

Continued from page ?

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 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 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 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 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, fecal 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 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 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 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 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 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 VII. –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 person 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 inspected 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 feet 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 to 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 CALENDAR: 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, SUBDIVISION 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 "UTILITIES", 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 I, 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 competent jurisdiction to be unconstitutional or invalid, said judgment shall not affect, impair or invalidate the remainder of this Ordinance. SECTION 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 PURCHASE 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 Sniedeman 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. CONSIDER 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 Sniedeman 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 www.canton-mi.org after Board Approval. Publish: April 18, 2013