



CITY OF GROSSE POINTE WOODS

20025 Mack Plaza Drive
Grosse Pointe Woods, Michigan 48236-2397

(313) 343-2440
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NOTICE OF MEETING AND AGENDA

COMMITTEE-OF-THE-WHOLE

Mayor Robert E. Novitke has called a meeting of the City Council, meeting as a Committee-of-the-Whole, for **Monday, February 12, 2018, at 7:00 p.m.** The meeting will be held in the Conference Room of the Municipal Building, 20025 Mack Plaza, Grosse Pointe Woods, MI 48236 and is accessible through the Municipal Court doors. In accordance with Public Act 267, the meeting is open to the public and the agenda items are as follows:

1. Call to Order
2. Roll Call
3. Acceptance of Agenda
4. Vaping Ordinance
 - A. Letter 01/19/18 – City Attorney
 - B. Proposed Ordinance
 - C. Memo 10/11/17 – Detective Schroerlucke
 - D. City of Utica: An Ordinance Regarding the Possession of Tobacco and Vapor Products
5. Permitted C-2 Special Land Uses/Regulated Use Ordinance
 - A. Letter 01/19/18 – City Attorney
 - B. Committee-of-the-Whole Excerpt 10/30/17
 - C. Draft Ordinance
6. Egg Hunt
 - A. Memo 07/28/17 – Director of Public Services/Recreation Supervisor
7. Lake Front Park Pool
8. New Business/Public Comment
9. Adjournment

Bruce Smith
City Administrator

IN ACCORDANCE WITH PUBLIC ACT 267 (OPEN MEETINGS ACT)
POSTED AND COPIES GIVEN TO NEWSPAPERS

The City of Grosse Pointe Woods will provide necessary, reasonable auxiliary aids and services, such as signers for the hearing impaired, or audio tapes of printed materials being considered at the meeting to individuals with disabilities. All such requests must be made at least five days prior to a meeting. Individuals with disabilities requiring auxiliary aids or services should contact the City of Grosse Pointe Woods by writing or call the City Clerk's office, 20025 Mack Plaza, Grosse Pointe Woods, MI 48236 (313) 343-2440, Telecommunications Device for the Deaf (TDD) 313 343-9249, or e-mail the City Clerk at cityclk@gpwwmi.us.

cc:
Council – 7
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4

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CHARLES T. BERSCHBACK

DON R. BERSCHBACK
OF COUNSEL

January 19, 2018

The Honorable Mayor and City Council
City of Grosse Pointe Woods
20025 Mack Plaza
Grosse Pointe Woods, MI 48236

RE. Ordinance Prohibiting Vaping by Minors / COW Agenda

Dear Honorable Mayor and Council:


Our Youth Officer Ryan Schroerlucke has suggested to our Director of Public Safety and City Administrator that the City amend our existing tobacco related ordinances to prohibit use of vaping products by minors. Other Cities including Utica, Shelby Township and Sterling Heights have recently adopted similar ordinances.

Similar proposals passed the state legislature but were not signed by the Governor. Nonetheless, we still have the power to enact this type of ordinance as long as it does not conflict with or is preempted by State law. *The Builders Association v Detroit*, 295 Mich 272 (1940). An ordinance must serve a lawful purpose either as expressly provided for by law or as necessary for the general health, safety, and welfare of the community. *Trenton v County Board of Road Commissioners*, 116 Mich App 212 (1982).

With the assistance of Detective Schroerlucke, I have elected to amend our current ordinance. Keep in mind that this prohibition only relates to minors. It would be a civil infraction for the first and second offense. I am recommending a \$150.00 fine be added to the fine schedule. Outdated exceptions in our existing ordinance (relating to smoking on school property outdoors or when school is not in session) have been deleted because our local schools are completely "smoke free".

Detective Schroerlucke advises me that he has had several reports of vaping not just at North High School, but Parcels Middle School. I have provided some background information from other ordinances to support the purpose for these revisions. It would be the prerogative of the COW to set this for a first reading. I have enclosed a Memo with additional background from Detective Schroerlucke dated October 11, 2017.

Very truly yours,



CHARLES T. BERSCHBACK

CTB:nmg

cc: Bruce Smith
Lisa K. Hathaway
John Kosanke
Det Ryan Schroerlucke

CITY OF GROSSE POINTE WOODS
ORDINANCE NUMBER _____

Sec. 28-466. - Violations relating to tobacco and/or vaping (electronic cigarette, pen, or other device) products.

(a) Definitions. The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, unless the context clearly indicates a different meaning:

Chewing tobacco means loose tobacco or a flat, compressed cake of tobacco that is inserted into the mouth to be chewed or sucked.

Electronic Smoking/Vaping Device shall mean a noncombustible product designed to contain a vapor cartridge or containing nicotine or other substance that employs a heating element, power source, electronic circuit, or other electronic, chemical, or mechanical means, regardless of shape or size, that can be used to produce vapor from nicotine or other substance in a solution or other form. Electronic smoking devices include an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device, and also include a vapor cartridge or other container of nicotine or other substance in a solution or other form that is intended to be used with or in an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device. Electronic smoking devices do not include tobacco products or products regulated as a drug by the Federal government.

Electronic Smoking/Vaping Device Retailer shall mean any person or governmental entity that operates a store, stand, booth, concession, or other place at which sales of electronic smoking/vaping devices are made to purchasers for consumption or use.

Vaping shall mean the inhaling, exhaling, or generation of any vapor from an electronic smoking/vaping device.

Vaping Specialty Shop shall mean an electronic smoking/vaping device retailer specializing primarily in the retail sale of electronic smoking/vaping devices, equipment, paraphernalia, and accessories.

Vending Machine shall mean any automated, self-service device which, upon insertion of money, tokens, or any other form of payment, dispenses tobacco products or electronic smoking/vaping devices and associated product.

School district means a school district, local art school district or intermediate school district, as those terms are defined in the revised school code, Public Act No. 451 of 1976 (MCL 380.1 et seq.); a joint high school district formed under Public Act No. 451 of 1976 (MCL 380.701); or a consortium or cooperative arrangement consisting of any combination of these.

School property means a building, facility or structure and other real estate owned, leased or otherwise controlled by a school district and posted as school property.

Tobacco product means a preparation of tobacco to be inhaled, chewed or placed in a person's mouth.

Tobacco snuff means shredded, powdered or pulverized tobacco that may be inhaled through the nostrils, chewed or placed against the gums.

Use of a tobacco product or Electronic Smoking/Vaping Device means any of the following:

(1) The carrying by a person of a lighted cigar, cigarette, pipe or other lighted smoking device or Electronic Smoking/Vaping Device.

(2) The inhaling or chewing of a tobacco product or Electronic Smoking/Vaping Device.

(3) The placing of a tobacco product or Electronic Smoking/Vaping Device within a person's mouth.

(b) Selling or furnishing to person under 18 years of age. It shall be unlawful for any person to sell, give or furnish any cigarette, cigar, chewing tobacco, tobacco, Electronic Smoking/Vaping Device or vaping product, snuff or tobacco in any other form to a person under 18 years of age.

(c) Possession or use in public by person under 18 years of age. It shall be unlawful for any person under 18 years of age to possess or smoke cigarettes or cigars, or to possess or chew, suck or inhale chewing tobacco or tobacco snuff, or to possess or use tobacco in any other form, or to possess or use an Electronic Smoking/Vaping Device on a public highway, street, alley, park or other lands used for public purposes, or in a public place of business or amusement.

(d) Use on school property. It shall be unlawful for any person to use a tobacco product or Electronic Smoking/Vaping Device on school property.

(e) ~~Exceptions. The provisions of this section shall not apply to that part of school property consisting of outdoor areas, including, but not limited to, an open-air stadium, during either of the following time periods:~~

~~(1) Saturdays, Sundays and other days on which there are no regularly scheduled school hours.~~

(2) After 6:00 p.m. on days during which there are regularly scheduled school hours.

(f) Penalty. A person who violates this section is guilty of a municipal civil infraction subject to the provisions of Section 2-813 regarding repeated offenses.

(Code 1975, §§ 8-23-1—8-23-6; Code 1997, § 54-283)

State Law reference— Similar provisions, MCL 722.641 et seq., 750.473.



CITY OF GROSSE POINTE WOODS DEPARTMENT OF PUBLIC SAFETY

Date: October 11, 2017

To: City Prosecutor Charles Berschback

From: Detective Ryan Schroerlucke

Subject: Proposal to Amend Sec. 28-466 of the Grosse Pointe Woods Code of Ordinances

Per our discussion yesterday and due to a recent increase in cases involving vaping and vaping products, I would ask that you please review the attached proposal to amend sec. 28-466 of the Grosse Pointe Woods Code of Ordinances to include vaping, vaping products and the use of.

Please note I have copied our current ordinance on tobacco. Highlighted in yellow are the proposed additions to include vaping, vaping products and the use of. Highlighted in blue is a section to be considered for removal, being that school zones are to be smoke free at all times.

I would respectfully ask that this be brought to council to be amended A.S.A.P. as I do not see these complaints slowing down. As of now it appears we are at a standstill on what we can do. I would be more than happy to address questions the council may have, especially in how these devices are effecting our school. As you may or may not know, we have felony charges on a prior student at Grosse Pointe North who caused nearly \$10,000 worth of damage to the school by vaping in a restroom which subsequently activated the sprinkler system, flooding most of the science building.

Please see the following pages and let me know what you think and how soon we can make this happen. Again, I will do whatever I can to help with get an ordinance passes A.S.A.P.

CITY OF UTICA
MACOMB COUNTY MICHIGAN
ORDINANCE NO. 167

**AN ORDINANCE REGARDING THE POSSESSION OF TOBACCO AND
VAPOR PRODUCTS**

THE CITY OF UTICA ORDAINS:

Sec. 1. - Title.

This division shall be known and cited as the "City of Utica Tobacco and Vapor Products Ordinance."

Sec. 2. - Purpose and findings.

- (a) The purpose of this article is to protect the public health, safety and welfare of the property and persons in the city by prohibiting persons under eighteen (18) years of age from possessing tobacco products and vapor products, and prohibiting the sale of tobacco products and vapor products to persons under eighteen (18) years of age.
- (b) Persons under age eighteen (18) are prohibited by law from purchasing or possessing cigarettes and other tobacco products, and retailers are prohibited from selling them to minors. There are new tobacco-less products, however, commonly referred to as "electronic cigarettes," "e-cigarettes," "e-cigars," "e-cigarillos," "e-pipes," "e-hookahs," or "electronic nicotine delivery systems," which allow the user to simulate cigarette smoking and ingest nicotine. These products may be purchased by minors and are being marketed without age restrictions or health warnings and come in different flavors that appeal to young people.
- (c) E-cigarettes, and similar devices, are a relatively new nicotine delivery system. While devices vary in their appearance and specific method of operation, they have a few basic elements in common. A solution of water, dissolved nicotine, and other ingredients (usually flavoring) is heated with a heating element (usually battery-powered). This vaporizes the nicotine solution, which passes

into a mouthpiece and is inhaled in a manner similar to cigarette smoking. Often, glycerol or propylene glycol is added to the solution to give the appearance of smoke when the solution is vaporized. The concentration of nicotine contained in the solution can be customized by the retailer to the buyer's specifications, and many manufacturers make nicotine-free solutions.

- (d) The production and distribution of e-cigarettes is not currently regulated by federal or state authorities, and the U.S. Food and Drug Administration has not completed testing of these products. But, initial studies by the FDA have determined that e-cigarettes can increase nicotine addiction among young people and contain chemical ingredients known to be harmful, which may expose users and the public to potential health risks.
- (e) The use of e-cigarettes and similar devices has increased significantly in recent years, as evidenced by the fact that:
 - Between 2011 and 2012 the percentage of all youth in grades 6 to 12 who had tried electronic smoking devices doubled;
 - Six and eighth tenths (6.8) percent of all youth between 6th and 12th grade report trying electronic smoking devices;
 - Ten (10) percent of high school students have tried electronic smoking devices;
 - Nine and three tenths (9.3) percent of youth who have used electronic smoking devices have never smoked conventional cigarettes; and
 - Between 2010 and 2011, rates of both awareness and use of unregulated electronic smoking devices by adults also increased significantly.
- (f) Existing studies on electronic smoking devices' vapor emissions and cartridge contents have found a number of dangerous substances including:
 - Chemicals known to cause cancer such as formaldehyde, acetaldehyde, lead, nickel and chromium;
 - PM_{2.5}, acrolein, tin, toluene, and aluminum, which are associated with a range of negative health effects such as skin, eye and respiratory irritation, neurological effects, damage to reproductive systems, and even premature death from heart attacks and stroke;
 - Inconsistent labeling of nicotine levels in electronic smoking device products; and
 - In one instance, diethylene glycol, an ingredient used in antifreeze and toxic to humans.

- (g) Several studies have concluded that exposure to vapor from electronic smoking devices may cause passive or secondhand vaping.
- (h) Some cartridges used by electronic smoking devices can be refilled with liquid nicotine solution, creating the potential for exposure to dangerous concentrations of nicotine, and as a result:
- In one instance, diethylene glycol, an ingredient used in antifreeze and toxic to humans;
 - Poisonings from electronic smoking devices have increased dramatically in the last three and one-half (3½) years from "one (1) [a month] in September 2010 to two hundred fifteen (215) a month in February 2014;"
 - Analysis of reports of poisonings from electronic smoking devices finds that calls reporting exposure to electronic smoking devices are much more likely to involve adverse health effects when compared to calls reporting exposure to conventional cigarettes.
- (i) Clinical studies about the safety and efficacy of these products have not been submitted to the FDA for the over four hundred (400) brands of electronic smoking devices that are on the market and for this reason, consumers currently have no way of knowing:
- Whether electronic smoking devices are safe;
 - What types or concentrations of potentially harmful chemicals the products contain; and
 - What dose of nicotine the products deliver.
- (j) The World Health Organization has strongly advised consumers against the use of electronic smoking devices until they are "deemed safe and effective and of acceptable quality by a competent national regulatory body."
- (k) The World Medical Association has determined that electronic smoking devices "are not comparable to scientifically-proven methods of smoking cessation" and that "neither their value as therapeutic aids for smoking cessation, nor their safety as cigarette replacements is established."
- (l) A study published in the Journal of Environmental and Public Health suggests that electronic smoking devices "may have the capacity to "re-normalize" tobacco use in a demographic that has had significant denormalization of tobacco use previously."

- (m) Electronic smoking devices often mimic conventional tobacco products in shape, size and color, with the user exhaling a smoke-like vapor similar in appearance to the exhaled smoke from cigarettes and other conventional tobacco products.
- (n) The use of electronic smoking devices in smoke-free locations threatens to undermine compliance with smoking regulations and reverse the progress that has been made in establishing a social norm that smoking is not permitted in public places and places of employment.
- (o) In September of 2013, forty (40) state attorneys general (including Michigan's) signed a letter to the Commissioner of the United States Food and Drug Administration, outlining their concerns with e-cigarettes and requesting the implementation of regulations that would address the advertising, ingredients, and sale to minors of e-cigarettes at the federal level.
- (p) It is the intent of the city council, in enacting the ordinance codified in this division, to provide for the public health, safety and welfare by facilitating uniform and consistent enforcement of smoke-free air laws; by reducing the potential for re-normalizing smoking in public places and places of employment; by reducing the potential for children to associate the use of electronic smoking devices with a normative or healthy lifestyle; and by prohibiting the sale or distribution of electronic smoking devices to minors.
- (q) Therefore, the City of Utica Council determines that prohibiting the sale, giving, or furnishing of e-cigarettes to minors and prohibiting the purchase, possession, or use of e-cigarettes by minors is in the City's best interests and will promote public health, safety and welfare. For purposes of this division, the city is adopting the term "vapor product" to address e-cigarettes and all similar devices, because this term has been defined by the Michigan House and Senate in Senate Bills 667 and 668, enrolled in June of 2014, as part of proposed amendments to the Youth Tobacco Act, being Public Act 31 of 1915.

Sec. 3. - Definitions.

For the purpose of construction and application of this division, the following definitions shall apply:

Minor means an individual who is less than eighteen (18) years of age.

Person who sells tobacco products at retail means a person whose ordinary course of business consists, in whole or in part, of the retail sale of tobacco products subject to state sales tax.

Person who sells vapor products at retail means a person whose ordinary course of business consists, in whole or in part, of the retail sale of vapor products.

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CHARLES T. BERSCHBACK

DON R. BERSCHBACK
OF COUNSEL

January 19, 2018

The Honorable Mayor and City Council
City of Grosse Pointe Woods
20025 Mack Plaza
Grosse Pointe Woods, MI 48236

RE. Regulated Use Ordinance

Dear Honorable Mayor and Council:

At a COW meeting on October 30, 2017, the Council recommended utilizing the services of McKenna and Associates to assist Administration with preparation of an ordinance to regulate certain businesses on Mack Avenue. See attached COW clipping. Mr. Tutag and I have worked with City Planner John Jackson and Brian Keesey and have now attached a draft of the proposed regulated use ordinance for your review.

The definition section details the types of businesses to be regulated. Tier 1 uses would only be allowed in the C2 high intensity district. Tier 2 would be allowed in both the C2 district and the general C business district. No regulated use could be established within 1000 feet of another regulated use, and special land use approval procedures would be used.

At present, our ordinances contain no regulations whatsoever regarding these types of businesses. Many other cities including the City of Grosse Pointe have similar ordinances.

Procedurally, after initial review by the Committee of the Whole, this ordinance would be scheduled for a public hearing at the Planning Commission level, and then a second public hearing before the City Council.

Very truly yours,



CHARLES T. BERSCHBACK

CTB:nmg

cc: Bruce Smith
Lisa K. Hathaway
John Kosanke
Gene Tutag
John Jackson
Brian Keesey

COMMITTEE-OF-THE-WHOLE CLIPPING
10-30-17

Hearing no objections, **regulation of businesses/City Planner** was taken out of order. The City Attorney provided an overview and introduced Brian Keeseey, Senior Planner from McKenna. Discussion ensued regarding regulating uses. The City Attorney requested to engage McKenna & Associates to assist with establishing appropriate ordinances for regulating businesses on Mack Avenue including hookah lounges, smoke shops, pawn brokers, tattoo parlors, and adult businesses. He proposed to have the City Attorney, Building Official, and Mr. Keeseey meet to develop ordinances for review by the Planning Commission and approved by the City Council. He requested approval of an agreement with McKenna & Associates in an amount not to exceed \$2,000.00. He also recommended the Committee-of-the-Whole make a recommendation to the City Council to extend the existing moratorium until the end of April prohibiting the listed types of businesses from coming into the City in accordance with the moratorium.

The Mayor stated consideration needs to be given to whether the City has the authority to regulate the businesses, can they be placed all in one district, in what area would they be placed, and would regulations be enforceable. The Building Official stated there are a number of ways in which to regulate the businesses such as placing them in the C-2 District. He referred to the City of Birmingham's regulated use ordinance, which he likes. The City Attorney stated McKenna's claim to establish these ordinances are legal, proper, and can be done. Mr. Keeseey stated it is enforceable. There was a consensus of the Committee to engage McKenna to move forward with drafting a proposed ordinance.

Motion by Granger, seconded by Shetler, regarding **moratorium on building permits for certain types of businesses**, that the Committee-of-the-Whole recommend the City Council extend the existing moratorium until April 30, 2018.

Motion carried by the following vote:

Yes: Bryant, Granger, Ketels, Koester, McConaghy, Novitke, Shetler
No: None
Absent: None

Motion by Granger, seconded by Shetler, to remove the item regarding extending the existing moratorium from the Committee-of-the-Whole agenda.

Motion carried by the following vote:

Yes: Bryant, Granger, Ketels, Koester, McConaghy, Novitke, Shetler
No: None
Absent: None

Motion by Granger, seconded by Shetler, that the motions regarding extending the moratorium be immediately certified.

Motion carried by the following vote:

Yes: Bryant, Granger, Ketels, Koester, McConaghy, Novitke, Shetler
No: None
Absent: None

CC: File City Attorney Building Inspector

Sec. 50-540 – Regulated Uses (*name subject to change*)

- (a) **Purpose and Intent.** In the development and enactment of this article, it is recognized that there are some uses which, because of their nature, are recognized as having serious objectionable characteristics, thereby having a deleterious effect upon the adjacent areas. These uses, particularly when concentrated around each other, detract from the aesthetics of the neighborhood; cause annoyance or disturbance to the citizens and residents who live, work in, or pass through the neighborhood; attract an undesirable quantity of transients; adversely affect property values; cause an increase in crime; and encourage residents and other businesses to move elsewhere. Special regulation of these uses is necessary to ensure that these adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhood.

The regulations herein are intended to ensure regulated uses can be established with minimal invasiveness, in the same manner expected of all permitted special land uses. The City also recognizes that concentrations of such regulated uses may result in greater detrimental impact on adjacent neighborhoods than if the same uses were isolated, and thus intends to encourage separation between regulated uses. Uses subject to these controls are permitted only upon approval of the city council.

- (b) **Definitions.** For this section, the following definitions shall have the meanings respectively ascribed to them in this text, except where the context clearly indicated a different meaning.
- (1) *Adult book or supply store.* An establishment having as a substantial or significant portion of its stock in trade for sale, barter, or rental, books, magazines, other periodicals, films, posters, video tapes, or other materials or means for the recording or reproduction of a visual display on a video screen or other display device which are distinguished or characterized by their emphasis on matter depicting, describing or relating to sexual activities or full or partial nudity, or an establishment with a segment or section devoted to the sale or display of such material.
 - (2) *Check cashing/personal loan establishment.* A person or business that, for compensation, engages in whole or in part in the business of cashing checks, warrants, drafts, money orders, or other commercial paper serving the same purpose. "Check cashing/personal loan establishment" does not include a state or federally chartered bank, savings association, credit union, or industrial loan company. "Check cashing/personal loan establishment" also does not include a retail seller engaged primarily in the business of selling consumer goods, including consumables, to retail buyers that cashes checks or issues money orders for a minimum flat fee as a service that is incidental to its main purpose or business.
 - (3) *Gaming establishment.* An establishment where patrons wager money on the outcome of a game, including but not limited to a card game or a slot machine.
 - (4) *Hookah lounge.* An establishment where patrons partake in the use of flavored tobacco, packaged tobacco, e-cigarettes, or vapors from a hookah, similar type water pipe, and/or smoking device, while seated at a table or bar.
 - (5) *Operator.* The person or company to which the approved regulated use permit is specifically assigned and to which the ongoing and day-to-day responsibilities of the regulated use are entrusted as permitted.
 - (6) *Partially nude.* A person having any or all of the following body parts exposed: buttocks, genitals, pubic area or female breasts.



- (7) *Pawn shop / broker.* Any business that loans money on the security of pledges of personal property, or deposits or conditionally sells personal property, or purchases or sells personal property. This definition also applies to collateral loan or exchange establishments.
- (8) *Protected use/facility.* A pre-existing school, child care facility, place of worship, public park, or community facility. Protected uses and facilities include all land and structures within the property boundary.
- (9) *Regulated use.* Any of the following uses: adult book store, adult supply store, pawn shop, pawn broker, collateral loan or exchange establishment, tattoo parlor, body piercing parlor, check cashing establishment, personal loan establishment, gaming establishment, hookah lounge, smoke shop, or any combination of the above.
- (10) *Separation distance.* The distance between a regulated use and another regulated use, or between a regulated use and a protected use. Distance is measured on a horizontal line from the property line of the regulated use to the nearest point on the property line of a regulated or protected use.
- (11) *Smoke shop.* A retail establishment where 50 percent or more of the retail area, defined as wall to wall, is used for the display, promotion, sale or use of products listed below; or an establishment where the sale of products listed below constitutes greater than 50 percent of the establishment's merchandise:
- a. Cigarettes, e-cigarettes, cigars and packaged tobacco;
 - b. Tobacco smoking and e-cigarette paraphernalia products including, but not limited to: pipes for smoking tobacco, cigarette holders and cigarette rolling papers;
 - c. Promotional merchandise including, but not limited to the following: posters, shirts, jackets, and hats advertising tobacco and e-cigarette products.
- (12) *Tattoo Parlor and/or Body Piercing Parlor.* A business with one of the following as a principal activity:
- a. The application or placing, by any method permanent or semi-permanent, designs, letters, scrolls, figures, symbols, or any other marks upon or under the human skin within or any substance resulting in the coloration of the skin by the aid of needles or any other instrument designed to touch or puncture the skin;
 - b. Providing external body modifications through the application of a tattoo, body-piercing, or branding.

(c) Permitted Uses

- (1) Tier One Regulated Uses
- a. Adult Book or Supply Stores;
 - b. Pawn Shop / Broker or Collateral Loan or Exchange Establishments;
 - c. Tattoo Parlor;
 - d. Body Piercing Parlor.
- (2) Tier Two Regulated Uses
- a. Check Cashing/Personal Loan Establishments;
 - b. Gaming Establishments (including non-profit bingo and poker);
 - c. Hookah Lounges and Smoke Shops.

(d) Review Procedure

- (1) *Application.* Application for approval of a regulated use shall be completed in accordance with the special land use approval procedure defined by Section 50-32 of this Zoning Ordinance,



completion of a site plan as described in Section 50-40 of this Zoning Ordinance, and submission of the following information:

- a. Applicant name and address, including all aliases;
 - b. Written documentation that the applicant is at least 18 years of age;
 - c. All residential addresses of the applicant for the past three (3) years;
 - d. Applicant's height, weight, hair color, and eye color;
 - e. Written description of business, occupation, and employment of the applicant for the five (5) years immediately preceding the date of application;
 - f. Written description of the applicant's previous involvement in the operation of a business under an establishment or similar business license in this or any other city, county, or state. Description must include detail regarding any revocation or suspension of said license, the reason therefore, and the business entity or trade name under which the applicant operated;
 - g. All criminal statuses, whether federal or state, or city ordinance violation convictions, forfeiture of bond and pleadings of nolo contendere on all charges, except minor traffic violations;
 - h. Fingerprints and two (2) portrait photographs of the applicant;
 - i. The address of the establishment to be operated by the applicant;
 - j. If the applicant is a corporation, the application shall specify the name of the corporation, the date and state of incorporation, the name and address of the registered agent and the name and address of all shareholders owning more than five (5) percent of the stock in said corporation and all officers and directors of the corporation.
- (2) Review. Review for regulated uses shall be completed in accordance with Section 50-32 of the zoning ordinance. In addition to compliance with the standards therein, the proposal for regulated uses is subject to conformance with the standards for approval in Section 50-540(e) of this ordinance.
- (3) Determination. Approval or approval with conditions by the city council will result in a special land use permit subject to the rules defined in Section 50-540(f). Disapproval by the city council will not result in the issuance of a special land use permit; applicants wishing to appeal may do so in accordance with Section 50-540(g).

(e) Standards of Approval

- (1) Zoning Districts.
- a. Tier One Regulated Uses may be established only in the C-2 High Intensity City Center District.
 - b. Tier Two Regulated Uses may be established only in the C Commercial Business District or the C-2 High Intensity City Center District.
- (2) Required Separation Distance. In support of the purpose and intent of this Ordinance, regulated uses may only be established in accordance with the following separation distance standards:
- a. No regulated use may be established within 1,000 feet of another regulated use.
 - b. No regulated use may be established within 1,000 feet of a protected use/facility within the City of Grosse Pointe Woods.
- (3) Visual Impact. The building and premises shall be designed and constructed so that material depicting, describing, or relating to sexual activities or full or partial nudity cannot be observed by pedestrians or from vehicles on any public right-of-way. This provision shall apply to any display, decoration, sign, show window, or other opening.



- (4) General Impact Standards. Consideration for approval of a regulated use shall only be made upon satisfactory findings for the following standards:
- a. The proposed use will not be detrimental to or will not endanger the public health, safety, morals, comfort, or general welfare.
 - b. The proposed use will not prove injurious to properties in the immediate vicinity in terms of enjoyment of property, property values, or established neighborhood character.
 - c. The proposed use will not impede normal and orderly development and improvement of surrounding property for uses permitted in the district.
- (5) A regulated use must conform to the applicable requirements of the zoning district in which it is located.
- (6) Regulated uses are subject to the requirements and standards of approval criteria for special land use review as defined in Sections 50-32 of the Zoning Ordinance.
- (f) Continuing Review, Modification, Eligibility, Transfer, and Revocation**
- (1) Continuing Review. Approved regulated uses must submit an annual report to the building official. The report must include an update on the status of the facility, descriptions of complaints received, police reports involving the property or business, changes in operations, and other reasonable information requested by the building official. The report will be reviewed to ensure continuing compliance with the special land use approval, and modifications to the use may be requested to support compliance. The operator will be billed for reasonable costs incurred by the city to perform this review.
- (2) Modification of Plans.
- a. Minor modifications to an approved plan that do not result in increased community impact, as determined by the building official, may be approved administratively.
 - b. Major modifications to an approved plan, as determined by the building official, require a formal amendment to the approved plan in accordance with the review procedure for new regulated uses.
- (3) Eligibility. Any applicant or operator whose regulated use permit has been revoked shall not be able to receive approval for another regulated use permit for one year from the date of revocation. No location or premises for which a regulated use permit has been revoked shall be used for any regulated use for six (6) months from the date of revocation of the permit.
- (4) Transfer. Requests for transfer of ownership of existing permitted regulated uses shall be reviewed and approved or disapproved by the council after an evaluation of the factors listed in Section 50-540(d)(1) a-j. If the continuation of a regulated is requested, the applicant must present a plan that indicates that it will continue the use as originally approved or explain in writing any proposed changes. If there are proposed changes in the operations, then the request for transfer of ownership shall be subject to the reviews outlined in Section 50-540(d).
- (5) Revocation. Regulated use approval may be revoked for any of the following reasons:
- a. Discovery that false or misleading information or data was given on any application or material facts were omitted from any application;
 - b. The operator or any employee of the operator, violates any provision of this article or any rule or regulation adopted by the council pursuant to this article; provided, however, that in the case of a first offense by an operator where the conduct was solely that of an employee, the penalty shall not exceed a suspension of 30 days if the city council shall find that the operator had no actual or constructive knowledge of such violation and could not by the exercise of due diligence have had such actual or constructive knowledge.



- c. The operator becomes ineligible to obtain a license or permit or the operator is convicted of any felony or any crime involving moral turpitude, prostitution, obscenity or other crime of a sexual nature.
- d. Any cost or fee required to be paid under the city code or council resolution is not paid.
- e. Any intoxicating liquor is served or consumed on the premises.

(g) Appeals

- (1) An appeal may be taken to the circuit court from any decision of the city council on an application for a regulated use. Such appeal shall be taken by filing with the circuit court and notifying the building official and the city council, not later than ten (10) days after the date of the decision that is appealed, by written notice of appeal specifying the grounds thereof.
- (2) No application for a regulated use which has been denied wholly or in part by the city council shall be resubmitted for a period of one year from the date of said order or denial, except on the grounds of new evidence or proof of changed conditions found to be valid by the city council.





City of Grosse Pointe Woods Parks and Recreation

Memorandum 13-17

Date: July 28, 2017
To: Bruce Smith, City Administrator
From: Frank Schulte, Director of Public Works
Nicole Byron, Recreation Supervisor
Subject: Grosse Pointe Woods Egg Hunt

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The City of Grosse Pointe Woods Parks & Recreation hosts an Egg Hunt every year in the spring. In the past we have had an average of 200 participants all under 11 years of age.

The Egg Hunt previously had 4 separate hunt areas divided up into the following age groups:

- 4 year & under
- 5 - 7 year olds
- 8 - 11 year olds
- All Ages (for the late comers)

Though we have the 200 kids spilt up into different groups there still tends to be shoving and pushing by many kids trying to get the eggs. After the Egg Hunt the line to see Mr. E. Bunny becomes very long and participants have to wait; some give up.

The Parks & Recreation Department suggests modifying the Egg Hunt into an Egg Stroll in order to spread out the crowd, limit chaos and cut wait time.

Egg Stroll Proposal

- Saturday, March 24, 2018, 9:30 a.m. - 12 p.m.
- Event is separated into time slots, strolls start every 15 minutes
- Participants buy tickets for a certain time, only 25 tickets per time frame
- All participants will to stay on the south side of the park (by the pool area) until their scheduled stroll.
- Petting Zoo is located in the grass area by the concession stand (location of city picnic)
- The stroll starts at the pedestrian bridge; participants would cross over the bridge and continue on the walking path to the boardwalk.
- Eggs are hidden along the trail.
- Participants turn in their collected eggs for a treat bag in gazebo 2.
- Mr. E. Bunny will be located outside of gazebo 3 for pictures.
- Participants then continue on the walking path, back to the pedestrian bridge.

We believe the Egg Stroll concept creates a more inclusive event as parents walk with their children who may vary in age. It spreads out the crowd, reduces participant wait time, and reduces accidental pushing and shoving, thus improving the overall event. The Egg Stroll also helps promote the walking path and exercise through the park.

Easter egg hunts turn into competitive sport

Stephanie Steinberg, The Detroit News Published 11:14 p.m. ET April 13, 2017 | Updated 8:59 a.m. ET April 14, 2017

Some Metro Detroit egg hunts have tried to decrease competition by enforcing rules and eliminating inside egg prizes



(Photo: Brandy Baker / Special to The Detroit News)

Easter egg hunts are all fun and games ... until parents swoop up all the eggs and kids break out in tears. And then they're not.

In an attempt to avoid parental melees, hurt feelings and even potential injury, several Metro Detroit parks and recreation departments and event organizers have started to enforce strict egg-gathering rules.

The city of Grosse Pointe, for instance, now requires attendees to use provided bags after parents started bringing their own larger baskets and stuffing them with as many eggs as they could.

The city hides 3,000 eggs in an annual Easter egg hunt for residents, which is more than enough for the 200 children who usually show up, said parks and recreation director Christopher Hardenbrook, who coordinated the 13th annual hunt Thursday.



London Isaacson, 4, takes a photo last week with the Easter Bunny. (Photo: Photos by Brandy Baker / Special to The Detroit News)

The provided bag typically fits 10 or 15 eggs if they are stacked creatively, Hardenbrook said. Kids can then exchange the eggs for candy bags at the end. And no kid leaves without one.

"It is very regulated, sadly. We have to," Hardenbrook said. "But it's very organized. After doing this 12 years, we got it down to a T where everyone expects and anticipates what's going to happen."

Other cities locally and nationwide haven't had as much luck keeping drama at bay.

In Multnomah County, Oregon, Rachel Townsend is suing the venue of an overcrowded egg hunt for \$112,411 after allegedly suffering injuries last year. Townsend was separated from her niece and knocked to the ground, resulting in a torn meniscus, partially torn anterior cruciate ligament, sprains and strains, according to her lawsuit.

Clawson Mayor Penny Luebs knows how crazy these events can get.

As chair of the Clawson Youth Assistance program, she organized the eighth annual egg hunt at Clawson City Park last Saturday.

"It lasts from 10 a.m. to 10:03," she said.

Why three minutes? Because that's all it takes for 400 kids to gobble up 4,000 candy-packed eggs.

Everyone was limited to six eggs each but some left with far fewer.

"It didn't even take two minutes until they were gone," said Ashley Friedman, a 27-year-old Clawson resident at the park with daughter Madelyn, 3. "I just feel bad, there were kids that didn't get any."

Among the younger kids, 4-year-old Isabella Moon managed to get her hands on one egg before the rest were snapped up.

Two nearby children noticed Isabella's somber mood and provided her with an extra egg each, said her mother, Amanda Moon.

"It seemed like the kids were trying to help each other out," said Moon, 36, of Troy. "No one was pushing or being mean."

But Moon had prepared for the possibility of a rough-and-tumble hunt.

"I did worry about that, which is why I went out with her," she said.

'Too competitive'



The Clawson egg hunt lasts just three minutes. That's all it takes for 400 kids to gobble up 4,000 eggs. (Photo: Brandy Baker / Special to the Detroit News)

At the Lincoln Park bandshell on Sunday, one mother had trouble following the start time. The egg hunt was advertised as starting at 1 p.m. "sharp," but at 12:56, the mother standing with kids in the 4-6 age group decided to yell "go!" And go they did.

"We asked them please to have their children drop their eggs back and get behind the line, and most of them did, but some of them didn't," said Maureen Tobin, president of the Lincoln Park Exchange Club that sponsors the annual event.

While it was not a "big issue," she said next year she plans to increase the number of "spotters" in each age group to make sure "this does not happen again."

The city of Southfield parks and recreation department got rid of its egg hunt altogether. Its other offerings now include organized egg-centered games, a magic show, petting zoo and obstacle course.

"(The hunts) were becoming a bit too competitive," said Stephanie Kaiser, a marketing analyst for the department. "We were noticing some kids were coming back without any eggs, and we had more than enough out there."

Last year, the Detroit Zoo learned the hard way that more competition isn't always a good idea.

The zoo decided to spice up its popular "Bunnyville" egg hunt by roping off a smaller area filled with 1,000 eggs containing candy and trinkets. The regular egg hunt includes just 100 eggs spread over 125 acres that can be redeemed for prizes.

But Gerry VanAcker, the zoo's chief operating officer, said the idea "kind of backfired."

No one got hurt, but kids definitely left crying.

"Some of the guests broke the line, and they were jumping over the barricades and the tensions were so high," he said. "We're not going to offer that Easter egg hunt this year."

Play nice



Melissa Jolly and daughter Emersen Jolly-Grigoriou, 3, examine their hoard. Everyone was limited to six eggs each but some left with fewer. (Photo: Brandy Baker / Special to the Detroit News)

Rules are important when it comes to these activities, said Kaye Byrd, communications director for Wayne County's Department of Public Services, which is organizing a 20,000-marshmallow drop in Trenton and Westland on Friday. The 33rd annual free event attracts thousands of kids, who collect the marshmallows redeemable for prizes.

"We have a very strategic way that we control (this)," Byrd said.

For one, the children are separated by three age groups and are instructed to stay behind a roped area until given the signal to go. A flier also emphasizes that the event is "NOT competitive."

"Regardless of how many marshmallows are collected, each child will receive ONE treat," it states. (Kids are discouraged from eating the marshmallows, given they're dropped from a helicopter, and receive treats after.)

Byrd said they haven't run into problems.

"Everyone's nice, and they play nice," she said.

Yet that wasn't the case for Hazel Park resident Amber Louchart, who founded the parenting resource website [metrodetroitmommy.com](http://www.metrodetroitmommy.com) (<http://www.metrodetroitmommy.com/>) in 2010. She took her two kids, then 4 and 1, to the Catalpa Oaks marshmallow drop in Southfield three years ago and described it as "very chaotic."

"There were kids running everywhere, stampeding basically, to pick up 30 marshmallows off the ground. That whole thing has kind of jaded me as far as participating in events that are on such a grand scale," said Louchart, who [blogged about the experience](http://blog.metrodetroitmommy.com/2013/03/the-marshmallow-drop-at-catalpa-oaks.html) (<http://blog.metrodetroitmommy.com/2013/03/the-marshmallow-drop-at-catalpa-oaks.html>), writing that "injury or death is a real possibility."

She cautions other parents considering massive egg hunts or marshmallow drops.

"My first advice would be not to participate in events that are so big. If you see 100-plus kids, then it's probably not going to be the best activity," she said.

Her second piece of advice: Don't let your kids be part of the first wave of youngsters raging ahead.

"That's when most of the kids are falling down and tripping over because they're trying to get out there to be first," she said.

In Greg McDougall's opinion, the injuries and fights break out when eggs have prizes inside.

The special needs director at Woodside Bible Church in Troy, who organizes low-key egg hunts for children with sensory issues and physical disabilities, has kids turn eggs in for prizes such as candy, temporary tattoos and toys.

Easter egg hunts turn into competitive sport

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"Some of these hunts might advertise they've got money in only certain portions of the eggs," he said. "That tends to drive people to be more competitive than they need to be."

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Staff Writer Holly Fournier contributed.

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