Charter Township of Canton Board Proceedings-April 9, 2013

A regular meeting of the Board of Trustees of the Charter Township of Canton was held Tuesday, April 9, 2013 at 1150 Canton Center S. Canton, Michigan. Supervisor LaJoy called the meeting to order at 7:01 p.m. Boy Scout Troop 854 led the Pledge of Allegiance to the Flag. Roll Call Members Present: Anthony, Bennett, LaJoy, McLaughlin, Sneideman, Williams, Yack Staff Present: Director Bilbrey-Honsowetz, Director Trumbull, Director Faas, Director Mutchler, Kristin Kolb Adoption of Agenda Motion by Bennett, supported by Williams to adopt the agenda as amended adding Consent Calendar Item C-5 Second Reading of an Amendment to the Canton Township Code of Ordinances, Chapter 14, Animals and General Calendar Item G-9 Consider Award of a Contract for Native Planting for the Michigan/I-275 Bioswale Grant Project to Wildtype, Inc. and delete from the agenda G-7 Approve Contract for Township Simple Telephone Carrier Services with AT&T. Motion carried unanimously. Approval of Minutes Motion by Bennett, supported by McLaughlin to approve the Board Minutes of March 26, 2013. Motion carried unanimously. Citizen's Non-Agenda Item Comments: Terry Jobbit, Manager Team of Area 23 Special Olympics Michigan, presented an award from the Michigan Softball Tournament to Canton Softball Center and Ann Marie Carravallah. Payment of Bills Motion by McLaughlin, supported by Williams to ment of the bills as presented. Motion carried unanimously. <u>CONSENT CALENDAR:</u> Item 1. CONSIDER SECOND READING OF CODE OF ORDINANCE AMENDMENTS TO THE ZONING ORDINANCE. (MSD) Motion by Bennett, supported by McLaughlin to remove from the table, adopt and publish the ordinance 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 ordinance. I further move to amend the fee schedule for Planning Services to establish an application fee of \$350.00 for the zoning compliance permit for seasonal sales. 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 DEVELOP-MENT 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 outdoors runs, but shall does 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 mer-chandise 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 the (3) five(5), but not more than the (3) eight (8) 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: Notmaximum of five (5) additional animals for e ach 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 used by the public on adjacent property. 3. Pet Boarding Facility ndred (100) sixty (60) feet from any residential dwellings or building (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 utilize 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 ever cise area for dogs, if applicable. *Setbacks*. The building proposed to house the pet boarding facility shall be located at least 100 sixty (60) feet from any <u>residential</u> dwelling or building used by the public on adjacent property. L. – P. [Unchanged.] Open Air Businesses. The following regulations shall apply to open air businesses: 6. Chris erv to the principal use of the site, a permit shall be obtained from the build official s. All (ed. 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 street; (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 accor-dance 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.] 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 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. A zoning ordinance regulating the development and use of land has been adopted by the legislative body of the Township of Canton. In accordance with Public Act 110 of 2006 the zoning ordinance shall take effect on April 25, 2013. The amended Zoning ordinance may be purchased or inspected in Planning Services, Canton Township's Administration Buildin 1150 Canton Center S., Canton, Michigan during business hours Monday through Friday, 8:30 a.m. to Item 2.CONSIDER SECOND READING OF CODE OF ORDINANCE AMENDMENTS FOR SCHULTZ REZONING. (MSD) Motion by Bennett, supported by McLaughlin to remove from the table, adopt and publish the ordinance amendments to the zoning district boundaries map found in Appendix A - Zoning 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, MICHIGANWHICH AMENDS THE ZONING DISTRICT BOUNDARIES ON THE ZONING MAP THE CHARTER TOWNSHIP OF CANTON ORDAINS: <u>SECTION 1. AMENDMENT</u> TO THE CODE ARTICLE 8.00 - ESTABLISHMENT OF ZONING DISTRICTS AND MAP IS HEREBY AMENDED AS FOL-LOWS: Pursuant to Section 27.06 of Appendix A – Zoning, the zoning map is hereby amended by changing the zoning parcel nos. 122-99-0002-000, 122-99-0003-000. 122-99-0005-000, 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. A zoning ordinance regulating the development and use of land has been adopted by the legislative body of the Township of Canton. In accordance with Public Act 110 of 2006 the zoning ordinance shall take effect on April 25, 2013. The amended Zoning ordinance may be purchased or inspected in Planning Services, Canton Township's Administration Building, 1150 Canton Center S., Canton, Michigan during business hours Monday through Friday, 8:30 a.m. to 4:30 p.m. Item 3. REAPPOINTMENT TO THE CDBG ADVI-SORY COUNCIL. (FBD) Motion by Bennett, supported by McLaughlin to reappoint Kathy Martin to the CDBG Advisory Council for wo year term, effective January 1, 2013 and expiring on December 31, 2014. Motion carried unanimously, Item 4, APPROVE RES-OLUTION AND CERTIFICATE OF INCUMBENCY FOR LEASE AGREEMENT. (CLS) Motion by Bennett, supported by McLaughlin to approve the Resolution and Certificate of Incumbency for Lease Number 173095000 as presented. Motion ca imously, Item 5. SECOND READING OF AN AMENDMENT TO THE CANTON TOWNSHIP CODE OF ORDINANCES, CHAPTER 14, ANIMALS. (SUPERVISOR) Motion by Bennett, supported by McLaughlin to remove from the table and adopt the Second Reading of an amendment to the Township Code of Ordinances, Chapter 14, Animals. Further, I move to publish said amendment on April 18, 2013, which shall be the effective date for the amendment. Motion carried unanimously. STATE OF MICHIGAN. COUN-TY 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 FANCIERS 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 GEN-ERAL. 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, unless otherwise stated, includes birds, fish, mammals and reptiles. Animal control officer means any person employed by the township for the purpose of enforcing this chapter or state statutes pertaining to animals and shall include police officers, ordinance inspectors and any other person employed for, or assigned to, enforce the provisions of this chapter. Any person employed as animal control officer shall meet the requirements of section 29b of Public Act No. 339 of 1919 (MCL 287.289b). Animal fancier shall mean an individual who shall desires 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 fanciers 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. Dangerous animal means any animal that bites or attacks a person, or any animal that bites or attacks and causes serious injury or death to another animal while the other animal is on the property or under the control of its owner. However, a dangerous animal does not include any of the following: An animal that bites or attacks a person who is knowingly trespassing on the property of the animal's owner. An animal that bites or attacks a person who provokes or torments the animal. An animal that is responding in a manner that an ordinary and reasonable person would conclude was designed to protect a person if that person is engaged in a lawful activity or is the subject of an assault. Livestock means horses, stallions, colts, geldings, mares, sheep, rams, lambs, bulls, bullocks, steers, heifers, cows, calves, mules, jacks, jennets, burros, goats, kids, hogs, swine, and fur-bearing animals being raised in captivity. Nonagricultural area means any area zoned other than for agricultural purposes. Owner means every person having a right of property in the animal, and every person who keeps or harbors the animal or has it in his care, and every person who permits the animal to remain on or about any premises occupied by him. Police officer means any person employed or elected by the people of the state, or by any city, village, county or township, whose duty it is to preserve peace or to make arrest or to enforce the law, and includes game, fish and forest fire wardens and members of the state police and conservation officers. Poultry means all domestic fowl, ornamental birds, and game birds possessed or being reared under authority of a breeder's license pursuant to part 427 of Public Act No. 451 of 1994 (MCL 324.42701 et seq.). Private kennel means the premises of an owner whereon more than five (5), but less than eight (8), 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. Provoke means to perform a willful act or omission that any ordinary and reasonable person would conclude is likely to precipitate the bite or attack by an ordinary animal. Rabies suspect animal means any animal which has bitten a human, or any animal which has been in contact with or been bitten by a rabid animal, or any animal which shows symptoms suggestive of rabies. Serious injury means permanent, serious disfigurement, serious impairment of health, or serious impairment of a bodily function of a person or animal. Torment means an act or omission that causes unjustifiable pain, suffering, and distress to an animal, or causes mental and emotional anguish in the animal as evidenced by its altered behavior, for a purpose such as sadistic pleasure, coercion, or punishment that an ordinary and reasonable person would conclude is likely to precipitate the bite or attack. Unconfined means not securely confined indoors or confined in a securely enclosed and locked pen or structure upon the premises of the owner. Vicious dog means: Any dog with a known propensity, tendency or disposition to attack unprovoked, to cause injury to, or to otherwise endanger the safety of humans or other domestic animals; Any dog that attacks a human being or other domestic animal without being provoked; or Any dog known by the owner to be a pit bull terrier, which shall be defined as any American Pit Bull Terrier, Staffordshire Bull Terrier, or American Staffordshire Terrier breed of dog or any mixed breed of dog known to contain as an element of its breeding any of such breeds. 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, ocelots, 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: Any large cat of the family Felidae, such as lions, tigers, jaguars, leopards, cougars, bobcats, lynxes and ocelots, except commonly accepted domesticated house cats Any member of the family Canidae, such as wolves, coyotes, dingoes, and jackals, except domesticated dogs. Any crossbreed such as crossbreeds between dogs and coyotes, or dogs and wolves, but does not include crossbreed domesticated animals. Any snake that is a member of the pit viper or biodae 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. Any snake or reptile which by its size, vicious nature or other characteristic is dangerous to human beings. Any skunk, squirrel, raccoon or fox whether captured in the wild, domestically raised, descented or not descented, vaccinated against rabies or not vaccinated against rabies. Any bear, ape, gorilla, monkey, weasels, mink, or badger. Any Vietnamese pot-bellied pig. Any pheasants Any poisonous spiders. Sec. 14-2. - Purpose. 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. Except as otherwise pro vided in this chapter, any person violating any of the provisions of this chapter shall be responsible for a municipal civil infraction, shall be punished by a civil fine of not more than \$500.00, and costs as 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 animal, as provided in this chapter. The court may also issue such injunctive relief as may be necessary to enforce this chapter.-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. -Cruelty to animals. (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 weath er, or carry such animal in or upon any vehicle in a cruel or inhumane manner Sec. 14-6. - 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 public safety ordinance officer. Sec. 14-7. - Running at large; immunization required. (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 anothe 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. 14-8. - Allowing animal to attack or molest persons. It is unlawful for: 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. 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. 14-9. - 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. 14-10. - Sanitation. (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: 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. 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 severs 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. 14-11. 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. 14-12. Exposure to rabies; notice. (a)Any animal kept as a pet that shall bite a person or animal shall be securely confined by the owner there of inside an appropriate building or enclosure away from humans or any other animal for a minimum period of ten days following the bit ing-incident. If the owner of such animal shall fail to securely confine the animal for such period of time, then the public safety ordinance officer may take possession and custody of the animal, and confine the animal at an animal shelter until the expiration of the ten-day peri od 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 an animal shell ter in accordance with the provisions of this section, and thereafter disposed of in accordance with applicable law. (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 prem-ises 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 nor create a nuisance by attracting other animals. Sec. 14-14. – Parental liability. The par-ent 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 DIVISION I. -GENERALLY Sec. 14-41. - Enforcement. 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 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. - Records. The township clerk, or his designate, shall keep a record of all dog licenses, 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. DIVISION 2. - IMPOUNDMENT Sec. 14-61. - Animal shelter. The township board shall maintain an animal shelter of contract with independent agencies for the purpose set forth in this division. Sec. 14-62. - Impoundment authorized; holding period All animals found running at large shall be seized by the animal control officer or designee and impounded for a period of not less than five days, and may thereafter be sold or disposed of if not claimed by the owner. If no owner has claimed the animal within five days of the seizure and impoundment, the animal may be sold and disposed of in the manner provided by law. Sec. 14-63. - Procedure when animal's owner is known. When animals are found running at large, and their ownership is known to the animal control officer or designee such animal need not be impounded, but the animal control officer or other peace officer may, in his discretion, cite the owner of such ani mal to appear in court to answer charges of violation of this chapter. Sec. 14-64. - Notification of owner. Immediately upon impounding an animal, the animal control officer shall make every reasonable effort to notify the owner of such animal so impounded and inform such owner of the conditions whereby custody of such animal may be regained pursuant to the regulations for the operation of the animal shelter. Sec. 14-65. - Redemption of impounded animal. An owner may redeem an animal from the animal shelter by executing a sworr statement of ownership, furnishing a license and tag as required by this chapter and state law, and paying to the shelter the required fees as established from time to time by resolution of the township board. 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 dangerous, wild or exotic animals as same are defined in this chapter. Sec. 14-92. - Vicious or dan gerous dogs. The owner of a vicious dog must: Be 18 years of age or older; Have such dog tattooed, registered and licensed with the town-ship; Provide information including the name, address and telephone number of the person from whom or the place where the owner acquired the dog; Notify the animal control officer or his agent within a 24-hour period when the owner has knowledge that the dog is at large, is unconfined, and has attacked an individual or other animal, or that the dog has died; and Notify the animal control officer or his agent when the dog is sold or given away to another person. The notification shall include the name, address, and telephone number of the new owner. The owner of a dangerous or vicious dog shall not suffer or permit such dog to be unconfined, unless such dog is securely restrained, leashed and muzzled. Sec. 14-93. - Judicial proceedings regarding dangerous animals. Upon a sworn complaint that an animal is a dangerous animal and the animal has caused serious injury or death to a person or has caused serious injury or death to anoth er animal, a district court magistrate or district court judge shall issue a summons to the owner ordering him to appear to show cause why the animal should not be destroyed. Upon the filing of a sworn complaint as provided in subsection (a) of this section, the court or mag istrate shall order the owner to immediately turn the animal over to a proper animal control authority, an incorporated humane society, licensed veterinarian, or a boarding kennel, at the owner's option, to be retained by them until a hearing is held and a decision is made for the disposition of the animal. The owner shall notify the person who retains the animal under this section of the complaint and order. The expense of the boarding and retention of the animal is to be borne by the owner. The animal shall not be returned to the owner until it has a current rabies vaccination and a license as required by law. After a hearing, the magistrate or court shall order the destruction of the animal, at the expense of the owner, if the animal is found to be a dangerous animal that caused serious injury or death to a person or another animal. After a hearing, the court may order the destruction of the animal, at the expense of the owner, if the court finds that the animal is a dangerous animal that did not cause serious injury or death to a person but is likely in the future to cause serious injury or death to a person or in the past has been adjudicated a dangerous animal. If the court or magistrate finds that an animal is a dangerous animal but has not caused serious injury or death to a person, the court or magistrate shall notify the animal control authority for the county or the township in which the complaint was filed of the finding of the court, the name of the owner of the dangerous animal, and the address at which the animal was kept at the time of the finding of the court. In addition, the court or magistrate shall order the owner of that animal to do one or more of the following: If the animal that has been found to be a dangerous animal is of the Canis familiaris species, have an identification number tattooed upon the animal, at the owner's expense, by or under the supervision of a licensed veterinarian. The identification number shall be assigned to the animal by the state department of agriculture and shall be noted in its records pursuant to Public Act No. 309 of 1939 (MCL 287.301 et seq.). The identification number shall be tattooed on the upper inner left rear thigh of the animal by means of indelible or permanent ink. Take specific steps, such as escape-proof fencing or enclosure, including a top or roof, to ensure that the animal cannot escape or non-authorized individuals cannot enter the premises. Have the animal sterilized. Obtain and maintain liability insurance coverage sufficient to protect the public from any damage or harm caused by the animal. (5) Take any other action appropriate to protect the public. ARTICLE IV. DOGS DIVISION 1. - GENERALLY Sec. 14-121. - Dogs in parks. It is unlawful for an owner to allow, knowingly or unknowingly, any dog of any age, licensed or unlicensed, wearing a collar or not wearing a collar, to be within the confines of any public park when such park, by appropriate designation at its entrance, prohibits dogs. Notwithstanding the provisions of subsection (a) of this section: (1) A person with disabilities may be in a park while being led or accompanied by a guide or leader dog, hearing dog, or service dog if the guide or leader dog is wearing a harness or if the hearing dog or service dog is wearing a blaze orange leash and collar, hearing dog cape, or service dog backpack, and the person with disabilities being led or accompanied has in his possession a picture identification card certifying that the dog was trained by a qualified organization or trainer of leader dogs, hearing dogs, and service dogs. (2) A trainer of guide or leader dogs, hearing dogs, or service dogs may be in the park when being led or accom panied by a guide or leader dog, hearing dog, or service dog if the guide or leader dog is wearing a harness or if the hearing dog or service dog is wearing a hearing dog cape or service dog backpack, if the trainer is being led or accompanied by an adult dog for the purpose of training the dog, and if the trainer has in his possession picture identification and identification stating that he is a representative or employee of an organization or trainer, or is a trainer, included on the state department of labor list of organizations or trainers that train guide or leader dogs, hearing dogs, or service dogs. (c) As used in this section: Adult dog means a domestic dog of the species Canis familiaris that is 12 months of age or older. Audibly impaired means audibly impaired as defined in section 1 of Public Act No. 82 of 1981 (MCL 752.61). Blind person means a blind person as defined in section 1 of Public Act No. 260 of 1978 (MCL 393.351). Deaf person means a deaf person as defined in section 1 of Public Act No. 82 of 1981 (MCL 752.61). Person with disabilities means a person v audibly impaired, blind, deaf, or otherwise physically limited. *Physically limited* means physically limited as defined in section 1 of Public Act No. 1 of 1966 (MCL 125.1351). DIVISION 2. - LICENSE Sec. 14-141. - License and tag required; application; rabies vaccination. It shall be unlawful for any person to own any dog six months old or older unless the dog is licensed as provided in this division, or to own any dog six months old or older that does not at all times wear a collar with a tag approved by the state director of agriculture or township clerk. On or before April 1 of each year, the owner of any dog six months old or older, except as provided in section 14-142, shall apply to the township clerk for a license for each dog owned or kept by him. Such application shall state the breed, sex, age, color and markings of such dog, and the name, address and phone number of the owner. Such application for a license shall be accompanied by proof of vaccination of the dog for rabies by a valid certificate of vaccination for rabies with a vaccine licensed by the United States Department of Agriculture, signed by an accredited veterinarian. Dogs attaining the age of six months after April 1 shall have seven days in which to obtain a license. No dog shall be exempt from the rabies vaccination requirements as set forth in this section unless a registered and practicing veterinarian of the state certifies, in writing, that such rabies vaccine would be detrimental to the health of the dog and thereafter, if the township attorney shall approve the same in writing, he shall issue a certificate authorizing the issuance of such dog license without such rabies vaccine and such dog shall be licensed accordingly under the provisions of this division. Sec. 14-142. - Fee: exemptions. The license fee for all dogs in accordance with this division shall be as established by resolution. A dog is not subject to any fee for licensing if either of the following applies: The dog is used as a guide or leader dog for a blind person, a hearing dog for a deaf or audibly impaired person, or a service dog for a physically limited person. The dog is owned by a partnership, corporation, or other legal entity that trains dogs for use as guide or leader dogs for blind persons, hearing dogs for deaf or audibly impaired persons, or service dogs for physically limited persons. Service dogs shall not be exempt from obtaining an Animal Fanciers Permit under Article V. As used in this section: Audibly impaired means audibly impaired as defined in section 1 of Public Act No. 82 of 1981 (MCL 752.61). Blind person means a blind person as defined in section 1 of Public Act No. 260 of 1978 (MCL 393.351). Deaf person means a deaf person as defined in section 1 of Public Act No. 82 of 1981 (MCL 752.61) Person with disabilities means a person who is audibly impaired, blind, deaf, or otherwise physically limited. The license fee for any dog which has not been obtained prior to April 1 of any year shall be considered delinquent and such license fee throughout the balance of each year shall be as established by resolution. Current dog licenses issued by other governmental agencies in the state shall be honored in the township until the following April 1. Sec. 14-143. - Transfer. No license or license tag issued for one dog shall be transferable to another dog. Whenever the ownership or possession of any dog is transferred from one person to another within the township, the license of such dog may be likewise transferred, upon proper notice, in writing, by the last registered owner, given to the clerk, who shall note such transfer upon his records. This chapter does not require the procurement of a new license, or the transfer of a license already secured, where the possession of a dog is temporarily transferred for the purpose of boarding hunting, game, breeding, trial or show. Sec. 14-144. - Lost tags. If the dog license tag is lost, it shall be replaced by the clerk, upon application by the owner of the dog, and upon production of such license and a sworn statement of the fact regarding the loss of such tag. The cost of such replacement shall be as established by resolution. Sec. 14-145. - Evidence of ownership. In all prosecutions for violation of this chapter, the records of the clerk's office, or lack of such records, showing the name of the owner to whom any license was issued and the license number, and the license tags affixed to the collar or harness of the dog showing a corresponding number, shall be prima facie

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evidence of ownership or non-ownership of any dog and of issuance or non-issuance of a dog license or tag. ARTICLE V. - ANIMALS FANCIER'S PERMIT Sec. 14-160. – Animal Fancier's Permit; Requirements (a) No person shall own or keep more the 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 or 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 30th 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 per mit 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 renew al of an animal fancier permit. ARTICLE VI. - KENNELS DIVISION 1. - GENERALLY. Sec. 14-171. - Cleanliness. It shall be the duty of all kennel licensees to keep the kennel enclosures, stalls and/or runs clean and free from any accumulation of dirt, mud, feca matter or debris. Further, all kennel licensees shall clean any and all refuse matter, including fecal matter, at least daily, from inside and outside the kennel enclosures. 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. 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 eight (8) 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 nels 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 Outdoor runs. The minimum size of any outdoor run shall be 3,000 square feet and there shall be no more that 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 60 feet from any residential on adjacent property. Inspections. An annual certification shall be obtained from the Township that the applicant's boarding kennel has been inspected as to adequate construction and comfortable house ing 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 by four feet high. 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 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 private kennel and commercial kennel licenses shall be 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. ARTICLE VIL -INDOOR PET BOARDING FACILITIES Sec. 14-211. - Definitions. The following words, terms and phrases when used in this article shall have the meanings indicated: Pet shall mean dog (canis lupus familiaris) or cat (felis silvestris catus). Pet boarding facility (indoor) shall mean a building or structure located on any lot or parcel which is approved for the use of indoor boarding of dogs and cats pursuant to the requirements of this chapter. No outdoor runs shall be permitted in conjunction with such facilities. Indoor pet boarding facility shall include pet day care facility. Sec. 14-212. - Cleanliness. It shall be the duty of all indoor pet boarding facility licensees to keep the pet boarding facility clean and free from any accumulation of dirt, mud, fecal matter or debris. Further, all indoor pet boarding facility licensees shall clean any and all refuse matter, including fecal matter, at least daily, from inside the facility, including pens and cages, and move it to an appropriate, and where necessary, licensed waste disposal facility. Sec. 14-213. - License required. Any persor who keeps or operates an indoor pet boarding facility shall annually apply to the township clerk or his or her duly authorized representative for an indoor pet boarding facility license, which, upon issuance shall entitle such person to keep or operate such indoor pet boarding facility. The township clerk or his or her duly authorized representative shall not issue any indoor pet boarding facility license under the provisions of this article unless the applicant fully complies with this article. This article does not exempt dogs kept in an indoor pet boarding facility from the individual license requirements in this article. Sec. 14-214. - Standards for issuance. Zoning requirements. No indoor pet boarding facility license shall be issued unless the site is found to be in full compliance with the township zoning ordinance Michigan Department of Agriculture regulations. All animals kept in an indoor pet boarding facility shall be kept and maintained as required by Public Act 339 of 1919, Public Act 287 of 1969, Regulation 151 and any rules or regulations promulgated by the Michigan Department of Agriculture in addition to the remainder of the limitations included in this section. Number of animals. The number of animals shall be based upon the space available to meet each animals needs, i.e. sanitary, noise, ventilation, feeding, recreation, and temperature. The presumptive formulas per species shall be set by section 14-220 Interior environment standards. The interior environments standards such as ventilation, temperature control, and lighting shall be established and maintained according to the Michigan Building Code. Stand alone building. When the boarding facility is located in a stand alone building the noise emitting from the property cannot exceed the noise level as established by the performance standards of the zoning ordinance. Shared common interior walls. When the facility shares a common interior wall with an adjacent tenant, the area shall have a sound transmission class (STC) of not less than 50 (45 if field tested) for airborne noise when tested in accordance with ASTM E90. Exercise area. An indoor exercise area with a minimum area of 300 square feet shall be available to any dog kept in the facility for longer than 24 hours. Sec. 14-215. - Outdoor activities. Indoor pet boarding facilities shall have no outdoor pet related activity including animal runs exercise areas display areas sanitation stations, sunning areas, or swimming areas. Sec. 14-216. - Buildings. The indoor pet boarding facility shall be located at least 100 feet from any dwelling or building on adjacent property. If a facility is located in a multi-tenant building it must meet all building code separation requirements including sound transmission requirements per subsection 14-214(f). Sec. 14-217. - Outdoor enclosures. No outdoor enclosures shall be allowed adjacent to or as part of an indoor pet boarding facility Sec. 14-218. - Inspections. An annual certification shall be obtained from the public safety department or designee that the applicant's indoor pet boarding facility has been inspect-ed as to adequate construction and comfortable housing for the animals kept therein. Sec. 14-219. - Certification of compliance. An annual certification shall be obtained from the public safety department or designee that the applicant has not been convicted of any violations of this chapter during the preceding year. Sec. 14-220. - Animal space. Stall space for each animal shall be not less than three feet by five feet by four feet high. For animals larger than ten pounds, the minimum stall space for each animal shall be not less than five eet by eight feet by six feet high. If two or more animals are stored in the same stall, the size of the stall spaces shall be adjusted t insure each animal the minimum space required for each. Sec. 14-221. - Access for inspection. Indoor pet boarding facilities shall be reasonably open to inspection by the public safety department or designee at all times. Sec. 14-222. - License. Indoor pet boarding facility licenses shall be issued by the township clerk or his or her duly authorized representative on a form prepared and supplied by the clerk and shall entitle the licensee to keep the number of animals specified in the license. The annual fee to be paid for each indoor animal boarding facility license shall be set by the township board. With each license, the township clerk or his or her duly authorized representative shall issue the appropriate number of dog tags for the number of dogs authorized to be kept therein as required by Public Act 339 of 1999 (MCL 287.362, et seq.). Such tag shall be readily distinguishable from the individual license tags issued. Sec. 14-223. Dogs kept at the facility. For dogs that are kept at the facility, the requirements of section 14-194 shall also apply. Sec. 14-224. Revocation of license. Upon conviction of a violation of this chapter, the township clerk, upon notification to the licensee, may revoke the license granted under this article. Sec. 14-225. - Municipal civil infraction. Unless otherwise provided, any person, corporation, partnership or any other legal entity who violates the provisions of this article shall be guilty of a municipal civil infraction and shall, upon a finding of responsibility, be punished by paying a fine of \$250.00. For each subsequent violation of this article, the responsible person or entity shall pay a fine of not less than \$500.00. The township may also seek additional legal and/or equitable relief in the district court or by filing suit in the circuit court. The township may recover its reasonable attorneys fees, court costs and other expenses related to enforcement activities or litigation against the person or entity found to have violated this article. 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. GENERAL CALEN-DAR: Item 1. CONSIDER THE ADOPTION OF THE RECOMMENDATIONS FROM MUNICIPAL SERVICES AND FINANCE AND BUDGET ON THE 2013 WATER AN SEWER RATES. (MSD) Motion by Bennett, supported by McLaughlin to adopt the 2013 water and sewer rate study. Motion carried unanimously. Item 2. CONSIDER THE FIRST READING OF CODE OF ORDINANCE AMENDMENTS TO PART I, CHAPTER 74 ENTITLED "UTILITIES", ARTICLE II, DIVISION 2, SUBDIVI-SION II ENTITLED "SCHEDULE OF RATES AND CHARGES", SECTION 74-83. (MSD) Motion by Bennett, supported by McLaughlin to introduce for consideration the first reading of the Code of Ordinance amendments to Part I. Chapter 74 Entitled "UTIL ITIES", Article II, Division 2, Subdivision II entitled "SCHEDULE OF RATES AND CHARGES", Section 74-83 with publication on April 18, 2013. Motion carried unanimously. Motion by Bennett, supported by McLaughlin to table the Utilities Code of Ordinance amendments, with intent to remove from the table for Second Reading on April 25, 2013 with a final publication and effective date of May 2, 2013. Motion carried unanimously. LEGAL SUMMARY STATE OF MICHIGAN, COUNTY OF WAYNE, CHARTER TOWNSHIP OF CANTON, AMENDMENT TO CODE OF ORDINANCES CHAPTER 74 UTILITIES ORDINANCE, PART I AN ORDINANCE AMENDING THE CHARTER TOWNSHIP OF CANTON CODE OF ORDINANCES PART I, CHAPTER 74 ENTITLED "UTILITIES", ARTICLE II, DIVISION 2, SUBDIVISION II ENTITLED "SCHEDULE OF RATES AND CHARGES", SECTION 74-83. THE AMENDMENTS TO SUB-SECTION (a) PROVIDE FOR REVISED WATER RATES AND CHARGES. THE AMENDMENTS TO SUB-SECTION (b) PROVIDE FOR REVISED SEWER RATES AND CHARGES. THE CHARTER TOWNSHIP OF CANTON ORDAINS: SECTION 1. AMENDMENT TO THE CODE This Ordinance is hereby adopted to amend Part 1, Chapter 74, Article II, Division 2, Subdivision II, Section 74-83(a) water rates and charges and Section 74-83(b) sewer rates and charges. SECTION 2. SEVERABILITY If any clause, sentence, section, paragraph or part of this Ordinance, or application thereof to any person, firm, corporation, legal entity or circumstances, shall be for any reason adjudged by a Court of competen jurisdiction to be unconstitutional or invalid, said judgment shall not affect, impair or invalidate the remainder of this Ordinance. SEC-TION 3. REPEAL All Ordinances, or part of the Ordinances, in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect. SECTION 4. SAVINGS CLAUSE All rights and duties which have been mattered, penalties which have been incurred, proceedings which have begun and prosecution for violations of law occurring before the effective date of this Ordinance are not affected or abated by this Ordinance. **SECTION 5. PUBLICATION** The Clerk for the Charter Township of Canton shall cause this Ordinance to be published in the manner required by law. SECTION 6. EFFECTIVE DATE This Ordinance shall take full force and effect upon publication as required by law. Item 3. CONSIDER AWARD OF A CONTRACT FOR THE PUR-CHASE OF 10,000 FEET OF TYPE K COPPER TUBING AND 300 ONE-INCH METAL WATER STOP BOXES. (MSD) Motion by Bennett, supported by Williams to award a contract for the purchase of 10,000 feet of type k copper tubing and 300 metal stop boxes to HD Supply Company, for an amount not to exceed \$45,220.00 (Account Number 592-536.110_0010). Motion carried unanimously. Item 4. CONSIDER APPROVAL OF ANNUAL MAINTENANCE AND TECHNICAL SUPPORT FOR CITY-WORKS ASSET MANAGEMENT SOFTWARE. (MSD) Motion by Bennett, supported by Sneideman to approve the Annual Software Maintenance and Technical Support Agreement for CityWorks from Azteca Systems, Inc., 11075 South State St., Suite 24, and Sandy, UT 84070 and approve a purchase order for a not-to-exceed amount of \$40,000. Motion carried unanimously. Item 5. CON-SIDER AWARD OF A CONTRACT FOR INSTALLATION OF A BACKUP GENERATOR AT THE CANTON PUBLIC WORKS FACILITY TO DOUBLEJACK ELECTRIC COMPANY, INC. (MSD) Motion by Bennett, supported by McLaughlin to award a contract for the installation of a back-up generator at the DPW facility to Doublejack Electric Company Inc. of Royal Oak, MI for an amount of \$129,000.00 (accounts 592-536.970_0020 and 592-537.970_0020); and further, that the Township Supervisor and Clerk be authorized to sign the contract on behalf of the Township. Motion carried unanimously. **Item 6. APPROVE CREATION AND TRANSFER OF FUNDS TO DEBT SERVICE FUND RELATING TO THE ENERGY SAVINGS PROJECT. (FBD)** Motion by Bennett, supported by Sneideman to approve the creation of a debt service fund and the budget adjustments consisting of transfers out of the general fund, police fund, fire fund, community center fund, and golf course funds into the debt service fund for the payments of the energy savings debt. Motion carried unanimously. Item 7. APPROVE CONTRACT FOR TOWNSHIP SIMPLE TELEPHONE CARRIER SERVICE WITH AT&T. (FBD) DELETED Item 8. CONSIDER BUDGET AMENDMENT FOR PHEASANT RUN GOLF CLUB. (CLS) Motion by Bennett, supported by McLaughlin to approve budget amendment. Motion carried unanimously. Item 9. CONSIDER AWARD OF A CONTRACT FOR NATIVE PLANTING FOR THE MICHIGAN AVENUE/I-275 BIOSWALE GRANT PROJECT TO WILDTYPE, INC. (MSD) Motion by Bennett, supported by McLaughlin to award a contract to Wildtype Design, Native Plants & Seed LTD for plant installation and maintenance for the Michigan Avenue Bioswale project in the amount of \$11,157.56 with a contingency of \$1,157 for a total of \$12,273.26. Motion carried unanimously. **OTHER:** The next study Board meeting topic will be Community Goals will be held Tuesday, April 16, 2013 at 7:00 p.m. at the Administration Building, First Floor, Board Room, 1150 Canton Center S., Canton, Michigan. ADJOURN: Motion by Anthony, supported by Williams to adjourn at 7:38 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 <u>www.canton-mi.org</u> after Board Approval. Publish: April 18, 2013

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