

Charter Township of Canton Board Proceedings – February 10, 2015

A regular meeting of the Board of Trustees of the Charter Township of Canton was held Tuesday, February 10, 2015 at 1150 Canton Center S., Canton, Michigan. Meeting to order at 7:00 p.m. **Roll Call** Members Present: Anthony, Bennett, McLaughlin, Sneiderman, Williams, Yack Members Absent: LaJoy Staff Present: Director Bilbrely-Honsowetz, Director Faas, Director Mutchler, Director Trumbull, Kristin Kolb Motion by Bennett, supported by Anthony to appoint Melissa McLaughlin as chair for the evening in the absence of Supervisor LaJoy. Motion carried by all members present. McLaughlin led the Pledge of Allegiance to the Flag. **Adoption of Agenda** Motion by Bennett, supported by Williams to amend the agenda to move Consent Calendar Item C-7 Second Reading of an Amendment to the Township Code of Ordinances, Chapter 18, Businesses, By Adding A New Article VI Entitled "Smoking Lounges" to the General Calendar Item G-1A. Motion carried by all members present. **Approval of Minutes** Motion by Bennett, supported by Sneiderman to approve the Board Minutes of January 13, 2014 as presented. Motion carried by all members present. Motion by Bennett, supported by Sneiderman to approve the Study Session Meeting Minutes of February 3, 2015 as presented. Motion carried by all members present. **Citizen's Non-Agenda Item Comments: None Payment of Bills** Motion by Bennett, supported by Williams to approve payment of the bills as presented for January 27, 2015. Motion carried by all members present. Motion by Bennett, supported by Williams to approve payment of the bills as presented for February 10, 2015. Motion carried by all members present. **CONSENT CALENDAR: Item C-1. Consider Authorizing the Township Clerk to Sign the Annual MDOT Permit for 2015 (MSD)** Motion by Bennett, supported by Williams to approve the Township Clerk as the designated officer to execute the 2015 Annual Permit for Underground Utility Operations within the Michigan Department of Transportation right-of-way. Motion carried by all members present. **Item C-2. Consider Authorizing Payment of \$27,297 for Membership in the Alliance of Rouge Communities (ARC) (MSD)** Motion by Bennett, supported by Williams to authorize payment of the invoice of \$27,297 to continue Canton's membership in the Alliance of Rouge Communities. Motion carried by all members present. **Item C-3. Consider Approval of an Extension of Contract with Mattioli Cement Company for the 2015 Sidewalk Repair Program (MSD)** Motion by Bennett, supported by Williams to approve a one year extension of contract to Mattioli Cement Company for the 2015 sidewalk repair program. Motion carried by all members present. **Item C-4. Consider Approval of a 2015 Budget Amendment for the Selectron Software Purchase (MSD)** Motion by Bennett, supported by Williams to approve a budget amendment for the Selectron software purchase in an amount of \$53,400 by increasing revenues: transfer from fund balance Account #101-000.695 by \$53,400; and by increasing expenses: Capital Outlay Computers & Equipment Account #101-372.970.0010 by \$53,400. Motion carried by all members present. **Item C-5. Reappointment to the CDBG Advisory Council (FBD)** Motion by Bennett, supported by Williams to reappoint Katherine Martin to the CDBG Advisory Council for a two year term, effective January 1, 2015 and expiring on December 31, 2016. Motion carried by all members present. **Item C-6. Reappointments to the Canton Tax Board of Review (Supv)** Motion by Bennett, supported by Williams to approve the reappointments of John Burdziak, James Malinowski, Anthony Rosati, Carol Richardson, and Mike Macyda to the Canton Tax Board of Review for a two-year term to expire on 3/1/17. Motion carried by all members present. **Item C-7. Moved to Item G-1A Item C-8. Second Reading Of A Text Amendment To The Township Code Of Ordinances, Appendix A, The Zoning Ordinance, Adding A Definition For "Smoking Lounge" And Identifying The Zoning Districts Where Smoking Lounge Businesses Will Be Permitted To Operate (Supv)** Motion by Bennett, supported by Williams to remove from the table and hold the second reading of a text ordinance which amends Appendix A to the Charter Township Code of Ordinances, the Zoning Ordinance. Motion carried by all members present. **STATE OF MICHIGAN COUNTY OF WAYNE CHARTER TOWNSHIP OF CANTON APPENDIX A AN ORDINANCE AMENDING APPENDIX A – ZONING, OF THE CODE OF ORDINANCES OF THE CHARTER TOWNSHIP OF CANTON, MICHIGAN, BY AMENDING ARTICLE 1.00 – RULES OF CONSTRUCTION AND DEFINITIONS; ARTICLE 16.00 – C-2, COMMUNITY COMMERCIAL DISTRICT; ARTICLE 17.00 – C-3, REGIONAL COMMERCIAL DISTRICT; AND ARTICLE 18.00 – C-4, INTERCHANGE SERVICE DISTRICT TO PROVIDE DEFINITIONS AND REGULATIONS RELATED TO SMOKING LOUNGES. THE CHARTER TOWNSHIP OF CANTON ORDAINS: SECTION 1. AMENDMENT TO CODE. ARTICLE 1.00. RULES OF CONSTRUCTION AND DEFINITIONS * * * Sec. 1.03. – Definitions.** [Establish the following definition.] *Smoking Lounge.* Smoking Lounge shall mean an establishment, which has a State issued smoking ban exemption certificate, and that allows smoking of tobacco products or non-tobacco products or substances on the premises. The term "smoking lounge" includes, but is not limited to, facilities commonly described as tobacco retail specialty stores, cigar bars and lounges, hookah bars, cafes and lounges, tobacco bars and lounges, tobacco clubs or 0% nicotine establishments. **ARTICLE 16.00. C-2, COMMUNITY COMMERCIAL DISTRICT * * * Sec. 16.02. – Permitted Uses and Structures. A. Principal uses and structures. 1. - 19. [Unchanged.] 20. Smoking Lounge, per the requirements of Chapter 18, Business Regulations. ARTICLE 17.00. C-3, REGIONAL COMMERCIAL DISTRICT * * * Sec. 17.02. – Permitted Uses and Structures. A. Principal uses and structures. 1. - 11. [Unchanged.] 12. Smoking Lounge, per the requirements of Chapter 18, Business Regulations. ARTICLE 18.00. C-4, INTERCHANGE SERVICE DISTRICT * * * Sec. 18.02. – Permitted Uses and Structures. A. Principal uses and structures. 1. - 6. [Unchanged.] 20. Smoking Lounge, per the requirements of Chapter 18, Business Regulations. SECTION 2. SEVERABILITY** If any clause, sentence, section, paragraph or part of this Ordinance, or the application of thereof to any person, firm, corporation, legal entity or circumstances, shall be for any reason adjudged by a court of competent jurisdiction to be unconstitutional or invalid, said judgment shall not affect, impair or invalidate the remainder of this Ordinance. It is hereby declared to the legislative intent of this body that the Ordinance is severable, and that the Ordinance would have been adopted had such invalid or unconstitutional provisions not have been included in this ordinance. **SECTION 3. REPEAL OF CONFLICTING ORDINANCES** All Ordinance or parts of Ordinance is conflict herewith is hereby repealed only to the extent necessary to give this Ordinance full force and effect. **SECTION 4. SAVINGS CLAUSE** All rights and duties which have matured penalties which have been incurred, proceedings which have begun and prosecution for violations of law occurring before the effective date of this Ordinance are not affected or abated by this Ordinance. **SECTION 5. EFFECTIVE DATE; PUBLICATION.** A public hearing having been held hereon pursuant to the provisions of Section 103 of Act 110 of the Public Acts of 2006, as amended, the provisions of this Ordinance shall be published within fifteen (15) days of its adoption of publications of a notice in a newspaper circulated in Canton Township stating the date of enactment and effective date, a brief statement as to its regulatory effect and that a complete copy of the Ordinance is available for public purchase, use and inspection at the office of the Township Clerk during the hours of 8:30 AM to 4:30 PM, Local Time. The provision of this Ordinance shall become effective seven (7) days after its publication. **CERTIFICATION** The foregoing Ordinance was duly adopted by the Township Board of Trustees of the Charter Township of Canton at its regular meeting called and held on the 10th day of February, 2015, and was ordered to be given publication in the manner required by law. Terry Bennett, Clerk Introduced: January 24, 2015 Adopted: February 10, 2015 Published: February 19, 2015 Effective: February 26, 2015 **Item C-9. Consider Approval of Application for One Day Special Liquor License and Agreement for Canton Soccer Club Event (CLS)** Motion by Bennett, supported by Williams to authorize the sale and consumption of alcohol at The Celtic Celebration on Saturday, June 6, 2015; and furthermore, I move that the following resolution be adopted: That the Canton Soccer Club, through its duly elected officers, make application to the MLC for a Special License for the sale of alcohol for consumption on the premises to be in effect on Saturday, June 6, 2015 at Independence Park located on Denton Road in Canton, Michigan, County of Wayne and that the Township Clerk be authorized to sign and submit this application. Motion carried by all members present. Motion by Bennett, supported by Williams to approve the agreement between Canton Township and the Canton Soccer Club for the event on June 6, 2015. Motion carried by all members present. **Item C-10. Consider Authorization of a Sponsorship Agreement with Community Financial Credit Union (CLS)** Motion by Bennett, supported by Williams to authorize the 2015 Sponsorship and Advertising Proposal with Community Financial Credit Union, 500 S. Harvey, Plymouth, MI 48170 in the amount of \$9,990. Motion carried by all members present. **GENERAL CALENDAR: Item G-1A. Second Reading Of An Amendment To The Township Code Of Ordinances, Chapter 18, Businesses, By Adding A New Article VI Entitled "Smoking Lounges" (Supv)** Motion by Bennett, supported by Sneiderman to remove from the table and hold the second reading of an amendment to the Canton Township Code of Ordinances, which amends Chapter 18 by adding a new Article VI entitled "Smoking Lounges." Motion carried by all members present. **STATE OF MICHIGAN COUNTY OF WAYNE CHARTER TOWNSHIP OF CANTON CHAPTER 18 AN ORDINANCE TO AMEND CHAPTER 18 OF THE CHARTER TOWNSHIP OF CANTON CODE OF ORDINANCES, AS AMENDED, ENTITLED BUSINESSES, TO ADD ARTICLE VII, SMOKING LOUNGES, TO LICENSE AND REGULATE SMOKING ESTABLISHMENTS FOR THE PUBLIC HEALTH, SAFETY AND WELFARE OF THE TOWNSHIP AND PERSONS WITHIN ITS JURISDICTIONAL BOUNDARIES. THE CHARTER TOWNSHIP OF CANTON ORDAINS: SECTION 1. AMENDMENT TO CODE.** Chapter 18 of the Charter Township of Canton Code of Ordinances, as amended, is hereby amended by adding Article VII, entitled "Smoking Lounges," to read as follows: **ARTICLE VI. SMOKING LOUNGES DIVISION 1. GENERALLY Sec.18-401. Purpose.** Since the State of Michigan enacted Public Act 188 of 2009 to prohibit smoking in public places smoking lounges have become increasingly popular. Cigar Bars and Tobacco Specialty Retail Stores that qualify and were in existence on May 1, 2010, are exempt from the smoking in public prohibition. The State issues exemption certificates that may be transferred resulting in an increase in the number of establishments in the Township. Potential adverse impacts associated with these establishments have been identified such as large numbers of patrons during the evening and night time, crowds overflowing into parking areas and impeding on nearby businesses, leaving behind trash, broken alcohol bottles and debris, incidents requiring police response, fights, alcohol possession on unlicensed premises, traffic, noise, and complaints from neighboring businesses and residents. The purpose of this article is to regulate smoking lounges for the public health, safety, and welfare of the Township and persons within its jurisdictional boundaries; to prevent access to tobacco and non-tobacco smoking products by minors at these establishments, and to prevent the spread of smoke fumes to adjacent properties, and persons passing by these establishments. This article is designed to establish reasonable and uniform regulations to prevent potential adverse impacts relating to these establishments. The regulations adopted are designed to provide objective and orderly procedures for the administration of this article. **Sec. 18-402. Definitions.** For purposes of this article, the words, terms, and phrases shall be defined as follows: *Cigar* shall mean any roll of tobacco weighing three (3) or more pounds per 1,000, which roll has a wrapper or cover consisting of tobacco. *Cigar bar* shall mean an establishment or area within an establishment that is open to the public and is designated for the smoking of cigars that has a State issued exemption certificate. *Disqualifying criminal act* shall mean any of the following: (1) Any of the following misdemeanor or felony offenses under any of the following statutes, as amended, for which less than seven (7) years elapsed since the date of conviction or the date of release from confinement for the conviction, whichever is the later date: i. Michigan Penal Code, Chapter X, Arson and Burning; ii. Michigan Penal Code, Chapter XI, Assaults, except MCL 750.81(1) and (2); iii. Michigan Penal Code, Chapter XVII, Bribery and Corruption; iv. Michigan Penal Code, Chapter XXII, Compounding Offenses; v. Michigan Penal Code, Chapter XXVA, Criminal Enterprises; vi. Michigan Penal Code, Chapter XXVIII, Disorderly Persons; vii. Michigan Penal Code, Chapter XXXI, Embezzlement; viii. Michigan Penal Code, Chapter XXXIII, Explosives, Bombs, Harmful Devices; ix. Michigan Penal Code, Chapter XXXIV, Extortion; x. Michigan Penal Code, Chapter XLIII, Frauds and Cheats; xi. Michigan Penal Code, Chapter XLIV, Gambling; xii. Michigan Penal Code, Chapter XLV, Homicide; xiii. Michigan Penal Code, Chapter XLVIII, Indecency and Immorality; xiv. Michigan Penal Code, Chapter LVIII, Mayhem; xv. Michigan Penal Code, Chapter LXVII, Prostitution; xvi. Michigan Penal Code, Chapter LXVIIA, Human Trafficking; xvii. Michigan Penal Code, Chapter LXVII, Sexual Conduct; xviii. Michigan Penal Code, Chapter LXXVIII, Robbery; xix. Michigan Penal Code, Chapter LXXXIII-A, Michigan Anti-Terrorism Act; xx. Michigan Compiled Laws, 333, Part 74, Controlled Substances – Offense and Penalties; xxi. Michigan Compiled Laws Section 205.27, Taxation-Prohibited Acts, including tax evasion. (2) Any attempt, solicitation, or conspiracy to commit one of the foregoing offenses; or (3) Any offense enumerated in the Township Code of Ordinances which substantially corresponds to one of the foregoing state offenses; or (4) Any offense in another jurisdiction that, had the predicate act(s) been committed in Michigan, would have constituted any of the foregoing offenses. *Influential interest* shall mean any of the following: (1) actual power to operate or control the operation, management, or policies of a current or prospective business; including the manager of the prospective business, or (2) ownership of a financial interest in the business, or ownership of an interest that is ten percent (10%) or more of the total interest of a current or prospective business, including such business entities as a firm, partnership, limited partnership, association, limited liability company, or corporation; or (3) holding an office, such as, e.g., president, vice president, secretary, treasurer, managing member, managing director, etc., in a legal entity which operates a current or prospective business. *Minor* shall mean any person under eighteen (18) years of age. *Non-tobacco smoking products or substances* shall include any product or substance that can be consumed by smoking such as, but not limited to: e-cigarettes, bidis, kreteks, clover cigarettes, herbal cigarettes, electronic and herbal hookah, steam stones, smoking gels or other smoked product. *Premises* shall mean the location for which a smoking lounge establishment operates under a State issued exemption certificate and includes the land, and all improvements located thereon, including the primary building and all accessory and out-buildings, and is not limited to the smoking area. *Sale* shall mean, the exchange, barter, traffic, furnishing, or giving away of tobacco products and non-tobacco smoking products and substances which is regulated by the State of Michigan and pursuant to this article. *Smoking lounge* shall have the same meaning as is set forth in Sec. 1.03 of Appendix A to the Code of Ordinances. *State* shall mean the State of Michigan. *State issued exemption certificate* shall mean a valid exemption certificate issued by the State of Michigan for the premises, from the Public Act 188 of 2009 smoking in public ban which allows indoor smoking on the premises in compliance with the Act. *Tobacco product* shall mean a product that contains tobacco and is intended for human consumption, including, but not limited to, cigars, cigarettes, non-cigarette smoking tobacco or smokeless tobacco as defined by the Tobacco Products Tax Act, MCL 205.422. *Tobacco specialty retail store* shall mean an establishment that has a State issued exemption certificate and for which the primary purpose is the retail sale of tobacco products, non-tobacco smoking products and substances, and smoking paraphernalia. **DIVISION 2. LICENSE Sec. 18-501. Business license required.** A person shall not operate a smoking lounge in the Township without first obtaining a smoking lounge business license issued pursuant to the provisions of this article. **Sec. 18-502. Application.** (a) *Information required.* An applicant for a smoking lounge license shall annually file in person at the office of the Township Clerk, a completed application made on a form provided by the Clerk. The application shall be signed as required herein and shall be notarized. An application shall be considered complete when it contains, for each person required to sign the application, the information and/or items required in paragraphs (1) through (9) below, accompanied by the required fee. (1) The applicant's full legal name and any other names used by the applicant in the preceding seven (7) years. If the applicant is a partnership, corporation, limited liability company, or other legal entity, then all persons with an influential interest in the entity shall be deemed an applicant and shall provide the information required by this article. Each applicant must be qualified under section 18-503, and each applicant shall be considered a licensee if a license is granted. (2) Current business address or another mailing address of the applicant. (3) Written proof of identity, in the form of a driver's license or a copy of a birth certificate accompanied by a picture identification document issued by a governmental agency. (4) The proposed business name, location, parcel identification number, mailing address and phone number. (5) A copy of the State issued exemption certificate for the premises; or if a transfer has been applied for, a copy of the application filed with the State. (6) The name and business address of the designated local agent who is responsible to supervise the premises and activities and who is authorized to receive service of process. (7) A statement of whether any applicant has been convicted of or has pled guilty or nolo contendere to a disqualifying criminal act as defined in this article, and if so, specify each criminal act involved, including the date, place, and jurisdiction of each, as well as, the dates of conviction and release from confinement, where applicable. This statement shall be accompanied by an authorization to conduct a criminal background check. (8) A statement as to whether any applicant has ever had a license revoked under the penalty provisions of the Michigan Liquor Control Code, PA 58 of 1998, as amended. (9) A statement as to whether any business in which an applicant has had an influential interest, has, in the previous seven (7) years, and at the time during which the applicant had the influential interest: i. Been declared by a court of law to be a nuisance, as defined under the Revised Judicature Act, MCL 600.3801; or ii. Been subject to a court order of closure or padlocking. (10) Statement of nature of proposed operation. The information provided pursuant to paragraphs (1) through (10) of this subsection shall be supplemented in writing by certified mail, return receipt requested, to the Township Clerk within ten (10) working days of a change of circumstances which would render the information originally submitted false or incomplete. (b) *Signature required.* If a person who wishes to operate the business is an individual, the person shall sign the application. If a person who wishes to operate a business is other than an individual, each person with an influential interest in the business shall sign the application for a license as applicant. (c) *Disclosure.* The information provided by an applicant in connection with an application for a license under this article shall be maintained by the Township Clerk's Office and all personal information shall be deemed confidential and may be disclosed only as required by law or by court order. **Sec. 18-503. Issuance of license.** (a) *Pre-existing businesses.* All smoking lounges operating pursuant to a valid certificate of occupancy on the effective date of this ordinance are hereby granted a de facto temporary license to continue operating for a period of ninety (90) days following the effective date. During this period all smoking lounge businesses shall apply for a license pursuant to this article; and by the expiration date of ninety (90) days shall conform to all requirements for issuance of a license. (b) *Application review.* Upon the filing of a completed application for a smoking lounge business license, the Township Clerk shall forward a copy to the following departments or divisions: Building and Inspection Services Division, Department of Public Safety, and any other necessary department(s) or division(s); to review the application for compliance with the requirements of all applicable ordinances and codes. (c) The Township Clerk shall either issue a license to the applicant or issue to the applicant a written notice denying the application. The Township Clerk shall issue a license unless: (1) *Information.* An applicant has failed to provide information as required by section 18-502 for issuance of a license, or has falsely answered a question or a request for information on the application form; (2) *Fee.* The license application fee required by this article has not been paid; (3) *State exemption certificate.* The applicant does not have a valid State issued

exemption certificate, the State has denied the application for a transfer, or the exemption has been revoked; (4) *Code compliance.* The subject premises lacks a current certificate of occupancy or does not comply with applicable building, zoning, plumbing, mechanical, electrical, health, or fire prevention codes. Upon filing an application for a building permit, plan review, or certificate of occupancy, the applicant shall also file a copy with the Township Clerk; (5) *Ventilation and parking.* The Building and Inspection Services Division indicates that the premises lack the ventilation and/or parking required for the proposed use; (6) *Unpaid fees.* Any of the reviewing departments or divisions has indicated that there are unpaid fees or uncured violations under its purview related to the subject premises; (7) *Ownership/lease.* The business does not own the premises for which a license is sought or does not have a current lease for the proposed licensed premises; (8) *Previous revocation/non-renewal.* An applicant has had a smoking exemption revoked, or not renewed for cause, in the last two (2) years under this article or a comparable Township or township ordinance or state law, whether in Michigan or otherwise; (9) *Prior nuisance.* Any business in which the applicant has had an influential interest, has, in the previous seven (7) years, and at the time during which the applicant had the influential interest: i. Been declared by a court of law to be a nuisance, as defined under the Revised Judicature Act, MCL 600.3801; or ii. Been subject to an order of closure or padlocking. (10) *Disqualifying criminal act.* An applicant has been convicted, of or pled guilty, or nolo contendere or no contest, to a disqualifying criminal act as defined in this article, or has had a license suspended under the Michigan Liquor Control Code; (11) *Additional licensing.* The business is not licensed to do business in Michigan or has not obtained a sales tax license. (d) *Reservation of authority.* Notwithstanding anything to the contrary in this article, no applicant has a right to the issuance of a license; and the Township hereby reserves the right to determine who, if any one, shall be entitled to the issuance of such a license, based on the objective criteria listed in this ordinance which relate to concerns for public health, safety, and welfare as identified herein. (e) *License contents; posting; possession.* The license, if granted, shall state on its face the name of the person or persons to whom it is granted, the number of the license issued to the licensee(s), the expiration date, and, the address of the business. The business license shall be posted in a conspicuous place at or near the entrance to the business so that it may be read at any time. (f) *Other laws applicable.* Nothing in this article shall be construed to exempt the licensee from any other requirements set forth by Township ordinance, state or federal law. **Sec. 18-504. Fees.** The fees for a license under this article shall be established by resolution adopted by the Township Board and shall be placed on file, and made available, at the office of the Township Clerk. **Sec. 18-505. Inspection.** Filing an application for a smoking lounge shall constitute consent to inspection by Township officials as provided herein, for the purpose of ensuring compliance with the specific regulations of this article. During Township business hours or at other mutually agreeable time, the applicant shall allow the representatives of Township departments onto the property and into the proposed licensed premises to complete an inspection. This section shall be narrowly construed by the Township to authorize reasonable inspections of the licensed premises pursuant to this article. **Sec. 18-506. Transfer of license.** (a) A licensee shall not transfer the license to another, nor shall a licensee operate a smoking lounge under the authority of a license at any place other than the address designated in the smoking lounge license application. Any transfer shall be grounds for suspension and revocation. A proposed transfer shall require a new application be filed and shall be subject to the same procedures, standards and fees required for a new license. Each location operated by a licensee requires a separate license. (b) Approval of the transfer of a State issued exemption certificate by the State of Michigan shall not abrogate the requirement to apply for and obtain a smoking lounge license as required by this article. There shall be no transfer into the Charter Township of Canton of a State of Michigan Exemption Permit under the Dr. Ron L. Davis Act of 2009; MCL 333.12601, et seq., as amended. **Sec. 18-507. Annual license, expiration.** The license issued under this article shall be valid for a period of one year from the date of issue, unless otherwise suspended or revoked. A renewal license shall be obtained within thirty (30) days following expiration of the current license, and may be renewed only by making application and payment of the fee as required by this article. **DIVISION 3. DENIAL, SUSPENSION, REVOCATION, HEARING Sec. 18-601. Denial.** In the event the Township Clerk issues a written notice to deny for failure to comply with the requirements of section 18-503, the provisions of section 18-604 providing for an appeal hearing shall apply. **Sec. 18-602. Suspension.** The Township Clerk shall suspend the license for a period of thirty (30) days if the licensee has knowingly violated this article or has knowingly allowed an employee to violate this article. Upon receiving notice of a violation, the Clerk shall issue a written notice to suspend, which shall include the grounds for the suspension, the effective date of the suspension, and that the licensee may within twenty (20) days, request in writing, an appeal hearing before the Township Board pursuant to the provisions of section 18-604. The suspension shall take effect twenty-one (21) days after the date of the notice of suspension. **Sec. 18-603. Revocation; non-renewal.** (a) *Violation after previous suspension.* The Township Clerk shall issue a written notice of revocation if the licensee knowingly violates this article or has knowingly allowed an employee to violate this article and the licensee's license has been suspended within the previous twelve (12) month period. (b) *Grounds for revocation/non-renewal.* The Township Clerk shall issue written notice to revoke or non-renewal of the license if: (1) The licensee would not meet the standards set forth in section 18-503 if the licensee were an applicant for a new license. (2) The licensee has knowingly or recklessly allowed two (2) or more violations of the regulations of this article in the preceding twelve (12) month period. (3) The licensee has knowingly or recklessly allowed a nuisance, as defined under the Revised Judicature Act, MCL 600.3801, to be maintained upon the premises. (4) The subject premises have existed violations of building, zoning, plumbing, mechanical, electrical, health or fire prevention codes. (5) The operation of the licensed establishment has resulted in a pattern of patron conduct in the neighborhood of the establishment that continually and substantially disturbs the peace, order, and tranquility of the neighborhood. (6) The licensee has failed to maintain the grounds and exterior of the licensee's establishment by allowing litter, debris, and/or refuse to unreasonably remain on the property or adjoining properties. (7) The licensee knowingly or recklessly operated the business during a period of time when the license was suspended. (8) The licensee has knowingly or recklessly engaged in illegal activity or allowed any illegal activity to occur in or on the licensed premises, or has been found liable for a violation of the Michigan liquor control code. (c) *Effect of appeal of conviction.* The fact that any relevant conviction is being appealed shall have no effect on the revocation/non-renewal of the license, provided that, if any conviction which serves as a basis of a license revocation/non-renewal is overturned or reversed on appeal, that conviction shall be treated as null and of no effect and the license shall be reinstated. (d) *Effective date.* The revocation/non-renewal shall not take effect for twenty-one (21) days from the date of the notice of revocation/non-renewal. (e) *Appeal.* The written notice to revoke/non-renewal, shall include the grounds for the revocation/non-renewal, the effective date of the revocation/non-renewal, and that the licensee may request in writing, within twenty (20) days of the date of the notice of suspension, or revocation/non-renewal, an appeal hearing before the Township Board pursuant to the provisions of section 18-604. If not appealed, the suspension shall take effect twenty-one (21) days after the date of the notice of suspension. **Sec. 18-604. Appeal hearing.** (a) *Notice of hearing.* Upon receipt of a request for appeal, the Township Board shall provide the licensee with notice and an opportunity to be heard. The Township Board shall serve notice upon the licensee by certified mail, not less than twenty (20) days prior to the hearing date. The notice shall state: (1) The date, time and place of the hearing. (2) A statement that the licensee may present evidence and testimony, and may be represented by an attorney. (b) *Hearing and decision.* The hearing shall be conducted by the Township Board and shall be open to the public. The Township Board shall submit to the licensee a written statement of its findings, decision, specific grounds for its decision, and a statement that the decision may be appealed to a court of competent jurisdiction. **DIVISION 4. REGULATIONS Sec. 18-701. Zoning Requirements.** A smoking lounge may only be located in permitted zoning districts as identified in Appendix A to this Code of Ordinances, the Zoning Ordinance. **Sec. 18-702. Limitation.** There shall be no more than five (5) smoking lounge businesses granted licenses and operating in Canton Township at any given time. **Sec. 18-703. Hours of operation.** Businesses operating a licensed smoking lounge shall be closed between the hours of 1:00 a.m. and 8:00 a.m. on any day. No one shall be allowed on the premises except employees after midnight. Only a minimum of three (3) employees shall remain on the premises after midnight and shall carry proof of employment, such as an identification badge. The manager and/or employees shall provide proof of employment when requested to do so by a member of the Police Department. Only employees and/or contractors shall remain on the premises after closing and shall carry proof of employment. **Sec. 18-704. Local agent on premises.** The licensee, or the local agent designated in the application, shall remain on the premises while open for business to supervise the activities and shall be responsible to ensure compliance with the regulations of this article. In the event a licensee changes the local agent, the licensee shall immediately notify the Clerk in writing of the name and business address of the new local agent. All managers or local agents shall be over the age of twenty-one (21) years old. **Sec. 18-705. Mechanical ventilation required.** Mechanical ventilation shall be supplied in compliance with the Michigan Mechanical Code to ensure sufficient ventilation of the smoking lounge. The recirculation and the natural ventilation of air from the smoking lounge is prohibited; and the air supplied to the smoking lounge shall be exhausted and discharged to an approved location in compliance with the Michigan Mechanical Code. **Sec. 18-706. Off-street parking required.** Off-street parking shall be provided for the smoking lounge business. The minimum amount of parking shall be calculated by utilizing the parking requirements listed for bars and lounges contained in the Canton Township Zoning Ordinance. **Sec. 18-707. Storage lockers prohibited.** Storage lockers shall be prohibited on the premises of a smoking lounge, except that on-site humidors may be permitted in the smoking area of a cigar bar. **Sec. 18-708. Outdoor activities prohibited.** There shall not be any outdoor activities, outdoor public admission events, or outdoor seating. The business activities shall be conducted wholly indoors. In no event shall designated on-site parking areas be used for any other purpose than parking of passenger vehicles. To ensure that the smoke is contained within the smoking area, all windows and doors shall remain closed to ensure that the smoke does not infiltrate nonsmoking areas and is not emitted to passersby. **Sec. 18-709. Loitering, exterior lighting, and monitoring requirements.** It shall be the duty of the licensee or the designated local agent to: (a) *Signs.* Post conspicuous signs stating that no loitering is permitted on the premises; no minors are permitted on the premises; and patrons must leave the parking area immediately upon close of the business; (b) *Monitor.* Designate one (1) or more employees to monitor, while the premises are open for business, the activities of persons on the premises by visually inspecting the interior and exterior of the premises at least once every ninety (90) minutes or inspecting the premises by use of video cameras and monitoring; (c) *Exterior.* Ensure lighting of the exterior premises is provided, including all parking areas, for visual inspection and security. All exterior lighting shall comply with all provisions of the Canton Township Zoning Ordinance; (d) *Parking area.* The licensee shall ensure that patrons are not parking in adjacent or neighboring parking lots or in residential areas that are not part of the parking area approved on the site plan for the licensed premises. **Sec. 18-710. Disturbing the peace.** The licensee or local agent, shall be responsible to maintain the premises to ensure there is not a violation of the Code of Ordinances, section 46-294, for disturbing the peace. If the licensee or designated local agent is convicted for a violation of 46-294, the conviction shall be grounds for revocation, denial or suspension of a license. **Sec. 18-711. Prohibited activities.** It is unlawful for a licensee or local agent to knowingly violate the following regulations or to knowingly allow an employee, patron or any other person to violate the following regulations. The licensee or local agent shall remove anyone violating the following regulations: (a) *Minors prohibited.* No one shall be allowed on the premises of a smoking lounge business unless the individual is eighteen (18) years of age or older. The licensee and local agent shall ensure that identifications of individuals on the premises have been checked to determine that every individual is eighteen (18) years of age or older before entry into the premises. The exit doors shall be monitored to ensure that no one is attempting to gain secret entry into the premises. A sign shall be posted near the entrance stating "No one under the age of eighteen (18) allowed." (b) *Alcoholic liquor.* No person shall sell, offer for sale, trade, provide, allow, possess, consume or attempt to consume any alcoholic liquor on the premises unless the licensee has obtained the appropriate license from the Liquor Control Commission pursuant to MCL 436.1101 et seq., as amended. (c) *Nudity prohibited.* No one shall be allowed on the premises of a smoking lounge business to appear nude or in a state of nudity as defined in section 18-141 of this chapter. (d) *Controlled substances prohibited.* It shall be unlawful to sell or permit to sell, offer for sale, trade, provide, allow, possession, consumption or attempt to consume any controlled substance on the premises in violation of Article 7 of the Public Health Code, MCL 333.1101 et seq. **Sec. 18-712. Penalties and enforcement.** (a) *Misdemeanor.* A person who violates or fails to comply with any of the provisions of this article shall be guilty of a misdemeanor, punishable by a maximum fine of five hundred dollars (\$500.00) and/or a maximum of ninety (90) days imprisonment. Each day a violation is committed, or permitted to continue, it shall constitute a separate offense and shall be treated as a separate offense. **SECTION 2. SEVERABILITY** If any clause, sentence, section, paragraph or part of this Ordinance, or the application of thereof to any person, firm, corporation, legal entity or circumstances, shall be for any reason adjudged by a court of competent jurisdiction to be unconstitutional or invalid, said judgment shall not affect, impair or invalidate the remainder of this Ordinance. It is hereby declared to the legislative intent of this body that the Ordinance is severable, and that the Ordinance would have been adopted had such invalid or unconstitutional provisions not have been included in this ordinance. **SECTION 3. REPEAL OF CONFLICTING ORDINANCES** All Ordinance or parts of Ordinance is conflict herewith is hereby repealed only to the extent necessary to give this Ordinance full force and effect. **SECTION 4. SAVINGS CLAUSE** All rights and duties which have matured penalties which have been incurred, proceedings which have begun and prosecution for violations of law occurring before the effective date of this Ordinance are not affected or abated by this Ordinance. **SECTION 6. PUBLICATION** The Clerk for the Charter Township of Canton shall cause this Ordinance to be published in the manner required by law. **SECTION 7. EFFECTIVE DATE** This Ordinance, as amended, shall take full force and effect upon publication as required by law. **CERTIFICATION** The foregoing Ordinance was duly adopted by the Township Board of Trustees of the Charter Township of Canton at its regular meeting called and held on the 10th day of February, 2015, and was ordered to be given publication in the manner required by law. Terry G. Bennett, Clerk Introduced: January 24, 2015. Adopted: February 10, 2015 Published: February 19, 2015 Effective: February 19, 2015 Motion by Bennett, supported by Sneiderman to change Sec. 18-703. Hours of operation in the Ordinance to read: "Businesses operating a licensed smoking lounge shall be closed between the hours of 1:00 a.m. and 8:00 a.m. on any day". Motion carried by all members present. Motion by Bennett, supported by Sneiderman to set the fee for a Smoking Lounge license at \$200.00. Motion carried by all members present. **Item G-1. Consider Approval of the Final Site Plan for Torrey Hill Site Condominiums Phase II (MSD)** Motion by Bennett, supported by Sneiderman to adopt the following resolution. Motion carried by all members present. **RESOLUTION OF BOARD OF TRUSTEES CHARTER TOWNSHIP OF CANTON Final Site Plan Approval for Torrey Hill Site Condominiums Phase II WHEREAS,** the Project Sponsor, Mr. Jon Goldman, has requested final site plan approval for Torrey Hill Site Condominiums Phase II to be located on Beck Road between Cherry Hill and Saltz Roads, identified as tax EDP #063-99-0006-703; and **WHEREAS,** the Planning Commission reviewed the site plan and made a recommendation to approve the request for grant final site plan approval, as summarized in the attached written analysis and recommendation. Torrey Hill Site Condominiums Phase 2 **NOW THEREFORE BE IT RESOLVED,** the Board of Trustees of the Charter Township of Canton, Michigan does hereby approve the request of the petitioner, Mr. Jon Goldman, to approve the final site plan for the proposed Torrey Hill Site Condominiums Phase II subject to any and all state and local development regulations and further subject to conditions recommended by the Planning Commission and staff including submission of a revised master deed and by-laws containing the previously mentioned statements and revision of the tree plan and landscape plan to show accurate unit numbers, as described in the analysis and recommendation attached hereto and made a part hereof. **Item G-2. Consider Approval of an Extension of the Contract with HydroCorp Incorporated (formerly HydroDesigns) to Implement Canton's Cross Connection Control Program (MSD)** Motion by Bennett, supported by Williams to approve a three year extension of the professional services contract with HydroCorp, Inc. to provide management services and inspections for the Township's Cross Connection Control Program for an amount of \$32,820 per year; and further, authorize the Township Supervisor to sign the agreement on behalf of the Township. Motion carried by all members present. Trustee Yack requested moving Item G-6 to be the next item on the agenda to accommodate an audience member. The chair agreed. **Item G-6. Approve the Canton Tax Board of Review Guidelines for Hardship and Value Appeals (Supv)** Motion by Bennett, supported by Williams to approve the value and hardship appeal guidelines to be used by the Tax Board of Review in 2015. Motion carried by all members present. **Item G-3. Consider Approval of a Budget Amendment and an Increase Purchase Order 2014-00001186 for Abandonment and Removal of an Existing Sanitary Force Main Associated with the Warren-Lotz Sanitary Sewer Diversion Project to Stante Excavating Incorporated (MSD)** Motion by Bennett, supported by Williams to approve a budget amendment by: increasing Expenditures 402-302.801.0040 Capital Projects Professional & Contr. \$19,700; and increasing revenues 402-000.695 Fund Balance Appropriation \$19,700. Motion carried by all members present. Motion by Bennett, supported by Williams to increase Purchase Order 2014-00001186 to Stante Excavating by \$19,700 for a total not to exceed \$116,900, which includes a 10% contingency, to perform the force main abandonment work as part of the Warren-Lotz Sanitary Sewer Diversion Project. Motion carried by all members present. **Item G-4. Consider Award of a Contract with Interstate Security Incorporated for Security System Upgrades at the Public Works Facility (MSD)** Motion by Bennett, supported by Sneiderman to award a contract for security system upgrades at the Public Works facility to Interstate Security Incorporated for \$66,030, plus a 5% contingency, for a total not-to-exceed amount of \$69,350. Motion carried by all members present. **Item G-5. Consider Approval of a Budget Amendment and Change Order for Wade Trim Associates for Additional Construction Engineering Services (MSD)** Motion by Bennett, supported by Sneiderman to approve a budget amendment to increase expense account #402-302.801.0040 Professional and Contractual Services by \$13,500 and to increase revenue account #402-000.695 Fund Balance Appropriation by \$13,500; and further to approve a change order to Wade Trim Associates contract for construction and survey services on the ITC pathway project for an amount not to exceed \$13,500. Motion carried by all members present. **Item G-7. Consider Request to Purchase Ammunition (PSD)** Motion by Bennett, supported by Sneiderman to approve the purchase of 100 cases of ammunition in the amount of \$32,854, from Kiesel's Police Supply, Inc., 2802 Sable Mill Road, Jefferson, Indiana, utilizing a combination of funds budgeted in the 2015 Police Operating Supplies and Drug Forfeiture Fund accounts. Motion carried by all members present. **Item G-8. Blanket Purchase Orders (FBD)** Motion by Bennett, supported by Sneiderman to approve the attached Blanket

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Purchase Orders. I further move to authorize the Finance & Budget Director to increase Blanket Purchase Orders that are directly tied to contractual obligations whereby increased participation/usage require additional expenditures, or are in a fiduciary capacity; and to decrease Blanket Purchase Orders as necessary when the actual obligations are less than initially requested. Motion carried by all members present. **Item G-9. Consider Approval of a Budget Amendment and Award of Contract to Cribley Drilling Company to Install Ground Water Well at the Canton Sports Center (CLS)** Motion by Bennett, supported by Sneiderman to approve the budget amendment: Increase Revenues: Transfer from fund balance Account #246-000.695_0001 by \$50,444.65 (2014 balance of unspent funds from the Capital Outlay Infrastructure Account) Increase Expenses: Capital Outlay Infrastructure # 246-441.970_0050 by \$50,445 (Amount will increase account from \$280,000 to \$330,445) Motion carried by all members present. Motion by Bennett, supported by Sneiderman to award a contract with Cribley Drilling Co. Inc, 8300 Dexter-Chelsea Road, Dexter MI 48130-9786, for installation of an irrigation ground water well system at the Canton Sports Center in the amount not-to-exceed \$53,204.80 from budget Account # 246-41.970_0050, Community Improvement Fund - Capital Outlay Infrastructure. Motion carried by all members present. **ADDITIONAL PUBLIC COMMENT:** Ms. Makki asked when the new ordinance would become effective. Ms. Kolb replied the ordinance will be effective on February 19, 2015 and businesses will have 90 days to make application. **OTHER:** Trustee Sneiderman commented on Friday, March 6, 2015 at 7:00 p.m. the Partnership for the Arts is holding their fund raiser at the Village Theater. Ticket Prices are \$35/person. On Saturday, March 7, 2015 from 6:30 p.m. to 11:30 p.m. the Canton Community Foundation is holding their fundraiser at the Henry Ford Museum 20900 Oakwood Blvd., Dearborn, MI 48124. Ticket Prices: \$175/person; \$1200/table of 8. **ADJOURN:** Motion by Anthony, supported by Williams to adjourn at 8:30 p.m. Motion carried by all members present.
Terry G. Bennett, Clerk

Copies of the complete text of the Board Minutes are available at the Clerk's office of the Charter Township of Canton, 1150 S. Canton Center Rd, Canton, MI 48188, 734-394-5120, during regular business hours and can also be accessed through our web site www.canton-mi.org after Board Approval. Publish: February 19, 2015

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