

Charter Township of Canton Board Proceedings-March 26, 2013

A regular meeting of the Board of Trustees of the Charter Township of Canton was held Tuesday, March 26, 2013 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, LaJoy, McLaughlin, Sneiderman, Williams, Yack Staff Present: Director Bilbrey-Honsowetz, Director Trumbull, Director Faeas, Director Mutchler, Kristin Kolb **Adoption of Agenda** Motion by Bennett, supported by Anthony to approve the agenda as presented. Motion carried unanimously. **Approval of Minutes** Motion by Bennett, supported by McLaughlin to approve the Board Study Minutes of March 5, 2013 as presented. Motion carried unanimously. Motion by Bennett, supported by Anthony to approve the Board Minutes of March 12, 2013 as presented. Motion carried unanimously. Motion by Bennett, supported by McLaughlin to approve the Board Study Minutes of March 19, 2013 as presented. Motion carried unanimously. **Citizen's Non-Agenda Item Comments:** Mr. George Miller, 1946 Briarfield, inquired on the dog ordinance and the gun range clean-up. **Payment of Bills** Motion by McLaughlin, supported by Williams to approve payment of the bills as presented. Motion carried unanimously. **PRESENTATION: Item 1. JEREMY HUGHES FOR PLYMOUTH CANTON COMMUNITY SCHOOLS BOND** Dr. Hughes presented information only to the Board regarding the proposed school bond. Dr. Hughes stated there is a school bond election on May 7, 2013. This election will not increase the tax rate that residents are currently paying. In October the school district took advantage of the extremely low bond rates and refinanced the school district debt, reducing the interest bond from 4.5% to slightly over 2%. This cushion allows the district to make some needed improvements in the schools and new technology. Dr. Hughes stated there are four components to the bond: Upgrade the school facilities, \$35 million, 5 year and 10 year list to be addressed, Replace Central Middle School, \$37.3 million, Renovate existing middle schools & technology labs, Technology, \$24 million, Replacement of school buses **PUBLIC HEARING: Item 1. HOLD A PUBLIC HEARING FOR THE 2013 SIDEWALK REPAIR PROGRAM.** (MSD) Motion by Bennett, supported by McLaughlin to open the public hearing at 7:37 p.m. to hear comment on the necessity of sidewalk repairs pursuant to the Township Sidewalk Ordinance, Sidewalk Repair Program Policy and as provided in Public Act 80 of the Public Acts of 1989. Motion carried unanimously. There were no public comments either in favor or opposition of the Township Sidewalk Repair Program for 2013. Motion by Anthony, supported by Williams to close the public hearing at 7:44 p.m. after hearing the comments on the necessity of sidewalk repairs to the Township Sidewalk Ordinance, Sidewalk Repair Program Policy and as provided in Public Act 80 of the Public Acts of 1989. Motion carried unanimously. Motion by Bennett, supported by McLaughlin to adopt the resolution requiring replacement of sidewalks in Central Park Estates #1, Central Park Estates #2, Central Park Estates #3, Central Park South #1, Central Park South #2, Central Park South #3, Kimberly Meadows, Meadow Villages of Canton #1, Meadow Villages of Canton #2 and Miscellaneous locations and published in the Canton Eagle on February 28 & March 21, 2013. Motion carried unanimously. **CONSENT CALENDAR: Item 1. REQUEST TO APPROVE PURCHASE ORDER TO UNITED STATES POSTAL SERVICE FOR MAIL SERVICE.** (CLERK) Motion by Bennett, supported by McLaughlin to approve the purchase order for postage to the United States Postal Service from account 101-200.729 in the amount of \$45,000. Motion carried unanimously. **GENERAL CALENDAR: Item 1. CONSIDER APPROVAL OF SPECIAL LAND USE AND SITE PLAN FOR BUSCH'S FRESH FOOD MARKET RENOVATION.** (MSD) Motion by Bennett, supported by McLaughlin to adopt the resolution for special land use and site plan for Busch's Fresh Food Market renovation. Motion carried unanimously. **Item 2. CONSIDER FIRST READING OF CODE OF ORDINANCE AMENDMENTS FOR SCHULTZ REZONING.** (MSD) Motion by Bennett, supported by McLaughlin to table for consideration amendments to the zoning district boundaries map found in Appendix A of the Code of Ordinances of the Charter Township of Canton as provided in the attached ordinance amendment and map. Motion carried unanimously. **STATE OF MICHIGAN, COUNTY OF WAYNE, CHARTER TOWNSHIP OF CANTON, AN ORDINANCE AMENDING ARTICLE 8.00 OF APPENDIX A - ZONING, OF THE CODE OF ORDINANCES OF THE CHARTER TOWNSHIP OF CANTON, MICHIGAN WHICH AMENDS THE ZONING DISTRICT BOUNDARIES ON THE ZONING MAP THE CHARTER TOWNSHIP OF CANTON ORDAINS: SECTION 1. AMENDMENT TO THE CODE ARTICLE 8.00 - ESTABLISHMENT OF ZONING DISTRICTS AND MAP IS HEREBY AMENDED AS FOLLOWS: Pursuant to Section 27.06 of Appendix A - Zoning, the zoning map is hereby amended by changing the zoning parcel nos. 122-99-002-000, 122-99-0003-000, 122-99-0005-000, 122-99-0006-000, 122-99-0007-000, 122-99-0011-000, and 123-99-0005-703 from R-2, R-3, and R-4, Single-Family Residential to RA, Rural Agriculture as shown on the attached zoning map. **SECTION 2. SEVERABILITY.** Should any section, subdivision, clause, or phrase of this Ordinance be declared by the courts to be invalid, the validity of the Ordinance as a whole, or in part, shall not be affected other than the part invalidated. **SECTION 3. REPEAL.** All other Ordinances or part of Ordinances in conflict herewith are hereby repealed only to the extent to give this Ordinance full force and effect. **SECTION 4. SAVINGS CLAUSE.** The amendment of the Canton Code of Ordinances set forth in this Ordinance does not affect or impair any act done, offense committed, or right accruing, accrued, or acquired, or liability, penalty, forfeiture or punishment, pending or incurred prior to the amendment of the Canton Code of Ordinances set forth in this Ordinance. **SECTION 5. PUBLICATION.** A public hearing having been held hereon pursuant to the provisions of Section 103 of Act 110 of the Public Acts of 2006, as amended, the provisions of this Ordinance shall be published within fifteen (15) days of its adoption of publications of a notice in a newspaper circulated in Canton Township stating the date of enactment and effective date, a brief statement as to its regulatory effect and that a complete copy of the Ordinance is available for public purchase, use and inspection at the office of the Township Clerk during the hours of 8:30 AM to 4:30 PM, Local Time. **SECTION 6. EFFECTIVE DATE.** The provision of this Ordinance shall become effective seven (7) days after its publication. **Item 3. FIRST READING OF AN AMENDMENT TO THE CANTON TOWNSHIP CODE OF ORDINANCES, CHAPTER 14, ANIMALS.** (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 14, Animals. Further, I move to schedule the second reading for April 9, 2013. Motion carried unanimously. **STATE OF MICHIGAN, COUNTY OF WAYNE, CHARTER TOWNSHIP OF CANTON, CHAPTER 14 ANIMALS AN ORDINANCE TO AMEND CHAPTER 14 OF THE CANTON TOWNSHIP CODE OF ORDINANCES TO PROVIDE FOR AN ANIMAL FANCIER PERMIT; TO CLARIFY THE PROVISIONS REGARDING WILD AND EXOTIC ANIMALS; AND TO PROVIDE SOME GENERAL UPDATES TO THE ORDINANCE THE CHARTER TOWNSHIP OF CANTON ORDAINS: SEC. 1. ORDINANCE AMENDMENT ARTICLE I. IN GENERAL. Sec. 14-1. - Definitions. The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning: **Animal fancier shall mean an individual who shall desire to own more than three (3) to a maximum of five (5) dogs in accordance with the provisions of Article IV of this Chapter.** Animal fancier permit means a permit issued under Article IV, Division 3 of this Chapter. **Commercial kennel** means the premises of any person who keeps, cares for, trains, handles, maintains or boards a dog belonging in a proprietary sense to another, or who provides for the daily observation and care of dogs, as a business or means of livelihood. The maximum number of animals permitted in a commercial kennel shall be ~~one hundred (100) animals, inclusive of pet day care, related to lot size as follows: not more than five animals on the first two acres and a maximum of five additional animals for each additional acre. In no case shall a commercial kennel exceed 50 animals.~~ **Private kennel** means the premises of an owner whereon or wherefrom more than ~~three (3) animals, but not more than five (5) animals, over the age of six months or more are kept for the purpose of a hobby, a sporting activity, breeding, and/or sale of puppies, or merely in a proprietary sense.~~ **Wild or exotic animal means any mammal, amphibian, reptile or bird which is of a species not usually domesticated and of a species which, due to size, wild nature or other characteristics, is dangerous to humans and would ordinarily be confined in a zoo or found in the wild. The term includes animals and birds, the keeping of which is licensed by the state or federal government, such as wolves, raptors and pheasants. Wild or exotic animals includes, but is not limited to, the following: snakes, eagles, owls, jaguars, cougars, weasels, badgers, monkeys, chimpanzees, deer and bison. The term also includes crossbreeds such as the cross between dogs and coyotes and dogs and wolves. Examples include, but are not limited to: (1) Any large cat of the family Felidae, such as lions, tigers, jaguars, leopards, cougars, bobcats, lynxes and ocelots, except commonly accepted domesticated house cats. (2) Any member of the family Canidae, such as wolves, coyotes, dingoes, and jackals, except domesticated dogs. (3) Any crossbreed such as crossbreeds between dogs and coyotes, or dogs and wolves, but does not include crossbreed domesticated animals. (4) Any snake that is a member of the pit viper or bionda family, including but not limited to, copperheads, water moccasins, rattlesnakes, fer-de-lances, bushmasters, asps, cobras, mambas, kraits, coral snakes, sea snakes, South American anacondas, Asian reticulated pythons, boa constrictors, tree boas and sand boas. (5) Any snake or reptile which by its size, vicious nature or other characteristic is dangerous to human beings. (6) Any skunk, squirrel, raccoon or fox whether captured in the wild, domestically raised, descended or not descended, vaccinated against rabies or not vaccinated against rabies. (7) Any bear, ape, gorilla, monkey, weasels, mink, or badger. (8) Any Vietnamese pot-bellied pig. (9) Any pheasants. (10) Any poisonous spiders. Sec. 14-2. - Purpose. Deeming it advisable in the interest of protecting the public health, safety, convenience and welfare and to provide for the orderly and uniform administration of the dog licensing provisions of the state and in particular the Dog Law of 1919 (MCL 287.261 et seq.) and Public Act No. 426 of 1988 (MCL 287.221 et seq.), and to create the position of animal control officer and define his duties, authority and responsibilities, and to regulate and control the conduct, keeping and care of dogs and certain other animals, livestock and poultry, the township does adopt this chapter. **The purpose of this chapter is to promote the public health, safety, comfort, and general welfare of the community through the proper control of animals by their owners and others.** Sec. 14-3. - Penalty. (a) Except as otherwise provided in this chapter, any person violating any of the provisions of this chapter shall be deemed responsible for a municipal civil infraction, and upon conviction thereof shall be punished by a civil fine of not more than \$500.00, and costs as provided in subsection (b) of this section, and, if applicable, damages and expenses may be ordered by a court. In addition to any fine imposed for a violation of this chapter, the owner shall be responsible for any impound fees and/or fees for the destruction of any animals, as provided in this chapter. **The court may also issue such injunctive relief as may be necessary to enforce this chapter.** (b) If a defendant is ordered to pay a civil fine under subsection (a) of this section, the judge or district court magistrate shall summarily try and determine the costs of the action, which are not limited to the costs taxable in ordinary civil actions and may include all expenses, direct and indirect, to which the plaintiff has been put in connection with the municipal civil infraction, up to the entry of judgment. Costs of not less than \$0.00 or more than \$500.00 shall be ordered. Sec. 14-4. - Relationship to other laws and ordinances. The regulations of this chapter are minimum standards supplemental to the rules and regulations duly enacted by the state department of health and to the laws of the state relating to public health. Where any of the provisions of this chapter and the provisions of any other local or state ordinances or regulations apply, the more restrictive of any or all ordinances or regulations shall prevail. Sec. 14-5. - Preservation of certain rights. (a) Recovery. Nothing in this chapter shall be construed to prevent the owner of a licensed dog from recovery in an action at law from any person, officer or other person, except as provided in this chapter. (b) Common law liability. Nothing in this chapter shall be construed as limiting the common law liability of the owner of an animal for damages committed by the animal. Sec. 14-6. - Payment of fees and expenses. All fees and expenses, as provided for in this chapter, shall be paid in accordance with this chapter. Sec. 14-7. - Killing or injuring animals - Cruelty to animals. Any person may kill any dog or other animal which he sees in the act of pursuing, attacking or about to attack, or wounding any livestock or poultry or attacking persons, and there shall be no liability on such person in damages or otherwise for such killing. Any dog or other animal that enters any field or enclosure which is owned or leased by a person producing livestock or poultry, unaccompanied by his owner, shall constitute a trespass, and the owner shall be liable for damages. Except as provided in this section, it shall be unlawful for any person, other than a law enforcement officer, to kill or injure or attempt to kill or injure any dog which bears a license tag for the current year. (a) No person shall willfully or maliciously inflict unnecessary or needless cruelty, torture, abuse, or cruelly beat, strike, or abuse any animal, or by an act, omission, or neglect, cause or inflict any unnecessary or unjustifiable pain, suffering, injury, or death to any animal, whether such animal belongs to such person or to another, except that reasonable force may be employed to drive away vicious or trespassing animals. (b) No person owning or possessing any animal shall fail, refuse, or neglect to provide such animal with food, potable water, shade, or shelter, or cruelly or unnecessarily expose such animal in hot, stormy, cold, or inclement weather, or carry such animal in or upon any vehicle in a cruel or inhumane manner. Sec. 14-8. - Right to seize animals running at large. It shall be lawful for any person to seize any animal running at large in violation of this chapter and to turn the animal over to the animal control public safety ordinance officer. Sec. 14-9. - Determination and payment of damages when dog causes damage to livestock or poultry. If a person sustains any loss or damage to livestock or poultry that is caused by a dog, or if the livestock of a person is necessarily destroyed because of having been bitten by a dog, the person or his agent or attorney may complain to the township supervisor or to a township officer or other qualified person designated by the township board. The complaint shall be in writing, signed by the person making it, and shall state when, where, what, and how much damage was done and, if known, by whose dog. The township supervisor or the township officer or other qualified person designated by the township board shall at once examine the place where the alleged damage was sustained and the livestock or poultry injured or killed, if practicable. He shall also examine under oath, or affirmation, any witness called. After making diligent inquiry in relation to the claim, the township supervisor or township officer or other person designated by the township board shall determine whether damage has been sustained and the amount of that damage, and, if possible, who was the owner of the dog that did the damage. If during the course of the proceedings the owner of the dog causing the loss or damage to the livestock becomes known, the township supervisor or a township officer or other person designated by the township board shall request the district court judge to immediately issue a summons against the owner commanding him to appear before the township supervisor or township officer or other person designated by the township board and show cause why the dog should not be killed. The summons may be served any place within the county in which the damage occurred and shall be made returnable not less than two and not more than six days from the date stated in the summons and shall be served at least two days before the time of appearance mentioned in the summons. Upon the return day fixed in the summons, the township supervisor or township officer or other person designated by the township board shall proceed to determine whether the loss or damage to the livestock was caused by the dog, and, if so, he shall immediately notify the sheriff or the animal control officer of the county of the fact and upon notification the sheriff or animal control officer shall kill the dog wherever found. Any owner or keeper of the dog shall be liable to the county in a civil action for damages and costs paid by the county or township on any claim as provided in this section. Sec. 14-10. - Confinement required. Every animal shall be confined upon the premises of its owner except when the animal is leashed and otherwise under the reasonable control of the owner as designated by this chapter. Sec. 14-11. - Running at large; immunization required. It is unlawful for an owner to allow, knowingly or unknowingly, any animal of any age, licensed or unlicensed, wearing a collar or not wearing a collar, to be unleashed or not in reasonable control of its owner or his authorized agent while leashed, in any place open to the public, provided, however, that an animal engaged in hunting or farming need not be leashed when under the reasonable control of its owner, or when engaged in a township sponsored public safety activity or township sponsored demonstration event. (a) Every animal shall be confined upon the premises of its owner except when the animal is leashed and otherwise under the reasonable control of the owner as designated by this chapter. (b) No dog shall be permitted at any time to be on a public highway or street, or in a public park, public building, or any other public place, or in any place to which the public is generally invited. (1) Except when restrained by or under the reasonable control of the owner thereof or another responsible person, or when confined in a shipping receptacle or vehicle, or when on the premises of a duly authorized dog training facility or dog park, and (2) unless such dog shall have been immunized against rabies and distemper. (c) It shall be unlawful for any owner of an animal to allow or permit the animal to run at large, or to enter onto the private property of another without the express permission of the owner or occupant of the private property. Nothing in this section shall be interpreted to prevent an owner from taking his dog to the offices of a veterinarian for the purpose of having the dog immunized or treated. Sec. 14-12. - Allowing animal to trespass or destroy property. It is unlawful for an owner to allow, knowingly or unknowingly, any animal at any time, licensed or unlicensed, to destroy property, real or personal, or to trespass in a damaging way on property of persons other than the owner. Sec. 14-13. - Allowing animal to attack or molest persons. It is unlawful for: (1) An owner to allow, knowingly or unknowingly, any animal at any time, licensed or unlicensed, to attack or bite a person or animal without provocation. (2) An owner to allow, knowingly or unknowingly, any animal to show vicious habits and molest passersby when such persons are lawfully on the public highway or right-of-way. Sec. 14-14. - Noisy animals. It is unlawful for any person to own or harbor any animal which, by loud and frequent barking, howling or yelping, is a nuisance in the neighborhood in which the animal is kept, possessed or harbored. Sec. 14-15.10. - Disposal of fecal matter. Sanitation. It shall be unlawful for any person to permit any animal owned or harbored by him to deposit fecal matter in any place other than the premises where the animal is harbored or kept, unless such fecal matter is immediately removed and disposed of on the premises where the animal is harbored or kept. (a) It shall be unlawful for any owner of an animal to allow or permit such animal to soil, defile, defecate, or commit any nuisance on a public thoroughfare, sidewalk, passageway, bypass, play area, park, or any place where people congregate or walk, or upon any public property whatsoever, or upon any private property without permission of the owner of such property, unless: (1) Such owner shall immediately remove all droppings deposited by such animal by any sanitary method, and for such purposes shall possess a container of sufficient size to collect and remove the above-mentioned droppings and exhibit the container if requested by any official empowered to enforce this chapter. (2) The droppings removed from the aforementioned areas shall be disposed of by the owner of such animal in a sanitary method on the property of the owner of such animal. (b) Yards shall be kept free of accumulated animal droppings and shall be maintained in a sanitary manner so as not to be a nuisance because of odor, attraction of flies or vermin, or be likely to cause contamination to sewers or waterways. (c) Nothing in this section is intended to supersede or invalidate any property maintenance provisions set forth in chapter 78 of this Code. \*\*check section (d) Any person violating this section shall be responsible for a municipal civil infraction. The fine for a violation of this section shall be one hundred dollars (\$100.00) for a first offense, two hundred dollars (\$200.00) for a second offense and four hundred dollars (\$400.00) for a third or subsequent offense. Sec. 14-16. - Maintenance of premises where animals are kept. All persons owning, keeping or harboring any animal shall maintain the premises on which the animal has access in a sanitary condition that will not create a health hazard or cause odors that will offend neighbors or persons that may pass in the street. Sec. 14-17.11. - Removing collar or tag; enticing or teasing animal. It is unlawful for any person to remove a collar or tag from any dog or other animal without the permission of its owner, or to decoy or entice any dog or other animal out of an enclosure or off the property of its owner, or to seize, molest or tease any dog or other animal while held or led by any person or while on the property of its owner. Sec. 14-18.12. - Confinement of biting animals. Exposure to rabies; notice. (a) Any animal kept as a pet that shall bite a person or animal or livestock shall be securely confined by the owner thereof inside an appropriate building or enclosure away from humans or any other animal for a minimum period of ten days following the biting of such person, animal or livestock incident. If the owner of such animal shall fail to securely confine the animal for such period of time, then the animal control officer public safety ordinance officer may take possession and custody of the animal, and confine the animal at the an animal shelter until the expiration of the ten-day period and upon satisfactory evidence that the animal is not suffering from rabies. The animal shall be kept at the animal shelter at the expense of the owner thereof if the person charged with the duty to securely confine the animal shall fail to do so. Any animal running loose after biting a person, animal or livestock, and whose owner cannot be determined, shall be confined for a period of ten days at the an animal shelter in accordance with the provisions of this section, and thereafter disposed of in accordance with applicable law the provisions of this chapter or such regulations as are in effect at the animal shelter. (b) Any other animal not kept as a pet, including exotic or wild animals, which shall bite a human or animal shall, if located, be confined for the required ten days at the animal shelter or other suitable location. (c) It shall be the duty of any owner of an animal which has been attacked or bitten by another animal showing symptoms of rabies or distemper to immediately notify the township's police department or county animal control department or health department of the attack and his or her possession of such animal. Sec. 14-13. - Female in heat. The owner of any female animal in heat shall not permit such animal to be at large in the streets or public places in the township or on any premises other than those of the owner or custodian of such animal. The owner of such animal shall keep such animal confined in a building or a secure enclosure on a leash at all times, so that she will not come into contact with other animal except for intentional breeding purposes and so that she will not create a nuisance by attracting other animals. Sec. 14-14. - Parental liability. The parent or guardian of any minor claiming ownership of any animal subject to this chapter shall be deemed to be the owner of such animal and shall be charged for all penalties and fees imposed under this chapter. ARTICLE II - ADMINISTRATION AND ENFORCEMENT. Sec. 14-41. - Receipt and disbursement of funds. - Enforcement. All fees and monies collected under the provisions of this chapter shall be transferred to the general fund of the township in accordance with the standard practices of the treasurer, and the monies paid out in accordance with this chapter shall be drawn upon the general fund of the township. Any public safety ordinance officer and any police officer may employ all proper means for enforcement of this chapter, and may issue appearance tickets in accordance with this Code. Sec. 14-42. - Changes to fees. The fees and expenses, as established by this chapter, may be changed from time to time on or before November 1st of each year and for subsequent years by action of the township board for licenses and permits under this chapter shall be established by resolution of the Township board, and may be amended from time to time. Sec. 14-43. - Powers and duties of animal control officer. (a) The animal control officer or designee shall promptly seize, take up and place in the animal shelter all dogs or other animals, livestock or poultry found running at large. (b) The animal control officer shall be properly deputized for the purposes of this chapter and shall be legally authorized to have the power and it shall be his duty to issue appearance tickets, citations or summonses to those persons owning, keeping or harboring animals contrary to the provisions of this chapter. (c) The animal control officer shall promptly investigate all animal bite cases involving human exposure and shall search out and attempt to discover the animal involved, and shall either impound or quarantine it for examination for disease in accordance with the applicable provisions of this chapter and/or the statutes of the state. He shall also be authorized to seize and impound any rabies suspect animal. (d) The animal control officer shall assume the duty provided in section 16 of Public Act No. 220 of 1919 (MCL 287.276) to determine and locate all unlicensed dogs, to list such dogs, and to deliver such list to the township attorney for the necessary proceedings as provided by this chapter and/or the statutes of the state. (e) The animal control officer shall have the right to authorize the inspection of any boarding kennel, a license for which has been issued by the clerk pursuant to this chapter and the statutes of the state, and shall have the duty to suspend such license if, in his opinion, conditions exist which are unhealthy or inhumane to the animals kept therein pending correction of such conditions, and further shall have the duty to revoke such license if such conditions are not corrected within a reasonable period of time. (f) The animal control officer shall have the right to investigate complaints of animals alleged to be dangerous to persons or property and shall have the right to seize, take up and impound such animals. (g) The animal control officer shall have the right to investigate complaints of cruelty to animals, livestock or poultry and shall have the right to seize, take up and impound any animal, livestock or poultry which has been subject to such cruelty. (h) The animal control officer shall have such other duties relating to the enforcement of this chapter as the township board may from time to time provide. (i) It shall be the further duty of the animal control officer to enforce the provisions of this chapter and the statutes of the state pertaining to animals, and he may make complaint to the appropriate district court in regard to any violation thereof. Sec. 14-44. - Records. The township clerk, or his designate, shall keep a record of all dog licenses, and all kennel licenses, and all animal fancier permits issued during the year. Such record shall contain the name, address and phone number of the person to whom each license is issued. In the case of all individual licenses, the record shall also state the breed, sex, age, color and markings of the dog licensed. In case of a kennel license, it shall state the place where the business is conducted. In the case of an animal fancier permit, it shall contain a record of the annual inspections and renewals. The record shall be a public record and open to inspection during business hours. He shall also keep an accurate record of all license fees collected by him and turned over to the township treasurer. ARTICLE III. VICIOUS ANIMALS, DANGEROUS ANIMALS, AND WILD ANIMALS. Sec. 14-91. - Possession of certain animals prohibited. It is unlawful for any person to possess, harbor, breed, exchange, buy or sell any of the following exotic or wild animals: dangerous, wild or exotic animals as same are defined in this chapter. (1) Poisonous reptiles, spiders and insects. (2) Cats from the wild family, including, but not limited to, bobcats, cheetahs, cougars, jaguars, leopards, lions, lynxes, mountain lions, panthers, pumas, or tigers. (3) Crocodilian reptiles, including, but not limited to, crocodiles and alligators. (4) Bears. (5) Any other dangerous animal. Sec. 14-92 - 14-93. [Unchanged.] ARTICLE IV. DOGS DIVISION 1. - GENERAL. LY Sec. 14-121. [Unchanged.] DIVISION 2. - LICENSE Sec. 14-141. - 14-145. - [Unchanged.] ARTICLE V. - ANIMALS FANCIER'S PERMIT Sec. 14-160. - Animal Fancier's Permit: Requirements (a) No person shall own or keep more than three (3) to a maximum of five (5) dogs over 12 weeks of age without first applying for and receiving from the Township clerk an animal fancier's permit. The application for an animal fancier's permit shall include, at a minimum, the following information: The applicant's name, address and telephone number. The address of the proposed residence where the animals will be retained. Name, address and telephone number of the property owner of the proposed location if different than the applicant. A listing of the species of all dogs and the number of dogs to be maintained. Description of the housing facilities and proposed location on the lot where the housing facilities will be located. Purpose for keeping the dogs on the property. Any other information the Township clerk reasonably deems necessary. (c) Annual fees for animal fancier's permit shall be set by resolution of the Township Board. The Township clerk, upon payment of the annual fee, shall issue to the applicant a permit, and shall deliver a copy thereof to the public safety ordinance officer. Such annual permit shall be for the calendar year, or any portion thereof, and shall be due and payable in advance. (d) The permit shall specify the maximum number of animals allowed to be kept on the permitted property. Whenever a new animal is secured so as to exceed the maximum permitted, a new permit must be secured and a new fee shall be due and payable at the time of issuance of the new permit. Sec. 14-161. Permit approval process. (a) Upon receipt of an application for an initial permit under this division, the applicant shall request an investigation of the property by the public safety ordinance officer for which the permit is sought. An application shall be approved if it is established the applicant is in compliance with this section. (b) The Township Board shall adopt a policy which sets forth the specific criterion for issuance of an animal fancier's permit. Such policy shall include, at a minimum, the following requirements: The keeping of the dogs at the location specified in the application will not violate any federal, state or local law, odor, noise, dust, and drainage from the keeping and maintenance of the dogs will not contribute a nuisance or hazard to the public. The keeping and maintenance of the dogs will not endanger the peace, health or safety of persons in the immediate vicinity, or in the Township as a whole. Sec. 14-162. Renewal of permit. (a) Permits shall be valid for one year and shall be renewed annually. The fees for the issuance of new and renewal permits shall be set forth in a resolution of the Township Board. New and renewal permits are due and payable in advance. (b) The renewal fee for an animal fancier's permit shall be delinquent on January 31st of each year, and may subject the applicant to an additional late fee. Sec. 14-163. Inspection of permits. Permits issued under this division shall be surrendered upon request of an ordinance or public safety officer upon a finding of a violation of this division. The premises for which a permit is issued shall be opened for inspection upon advance reasonable notice, except in the case of an emergency. Sec. 14-163. Rules and regulations. Compliance with a policy adopted under section 14-161 (b) shall be a pre-requisite for issuance and renewal of an animal fancier permit. ARTICLE XVI. - KENNELS DIVISION 1. - GENERALLY. [UNCHANGED.] DIVISION 2. - LICENSE Sec. 14-191. - Required. (a) Any person who keeps or operates either a private kennel or a commercial kennel, in lieu of the individual license or animal fancier's permit required under this chapter, shall annually apply to the township clerk or his duly authorized representative for either a private kennel license or a commercial license, which, upon issuance, will entitle such person to keep or operate such kennel. The township clerk or his duly authorized representative shall not issue any kennel license under the provisions of this division unless the applicant fully complies with this article. (b) Any person who, at any one time, owns more than three animals six months old or older for other than proprietary purposes shall, or before March 1 of the year following such ownership, obtain a kennel license from the clerk if the person and his premises qualify under Public Act No. 339 of 1919 (MCL 287.261 et seq.). Issuance is subject to compliance with all applicable township ordinances. This section shall not apply to a litter of puppies when with the mother of such puppies, so long as such dogs are less than six months of age. Sec. 14-192. - Standards for issuance. A Zoning requirements. No private or commercial kennel license shall be issued unless the site is found to be in full compliance with the zoning ordinance. Private kennels. Private kennels to house only the animals owned by the occupant of the dwelling unit shall be licensed if the following standards are met: Lot size. The lot on which any such kennel is located shall be minimum of two acres in size. Number of animals. More than five (5) animals but not more than five (5) animals over the age of six months shall be housed in a private kennel. Breeding. Breeding of animals shall be restricted to no more than two litters per year. Setbacks. Buildings in which animals are kept, animal runs, and exercise areas shall not be located in any required front, side, or rear yard setback area, and shall be located at least 100 feet from any dwellings or buildings used by the public on adjacent property. Commercial kennels. Commercial kennels shall be licensed if the following standards are met: Operation. Any such kennel shall be subject to all permit and operational requirements established by county and state regulatory agencies. Lot size. The lot on which any such kennel is located shall be minimum of two acres in size, except in the LI, Light Industrial, and GI General Industrial districts, where there is no minimum lot size. Maximum animals permitted. The maximum number of animals permitted in a commercial kennel shall be one hundred (100), inclusive of pet day care, related to lot size as follows: not more than five animals on the first two acres and a maximum of five additional animals for each additional acre. In no case shall a commercial kennel exceed 50 animals. Outdoor runs. The minimum size of any outdoor run shall be 3,000 square feet and there shall be no more than 25 dogs in the run at any given time. The outdoor runs must be screened with an opaque fence or wall at least 6 feet in height. Setbacks. Buildings in which animals are kept, outdoor animal runs and exercise areas shall not be located in any required front, side, or rear yard setback area, and shall be located at least 400 feet from any residential dwellings or buildings used by the public on adjacent property. Inspections. An annual certification shall be obtained from the animal control officer or designee Township that the applicant's boarding kennel has been inspected as to adequate construction and comfortable housing for the dogs kept therein. Certification of compliance. An annual certification shall be obtained from the public safety department that the applicant has not been convicted of any violations of this chapter during the preceding year. (6) Enclosures. Outdoor kennel enclosures shall be enclosed with cyclone fencing and heavy shrubbery or with solid fencing, either of which shall be at least four feet high but no higher than six feet, the purpose of which fencing shall be to completely barricade the location of the kennel from sight. (7) Floors and runs. Floors and runs shall be of cement, gravel or stone and shall be sloped to drain readily. (8) Stall space. Stall space for each small dog shall be not less than three feet by five feet four inches. Stall space for each medium to large dog shall be not less than five feet by eight feet by six feet high. The stall space requirements listed in this subsection are for single dog runs. If two or more dogs use the same run, the size of the stall spaces shall be adjusted to ensure each dog the minimum space required for each dog. (9) Access for inspection. Commercial kennels shall be reasonably open to inspection by the animal control officer Township at all times. Sec. 14-193. - Issuance; fee; issuance of tags. Kennel licenses shall be issued by the township clerk or his duly authorized representative on a form prepared and supplied by him and shall entitle the licensee to keep the number of dogs, six months old or older, specified in the license. The annual fee to be paid for each private kennel license shall be \$25.00 and the annual fee to be paid for each commercial kennel license shall be \$100.00 set by resolution of the Township board. With each kennel license, the township clerk or his duly authorized representative shall issue a number of tags of durable material equal to the number of dogs authorized to be kept in the kennel. Such tags shall be readily distinguishable from the individual license tags issued. 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. Item 4. APPROVAL TO SET THE FEE FOR THE ANIMAL FANCIER PERMIT ANNUALLY. (CLERK) Motion by Bennett, supported by McLaughlin to set the fee for the Animal Fancier Permit at \$75.00 annually with at \$20.00 late fee after January 30th of the calendar year. Motion carried unanimously. Motion by Bennett, supported by Williams to waive the late fee for the 2013 calendar year. The late fee being implemented after January 30, 2014. Motion carried unanimously. Item 5. CONSIDER FIRST READING OF CODE OF ORDINANCE AMENDMENTS TO THE ZONING ORDINANCE. (MSD) Motion by Bennett, supported by Williams to table for consideration amendments to Sections 1.03, 6.02, and 23.02 of Appendix A - Zoning of the Code of Ordinances of the Charter Township of Canton as provided in the attached ordinance amendment. Motion carried unanimously. STATE OF MICHIGAN COUNTY OF WAYNE CHARTER TOWNSHIP OF CANTON AN ORDINANCE AMENDING APPENDIX A - ZONING, OF THE CODE OF ORDINANCES OF THE CHARTER TOWNSHIP OF CANTON, MICHIGAN, BY AMENDING ARTICLE 1.00 - RULES OF CONSTRUCTION AND DEFINITIONS; ARTICLE 6.00 - SITE DEVELOPMENT STANDARDS APPLICABLE TO SPECIFIC USES; AND ARTICLE 23.00 - GI, GENERAL INDUSTRIAL DISTRICT TO PROVIDE DEFINITIONS AND REGULATIONS RELATED TO THE OPERATION OF KENNELS AND SEASONAL SALES PERMITS IN THE TOWNSHIP, THE CHARTER TOWNSHIP OF CANTON ORDAINS: SECTION 1. AMENDMENT TO THE CODE ARTICLE 1.00 - RULES OF CONSTRUCTION AND DEFINITIONS Sec. 1.03. - Definitions. [Amend the following definition.] Kennel: Any lot or premises on which three (3) or more than a total of five (5) dogs, cats, or other domestic animals six (6) months or older are kept, either permanently or temporarily, either for sale, breeding, boarding, training, hobby, protection, or pets, subject to the regulations set forth herein regulating private and commercial kennels. This definition includes any facility with outdoor runs, but shall not apply to indoor pet boarding facilities, as defined below: Pet Boarding Facility (indoor): A building or structure located on any lot or parcel of land which is approved for the use of indoor boarding of dogs and cats pursuant to the requirements of Chapter 14. Pet boarding facilities shall include pet day care facilities without outdoor runs. [Create the following definition.] Seasonal Sales Permit: A temporary use permit reviewed and approved by the Planning Commission which allows sales of seasonal merchandise in temporary structures for defined periods of time. ARTICLE 6.00 - SITE DEVELOPMENT STANDARDS APPLICABLE TO SPECIFIC USES Sec. 6.02. - Site development standards for nonresidential uses. - J. [Unchanged.] K. Kennels. The following regulations shall apply to kennels and indoor pet boarding facilities: Private Kennels. Private kennels to house only the animals owned by the occupant of the dwelling unit shall be permitted subject to the following: Lot Size. The lot on which any such kennel is located shall be a minimum of two (2) acres in size. Number of Animals. More than three (3) to five (5), but not more than five (5) animals over the age of six (6) months shall be permitted to be housed in a private kennel, subject to the requirements in Chapter 14. Breeding. Breeding of animals shall be restricted to no more than two (2) litters per year. Setbacks. Buildings in which animals are kept, animal runs, and exercise areas shall not be located in any required front, side, or rear yard setback area, and shall be located at least one hundred (100) feet from any dwellings or buildings used by the public on adjacent property. Commercial Kennels. Commercial kennels shall be permitted subject to the following: Operation. Any such kennel shall be subject to all permit and operational requirements established in Chapter 14 and by county and state regulatory agencies. Lot Size. The lot on which any such kennel is located shall be a minimum of two (2) acres in size, except in the LI, Light Industrial and GI, General Industrial districts, where there is no minimum lot size. Number of animals. The maximum number of animals permitted in a commercial kennel shall be related to lot size as follows: Not more than five (5) animals on the first two (2) acres and a maximum of five (5) additional animals for each additional acre. In no case shall a commercial kennel exceed fifty (50) one hundred (100) animals, inclusive of pet day care. Outdoor runs. The minimum size of any outdoor run shall be 3,000 square feet and there shall be no more than 25 dogs in the run at any given time. The outdoor runs must be screened with an opaque fence or wall at least 6 feet in height and shall be located in a side or rear yard. In the LI, Light Industrial District, the screening must meet the guidelines of Section 22.03, subsection 3, Setbacks. Buildings in which animals are kept, outdoor animal runs, and exercise areas shall not be located in any required front, side, or rear yard setback area, and shall be located at least one hundred (100) sixty (60) feet from any residential dwellings or buildings used by the public on adjacent property. 3. Pet Boarding Facility (indoor). Indoor pet boarding facilities shall be considered pursuant to the provisions of Chapter 14 and subject to the following requirements: Outdoor runs/exercise areas. Outdoor runs and/or exercise areas are not permitted in conjunction with these facilities. Parking. The applicant shall demonstrate that parking is adequate for the employees and patrons of the facility based on the size and scope of the business. Number of Animals. The applicant shall specify the maximum number of dogs and cats proposed to be boarded and shall uti-******



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lize the provisions of Chapter 14 relative to size of stalls for the size of animals. In no case shall the facility house more than 50 dogs and/or cats. *Floor Plan.* The applicant shall provide a conceptual floor plan showing the layout of the proposed facility including the exercise area for dogs, if applicable. *Setbacks.* The building proposed to house the pet boarding facility shall be located at least ~~400~~ **sixty (60)** feet from any *residential* dwelling or building used by the public on adjacent property. L.– P. [Unchanged.] Q. *Open Air Businesses.* The following regulations shall apply to open air businesses: 6. ~~*Christmas tree sales.* Seasonal sales of Christmas trees shall comply with the following: Unless Christmas tree sales are necessary to the principal use of the site, a permit shall be obtained from the building official to allow temporary use of the site for such sales. Christmas tree sales shall not be permitted in residentially zoned districts. All Christmas trees, as well as poles, lights, wires, or other items incidental to the sale of trees shall be removed from the premises by December 31 of the subject Christmas season. Christmas trees on display for sale shall comply with the minimum setback requirements for the district in which the sales lot is located.~~ ***Seasonal Sales Permit.* Seasonal sales of merchandise, including but not limited to Christmas trees, pumpkins, flowers, produce, and fireworks, may be permitted upon issuance of a temporary zoning compliance certificate by the Planning Official and required approvals from the Building and Fire Prevention Divisions, after review and approval by the Planning Commission, subject to the following requirements: The business shall be located on an improved lot or parcel which is zoned C-1, C-2, C-3, or C-4 which has access via an existing paved driveway from a County primary road or State of Michigan thoroughfare. All areas subject to vehicular use shall be paved in accordance with sections 4.01.D.5 (surface and drainage), 4.01.D.6 (curbs), and 4.01.D.7 (lighting). The portion of any parcels used for seasonal sales shall be located no closer than 250 feet from any parcel that is zoned for residential purposes. Any area used for sales and/or display shall meet a minimum front setback of 85 feet from the right-of-way line and be set back a minimum of 20 feet from any adjacent property line. The proposed use may not reduce required parking on an improved site by more than 10 percent. The applicant shall submit a scale drawing (plot plan) with the application which contains the following information: i) The seasonal items proposed for sale on the site. (ii) The location and specifications of any proposed temporary structure or covered areas to be used for sales and display of items for sale; (iii) Any other areas outside of the temporary structure or covered areas used by employees or patrons and method of controlling ingress and egress from the sales site; (vi) The proposed setbacks from all property lines and distance to any parcels zoned for residential use; (v) The location of existing structures on the site and location of any structures within 100 feet of the property lines; (vi) All fire lanes and general traffic flow through the site and from the adjacent public streets; (vii) Number of parking spaces lost based due to the proposed sales site; (viii) Method of trash containment and disposal; (ix) A maximum of two permits may be granted on any one particular site during any calendar year. g. The maximum duration of a single seasonal sales permit is 30 days. The application must specify the seasonal sales time period requested. The Planning Commission shall have the right to place reasonable conditions, including timeframe, on the permit based on compatibility of the proposed use with the existing use, and public health, safety and the general welfare of the community. The final zoning compliance permit shall specify the permitted seasonal sales time period. Whenever a temporary structure, tent or other enclosure is proposed, the applicant shall be required to submit the plans for such structure, covering, or enclosure to the Building Division for review, permits and inspection prior to commencement of sales activity under the seasonal sales permit. All proposals for temporary structures will be reviewed by the Fire Prevention Division, and must comply with all requirements of the State Construction Code, International Fire Code, NFPA Regulations, and all other applicable codes, ordinances, and regulations. Whenever an applicant for a seasonal sales permit intends to utilize a site for fireworks sales, a copy of the state permit and site plan shall be provided with the application in accordance with the requirements of Public Act 256 of 2011, ARTICLE 23 – GI, GENERAL INDUSTRIAL DISTRICT Sec. 23.02. – Permitted Uses and Structures. A. [Unchanged.] B. *Special land uses.* The following uses may be permitted by the Township Board, subject to the conditions specified for each use; review and approval of the site plan and application by the Planning Commission and Township Board; the imposition of special conditions which, in the opinion of the Planning Commission or Township Board, are necessary to fulfill the purposes of this Ordinance; and, the provisions set forth in Section 27.03. - 12. [Unchanged.] **13. Commercial kennels, subject to the provisions in Section 6.02(K).** **SECTION 2. SEVERABILITY** Should any section, subdivision, clause, or phrase of this Ordinance be declared by the courts to be invalid, the validity of the Ordinance as a whole, or in part, shall not be affected other than the part invalidated. **SECTION 3. REPEAL.** All other Ordinances or part of Ordinances in conflict herewith are hereby repealed only to the extent to give this Ordinance full force and effect. **SECTION 4. SAVINGS CLAUSE** The amendment of the Canton Code of Ordinances set forth in this Ordinance does not affect or impair any act done, offense committed, or right accruing, accrued, or acquired, or liability, penalty, forfeiture or punishment, pending or incurred prior to the amendment of the Canton Code of Ordinances set forth in this Ordinance. **SECTION 5. PUBLICATION.** A public hearing having been held here on pursuant to the provisions of Section 103 of Act 110 of the Public Acts of 2006, as amended, the provisions of this Ordinance shall be published within fifteen (15) days of its adoption of publications of a notice in a newspaper circulated in Canton Township stating the date of enactment and effective date, a brief statement as to its regulatory effect and that a complete copy of the Ordinance is available for public purchase, use and inspection at the office of the Township Clerk during the hours of 8:30 AM to 4:30 PM, Local Time. **SECTION 6. EFFECTIVE DATE.** The provision of this Ordinance shall become effective seven (7) days after its publication. **Item 6. CONSIDER AUTHORIZING TOWNSHIP CLERK TO EXECUTE RELEASE OF EASEMENTS LOCATED ON PROPERTY NEVER DEVELOPED.** MSD Motion by Bennett, supported by Williams to authorize the Township Clerk to execute the release of easements as directed. Motion carried unanimously. **Item 7. APPROVE PURCHASE OF PLANT PROTECTANT AND FERTILIZER.** (CLS) Motion by Bennett, supported by Sneiderman to approve the purchase of Cleary's 26/36 and Anderson's Fertilizer with millennium ultra 15-0-08 from Tri-Turf, 24800 N. Industrial Dr., Farmington Hills, MI 48335. Funds to be taken from: Pheasant Run Golf Club Maintenance and Repair of Grounds Account Number: 584-756-57.930\_0070 in the amount of \$ 7,680 Parks Maintenance 101-270-50.930\_0070 in the amount of \$16,510 I further move to approve the purchase of 20-0-20 Polyvex SGN-150 fertilizer, and Bannermaxx from Residex Turfgrass, Inc, 46495 Humboldt Dr., Novi, MI 48377. Funds to be taken from: Pheasant Run Golf Club Maintenance and Repair of Grounds, 584-756-57.930\_0070 in the amount of \$29,418 Parks Maintenance 101-270-50.930\_0070 in the amount of \$4164.10. Motion carried unanimously. **Item 8. AWARD BID FOR 2013 BUS TRANSPORTATION.** (CLS) Motion by Bennett, supported by Williams to award the 2013 Bus Transportation Services to First Student, 8145 Greenfield, Detroit, MI 48228 in the amount of \$16,490.50 from the following accounts: 101-691-61.801\_0050 \$5,590 101-691-63.860 \$10,900.50 Motion carried unanimously. **Item 9. CONSIDER BUDGET AMENDMENT AND AWARD NEW CONTRACT FOR LED LIGHTING UPGRADE.** (CLS) Motion by Bennett, supported by McLaughlin to approve the contract with Rauhorn Electric in the amount of \$61,104 for the LED Lighting project. Funding for this project is split between the General and Summit Community Center Funds. I further move to approve the following budget amendment: Decrease Expense: 208-757-50.990 - Transfer To Fund Balance \$30,552, Increase Expense: 208-757-55.970\_0050 – Capital Outlay Infrastructure \$30,552. Motion carried unanimously. **Item 10. CONSIDER PURCHASING A MULTI-FUNCTIONAL RICOH COPIER/FAX/SCANNER/PRINTER.** (PSD) Motion by Bennett, supported by McLaughlin to approve the purchase of a Ricoh MP5002SP copier from Applied Imaging, 46620 Ryan Court, Novi, Michigan, in the amount of \$5,176, utilizing funds budgeted in the Police & Fire Capital Outlay Machinery & Equipment accounts. Motion carried unanimously. **OTHER:** The Township offices will be closed on Friday, March 29, 2013 in observance of Good Friday and Monday, April 2, 2013 as a furlough day. Offices will be open on Tuesday, April 2, 2013 at 8:30 a.m. The study session scheduled for Tuesday, April 2, 2013 is cancelled. The next Board meeting will be Tuesday, April 9, 2013 at 7:00 p.m. at the Administration Building, First Floor, Board Room, 1150 Canton Center S., Canton, Michigan **ADJOURN:** Motion by Bennett, supported by Williams to adjourn at 8:25 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.canton-mi.org](http://www.canton-mi.org) after Board Approval. EC040413-0721 5 x 20.50+ 2.5 x 3.812