

**Charter Township of Canton
Board Proceedings – May 22, 2018**

A regular meeting of the Board of Trustees of the Charter Township of Canton was held Tuesday, May 22, 2018 at 1150 Canton Center S., Canton, Michigan. Supervisor Williams called the meeting to order at 7:00 p.m. and led the Pledge of Allegiance to the Flag.

Roll Call

Members Present: Anthony, Foster, Graham-Hudak, Siegrist, Slavens, Sneiderman, Williams
 Members Absent: None
 Staff Present: Director Hohenberger, Director Faas, Director Trumbull,
 Deputy Director LaFever
 Staff Absent: Director Meier

Adoption of Agenda

Motion by Anthony, supported by Foster to approve the agenda as presented. Motion carried unanimously.

Approval of Minutes

Motion by Siegrist, supported by Slavens to approve the Board Meeting Minutes of May 8, 2018 as presented. Motion carried unanimously.

Citizen’s Non-Agenda Item Comments:

George Miller, 1946 Briarfield, commented about potholes in Canton, paving bonds in Canton, disaster shelters available to residents, and police reports for damage caused by road hazards.

Payment of the Bills:

Motion by Slavens, supported by Sneiderman to approve payment of the bills as presented. Motion carried unanimously.

May 22, 2018		
101	GENERAL FUND	733,682.29
206	FIRE FUND	349,487.63
207	POLICE FUND	581,557.89
208	SUMMIT OPERATING (General)	50,871.34
230	CABLE TV FUND	10,213.11
246	TWP (COMMUNITY) IMPROVEMENT	2,576.05
248	DDA - CANTON TWP ACCT	21,188.31
261	E-911 UTILITY	4,936.00
274	CDBG	26,741.79
555	Solid Waste	9,310.19
584	GOLF FUND	107,473.88
592	WATER & SEWER FUND	1,882,354.23
661	FLEET	42,377.06
701	TRUST & AGENCY FUND	3,867.50
702	CONSTRUCTION ESCROW	27,045.25

736	POST EMPLOYMENT BENEFITS	190,053.34
TOTAL - ALL FUNDS		4,043,735.86

CONSENT CALENDAR:

Item C-1. Consider Second Reading of an Ordinance to Amend Chapter 30 of the Canton Code of Ordinances. (PSD)

Motion by Siegrist, supported by Slavens to remove from the table, hold the Second Reading and adopt an amendment to Canton Township Code of Ordinances, which amends Chapter 30 of Canton Code of Ordinances, to be published and become effective on May 31st, 2018.

The Board is being asked to consider amending the Township’s false alarm ordinance, which imposes a fine on repeated public safety runs to respond to security alarms that turn out to have not been an actual emergency.

**STATE OF MICHIGAN
COUNTY OF WAYNE
CHARTER TOWNSHIP OF CANTON**

CHAPTER 30

AN ORDINANCE TO AMEND CHAPTER 30, ARTICLE II, OF THE CANTON CODE OF ORDINANCES ENTITLED “FALSE ALARM” TO REVISE SECTIONS 30-35 AND 30-37 TO BRING IT INTO COMPLIANCE WITH THE CURRENT STATE LAW.

THE CHARTER TOWNSHIP OF CANTON ORDAINS:

SECTION 1. AMENDMENT TO CODE:

Chapter 30, Article II of the Charter Township of Canton Code of Ordinances, Sec 30-35 and Sec 30-37, entitled “False Alarm” are hereby amended to read as follows:

Sec. 30-35. - False alarm fees established.

In order to defray the expense incurred by the township in responding to false alarms, an alarm user who owns or maintains an alarm system which has transmitted a false alarm which has resulted in a response by the public safety department shall pay to the township a fee as established by this section. The fee shall be based on the number of occurrences within a calendar year.

First occurrence	No charge
Second occurrence	No charge
Third occurrence	\$100.00

Fourth occurrence	\$200.00
Subsequent responses	\$300.00

* * *

Sec. 30-37. - Collection of false alarm fees.

False alarm fees imposed under this article shall be paid within 30 days of an invoice sent to the address to which public safety personnel were sent in response to the false alarm. In the event the fees are not paid by the next September 1st, the unpaid fee(s) shall be considered a lien on the property and shall be collected as delinquent ad valorem real property taxes.

SECTION 2. SEVERABILITY

If any clause, sentence, section, paragraph or part of this Ordinance, of thereof to any person, firm, corporation, legal entity or circumstances, shall be for any reason adjudged by a court of competent jurisdiction to be unconstitutional or invalid, said judgment shall not affect, impair or invalidate the remainder of this Ordinance. It is hereby declared to be the legislative intent of this body that the Ordinance is severable, and that the Ordinance would have been adopted had such invalid or unconstitutional provisions not have been included in this Ordinance.

SECTION 3. REPEAL OF CONFLITING ORDINANCES

All Ordinance or parts of Ordinance in conflict herewith is hereby repealed only by to the extent necessary to give this Ordinance full force and effect.

SECTION 4. SAVINGS CLAUSE

All rights and duties which have been matured penalties which have been incurred, proceedings which have begun and prosecution for violations of law occurring before the effective date of this Ordinance are not affected or abated by this Ordinance.

SECTION 5. PUBLICATION

The Clerk for the Charter Township of Canton shall cause this Ordinance to be published in the manner required by law.

SECTION 6. EFFECTIVE DATE

This Ordinance, as amended, shall take effect upon publication.

CERTIFICATION

The foregoing Ordinance was duly adopted by the Township Board of Trustees of the Charter Township of Canton at its regular meeting called and held on 22nd day of May, 2018, and was ordered to be given publication in the manner required by law.

Michael Siegrist, Clerk

Introduced: May 8, 2018
 May 22, 2018

Adopted: May 22, 2018
Published: May 31, 2018
Effective: May 31, 2018

A copy of the complete text of this Ordinance is available at the Clerk's Office of the Charter Township of Canton, 1150 S. Canton Center Road, Canton, MI., 48188, during regular business hours. The approved text of the Amendment will be published in the Canton Eagle/Associated Newspaper within the meeting minute's synopsis of the date of approval. A complete copy of the Ordinances for Canton Township is available at www.canton-mi.org.

Item C-2. Consider Second Reading of an Ordinance to Amend Chapter 38, of the Canton Code of Ordinances, entitled “Fire Prevention and Protection” to adopt the 2015 International Fire Code version. (PSD)

Motion by Siegrist, supported by Slavens to remove from the table, hold the Second Reading and adopt an amendment to Chapter 38 of Canton Code of Ordinances, to be published and become effective on May 31st, 2018. Motion carried unanimously.

The Board is being asked to consider an amendment to the Township Code of Ordinances to adopt the most recent version (2015) of the International Fire Code.

**STATE OF MICHIGAN
COUNTY OF WAYNE
CHARTER TOWNSHIP OF CANTON**

CHAPTER 38

AN ORDINANCE TO AMEND CHAPTER 38 OF THE CODE OF ORDINANCES OF THE CHARTER TOWNSHIP OF CANTON TO ADOPT THE 2015 VERSION OF THE INTERNATIONAL FIRE CODE

THE CHARTER TOWNSHIP OF CANTON ORDAINS:

Section 1. Amendment to Code.

Chapter 38, entitled “Fire Prevention and Protection” is hereby amended to read as follows:

ARTICLE I. – IN GENERAL

Sec. 38-1. Scope, purpose and intent.

The Canton Fire Department exists to serve the residents, businesses and visitors of Canton Township by providing professional all-hazards incident response including emergency medical services, fire prevention, public education and code enforcement.

Sec 38-2. Interference/misrepresentation.

No person shall interfere with or prevent a member of the Canton Township Fire Department from executing appropriate responsibilities regarding an officially dispatched emergency and/or duty appointed responsibilities of their assigned position. No person shall represent themselves or otherwise claim to be a member of the department unless duly designated by Canton Township.

Sec 38-3. Soliciting donations.

Fund-raising activities on the behalf of the Canton Township Fire Department shall not be conducted in the name of the township without the express permission of the board of trustees.

Sec. 38-4. Site plan examinations.

- a) The fire marshal or duly approved fire inspector shall conduct an examination of all site plans for all proposed new construction within the jurisdiction.
- b) A written report shall be submitted within excepted policy of jurisdiction to the planning commission, clearly indicating compliance or noncompliance, to fire code requirements, of all proposed new construction that requires site plan review.

Sec. 38-5. Construction plan examination.

- a) The fire marshal or duly approved fire inspector shall conduct construction plan examinations relative to all proposed new construction, excepting one-and two-family detached dwelling units.
- b) A written report shall be submitted within ten (10) working days to the building department prior to the building permit issuance, indicating all fire code violations or fire code compliance.
- c) The examination report shall include the review of all pertinent portions of the fire code in relation to the proposed construction.

Sec. 38-6. Fees for inspection and permits.

A schedule of fees may be established to defray the expense of administration and enforcement of this article by resolution of the township board. The township board may, from time to time, modify the fee schedule.

Sec. 38-7. Fire Safety inspection.

The fire marshal or the duly approved fire inspector shall physically inspect all buildings within the jurisdiction of Canton Township with the exception of detached one-and two-family detached dwelling units, their buildings and structures accessory thereof.

ARTICLE II - FIRE PREVENTION CODE

Sec. 38-31. Adoption of the International Fire Code.

The International Fire Code, 2015 Edition, including Appendix Chapters B, D, E, F, I, J and K, as promulgated and published by the International Code Council is hereby adopted by reference as an Ordinance of the Charter Township of Canton, regulating and governing the safeguarding of life and property from fire and explosion hazards arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the occupancy of buildings and premises as herein provided; and providing for the issuance of permits and collection of fees therefore. Each and all of the regulations, provisions, penalties, conditions and terms of said Fire Code on file in the Office of the Canton Township Clerk are hereby referred to, adopted and made a part hereof, as if fully set out in this article and Code, with the additions, insertions, amendments, deletions and limitations, if any, prescribed in the remaining sections of this Article.

Sec. 38-32. Additions, insertions and changes.

The following sections of the adopted International Fire Code, referenced edition, are hereby revised as follows:

Section 101.1 These regulations shall be known as the Fire Prevention Code of the Charter Township of Canton and are hereinafter referred as “this code.”

Section 104.7.3 Certificate of Occupancy. Every building or tenant space shall have their certificate of occupancy posted in a conspicuous place, near the main exit or exit access doorway from the building or tenant space.

Section 105.6.47 Certificate of Fitness.

Canton Township shall have the authority to require certificate of fitness and collect fees for individuals performing inspections and or maintenance within the jurisdiction of Canton Township such as the following.

- 1) Inspection, servicing or recharging of portable fire extinguishers.
- 2) Inspection, servicing or recharging of fixed fire extinguishing systems.
- 3) Inspection, servicing of fire alarm or fire communication systems.
- 4) Inspection or servicing of range hood systems.

105.6.47.2 All applicants for certificate of fitness shall be filed with Canton Township Fire Prevention Office.

105.6.47.3 Every individual applying for certificate of fitness shall furnish evidence to Canton Township Fire Prevention of familiarity with the codes and standards for which the certificate of fitness is issued.

105.6.47.4 Certificate of fitness shall not be transferable.

105.6.47.5 Certificates of fitness shall be issued for a period not to exceed 3 years.

105.6.47.6 Applications for the renewal of the certificate of fitness shall be filed in the same manner as an application for an original certificate.

105.6.47.7 Each individual holding a certificate of fitness shall notify Canton Township Fire Prevention in writing of any changes of the approved certificate of fitness within 10 days after such change.

105.6.47.8 Any individual to whom a certificate of fitness has been granted shall, upon request, produce and show proper identification and the certificate of fitness to anyone for whom that individual seeks to render services or to Canton Township inspectors.

105.6.47.9 Canton Township Fire Prevention shall be permitted to revoke or suspend a certificate of fitness issued if any violation of the code is found upon inspection or where any false statements or misrepresentations are submitted in the application on which the approval was based.

105.6.47.10 Failure on the part of an individual to give such notification to changes of the approved certificate of fitness required by 105.6.47.7 shall constitute grounds for revocation of the certificate of fitness.

Section 108.1 Board of appeals established.

In order to hear and decide appeals of orders, decisions or determinations made by the fire code official relative to the application and interpretation of this code, there shall be and is hereby created a board of appeals. The board of appeals shall be recommended for appointment by the Fire Marshal, Deputy Fire Chief or Deputy Director of Fire and shall hold office at the pleasure of the Director of Public Safety. The fire code official shall be an ex officio member of said board but shall have no vote on any matter before the board. The board shall adopt rules of procedure for conducting its business, and shall render all decisions and findings in writing to the appellant with a duplicate copy to the fire code official.

Section 108.4 Board of appeals members. The board of appeals shall consist of the following:

- 1) One (1) Building Official from an outside jurisdiction with a minimum of 3 years' experience.
- 2) One (1) Fire Professional from an outside jurisdiction with a minimum of 10 years' experience.
- 3) One (1) certified building inspector from an outside jurisdiction with minimum of 3 years' experience.

- 4) One (1) Commercial Design Professional with a minimum of five (5) years' experience.
- 5) One general industry or business representative with a minimum of seven (7) years' experience.

No member of the appeals board shall have a conflict of interest with the issue being addressed.

Section 109.5 Prohibited parking; exception; bus-loading zone; violation as civil infraction. (1) A vehicle shall not be parked, except in compliance with the law or the directions of a police officer, fire official/personnel or traffic-control device, in any of the following places:

- 1) Within 26 feet of a fire hydrant.
- 2) Within 50 feet of the driveway entrance to a fire station and within 75 feet of a fire station entrance on opposite side of street if properly marked by an official sign.
- 3) Alongside or opposite a street excavation or obstruction, if the stopping, standing, or parking would obstruct traffic.
- 4) Within 500 feet of an accident at which police officer, fire official/personnel is in attendance.
- 5) In a place or in a manner that blocks immediate egress from an emergency exit conspicuously marked as an emergency exit of a building.
- 6) In a place or in a manner that blocks or hampers the immediate egress from a fire escape conspicuously marked as a fire escape providing an emergency means of egress from a building.
- 7) Within 500 feet of a fire at which fire apparatus is in attendance. However, fire fighters responding to the fire may park within 500 feet of the fire in a manner not to interfere with fire apparatus at the scene. A vehicle parked legally previous to the fire is exempt from this subdivision.
- 8) In a place or in a manner that blocks access to a space clearly designated as a fire lane.
- 9) A person shall not move a vehicle not owned by said person into a prohibited area that makes the parking unlawful.

Section 202 General Definitions. The following definitions shall be in addition to the definitions noted in the International Fire Code referenced edition.

“Code Official” The Deputy Director of Fire, Fire Marshal, Fire Inspector, Code Enforcement Officer, or other designated authority charged by the applicable governing body with the duties of administration and enforcement of the code, or duly authorized representative. The term “fire official” may be used interchangeably with “code official” in this code.

“Fire Watch” A temporary measure intended to ensure continuous and systematic surveillance of a building or portion thereof by one or more qualified individuals for the purposes of identifying and controlled fire hazards, detecting early signs of unwanted fire, raising an alarm of fire and notifying the fire department by method(s) approved or recommended by the code official.

Section 307.3 Extinguishment authority. When any open burning, bonfire, recreational fire or portable outdoor fireplace creates or adds to a hazardous situation, or a required permit for the open burning or bonfire has not been obtained, or creates a nuisance, the fire code official is authorized to order the extinguishment of the open burning, bonfire, recreational fire or portable outdoor fireplace.

Section 307.6 Fire department training. Open burning is allowed for the purpose of training fire fighters in firefighting practice, or for the purpose of training the public, including workers or employees, or for the purpose of demonstration by the fire official or other trained fire personnel, when such burning is done in accordance with accepted practice.

Section 307.7 Banning open burning. The Deputy Director of Fire, Fire Marshal, or fire code official shall be authorized to issue a ban on all open burning if condition are to hazardous in the opinion of the fire code official to allow the open burning, open flame, etc.

Section 308.1.4 Open-flame cooking devices. Charcoal burners and other open-flame cooking devices shall not be stored or operated on combustible balconies or within 10 feet of combustible construction.

Exceptions:

- 1) One-and two-family dwellings.
- 2) Where buildings, balconies and decks are protected by an automatic sprinkler system.
- 3) LP-gas cooking devices having LP-gas container with a water capacity not greater than 2.5 lbs.

Section 308.1.9 Occupational needs. Open burning for warmth of workers or heating for occupational needs shall be confined to an approved noncombustible container or apparatus to prevent the fire from spreading.

Section 507.1.1 Public Water Supply. The fire official shall recommend to the chief administrative official of the municipality the location or relocation of new or existing fire hydrants and the placement or replacement of inadequate water mains located upon public property and deemed necessary to provide an adequate fire flow and distribution pattern. A fire hydrant shall not be placed into or removed from service until approved by the fire official.

Section 507.5.1 Where required. Where a portion of the facility or building hereafter constructed or moved into or within the jurisdiction is more than 400 feet from a hydrant on a fire apparatus access road, as measured by an approved route around the exterior of the facility or building, on-site fire hydrants and mains shall be provided where required by the fire code official.

Section 507.5.1.1 Location of Fire Hydrants. Fire Hydrants shall be situated immediately adjacent to, and in no event, a distance greater than 20' from a public road or fire apparatus access road.

Section 507.5.1.2 Hydrant for standpipe systems. Buildings equipped with a standpipe system installed in accordance with section 905 shall have a fire hydrant within 50 feet of the fire department connections and when the fire hydrant is in use the fire apparatus road shall not be obstructed.

Exception: The distance shall be permitted to exceed 50 feet where approved by the fire code official.

Section 507.5.4.1 Violation. If, upon the expiration of the time mentioned in a notice of violation, obstructions or encroachments are not removed, the fire official shall proceed to remove the same. Cost incurred in the performance of necessary work shall be paid from the municipal treasury on certificate of the fire official and with the approval of the chief administrative official and the legal authority of the municipality shall institute appropriate action for the recovery of such costs.

Section 901.8.2 Replacement of Fire Suppression Equipment. Whenever a fire appliance is removed as herein permitted, it shall be replaced or reinstalled as soon as the purpose for which it was removed has been accomplished. Defective and non-approved fire appliance or equipment shall be replaced or repaired as directed by the fire official.

Section 903.4.4 Tenant control valves. A sprinkler system sectional control valve shall be provided for each tenant space in multi-tenant occupancies, i.e., strip malls. Existing covered malls shall install a sectional control valve for each tenant space that undergoes a tenant alteration. The sectional control valve shall be electronically supervised and shall be visible from the floor level.

Section 912.2 Location. With respect to hydrants, driveways, buildings and landscaping, fire department connections shall be so located that fire apparatus and hose connected to supply the system will not obstruct access to the buildings for other fire apparatus. The location of fire department connections shall be within 50 feet of a hydrant and approved by the Canton Township Fire Department.

Section 3103.4 Permits. To obtain a permit, the applicant shall first file an application therefor in writing on a form furnished by the Canton Township Building Department.

Chapter 80 - Referenced Standards

This chapter shall also include the following:

State of Michigan Laws, Rules, or Requirements including but not necessarily limited to the following with amendments:

Michigan Fire Prevention Code 1941 PA 207

Michigan Explosives Law 1970 PA 202

Michigan Fireworks Law 1931 PA 328

Michigan Model Rocket Law 1965 PA 333

ARTICLE III. - AUTHORITY AT FIRES

Sec. 38-61. - Definition of Authorized Emergency Vehicle.

Authorized emergency vehicles shall be restricted to those which are defined and authorized under the laws of the State of Michigan.

Sec. 38-62. - Operations of Vehicles on Approach of Authorized Emergency Vehicles.

Upon the approach of any authorized emergency vehicle giving audible and visual signal, the operator of every other vehicle shall immediately drive the same to a position as near as possible and parallel to the right-hand edge or curb of the street or roadway, clear of any intersection, and shall stop and remain in such position until the authorized emergency vehicle or vehicles shall have passed, unless otherwise directed by the fire official or a police officer.

Sec. 38-63. - Vehicles Following Fire Apparatus.

It shall be unlawful for the operator of any vehicle other than one on official business to follow closer than 300 feet from any fire apparatus traveling in response to a fire alarm or to drive any vehicle within the block or immediate area where any fire apparatus has stopped in answer to a fire alarm.

Sec. 38-64. - Unlawful Boarding or Tampering with Fire Department Emergency.

A person shall not without proper authorization from the fire official in charge of said fire department emergency equipment cling to, attach himself to, climb upon or into, board or swing upon any fire department emergency vehicle, whether the same is in motion or at rest, or sound the siren, horn, bell or other sound-producing device thereon or to manipulate or tamper with or attempt to manipulate or tamper with any levers, valves, switches, starting devices, brakes, pumps or any equipment or protective clothing on, or a part of any fire department emergency vehicle.

Sec. 38-65. - Damage or Injury to Fire Department, Equipment, Personnel.

It shall be unlawful for any person to damage or deface any fire department emergency vehicle at any time or to injure or attempt to injure or conspire to injure fire department personnel while performing departmental duties.

SECTION 2. SEVERABILITY

If any clause, sentence, section, paragraph or part of this Ordinance, or the application of thereof to any person, firm, corporation, legal entity or circumstances, shall be for any reason adjudged by a court of competent jurisdiction to be unconstitutional or invalid, said judgment shall not affect, impair or invalidate the remainder of this Ordinance. It is hereby declared to the legislative intent of this body that the Ordinance is severable, and that the Ordinance would have been adopted had such invalid or unconstitutional provisions not have been included in this ordinance.

SECTION 3. REPEAL OF CONFLICTING ORDINANCES

All Ordinance or parts of Ordinance in conflict herewith is hereby repealed only to the extent necessary to give this Ordinance full force and effect.

SECTION 4. SAVINGS CLAUSE

All rights and duties which have matured penalties which have been incurred, proceedings which have begun and prosecution for violations of law occurring before the effective date of this Ordinance are not affected or abated by this Ordinance.

SECTION 5. PUBLICATION

The Clerk for the Charter Township of Canton shall cause this Ordinance to be published in the manner required by law.

SECTION 6. EFFECTIVE DATE

This Ordinance, as amended, shall be effective upon publication.

CERTIFICATION

The foregoing Ordinance was duly adopted by the Township Board of Trustees of the Charter Township of Canton at its regular meeting called and held on the 22nd day of May, 2018, and was ordered to be given publication in the manner required by law.

Michael Siegrist, Clerk

Introduced: May 8, 2018

Adopted: May 22, 2018

Published: May 31, 2018

Effective: May 31, 2018

A copy of the complete text of this Ordinance is available at the Clerk's Office of the Charter Township of Canton, 1150 S. Canton Center Road, Canton, MI., 48188, during regular business hours. The approved text of the Amendment will be published in the Canton Eagle/Associated Newspaper within the meeting minute's synopsis of the date of approval. A complete copy of the Ordinances for Canton Township is available at www.canton-mi.org.

Item C-3. Consider Second Reading of an Ordinance to Amend Chapter 46, Article VII, Division 1, of the Canton Code of Ordinances entitled "Offenses and Miscellaneous Provisions" to revise Section 46-505 and 46-506. (PSD)

Motion by Siegrist, supported by Slavens to remove from the table, hold the Second Reading and adopt and amendment to Canton Code of Ordinances, which amend Chapter 46 of Canton Code of Ordinances, to be published and become effective on May 31st, 2018. Motion carried unanimously.

The Board is being asked to consider an amendment to the Township’s ordinance prohibiting minors from possessing tobacco products to include e-cigarettes, vapor products, and alternative nicotine products. Currently, state law does not have a minimum age to purchase or possess vapor products as it does with tobacco-based products.

**STATE OF MICHIGAN
COUNTY OF WAYNE
CHARTER TOWNSHIP OF CANTON**

CHAPTER 46

**AN ORDINANCE TO AMEND CHAPTER 46,
ARTICLE VII, DIVISION 1, OF THE CANTON
CODE OF ORDINANCES ENTITLED
“OFFENSES AND MISCELLANEOUS
PROVISIONS” TO REVISE SECTION 46-505
AND 46-506.**

THE CHARTER TOWNSHIP OF CANTON ORDAINS:

SECTION 1. AMENDMENT TO CODE.

Chapter 46 of the Charter Township of Canton Code Ordinance, Article VII, entitled “**OFFENSES AND MISCELLANEOUS PROVISIONS,**” Division 1, entitled “**GENERALLY,**” Sections 46-505 and 46-506, are hereby amended to read as follows:

Sec. 46-505. - Sale of tobacco products, vapor products or alternative nicotine products to persons under 18 years of age.

(a) A person shall not sell, give or furnish any cigarette, cigar, chewing tobacco, tobacco snuff or tobacco in any form or vapor products or alternative nicotine products to a person under 18 years of age. A person who violates this section is guilty of a misdemeanor punishable by a fine of not more than \$50.00 for each offense.

(b) A person who sells tobacco products or vapor products or alternative nicotine products at retail shall post a sign as required by section 1 of Public Act No. 31 of 1915 (MCL 722.641), furnished by the state department of public health, that includes the following statement:

The purchase of tobacco products or vapor products or alternative nicotine products by a minor under 18 years of age and the provision of tobacco products or vapor products or alternative nicotine products to a minor are prohibited by law. A minor unlawfully purchasing or using tobacco products is subject to criminal penalties.

(c) It is an affirmative defense to a charge pursuant to subsection (b) of this section that the defendant had in force at the time of arrest and continues to have in force a written policy to prevent

the sale of cigarettes, cigars, chewing tobacco, tobacco snuff, and other tobacco products, vapor products or alternative nicotine products to persons under 18 years of age, and that the defendant enforced and continues to enforce the policy. A defendant which proposes to offer evidence of the affirmative defense described in this subsection shall file and serve notice of the defense, in writing, upon the court and the township attorney. The notice shall be served not less than 14 days before the date set for trial.

(d) A township attorney who proposes to offer testimony to rebut the affirmative defense described in subsection (c) of this section shall file and serve a notice of rebuttal, in writing, upon the court and the defendant. The notice shall be served not less than seven days before the date set for trial, and shall contain the name and address of each rebuttal witness.

Sec. 46-506. - Possession or use of tobacco, vapor products or alternative nicotine products.

(a) Definitions. As used in this section, the following definitions shall apply:

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

Vapor Product or Alternative Nicotine Products means a noncombustible product containing nicotine or not that employs a heating element, power source, electronic circuit, or other electronic, chemical, or mechanical means regardless of shape or size, that can be used to produce vapor from nicotine or not in a solution or other form. Vapor Product includes an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device and a vapor cartridge or other container of nicotine in a solution or other form than is intended to be used with or in an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device. Vapor Product does not include a product regulated as a drug or device by the United States Food and Drug Administration (“FDA”) under subchapter V of the Federal Food, Drug, and Cosmetic Act, 21 USC 351 to 360FFF-7.

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

(b) *Possession or use in public place prohibited.* A person under 18 years of age shall not possess or smoke cigarettes or cigars, or possess or chew, suck, or inhale chewing tobacco or tobacco snuff, or possess or use tobacco in any other form, or possess or smoke vapor product or alternative nicotine products on a public highway, street, alley, park, or other lands used for public purposes, or in a public place of business or amusement.

(c) *Penalty.* A person who violates subsection (b) of this section is guilty of a misdemeanor, punishable by a fine of not more than \$50.00 for each offense. Pursuant to a probation order, the court may require a person who violates subsection (b) of this section to participate in a health promotion and risk reduction assessment program, if available. A probationer who is ordered to participate in a health promotion and risk reduction assessment program under this section is responsible for the cost of participating in the program. In addition, a person who violates this section is subject to the following:

(1) For the first violation the court may order the person to do one of the following:

- a. Perform not more than 16 hours of community service in a hospice, nursing home or long term care facility.
- b. Participate in a health promotion and risk reduction program, as described in this subsection.

(2) For a second violation, in addition to participation in a health promotion risk reduction program, the court may order the person to perform not more than 32 hours of community service in a hospice, nursing home, or long term care facility.

(3) For a third or subsequent violation, in addition to participation in a health promotion and risk reduction program, the court may order the person to perform not more than 48 hours of community service in a hospice, nursing home or long term care facility.

SECTION 2. SEVERABILITY

If any clause, sentence, section, paragraph or part of this Ordinance, or the application of thereof to any person, firm, corporation, legal entity or circumstances, shall be for any reason adjudged by a court of competent jurisdiction to be unconstitutional or invalid, said judgment shall not affect, impair or invalidate the remainder of this Ordinance. It is hereby declared to the legislative intent of this body that the Ordinance is severable, and that the Ordinance would have been adopted had such invalid or unconstitutional provisions not have been included in this ordinance.

SECTION 3. REPEAL OF CONFLICTING ORDINANCES

All Ordinance or parts of Ordinance in conflict herewith is hereby repealed only to the extent necessary to give this Ordinance full force and effect.

SECTION 4. SAVINGS CLAUSE

All rights and duties which have matured penalties which have been incurred, proceedings which have begun and prosecution for violations of law occurring before the effective date of this Ordinance are not affected or abated by this Ordinance.

SECTION 5. PUBLICATION

The Clerk for the Charter Township of Canton shall cause this Ordinance to be published in the manner required by law.

SECTION 6. EFFECTIVE DATE

This Ordinance, as amended, shall be effective upon publication as required by law.

CERTIFICATION

The foregoing Ordinance was duly adopted by the Township Board of Trustees of the Charter Township of Canton at its regular meeting called and held on the 22nd day of May, 2018, and was ordered to be given publication in the manner required by law.

Michael A. Siegrist, Clerk

Introduced: May 8, 2018

Adopted: May 22, 2018

Published: May 31, 2018

Effective: May 31, 2018

A copy of the complete text of this Ordinance is available at the Clerk's Office of the Charter Township of Canton, 1150 S. Canton Center Road, Canton, MI., 48188, during regular business hours. The approved text of the Amendment will be published in the Canton Eagle/Associated Newspaper within the meeting minute's synopsis of the date of approval. A complete copy of the Ordinances for Canton Township is available at www.canton-mi.org.

GENERAL CALENDAR:

Item G-1. Consider Authorizing an Agreement with Nankin Transit as Provider of the Canton Mobility Transportation Program. (CLS)

Motion by Siegrist, supported by Slavens move to authorize a 3 year agreement with an auto renewal option to the Nankin Transit Commission. The amount of the contract with Nankin Transit Commission is not to exceed the annual amount of \$446,027 in year one, or an annual increase above 3% in year two (\$387,395) or year three (\$398,348) of the contract. Motion carried unanimously.

In February of 2018, Huron Valley Ambulance (HVA) notified Leisure Services that they would be activating the 180-day notice clause in their contract with Canton, thus ending the agreement on August 10, 2018, which provides transportation to Canton seniors and residents with disabilities. Once notified, Leisure Services began exploring available alternative options. As a result, the Nankin Transit Commission is being recommended based on numerous factors. After careful consideration, Leisure Services is confident in Nankin Transit's ability to provide a seamless transition for the hundreds of Canton residents who utilize this valuable program.

HVA has been the service provider for the Canton Mobility Transportation Program since 1999. At the time, the Canton Community was growing rapidly and needed a more robust program than what could be provided by Nankin Transit. Similar to Canton, Nankin Transit has grown considerably, currently operates under strong leadership and is fully supported by the communities it serves – which includes Garden City, Inkster, Wayne, and Westland. In addition, SMART recommended Nankin Transit as a model service provider. By adding Canton to the service area, clients who utilize this program will now be able to travel across all of these communities to meet their specific needs.

The table below is a comparison between how the program is currently offered vs. the effects of joining with the Nankin Transit Commission.

Service Provider Comparison	Currently	Nankin Transit
Operating Cost	\$ 467,000.00	Year 1: \$401,027.00
		Year 2: \$387,395.00
Capital Expenses	\$ -	\$ 45,000.00
Annual Increase	CPI or 5%	3%
DOT Drug Testing	No	Yes
Ages	62+	55+
Fares	\$2/\$3	\$3
Hours of Operation	M-F 8-5	M-F 8-5:3
Service Area	See Map	See Map
Vehicle Maintenance	Parts and Labor	Parts Only
		SMART Guarantee
# of Vehicles	5	15
Capacity	At Max	Can Grow
SMART Reporting	Canton	Nankin

Canton will realize an overall savings in operating cost by switching to Nankin Transit. The required capital needs are one-time expenditures, and include terminal expansion, software licensing, and security upgrades. In addition, Nankin Transit complies with all drug testing protocols required by MDOT and SMART. The five (5) vehicles currently operated by Canton which are owned by SMART will be transferred to Nankin Transit, who will assume the responsibility of the maintenance and operation. As a Community Partner to SMART, Nankin is eligible for the SMART Guarantee program, which means that SMART will ensure that Nankin receives replacement vehicles as required in order to avoid any disruption in service. Equally important, each of the vehicles operated by Nankin Transit is maintained by SMART's garage and mechanics, with Nankin only responsible for the cost of parts, not labor. This dramatically decreases Canton's cost to operate the five vehicles owned by SMART, which are nearing the end of their shelf life and have required extensive maintenance in recent years at Canton's expense.

Director Hohenberger presented an overview of the changes to the services that will take place under this contract.

Item G-2. Consider Approval of Symmetry Properties Special Land Uses (Mini-Warehouse Facility and Building Material Sales Establishment. (MSD)

Motion by Siegrist, supported by Slavens to adopt the following resolution. Motion carried unanimously.

**RESOLUTION OF
BOARD OF TRUSTEES
CHARTER TOWNSHIP OF CANTON**

**Approval of the Special Land Uses for Symmetry Property
(Mini-Warehouse and Building Material Sales Facility)**

WHEREAS, the Project Sponsor has requested special land use approvals for Mini-Warehouse and Building Material Sales Facilities on property located on the south side of Michigan Avenue between Sheldon and Morton Taylor Roads; and,

WHEREAS, the Planning Commission reviewed the special land use criteria and conceptual site plan for both facilities and voted 8-0 to recommend approval of the request as it meets all applicable criteria; and,

WHEREAS, the Zoning Board of Appeals granted the applicable variances needed for the Building Material Sales establishment, conditioned upon provision of a full height masonry screen wall in the outdoor sales area in locations where materials are stored on shelving and/or pallets.

NOW THEREFORE BE IT RESOLVED, the Board of Trustees of the Charter Township of Canton, Michigan does hereby approve the request for a Mini-Warehouse facility in the LI, Light Industrial District and a Building Material Sales Facility in the C-3, Regional Commercial District on parcel nos. 133-02-0040-010, 133-02-0040-011 and 133-02-0040-011, and 133-02-0040-008, as they met all applicable special land use and design criteria for the respective uses, subject to approvals of the variances by the Zoning Board of Appeals and any conditions the ZBA placed on said approvals, subject to any and all applicable state and local development regulations.

The subject properties include the old Garland Place motel which has been demolished and the existing building which previously housed Livonia Magnetics. The intent to use the east and south portion of the property for a mini-warehouse facility, which is a special land use in the LI, Light Industrial Zone and, Tractor Supply Company, which is considered a special land use for a building material sales establishment in the C-3, regional Commercial zone. The site will share a common driveway from Michigan Avenue and utilize a common storm water system at the south end of the site. Interconnections between the sites have been provided to accommodate public safety access between the sites. The Tractor Supply Company will utilize a portion of the previous Livonia Magnetics building, with an addition to the front and back of the building. The mini-warehouse facility will be new construction located to the east and south of Tractor Supply. The 2 new businesses will result in re-development of the overall site which will be a huge improvement to the existing conditions along this portion of the south side of Michigan Avenue.

- (1) The Tractor Supply use required several variances to the requirements for Building Material Sales, including the height of the screen wall around the outdoor storage area, frontage along Michigan Avenue, and access to a County Road. The ZBA granted the

first variance, conditioned upon any portion of the storage area containing shelving or materials on pallets to be fully screened with a solid masonry wall. The ZBA will consider the last two variances on May 10, 2018. The Tractor Supply facility is a use much smaller in scope to the size of facility anticipated when the code was written, thus the need for the variances. Tractor Supply includes 21,077 square feet of indoor sales, and 18,000 square feet of fenced outdoor sales area.

- (2) The CubeSmart Mini-Warehouse facility includes a 47,258 square foot building for climate-controlled storage a 7 traditional mini-storage buildings totaling 30,000 square feet for a total of 77,258 square feet. The facility is secured with a black vinyl coated chain link fence along the property line and decorative metal fencing and gates in the front. A landscape buffer is provided in the southwest corner to buffer the residential properties to the west.

Both uses meet all of the general requirements for special land use. Responses to the criteria have been provided. Michigan Avenue, as a divided state thoroughfare, is more than adequate to support the retail and storage uses.

The Tractor Supply is a commercial use, which will require review of the site plan by the Planning Commission and Township Board. Cubesmart is industrial, thus the site plan will be reviewed administratively.

-Existing Zoning: C-3, Regional Commercial and LI, Light Industrial Districts

-Location: South side of Michigan Avenue between Sheldon and Morton Taylor Roads

-Net Acres: 9.34 acres

-Existing Land Use: Vacant land and vacant industrial building

-Surrounding Land Use

N – MR and C-3 (north side of Michigan Avenue), Auto Craft and Canton Glass

S - LI, Vacant

E – C-3 and LI, Oakdale Recovery Facility

W- C-3, frontage residential (nonconforming)

- Comprehensive Plan: Mixed Use

- Community Planner's Recommendation: Approval, subject to the ZBA conditions on screening for the variance to the height of the screen around the outdoor storage area and, subject to the ZBA granting the variance to the road frontage and access requirements for the Building Material Sales Establishment prior to review

- Planning Commission Recommendation: The Planning Commission voted 8-0 to recommend approval of the special land use request for a Mini-Warehouse facility in the LI, Light Industrial District and a Building Material Sales Facility in the C-3, Regional Commercial District on

parcel nos. 133-02-0040-010, 133-02-0040-011 and 133-02-0040-011, and 133-02- 0040-008, as they met all applicable special land use and design criteria for the respective uses, subject to approvals of the variances by the Zoning Board of Appeals and any conditions the ZBA placed on said approvals.

Item G-3. Consider Approval of the Minor Planned Development for The Towns at Cherry Hill Condominiums. (MSD)

Motion by Siegrist, supported by Slavens to adopt the following resolution. Motion carried unanimously.

**RESOLUTION OF
BOARD OF TRUSTEES
CHARTER TOWNSHIP OF CANTON, MICHIGAN**

Approval of the Minor Planned Development for The Towns at Cherry Hill Condominiums

WHEREAS, the Project Sponsor has requested approval of a Minor Planned Development for The Towns at Cherry Hill Condominiums on property located on the south side of Cherry Hill Road west of Denton Road; and,

WHEREAS, the Planning Commission reviewed the minor planned development agreement and conceptual development plan for both facilities and voted 8-0 to recommend approval of the request as it meets all applicable criteria for a planned development and the general guidelines for the Cherry Hill Village Overlay,

NOW THEREFORE BE IT RESOLVED, the Board of Trustees of the Charter Township of Canton, Michigan does hereby approve the Minor Planned Development for The Towns at Cherry Hill Condominiums on parcel nos. 073-99-0005-718 and 073-99-0001-707, as proposed, subject to any and all applicable state and local development regulations.

The proposed minor planned development consists of 93 attached residential townhomes in 16 buildings on 8.37 acres. The plans are consistent with the Cherry Hill Village Overlay District and provide a transition from the commercial and office uses on the north side of Cherry Hill Road to the single-family site condominiums being constructed by M/I Homes within the Corners, located adjacent to and south of the proposed development.

M/I Homes has configured the buildings which abut the Corners with one- story end units with a lower roof line to provide a transition to the one-story detached units in the Corners. There is also 60 feet of landscaped common area separating The Towns from The Corners. The project also includes a small park area for the residents and abuts the north-south trail that runs through the village. The project extends two existing streets through to Cherry Hill Road, completing the block patterns originally planned out along Cherry Hill Road for the village. All of the required sidewalk and streetscape elements along the south side of Cherry Hill will be completed by M/I Homes and be maintained by the condominium association. M/I Homes has also agreed to extend the sidewalk over to Denton Road to fill the gap until the hard corner of Cherry Hill and

Denton is developed. The easternmost street in the project will also provide future access to Cherry Hill Road for the remaining corner parcel.

An updated traffic study was completed and recommended that Wayne County optimize the timing of the signal at Cherry Hill Road and Denton to reduce existing delays in southbound turning movements from Denton to Cherry Hill Roads. No additional traffic impact is anticipated, as this project is far less intense than what the original Planned Development permitted.

Storm water management is provided within the existing pond system to the south along Denton road with The Corners site condominium.

- **Existing Zoning:** CHV Overlay
- **Location:** South side of Cherry Hill Road and west of Denton Road
- **Net Acres:** 8.37 acres
- **Existing Land Use:** Vacant
- **-Surrounding Land Use & Zoning:**
 - N- CHV Overlay, Uptown Planned Development
 - S- CHV Overlay, The Corners Site Condominiums
 - E- CHV Overlay, vacant corner parcel
 - W- CHV Overlay, ITC Corridor/trail and Zahr Commercial Plaza
- **Comprehensive Plan:** Cherry Hill Village Planning Area
- **Community Planner's Recommendation:** Approval.
- **Planning Commission Recommendation:** The Planning Commission voted 8-0 to
- recommend approval of the proposed Minor Planned Development on parcel nos. 073-99-0005-718 and 073-99-0001-707, as proposed.

Item G-4. Consider the Approval of First Reading of Code of Ordinance Amendments to Chapter 106 Entitled "Stormwater Management", Articles I & II, Sections 106-32, 106-34, and 106-70. (MSD)

Motion by Siegrist, supported by Slavens to introduce and table for consideration the first reading of the Code of Ordinance amendments to Chapter 106 Entitled "Stormwater Management", Articles I & II, Sections 106-32, 106-34, and 106-70 and then remove from the table for Second Reading on June 12, 2018 with publication date of June 21, 2018 and effective date of July 1, 2018. Motion carried unanimously.

Due to changes in stormwater management practices, changes to Canton's Stormwater Management Ordinance are necessary. This chapter of the ordinance relates to the requirements

and fees charged to developers for review and permitting of stormwater management systems. For some time now, Canton has not charged developers for street sweeping in new developments and has not offered that service. The amendment eliminates the fee and cleans up some of the older ordinance language.

In order to reflect current practices of the Municipal Services Department, staff is recommending removal of a section of the current ordinance. This section pertains to an annual stormwater runoff pollution prevention facility maintenance fee. Under the current state required Municipal Separate Stormwater Sewer System (MS4) permit, we are not required to charge a fee for annual maintenance of active construction sites. In the past, Canton Township charged a fee to developers for sweeping streets in developments under construction. This practice is no longer followed, thus the fee is no longer charged. The current practice requires developers to sweep streets, at their own expense, per the direction of either Township staff or Wayne County Soil Erosion Department staff.

A copy of the complete text of this Ordinance is available at the Clerk's Office of the Charter Township of Canton, 1150 S. Canton Center Road, Canton, MI., 48188, during regular business hours. The approved text of the Amendment will be published in the Canton Eagle/Associated Newspaper within the meeting minute's synopsis of the date of approval. A complete copy of the Ordinances for Canton Township is available at www.canton-mi.org.

Item G-5. Consider Approval of Contract for Masonry Repairs in Heritage Park. (CLS)

Motion by Siegrist, supported by Sneiderman to award the contract for the Heritage Park Masonry Repair Project to Danjo Construction, LLC, 5781 S. Sheldon, Suite B, Canton, MI 48188 in the amount of \$31,250 with funds to be paid from Account #101-270.50.970_0020 Capital Outlay Buildings and Improvements. Motion carried unanimously.

On May 5, 2018, bids were received for masonry repairs in Heritage Park. The lowest qualified bid was provided by Danjo Construction, LLC in the amount of \$33,223, which was over the proposed remaining budget for this work in the amount of \$31,250. The scope of the project was negotiated to reduce the contingency for unforeseen conditions; therefore, the final bid award amount will be \$31,250 which does not lessen the designed scope of work.

The Heritage Park Amphitheater and North Pavilion shelters are original to the park and nearly 25 years old. There has been some significant deterioration to the structures due to weathering. \$35,000 was budgeted for repair work in 2018. An architect was hired at a cost of \$3,750 to develop bid specifications, leaving a remaining budget of \$31,250.

In April 2018, an invitation to bid was advertised. The following companies submitted bids:

Name of Company	Address	Bid
Danjo Construction, LLC	5781 S. Sheldon, Suite B, Canton, MI 48188	\$33,223.00
JPC Services, LLC	6656 Redman, Westland, MI 48185	\$48,500.00

Danjo Construction was the lowest qualified bidder at \$33,223 and has agreed to reduce the project allowance by \$1,973 which brings the award total for this project to \$31,250. This
 May 22, 2018

Reduction will not reduce the scope of work for the project.

Item G-6. Consider Approval for the Emergency Replacement of a Sewage Grinder Station at Heritage Park. (CLS)

Motion by Siegrist, supported by Slavens to approve an emergency purchase order for the replacement of the Heritage Park Grinder Station to Kennedy Industries, 4925 Holtz Drive, Wixom, MI 48393 in the amount of \$21,009 to be paid from 246-750.970_0020, Capital Outlay Buildings and Improvements. Motion carried unanimously.

Upon the season opening of the Heritage Park ball field restrooms, staff determined that the restrooms stopped operating. An investigation revealed that the existing 20 year old fiberglass basin has cracked and separated causing the sewage pump to fail. Since ball games and several major events are scheduled at the site, it is necessary that the sewage grinder station be replaced as soon as possible. We currently have a contract with Kennedy Industries for maintenance, repair and replacement of pump systems. Replacement of the station was negotiated with Kennedy Industries in the amount of \$21,009. Based on the park usage and the urgent nature of the repair, we are recommending approval of an emergency purchase order with Kennedy Industries.

Staff was notified that the toilets at the Center Room bathrooms at Heritage Park had become inoperative. Upon investigation, it was observed that the sewage grinder station had failed and was not pumping effluent from the basin causing the drains and toilets to back up. It was further observed that dirt surrounding the basin had begun falling into the basin through the cracks and was being sucked up into the pump causing the pump to fail.

Kennedy Industries were called to investigate and to provide a quote for repair. A total system replacement was advised. Included in the quote of \$21,009 is the replacement of the 42"x80" basin, 2HP, 230 Volt pump, control panel and all other components necessary for full operation. Due to the urgent need of repair, parts for this repair have been ordered. Upon arrival Kennedy Industries, 4925 Holtz Drive, Wixom, MI 48393 will schedule the work and complete the repair.

Item G-7. Consider Approval of a 5-Year Agreement with Wayne County Appraisal, LLC (d/b/a WCA Assessing), for Municipal Assessing Services for Canton Township. (Supv)

Motion by Siegrist, supported by Foster to approve the proposed Agreement with Wayne County Appraisal, LLC, and authorize the Township Supervisor to sign the Agreement on behalf of Canton Township. Motion carried unanimously.

The current contract with the Township's assessing contractor, Wayne County Appraisal, LLC, dba WCA Assessing ("WCA"), expires June 30, 2018. The Board is being asked to consider entering into a new, 5-year agreement.

WCA has been providing assessing services to Canton Township for many years. The statutory duties of an assessor (the most important being the annual signing of the assessment roll) are

performed by a part-time Township employee, with all support functions provided by WCA. The proposed new contract has been updated with the Township's current insurance requirements, as well as some other minor amendments recommended by Canton's tax tribunal defense counsel.

WCA has offered to hold fees flat for the first year of the new contract, with increases each year thereafter equating to the amount of CPI + 1%. Additionally, WCA will waive the assessment fees on the first 100 new single-family residential homes, first 100 new single family residential condominiums units and the first 10 new commercial buildings each year of the contract.

Director Trumbull gave an overview of the comparison process her department used in the evaluation of the services provided by WCA Assessing.

Treasurer Slavens commented positively on her experiences working with WCA Assessing.

ADDITIONAL PUBLIC COMMENT: None

OTHER: Clerk Siegrist commented on the Roads Millage bond issue on the August Ballot. Supervisor Williams stated this weekend is the Canton Cup soccer event. Trustee Graham-Hudak wished all a happy Ramadan and Memorial Day.

ADJOURN: Motion by Anthony, supported by Slavens to adjourn at 7:44 p.m. Motion carried unanimously.

Michael A. Siegrist, Clerk

Pat Williams, Supervisor