

**STATE OF MICHIGAN
COUNTY OF OAKLAND
CHARTER TOWNSHIP OF BLOOMFIELD**

SUMMARY OF ORDINANCE 660

AN ORDINANCE TO AMEND CHAPTER 42, ZONING, OF THE CODE OF ORDINANCES OF THE CHARTER TOWNSHIP OF BLOOMFIELD TO REGULATE SMOKE SHOPS AND TOBACCO STORES, AND BODY ART FACILITIES IN THE TOWNSHIP.

The purpose of Ordinance 660 is to limit the effects of a high concentration of smoke shops and tobacco stores and to safely regulate body art establishments in Bloomfield Township.

A full copy of Ordinance 660 is posted and available in the Bloomfield Township Clerk's Office at 4200 Telegraph Road, Bloomfield Hills, MI 48302 and on the subsequent pages of this notice.

**JAN RONCELLI, MMC
BLOOMFIELD TOWNSHIP CLERK**

Introduced: June 24, 2019

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**STATE OF MICHIGAN
COUNTY OF OAKLAND
CHARTER TOWNSHIP OF BLOOMFIELD**

ORDINANCE NO. 660

An ordinance to amend Chapter 42, Zoning, of the Code of Ordinances of the Charter Township of Bloomfield to regulate smoke shops and tobacco stores, and body art facilities in the Township.

THE CHARTER TOWNSHIP OF BLOOMFIELD ORDAINS:

PREAMBLE

The Township finds it necessary to regulate smoke shops and tobacco stores as a matter to preserve the public health, safety and welfare of the community. The Township has enacted this ordinance in order to limit the concentration of smoke shops and tobacco stores resulting in undesirable impacts to the community. Among these impacts are increased potential for tobacco sales to minors, greater opportunity for the sale of illegal drug paraphernalia that is marketed as tobacco paraphernalia, and heightened risk of negative aesthetic impacts, blight, and loss of property values of residential neighborhoods and businesses in close proximity to such uses. In addition, to safeguards the health, safety and welfare of the public from the spread of infectious diseases from practices which prick, pierce, or scar the skin, the Township also finds it necessary to regulate the operation of body art establishment in the Township. This Chapter contains amendments consistent with good zoning and planning practices to address such negative impacts of smoke shops and tobacco stores or body art facilities while providing a reasonable number of locations for such shops, stores and facilities to locate within Bloomfield Township.

Section 1 of the Ordinance

Article 2. Definitions of Chapter 42, Zoning, is hereby amended the definition of Regulates uses to read as follows:

68. Regulated uses:

[A through H unchanged]

I. **Smoke shops and tobacco stores** means any premises dedicated to the display, sale, distribution, delivery, offering, furnishing, or marketing of tobacco, tobacco products, alternative nicotine products, nicotine products, vapor products, or tobacco paraphernalia with the prohibition of onsite smoking and/or lounge; provided, however, that any grocery store, supermarket, convenience store or similar retail use that only sells conventional cigars, cigarettes or tobacco as an ancillary sale shall not be defined

as a “smoke shop and tobacco store” and shall not be subject to the restrictions in this Chapter.

- i.* **Alternative nicotine product** means noncombustible product containing nicotine that is intended for human consumption whether chewed, absorbed, dissolved, inhaled or ingested by any other means.
- ii.* **Nicotine product** means a product that does not contain tobacco, but delivers nicotine, including vapor products, and other nicotine delivery methods and devices.
- iii.* **Tobacco product** means a product that contains tobacco and is intended for human consumption including, but not limited to, cigarettes, cigars, non-cigarette smoking tobacco, chewing tobacco, tobacco snuff or smokeless tobacco as those terms are defined in Section 2 of the Tobacco Products Tax Act, 1993 PA 327, MCL 205.422.
- iv.* **Vapor product** means a noncombustible product containing nicotine that employs a heating element, power source, electronic circuit, or other electric, chemical, or mechanical means regardless of shape or size that can be used to produce vapor from nicotine in a solution or other form. Vapor products include, but are not limited to, an electronic cigarette (E cigarette), electronic cigar, electronic cigarillo, electronic pipe, or similar product or device and a vapor cartridge or other container of nicotine in a solution or other form that is intended to be used with or in an electronic cigarette (E cigarette), electronic cigar, electronic cigarillo, electronic pipe, or similar product or device.

J._ **Body Art Facilities** means any establishment regulated and licensed pursuant to the Body Art Facilities Act, Part 131 of the Public Health Code, Public Act 368 of 1978-12-131, found at MCL 333.13101 et seq. involving the following activities:

- i.* **Body art** means the practice of physical body adornment by licensed establishments and permitted practitioners utilizing, but not limited to, the following techniques: body piercing, tattooing, cosmetic tattooing, branding and scarification. It does not include practices or procedures which are considered to be medical procedures by the state medical board, such as hair or skin implants, or plastic surgery.
- ii.* **Branding** means a permanent mark made on human tissue by burning with a hot iron or other instrument.
- iii.* **Body piercing** means any method of piercing human tissue, except the ear, in order to place any object, including but limited to, rings, studs, bars, or other forms of jewelry or ornamentation, through the human tissue.
- iv.* **Tattooing** means any method of placing ink or other pigment into or under human tissue by the aid of needles or any other instruments used to puncture the skin, resulting in permanent coloration of the skin. This includes all forms of cosmetic tattooing.

(Sec. 42-2.2.I to be renumbered accordingly)

Section 2 of the Ordinance

Article 4, Use Standards, Section 42-4.39 Regulated Uses is hereby amended to add Section 42-39.2.H.

H. Smoke Shops and Tobacco Stores

I. Body Art Facilities

Section 3 of the Ordinance

Article 4, Use Standards, Section 42-4.39 Regulated Uses is hereby amending Section 42-39.3.B.

B. No regulated use may be located within seven hundred fifty (750) feet of any residential zoning district, school property, place of worship, public park or other use which is primarily oriented to youth (less than eighteen (18) years of age) activities.

Section 4 of the Ordinance

Should any section, subdivision, sentence, clause or phrase of this ordinance, be declared by the courts to be invalid, the same shall not affect the validity of the Ordinance as a whole or any part thereof other than the part as invalidated.

Section 5 of the Ordinance

All proceedings pending and all rights and liabilities existing, acquired or incurred at the time this Ordinance takes effect are saved and may be consummated according to the law in force when they are commenced.

Section 6 of the Ordinance

The provisions of this Ordinance shall take effect immediately upon publication.

Section 7 of the Ordinance

This Ordinance is hereby declared to have been adopted by the Township Board of the Charter Township of Bloomfield at a meeting thereof duly called and held on the 22nd day of July, 2019, and ordered to be given publication in the manner prescribed by the Charter Township of Bloomfield.

CERTIFICATION

I hereby certify that the foregoing Ordinance was adopted by the Board of Trustees of the Charter Township of Bloomfield at a meeting held on July 22, 2019, and that the original of this Ordinance is on file in my office.

Janet Roncelli, Township Clerk

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