



**CITY OF MADISON HEIGHTS
COUNCIL CHAMBERS - CITY HALL, 300 W. 13 MILE RD.
PLANNING COMMISSION MEETING AGENDA
OCTOBER 17, 2023 AT 5:30 PM**

CALL TO ORDER

ROLL CALL

ADDITIONS/DELETIONS

APPROVAL OF MINUTES

- [1.](#) July 18th, 2023 Meeting Minutes

PUBLIC HEARING

MEETING OPEN TO THE PUBLIC: Items not listed on agenda

UNFINISHED BUSINESS

- [2.](#) Regulated Uses - Continued Discussion

NEW BUSINESS

MEMBER UPDATES

PLANNER UPDATES

- [3.](#) Zoning Ordinance Rewrite Update

ADJOURNMENT

NOTICE: Persons with disabilities needing accommodations for effective participation through electronic means in this meeting should contact the City Clerk at (248) 583-0826 or by email: clerks@madison-heights.org at least two working days in advance of the meeting. An attempt will be made to make reasonable accommodations.



CITY OF MADISON HEIGHTS
PLANNING COMMISSION MEETING MINUTES

July 18, 2023
Council Chambers – City Hall
300 W. 13 Mile, Madison Heights, MI 48071

1. CALL TO ORDER

Chair Champagne called the meeting of the Madison Heights Planning Commission to order at 5:32 p.m.

2. ROLL CALL

Present: Chair Josh Champagne
Mayor Pro Tem Mark Bliss
Commissioner Eric Graettinger
Commissioner Melissa Kalnasy
City Manager Melissa Marsh
Commissioner Cliff Oglesby
Commissioner Grant Sylvester

Absent: Mayor Roslyn Grafstein

Also Present: City Planner Matt Lonnerstater
Assistant City Attorney Tim Burns
Business Services Coordinator Mary Daley

3. EXCUSE ABSENT MEMBERS

Motion by Marsh, seconded by Oglesby to excuse Commissioner Roslyn Grafstein.
Motion carries unanimously.

4. APPROVAL OF THE MINUTES

Motion by Bliss, seconded by Oglesby to approve the minutes of the regular Planning Commission meeting of June 20, 2023.

Motion carries unanimously.

5. PUBLIC HEARING

No public hearing scheduled.

6. PUBLIC COMMENT - For items not listed on the agenda

Chair Champagne opened the floor for public comment at 5:34 pm. Seeing none, public comment was closed at 5:33 pm.

7. UNFINISHED BUSINESS

Regulated Uses - Massage Parlors/Establishments and Pawnshops - Section 10.502[A]

At the previous meeting on June 20th, 2023 meeting, there was a consensus to remove the following uses from the list of Regulated Uses as part of the ongoing comprehensive Zoning Ordinance rewrite:

- Pool and Billiard Halls
- Tattoo Parlors
- Used Goods Uses

While massage parlors and pawnshops were also included in this discussion, the Planning Commission asked staff to return with more information on what other municipalities in the State do. Planner Lonnerstater reviewed comparative charts and additional analysis that he prepared and distributed in the packet. To note, the list of municipalities primarily consists of cities within the metro Detroit region, but also includes several cities whose zoning ordinances were used as references as part of the Zoning Ordinance rewrite project.

Massage Parlors and Massage Establishments

Planner Lonnerstater led the discussion pertaining to massage parlors and massage establishments and explained the differences in them as highlighted in the packet.

Massage parlor as a primary use is considered a regulated use and requires a massage therapist license through the City. The business license requires a license through the State. Some communities also require a professional membership with American Massage and Therapy Association (AMTA). Discussion continued regarding how the City should proceed with this use. The Planning Commission expressed interest in allowing massage establishments by right (similar to health spas, beauty parlors) in certain business districts with the requirement that all massage therapists be a professional member of the American Massage Therapy Association (AMTA) on top of being licensed through the State.

Pawnbrokers

Planner Lonnerstater read the definition as stated in the business license ordinance and reviewed comparative charts from other municipalities as detailed in the packet.

Without objection, the Chair opened the floor for public comment at 6:06 p.m. pertaining to the item currently being discussed.

Mathew Savaya, owner of Victoria Jewels, spoke to the Planning Commission. He state he currently participates with Leads Online which he believes helps solve crimes and he will do everything he can to protect this community.

Public comment was closed by the Chair at 6:08 p.m.

The Planning Commission discussed the idea of grouping pawnshops, cash checking, payday lending places, etc., as "Alternative Financial Institutions" which would possibly still have separation requirements (X feet from a school, residential, church), but not quite as strict as the current regulated use separation requirements. Planner Lonnerstater will conduct more research to see if adjacent communities have had any recent trouble with pawnshops.

The Planning Commission would like to modify the Special Use process in the new Zoning Ordinance to have special uses go to PC first for review and a recommendation before going to City Council.

8. NEW BUSINESS - PEE 23-01 - Requested Alley Vacation - 601 W. 12 Mile Road

Planner Lonnerstater introduced a request received by the Community & Economic Development Department to vacate a 20 ft.-wide improved alley right-of-way located between 601 W. 12 Mile Rd. and 28767 Dartmouth Rd. for potential future development. There is no concept plan yet. The alley also provides access to the property at 611 W. 12 Mile Road. All adjacent property owners have signed the petition. City Council has referred this request to the Planning Commission for study and recommendation.

It was noted by the Planner that the alley vacation request has been sent to DTE Energy, Consumers Energy, ATT, WOW Net, and Comcast for their input and approval. Their responses were outlined in the packet. The Department of Public Services does not oppose the vacation but does request that a public utility easement be dedicated to give them access to utilities.

Motion by Grant, seconded by Graettinger to recommend to Council to postpone action on the alley vacation at 601 W. 12 Mile Road until the Commission has further information based on the following conditions:

- 1. A minimum 15-foot-wide public utility easement shall be dedicated and recorded on the property benefiting the City of Madison Heights and utility companies for underground facilities such as water, sanitary sewer, and natural gas lines.**
- 2. Prior to formal approval of the alley vacation, the applicant shall coordinate with DTE Energy, Comcast, and any other remaining utility companies with facilities in the existing alley regarding necessary easements or facility relocation. Correspondence from such companies shall be provided to the City Planner prior to the alley vacation being recorded at Oakland County.**
- 3. Submittal of a concept plan for the proposed development, including information pertaining to traffic circulation.**

Motion carries unanimously.

9. PLANNER UPDATES - Zoning Ordinance Rewrite Update

Planner Lonnerstater briefly updates the Commission on the Zoning Ordinance Rewrite process.

10. MEMBER UPDATES

No member updates.

11. ADJOURNMENT OF MEETING

Meeting adjourned by the Chair at 7:23 pm.



MEMORANDUM

Date: October 12th, 2023
 To: City of Madison Heights Planning Commission
 From: Matt Lonnerstater, AICP – City Planner
 Subject: Regulated Uses – Draft Language for Discussion

BACKGROUND

At the June 20th, 2023 meeting, staff and the Planning Commission reviewed the existing list of Regulated Uses (Section 10.502[A]) of the current Zoning Ordinance) and discussed whether certain uses should be removed from the list. At the conclusion of this discussion, the Planning Commission directed staff to remove the following uses from the list of Regulated Uses as part of the ongoing comprehensive Zoning Ordinance rewrite:

- Pool and Billiard Halls
- Tattoo Parlors
- Used Goods Uses

At the July 18th, 2023 meeting, staff and the Planning Commission continued the discussion on Regulated Uses, focusing on massage parlors and pawnbrokers; this discussion included a review of other municipal regulations in the State.

To continue this discussion, staff has put together draft ordinance language and text modifications, for discussion purposes only, relating to the Zoning Ordinance, Amusements Ordinance, and Business Regulations and Licenses Ordinance. While the Planning Commission does not typically get involved in ordinances outside of the Zoning Ordinance, Regulated Use standards are found outside of the Zoning Ordinance, with cross-references to zoning standards. Therefore, staff believes that the Planning Commission should be involved in potential changes to these general ordinances.

Any modifications to the Zoning Ordinance will be incorporated into the ongoing comprehensive Zoning Ordinance rewrite project, rather than through individual text amendments. Modifications to the general Code of Ordinances, while separate from the Zoning Ordinance, should be performed concurrently with zoning changes.

POOL AND BILLIARD HALLS

Staff recommends removing pool and billiard halls from the list of Regulated Uses, which will involve modifications to the Zoning Ordinance, the Amusements Ordinance (Chapter 4 of the general Code of Ordinances), and the Business Regulations and Licenses Ordinance (Chapter 7 of the general Code of Ordinances):

- **Zoning Ordinance:** Reclassify billiard halls as an “Indoor Recreational Business” use; remove from the list of Regulated Uses.
- **Amusements Ordinance (Article II. Pool and Billiard Halls):** Delete, in its entirety, Article II (Pool and Billiard Halls), which was adopted in 1958.
- **Business Regulations and Licenses Ordinance (Article VII. Regulated Uses):** Remove references to “pool and billiard halls.”

Based on the current draft of the Zoning Ordinance rewrite, Indoor Recreational Businesses are permitted, either by-right or as a special land use, in the B-1, B-2, B-3, City Center, Mixed Use Innovation 1 and 2, M-1, M-2, and High-Rise zoning districts.

TATTOO PARLORS

Staff recommends removing tattoo parlors from the list of regulated uses, which will involve modifications to the Zoning Ordinance:

- **Zoning Ordinance:** Rename tattoo parlors to “Tattoo/Body Art Shops”; reclassify tattoo/body art shops as a “Personal Service Establishment”; remove from the list of Regulated Uses.

Based on the current draft of the Zoning Ordinance rewrite, personal service establishments are permitted by-right in the O-1, B-1, B-2, B-3, City Center, Mixed Use Innovation 1 and 2, and High-Rise zoning district.

USED GOODS USES

Staff recommends removing used goods uses from the list of Regulated Uses, which will involve modifications to the Zoning Ordinance.

- **Zoning Ordinance:** reclassify used goods uses as “General Retail”; remove from the list of Regulated Uses.

Based on the current draft of the Zoning Ordinance rewrite, personal service establishments are permitted by-right in the B-1, B-2, B-3, City Center, Mixed Use Innovation 1 and 2, and High-Rise zoning district.

MASSAGE PARLORS AND MASSAGE ESTABLISHMENTS

Staff recommends removing licensed massage establishments (defined below) from the list of Regulated Uses but keeping unlicensed massage establishments (defined below) as a regulated use. These changes will involve modifications to the Zoning Ordinance and Business Regulations and Licenses Ordinance (Chapter 7 of the general Code of Ordinances):

- **Zoning Ordinance:**
 - Rename massage parlors and massage establishments to “Massage Therapy Facilities”.
 - Differentiate between licensed massage therapy facilities and unlicensed massage therapy facilities:
 - **Massage Therapist, Licensed:** An individual specifically trained, licensed, and certified in massage therapy. A massage therapist shall maintain a valid license

through the State of Michigan under P.A. 471 of 2008 (MCL 333.16334 et seq.) and shall be a certified member of the American Massage and Therapy Association (AMTA), the American Bodywork and Massage Professionals Association (AMBP), or other recognized massage association with equivalent professional membership standards and a written and enforceable code of ethics.

- **Massage Therapy Facility, Unlicensed:** A place of business in which massage therapy is practiced by employees that are not licensed massage therapists, as defined herein. Unlicensed massage therapy facilities shall be considered a Regulated Use per this Ordinance.
- **Massage Therapy Facility, Licensed:** A place of business having a source of income or compensation derived from the practice of massage therapy, as defined herein, where licensed massage therapists administer or teach massage therapy. Licensed massage therapy facilities shall be included in the definition of Personal Service Establishments, as defined herein. Licensed massage therapy facilities are further subject to the business licensing regulations of Article XII of the Code of Ordinances.
- Reclassify licensed massage therapy facilities as a “Personal Service Establishment.” Keep unlicensed massage therapy facilities as a “Regulated Use.”
- **Business Regulations and Licenses Ordinance (Article XII. Massage Parlors and Massage Establishments)**
 - Rename to “Article XII. Massage Therapy Facilities”.
 - Keep language and definitions consistent with Zoning Ordinance.
 - Update list of exemptions (e.g. medical practitioners, dentistry, physical therapists, chiropractors, osteopathy, podiatry).
 - Update licensing requirements, including the requirement that up-to-date State license and professional membership documents be provided upon initial business license approval and upon renewal.

Based on the current draft of the Zoning Ordinance rewrite, personal service establishments are permitted by-right in the B-1, B-2, B-3, City Center, Mixed Use Innovation 1 and 2, and High-Rise zoning district.

PAWNBROKERS

At this time, staff does not recommend changes to the City’s current pawnbroker regulations, which classify pawnbrokers as a Regulated Use. Unlike massage establishments, there do not appear to be any state-level regulatory agencies that oversee pawnshops and pawnbrokers. Although the state requirements and record keeping regulations are stringent, PA 273 of 1917 places the responsibility of reviewing, approving, and enforcing pawnbroking licenses on the local municipality. The Madison Heights Police Department has expressed concern about relaxing city regulations on pawnbrokers, stating,

The police department is highly concerned that having pawnshops in our city will increase crime, it will directly bring crime into our city by having a location for stolen goods to be sold, and will

increase the police department's duties to investigate more of the type of property crimes that are associated with pawnshops.

Staff notes that some Michigan municipalities classify pawnbrokers as “alternative” financial establishments along with uses such as bail bond services, car title lenders, check cashing services, and currency exchange. However, municipalities have varying degrees of regulations. For example, the City of Hancock allows Alternative Financial Services as a special land use in their Mixed-Use Districts, with no use-specific standards. Dearborn, however, places strict separation standards for all Alternative Financial Establishments, including 700 feet from any school, childcare facility, park, or residential use, and 1,000 feet from another alternative financial establishment; this is similar to Madison Heights’ existing Regulated Use standards.

RESPONSES FROM MICHIGAN MUNICIPALITIES

Per the Planning Commission’s recommendation, staff reached out to several Michigan municipalities to inquire if they had any zoning or police issues with massage establishments and/or pawnbrokers. Staff received responses from the cities of Troy, Holland, Livonia, and Ferndale; the full responses are attached for Planning Commission consideration, and summarized below:

- The cities of Troy and Holland stated that they do not currently have pawnshops within their city limits. Troy had a massage establishment violation (handled via Police earlier this year). Holland did not report any incidents with massage establishments but is aware of issues relating to both pawnbrokers and massage establishments outside of the City.
- The City of Livonia reported two pawnbroker establishments but is unaware of any recent issues. Livonia stated that they have had to close down a few massage establishments for illicit activities via police action.
- The City of Ferndale did not report any incidents relating to pawnbrokers or massage establishments.

NEXT STEPS

Following the discussion at the meeting, staff will look to the Planning Commissions for guidance as to whether to move forward with the proposed changes. Changes to zoning regulations, if desired, will be folded into the ongoing comprehensive Zoning Ordinance rewrite project. Staff will also coordinate with the City Clerk for concurrent amendments to the Business Regulations and Licenses Ordinance.

FOR DISCUSSION PURPOSES ONLY
9/19/23**New Definitions [ARTICLE 2 OF NEW ZONING ORDINANCE]:**

General Retail: A business that sells retail goods, including but not limited to groceries, meats, dairy products, baked goods or other foods, dry goods, **used goods**, and hardware.

Massage Therapist, Licensed: An individual specifically trained, licensed, and certified in massage therapy. A massage therapist shall maintain a valid license through the State of Michigan under P.A. 471 of 2008 (MCL 333.16334 et seq.) and shall be a certified member of the American Massage and Therapy Association (AMTA), the American Bodywork and Massage Professionals Association (AMBP), or other recognized massage association with equivalent professional membership standards and a written and enforceable code of ethics.

Massage Therapy: A method by which a person utilizes his or her hands, feet or an instrument for treating the superficial parts of a customer's body for medical, hygienic, relaxation or therapeutic purposes by rubbing, stroking, kneading, tabbing, pounding or vibrating. Massage therapy also includes complementary methods, including the external application of Asian bodywork approaches, acupressure, water, heat, cold, lubrication, salt scrubs, body wraps, or other topical preparations; and electromechanical devices that mimic or enhance the actions possible by the hands.

Massage therapy does not include the following: (1) Persons duly licensed by the State of Michigan to practice medicine, surgery, osteopathy, chiropractic, physical therapy, nursing, or podiatry; and (2) Barbers and cosmetologists who are licensed by the State of Michigan Board of Barber Examiners or Board of Cosmetologists, except that this exemption shall apply solely to the massaging of the neck, face, scalp and hair of the customer for cosmetic or beautifying purposes.

Massage Therapy Facility, Licensed: A place of business having a source of income or compensation derived from the practice of massage therapy, as defined herein, where licensed massage therapists administer or teach massage therapy. Licensed massage therapy facilities shall be included in the definition of Personal Service Establishments, as defined herein. Licensed massage therapy facilities are further subject to the business licensing regulations of Article XII of the Code of Ordinances.

Massage Therapy Facility, Unlicensed: A place of business in which massage therapy is practiced by employees that are not licensed massage therapists, as defined herein. Unlicensed massage therapy facilities shall be considered a Regulated Use per this Ordinance.

Personal Service Establishment: An establishment or a place of business primarily engaged in the provision of services of a personal nature, which may be recurrent in nature. Uses include, but are not limited to, barber shops, beauty salons, beauty shops, **tattoo/body art shops**, **licensed massage therapy facilities**, photograph studios, dry cleaning and laundry pickup, laundromats, shoe repair, bicycle and small appliance repair, tailor and dressmaker shops.

Recreational Business, Indoor: An indoor facility for leisure, exercise, and/or entertainment, such as but not limited to: bowling alleys, skating rinks, billiard halls, indoor health and fitness centers, dance and martial arts and sports studios, climbing gyms, and other indoor recreational facilities

Tattoo/Body Art Shops: A business property licensed by the State of Michigan involving body tattoos, piercings, and similar activities. Tattoo/body art shops shall be included in the definition of Personal Service Establishments, as defined herein.

Regulated Uses. [NOTE – RECLASSIFIED AS SECTION 5.03 OF NEW ZONING ORDINANCE]

1. *Purpose of Ordinance.* In the development and execution of the amendment to this Ordinance, it is recognized that certain uses as a result of their nature have serious objectionable operational characteristics, particularly when several of them are concentrated under certain circumstances having a deleterious effect upon the use and enjoyment of adjacent areas. Special regulation of these uses is necessary to assure that these adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhood. In connection with the adoption of this Ordinance, the planning commission and city council has received information from the community development department, the city assessor, and the police department, including information associating blight and increased crime with sexually-oriented businesses, including studies done in a number of cities. In connection with the adoption of this Ordinance, council has received further information that certain types of adult businesses, including tattoo parlors, pawnbrokers, and used goods businesses have, through studies, been found to have deleterious effect upon the use and enjoyment of adjacent areas, including information associating blight.

The regulations in this Ordinance are designed for locating these uses in areas where the adverse impact of their operation may be minimized by the separation of such uses from one another and from places of public congregation.

2. *Definitions.* As used in this section:

- (a) *Adult arcade* means any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically, internet, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of "sexually explicit activities" or "specified anatomical areas."
- (b) *Adult book store or adult video store* means a commercial establishment which as one of its principal business purposes (meaning either a substantial or significant portion of its stock in trade) offers for sale or rental, or for any form of consideration, any one or more of the following:
 - (1) Books, computer diskettes, tapes or hard drives, magazines, periodicals or other printed matter or photographs, films, motion picture, video cassettes or video reproductions, slides or other visual representations which depict or describe "specified sexual activities" or "specified anatomical areas", or
 - (2) Instruments, devices, or paraphernalia, which are designed for use in connection with "specified sexual activities."

Commercial establishment may have other principal business purposes which do not involve the offering for sale or rental of material depicting or describing "specified sexual activities" or "specific anatomical areas" and still be categorized as "adult book store" or "adult video store". Such other business purposes will not serve to exempt such commercial establishment from being categorized as an adult book store or adult video store as long as one of its principal business purposes is the offering for sale or rental for consideration, materials depicting or describing "specified sexual activities" or "specified anatomical areas". For purposes of this section, video cassettes or films which are x-rated or unrelated but of substantially equivalent content as x-rated films, shall be considered to depict or describe "specified sexual activities" or "specified anatomical areas" notwithstanding any more restrictive definition set forth herein.

- (c) *Adult cabaret* means a nightclub, bar, restaurant or similar commercial establishment which regularly features any of the following:
 - (1) Persons who appear in a state of nudity, or
 - (2) Live performances characterized by the exposure of "specified anatomical areas" or by "specified sexual activities", or
 - (3) Films, motion pictures, video cassettes, slides, computer presentations, or other moving-image reproductions characterized by the depiction or description of "specified sexual activities" or specified anatomical areas."
- (d) *Adult motel* means a hotel, motel, or similar commercial establishment which:
 - (1) Offer accommodations to the public for any form of consideration; provide patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of "sexually explicit activities" or "specified anatomical areas"; and has a sign visible from the public right-of-way which advertises the availability of this adult type of photographic reproductions; or
 - (2) Permit patrons to be filmed or photographed performing "sexually explicit activities" or displaying "specified anatomical areas" for electronic transmission over the World Wide Web; or
 - (3) Advertises in any way sleeping room(s) for rent for a period of time that is less than ten hours; or
 - (4) Allow a tenant or occupant of a sleeping room to sublet the room for a period of time that is less than ten hours.
- (e) *Adult motion picture theater* means a commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions are regularly shown which are characterized by the depiction or description of "sexually explicit activities" or "specified anatomical areas."
- (f) *Adult retail store* means an establishment which sells or offers for sale any types of items, materials, gimmicks, or paraphernalia depicting, displaying, advertising or packaged, as "sexually explicit activities" or "specified anatomical areas."
- (g) *Adult theater* means a theater, concert hall, auditorium or similar commercial establishment which regularly features persons who appear in a state of nudity or live performances which

are characterized by the exposure of "specified sexual activities" or "specified anatomical areas."

- (h) *Escort* means a person who, for consideration, agrees or offers to act as a companion, guide, or date for another person, or who agrees to privately model lingerie or to privately perform a striptease for another person.
- (i) *Escort agency* means a person or business association who furnishes, offers to furnish or advertises to furnish escorts as one of its primary business purposes for a fee, tip or other consideration.
- (j) *Establishment* means and includes any of the following:
 - (1) The opening or commencement of any sexually oriented business as a new business;
 - (2) The conversion of an existing business, whether or not a sexually oriented business, to any sexually oriented business;
 - (3) The addition of any sexually oriented business to any other existing sexually oriented business; or
 - (4) The relocation of any sexually oriented business.
- (k) ~~*Massage parlor, sauna and/or spa* means a massage parlor as defined in Chapter 7 of the Madison Heights Code of Ordinances.~~ Massage therapy facility, unlicensed, means an unlicensed massage therapy facility business as defined in Article 2 (Definitions) of this Zoning Ordinance.
- (l) *Nude model studio* means any place where a person appears in the state of nudity or displays "specified anatomical areas" to be observed, sketched, drawn, painted, sculpted, photographed or similarly depicted by any other person who pays money, or any other form or consideration.
- (m) *Nudity or state of nudity* means the exposure of the human male or female genitals, pubic area, or buttocks with less than a fully-opaque covering, of any part of the nipple or areola, or the showing of the covered male genitals in a discernibly turgid state.
- (n) *Pawnbroker* means any person, corporation, or member or members of a co-partnership or firm, who loans money on deposit or pledge of personal property, or other valuable thing, other than securities or printed evidence of indebtedness, or who deals in the purchasing of personal property or other valuable thing on condition of selling the same back again at a stipulated price. ~~pawnbroker businesses as defined in Chapter 7 of the Madison Heights Code of Ordinances.~~
- (o) *Person* means any individual, proprietorship, partnership, corporation, association or any other legal entity.
- ~~(p) *Pool or billiard hall* means a place providing pool or billiard tables for use on the premises to the public as defined in Chapter 4 of the Madison Heights Code of Ordinances.~~
- (q) *Semi-nude* means a state of dress in which clothing covers no more than the genitals, pubic region and areola of the female breast as well as portions of the body covered by supporting straps or devices.

- (r) *Sexual encounter center* means a business or commercial enterprise that, as one of its principal business purposes, offers for any form of consideration:
- (1) Physical contact in the form of wrestling or tumbling between persons of the same or opposite sex or any activities between male and female persons and/or persons of the same sex when one or more of the persons is in a state of nudity or semi-nude or permits patrons to display or to be filmed or photographed performing "sexually explicit activities" or displaying "specified anatomical areas" for electronic transmission over the World Wide Web or any other media.
- (s) *Specified sexual activities* means and includes any of the following:
- (1) The fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts;
 - (2) Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy;
 - (3) Masturbation, actual or simulated; or
 - (4) Excretory functions as part of or in connection with any of the activities set forth in i. through iii. above.
 - (5) Any activity intended to arouse, appeal to or gratify a person's lust, passions or sexual desires.
- (t) *Regulated uses* means any of the following:
- (1) "Adult arcades";
 - (2) "Adult book stores and adult video stores";
 - (3) "Adult cabarets";
 - (4) "Adult motels";
 - (5) "Adult motion picture theaters";
 - (6) "Adult retail store";
 - (7) "Adult theaters";
 - (8) "Escort agencies";
 - (9) ~~"Massage parlors, saunas or spas";~~ "Massage therapy facility, unlicensed"
 - (10) "Nude model studios";
 - (11) "Pawnbrokers";
 - ~~(12) "Pool and/or billiard halls";~~
 - (13) "Sexual encounter centers".
 - ~~(14) "Tattoo parlors or uses";~~
 - ~~(15) "Used good uses";~~
 - (16) "Any establishment that permits patrons to be filmed or photographed performing "sexually explicit activities" or displaying "specific anatomical areas" for transmission over the World Wide Web;

(17) Other sexually oriented business described herein or as determined by city council.

(u) *Specified anatomical areas* means and includes any of the following:

- (1) Less than completely and opaquely covered human genitals, pubic region or pubic hair; buttock or female breast or breasts or any portion thereof that is situated below a point immediately above the top of the areola; or any combination of the foregoing; or
- (2) Human genitals in a state of sexual arousal, even if opaquely and completely covered.

~~(v) *Tattoo parlors or uses* means a business or commercial establishment offering for sale or otherwise tattoos. A tattoo is defined as a permanent mark or design made on the skin by puncture, pricking and/or ingraining with pigment or by raising scars.~~

~~(w) *Used good uses* means businesses engaged with a substantial portion of their business comprising the sale of used goods, including, but not limited to, secondhand and junk dealers, as defined pursuant to Public Act 1970, No. 350, as amended, MCL 445.401 et seq., and persons engaged in substantially similar uses. Not included shall be the occasional resale of goods which is not a principal business purpose.~~

3. *Location of regulated uses:*

- (a) The establishment of a regulated use as defined under this section within 1,000 feet of another regulated use, measured from property line to property line, is prohibited.
- (b) Regulated uses shall be permitted in B-2 and B-3 Districts after special approval by city council, site plan review, if applicable, and obtaining a business license under Chapter 7, if and only if, it is determined that the regulated use meets all other criteria of B-2 and B-3 Districts under the Code of Ordinances and will not be located within 300 feet of the following:
 - (1) A church;
 - (2) A public or private elementary or secondary school;
 - (3) The boundary of a residential zoning district;
 - (4) A public park;
 - (5) The property line of a lot in residential use;
 - (6) A child care facility.

4. *Miscellaneous requirements.*

- (a) No person shall reside in, or permit any person to reside in, the premises of a regulated use.
- (b) All regulated uses shall be subject to all the same requirements of the Zoning Ordinance for the designated zoning district.

PART II - CODE OF ORDINANCES
Chapter 4 - AMUSEMENTS
ARTICLE II. POOL AND BILLIARD HALLS

Item 2.

FOR DISCUSSION PURPOSES ONLY
9/19/23

~~ARTICLE II. POOL AND BILLIARD HALLS~~

~~Sec. 4-17. License required; approval of certain officials; restriction as to licensee.~~

~~No person shall conduct, maintain or operate any place open to the public for playing pool or billiards without first obtaining a license. No such license shall be granted except upon approval of the police chief, the fire chief and the health officer. No person shall be granted a license under this section unless he be an American citizen over 18 years of age.~~

~~(Code 1958, § 3-129)~~

~~Cross reference(s)—Licenses generally, Ch. 7, Art. II.~~

~~Sec. 4-18. Closing hours.~~

~~No person shall keep open any room, hall or building licensed under this article for a pool or billiard establishment between the hours of 12:00 midnight and 9:00 a.m.~~

~~(Code 1958, § 3-130)~~

~~Sec. 4-19. Persons under seventeen prohibited.~~

~~No person who is less than 17 years of age may remain or loiter in or about any pool or billiard room unless accompanied by a parent or guardian; nor shall the licensee thereof permit any such minor to remain or loiter therein.~~

~~(Code 1958, § 3-131)~~

~~Cross reference(s)—Minors, Ch. 16.~~

~~Sec. 4-20. Obstruction to public view prohibited.~~

~~No licensee shall permit on the licensed premises any obstruction of the public view by the use of drawn shades or blinds or screens, either permanent or movable.~~

~~(Code 1958, § 3-132)~~

~~Secs. 4-21—4-31. Reserved.~~

PART II - CODE OF ORDINANCES
Chapter 7 - BUSINESS REGULATIONS AND LICENSES
ARTICLE VII. REGULATED USES

FOR DISCUSSION PURPOSES ONLY
9/19/23

ARTICLE VII. REGULATED USES¹

Sec. 7-111. Definitions.

For the purpose of the provisions of this article, the following words and phrases shall be construed to have the meanings herein set forth:

~~Pawnbroker means any person, corporation, or member or members of a co-partnership or firm, who loans money on deposit or pledge of personal property, or other valuable thing, other than securities or printed evidence of indebtedness, or who deals in the purchasing of personal property or other valuable thing on condition of selling the same back again at a stipulated price.~~

Person means any individual, partnership, firm, association, joint stock company, corporation, or combination of individuals of whatever form or character.

~~Pool or billiard hall means a commercial establishment where pool or billiard tables are provided for use on the premises by the public.~~

Regulated uses means any business which is classified as such under section 10.502[A] [\[ADD NEW SECTION NUMBER\]](#) of the City of Madison Heights Code of Ordinances for Zoning.

(Ord. No. 984, § 2, 4-12-99)

Sec. 7-112. License required.

- (a) *Business license required.* No person shall engage in a regulated use without a valid business license issued by the City of Madison Heights pursuant to the provisions of this article for each and every separate office or place of business conducted by such person. ~~Massage establishments, massage parlors, massagists, masseurs and masseuses shall comply with the provisions of article XII of this chapter. Pool and billiard halls shall also comply with the provisions under chapter 4, article II.~~ Adult arcades shall also comply with chapter 4, article III.
- (b) *Validity of current licenses.* Licenses currently in existence shall remain valid until renewal of said licenses at which time said license shall be subject to compliance with initial license procedures specified herein.

(Ord. No. 984, § 2, 4-12-99)

Sec. 7-113. Application for regulated use establishment license; fees.

Every applicant for a regulated use establishment license shall file an application under oath with the city clerk's upon a form provided by the City of Madison Heights and pay a nonrefundable application investigation fee. Such fee shall be set by a city council Resolution and shall be renewed annually. The application shall contain the following information:

- (1) A detailed description of service(s), activities or nature of the businesses to be provided and/or conducted.
 - (2) The location, mailing address and all telephone numbers where the business is to be conducted.
 - (3) The name and residence address of each applicant.
 - a. If the applicant is a corporation, the names and residence address of each of the officers and directors of said corporation and of each stockholder owning more than ten percent of the stock of the corporation, the address of each of the officers and directors of said corporation and of each stockholder owning more than ten percent of the stock of the corporation, the address of the corporation itself, if different from the address of the regulated use establishment, and the name and address of a resident agent in Oakland County, Michigan.
 - b. If the applicant is a partnership, the name and residence address of each of the partners and the partnership itself, if different from the address of the regulated use establishment, and the name and address of a resident agent in Oakland County, Michigan.
 - (4) The two previous addresses immediately prior to the present address of the applicant as stated in subsection (3) a. and b.
 - (5) Individual or partnership applicant's height, weight, sex, date of birth, color of eyes and hair.
 - (6) Social Security number, driver's license number, if any, and date of birth of each applicant.
 - (7) One portrait photograph of the applicant at least two inches by two inches and a complete set of applicant's fingerprints which shall be taken by the chief of police or his agent. If the applicant is a corporation, one portrait photograph at least two inches by two inches of all officers and managing agents of said corporation and a complete set of the same officers' and agents' fingerprints which shall be taken by the chief of police or his agent. If the applicant is a partnership, one front-face portrait photograph at least two inches by two inches in size of each partner, including a limited partner in said partnership, and a complete set of each partner or limited partner's fingerprints which shall be taken by the chief of police or his agents.
 - (8) Business, occupation, or employment of the applicant for the three years immediately preceding the date of application, including the name, address and telephone number of any and all employers.
 - (9) The business history of the applicant whether such person has previously operated in this or another city or state, has had a business license revoked, suspended or denied, the reason therefore, and the business activity or occupation subsequent to such action of suspension, revocation, or denial.
 - (10) All criminal convictions other than traffic violations, including the dates of convictions, nature of the crime and place convicted.
 - (11) A description of any other business to be operated on the same premises or on adjoining premises owned or controlled by the applicant.
 - (12) Authorization for the city, its agents and employees to seek information and conduct an investigation into the truth of the statements set forth in the application and the qualifications of the applicant for the permit.
 - (13) All information required by this section shall be provided at the applicant's expense. Upon completion of the above provided form and the furnishing of all foregoing information, the City of Madison Heights shall accept the application for the necessary investigations. The holder of a regulated use establishment license shall notify the City of Madison Heights of each change in any of the data required to be furnished by this section within ten days after such change occurs.
 - (14) Regulated use establishment licenses shall be renewed annually.
- (Ord. No. 984, § 2, 4-12-99)

Sec. 7-114. License procedures.

- (a) Any applicant for a license pursuant to this article shall present to the city clerk's office the application containing the aforementioned and described information. Upon receipt of such application; the city clerk will refer same to the chief of police, fire chief, community development department and such other city officers or employees as he or she may desire, who shall cause a thorough investigation, including a complete history of past business experience and state or local law violations, if any, to be made of the persons and/or premises which must meet or exceed codes. The findings resulting from such investigations shall be reported to the city manager who will then report same to the city council.
- (b) The chief of police shall recommend denial or approval of an application for license within 30 days unless such recommendation is delayed for a reason not attributable to the police department. In making his determination hereunder, the chief of police shall consider:
 - (i) All applicant's convictions, the reasons therefor, and the demeanor of the applicant subsequent to his or her release;
 - (ii) The license history of the applicant and his or her employees; whether such person has previously operated in this city or state or in another state under a license and has had such license revoked or suspended, the reasons therefore, and the demeanor of the applicant subsequent to such action.
- (c) In the case of a license application, the divisions of inspection, including, but not limited to, the building inspector, electrical inspector, plumbing inspector, zoning official, the police department and the fire department, shall inspect the premises proposed to be devoted to the regulated use establishment and shall make recommendations to the city manager concerning compliance with the requirements of this article, and all other applicable city ordinances and regulations.
- (d) Prior to submission of an application for business license for a regulated use establishment to city council for approval, an applicant shall be required to enter into a development plan agreement with the City of Madison Heights. As part of the license procedure, the community development department shall prepare a development plan agreement to be signed by the applicant prior to submission of the license for approval to city council. Included in that development plan agreement shall be specific conditions concerning signage, including, but not limited to, size, color, land use, location on the building, window displays, if applicable, physical layout of the facility, indoor and outdoor lighting, entrances and exits, operating conditions, including, but not limited to, hours of operation, and any other matters of concern to the city concerning physical layout or appearance of said business establishment.
- (e) An applicant for a license will be required to appear before the city council for presentation of the development plan agreement and business license for his or her establishment, and answer any questions pertaining to such plans.
- (f) If the city council is satisfied that all the criteria set forth herein for a license has been met, it will adopt a resolution granting approval, subject to satisfaction of the development plan agreement and any conditions stated in the resolution. If a license is approved and it is subsequently determined that the project was not completed as required by the development plan agreement and conditions of the resolution presented to the city or in compliance with representations made to the city, the city may take action to revoke the business licenses and/or the license for the following year shall be denied on the basis of this incompleteness and/or noncompliance.
- (g) Applicants for regulated use establishment licenses shall continue to comply with all applicable state and city regulations, including the development plan agreement and any conditions which must be approved, and will operate the premises consistent with any representations made to the city council in obtaining the license. Failure of such compliance shall result in the refusal by the city council to renew a license or in revocation of the license.

(Ord. No. 984, § 2, 4-12-99)

Sec. 7-115. Issuance of license.

The city clerk shall direct a license be issued for a regulated use establishment if all requirements for the regulated use establishment described in this article are met, unless he or she finds:

- (1) The correct permit or license fee has not been tendered to the city and in the case of a check, or bank draft, honored with payment upon representation.
- (2) The operation, as proposed by the applicant, if permitted, would not comply with all applicable laws, including, but not limited to, the city's building, zoning and health regulations.
- (3) The applicant, if an individual, or any of the stockholders holding more than ten percent of the stock of the corporation; or any of the officers or directors, if the applicant is a corporation; or any of the partners, including limited partners, if the applicant is a partnership; or the holder of any lien, of any nature, upon the business; and the manager or other person principally in charge of the operation of the business, have been convicted of any of the following offenses within or without the State of Michigan:
 - a. An offense involving the use of force and violence upon the person of another that amounts to a felony.
 - b. An offense involving sexual misconduct, including, but not limited to, criminal sexual conduct, prostitution, lewdness, pandering, accepting of the earnings of a prostitute, sodomy, gross indecency, indecent exposure, distribution of pornography by any media, or any crime of a similar nature.
 - c. An offense involving narcotics, dangerous drugs or dangerous weapons that amounts to a felony. A license may be issued to any person convicted of any crimes described in subparagraphs a., b., or c. of this subsection if it is found that such conviction occurred at least five years prior to the date of the application and the applicant has had no subsequent misdemeanor convictions for crimes mentioned in this section.
- (4) The applicant has knowingly made any false or fraudulent statement of fact in the application or in any document required by the city in conjunction therewith.
- (5) The applicant has had a regulated use establishment or similar use license denied, revoked or suspended by the city or any other local, county or state agency within five years prior to the date of the application.
- (6) The applicant, if an individual, or any of the officers and directors, if the applicant is a corporation; or any of the partners, including limited partners, if the applicant is a partnership; and the manager or other person principally in charge of the operation of the business, is not over the age of 18 years.
- (7) The location proposed and/or methods of operation have or will detrimentally and unreasonably impact nearby property owners, businesses and residents.

(Ord. No. 984, § 2, 4-12-99)

Sec. 7-116. Approval or denial of application.

The term of the license shall be for a period of one year as set out in section 7-22 of this chapter unless otherwise specified under this article. An applicant denied a license pursuant to these provisions, may appeal as set out in article III.

(Ord. No. 984, § 2, 4-12-99)

Sec. 7-117. Posting of license.

Every regulated use establishment shall post the license required by this article in a clearly visible area at the premises.

(Ord. No. 984, § 2, 4-12-99)

Sec. 7-118. Renewal of license.

Application to renew a license to operate a regulated use establishment shall be filed at least 45 days prior to the date of expiration. Such renewal shall be annual and shall be accompanied by the annual fee to be set by city council resolution.

- (1) The applicant shall present to the city clerk's office a sworn affidavit by the applicant stating that the matters contained in the original application have not changed, or if they have changed, specifically stating the changes which have occurred.
- (2) The application shall be referred to the chief of police who shall investigate the criminal history of the applicant.
- (3) The city council or a hearing officer appointed by the city council may undertake a review of any license regarding renewal of said license. The council or hearing officer shall consider whether a licensed establishment has been operated during the existing license year in a manner consistent with the provisions of this article, the development plan agreement and any conditions set out in the council resolution and all other applicable laws and regulations of the City of Madison Heights and the State of Michigan.

(Ord. No. 984, § 2, 4-12-99)

Sec. 7-119. Revocation or suspension of license.

Each establishment within the city for which a regulated use establishment license is granted shall be operated and maintained in accordance with all applicable laws and regulations of the City of Madison Heights and the State of Michigan. Upon any violation of this article, pursuant to sections 7-22 and 7-27, a city official as designated in sections 7-27 and 7-36 may revoke such license.

(Ord. No. 984, § 2, 4-12-99; Ord. No. 2171, § 7, 10-25-21)

Sec. 7-120. Facilities necessary.

No license to conduct a regulated use establishment shall be issued unless inspectors of the City of Madison Heights reveal that the establishment complies with each of the following minimum requirements:

- (1) All provisions of the city building, plumbing, fire, electrical and health codes have been fulfilled.
- (2) A recognizable and readable sign shall be posted at the main entrance identifying the establishment as a regulated use establishment; all signs shall comply with the sign permit requirements of the City of Madison Heights.
- (3) There shall be no entrance or exit way which provides direct access to another type of business, residence or living quarters.
- (4) During business hours no exits shall be locked or obstructed in any way to prevent the immediate free ingress or egress of persons.
- (5) Minimum ventilation shall be provided in accordance with the building codes.

- (6) Minimum lighting shall be provided in accordance with the building codes, and in addition at least artificial light of not less than 60 watts shall be provided in each enclosed room or booth.
- (7) The facility shall be in compliance with any and all requirements for facilities as set out in the development plan agreement and/or conditions of the council resolution.

(Ord. No. 984, § 2, 4-12-99)

Sec. 7-121. Operating requirements.

- (a) No beds, water mattresses, cots, or equipment designed for sleeping shall be permitted on the premises except for adult motels.
- (b) No regulated use establishment granted a license under the provisions of this article shall place, publish, or distribute or cause to be placed, published, or distributed any advertisement, picture, or statement which is known or through the advertisement, picture, or statement which is known or through the exercise of reasonable care should be known to be false, deceptive or misleading in order to induce any person to purchase or utilize any facilities.

(Ord. No. 984, § 2, 4-12-99)

Sec. 7-122. Persons under age eighteen prohibited on premises.

No person shall permit any person under the age of 18 years to come or remain on the premises as employer, patron or accompanying a patron of any regulated use except pawnbrokers, ~~tattoo parlors or used goods uses.~~

(Ord. No. 984, § 2, 4-12-99)

Sec. 7-123. Alcoholic beverages prohibited.

No person shall sell, give, dispense, provide or keep, or cause to be sold, given, dispensed, provided or kept, any alcoholic beverage on the premises of any regulated use establishment except for those regulated use establishments with appropriate liquor licenses.

(Ord. No. 984, § 2, 4-12-99)

Sec. 7-124. Hours.

No regulated use establishment shall be kept open for any purposes between the hours of 1:00 a.m. and 8:00 a.m.

(Ord. No. 984, § 2, 4-12-99)

Sec. 7-125. Unlawful acts.

- (a) It shall be unlawful for any person owning, operating or managing a regulated use establishment to permit any agent, employee, or any other person under his or her control or supervision to fail to conceal the sexual or genital parts of his or her body with a fully opaque covering.
- (b) It shall be unlawful for any employee, while in the presence of any other person in a regulated use establishment to fail to conceal the sexual or genital parts of his or her body with a fully opaque covering.

- (c) It shall be unlawful for any person owning, operating or managing a regulated use establishment to permit any agent, employee, or any other person under his or her control or supervision to expose, touch, fondle or massage any sexual or genital parts of another person or themselves.
- (d) It shall be unlawful for any employee, while in the presence of any other person in a regulated use establishment to expose, touch, fondle or massage any sexual or genital parts of another person or themselves.

(Ord. No. 984, § 2, 4-12-99)

Sec. 7-126. Sale, transfer or change of location.

Upon sale, transfer or relocation of a regulated use establishment, the license therefor shall be null and void unless approved as provided by this article. It shall be the duty of all owners or licensees having knowledge of the sale, transfer or relocation of the regulated use establishment, to immediately report such sale, transfer or relocation to the city clerk's office. The failure to do so shall result in an immediate suspension of all business.

(Ord. No. 984, § 2, 4-12-99)

Sec. 7-127. Name and place.

No person granted a license pursuant to this article shall operate the regulated use establishment under a name not specified in their license, nor shall they conduct business under any designation or location not specified in their license.

(Ord. No. 984, § 2, 4-12-99)

Sec. 7-128. Reserved.

PART II - CODE OF ORDINANCES
Chapter 7 - BUSINESS REGULATIONS AND LICENSES

ARTICLE XII. ~~MESSAGE PARLORS AND MESSAGE ESTABLISHMENTS~~ MESSAGE THERAPY FACILITIES

FOR DISCUSSION PURPOSES ONLY
9/19/23

ARTICLE XII. ~~MESSAGE PARLORS AND MESSAGE ESTABLISHMENTS~~¹MESSAGE THERAPY FACILITIES

Sec. 7-211. Definitions.

For the purpose of the provisions of this chapter, the following words and phrases shall be construed to have the meanings herein set forth:

Customer: Any person who receives services at a message therapy facility ~~message parlor or message establishment~~ with or without cost.

Employee: Any person who renders any service in connection with the operation of a message ~~parlor or message establishment~~ therapy facility

Licensee: The person or entity to whom a business license has been issued to own or operate a message ~~parlor or message establishment~~ therapy facility as defined herein.

Message Therapy: A method by which a person utilizes his or her hands, feet or an instrument for treating the superficial parts of a customer's body for medical, hygienic, relaxation or therapeutic purposes by rubbing, stroking, kneading, tabbing, pounding or vibrating. The application of a system of structured touch, pressure, movement, and holding of the soft tissue of the human body in which the primary intent is to enhance or restore the health and well-being of the client. ~~Message Therapy~~ also includes complementary methods, including the external application of Asian bodywork approaches, acupressure, water, heat, cold, lubrication, salt scrubs, body wraps, or other topical preparations; and electromechanical devices that mimic or enhance the actions possible by the hands.

Message therapy does not include the following: (1) Persons duly licensed by the State of Michigan to practice medicine, surgery, osteopathy, chiropractic, physical therapy, nursing, or podiatry; and (2) Barbers and cosmetologists who are licensed by the State of Michigan Board of Barber Examiners or Board of Cosmetologists, except that this exemption shall apply solely to the massaging of the neck, face, scalp and hair of the customer for cosmetic or beautifying purposes.

Message Therapy Facility, Licensed: A place of business having a source of income or compensation derived from the practice of message therapy, as defined herein, where licensed message therapists administer or teach message therapy.

~~*Message parlor/sauna/spa:* Any business establishment whose principal business is the practice of message as defined in this section, and which has a fixed place of business where any person, firm, association or corporation carries on any of the activities as defined in this section, as the principal use or as an incidental or accessory use, in excess of the limits provided in the definition of message establishment. A message parlor is a regulated use pursuant to Section 10.502A of the Madison Heights Zoning Ordinance and requires a special approval use permit from city council.~~

¹Editor's note(s) — Ord. No. 1063, § 1, adopted Oct. 12, 2009, amended Art. XII in its entirety to read as herein set out. Former Art. XII, §§ 7-211—7-235, pertained to message establishments, message parlors, massagists, masseurs, and masseuses, and derived from Ord. No. 934, § 2, adopted April 22, 1996.

Massage Therapy Facility, Unlicensed: A place of business in which massage therapy is practiced by employees that are not licensed massage therapists, as defined herein. Unlicensed massage therapy facilities shall be considered a Regulated Use and are subject to the Regulated Use standards of the Business Regulations and Licenses Ordinance and the Zoning Ordinance.

~~Massage establishment: Any business where the practice of massage is performed incidental or accessory to a permitted principal use. The area used for massage may not exceed ten percent of the businesses' total floor area and may not exceed three work areas. This includes uses such as a health club, health spa, physical fitness club, hair salon or other business that customarily offers massage on occasion and incidental or accessory to its principal operation.~~

~~Massage therapist:~~ **Massage Therapist, Licensed:** An individual specifically trained, licensed, and certified in massage therapy. A massage therapist shall maintain a valid license through the State of Michigan under P.A. 471 of 2008 (MCL 333.16334 et seq.) and shall be a certified member of the American Massage and Therapy Association (AMTA), the American Bodywork and Massage Professionals Association (AMBP), or other recognized massage association with equivalent professional membership standards and a written and enforceable code of ethics.

~~Any person who engages in the practice of massage as defined in, and licensed under, P.A. 471 of the Public Acts of 2008, MCL 333.16334 et seq.~~

Outcall massage service: Any service, the function of which is to engage in, or carry on, massage at a location designated by the customer or client other than a licensed massage ~~parlor~~ therapy facility or ~~massage establishment~~ as defined in this section.

Person: Any person, partnership, corporation, company or other entity of whatever form or character.

Sexual or genital area: Genitals, pubic area, buttocks, anus, or perineum of any person, or the vulva or breasts of a female.

(Ord. No. 1063, § 1, 10-12-09)

Sec. 7-212. Unlicensed massage therapy facilities a regulated use

Unlicensed massage therapy facilities, as defined herein, are considered a Regulated Use and are subject to the Regulated Use standards of the Business Regulations and Licenses Ordinance and the Regulated Use standards of the Zoning Ordinance.

Sec. 7-213. License required.

- (a) **Business license required.** Each ~~massage parlor or massage establishment~~ licensed massage therapy facility shall have in effect at all times a valid business license issued by the City of Madison Heights pursuant to the provisions of this article for each business location operated by such business. The application, and the license, shall clearly state that the business is a ~~massage parlor or massage establishment~~ licensed massage therapy facility.
- (b) **Massage therapist license required.** No person shall be employed as, or practice massage therapy unless he or she has a valid massage therapist license issued by the State of Michigan.
- (c) **Professional membership required.** No person shall be employed as a massage therapist, or practice massage therapy, unless he or she is a member in good standing of the American Massage Therapy Association, the Associated Bodywork and Massage Professionals association, or other national organization of therapeutic massage professionals which has a similar written and enforceable code of ethics.
- (d) **Responsibility of owner, etc.** It shall be the responsibility of an owner, operator, manager or licensee hereunder to ensure that each person employed or engaged by him or her in said business as a massage therapist shall

have a valid State of Michigan massage therapist license and is a valid member of the American Massage Therapy Association, the Associated Bodywork and Massage Professionals association, or other national organization of therapeutic massage professionals which has a similar written and enforceable code of ethics. It is understood that the owner, operator, manager or licensee is deemed aware of, and responsible for, all activities and the actions of all employees.

(Ord. No. 1063, § 1, 10-12-09)

Sec. 7-2143. Exemptions.

This article shall not apply to:

- (1) Medical practitioners licensed by the State of Michigan Board of Medicine, including dentistry, physical therapy, chiropractic, osteopathy, or podiatry.
- (2) Barbers and cosmetologists who are licensed by the State of Michigan Board of Barber Examiners or Board of Cosmetologists except that this exemption shall apply solely to the massaging of the neck, face, scalp and hair of the customer for cosmetic or beautifying purposes.
- (3) An athletic trainer licensed by the State of Michigan under P.A. 54 of the Public Acts of 2006, MCL 333.16336 et seq.
- ~~(4) The practice of massage that is an integral part of a program of study by students enrolled in a school, provided that they are identified as students and provide massage services only while under the supervision of a licensed massage therapist.~~

In any prosecution for a violation of this article, the foregoing exemptions shall constitute affirmative defenses and it shall be incumbent upon the defendant to show that he or she or the place involved are not subject to the provisions of this article. Nothing herein contained shall be deemed to shift the burden of proof of the violation to the defendant.

(Ord. No. 1063, § 1, 10-12-09)

Sec. 7-2154. Application for massage ~~parlor or massage establishment~~ therapy license; fees.

Every applicant for a license to maintain, operate or conduct a massage ~~parlor or massage establishment~~ therapy facility shall file an application under oath with the city clerk's office upon a form provided by the city clerk and pay a nonrefundable application and background investigation fee. The application shall contain the following information:

- (1) A definition of service(s) to be provided.
- (2) The location, mailing address and all telephone numbers where the business is to be conducted.
- (3) The name and residence address of each applicant for the past ten years.
 - a. If the applicant is a corporation, the names and residence address of each of the officers and directors of said corporation, the address of the corporation itself, if different from the address of the massage establishment, and the name and the business and residence address of the resident agent.
 - b. If the applicant is a partnership, the name and residence address of each of the partners and the partnership itself, if different from the address of the massage establishment.
- (4) Individual or partnership applicant's height, weight, sex, date of birth, color of eyes and hair.
- (5) Either a Social Security number, driver's license number or State I.D. number, and the date of birth for each applicant.

- (6) Two portrait photographs of the applicant at least two inches by two inches. If the applicant is a corporation provide photographs of the president and if a partnership provide photographs of each partner, including a limited partner in said partnership.
- (7) Business, occupation, or employment of the applicant for the three years immediately preceding the date of application, including the name, address and telephone number of any and all employers.
- (8) The massage or similar business history of the applicant; whether such person has previously operated in this or another city or state, has had a business license revoked, suspended or denied, the reason therefore, and the business activity or occupation subsequent to such action of suspension, revocation, or denial.
- (9) All criminal convictions other than misdemeanor traffic violations, including the dates of convictions, nature of the crime and place convicted; including those outside of the State of Michigan.
- (10) A copy of a valid State of Michigan massage therapist license for each person who is, or will be, employed in said establishment.
- (11) A copy of a valid certificate or license for each person who is, or will be, employed in said establishment showing that said person is a member in good standing of the American Massage Therapy Association, the Associated Bodywork and Massage Professionals association, or other national organization of therapeutic massage professionals which has a similar written and enforceable code of ethics.
- ~~(12)~~ (14) The name and address of any massage business or other establishment owned or operated by any person whose name is required to be given in subsection (3) above, wherein the business or profession of massage is carried on.
- ~~(13)~~ (2) A description of any other business to be operated on the same premises or on adjoining premises owned or controlled by the applicant.
- ~~(14)~~ (3) Authorization for the city, its agents and employees to seek information and conduct an investigation into the truth of the statements set forth in the application and the qualifications of the applicant for the license.
- ~~(15)~~ (4) All information required by this section, including any background investigation, shall be provided at the applicant's expense. Upon completion of the above provided form and the furnishing of all foregoing information, the City of Madison Heights shall accept the application for the necessary investigations. The holder of a massage establishment license shall notify the City of Madison Heights of any change in any of the dates required to be furnished by this section within ten days after such change occurs.
- ~~(16)~~ (5) Massage ~~parlor or massage establishment~~ therapy facility licenses shall be renewed annually.

(Ord. No. 1063, § 1, 10-12-09)

Sec. 7-2165. Fees.

City council shall establish massage ~~parlor and massage establishment~~ therapy facility initial and renewal license fees by resolution. All fees shall be paid in full prior to the issuance of a license.

(Ord. No. 1063, § 1, 10-12-09)

Sec. 7-2176. License procedures.

- (a) *Investigation.* Any applicant for a license pursuant to this article shall present to the city clerk's office the application packet containing the aforementioned and described information. Upon receipt of such application; the city clerk will refer same to the chief of police, fire marshal, community and economic development department, treasurer and such other city officers or employees as he or she may desire, who shall cause a thorough investigation, including a complete history of past business experience and state or

local law violations, if any, to be made of the persons or premises which must meet or exceed codes. The building official and the fire marshal shall inspect the premises proposed to be devoted to the massage ~~parlor~~ therapy facility, ~~message establishment or similar business~~ and shall notice all violations of this article, and all other applicable city ordinances and regulations to the applicant. All said violations shall be corrected and inspected prior to issuance of a license. The findings resulting from such investigations shall be reported to the city clerk. If the application is approved by all departments the clerk shall forward the application to the city council for its consideration.

- (b) *License approval.* An applicant for a license ~~will~~ may be required to appear before the ~~city council~~ City Clerk and answer any questions pertaining to such plans. If the ~~city council~~ City Clerk is satisfied that all the criteria set forth herein for a license have been met, ~~he or she~~ it may grant approval of the license, subject to any conditions contained in the approval.
- (c) *Denial.* In the event that an initial application is denied by a department based on grounds contained in sections 7-27, 7-32 and 7-218, the clerk shall notify the applicant of the denial and advise the applicant of the right to appeal pursuant to section 7-33.
- (d) *Continued compliance.* Applicants for ~~massage parlor or massage establishment~~ massage therapy facility licenses shall continue to comply with all applicable state and city regulations, including any conditions of the business license, and will operate premises consistent with any representations made to the city council in obtaining the license. Failure of such compliance may result in the refusal by the city council to renew a license or in revocation of the licenses.

(Ord. No. 1063, § 1, 10-12-09)

Sec. 7-2187. Issuance of license.

Upon compliance with the terms and provisions of this article, and upon payment in full of the required fee, the city clerk shall issue a license. Evidence of the license shall bear the signature of the city clerk.

(Ord. No. 1063, § 1, 10-12-09)

Sec. 7-2198. Grounds for denial.

- (a) *Grounds for mandatory denial.* No license for the operation of a ~~massage parlor or massage establishment~~ massage therapy facility shall be issued if any department of the city determines that one or more of the following conditions exists:
 - (1) Any mandatory cause or grounds for denial contained in section 7-27.
 - (2) The correct license fee has not been tendered to the city and in the case of a check, or bank draft, honored with payment upon representation.
 - (3) Any employee directly engaged with the performance of massage therapy is not licensed and certified per Section 7-213.
 - (4) The operation, as proposed by the applicant, if permitted, would not comply with all applicable laws, including, but not limited to, the city's building, zoning and health regulations.
- (b) *Grounds for permissive denial.* The city may deny a ~~massage parlor or massage establishment~~ massage therapy facility license if any of the following conditions exist. Applicants may appeal such denial pursuant to section 7-33.
 - (1) Any permissive cause or grounds for denial contained in sections 7-27.
 - (2) The applicant has knowingly made any false or fraudulent statement of fact in the license application or in any document required by the city in conjunction therewith.

- (3) The applicant has had any massage related business, massage therapist, or other similar permit or license denied, revoked or suspended by the city or any other local, county or state agency within ten years prior to the date of the application.
- (4) The applicant, if an individual, or any of the officers and directors, if the applicant is a corporation; or any of the partners, including limited partners, if the applicant is a partnership; and the manager or other person principally in charge of the operation of the business, is not over the age of 18 years.
- (5) The location proposed or methods of operation have, or will, detrimentally and unreasonably impact nearby property owners, businesses and residents.

(Ord. No. 1063, § 1, 10-12-09; Ord. No. 2171 , § 10, 10-25-21)

Sec. 7-2019. Posting of license.

Every individual, corporation, partnership or association licensed under this article shall display the city license, and the state massage therapist license for every therapist, in a conspicuous location visible to the general public.

(Ord. No. 1063, § 1, 10-12-09)

Sec. 7-210. Records of employees and customers.

The licensee, or the person designated by the licensee, of a massage ~~parlor or massage establishment~~ therapy facility, shall maintain a register of all persons employed or engaged as massage therapist. Included in the register will be a copy of each massage therapist license and the start and termination date of the employment. Such register shall be available at the massage parlor or massage establishment for inspection by representatives of the City of Madison Heights or county or state departments during regular business hours.

(Ord. No. 1063, § 1, 10-12-09)

Sec. 7-221. Renewal of license.

Massage therapy facility licenses shall be valid for a period of one year. Application to renew a license to operate a massage ~~parlor or massage establishment or similar business shall~~ therapy facility be filed at least 45 days prior to the date of expiration. Such renewal shall be annual and shall be accompanied by the annual fee.

- (1) ~~(1)~~—The applicant shall present ~~all of the following information~~ to the city clerk's office at the time of renewal application ~~including~~ a sworn affidavit by the applicant stating that the matters contained in the original application have not changed, or if they have changed, specifically stating the changes which have occurred. Incomplete application packets will not be accepted.
- (2) Upon renewal application, licensees shall include a copy of a valid State of Michigan massage therapist license for each person who is, or will be, employed in said establishment.
- (3) Upon renewal application, licensees shall include a copy of a valid certificate or license for each person who is, or will be, employed in said establishment showing that said person is a member in good standing of the American Massage Therapy Association, the Associated Bodywork and Massage Professionals association, or other national organization of therapeutic massage professionals which has a similar written and enforceable code of ethics.
- ~~(4)~~ The application shall be referred to the chief of police who shall investigate the criminal history of the applicant. Failure to submit an application or failure to submit a complete application shall result in the non-renewal of the license.
- ~~(5)~~ In the event the renewal is denied, the applicant may appeal pursuant to section 7-33. The hearing officer shall consider whether a licensed establishment has been operated during the existing license years in a

manner consistent with the provisions of this article and all other applicable laws and regulations of the City of Madison Heights and the State of Michigan.

(Ord. No. 1063, § 1, 10-12-09)

Sec. 7-223. Revocation or suspension of license.

Each establishment within the city for which a massage ~~parlor or massage establishment~~ therapy facility license is granted shall be operated and maintained in accordance with all applicable laws and regulations of the City of Madison Heights and the State of Michigan. Upon any violation of this article, pursuant to sections 7-27 and 7-218, the hearing officer, may, after notice and hearing, revoke such license pursuant to the procedure in section 7-33.

(Ord. No. 1063, § 1, 10-12-09; Ord. No. 2171 , § 10, 10-25-21)

~~Sec. 7-223. Reserved.~~

Sec. 7-224. Facilities necessary.

No license to conduct a massage ~~parlor or massage establishment~~ therapy facility shall be issued unless inspectors of the City of Madison Heights certify that the establishment complies with each of the following minimum requirements:

- (1) All provisions of the applicable building, fire, property maintenance and health codes have been fulfilled.
- (2) A recognizable and readable sign shall be posted at the main entrance identifying the establishment as a ~~massage parlor or massage establishment~~ massage therapy facility; all signs shall comply with the sign permit requirements of the City of Madison Heights.
- (3) There shall be no entrance or exit way which provides direct access to another type of business, residence or living quarters.
- (4) During business hours no exits shall be locked or obstructed in any way to prevent the immediate free ingress or egress of persons.
- (5) Adequate bathing, dressing, locker, and toilet facilities shall be provided for customers. A minimum of one tub or shower, and if clothing and personal property is not kept with the customer, a separate locker for each customer to be served, which shall be capable of being locked, If male and female customers are to be served simultaneously at the establishment, separate bathing, dressing, locker, toilet facilities and massage rooms shall be provided.
- (6) The premises shall have adequate equipment for disinfecting and sterilizing non-disposable instruments and materials used in administering massages. Such non-disposable instruments and materials shall be disinfected after use on each customer.
- (7) Closed cabinets shall be provided and used for the storage of clean linens, towels and other materials used in connection with administering massages. All soiled linens, towels and other materials shall be kept separate from the clean storage areas. No common use of towels or linens shall be permitted.
- (8) A minimum of one separate wash basin shall be provided in each massage ~~parlor~~ therapy facility for the use of employees of any such establishment, the basin shall provide soap or detergent and hot and cold water and all times, and shall be located within or as close as practical to the area devoted to the performing of massage services. In addition, there shall be provided at each wash basin sanitary towels placed in permanently installed dispensers.

(Ord. No. 1063, § 1, 10-12-09)

Sec. 7-225. Operating requirements.

- (a) Every portion of the massage ~~parlor or massage establishment~~, therapy facility including appliances and apparatus, shall be kept clean and operated in a sanitary condition.
- (b) Price rates for all services shall be prominently posted in the reception area in a location available to all prospective customers.
- (c) The premises shall not be made available for accommodating any person as sleeping quarters. No beds, water mattresses, cots, or equipment designed for sleeping shall be permitted on the premises.
- (d) No massage shall be performed in a private room which is completely closed off to the view of other persons nor fitted with a door capable of being locked or barred. Measures may be used to offer privacy to customers such as partitions, walls and curtains.
- (e) All employees attending customers shall be clean and wear clean uniforms covering the torso. Such uniforms shall be nontransparent and of washable material and shall be kept in a clean condition. Such clothing shall cover the human genitals, pubic region or pubic hair; buttock or female breast or breasts or any portion thereof that is situated below a point immediately above the top of the areola; or any combination of the foregoing.
- (f) All massage ~~parlor or massage establishments~~, therapy facilities shall be provided with clean laundered sheets and towels in sufficient quantity and shall be laundered after each use thereof and stored in a sanitary manner.
- (g) No massage ~~parlor or massage establishment~~ therapy facilities granted a license under the provisions of this article shall place, publish, or distribute or cause to be placed, published, or distributed any advertisement, picture, or statement which is known or through the exercise of reasonable care should be known to be false, deceptive or misleading in order to induce any person to purchase or utilize any professional massage services.

(Ord. No. 1063, § 1, 10-12-09)

Sec. 7-226. Persons under age eighteen prohibited on premises.

No person shall permit any person under the age of 18 years to come or remain on the premises of any ~~massage parlor or massage establishment~~ massage therapy facility, as a massage therapist, employee, or customer.

(Ord. No. 1063, § 1, 10-12-09)

Sec. 7-227. Alcoholic beverages prohibited.

No person shall sell, give, dispense, provide or keep, or cause to be sold, given, dispensed, provided or kept, any alcoholic beverage on the premises of any massage ~~parlor or massage establishment~~, therapy facility.

(Ord. No. 1063, § 1, 10-12-09)

Sec. 7-228. Hours.

No massage ~~parlor or massage establishment~~ therapy facility shall be kept open for any purposes between the hours of ~~2:00 a.m.~~ 11 p.m. and 8:00 a.m.

(Ord. No. 1063, § 1, 10-12-09)

Secs. 7-229, 7-230. Reserved.

Sec. 7-231. Unlawful acts.

- (a) It shall be unlawful for any person in a massage ~~parlor or massage establishment~~ therapy facility to touch, fondle or massage the sexual or genital area of another person, or any portion thereof.
- (b) It shall be unlawful for any person in a massage ~~parlor or massage establishment~~ therapy facility to touch, fondle or massage his or her sexual or genital area, or any portion thereof.
- (c) It shall be unlawful for any person in a massage ~~parlor or massage establishment~~ therapy facility to expose his or her sexual or genital area, or any portion thereof.
- (d) It shall be unlawful for any employee, while in the presence of any other person in a massage ~~parlor or massage establishment~~ therapy facility, to fail to conceal the sexual or genital area of his or her body with a fully opaque covering.
- (e) It shall be unlawful for any person owning, operating or managing a massage ~~parlor or massage establishment~~ therapy facility to permit any agent, employee, or any other person under his control or supervision to perform such acts prohibited in this section.
- (f) It shall be further unlawful for any licensee under this article to administer massage therapy on an outcall basis as defined. Such person shall administer massage solely within an establishment licensed to carry on such business under this article. Any violation of these provisions shall be deemed grounds for revocation of the license granted hereunder. The restriction on outcall massage shall not apply to a licensee who performs outcall massage as defined herein upon a customer or client who because of reasons of physical defects or incapacities or due to illness is physically unable to travel to the massage ~~parlor or massage establishment~~ therapy facility. If any outcall massage is performed under this exception, a record of the date and hour of each treatment, and the name and address of the customer or client, and the name of the employee administering such treatment and the type of treatment administered shall be kept by the licensee or person or employee designated by the licensee. Such records shall be open to inspection by officials charged with the enforcement of this article or of public health laws. The information furnished or secured as a result of any such inspection shall be confidential. Any unauthorized disclosures or use of such information shall be unlawful.
- (g) It shall be unlawful for any massage service to be carried on within any cubical, room, booth, or any area within a massage ~~parlor or massage establishment~~ therapy facility which is fitted with a door capable of being locked.

(Ord. No. 1063, § 1, 10-12-09)

Sec. 7-232. Location.

A ~~massage parlor~~ licensed massage therapy facility shall be located as provided ~~in Section 10.502(A) of~~ the Madison Heights Zoning Ordinance being Appendix A of the Madison Heights City Code.

(Ord. No. 1063, § 1, 10-12-09)

Sec. 7-233. Sale, transfer or change of location.

Upon sale, change of any of the owners, transfer or relocation of a massage ~~parlor or massage establishment~~ therapy facility, the license therefore shall be null and void. It shall be the duty of all owners or licensees having knowledge of the sale, transfer or relocation of the massage ~~parlor or massage establishment~~ therapy facility, to immediately report such sale, transfer or relocation to the city clerk's office and apply for a new license. The failure to do so shall result in an immediate suspension of the license.

(Ord. No. 1063, § 1, 10-12-09)

Sec. 7-234. Name and place.

No person granted a license pursuant to this article shall operate or advertise the massage ~~parlor or massage establishment~~ therapy facility under a name not specified in their license, nor shall they conduct business under any designation or at any location not specified in their license.

(Ord. No. 1063, § 1, 10-12-09)

Sec. 7-235. Penalty.

Any person who violates any of the provisions of this article shall be guilty of a misdemeanor punishable by a fine of not less than \$100.00, nor more than \$500.00, and/or 90 days in jail. Each day the violation continues shall be deemed a separate offense.

(Ord. No. 1063, § 1, 10-12-09)

Secs. 7-236—7-239. Reserved.

Re: Regulated Use Zoning Standards - Massage Establishments and Pawnbrokers

Matt Lonnerstater

Thu 9/7/2023 10:57 AM

To:Brent Savidant <SavidantB@troymi.gov>

Thank you for the reply, Brent.

Best,



Matt Lonnerstater, AICP
City Planner
City of Madison Heights
MattLonnerstater@Madison-Heights.org
Office: (248) 837-2649


<https://www.madison-heights.org/209/Planning-Services>

From: Brent Savidant <SavidantB@troymi.gov>
Sent: Thursday, September 7, 2023 10:50 AM
To: Matt Lonnerstater <MattLonnerstater@Madison-Heights.org>; Planning <planning@troymi.gov>; TroyPDCrimealert <TroyPDCrimealert@troymi.gov>
Subject: RE: Regulated Use Zoning Standards - Massage Establishments and Pawnbrokers






I defer to TPD on all police matters.

I don’t believe there are any pawnshops in Troy.

Anecdotally, we do not tend to see zoning violations associated with massage parlors.



R. Brent Savidant, AICP
Community Development Director
City of Troy
O: 248.524.3366



From: Matt Lonnerstater <MattLonnerstater@Madison-Heights.org>
Sent: Thursday, September 7, 2023 10:32 AM
To: Planning <planning@troymi.gov>; TroyPDCrimealert <TroyPDCrimealert@troymi.gov>; Brent Savidant <SavidantB@troymi.gov>
Subject: Regulated Use Zoning Standards - Massage Establishments and Pawnbrokers

CAUTION: This email did not originate from within the City of Troy. Do not click links or open attachments unless you recognize the sender and know the content is safe.


Good morning:

As part of our comprehensive Zoning Ordinance rewrite project, the City of Madison Heights is reviewing our regulated use standards to determine if any changes are needed. In particular, the Planning Commission is interested in researching massage parlor and pawnbroker establishments. Our Police Department has concerns about these establishments, especially relating to theft and sale of stolen goods (pawnbrokers) and illicit sexual acts/trafficking (massage parlors).

I am writing to see if the City of Troy has any recent zoning violations or police action relating to massage parlors and pawnbrokers. Any information you can provide will help us in our Zoning Ordinance rewrite process.

Thank you for your time!

Best,



Matt Lonnerstater, AICP
City Planner
City of Madison Heights
MattLonnerstater@Madison-Heights.org
Office: (248) 837-2649

<https://www.madison-heights.org/209/Planning-Services>

Re: Regulated Use Zoning Standards - Massage Establishments and Pawnbrokers

Matt Lonnerstater

Thu 9/7/2023 1:05 PM

To:Brandon A Parker <Brandon.Parker@troymi.gov>

Thank you, Sergeant Parker. I appreciate the insight.

Best,



<https://www.madison-heights.org/209/Planning-Services>

From: Brandon A Parker <Brandon.Parker@troymi.gov>
Sent: Thursday, September 7, 2023 12:54 PM
To: Matt Lonnerstater <MattLonnerstater@madison-heights.org>
Subject: Regulated Use Zoning Standards - Massage Establishments and Pawnbrokers

Good afternoon,

I’m not aware of any pawn brokers in the city of Troy. We do have massage parlor establishments. Earlier this year we did have a massage parlor violation, where sexual acts were being given to a customer. However, it was a local ordinance violation enforced by the PD and not a zoning ordinance violation.

Thanks
Sgt. Brandon Parker

Sent from my iPhone

RE: Regulated Use Zoning Standards - Massage Establishments and Pawnbrokers

Taormina, Mark <mtaormina@livonia.gov>

Thu 9/7/2023 12:12 PM

To:Matt Lonnerstater <MattLonnerstater@Madison-Heights.org>

📎 2 attachments (110 KB)
Livonia Regulations.docx; 2023-01-02-01_CR 80 and 81-23.pdf;

Hi Matt,

The City of Livonia treats massage establishments, pawn shops, and payday lenders as special land uses (referred to in Livonia as waiver uses) in the City’s most common commercial zoning district, C-2 General Business. I've attached the particular requirements as applied to each use. Over the years, the Livonia Police Department has had to close down a few massage businesses for illicit activities. Typically, the City adds a condition that prevents the waiver from being transferred to a new user/owner without first obtaining the City Council’s approval. A sample resolution is attached.

The City only has two (2) licensed pawn brokers that I’m aware of. Pawn shops were added as a waiver use a few years ago. I’m unaware of any major problems they may cause with our police department. If anything, they may provide a resource. I know they occasionally have to visit them for reports of stolen property, since brokers are required by law to maintain records of all transactions and customers.

Hopefully, this information helps.

Mark Taormina



Mark Taormina
Planning and Economic Development Director
City of Livonia | Planning Department
(734) 466-2292
mtaormina@livonia.gov
www.livonia.gov



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From: Matt Lonnerstater <MattLonnerstater@Madison-Heights.org>
Sent: Thursday, September 7, 2023 10:43 AM
To: Taormina, Mark <mtaormina@livonia.gov>; Goralski, Thomas <thomas.goralski@livoniapd.com>
Subject: Regulated Use Zoning Standards - Massage Establishments and Pawnbrokers

Good morning:

As part of our comprehensive Zoning Ordinance rewrite project, the City of Madison Heights is reviewing our regulated use standards to determine if any changes are needed. In particular, the Planning Commission is interested in researching massage parlor and pawnbroker establishments. Our Police Department has concerns about these establishments, especially relating to theft and sale of stolen goods (pawnbrokers) and illicit sexual acts/trafficking (massage parlors).

I am writing to see if the City of Livonia has any recent zoning violations or police action relating to massage parlors and pawnbrokers. Any information you can provide will help us in our Zoning Ordinance rewrite process.

Thank you for your time!

Best,



Matt Lonnerstater, AICP
City Planner
City of Madison Heights
MattLonnerstater@Madison-Heights.org
Office: (248) 837-2649

<https://www.madison-heights.org/209/Planning-Services>

RE: Regulated Use Zoning Standards - Massage Establishments and Pawnbrokers

Rick Walters <R.Walters@cityofholland.com>

Thu 9/7/2023 2:44 PM

To:Matt Lonnerstater <MattLonnerstater@Madison-Heights.org>;Steven Peterson <s.peterson@cityofholland.com>

Matt,

We have been fortunate in that we haven’t had issues with either massage parlors or pawnbrokers within city limits. I do understand the concern because I am aware of a massage parlor outside of the city that has had some questionable activity. We also have occasional contact with pawn shops outside of the city when investigating stolen property.

Rick Walters
Captain, Criminal Investigations
Holland Department of Public Safety
(616) 355-1143
r.walters@cityofholland.com



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From: Matt Lonnerstater <MattLonnerstater@Madison-Heights.org>
Sent: Thursday, September 7, 2023 12:53 PM
To: Steven Peterson <s.peterson@cityofholland.com>; Rick Walters <R.Walters@cityofholland.com>
Subject: Re: Regulated Use Zoning Standards - Massage Establishments and Pawnbrokers

Caution! This message was sent from outside your organization.

Thank you, Steve. I appreciate the insight.

Best,

 *Matt Lonnerstater, AICP*
City Planner
City of Madison Heights
MattLonnerstater@Madison-Heights.org
Office: (248) 837-2649

<https://www.madison-heights.org/209/Planning-Services>

From: Steven Peterson <s.peterson@cityofholland.com>
Sent: Thursday, September 7, 2023 12:48 PM
To: Matt Lonnerstater <MattLonnerstater@Madison-Heights.org>; Rick Walters <R.Walters@cityofholland.com>
Subject: RE: Regulated Use Zoning Standards - Massage Establishments and Pawnbrokers

Matt, checked around and from the zoning side of things we have not had any issues. I will let Rick answer for the Police Dept.

Steve Peterson, AICP
Senior Planner
City of Holland
270 S River Ave, Third Floor
Holland MI 49423
616-355-1365
S.Peterson@cityofholland.com



From: Matt Lonnerstater <MattLonnerstater@Madison-Heights.org>
Sent: Thursday, September 7, 2023 10:50 AM
To: Steven Peterson <s.peterson@cityofholland.com>; Rick Walters <R.Walters@cityofholland.com>
Subject: Regulated Use Zoning Standards - Massage Establishments and Pawnbrokers

Caution! This message was sent from outside your organization.

Good morning:

As part of our comprehensive Zoning Ordinance rewrite project, the City of Madison Heights is reviewing our regulated use standards to determine if any changes are needed. In particular, the Planning Commission is interested in researching massage parlor and pawnbroker establishments. Our Police Department has concerns about these establishments, especially relating to theft and sale of stolen goods (pawnbrokers) and illicit sexual acts/trafficking (massage parlors).

I am writing to see if the City of Holland has any recent zoning violations or police action relating to massage parlors and pawnbrokers. Any information you can provide will help us in our Zoning Ordinance rewrite process.

Thank you for your time!

Best,



Matt Lonnerstater, AICP
City Planner
City of Madison Heights
MattLonnerstater@Madison-Heights.org
Office: (248) 837-2649

<https://www.madison-heights.org/209/Planning-Services>

RE: Regulated Use Zoning Standards - Massage Establishments and Pawnbrokers

Roger Caruso <RCaruso@ferndalemi.gov>

Thu 9/7/2023 11:21 AM

To:Matt Lonnerstater <MattLonnerstater@Madison-Heights.org>;Kyle Bryce <KBryce@ferndalemi.gov>;Dennis Emmi <demmi@ferndalepolice.org>

Hi Matt,

I was about to copy Captain Spellman with the PD, but I see you attached the Chief. I don't think we have had any issues related to zoning with these uses. I do know we don't allow massage parlors in the industrial zone district, and a lady was recently told she can't operate there. She was very upset with the connotation of her business being a massage parlor since she is licensed with the state, it's therapeutical, and sometimes medically necessary.

She came to PC asking that she be allowed in the industrial zone district, and PC was receptive that during our zoning code overhaul (happening now) they would likely allow that use in the industrial zone district. That's about all I have for pawnbrokers and massage parlors in recent memory...

Roger Caruso
Community and Economic Development Director
City of Ferndale
248-546-2363
rcaruso@ferndalemi.gov

From: Matt Lonnerstater <MattLonnerstater@Madison-Heights.org>
Sent: Thursday, September 7, 2023 10:46 AM
To: Roger Caruso <RCaruso@ferndalemi.gov>; Kyle Bryce <KBryce@ferndalemi.gov>; Dennis Emmi <demmi@ferndalepolice.org>
Subject: Regulated Use Zoning Standards - Massage Establishments and Pawnbrokers

Good morning:

As part of our comprehensive Zoning Ordinance rewrite project, the City of Madison Heights is reviewing our regulated use standards to determine if any changes are needed. In particular, the Planning Commission is interested in researching massage parlor and pawnbroker establishments. Our Police Department has concerns about these establishments, especially relating to theft and sale of stolen goods (pawnbrokers) and illicit sexual acts/trafficking (massage parlors).

I am writing to see if the City of Ferndale has any recent zoning violations or police action relating to massage parlors and pawnbrokers. Any information you can provide will help us in our Zoning Ordinance rewrite process.

Thank you for your time!

Best,

 Matt Lonnerstater, AICP
City Planner
City of Madison Heights
MattLonnerstater@Madison-Heights.org
Office: (248) 837-2649

<https://www.madison-heights.org/209/Planning-Services>