



OFFICE OF CITY CLERK

LICENSE APPLICATION - SMOKING LOUNGES

_____ \$300 INITIAL FEE Non-refundable

_____ \$200 RENEWAL FEE Non-refundable

BUSINESS NAME _____

ADDRESS _____ FARMINGTON HILLS, MI

ZIP CODE _____ BUSINESS TELEPHONE _____ E-MAIL _____

HOURS OF OPERATION: _____ (Hours limited to 8am – 11pm per ordinance)

APPLICANT FULL LEGAL NAME: _____

APPLICANT CURRENT ADDRESS: _____

APPLICANT TELEPHONE _____ APPLICANT EMAIL _____

DATE OF BIRTH: _____ DRIVERS LICENSE # _____

NOTE: If multiple owners (applicants), use the supplemental page to provide the above information for each owner. If applicant is a partnership, corporation or limited liability company complete Exhibit B.

WILL THE ESTABLISHMENT HAVE DANCE OR LIVE ENTERTAINMENT? _____ Yes _____ No
If yes, complete the separate permit application provided and return with this application.

WILL THE ESTABLISHMENT ALLOW THE SMOKING OF HOOKAH? _____ Yes _____ No
If yes, complete the separate permit application provided and return with this application.

I hereby certify that all the above information is true and accurate to the best of my knowledge, and further understand if any changes to the above information are made, said information will be supplied to the City within ten (10) days after such change occurs. I further understand that misstatements and inaccuracies in the application are grounds for immediate termination of said license.

I hereby authorize the City, its agents, and employees to seek information as necessary to conduct their investigation as to the accuracies of the statement made as part of the application and the qualifications of the applicant, owner and/or managers for this license.

_____ DATE _____
(APPLICANT'S SIGNATURE) - REQUIRED

SEE PAGE 2 FOR ADDITIONAL REQUIRED DOCUMENTS

PLEASE REFER TO SECTION 8-47 OF THE ORDINANCE WITH REGARD TO THE FOLLOWING ADDITIONAL DOCUMENTS THAT ARE REQUIRED TO BE SUBMITTED AS PART OF THE APPLICATION:

- DBA – “doing business as” registration filed with the State in the name of the smoking lounge if the business names is different than the name of the applicant. Any license issued will be in the name of the applicant followed by the applicants “doing business as” name, if any.
- A written statement as to the applicant’s experience in operating a smoking lounge or similar business
- Legal name and any aliases, home address, telephone number, date of birth, driver’s license number of all persons who will work as a manager or agent or who will operate the proposed licensed premises and written statement to their experience in operating a smoking lounge or similar business
- A concise statement as to the prior and current employment of each individual identified on the application, including on any of the exhibits or attachments
- A statement identifying and describing each charge and conviction or finding of responsibility of each individual identified on the application (including exhibits or attachments) for a violation of any federal, state or local law involving moral turpitude, dishonesty, fraud, violence, criminal sexual conduct, controlled substances, the sale, distribution or furnishing of tobacco, or the sale, distribution or furnishing of alcoholic liquors.
- Security Plan, including interior and exterior areas
- Copy of valid and effective State of Michigan Exemption Certificate and any other state or county permits required
- Copy of deed, lease or rental agreement providing the applicant’s exclusive right of use, occupancy and possession of the proposed licensed premises as a smoking lounge, including use as a hookah lounge and for dancing and/or live entertainment if applicable
- Indemnification agreement on form provided by the city
- Proof of insurance
- Payment of License Fee
- Separate permit application for dancing and/or live entertainment (if applicable) together with required documents for that permit – Section 8-47 (m) of the ordinance
- Separate permit application for hookah lounge (if applicable) together with required documents for that permit– Section 8-47 (n) of the ordinance



OFFICE OF CITY CLERK

**LICENSE APPLICATION - SMOKING LOUNGES
SUPPLEMENTAL APPLICANT (OWNER) INFORMATION**

BUSINESS NAME AND ADDRESS: _____

APPLICANT FULL LEGAL NAME: _____

APPLICANT CURRENT ADDRESS: _____

APPLICANT TELEPHONE _____ APPLICANT EMAIL _____

DATE OF BIRTH: _____ DRIVERS LICENSE # _____

I hereby certify that all the information provided on the application for _____ (business name) is true and accurate to the best of my knowledge, and further understand if any changes to the above information are made, said information will be supplied to the City within ten (10) days after such change occurs. I further understand that misstatements and inaccuracies in the application are grounds for immediate termination of said license.

I hereby authorize the City, its agents, and employees to seek information as necessary to conduct their investigation as to the accuracies of the statement made as part of the application and the qualifications of the applicant, owner and/or managers for this license.

(APPLICANT'S SIGNATURE) - REQUIRED

DATE _____



INDEMNIFICATION AGREEMENT -SMOKING LOUNGE LICENSE
PURSUANT TO ORDINANCE C-6-2021

For and in consideration of the issuance of a certificate of a license to operate a smoking lounge, (as defined in Ordinance C-6-2021) in the City of Farmington Hills, and in satisfaction of the City of Farmington Hills’ lawful requirements in Ordinance C-6-2021, which require this Agreement as a condition of the issuance of a license for the operation of a smoking lounge within the City, the undersigned identified below agrees to:

(1) Accept all risks of, and agrees that the City, and its officers, employees, agents, representatives and contractors, shall not be liable and/or responsible for, any damages, death and/or injuries, including adverse health impacts that occur to or are suffered by any person, property and/or other item which is caused by or results from the activities in the smoking lounge.

(2) Indemnify and hold harmless the City and its officers, employees, agents, representatives and contractors from any and all damages, injuries, adverse health impacts, liability, claims, actions, losses, demands and/or lawsuits, including attorney fees and costs that arise out of the activities in the smoking lounge.

(3) The fact that he/she is legally authorized to bind the smoking lounge.

Printed Name: _____

Title: _____

Organization: _____

Signature: _____
(Signing on behalf of the Smoking Lounge)

STATE OF)
) ss.
COUNTY OF)

The foregoing Indemnification Agreement was acknowledged before me this ____ day of _____, 20____, by _____.

Notary Public
Acting in _____ County, Michigan
My commission expires: _____



OFFICE OF CITY CLERK

EXHIBIT B

**LICENSE APPLICATION- SMOKING LOUNGES
(PARTNERSHIPS - CORPORATIONS - LIMITED LIABILITY COMPANY)**

_____ **Partnership** – The name and address of each partner shall be listed and a copy of any partnership agreement shall be included.

_____ **Privately held Corporation** – The name and address of each corporate officer, member of board of directors and stockholder shall be listed and a copy of the articles of incorporation shall be included.

_____ **Publicly held Corporation** – The name and address of each corporate officer, member of board of directors and stockholder who owns ten percent (10%) or more of the corporate stock shall be listed.

_____ **Limited Liability Company** – The name and address of each member, manager and assignee of a membership interest shall be listed and articles of organization shall be included.

PARTNERSHIP, CORPORATION OR COMPANY NAME AND ADDRESS:

NAME/POSITION:

ADDRESS:



SMOKING LOUNGE - SPECIAL HOOKAH LOUNGE PERMIT
Ordinance C-3-2022
Sections 8-47(n), 8-63 and Section 8-65

BUSINESS NAME _____

ADDRESS _____ FARMINGTON HILLS, MI

ZIP CODE _____ TELEPHONE _____ E-MAIL _____

HOURS OF OPERATION: _____ (Hours are limited to 8am – 11pm)

APPLICANT NAME: _____

APPLICANT RESIDENTIAL ADDRESS: _____

APPLICANT TELEPHONE _____ APPLICANT EMAIL _____

A floor plan of the entire premises drawn to scale is required to be submitted with this application showing the following:

- The areas that will be designated and utilized for the use of hookahs and the consumption of hookah tobacco
- Location of all interior and exterior security video cameras and the recording equipment for such cameras
- Primary locations at which security personnel shall be posted during business hours

Written plans are required for the following:

- Establishing security cameras will be installed in locations and sufficient quantity to ensure all doors, interior areas (except restrooms), and exterior areas of the smoking lounge and parking lot will be video-taped at all times it is open for business or occupied by personnel or others
- Stating the number of security personnel that will be on hand during and after business hours and committing that such security personnel will monitor and maintain security of all interior areas and at all ingress-egress points of the smoking lounge while it is open for business
- How the smoking lounge will comply with all other requirements of this Article



OFFICE OF CITY CLERK

**SMOKING LOUNGE - DANCE/LIVE ENTERTAINMENT SPECIAL PERMIT
ORDINANCE C-3-2022
SECTIONS 8-47(M), 8-63 AND 8-64**

BUSINESS NAME _____

ADDRESS _____ FARMINGTON HILLS, MI

ZIP CODE _____ TELEPHONE _____ E-MAIL _____

HOURS OF OPERATION: _____ (Hours are limited to 8am – 11pm)

APPLICANT NAME: _____

APPLICANT RESIDENTIAL ADDRESS: _____

APPLICANT TELEPHONE _____ APPLICANT EMAIL _____

A floor plan of the entire premises drawn to scale is required to be submitted with this application showing the following:

- Size and dimensions of the designated dance-entertainment area that will be utilized for the live entertainment and/or dancing, the floor area of which shall be no less than 100 square feet
- The proposed location of the designated dance-entertainment area in relation to all walls, doors, windows, areas, rooms, seats, tables, chairs, and other furniture and installations within the premises. The dance-entertainment area must be at least eight feet away from any tables, chairs or other obstacles
- The materials that will be used to construct the designated dance-entertainment area
- How the designated dance-entertainment area will be well defined and clearly marked. The designated dance-entertainment area shall be flush with the floor (not on a raised platform of any kind); and
- How the designated dance-entertainment area will comply with all other requirements of this Article.

CITY OF FARMINGTON HILLS

CITY CLERK'S OFFICE

*31555 W. 11 Mile Road, Farmington Hills, MI 48336-1165
(248) 871-2410*

R-100-22

RESOLUTION

IT IS RESOLVED, that the City Council of Farmington Hills hereby approves the ENACTMENT of Ordinance C-3-2022 to amend the Farmington Hills Code of Ordinances at Chapter 8, "Business Licensing" Article II, "Smoking Lounges," to establish a special permit for hookah smoking areas in smoking lounges and to amend provisions relating to the purpose and intent of the ordinance, definitions, applications for licenses, basis for approval and denial of license and special permits, standards of conduct, hours of operation, and temporary closures in the interest of the public health, safety, and welfare; and approval of summary for publication.

Motion by: MASSEY
Support by: BRUCE

Roll Call Vote:

Yeas: BARNETT, BOLEWARE, BRIDGES, BRUCE, KNOL, MASSEY AND NEWLIN
Nays: NONE
Absent: NONE
Abstentions: NONE

MOTION CARRIED 7-0.

I, Pamela B. Smith, the duly authorized City Clerk of the City of Farmington Hills, Oakland County, Michigan, do hereby certify that the foregoing is a true copy of a resolution adopted by the City Council of the City of Farmington Hills at the regular City Council meeting held on May 23, 2022.



Pamela B. Smith, City Clerk

DATE: May 24, 2022

ORDINANCE NO. C-3-2022

**CITY OF FARMINGTON HILLS
OAKLAND COUNTY, MICHIGAN**

AN ORDINANCE TO AMEND THE FARMINGTON HILLS CODE OF ORDINANCES AT CHAPTER 8, "BUSINESS LICENSING" ARTICLE II, "SMOKING LOUNGES," TO ESTABLISH A SPECIAL PERMIT FOR HOOKAH SMOKING AREAS IN SMOKING LOUNGES AND TO AMEND PROVISIONS RELATING TO THE PURPOSE AND INTENT OF THE ORDINANCE, DEFINITIONS, APPLICATIONS FOR LICENSES, BASIS FOR APPROVAL AND DENIAL OF LICENSES AND SPECIAL PERMITS, STANDARDS OF CONDUCT, HOURS OF OPERATION, AND TEMPORARY CLOSURES IN THE INTEREST OF THE PUBLIC HEALTH, SAFETY, AND WELFARE.

THE CITY OF FARMINGTON HILLS ORDAINS:

Section 1 of Ordinance. Ordinance Amendment.

The Farmington Hills City Code, Chapter 8, "Business Licenses," Article II, "Smoking Lounges," is hereby amended to read as follows:

ARTICLE II. SMOKING LOUNGES

DIVISION 1. – GENERALLY.

Section. 8–41. – Purpose and intent.

In 2008, the Public Health Code was amended to prohibit smoking in public places. Since that time, smoking establishments have become increasingly popular. Cigar bars and tobacco specialty retail stores that meet certain qualifications and were in existence on May 1, 2010, are exempt from the prohibition on smoking in public places, and state-issued exemption certificates may be transferred and granted by the State of Michigan. Since 2010, the City has experienced an increase in the number of various types of smoking lounges in the City raising public health, safety, and welfare concerns. More recently, the City has also experienced a number of incidents—involving homicides, shootings, fighting, illegal drugs, and other serious criminal and life-threatening incidents—requiring police responses at hookah smoking lounges that is disproportionately higher than for other types of businesses in the community raising significant public safety and welfare concerns. The City has also studied other communities and notes high levels of such incidents elsewhere throughout southeast Michigan and

other urban areas in the nation. Based on a study of incidents in the City, reviewed by City Council, there have been over 100 police incidents involving five hookah smoking lounges since 2014, including homicides, shootings, stabbings, fleeing and eluding, assault on police officers and others, weapons offenses, narcotics possession and trafficking, fighting, drunk driving, and stolen vehicles. 26% of these incidents occurred before 10:00 p.m., 21% occurred between 10:00 p.m. and 12:00 a.m., and 53% occurred after 12:00 a.m. Based on its review and studies of the incidents and experiences involving hookah smoking lounges within the City of Farmington Hills and various types of smoking lounges in other communities (including both hookah and non-hookah smoking lounges), this Article is intended to establish tailored and reasonable regulations to promote proper and responsible management and operation of the various types of smoking lounge establishments, prevent potential adverse public safety, security, and welfare impacts that have been experienced in the City relating to the operation of the various types of smoking lounge establishments, and generally protect the public health, safety and welfare.

Section. 8-42. – Definitions.

The following words, terms and phrases, when used in this Article, shall have the following meanings:

(a) "Cigar" means any roll of tobacco wrapped in leaf tobacco or in any substance containing tobacco. Cigar does not include a cigarette.

(b) "Cigarette" means a roll for smoking made wholly or in part of tobacco, irrespective of size or shape and irrespective of the tobacco being flavored, adulterated, or mixed with any other ingredient, which roll has a wrapper or cover made of paper or any other material. Cigarette does not include cigars.

(c) "Cigar bar" shall mean an establishment or area within an establishment that is open to the public and is designated for the smoking of cigars, purchased on the premises or elsewhere.

(d) "Hookah" means a device, including a waterpipe, used for smoking hookah tobacco that consists of a tube connected to a chamber where the smoke is cooled passing through water.

(e) "Hookah smoking lounge" shall mean a smoking lounge that provides or allows use of hookahs in a designated area within or throughout the establishment.

(f) "Hookah tobacco" means tobacco that is designed, manufactured, or otherwise intended for consumption by smoking in a hookah and that is flavored with honey, molasses, fruit, or other natural or artificial flavors. Hookah tobacco includes those

products commonly known or referred to as narghile, argileh, shisha, hubble-bubble, molasses tobacco, waterpipe tobacco, maassel, or goza.

(g) "Noncigarette smoking tobacco" means tobacco sold in loose or bulk form that is intended for consumption by smoking and also includes roll-your-own cigarette tobacco, hookah tobacco, pipe tobacco, or a wrap.

(h) "Non-tobacco products" shall include any product or substance that is not a tobacco product but may be consumed by smoking, including, but not limited to, e-cigarettes, bidis, kreteks, clover cigarettes, herbal cigarettes, electronic and herbal hookah, steam stones, and smoking gels.

(i) "Smoking lounge" shall mean an establishment which allows use of tobacco products, non-tobacco products, or other similar legal substances on its premises, including, but not limited to, cigar bars and lounges, hookah smoking lounges, tobacco bars and lounges, tobacco clubs, and similar types of establishments.

(j) "Smokeless tobacco" means snuff, snus, chewing tobacco, moist snuff, and any other tobacco that is intended to be used or consumed, whether heated, chewed, absorbed, dissolved, inhaled, snorted, sniffed, or ingested, by any means other than smoking or combustion.

(k) "State of Michigan Exemption Certificate" shall mean the exemption certificate required under Part 126 of the Michigan Public Health Code (MCL 333.12601, *et seq.*), being Public Act 368 of 1978, as amended from time to time.

(l) "Tobacco bar" shall mean an establishment or area within an establishment that is open to the public and is designated for the smoking of tobacco products, purchased on the premises or elsewhere.

(m) "Tobacco product" shall mean a product containing any amount of tobacco regardless of form including, but not limited to, cigarettes, cigars, noncigarette smoking tobacco, or smokeless tobacco.

DIVISION 2 – LICENSE.

Section 8–45 – License required.

A person shall not operate a smoking lounge in the City without a valid and effective smoking lounge license and any applicable special permits issued pursuant to the provisions of this Chapter.

Section 8-46 – Chapter 8 applicability.

Smoking lounges shall be subject to the provisions of this Article and Article I of this Chapter.

Section 8-47 – License application.

To apply for a smoking lounge license, the owner(s) of the proposed smoking lounge shall submit to the City Clerk a fully completed application on a form that is prepared and furnished by the City Clerk. The application shall include at least the following information:

(a) The full legal name, telephone number, and current address of all owner(s) of the proposed smoking lounge, who, together, shall be referred to in this Article as the "applicant," and:

- (1) If the applicant involves a partnership, the name and address of each person who is a partner shall be listed, and a copy of any partnership agreement shall be included as part of the application.
- (2) If the applicant involves a privately held corporation, the name and address of each corporate officer, member of board of directors and stockholder shall be listed, and a copy of the articles of incorporation shall be included as part of the application.
- (3) If the applicant involves a publicly held corporation, the name and address of each corporate officer, member of the board of directors and each stockholder who owns ten percent (10%) or more of the corporate stock shall be listed on the application.
- (4) If the applicant involves a limited liability company, the name and address of each person who is a member, manager and assignee of a membership interest shall be listed, and the articles of organization shall be included as part of the application.

(b) If the name of the smoking lounge is or will be different than the name of the applicant, then the smoking lounge business name must be registered with the State of Michigan as the applicant "doing-business-as" that business at the location proposed to be licensed, and the applicant must provide the City with a copy of all such DBA registration paperwork filed with the state and the doing business as name, address, and telephone number. Any license issued under this Article will be in the name of the applicant followed by applicant's doing-business-as name, if any.

(c) The address and phone number of the location at which the smoking lounge is proposed to be licensed to operate in the City.

(d) A written statement as to the applicant's experience in operating a smoking lounge or a similar business.

(e) The legal name and any aliases; home address; telephone numbers; date of birth; and driver's license number of all persons who will serve as a manager or agent or who will operate the proposed licensed premises, and the experience of each such person in operating a smoking lounge or a similar business.

(f) A concise statement as to the prior and current employment of each individual identified on the application pursuant to subsections (a) through (e) above.

(g) With respect to each individual identified on the application pursuant to subsections (a) through (e) above, a statement identifying and describing each and every charge and conviction or finding of responsibility of each such individual for a violation of any federal, state, or local law involving moral turpitude, dishonesty, fraud, violence, criminal sexual conduct, controlled substances, the sale, distribution, or furnishing of tobacco, or the sale, distribution, or furnishing of alcoholic liquors.

(h) A security plan for maintaining the premises as a safe and secure environment for patrons and employees and to ensure that the smoking lounge, including interior and external areas, is maintained and operated, at all times, in such a manner as not to result in breaches of the peace or a menace to the health, safety, or welfare of the public.

(i) A valid and effective State of Michigan Exemption Certificate and any other state or county permits, if required to operate the smoking lounge at the proposed licensed premises. The State of Michigan Exemption Certificate and all other state and county permits must be issued to and in the name of the applicant for the smoking lounge business to be licensed or its doing-business-as name.

(j) A complete copy of a fully executed deed, lease, or rental agreement, including any amendments, addendums, exhibits and other materials attached thereto, providing the applicant the exclusive right of use, occupancy, and possession of the proposed licensed premises as a smoking lounge, including use as a hookah lounge and for dancing and/or live entertainment if applicable.

(k) A fully executed indemnification agreement in a form approved by the City Attorney, in which the applicant agrees to indemnify and hold harmless the City and its officers, employees, agents, and representatives from any and all damages, injuries,

adverse health impacts, liability, claims, actions, losses, demands and/or lawsuits, including attorney fees and costs, that arise out of the applicant's operation of the smoking lounge, including use as a hookah lounge and for dancing and/or live entertainment if applicable.

(l) Proof of insurance in the amounts and types of coverage established by resolution of City Council naming the City as an additional insured and evidencing that the applicant, as well as each person that will be employed by the applicant, is covered by such insurance policy for any and all damages, injuries, adverse health impacts, liability, claims, actions, losses, demands and/or lawsuits that arise out of the applicant's operation of the smoking lounge, including use as a hookah lounge and for dancing and live entertainment if applicable, and the actions and inactions of its employees.

(m) If the applicant is seeking a special permit to allow live entertainment and/or dancing at the proposed licensed premises, the application shall include a floor plan of the entire premises that is drawn to scale showing the following information: the proposed size and dimensions of the designated dance-entertainment area that will be utilized for the live entertainment and/or dancing, the floor area of which shall be no less than 100 square feet; (ii) the proposed location of the designated dance-entertainment area in relation to all walls, doors, windows, areas, rooms, seats, tables, chairs, and other furniture and installations within the premises; (iii) the materials that will be used to construct the designated dance-entertainment area; (iv) how the designated dance-entertainment area will be well defined and clearly marked; and (v) how the designated dance-entertainment area will comply with all other requirements of this Article.

(n) If the applicant is seeking a special hookah smoking lounge permit at the proposed licensed premises, the application shall include the following information: (i) a floor plan of the entire premises that is drawn to scale and identifies all areas that will be designated and utilized for the use of hookahs and the consumption of hookah tobacco, the location of all interior and exterior security video cameras and the recording equipment for such cameras, and the primary locations at which security personnel shall be posted during business hours; (ii) a written plan establishing that security cameras will be installed in locations and sufficient quantity to ensure that all doors, interior areas (except restrooms), and exterior areas of the smoking lounge and the parking lot will be video-taped at all times the smoking lounge is open for business or occupied by personnel or others; (iii) a written plan stating the number of security personnel that will be on hand during and after business hours and committing that such security personnel will monitor and maintain security of all interior areas and at all ingress-egress points of the smoking lounge while the smoking lounge is open for business; and (iv) how the smoking lounge will comply with all other requirements of this Article.

(o) The proposed hours of operation.

(p) Payment of the correct license fee and any special permit fees to the City in the amounts established by resolution of the City Council.

(q) Any other information reasonably determined by the City Clerk to be pertinent to the applicant and the operation of the proposed licensed business.

In the event of a change in any of the data or information required or furnished to the City under this section after a smoking lounge license has been issued, the holder of the license shall notify the city clerk of each such change within ten (10) days after such change occurs.

Section 8-48 – Investigation and approval.

Upon receipt of a completed application, the City Clerk shall, at a minimum, forward the application materials to the Police Department, Fire Department, Building Division, and Planning and Community Development Department for review, investigation, and certification. During business hours or at another mutually agreeable time, the applicant shall allow representatives of these departments and division onto the property and into the proposed licensed premises as part of their investigation, review, and certification. If, after review, all City departments and divisions certify and recommend approval of the application and unless the Clerk finds that one or more of the reasons for denial under Section 8-49 applies, the City Clerk shall approve and issue a smoking lounge license to the applicant, including a special dance-entertainment permit and special hookah smoking lounge permit if applied for.

Section 8-49 – Basis for denial.

An application for a smoking lounge license, and any special permits requested thereunder, may be denied upon a non-certification or recommendation for denial by any of the departments or divisions to which the application was submitted for review or for one or more of the following reasons:

(a) An applicant has previously had a license to operate a smoking lounge revoked for cause in any other community or under this Chapter.

(b) An applicant has had an exemption certificate suspended or revoked by the State of Michigan.

(c) If any of the individuals required to be identified on the application have been convicted or found responsible for a violation of any federal, state, or local law involving moral turpitude, dishonesty, fraud, violence, criminal sexual conduct, controlled

substances, the sale, distribution, or furnishing of tobacco, or the sale, distribution, or furnishing of alcoholic liquors.

(d) If an applicant does not own, lease, or have some other exclusive right of possession of the proposed licensed premises.

(e) If there is an existing violation of any applicable building, electrical, mechanical, plumbing or fire prevention code, zoning regulation, or public health code on or with respect to the proposed licensed premises.

(f) The applicant does not possess a valid and effective State of Michigan Exemption Certificate and any other state or county permits, if required to operate the smoking lounge at the proposed licensed premises.

(g) Any false, incomplete, or inaccurate statement on or in the application submitted to the City under this Article.

(h) If, within a twelve-month period preceding the date of the application, a smoking lounge was operated at the same location and a patron, owner, or employee of the former smoking lounge business were involved in any incidents, within the interior or exterior areas or parking lot of the former smoking lounge, relating to or involving illegal drugs, the illegal possession or use of drugs, the illegal possession or use of alcohol, the illegal use or possession of tobacco by a minor, the illegal possession or discharge of a firearm, an assault or battery, or any felony criminal activity, in the event there is a continuing concern for the public health, safety and welfare in connection with issuance or renewal of the license.

Section 8-50 – State and county permits.

Approval of the issuance or transfer of a State of Michigan Exemption Certificate or other state or county permit shall not abrogate the requirement to apply for and obtain a smoking lounge license pursuant to this Chapter.

Section 8-51 – Expiration and renewal of licenses and special permits.

Every license and special permit issued pursuant to this article will terminate December thirty-first of each year unless sooner suspended or revoked. A smoking lounge license and special permit can be renewed in accordance with Article I of this Chapter, provided a completed renewal application is submitted and all renewal fees in the amounts established by resolution of the City Council are paid to the City at least thirty days prior to expiration of a license. The city may, but is in no way obligated to, consider a renewal

application submitted late, if the city clerk determines in her or his discretion that exceptional circumstances exist.

DIVISION 3 – OPERATION.

Section 8–60 – Hours of operation.

A smoking lounge shall not be open to the public after 11:00 p.m. and before 8:00 a.m. on any day. No one other than the owners and current employees of the smoking lounge shall be on the premises of a smoking lounge after 11:00 p.m. and before 8:00 a.m. on any day. Each manager and employee of a smoking lounge shall carry proof of employment, such as an identification badge, at all times while working at the smoking lounge. A manager and employees of a smoking lounge, while on the smoking lounge premises, shall provide proof of employment when requested to do so by a member of the police department or fire department.

Section 8–61 – Manager.

At least one manager, who must be an individual identified on the license application submitted under this Article, shall be on the premises of a smoking lounge at all times that the licensed premises is open to the public. It shall be unlawful for any person not identified on the smoking lounge license application to work as a manager of a smoking lounge business, unless the proposed manager or operator has submitted a registration form with the individual's legal name and any aliases; home address; telephone numbers; date of birth; and driver's license number; and, is determined qualified to serve as a manager by the city clerk, using the criteria, as set forth in this article. All managers must be over the age of twenty-one (21) years old. The licensee shall be responsible for notifying the city of any proposed change in management and ensuring that the proposed new manager has obtained the required approval before working or serving as a manager of the licensed establishment.

Section 8–62 – Age restrictions.

No person under the age of eighteen (18) years old shall be allowed in a smoking lounge at any time. The manager and/or employees shall ensure that identifications of individuals on the premises have been checked to determine that every individual is over the age of eighteen (18) years of age or older before entry into the premises. The manager and/or employees shall secure exit doors to ensure that no one has or is attempting to gain secret entry into the premises.

Section 8-63 – Standards of conduct & special permits.

A smoking lounge licensed under this Article and the licensee, including its owners, operators, managers, agents, and employees, shall comply with and shall be responsible for ensuring that patrons, owners, and employees comply with this City Code, applicable state laws, and all of the following, at all times:

(a) The consumption of alcoholic beverages and use of marijuana products, of any kind, shall not be allowed.

(b) The unlawful possession, use, or delivery of any controlled substance shall not be allowed.

(c) Persons visibly under the influence of, or intoxicated from, the use of any substance under (a) or (b) of this section shall not be permitted to remain or loiter on the premises.

(d) There shall be no live entertainment or dancing, unless a special dance-entertainment permit has been applied for and approved as part of a smoking lounge license pursuant to this Article. If a special dance-entertainment permit has been issued, then any live entertainment and dancing on the licensed premises shall comply with this Article.

(e) There shall be no use of hookahs or consumption of hookah tobacco, unless a special hookah lounge permit has been applied for and approved as part of a smoking lounge license pursuant to this Article. If a special hookah lounge permit has been issued, then any use of hookahs or consumption of hookah tobacco on the licensed premises shall comply with this Article.

(f) There shall be no gambling.

(g) Patrons shall not loiter in the parking lot and immediately leave the parking area upon exiting the licensed premises.

(h) Patrons shall immediately exit the premises upon the close of business.

(i) The licensee shall, at all times, maintain the premises as a safe and secure environment for patrons and employees and shall ensure that the smoking lounge, including interior and external areas, is maintained and operated, at all times, in such a manner as not to result in breaches of the peace or a menace to the health, safety, or welfare of the public.

Section 8-64 – Dancing & Live Entertainment.

A licensee who is the holder of a dance-entertainment permit shall not allow dancing or live entertainment on the licensed premises, except in the designated dance-entertainment area that is the size, dimensions, and location indicated in the licensee's approved application. The designated dance-entertainment area shall be flush with the floor (not on a raised platform of any kind), shall be well defined and clearly marked, and shall be located at least eight feet away from any tables, chairs, and other obstacles while customers are dancing or the live entertainment is occurring.

Section 8-65 – Hookah Lounge.

A licensee who is the holder of a special hookah lounge permit shall not allow the use of hookahs or the consumption of hookah tobacco on the licensed premises, unless:

- (a) the use of hookahs and the consumption of hookah tobacco is restricted to and only occurs the areas of the smoking lounge that have been designated for such use and consumption on the plans submitted with the license application under subsection 8-47(m) of this Article;
- (b) all interior and exterior security video cameras and the recording equipment for such cameras have been installed and are maintained in working order in the locations designated on the plan submitted with the license application under subsection 8-47(m) of this Code, and all such security cameras are video recording all doors, interior areas (except restrooms), and exterior areas of the smoking lounge and the parking lot, at all times the smoking lounge is open for business or occupied by personnel or others;
- (a) all video recordings from the cameras installed on the interior and exterior of the premises are maintained on the premises in an uninterrupted, undamaged, and unaltered condition for a period of at least 30 days after the date of recording, and all recordings and recording equipment are made available to the City upon request for inspection and verification of compliance with the requirements of this subsection and subsection 8-64(b) above;
- (b) the locations and number of security personnel on hand during and after business hours are at all times in accordance with the plans submitted with the license application under subsection 8-47(m) of this Article, and such security personnel monitor and maintain security of all interior areas and at all ingress-egress points of the smoking lounge while the smoking lounge is open for business; and
- (c) the smoking lounge complies with all requirements of this Article.

Section 8-66 – Temporary Closures.

In the event of a police response to an incident at the location of a smoking lounge, which the chief of police determines to involve a continuing or likely imminent threat to the public peace or the safety and welfare of the employees and patrons of the smoking lounge, the owner, manager, and all agents and employees of the smoking lounge shall comply with a request of the police chief to temporarily close the business for the period of time the police chief deems necessary to eradicate the threat, but not to exceed seventy-two hours. This section does not apply to, supersede, or abrogate police or city authority under any other law to order the business closed.

Section 2 of Ordinance. Grace Period for Existing Smoking Lounges.

The City Clerk shall provide notice of the adoption of this ordinance to any holders of a smoking lounge license issued prior to the effective date of this ordinance and to any applicants for a smoking lounge license whose applications are pending on the effective date of this ordinance. For a period of sixty days after the date of the Clerk's above notice, the requirement for a special hookah lounge permit under this ordinance shall not apply to a holder of a smoking lounge license that was issued prior to the effective date of this ordinance, provided such license holder shall submit to the City Clerk a supplement to its prior application that requests and provides all information and fees required under section 8-47 for a special hookah lounge permit within a period of thirty days after the Clerk's notice. Additionally, an applicant for a smoking lounge license, whose application is pending on the effective date of this ordinance and who seeks to allow the use of hookahs in the establishment, shall be provided a period of thirty days from the date of the City Clerk's notice to submit to the Clerk a supplement to its pending application that requests and provides all information and fees required under section 8-47 for a special hookah lounge permit.

Section 3 of Ordinance. Repealer.

All ordinances, parts of ordinances, or sections of the City Code in conflict with this ordinance are repealed only to the extent necessary to give this ordinance full force and effect, and the Farmington Hills Ordinance Code shall remain in full force and effect, amended only as specified above.

Section 4 of Ordinance. Savings.

The amendments of the Farmington Hills Code of Ordinances set forth in this Ordinance do not affect or impair any act done, offense committed, or right accruing, accrued, or acquired or liability, penalty, forfeiture or punishment, pending or incurred prior to the amendment of the Farmington Hills Code of Ordinances set forth in this Ordinance.

Section 5 of Ordinance. Severability.

If any section, clause or provision of this Ordinance shall be declared to be unconstitutional, void, illegal or ineffective by any Court of competent jurisdiction, the validity of the Ordinance as a whole, or in part, shall not be affected other than the part invalidated, and such section, clause or provision declared to be unconstitutional, void or illegal shall thereby cease to be a part of this Ordinance, but the remainder of this Ordinance shall stand and be in full force and effect.

Section 6 of Ordinance. Effective Date.

The provisions of this ordinance are ordered to take effect twenty-one (21) days after enactment.

Section 7 of Ordinance. Date and Publication.

This ordinance is declared to have been enacted by the City Council of the City of Farmington Hills at a meeting called and held on the 23rd day of May, 2022, and ordered to be given publication in the manner prescribed by law.

Ayes: Barnett, Boleware, Bridges, Bruce, Knol, Massey and Newlin
Nays: None
Abstentions: None
Absent: None

STATE OF MICHIGAN)
) ss.
COUNTY OF OAKLAND)

I, the undersigned, the qualified and acting City Clerk of the City of Farmington Hills, Oakland County, Michigan, do certify that the foregoing is a true and complete copy of the Ordinance adopted by the City Council of the City of Farmington Hills at a meeting held of the 23rd day of May, 2022, the original of which is on file in my office.



PAMELA B. SMITH, City Clerk
City of Farmington Hills

Introduced: May 9, 2022
Enacted: May 23, 2022
Effective: June 13, 2022
Published: June 2, 2022

SUMMARY
ORDINANCE NO. C-3-2022
CITY OF FARMINGTON HILLS
OAKLAND COUNTY, MICHIGAN

NOTICE OF AN ORDINANCE TO AMEND THE FARMINGTON HILLS CODE OF ORDINANCES AT CHAPTER 8, "BUSINESS LICENSING" ARTICLE II, "SMOKING LOUNGES," TO ESTABLISH A SPECIAL PERMIT FOR HOOKAH SMOKING AREAS IN SMOKING LOUNGES AND TO AMEND PROVISIONS RELATING TO THE PURPOSE AND INTENT OF THE ORDINANCE, DEFINITIONS, APPLICATIONS FOR LICENSES, BASIS FOR APPROVAL AND DENIAL OF LICENSES AND SPECIAL PERMITS, STANDARDS OF CONDUCT, HOURS OF OPERATION, AND TEMPORARY CLOSURES IN THE INTEREST OF THE PUBLIC HEALTH, SAFETY, AND WELFARE.

A full copy of the Ordinance is on file in the Clerk's Office for public review between the hours of 8:30am and 4:30pm Monday through Friday.

Section 1, Ordinance Amendment

Section 2, Grace Period

Section 3, Repealer

Section 4, Savings

Section 5, Severability

Section 6, Effective Date

The provisions of this Ordinance are ordered to take effect twenty-one (21) days after enactment.

Section 7, Date and Publication

PAMELA B. SMITH, City Clerk

Publish: Farmington Observer 6/2/2022