

**Charter Township of Canton Board Proceedings-July 10, 2012**

A regular meeting of the Board of Trustees of the Charter Township of Canton was held Tuesday, July 10, 2012 at 1150 Canton Center S., Canton, Michigan. Supervisor LaJoy called the meeting to order at 7:00 p.m. and led the Pledge of Allegiance to the Flag. **Roll Call** Members Present: Anthony, Bennett, Demopoulos, LaJoy, McLaughlin, Taj, Williams Staff Present: Director Bilbrey-Honsowetz, Director Trumbull, Director Nemecek, Kristin Kolb, Bill Serchak Staff Absent: Director Faas **Adoption of Agenda** Motion by Bennett, supported by Anthony to approve the agenda as amended, deleting Recognition: Resolution in Recognition of Connor McKinney. Motion carried unanimously. **Approval of Minutes** Motion by Bennett, supported by Taj to approve the Board Minutes of June 26, 2012. Motion carried unanimously. **Citizen's Non-Agenda Item Comments:** George Miller, 1946 Briarfield, had several questions regarding ditch cleaning, gun range and dog kennel licenses. **Payment of Bills** Motion by McLaughlin, supported by Williams to approve payment of the bills as presented. Motion carried unanimously. **RECOGNITION: Item 1. RESOLUTION IN RECOGNITION OF CONNOR MCKINNEY. DELETED CONSENT CALENDAR: Item 1. SET PUBLIC HEARING DATE FOR WALGREENS EXEMPTION OF PERSONAL PROPERTY CERTIFICATE. (SUPERVISOR)** Motion by Bennett, supported by McLaughlin to set the public hearing for August 14, 2012, to consider the Personal Property Exemption application for Walgreens personal property at their facility located at 41460 Haggerty Circle. Motion carried unanimously. **GENERAL CALENDAR: Item 1. FIRST READING OF AMENDMENT TO THE TOWNSHIP CODE OF ORDINANCES AMENDING CHAPTER 54, ARTICLE 1, IN GENERAL, AND ARTICLE II, LICENSE, IN ORDER TO UPDATE THE REGISTRATION AND LICENSING REQUIREMENTS, MODIFY PERMISSIBLE SOLICITATION HOURS, AND ADD A PROVISION TO ALLOW SUSPENSION PRIOR TO REVOCATION OF A LICENSE. (SUPERVISOR)** Motion by Bennett, supported by Williams to introduce and table for consideration the "First Reading" of an amendment to the Township Code of Ordinances, Chapter 54, Peddlers and Solicitors. Further, I move to publish said amendment on July 19, 2012, and consider removing it from the table for adoption on July 24, 2012, with a publication and effective date of August 2, 2012. Motion carried unanimously. **STATE OF MICHIGAN, COUNTY OF WAYNE, CHARTER TOWNSHIP OF CANTON, CHAPTER 54 – PEDDLERS AND SOLICITORS AN ORDINANCE TO AMEND CHAPTER 54, ARTICLE I, IN GENERAL, AND ARTICLE II, LICENSE, IN ORDER TO UPDATE THE REGISTRATION AND LICENSING REQUIREMENTS, MODIFY PERMISSIBLE SOLICITATION HOURS, AND ADD A PROVISION TO ALLOW SUSPENSION PRIOR TO REVOCATION OF A LICENSE THE CHARTER TOWNSHIP OF CANTON ORDAINS: SECTION 1. AMENDMENT TO CODE. Article I. In General, Section 54-1 is hereby amended to add the following definitions: Sec. 54-1. Definitions. Charitable, religious or political organization means a not-for-profit charitable, religious, political, benevolent, educational, philanthropic, humane, patriotic, or civic organization of persons, registered and in good standing under Section 501(c) of the Federal Internal Revenue Code, that solicit or obtain contributions solicited from the public for charitable, religious or political purposes. Commercial purpose means any business or activity carried on for profit. Non-commercial purposes means any purpose other than that involving a business or activity carried on for profit, including, but not limited to, a political, religious or charitable purpose, or an activity sponsored by a political, religious, not-for-profit charitable, benevolent, educational, philanthropic, humane, patriotic or civic organization of persons, registered and in good standing under Section 501(c)(3) of the Federal Internal Revenue Code. Section 54-4 is hereby amended to read as follows: Sec. 54-4. Hours of Operation. It shall be unlawful for any person to conduct, or attempt to conduct, any canvassing, soliciting or peddling between the hours of 9:00 a.m. and after the hours of 9:00 8:00 p.m., according to the official time followed by the township, at any location within the township. Section 54-5 is hereby amended to read as follows: Sec. 54-5. Use and restrictions of stops, scales, bells, horns, etc. (a) No person shall use any scales which do not have a valid approval by the state bureau of weights and measures or the City of Detroit Department of Weights and Measures. No person shall stop in any one place longer than is necessary to make a sale, stop on private property without the consent of the property owner, and/or stop for a period of longer than 30 minutes at any time. No person shall stop for the purposes of selling or offering to sell any food products within a distance of 300 feet from any public, private or parochial school building, or the lands on which such buildings are located in the township on any day during which school is in session. No person operating as a solicitor, canvasser or peddler shall interfere with traffic or cause or permit large numbers of persons, especially children, to congregate upon the public streets. (b) It shall be unlawful for any person to call out or make any noise of any kind whatsoever, or to use a bell, horn or other noise making device so as to unreasonably disturb persons in the immediate vicinity for an extended period of time with the purpose of attracting persons to buy goods such licensee has for sale. Article I is hereby amended to add Sections 54-7, 54-8, and 54-9 to read as follows: Sec. 54-7. Supervision of minors. Where minors are brought to an area of the Township for purposes of peddling and soliciting for a commercial purpose at the request of and under the direction of an adult, such minors shall at all times be under the direct supervision of a responsible adult who has obtained a license as required by section 54-31. Sec. 54-8. Misrepresentation. No fraudulent or misleading representations to any person shall be made in connection with any peddling or soliciting activities, including, but not limited to, any misleading representation concerning the product or service involved, the purposes for which contributions solicited will be used, the name of the peddler or solicitor, the trade name and nature of the parent organization, or the purposes for which the parent organization was organized. No person shall represent that the issuance of a solicitor registration certificate under this chapter is an endorsement by the township of the particular parent organization, solicitor or purposes of the soliciting involved, and any such representation is declared to be a misrepresentation of fact. Sec. 54-9. Fixed stands prohibited. No peddler or solicitor shall establish a fixed stand and/or store for soliciting upon any street, road, highway, lane, sidewalk, driveway, alley or publicly-owned property, unless said stand and/or store shall be in compliance with all applicable provisions of Appendix A to this Code, the Zoning Ordinance. Article II, License, Section 54-31 is hereby amended to read as follows: Sec. 54-31. Required. (a) Unless exempt, it shall be unlawful for any person to engage in or carry on the business of soliciting, canvassing or peddling for commercial purposes in the township as defined section 54-1, without first obtaining a license in compliance with the provisions of this chapter. (b) Unless exempt, it shall be unlawful for any person to operate as a solicitor, canvasser, or peddler for commercial purposes without first having obtained a license for each vehicle, piece of equipment or container used in connection therewith. Section 54-33 is hereby amended to read as follows: Sec. 54-33. Investigation; issuance or denial; appeal of denial. [Unchanged.] The clerk may refuse to issue a license to: (1) [Unchanged.] (2) A person unless the application is fully and completely filed, and the applicant discloses fully all arrests and convictions other than those that are traffic related. Failure to completely and truthfully complete the application shall result in a denial. (3) [Unchanged.] (4) A person who has been convicted of a felony or any crime related to or involving larceny, assault, fraud, receiving and concealing stolen property, embezzlement, robbery, home invasion, breaking and entering, theft, dishonesty, false statement or fraudulent scheme, trick or device, a violation of any municipal soliciting ordinance within the 2 years prior to the application being submitted to the township, or any crime that is an unreasonable threat to persons or property within the township. - (d) [Unchanged.] Section 54-34 is hereby amended to read as follows: Sec. 54 – 34. Exemptions; registration of charitable and nonprofit organizations. (a) Persons involved in religious proselytizing, political speech (anonymous or otherwise) soliciting, canvassing or peddling for any non-commercial purpose, and/or delivery of handbills are hereby exempt from the licensing, registration and fee requirements of this chapter, but shall be subject to the other sections of this chapter. (b) Persons under the age of 18 years old shall be exempt from registering or licensing as a solicitor, canvasser or peddler. Each person under 12 years of age must be accompanied by his parent or legal guardian during all times of soliciting, canvassing or peddling. (c) At the time that any of the persons named in this section claim such exemption from the license fee, such person shall swear by affidavit stating the facts which entitle him to such exemptions and such affidavit shall be filed with the clerk. All of such exempt persons shall be issued a license or identification card as provided for in this article. (d)(c) Any person who has obtained a peddler's license from the state pursuant to Public Act No. 359 of 1921 (MCL 35.441 et seq.), on account of such person being honorable discharged from the armed forces of the United States of America shall be exempt from the licensing provisions of this article. Section 54-35 is hereby amended to read as follows: Sec. 54-35. - Fees. (a) A license fee for soliciting, canvassing and peddling for commercial purposes shall be established by resolution of the township board. The township board may, from time to time, modify the established fee schedule. This fee is separate from the application fee described in section 54-32. [Unchanged.] Section 54-39 is hereby amended to read as follows: Sec. 54-39. License suspension or Revocation. (a) The township clerk may suspend a license for a period not to exceed ninety (90) days upon determining, based on his or her own investigation or upon certification by the police department, that any of the following circumstances exists: (1) The licensee failed to truthfully provide in his or her application the information required in this chapter, or that the licensee has engaged in a fraudulent transaction or enterprise; (2) The licensee has been convicted of a violation of federal, state or local laws, ordinances, or regulations reflecting adversely on the licensee's ability to conduct the business for which the license has been issued in an honest and legal manner, including, but not limited to, burglary, theft, larceny, swindling, fraud, unlawful business practices, any form of actual or threatened physical harm against another person, or any type of criminal sexual conduct; (3) The licensee is listed on any criminal sex offender registry or has any outstanding warrants for any misdemeanor or felony and such information was not disclosed on the application; (4) If the licensee will be engaging in peddling from or out of a motor vehicle in the streets and roads of the township, the licensee's drivers license has been suspended or revoked or the licensee has been convicted of a misdemeanor or felony moving violation; or (5) The licensee has, in the course of peddling in the township, engaged in conduct that is contrary to the peace, privacy, safety, health and welfare of the residents, businesses and persons in the township. (b) A licensee shall be given written notice of the cause and term of the suspension and of the right to have such suspension reversed, modified or affirmed following a hearing to be conducted by the township board at the next available board meeting, but in all cases not later than twenty-one (21) days following receipt of a written request by the licensee. At the hearing, the licensee shall have the right to hear the evidence relied upon by the clerk and the right to present evidence and witnesses on his or her behalf. At the hearing, or at an adjourned date, the township board shall determine whether to reverse, modify or affirm the suspension and shall put its decision and the reasons therefor in the form of a resolution, which the township clerk shall forward to the licensee. (c) Before a license or registration can be revoked, the township board shall serve the licensee holder or registered applicant, by first class mail, mailed not less than four days prior to the hearing with a notice of hearing, which notice shall contain the following: Notice of proposed action. (2) Reason for the proposed action. (3) Date, time and place of hearing. (4) A statement that licensee may present evidence and testimony and confront adverse witnesses. Following the hearing, the township board shall submit to such person a written statement of its findings and determination. (b)(d) The township board shall revoke a license by registration issued under this article upon determination by it that based upon competent, material and substantial evidence presented at the hearing, either of the following exists: A violation of any of the prohibitions set forth in this article. The person, entity or organization is engaged or has engaged in any fraudulent scheme, device or trick in any place in the township to obtain money or other valuable things, or is aiding or abetting any person engaged in such scheme, device or trick SECTION 2. VIOLATION AND PENALTY Any person or entity that violates any provision of this Ordinance may, upon conviction, be fined not more than Five Hundred (\$500.00) Dollars or imprisoned not more than Ninety (90) days, or both, in the discretion of the court. SECTION 3. 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 4. REPEAL OF CONFLICTING ORDINANCES All Ordinance or parts of Ordinance is conflict herewith is hereby repealed only to the extent necessary to give this Ordinance full force and effect. SECTION 5. 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 6. PUBLICATION The Clerk for the Charter Township of Canton shall cause this Ordinance to be published in the manner required by law. SECTION 7. EFFECTIVE DATE This Ordinance, as amended, shall take full force and effect upon publication as required by law. Introduced: July 10, 2012 Item 2. FIRST READING OF AMENDMENT TO THE TOWNSHIP CODE OF ORDINANCES AMENDING CHAPTER 46, ARTICLE IV, DIVISION 3, FIREWORKS, TO UPDATE AND BRING THE ORDINANCE INTO COMPLIANCE WITH STATE LAW FOLLOWING THE ENACTMENT OF PUBLIC ACT 256 OF THE PUBLIC ACTS OF 2011. (SUPERVISOR) Motion by Bennett, supported by McLaughlin to introduce and table for consideration the "First Reading" of an amendment to the Township Code of Ordinances, Chapter 46, Article I, Division 3, Fireworks. Further, I move to publish said amendment on July 19, 2012, and consider removing it from the table for adoption on July 24, 2012, with a publication and effective date of August 2, 2012. Motion carried unanimously. **STATE OF MICHIGAN, COUNTY OF WAYNE, CHARTER TOWNSHIP OF CANTON, CHAPTER 46, AN ORDINANCE TO AMEND CHAPTER 46, ARTICLE IV, DIVISION 3, FIREWORKS, TO UPDATE AND BRING THE ORDINANCE INTO COMPLIANCE WITH STATE LAW FOLLOWING THE ENACTMENT OF PUBLIC ACT 256 OF THE PUBLIC ACTS OF 2011 THE CHARTER TOWNSHIP OF CANTON ORDAINS: SECTION 1. AMENDMENT TO CODE. Article IV, Offenses Involving Public Safety, Division 3, Fireworks, is hereby amended to read as follows: Sec. 46-261. - Definitions. The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning: Act 256 shall mean Act 256 of the Public Acts of 2011, being MCL 28.451. Articles pyrotechnic shall mean pyrotechnic devices for professional use that are similar to consumer fireworks in chemical composition and construction, but are not intended for consumer use, that meet the weight limits for consumer fireworks, but are not labeled as such, and that are classified as UN0431 or UN0432 under 49 CFR 172.101. Consumer Fireworks shall mean firework devices that are designed to provide visible effects by combustion, that are required to comply with the construction chemical composition, and labeling regulations promulgated by the United States consumer product safety commission under 16 CFR parts 1500 and 1507, and are listed in APA standard 87-1, 3.1.2, 3.1.3, or 3.5. Consumer fireworks do not include low-impact fireworks. Consumer Fireworks Certificate or Certificate shall mean a certificate issued under Section of Act 256. Department shall mean the Michigan Department of Licensing and Regulatory Affairs. Display Fireworks shall mean large fireworks devices that are explosive materials intended for use in fireworks displays and designed to produce visible or audible effects by combustion, deflagration, or detonation, as provided in 27 CFR 555.11, 49 CFR 172, and APA standard 87-1, 4.1. Fireworks means a device made from explosive or flammable compositions used primarily for the purpose of producing a visible display or audible effect, or both, by combustion, deflagration, or detonation. Fireworks include class B fireworks and class C fireworks. shall mean any composition or device, except for a starting pistol, a flare gun, or a flare designed for the purpose of producing a visible or audible effect by combustion, deflagration, or detonation. Fireworks consist of consumer fireworks, low-impact fireworks, articles pyrotechnic, display fireworks, and special effects. Low-Impact Fireworks shall mean ground and handheld sparkling devices as that phrase is defined under APA standard 87-1, 3.1, 3.1.1.1 to 3.1.1.8, and 3.5. Novelties shall mean the term defined under APA standard 87-1, 3.2, 3.2.1, 3.2.2, 3.2.3, 3.2.4, and 3.2.5 and all of the following: Toy plastic or paper caps for toy pistols in sheets, strips, rolls, or individual caps containing not more than .25 of a grain of explosive content per cap, in packages labeled to indicate the maximum explosive content per cap. Toy pistols, toy cannons, toy canes, toy trick noise-makers, and toy guns in which toy caps as described in subparagraph (i) are used, that are constructed so that the hand cannot come in contact with the cap when in place for the explosion, and that are not designed to break apart or be separated so as to form a missile by the explosion. (i) Flitter sparklers in paper tubes not exceeding 1/8 inch in diameter. National Holiday shall mean the following legal holidays: New Year's Day, January 1, Martin Luther King, Jr., Day, the third Monday in January, George Washington's Birthday, the third Monday in February, Memorial Day, the last Monday in May, Independence Day, July 4, Labor Day, the first Monday in September, Columbus Day, the second Monday in October, Veteran's Day, November 11, Thanksgiving Day, the fourth Thursday in November, Christmas Day, December 25. Person shall include an individual, agent, association, charitable organization, company, limited liability company, corporation, labor organization, legal representative, partnership, unincorporated association, or any other legal or commercial entity. Special Effects shall mean a combination of chemical elements or chemical compounds capable of****

burning independently of the oxygen of the atmosphere and designed and intended to produce an audible, visual, mechanical, or thermal effect as an integral part of a motion picture, radio, television, theatrical, or opera production or live entertainment. Class B fireworks means toy torpedoes, railway torpedoes, firecrackers or salutes that do not qualify as class C fireworks, exhibition display pieces, aero-plane flares, illuminating projectiles, incendiary projectiles, incendiary grenades, smoke projectiles or bombs containing expelling charges, flash powders in inner units not exceeding two ounces each, flash shots in interior packages, flash powder or spreader cartridges containing not more than 72 grains of flash powder each, and other similar devices. Class C fireworks means toy smoke devices, toy caps containing not more than 0.25 grains of explosive mixture, toy propellant devices, cigarette loads, trick matches, trick noise-makers, smoke candles, smoke pots, smoke grenades, smoke signals, hand signal devices, Very signal cartridges, sparklers, and explosive auto alarms, and other similar devices. Sec. 46-262. - Exemptions. A permit is not required under this division for the following: the possession, ignition or discharge of novelties, low-impact fireworks, or consumer fireworks. (1) Flat paper caps containing not more than 0.25 of a grain of explosive content per cap, in packages labeled to indicate the maximum explosive content per cap. (2) Toy pistols, toy cannons, toy canes and toy guns of a type approved by the director of the department of state police in which paper caps as described in subsection (1) of this section are used and which are so constructed that the hand cannot come in contact with the cap when in place for the explosion and which are not designed to break apart or be separated so as to form a missile by the explosion. (3) Sparklers containing not more than 0.0125 pounds of burning portion per sparkler. (4) Flitter sparklers in paper tubes not exceeding one eighth inch in diameter, cone fountains, and cylinder fountains. (5) Toy snakes not containing mercury, if packed in cardboard boxes with not more than 12 pieces per box for retail sale and the manufacturer's name and quantity contained in each box are printed thereon, and toy smoke devices. (6) Possession, transportation, sale or use of signal flares of a type approved by the director of state police, blank cartridges or blank cartridge pistols specifically for a show or theater, for the training or exhibiting of dogs, for signal purposes in athletic sports, for the use by military organizations, and all such items used by railroads, trucks or vehicles for emergency signal purposes. (7) The sale of any kind of fireworks provided they are to be shipped directly out of state in accordance with regulations of the United States Department of Transportation covering the transportation of explosives and other dangerous articles by motor, rail and water. Sec. 46-263. - Possession or use prohibited. Permit or registration required. No person shall sell consumer fireworks in the Township without having obtained a consumer fireworks certificate from the Department as required under Act 256. The consumer fireworks certificate shall be prominently displayed at the retail location for which the certificate was issued. No person shall sell low-impact fireworks without having registered with the low-impact fireworks retail registry maintained by the Department. (c) Except as otherwise provided by law, no person shall offer for sale, expose for sale, sell at retail, keep with intent to sell at retail, possess, give, furnish, transport, use, explode or cause to explode any one of the following within the township: (1) Any blank cartridge, blank cartridge pistol, toy cannon, toy cane or toy gun in which explosives are used. (2) An unmanned balloon which requires fire underneath to propel it and is not moored to the ground while aloft. (3) Firecrackers, torpedoes, skyrockets, Roman candles, dago bombs, bottle rockets, whistling chasers, rockets on sticks, or other fireworks of like construction. (4) Any fireworks containing any explosive or inflammable compound or any tablets or other device commonly used and sold as fireworks containing nitrates, chlorates, oxalates, sulphides of lead, bismuth, antimony, arsenic, mercury, nitroglycerine, phosphorous or any compound containing any of these or other modern explosives. Sec. 46-264. - Discharge of novelties, low-impact fireworks and consumer fireworks. Except in the case of a permit issued by the Township under Sec. 46-266, consumer fireworks shall not be ignited, discharged, or used by any person at any time, except on the day preceding, the day of, or the day after a National Holiday. When permitted, consumer fireworks shall not be ignited or discharged on public property, school property, church property, or property of another person without that organization's or person's written permission to use consumer fireworks on the premises. No fireworks shall be ignited or discharged within 70 feet of any building, or on any public street. Minors shall be prohibited from possessing, using, igniting or discharging consumer fireworks. No person shall use low-impact or consumer fireworks while under the influence of alcoholic liquor or a controlled substance or both. Sec. 46-264.5. - Permit for pyrotechnic displays or other use. (a) The township board, upon application in writing, on forms provided by the director of the department of state police, may grant a permit for the use of fireworks otherwise prohibited by section 46-263, within the township, manufactured for outdoor pest control or agricultural purposes, or for public display by municipalities, fair associations, amusement parks, or other organizations or groups of individuals approved by the township board, if the applicable provisions of this division and the Act are complied with. The permits shall be on forms provided by the director of the department of state police. After a permit has been granted, sales, the possession or transportation of fireworks for the purposes described in the permit may be made. A permit granted under this subsection shall not be transferable, nor shall a permit be issued to a person under the age of 18 years. (b) The township board, upon application in writing, may grant a permit, on forms provided by the director of the department of state police, to a resident wholesale dealer or jobber to have in his possession, within the township, fireworks otherwise prohibited by section 46-263, for sale only to holders of permits as provided in this section. A permit granted under this subsection is not transferable, nor shall a permit be issued to any person under the age of 18 years. (c) Before a permit for articles pyrotechnic or display fireworks is issued, the person making application therefor shall furnish proof of financial responsibility by a bond or insurance in an amount deemed necessary by the township board, to satisfy claims for damages to property or personal injuries arising out of an act or omission on the part of the person, or any agent or employee thereof, in the amount, character and form the township board determines necessary for the protection of the public. (d) No permit shall be issued under this section to a nonresident person for conduct of articles pyrotechnic or display fireworks until such person has appointed in writing a resident member of the bar of this state or a resident agent to be his legal representative upon whom all process in an action or proceeding against him may be served. (e) The township board shall rule on the competency and qualifications of operators of articles pyrotechnic or display fireworks as the operator has furnished in his application form, and on the time, place and safety aspects of the displays, before granting permits. Sec. 46-266. - Permit for discharge of consumer fireworks, persons wishing to discharge Consumer Fireworks on a day other than the day preceding, day of, or day after a National Holiday shall do so only after paying a fee and obtaining a permit from the township. Application for a permit to discharge Consumer Fireworks under this section shall be made on forms available from the township clerk. Approval of a permit to discharge Consumer Fireworks shall be subject to the following minimum conditions: A minimum radial setback of 70 foot per 1 inch of the largest aerial device proposed to be discharged from the proposed launch site to the nearest occupied structure. Satisfactory inspection by the fire prevention division of the township fire department upon delivery of the Consumer Fireworks to the proposed launch site. Written permission of the property owner, if different than the applicant, shall be voided. Additional reasonable conditions the fire prevention division deems necessary to protect the public health, safety and welfare. A permit under this section shall not be issued to a minor. A permit shall not be issued for any public property, including roads, road rights-of-way, or sidewalks. The required inspection shall be requested by the applicant not later than 24 hours prior to the proposed discharge. For a proposed discharge on a Saturday or Sunday, the request shall be made not later than 8:30 am of the Thursday preceding the proposed day of discharge. Sec. 46-267. - Permit for transportation. Transportation and storage. Transportation and storage of fireworks interstate through and in the township shall be made only with the permits provided for in this division and as follows: in accordance with the requirements set forth in Act 256. (1) In accordance with United States Department of Transportation regulations for transportation of explosives and other dangerous articles by motor, rail and water, including specifications for shipping containers. (2) In non-passenger carrying vehicles, in charge of a competent driver at least 18 years of age, which are equipped with a 15 pound carbon dioxide or a ten pound dry chemical fire extinguisher, and in or near which smoking shall be prohibited while loading, unloading or transporting fireworks. Sec. 46-266. Storage by wholesalers, dealers and jobbers. Storage of fireworks at the sites of wholesalers, dealers and jobbers within the township shall be as follows: (1) Fireworks shall be stored in a one story, without basement, noncombustible building, weather resistant, well ventilated and equipped with a strong door kept securely locked except when open for business. (2) The location of the storage building shall be approved by the township board, and the building shall be located not less than the following distance from inhabited buildings, passenger railroads and public highways according to the number of pounds of fireworks stored, rounded to the nearest pound: Distance from Passenger Railways and Public Highways Distance from Inhabited Buildings Net Weight of Fireworks (pounds) Class B Fireworks (feet) Class C Fireworks (feet) Class B Fireworks (feet) Class C Fireworks (feet) 100 or less 25 200 50 200 101 to 200 20 200 60 200 201 to 400 35 200 70 200 401 to 600 40 200 80 208 601 to 800 45 200 90 252 801 to 1,000 50 200 100 292 1,001 to 2,000 58 230 145 459 2,001 to 3,000 62 296 124 592 3,001 to 4,000 65 352 130 704 4,001 to 5,000 68 400 135 801 5,001 to 6,000 70 441 139 882 6,001 to 8,000 73 509 140 1,018 8,001 to 10,000 75 565 150 1,129 10,001 to 15,000 80 668 159 1,225 15,001 to 20,000 83 745 165 1,490 20,001 to 30,000 87 863 174 1,725 30,001 to 40,000 90 952 180 1,906 40,001 to 50,000 93 1,030 185 2,060 50,001 to 60,000 95 1,095 189 2,190 60,001 to 80,000 98 1,205 195 2,410 80,001 to 100,000 100 1,300 200 2,600 100,001 to 150,000 105 1,488 205 2,975 150,001 to 200,000 108 1,628 219 3,275 200,001 or more 110 1,765 220 3,520 (3) Smoking, matches, open flames, spark producing devices and firearms shall be prohibited inside of or within 50 feet of any building used for the storage of fireworks. Combustible materials shall not be stored within 50 feet of buildings used for the storage of fireworks. (4) The interior of a building used for the storage of fireworks shall be kept clean and free from debris and empty containers. A building shall not be used for the storage of any metal tools or any commodity other than fireworks. (5) A building used for the storage of fireworks shall not be provided with heat or lights, except that if lights are necessary an electric safety flashlight or safety lantern shall be used. (6) A building used for the storage of fireworks shall bear lettering on each side and the top, in letters not less than four inches high, the words "Explosives—Keep Fire Away." (7) Every building used for the storage of fireworks shall be under the supervision of a competent person who shall be not less than 18 years of age. (8) In addition to the requirements of subsection (2) of this section, salutes that do not qualify as class C fireworks shall be deemed to be an explosive and shall be stored in accordance with rules for the storage and handling of explosives promulgated under section 3c of Public Act No. 207 of 1941 (MCL 29.3c). SECTION 2. VIOLATION AND PENALTY Any person or entity that violates any provision of this Ordinance may, upon conviction, be fined not more than Five Hundred (\$500.00) Dollars or imprisoned not more than Ninety (90) days, or both, in the discretion of the court. SECTION 3. 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 4. REPEAL OF CONFLICTING ORDINANCES All Ordinance or parts of Ordinance is conflict herewith is hereby repealed only to the extent necessary to give this Ordinance full force and effect. SECTION 5. 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 6. PUBLICATION The Clerk for the Charter Township of Canton shall cause this Ordinance to be published in the manner required by law. SECTION 7. EFFECTIVE DATE This Ordinance, as amended, shall take full force and effect upon publication as required by law. Introduced: July 10, 2012 Item 3. CONSIDER AWARD OF CONTRACT TO SOLE CONSTRUCTION FOR REPAIR OF A SANITARY SEWER LEAD AT 3950 SHELDON ROAD. (MSD) Motion by Bennett, supported by McLaughlin to award a contract for the repair of a sanitary sewer lead at 3950 Sheldon Road to Sole Construction for a not-to-exceed amount of \$9,200. Motion carried unanimously. Item 4. CONSIDER AUTHORIZING A SOLE SOURCE CONTRACT WITH NON-DESTRUCTING TESTING GROUP (NDT) TO PERFORM TESTING ON EXISTING MAST ARMS WITHIN WAYNE COUNTY RIGHT-OF-WAY AND APPROVE THE REQUIRED BUDGET AMENDMENT. (MSD) Motion by Bennett, supported by McLaughlin to award a sole-source contract to NDT for testing of 102 mast arms in Canton Township for \$27,799 plus a 10% contingency of \$2,779 for a total amount of \$30,578. and further authorize the Township Clerk to sign the agreement with NDT. Further, I move to approve a budget amendment to the Road Construction Fund as follows: Increase Revenues: Appropriation from Fund Balance - #403-000.695 \$30,578, Increase Expenditures: Professional & Contractual Services #403-506-00.801 0040 \$30,578. Motion carried unanimously. Item 5. CONSIDER AUTHORIZING A SOLE SOURCE CONTRACT FOR ENGINEERING DESIGN AND CONSTRUCTION MANAGEMENT FOR THE DENTON ROAD WATER MAIN PROJECT TO STANTEC CONSULTING. (MSD) Motion by Bennett, supported by McLaughlin to award a contract for consultant services for the Denton Road Water Main project and to direct Finance and Budget to create a Purchase Order in the amount of \$10,000.00 plus a 10% contingency for a total of \$11,000.00 (592-536.801\_0040, Professional and Contractual Services-Engineering) for Stantec. Further, I move to authorize the Clerk to sign the agreement. Motion carried unanimously. Item 6. APPROVE THE PURCHASE AND BUDGET ADJUSTMENT FOR SUMMIT ON THE PARK BANQUET SMALL WARES. (CLS) Motion by Bennett, supported by Williams to approve the purchase of replacement smallwares for the banquet operation at the Summit from National Food Equipment & Supplies, 3186 Old Farm Lane, Walled Lake, MI 48390 in the total amount of \$7,885.22 with a reimbursement from Continental Services for their portion in the amount of \$3,404.64 for a net expense of \$4,480.58. I further move to approve a budget amendment as follows: Increase to Revenue 208-50-695 Fund Balance Appropriation \$969 Increase in Expense 208-757-54.740 Operating Supplies \$969. Motion carried unanimously. Item 7. MUNICIPAL CREDIT AGREEMENT WITH SUBURBAN MOBILITY AUTHORITY FOR REGIONAL TRANSPORTATION (SMART). (CLS) Motion by Bennett, supported by Williams to approve the 2012-2013 Municipal Credit Contract between SMART and the Charter Township of Canton for \$88,692 and to authorize the Township Supervisor to sign the contract on behalf of the Township. Motion carried unanimously. OTHER: The July 17, 2012 Board Study Meeting has been cancelled. The next Board meeting is Tuesday, July 24, 2012 at 7:00 p.m. in the Administration Building, First Floor, Board Room, 1150 Canton Center S., Canton, Michigan. ADJOURN: Motion by Demopoulos, supported by Williams to adjourn at 7:50 p.m. Motion carried unanimously. – Philip LaJoy, Supervisor – Terry G Bennett, Clerk – Copies of the complete text of the Board Minutes are available at the Clerk's office of the Charter Township of Canton, 1150 S. Canton Center Rd, Canton, MI 48188, during regular business hours and can also be accessed through our web site www.township-mi.org after Board Approval. EC071912-0590 5 x 17.978