination of individuals of whatever form or character. (i) **Sexual or Genital Area** - Genitals, pubic area, buttocks, anus, or perineum of any person, or the vulva or breasts of a female. (j) **Student** - Any person who, under the guidance of an instructor in a Massage School, is being trained or instructed in the theory, method or practice of massage. Sec. 18-83. Massage establishment. No person shall engage in or carry out the business of massage unless he or she has a valid massage business license issued by the Township pursuant to the provisions of this article for each and every separate office or place of business conducted by such person. Sec. 18-84. Exemptions. This article shall not apply to the following individuals while engaged in the personal performance of the duties of their respective professions: (a) Physicians, surgeons, chiropractors, osteopaths, physical therapists or occupational therapists who are fully licensed to practice their respective professions in the State of Michigan including massage therapists working under the supervision of and in conjunction to the professional practice of such physicians, surgeons, chiropractors, osteopaths, physical therapists or occupational therapists. (b) Nurses who are registered and licensed under the laws of the State of Michigan. (c) Barbers and cosmetologists who are duly licensed under the laws of the State of Michigan and who are performing services allowed by the State of Michigan within the scope of their license. (d) In any prosecution for a violation of this article, the foregoing exemption shall constitute an affirmative defense and it shall be incumbent upon the defendant to show that he/she or the place involved are not subject to the provisions of this article. Nothing herein contained shall be deemed to shift the burden of proof of the violation to the defendant. Sec. 18-85. Application for massage establishment license. Every applicant for a license to maintain, operate or conduct a massage establishment shall file an application under oath with the Township Clerk's office upon a form provided by the Township and pay a nonrefundable application investigation fee. Such fee shall be set by Township Board resolution. The application shall contain the following information: (a) A copy of the zoning compliance certificate. (b) The location, mailing address and all telephone numbers for the massage establishment(s). (c) The name and permanent residence address of the applicant. (1) If the applicant is a corporation, the names and permanent residence addresses of each of the officers and directors of said corporation and of each stockholder owning more than ten percent (10%) of the stock of the corporation, the address of the corporation itself, if different from the address of the massage establishment, and the name and address of a resident agent in Wayne County, Michigan. (2) If the applicant is a partnership, the names and permanent residence addresses of each of the partners and of the partnership itself, if different from the address of the massage establishment, and the name and address of a resident agent in Wayne County, Michigan. (d) Copy of identification for each individual such as a driver's license or state issued identification. (e) Business, occupation, or employment of the applicant for the three (3) years immediately preceding the date of application. (f) The massage or similar business history of the applicant; whether such person, in previously operating in this or another Municipality or State has had a business license revoked or suspended, the reason therefor, and the business activity or occupation subsequent to such action of suspension or revocation. (g) All criminal convictions, other than misdemeanor traffic violations not involving a controlled substance or alcohol, including the dates of conviction(s), nature of the crime(s) and court or tribunal. The application must include a copy of the applicant's criminal history in a form as directed by the Township Clerk. (h) The name and address of each massage therapist who is or will be employed in said establishment. This list shall be updated as employees change and the list shall be maintained as a current list. (i) The applicant must furnish the state massage therapist license numbers for each of its current employees, and the status of the license, i.e. whether it is revoked, suspended, expired or current. (j) The name and address of any massage business or other establishment owned or operated by any person whose name is required to be given in subsection (c) wherein the business or profession of massage is carried on. (k) The names, current addresses and written statements of at least three (3) bona fide permanent residents of the United States that the applicant is of good moral character. If the applicant is able, the statement must first be furnished from residents of the Township, then the County, then the State of Michigan and lastly from the rest of the United States. These references must be persons other than relatives and business associates. (l) Evidence of current valid premises liability, workers compensation and general liability insurance each in an amount of not less than \$250,000.00. (m) All information required by this section shall be provided at the applicant's expense. Upon the completion of the above provided form and the furnishing of all foregoing information, the Township shall accept the application for the necessary investigations. The holder of a massage establishment license shall notify the Township of each change in any of the data required to be furnished by this Section within ten (10) days after such change occurs. Sec. 18-86. License application procedures. (a) Any applicant for a license pursuant to this article shall present to the Township Clerk's office the application containing the aforementioned and described information. The application shall be referred to the Director of the Public Safety Department who shall have thirty (30) days in which to investigate the application and the background of the applicant. Based on such investigation, the Director of the Public Safety Department, or his representative shall render a recommendation as to the approval or denial of the license to the Township Clerk. (b) The Director of the Public Safety Department shall recommend denial or approval of an application for license. In making his determination hereunder, the Director of the Public Safety Department shall consider: Criminal or penal history: All of the applicant's criminal convictions, or civil judgments, the reasons therefore, and the demeanor of the applicant subsequent to his or her conviction or judgment; (2) License history: The massage/massage business history of the applicant; whether such person has previously operated in this Township or State, or in another state under a license or permit, has had such license or permit revoked or suspended; the reasons therefore; and the demeanor of the applicant subsequent to such action. (c) The divisions of inspection, including but not limited to, the Building Official, Electrical Inspector(s), Plumbing Inspector(s), the Police and Fire Divisions of the Public Safety Department, and article Inspector(s) shall inspect the premises proposed to be devoted to the massage parlor or similar business, and shall make within thirty (30) days inspection recommendations to the Township Clerk concerning compliance with the requirements of this article, and all other applicable Township ordinances and regulations. Sec. 18-87. Issuance of license for a massage establishment. The Township Clerk shall issue a license for a massage establishment if all requirements for a massage establishment described in this article are met, unless he or she finds: (a) The correct fee has not been tendered to the Township and in the case of a check, or bank draft, honored with payment upon presentation. (b) The operation, as proposed by the applicant, if permitted, would not comply with all applicable laws, including, but not limited to, the Township's building, zoning and health regulations. (c) The applicant, if an individual, or any of the stockholders holding more than ten percent (10%) of the stock of the corporation; or any of the officers or directors if the applicant is a corporation; or any of the partners, including limited partners, if the applicant is a partnership; or the holder of any lien, of any nature, upon the business; and the manager or other person principally in charge of the operation of the business, have (has) been convicted of any of the following offenses within or without the State of Michigan: (1) An offense involving the use of force and violence upon the person of another that amounts to a felony. (2) An offense related to criminal sexual conduct, a sexual act committed in conjunction with a felony, a sexual act with a mentally incapable or mentally disabled person, a sexual act with a physically helpless person, gross indecency, indecent conduct, indecent exposure, sodomy, pandering, prostitution, solicitation of prostitution, pandering, or accepting the earnings of a prostitute. (3) An offense involving narcotics, dangerous drugs or dangerous weapons that amounts to a felony. The Township Clerk may issue a license to any person convicted of any crimes described in subsections (c)(1), (c)(2) or (c)(3) above of this section if he or she finds that such conviction occurred at least five (5) years prior to the date of the application and the applicant has had no subsequent felony convictions of any nature and no subsequent misdemeanor convictions for crimes mentioned in (c)(1), (c)(2) or (c)(3) above. (d) The applicant has knowingly made any false or fraudulent statement of fact in the permit application or in any document required by the Township in conjunction therewith. (e) The applicant has had a massage business, massagist, or other similar permit or license denied, revoked, or suspended by the Township or any other State or local agency within five (5) years prior to the date of the application. Sec. 18-88. Approval or denial of application. The Township Clerk shall act to approve or deny an application for a license under this article within a reasonable period of time and in no event shall he or she act to approve or deny said license later than ninety (90) days from the date that said application was accepted by the Township Clerk's office. A license issued pursuant to this article shall be valid for two (2) years and must be renewed as required by this article. An applicant denied a license, pursuant to these provisions, may appeal to the Township board in writing, stating reasons why the license should be granted. Such appeal proceedings shall be held in an open meeting before the Township Board. The Township Board may, by a majority of a quorum panel, grant or deny a license or permit after an appeal hearing. Sec. 18-89. Posting of license/permit. (a) Every massage therapist employed in the establishment shall post the permit required by Public Act 471 of 2008 in his/her work area. (b) Every individual, corporation, partnership, or association licensed under this article shall display such license in a prominent place. Sec. 18-90. Records of employees. The licensee or the person designated by the licensee of a massage establishment shall maintain a register of all persons employed or engaged as massage therapists. Included in the register will be a copy of each massage therapists Act 471 permit. Such register shall be available at the massage establishment to representatives of the Township during regular business hours. Sec. 18-91. Revocation or suspension of license. Any license issued for a massage establishment by the Township may be revoked or suspended after notice and a hearing, for good cause, or in any case where any of the provisions of this article are violated, where it is discovered that the licensee has made a false statement on an application for a license, or where any employee of the licensee, including a massage therapist, is engaged in any conduct which violates any of the State or local laws or ordinances at licensee's place of business in the conduct of licensee's business. Such license may also be revoked or suspended, after notice and hearing, upon the recommendations of the health inspector, that such business is being managed, conducted or maintained without regard to proper sanitation and hygiene. For exigent circumstances or conditions that immediately pose a threat to the public health, safety and welfare of the community, patrons, employees or others, an Ordinance Inspector or a police officer, with the approval of the Township Supervisor or his or her designee, is hereby granted the authority to suspend on an interim basis any license granted hereunder provided however that such interim suspension shall only be effective for seventy-two (72) hours from the time and date of suspension. The licensee shall be given a written notice of interim suspension containing the date and time of such interim suspension. Sec. 18-92. Renewal of massage establishment license permit. Application to renew a license to operate a massage establishment or similar business or a massagist's permit shall be filed at least sixty (60) days prior to the date of expiration. Such renewal shall be biannual and shall be accompanied by the application fee. (a) The applicant shall present to the township clerk's office a sworn affidavit by the applicant stating that the matters contained in the original application have not changed, or if they have changed, specifically stating the changes that have occurred. (b) The application shall be referred to the Director of the Public Safety Department who shall investigate the criminal history of the applicant and any employees holding permits as massage therapists under Act 471 of 2008 since the grant of the original license. Sec. 18-93. Facilities necessary. No license to conduct a massage establishment shall be issued unless inspectors of the Township reveal that the establishment complies with each of the following minimum requirements: (a) All provisions of the Township building, plumbing, fire, mechanical, electrical and health codes have been fulfilled. (b) Minimum ventilation shall be provided in accordance with the state construction code. (c) Adequate washing, dressing, locker, and/or toilet facilities shall be provided for patrons. (d) Construction of rooms used for toilets, steam baths and showers shall be made waterproof with approved waterproofed materials and shall be installed in accordance with the Township building code. Plumbing fixtures shall be installed in accordance with the Township plumbing code. (1) Steam rooms and shower compartments shall have waterproof floors, walls and ceilings. (2) Floors of wet and dry heat rooms shall be adequately pitched to one or more floor drains properly connected to the sewer. (3) A source of hot water must be available within the immediate vicinity of dry and wet heat rooms to facilitate cleaning. (4) Wet and dry heat rooms, steam or vapor rooms, or steam and vapor cabinets, shower compartments and toilet rooms shall be thoroughly cleaned each day the business is in operation. (e) The premises shall have adequate equipment for disinfecting and sterilizing non-disposable instruments and materials used in administering massages. Such non-disposable instruments and materials shall be disinfected after use on each patron. (f) Closed cabinets shall be provided and used for the storage of clean linen, towels and other materials used in connection with administering massages. All soiled linens, towels and other materials shall be kept separate from the clean storage areas. No common use of towels or linens shall be permitted. Sec. 18-94. Operating requirements. (a) Every portion of the massage establishment, including appliances and apparatus, shall be kept clean and operated in a sanitary condition. (b) Price rates for all services shall be prominently posted in the reception area in a location available to all prospective customers. (c) The premises shall not be made available for accommodating any person as sleeping quarters. No beds, water mattresses, cots, or equipment designed for sleeping shall be permitted on the premises. (d) All employees, including massage therapists and other employees attending patrons, shall be clean and wear clean clothing covering the torso. Such clothing shall be non-transparent and of washable or disposable material and shall be kept in a clean condition. Such clothing shall cover the person's pubic area, perineum, buttocks, natal cleft and the entire chest to four (4) inches below the collarbone. (e) All massage establishments shall be supplied with and provide clean laundered sheets and towels in sufficient quantity and which sheets and towels shall be laundered after each use thereof and stored in a sanitary manner. (f) No massage establishment granted a license under the provisions of this article shall place, publish, or distribute or cause to be placed, published, or distributed any advertisement, picture, or statement which is known or through the exercise of reasonable care should be known to be false, deceptive or misleading in order to induce any person to purchase or utilize any professional massage services. Sec. 18-95. Persons under age 18 prohibited on premises. No person shall permit any person under the age of eighteen (18) years to come or remain on the premises of any massage business establishment, as massage therapist, employee, or patron, unless such person is on the premises on lawful business and/or the person under the age of eighteen (18) years has in his or her possession a signed parental or guardian consent form consenting to his or her being on the premises for purposes of receiving a massage. Sec. 18-96. Alcoholic beverages prohibited. No person shall sell, give, dispense, provide or keep, any alcoholic beverage on the premises of any massage establishment. No alcoholic beverages shall be brought into or upon the premises. Sec. 18-97. Hours. No massage establishment shall be kept open for any purposes between the hours of 11:00 p.m. and 6:00 a.m. Sec. 18-98. Employment of massagist. No person shall employ as a massage therapist any person unless said employee has obtained and has in effect a permit issued pursuant to Public Act 471 of 2008. Sec. 18-99. Inspection required. The Director of the Public Safety Department, Ordinance Inspector(s), or other authorized inspectors from the Township shall from time to time make inspection of each massage business establishment for the purposes of determining that the provisions of this article are fully complied with. It shall be unlawful for any licensee to fail to allow such inspection officer access to the premises or hinder such officer in any manner. Sec. 18-100. Unlawful acts. (a) It shall be unlawful for any person, in a massage establishment, to place his or her hand or hands upon, to touch with any part of his or her body, to fondle in any manner, or to massage, a sexual or genital area of any other person. Sexual or genital areas shall include the genitals, pubic area, buttocks (excluding the gluteals, periformis and quadratus insertion points), anus, or perineum of any person, or the vulva or breasts of a female. (b) It shall be unlawful for any person, in a massage establishment, to expose his or her sexual or genital areas, or any portion thereof, to any other person. It shall also be unlawful for any person, in a massage establishment, to expose any sexual or genital areas, or any portions thereof, of any other person. (c) It shall be unlawful for any person, while in the presence of any other person in a massage establishment, to fail to conceal with a fully opaque covering, the sexual or genital areas of his or her body. (d) It shall be unlawful for any person owning, operating or managing a massage establishment, any agent, employee, or any other person under his control or supervision to perform such acts prohibited in subsections (a), (b) or (c) of this Section. (e) Outcall Massages shall be permitted in private residences or business places outside the massage establishment under any of the following circumstances: (1) Based upon a doctor's prescription or licensed health care professional's recommendation for medical treatment purposes. (2) For individuals suffering poor health or the elderly where transportation to the massage establishment is a problem. (3) At the written request of the person to receive the massage, provided the consumption of alcohol or a massage to underage individuals is not involved. (4) It shall be unlawful for any person to perform an outcall massage in a vehicle or at a mall or health fair except as part of a temporary promotional, civic, governmental or community event, of less than 48 hours duration. Sec. 18-101. Sale, transfer or change of location. Upon sale, transfer or relocation of a massage establishment, the license therefore shall be null and void unless approved as provided by this article. It shall be the duty of all owners or licensees having knowledge of the sale, transfer or relocation of a massage establishment, to immediately report such sale, transfer or relocation to the Township Clerk's office. The failure to do so shall result in an immediate suspension of all business. Sec. 18-102. Name and place. No person granted a license pursuant to this article shall operate the massage establishment under a name not specified in their license, nor shall they conduct business under any designation or location not specified in their license. Sec. 18-103. Transfer of license. No license shall be transferable except with the consent of the Township Clerk or Township Supervisor and ratified by the Township Board. An application for such transfer shall be in writing and shall be accompanied by fees provided by Township Board resolution. The written application for such transfer shall contain the same information as requested herein for initial application for the license. Sec. 18-104. Violation and penalty. Any person, except those who are specifically exempted by this article, whether acting as an individual, owner, employee of the owner, operator or employee of the operator, or whether acting as a mere agent or independent contractor for the owner, employee or operator, or acting as a participant or worker in any way directly or indirectly who operates a massage establishment or any service defined in this article without first obtaining a license and paying a fee to do so from the Township or shall violate any provisions of this article shall be deemed guilty of a misdemeanor upon conviction and shall be punished by imposition of a fine not to exceed \$500.00, and/or by imprisonment for a period not to exceed 90 days within the discretion of the court. Each day that a violation is permitted to exist shall constitute a separate offense. Sec. 18-105. Applicability of regulations to existing business. The provisions of this article shall be applicable to all persons and businesses described herein, whether the herein described activities were established before or after the effective date of this article, and including person or persons whose application is presently under consideration or investigation by the Township. However, those businesses operating prior to the date of adoption of this article will have a 60-day grace period from the date of adoption within which to comply with all the conditions and requirements of this article as set forth herein. **SECTION 2. REPEAL OF INCONSISTENT ORDINANCES.** All Ordinances or parts of Ordinances in conflict with the provisions of this Ordinance, except as herein provided, are hereby repealed only to the extent necessary to give this Ordinance full force and effect. **SECTION 3. SEVERABILITY.** If any section, subsection, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portion thereof. **SECTION 4. SAVINGS CLAUSE.** The repeal or amendment herein shall not abrogate or affect any offense or act committed or done, or any penalty or forfeiture incurred, or any pending litigation or prosecution of any right established or occurring prior to the effective date of this Ordinance, as amended. **SECTION 5. PUBLICATION.** The Clerk of the Charter Township of Canton shall cause this Ordinance to be published in the manner required by law. **SECTION 6. EFFECTIVE DATE.** This Ordinance shall take full force and effect upon publication. **Item 8. AUTHORIZE THE PAYMENT TO PLYMOUTH CANTON COMMUNITY SCHOOLS FOR BUILDING RENTAL. (CLS)** Motion by Bennett, supported by McLaughlin to authorize a purchase order in an amount not to exceed \$13,500 from account number 101-691-61.940 (Recreation, - Enrichment - Building Rental) to the Plymouth Canton Community Schools, 46181 Joy Road, Canton, MI 48187 for auditorium rental. Motion carried unanimously. **Item 9. APPROVE PURCHASE OF FERTILIZER AND PLANT PROTECTANTS. (CLS)** Motion by Bennett, supported by McLaughlin to approve the purchase of 20-0-25 EXPO fertilizer with sgn's of 150 and 195 to Commerce Corp., 4660 East Paris Ave. SE, Grand Rapids, MI 49512 in the amount of \$35,653.30. Funds to be taken from: Pheasant Run Golf Club Maintenance and Repair of Grounds Account Number: 584-756-57.930_0070 in the amount of \$26,713.60 Parks Division Maintenance and Repair of Grounds account numbers: 101-270-88.930_0070 in the amount of \$ 6,000.00 101-270-84.930_0070 in the amount of \$ 1,069.70 101-270-87.930_0070 in the amount of \$ 1,870.00. Motion carried unanimously. Motion by Bennett, supported by McLaughlin to approve the purchase of 15-0-8 fertilizer with millennium ultra to Lesco/JDL, 1301 E. 9th Street, Suite 1300, Cleveland, Ohio 44114 in the amount of \$33,810. Funds to be taken from: Pheasant Run Golf Club Maintenance and Repair of Grounds account number: 584-756-57.930-0070 in the amount of \$15,180.00 Parks Division Maintenance and Repair Grounds Account Numbers: 101-270-87.930_0070 in the amount of \$ 4,130.00 101-270-86.930_0070 in the amount of \$ 7,500.00 101-270-79.930_0070 in the amount of \$ 7,000.00. Motion carried unanimously. Motion by Bennett, supported by Caccamo to approve the purchase of Bannermaxx ie. (Fathom 14.3) a post-patent generic equivalent to Turfgrass Inc., 46495 Humbolt Dr., Novi, MI 48377 in the amount of \$19,680. Funds to be taken from Pheasant Run Golf Club account #584-756-57.930_0070 Maintenance and Repair of Grounds. Motion carried unanimously. **Item 10. FLODIN PARK PAVING REPLACEMENT OF TENNIS AND BASKETBALL COURTS. (CLS)** Motion by Bennett, supported by Caccamo to authorize the paving replacement of the tennis and basketball courts at Flodin Park by S & J Asphalt Paving Company, 39571 Michigan Avenue, Canton MI 48188, in the amount of \$34,650 to be taken from account # 246-750-970-0080. Motion carried unanimously. **Item 11. APPROVE DIAMONDS BAR & GRILL CONTRACT. (CLS)** Motion by Bennett, supported by McLaughlin to award the management of the food and alcohol service at Diamonds Restaurant to Kickers All American # Grille and authorize the Township Supervisor and Clerk to sign the final participation agreement contingent on successful transfer of the liquor license and completed partnership agreement to begin no later than May 26, 2009. Motion carried unanimously. **OTHER:** Supervisor LaJoy stated there will be no study session on Tuesday, March 31, 2009. The next Board study session will be Tuesday, April 7, 2009 at 7:00 p.m. in the First Floor, Board Room, Administration Building, 1150 Canton Center S., Canton, Michigan. **ADJOURN:** Motion by Williams, supported by Taj to adjourn at 8:22 p.m. Motion carried unanimously. - Philip LaJoy, Supervisor - Terry G. Bennett, Clerk -

Copies of the complete text of the Board Minutes are available at the office of the Charter Township of Canton, 1150 S. Canton Center Rd, Canton, MI 48188, during regular business hours and can also be accessed through our web site www.canton-mi.org after Board Approval.