

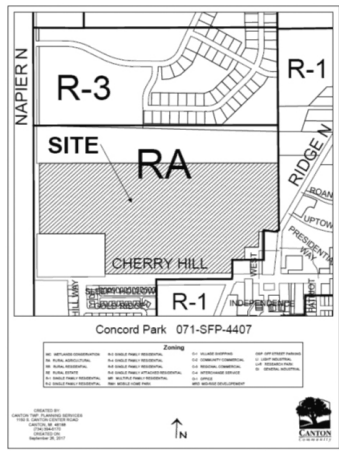
Charter Township of Canton Board Proceedings – October 24, 2017

A regular meeting of the Board of Trustees of the Charter Township of Canton was held Tuesday, October 24 at 11:50 Canton Center S., Canton, Michigan. Supervisor Williams called the meeting to order at 7:00 p.m. and led the Pledge of Allegiance to the Flag. **Roll Call** Members Present: Anthony, Foster, Graham-Hudak, Siegrist, Slavens, Sneiderman, Williams Members Absent: None Staff Present: Director Hohenberger, Director Faas, Director Meier, Director Trumbull Staff Absent: **Adoption of Agenda** Motion by Sneiderman, supported by Anthony to amend the agenda by removing Item G-2 Consider Approval of a Letter of Intent to Purchase Real Estate & Authorize Real Estate Purchase Agreement for 2.44 Acres of Vacant Property on Proctor Road. Motion carried unanimously. **Approval of Minutes** Motion by Slavens, supported by Anthony to approve the Board Meeting Minutes of October 10, 2017 as presented. Motion carried unanimously. Motion by Foster, supported by Anthony to approve the Board Study Session Minutes of October 17, 2017 as presented. Motion carried unanimously. **Citizen's Non-Agenda Item Comments:** George Miller, 1946 Briarfield, commented on the construction requirements and site restoration of the contract to replace the water main on Briarfield. **Payment of the Bills:** Motion by Slavens, supported by Anthony to approve payment of the bills as presented. Motion carried unanimously. **PUBLIC HEARING - PH-1: Public Hearing – Consider IFT Certificate for Kingfa Science and Technology, USA. (Supv.)** Motion by Siegrist, supported by Sneiderman to open the Public Hearing at 7:06 p.m. to consider IFT Certificate for Kingfa Science and Technology, USA located at 47440 Michigan Avenue, Canton, Michigan, 48188. Motion carried unanimously. Mark Heusel and Matt Chosid, attorneys for Kingfa were present to address any questions the board might have. Mr. Heusel gave an overview of the business operations and history of Kingfa Science and Technology, USA. Motion by Siegrist, supported by Anthony to close the Public Hearing at 7:16 p.m. to consider IFT Certificate for Kingfa Science and Technology, USA located at 47440 Michigan Avenue, Canton, Michigan, 48188. Motion carried unanimously. Motion by Siegrist, supported by Slavens to adopt the following resolution. Motion carried unanimously. **RESOLUTION OF BOARD OF TRUSTEES CHARTER TOWNSHIP OF CANTON APPROVING APPLICATION OF KINGFA SCIENCE AND TECHNOLOGY, USA INDUSTRIAL FACILITIES EXEMPTION CERTIFICATE FOR REAL PROPERTY WHEREAS,** pursuant to P.A. 198 OF 1974, M.C.L. 207.551 et seq., after a duly noticed public hearing held on January, 28, 1998, the Canton Board of Trustees by resolution established the Canton Business Center Industrial Development District; and WHEREAS, the Charter Township of Canton approved an application from Kingfa Science and Technology requesting an Industrial Facilities Exemption Certificate for real property investments located at 47740 Michigan Avenue; and WHEREAS, Kingfa Science and Technology has filed an application for an Industrial Facilities Exemption Certificate with respect to real property in the amount of \$4,815,339 and \$7,503,574 in personal property, located within the Canton Business Center Industrial Development; and WHEREAS, before acting on said application, the Charter Township of Canton held a hearing on October 24, 2017 at the Canton Administration Building, in Canton, at 7 p.m., at which hearing the applicant, the Assessor and a representative of the affected taxing units were given written notice and were afforded an opportunity to be heard on said application; and WHEREAS, Kingfa Science and Technology has substantially met all the requirements under Public Act 198 of 1974 for the Industrial Facilities Exemption Certificate; and WHEREAS, the aggregate SEV of real and personal property exempt from ad valorem taxes within the Charter Township of Canton, after granting this certificate, will not exceed 5% of an amount equal to the sum of the SEV of the unit, plus the SEV of personal and real property thus exempted; and NOW, THEREFORE, BE IT RESOLVED BY the Board of Trustees of the Charter Township of Canton that: 1. The Canton Board of Trustees finds and determines that the granting of an Industrial Facilities Exemption Certificate considered together with the aggregate amount of certificates previously granted and currently in force under Act No. 198 of the Public Acts of 1974 and Act No. 255 of the Public Acts of 1978, shall not have the effect of substantially impeding the operation of Charter Township of Canton, or impairing the financial soundness of a taxing unit which levies ad valorem property taxes in Charter Township of Canton. 2. The application from Kingfa Science and Technology for an Industrial Facilities Exemption Certificate, with respect to the following described parcel of real property situated within the Canton Business Center Industrial Development District to wit: Legal Description: COM AT THE E 1/4 COR SEC 32 T2S R8E DESC AS BEG S 00DEG 08M 18S E 1173.91FT ALONG THE E LINE OF SEC 32 TH S 70DEG 29M 04S W 63.60FT FROM THE E 1/4 COR OF SEC 32 TH S 70DEG 29M 04S W 1642.71FT TH N 19DEG 34M 44S W 793.08FT TH N 28DEG 20M 41S E 32.90FT TH N 70DEG 25M 32S E 1582.94FT TH N 27DEG 52M 11S E 3.60FT TH FOLLOWING FOUR COURSES ALONG THE SINES DRAIN TH S 63DEG 16M 57S E 194.74FT TH S 70DEG 03M 06S E 50.66FT TH S 51DEG 54M 23S E 29.50FT TH S 62DEG 04M 06S E 134.86FT TH S 00DEG 08M 18S E 2.57FT TH N 63DEG 05M 13S W 67.36FT TH S 00DEG 08M 18S E 602.64FT TO POB 32.59 ACRES Parcel#: 128-99-0004-704 be and the same is hereby approved. 3. The Industrial Facilities Exemption Certificate when issued shall be and remain in force and effect for a period of 10 years in accordance with Township requirements and applicable statutory provisions found in M.C.L. et seq. **CONSENT CALENDAR: Item C-1. Consideration of Second Reading and Adoption of an Ordinance Amending Chapter 22 Article II Division 2 and 3 of the Canton Code of Ordinances. (Supv.)** Motion by Siegrist, supported by Sneiderman to remove from the table and hold the second reading of an ordinance amending Chapter 22, Article II, Divisions 2 and 3 of the Canton Code of Ordinances, adopting the Second Amended and Restated Tax Increment Financing and Development Plan for the Downtown Development Authority for the Township of Canton. Motion carried unanimously. Motion by Siegrist, supported by Sneiderman to adopt the second reading of an ordinance amending Chapter 22, Article II, Divisions 2 and 3 of the Canton Code of Ordinances, adopting the Second Amended and Restated Tax Increment Financing and Development Plan for the Downtown Development Authority for the Township of Canton to be published on November 2, 2017 with an effective date of January 1, 2017. Motion carried unanimously. **STATE OF MICHIGAN COUNTY OF WAYNE CHARTER TOWNSHIP OF CANTON CHAPTER 22 AN ORDINANCE TO AMEND CHAPTER 22 OF THE CANTON CODE OF ORDINANCES TO PROVIDE FOR ADOPTION OF THE SECOND AMENDED AND RESTATED TAX INCREMENT FINANCING AND DEVELOPMENT PLAN FOR THE DOWNTOWN DEVELOPMENT AUTHORITY OF THE TOWNSHIP OF CANTON, AND TO PROVIDE FOR REPEAL OF ALL CONFLICTING ORDINANCES THE CHARTER TOWNSHIP OF CANTON ORDAINS: SECTION 1. AMENDMENT TO CODE. DIVISION 2. - DOWNTOWN DEVELOPMENT AUTHORITY Sec. 22-51. — Purpose.** The purpose of this article is to prevent and correct property value deterioration in the Ford Road business district, to promote economic growth and revitalization within that district; to encourage historic preservation; to authorize the creation of a downtown development authority; and to authorize the levy and collection of taxes, the issuance of bonds and the use of tax increment financing in the accomplishment of specific downtown development activities set forth in the development and tax increment finance plan. **Sec. 22-52. – Creation of authority.** Pursuant to the authority vested in the Township Board by Act No. 197 of the Public Acts of Michigan of 1975 (MCL 125.1651a et seq., MSA 5.3010(1a) et seq.), as amended (Act 197), the Downtown Development Authority of the Township of Canton (the "Authority") is hereby established. **Sec. 22-53. – Supervision of the authority.** The Authority shall be under the supervision and control of the board of directors, consisting of the chief executive of the township and not less than eight or more than 12 members as determined by the township board. The members shall be appointed by the chief executive officer of the township, subject to approval by the township board. Not less than a majority of the members shall be persons having interest in property located in the downtown district. Not less than one of the members shall be a resident of the downtown district, if the downtown district has 100 or more persons residing within it. Of the members first appointed, an equal number, as near as is practical, shall be appointed for one year, two years, three years and four years. Members shall hold office until the member's successor is appointed. Thereafter, each member shall serve for a term of four years. An appointment to fill a vacancy shall be made by the chief executive officer of the township for the unexpired term only. Members of the board shall serve without compensation, but shall be reimbursed for actual and necessary expenses. **Sec. 22-54. - Powers and duties.** The Authority shall have the powers and duties as provided by and in accordance with Act 197. **Sec. 22-55. – Downtown district boundaries.** The Authority shall exercise its powers within the downtown development district of the township as depicted in the Second Amended and Restated Development Plan on file in the township clerk's office and made a part of this article by reference. **Sec. 22-56. – Bylaws and rules of the authority.** The Authority shall adopt bylaws governing its procedures and rules regarding the holding of its meetings, all in accordance with section 4(3) of Act 197, and shall immediately forward a copy thereof to the township board in care of the township clerk. Such bylaws and rules shall be subject to the approval of the township board; provided, however, that if the township board fails to either approve or disapprove the authority's bylaws and rules within 30 days after receipt of a copy thereof by the township clerk, the Authority's bylaws and rules shall be deemed to have been approved by the township board for all purposes. **Sec. 22-57. - Director's bond.** If the Authority board employs a director as authorized by section 5(1) of Act 197, the director, before entering upon the duties of his office, shall post a bond in the penal sum of \$10,000.00, payable to the downtown development authority for the use and benefit of the authority, approved by the authority board and filed with the township clerk. The premium on the bond furnished by the director shall be deemed an operating expense of the authority, payable from funds available to it for expenses of operation. **Sec. 22-58. – Fiscal year; adoption of budget; financial reports; audits.** The fiscal year of the authority shall begin on January 1 of each year and end on December 31 of that same year, or shall be such other fiscal year as may hereafter be adopted by the township. The board of directors shall annually prepare a budget and shall submit it to the township board on the same date that the proposed budget for the township is required by law to be submitted to the township board. The board of directors shall not finally adopt a budget for any fiscal year until the budget has been approved by the township board. The board of directors may, however, temporarily adopt a budget in connection with the operation of any improvements which have been financed by revenue bonds where required to do so by the ordinance authorizing the revenue bonds. The authority shall submit financial reports to the township board at the same time and on the same basis as departments of the township are required to submit reports. The authority shall be audited annually by the same independent auditors auditing the township and copies of the audit report shall be filed with the township board. **Sec. 22-59. - Form of approvals by township board.** Except as otherwise provided by Act 197, approvals by the township board of all matters pertaining to the Downtown Development Authority or the Authority board may be by resolution, such matters pertaining to the internal affairs and concerns of the township. **Sec. 22-60. –Termination.** Upon completion of its purposes, the Authority may be dissolved by the township board. The property and assets of the Authority, after dissolution and satisfaction of its obligations, shall revert to the township. **DIVISION 3. - DEVELOPMENT PLAN AND TAX INCREMENT FINANCING PLAN Sec. 22-81. - Definitions.** The following words and phrases, when used in this division, shall have the meanings respectively ascribed to them: *Base year assessment roll* means the base year assessment roll prepared by the township assessor in accordance with section 22-84. *Captured assessed value* means the amount in any one (1) year by which the current assessed value as finally equalized of all taxable property in the development area exceeds the initial assessed value. *Development area* means the area set out in section 22-55 and more fully described in the development plan. *Development plan* means the "Second Amended and Restated Tax Increment Financing and Development Plan" dated June 21, 2017, as transmitted to the board by the Authority for public hearing and confirmed by this article, copies of which are on file in the office of the township clerk. *Initial assessed value* means the state equalized value as of December 22, 1984 of all the taxable property within the boundaries of the development area at that time. *Tax increment* means that portion of the tax levy of all taxing jurisdictions paid each year on real and personal property in the downtown development authority district on the captured assessed value, as more fully described in the Second Amended and Restated Tax Increment Financing and Development Plan. *Taxing jurisdiction* means each unit of government levying an ad valorem property tax on property in the development area. **Sec. 22-82. – Public Purpose.** The township board hereby determines the Development Plan constitutes a public purpose. **Sec. 22-83. – Approval and adoption of second amended and restated development plan.** The Development Plan is hereby approved and adopted. The duration of the plan shall be until December 31, 2038, or the date of issuance of the last series of bonds pursuant to the Development Plan, whichever is later, except as may be extended by subsequent amendment of the plan and this division. A copy of the plan and all amendments thereto shall be maintained on file in the township clerk's office. **Sec. 22-84. - Boundaries of development area adopted.** The boundaries of development area as set forth in the Development Plan are hereby adopted and confirmed. **Sec. 22-85. - Preparation of base year assessment roll.** Within 60 days of December 22, 1984, the township assessor shall prepare the base year assessment roll. The base year assessment roll shall list each taxing jurisdiction in which the downtown development authority district is located, the initial assessed value of the development district on the effective date of the ordinance from which this division is derived, and the amount of tax revenue derived by each taxing jurisdiction from ad valorem taxes on the property in the development district. The township assessor shall transmit copies of the base year assessment to the township treasurer, the county treasurer, the downtown development authority, and each taxing jurisdiction, together with a notice that the assessment roll has been prepared in accordance with this division and the development plan and tax increment finance plan approved by this division. **Sec. 22-86. - Preparation of annual assessment roll.** Each year within 15 days following the final equalization of property in the development district, the township assessor shall prepare an updated annual assessment roll. The annual assessment roll shall show the information required in the base year assessment roll and, in addition, the captured assessed value for that year. Copies of the annual assessment roll shall be transmitted by the assessor to the same persons as the base year assessment roll, together with a notice that it has been prepared in accordance with this division and the development plan and tax increment finance plan. **Sec. 22-87. - Payment of tax increments to the downtown development authority.** The township and county treasurer shall, as ad valorem taxes are collected on the property in the development area, pay that proportion of the taxes, except for penalties and collection fees that the captured assessed value bears to the initial assessed value to the treasurer of the downtown development authority for deposit in the project fund. Beginning with taxes levied after December 22, 1984, one hundred (100) percent of the above-calculated amount shall be paid to the treasurer of the downtown development authority. The payments shall be made on the date or dates on which the township and county treasurers are required to remit taxes to each of the taxing jurisdictions. **Sec. 22-88. - Duration of the development plan.** The Development Plan shall commence upon its approval by the board and shall terminate on December 31, 2038. The term may be extended by amendment or modification of this Development Plan to incorporate future development activities within part or all of the downtown district. **SECTION 2. SEVERABILITY** If any clause, sentence, section, paragraph or part of this Ordinance, or the application of thereof to any person, firm, corporation, legal entity or circumstances, shall be for any reason adjudged by a court of competent jurisdiction to be unconstitutional or invalid, said judgment shall not affect, impair or invalidate the remainder of this Ordinance. It is hereby declared to the legislative intent of this body that the Ordinance is severable, and that the Ordinance would have been adopted had such invalid or unconstitutional provisions not have been included in this ordinance. **SECTION 3. REPEAL OF CONFLICTING ORDINANCES** Chapter 22, Article II, Division 4, being §§22-111 through §22-120, is hereby repealed in its entirety upon the adoption of this Ordinance. All other Ordinances or parts of 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 matured penalties which have been incurred, proceedings which have begun and prosecution for violations of law occurring before the effective date of this Ordinance are not affected or abated by this Ordinance. **SECTION 5. PUBLICATION** The Clerk for the Charter Township of Canton shall cause this Ordinance to be published in the manner required by law. **SECTION 6. EFFECTIVE DATE** This Ordinance, as amended, shall take full force and effect on January 1, 2018. **CERTIFICATION** The foregoing Ordinance was duly adopted by the Township Board of Trustees of the Charter Township of Canton at its regular meeting called and held on the 24<sup>th</sup> day of October, 2017, and was ordered to be given publication in the manner required by law. Michael Siegrist, Clerk Introduced: October 10, 2017. Adopted: October 24, 2017. Published: November 2, 2017. Effective: January 1, 2018 **Item C-2. Consideration of a Second Reading and Adoption of an Ordinance to Amend Chapter 46, Article VIII, Division 3 of the Canton Code of Ordinances, Entitled "Alcoholic Liquor" to Bring the Ordinance into Compliance with Recent Changes to State Law. (PSD)** Motion by Siegrist, supported by Sneiderman to remove from the table and hold the second reading of an amendment to the Canton Township Code of Ordinances, amending Chapter, Article VIII, Division 3 to be published and become effective on January 1, 2018. Motion carried unanimously. Motion by Siegrist, supported by Sneiderman to adopt the second reading of an ordinance amending the Canton Township Code of Ordinances, amending Chapter, Article VIII, Division 3 to be published and become effective on January 1, 2018. Motion carried unanimously. **STATE OF MICHIGAN COUNTY OF WAYNE CHARTER TOWNSHIP OF CANTON CHAPTER 46 AN ORDINANCE TO AMEND CHAPTER 46, ARTICLE VIII, DIVISION 2, OF THE CANTON CODE OF ORDINANCES ENTITLED "ALCOHOLIC LIQUOR" TO BRING THE ORDINANCE INTO COMPLIANCE WITH 2016 PA 357 AND 2017 PA 89 REGARDING THE PENALTIES FOR A MINOR IN POSSESSION OF ALCOHOLIC LIQUOR AS SET FORTH THEREIN IN THE CHARTER TOWNSHIP OF CANTON ORDAINS: SECTION 1. AMENDMENT TO CODE.** Chapter 46 of the Charter Township of Canton Code Ordinance, Article VIII, entitled "Offenses Involving Underage Persons," Division 2, entitled "Alcoholic Liquor," Section 46-531 and Section 46-532, is hereby amended to read as follows: **DIVISION 2. - ALCOHOLIC LIQUOR Sec. 46-531. - Definitions.** The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning: *Alcoholic liquor* has the meaning provided in the Liquor Control Code of 1998 (MCL 436.1101 et seq.) *Any bodily alcohol content* means either of the following: An alcohol content of 0.02 grams or more per 100.26 milliliters of blood, per 210 liters of breath, or per 67.27 milliliters of urine. Any presence of alcohol within a person's body resulting from the consumption of alcoholic liquor, other than consumption of alcoholic liquor as a part of a generally recognized religious service or ceremony *Commission* means the state liquor control commission. *Emergency medical services personnel* means that term as defined in section 20904 of the public health code, 1978 PA 368, 7 MCL 333.20904. *Health facility or agency* means that term as defined in section 20106 of the public health code, 1978 PA 368, MCL 10 333.20106. *Minor* means a person under 21 years of age. *Prior judgment* means a conviction, juvenile adjudication, finding of responsibility, or admission of responsibility for any of the following, whether under a law of this state, this division, a law of the United States substantially corresponding to a law of this state, or a law of another state substantially corresponding to a law of this state: MCL 436.1701, 436.1703 or 436.1707. Section 624a, 624b, or 625 of the Michigan Vehicle Code, 1949 PA 300, MCL 257.624a, 257.624b, and 257.625. 21 Section 80176, 81134, or 82127 of the Natural Resources and Environmental Protection Act, 1994 PA 451, MCL 324.80176, 324.81134, and 324.82127. Section 167a or 237 of the Michigan Penal Code, 1939 PA 25 328, MCL 750.167a and 750.237. **Sec. 46-532. - Purchase, consumption or possession; furnishing fraudulent identification to**

**underage person; use of false identification.** (a) A minor shall not purchase or attempt to purchase alcoholic liquor, consume or attempt to consume alcoholic liquor, or possess or attempt to possess alcoholic liquor, except as provided in this section. A minor who violates this subsection is responsible for a state civil infraction or guilty of a misdemeanor as follows: (1) For the first violation, the minor is responsible for a state civil infraction and shall be fined more than \$100.00. A court may order a minor-participate in substance abuse disorder services as defined in section 6230 of the Public Health Code (MCL 333.6230) and designated by the administrator of the office of substance abuse services, and may order the minor to perform community service and to undergo substance abuse screening and assessment at his or her own expense as described in subsection (c) of this section. A minor may be found responsible or admit responsibility only once under this subsection. (2) For a violation of this subsection occurring after one prior judgment, the minor is guilty of a misdemeanor. A misdemeanor under this subsection is punishable by imprisonment for not more than 30 days, if the court finds that the minor violated an order of probation, failed to successfully complete any treatment, screening or community service ordered by the court, or failed to pay any fine for that judgment, or by a fine of not more than \$200.00, or both. A court may order a minor to participate in substance abuse disorder services as defined in section 6230 of the Public Health Code (MCL 333.6230) and designated by the administrator of the office of substance abuse services, to perform community service, and to undergo substance abuse screening and assessment at their own expense as described in subsection (c) of this section. (3) For a violation of this subsection occurring after two or more prior judgments, the minor is guilty of a misdemeanor. A misdemeanor under this subsection is punishable by imprisonment for not more than 60 days, if the court finds that the minor violated an order of probation, failed to successfully complete any treatment, screening or community service ordered by the court, or failed to pay any fine for that judgment, or by a fine of not more than \$500.00, or both, as applicable. A court may order a minor to participate in substance abuse disorder services as defined in section 6230 of the Public Health Code (MCL 333.6230) and designated by the administrator of the office of substance abuse services, to perform community service, and to undergo substance abuse screening and assessment at their own expense as described in subsection (c) of this section. (b) A person who furnishes fraudulent identification to a minor, or, notwithstanding subsection (a) of this section, a minor who uses fraudulent identification to purchase alcoholic liquor, is guilty of a misdemeanor punishable by imprisonment for not more than 90 days or a fine of not more than \$100.00, or both. (c) A peace officer who has reasonable cause to believe a minor has consumed alcoholic liquor or has any bodily alcohol content may request that minor to submit to a preliminary chemical breath analysis. If a minor does not consent to a preliminary chemical breath analysis, the analysis shall not be administered without a court order, but a peace officer may seek to obtain a court order. A peace officer may arrest a person based in whole or in part upon the results of a preliminary chemical breath analysis. The results of a preliminary chemical breath analysis or other acceptable blood alcohol test are admissible in a state civil infraction proceeding or criminal prosecution to determine whether the minor has consumed or possessed alcoholic liquor or had any bodily alcohol content. (d) A law enforcement agency, upon determining that a person who is less than 18 years of age and is not emancipated under Public Act No. 293 of 1968 (MCL 722.1 et seq.) allegedly consumed, possessed, or purchased alcoholic liquor, or attempted to consume, possess, or purchase alcoholic liquor, or had any bodily alcohol content in violation of subsection (a) of this section, shall notify the parent, custodian, or guardian of the person as to the nature of the violation if the name of a parent, guardian, or custodian is reasonably ascertainable by the law enforcement agency. The notice required by this subsection shall be made not later than 48 hours after the law enforcement agency determines that the person who allegedly violated subsection (a) of this section is less than 18 years of age and not emancipated under Public Act No. 293 of 1968 (MCL 722.1 et seq.). The notice may be made by any means reasonably calculated to give prompt actual notice, including, but not limited to, notice in person, by telephone, or by first class mail. If an individual less than 17 years of age is incarcerated for violating subsection (a) of this section, their parents or legal guardian shall be notified immediately as provided in this subsection. (e) This section does not prohibit a minor from possessing alcoholic liquor during regular working hours and in the course of their employment if employed by a person licensed by the Liquor Control Code of 1998 (MCL 436.1101 et seq.), by the commission, or by an agent of the commission, if the alcoholic liquor is not possessed for the minor's personal consumption. (f) This section does not limit the civil or criminal liability of the vendor or the vendor's clerk, servant, agent, or employee for a violation of law. (g) The consumption of alcoholic liquor by a minor who is enrolled in a course offered by an accredited post-secondary educational institution in an academic building of the institution under the supervision of a faculty member is not prohibited by this section if the purpose of the consumption is solely educational and is a requirement of the course. (h) The consumption by a minor of sacramental wine in connection with religious services at a church, synagogue, or temple is not prohibited by this section. (i) Subsection (a) of this section does not apply to a minor who participates in either or both of the following: An undercover operation in which the minor purchases or receives alcoholic liquor under the direction of the person's employer and with the prior approval of the local prosecutor's office as part of an employer-sponsored internal enforcement action. An undercover operation in which the minor purchases or receives alcoholic liquor under the direction of the state police, the commission, or a local police agency as part of an enforcement action unless the initial or contemporaneous purchase or receipt of alcoholic liquor by the minor was not under the direction of the state police, the commission, or the local police agency and was not part of the undercover operation. **Sec. 46-533. - Selling or furnishing to persons under 21 years of age.** (a) It shall be unlawful for any person to knowingly sell or furnish alcoholic liquor to a person who is less than 21 years of age, or to fail to make diligent inquiry as to whether the person is less than 21 years of age. A person found to be in violation of this section, except as specified in subsection (b)(2), shall be guilty of a misdemeanor, punishable by a fine of not more than \$500.00, or imprisonment for not more than 90 days, or both, in the discretion of the court. (b) If a violation of subsection (a) of this section is the result of an undercover operation in which the minor received alcoholic liquor under the direction of the state police, the commission, or a local police agency as part of an enforcement action, the retail licensee's clerk, agent, or employee is responsible for a civil infraction and may be ordered to pay a fine of not more than \$100.00. (c) In an action for a violation of this section, proof that the defendant or the defendant's agent or employee demanded and was shown, before furnishing alcoholic liquor to a person under 21 years of age, a motor vehicle operator's license or a registration certificate issued by the federal selective service, or other bona fide documentary evidence of the age and identity of that person, shall be a defense. **Sec. 46-534. - Presence in places where sold.** It shall be unlawful for any minor child under 17 years of age to be permitted to remain in any dancehall, saloon, or bar room or any place where any alcoholic liquor is sold, given away or furnished for a beverage, unless the minor is accompanied by a parent or guardian. It shall be unlawful for any proprietor, keeper or manager of any such place to permit a minor child to remain in any such place, and it shall be unlawful for any person to knowingly encourage or induce in any way a minor child to enter such place or to remain therein. A person found to be in violation of this section shall be guilty of a misdemeanor. **SECTION 3. SEVERABILITY** If any clause, sentence, section, paragraph or part of this Ordinance, or the application of thereof to any person, firm, corporation, legal entity or circumstances, shall be for any reason adjudged by a court of competent jurisdiction to be unconstitutional or invalid, said judgment shall not affect, impair or invalidate the remainder of this Ordinance. It is hereby declared to the legislative intent of this body that the Ordinance is severable, and that the Ordinance would have been adopted had such invalid or unconstitutional provisions not have been included in this ordinance. **SECTION 4. REPEAL OF CONFLICTING ORDINANCES** All Ordinance or parts of Ordinance in conflict herewith is hereby repealed only to the extent necessary to give this Ordinance full force and effect. **SECTION 5. SAVINGS CLAUSE** All rights and duties which have matured penalties which have been incurred, proceedings which have begun and prosecution for violations of law occurring before the effective date of this Ordinance are not affected or abated by this Ordinance. **SECTION 6. PUBLICATION** The Clerk for the Charter Township of Canton shall cause this Ordinance to be published in the manner required by law. **SECTION 7. EFFECTIVE DATE** This Ordinance, as amended, shall be effective on January 1, 2018. **CERTIFICATION** The foregoing Ordinance was duly adopted by the Township Board of Trustees of the Charter Township of Canton at its regular meeting called and held on the 24<sup>th</sup> day of October, 2017, and was ordered to be given publication in the manner required by law. Michael Siegrist, Clerk Introduced: September 26, 2017. Adopted: October 24, 2017. Published: November 2, 2017. Effective: November 2, 2017 **Item C-3. Consideration of Second Reading and Adoption of an Ordinance to Amend Chapter 78, Article VI, Division 1 of the Canton Code of Ordinances, Entitled "Housing Code" to Bring the Ordinance into Compliance with State Law Regarding the Hotels, Inns and Public Lodging Houses. (PSD)** Motion by Siegrist, supported by Sneiderman remove from the table and hold the second reading of an amendment to the Canton Township Code of Ordinances, amending Chapter 78, Article VI, Division 1 of the Canton Code of Ordinances, entitled "Housing Code" to be published and become effective on November 2nd, 2017. Motion carried unanimously. Motion by Siegrist, supported by Sneiderman to adopt the second reading of an amendment to the Canton Township Code of Ordinances, amending Chapter 78, Article VI, Division 1 of the Canton Code of Ordinances, entitled "Housing Code" to be published and become effective on November 2nd, 2017. Motion carried unanimously. **STATE OF MICHIGAN COUNTY OF WAYNE CHARTER TOWNSHIP OF CANTON CHAPTER 78 AN ORDINANCE TO AMEND CHAPTER 78 OF THE CHARTER TOWNSHIP OF CANTON CODE OF ORDINANCES TO REVISE SECTIONS 78-161 AND 78-202, AND OMIT SECTION 78-164 TO BRING IT INTO COMPLIANCE WITH STATE LAW REGARDING THE HOTELS, INNS AND PUBLIC LODGING HOUSES, ACT 188 OF 1913. THE CHARTER TOWNSHIP OF CANTON ORDAINS: SECTION 1. AMENDMENT TO CODE:** Chapter 78, Article VI, Division 1 of the Charter Township of Canton Code of Ordinances, Sec. 78-161, is hereby amended to read as follows: **Sec. 78-161. - Definitions.** The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning: *Apartment* means a dwelling unit. *Apartment house* means any building, or portion thereof, which is designed, built, rented, leased, let, or hired out to be occupied, or which is occupied, as the home or residence of three or more families living independently of each other in dwelling units. *Approved* means constructed, installed and maintained in accordance with the provisions of this article and other pertinent ordinances of the township and with the rules and regulations adopted pursuant thereto. *Basement* means that portion of a building located partly underground but having less than half its clear floor-to-ceiling height below the average natural level of the adjoining ground. *Bed and breakfast inn* means a family home structure, with no more than 15 sleeping rooms, which has been modified to serve as a transient public lodging establishment, which provides the accommodation and meal services generally offered by a bed and breakfast inn, and which is recognized as a bed and breakfast inn in the community in which it is situated or by the hospitality industry. *Boardinghouse* means a lodginghouse in which meals are provided. *Ceiling height* means the clear vertical distance from the finished floor to the finished ceiling. *Cellar* means that portion of a building located partly or wholly underground and having half or more than half of its clear floor-to-ceiling height below the average natural level of the adjoining ground. *Dwelling* means any building or structure, except temporary housing, that is wholly or partly used or intended to be used for living or sleeping by human occupants. *Dwelling unit* means a room or a group of rooms located within a dwelling and forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking and eating. *Exit* means a continuous and unobstructed means of egress to a public way, and shall include intervening doorways, corridors, ramps, stairways, smokeproof enclosures, horizontal exits, exterior courts, and yards. *Extermination* means the control and elimination of insects, rodents, or other pests by eliminating their harborage places, by removing or making inaccessible materials that may serve as their food, by poisoning, spraying, fumigating, trapping or by any other recognized and legal pest eliminating methods approved by the building official. *Floor area* means the net floor area within the enclosing walls of the room, excluding built-in equipment such as wardrobes, cabinets, kitchen units, or fixtures. *Garbage* means the animal and vegetable waste resulting from the handling, preparation, cooking and consumption of food. *Guestroom* means any room used or intended to be used by a guest for sleeping purposes. *Habitable room* means a room or enclosed floorspace used or intended to be used for living, sleeping, cooking or eating purposes, excluding bathrooms, water closet compartments, laundries, pantries, foyers, communication corridors, stairways, closets, unfinished attics, cellars, basement recreation rooms, private workshops or hobby rooms, utility rooms, and storage spaces. *Hotel* means any public lodging establishment containing sleeping room accommodations for 25 or more guests and providing the services generally provided by a hotel and recognized as a hotel in the community in which it is situated or by the industry. *Infestation* means the presence, within or around a dwelling, of any insects, rodents, or other pests. *Multiple dwelling* means any dwelling containing three or more dwelling units. *Motel* means any public lodging establishment which offers rental units with an exit to the outside of each rental unit, daily or weekly rates, off street parking for each unit, a central office on the property with specified hours of operation, a bathroom or connecting bathroom for each rental unit, and at least six rental units, and which is recognized as a motel in the community in which it is situated or by the industry. *Nontransient apartment* means a building or complex of buildings in which 75 percent or more of the units are available for rent to nontransient tenants. *Nuisance.* The following shall be defined as nuisances: (1) Any public nuisance known at common law or in equity jurisprudence. (2) Any attractive nuisance which may prove detrimental to children, whether in a building or upon an unoccupied lot. This includes any abandoned wells, shafts, basements, or excavations; abandoned refrigerators and motor vehicles; or any structurally unsound fences, debris, or vegetation which may prove hazardous for inquisitive minors. (3) Whatever is dangerous to human life or is detrimental to health. (4) Overcrowding a room with occupants. (5) Insufficient ventilation or illumination. (6) Inadequate or insanitary sewer or plumbing facilities. (7) Uncleanliness. (8) Whatever renders air, food, or drink unwholesome or detrimental to the health of human beings. *Occupant* means any person, including an owner or operator, living, sleeping, cooking, or eating in, or having actual possession of, a dwelling unit or rooming unit. *Openable area* means that part of a window or door which opens directly to the outdoors. *Operator* means any person who has charge, care, or control of a building, or part thereof, in which dwelling units or rooming units are let. *Owner* means any person who, alone or jointly or severally with others, shall have legal title to any dwelling or dwelling unit, as owner or agent of the owner, or as executor, executrix, administrator, administratrix, trustee, or guardian of the estate of the owner. Any such person thus representing the actual owner shall be bound to comply with the provisions of this article, and of rules and regulations adopted pursuant thereto, to the same extent as if he were the owner. *Plumbing* means and includes all of the following supplied facilities and equipment: gas pipes, gas-burning equipment, water pipes, garbage disposal units, waste pipes, water closets, sinks, installed dish-washers, lavatories, bathtubs, shower-baths, installed cloth washing machines, catch basins, drains, vents, storm drains, and any other similar supplied fixtures, together with all connections to water, sewer, or gas lines. *Premises* means a lot, plot, or parcel of land, including the buildings and structures thereon. *Resort condominium* means any unit or group of units in a condominium, cooperative, or timeshare plan which is rented more than three times in a calendar year for periods of less than 30 days or 1 calendar month, whichever is less, or which is advertised or held out to the public as a place regularly rented for periods of less than 30 days or 1 calendar month, whichever is less. *Resort dwelling* means any individually or collectively owned one-family, two-family, three-family, or four-family dwelling house or dwelling unit which is rented more than three times in a calendar year for periods of less than 30 days or 1 calendar month, whichever is less, or which is advertised or held out to the public as a place regularly rented for periods of less than 30 days or 1 calendar month, whichever is less. *Rooming unit* means any room or group of rooms forming a single habitable unit used or intended to be used for living and sleeping, but not for cooking or eating purposes. *Roominghouse* means any public lodging establishment that may not be classified as a hotel, motel, resort condominium, nontransient apartment, bed and breakfast inn, or transient apartment. A roominghouse includes but is not limited to, a boardinghouse. *Rubbish* means all waste materials except garbage. The term shall include the residue from the burning of wood, coal, coke, and other combustible material, paper, rags, cartons, boxes, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery, and dust. *Single-family dwelling* means any dwelling containing one dwelling unit. *Standard building.* See section 78-165. *Transient apartment* means a building or complex of buildings in which more than 25 percent of the units are advertised or held out to the public as available for transient occupancy. *Unfit dwelling.* Any dwelling, dwelling unit, roominghouse or rooming unit, in whole or in part, which shall be found to have any of the following defects shall be deemed to be unfit for human habitation: (1) One which is so damaged, decayed, dilapidated, insanitary, unsafe, or vermin-infested that it creates a serious hazard to the health or safety of the occupants or to the public. (2) One which lacks light, ventilation, or sanitation facilities adequate to protect the health or safety of the occupants or of the public as prescribed by the provisions of this article. (3) One which because of its general condition or location is insanitary or otherwise dangerous to the health or safety of the occupants or of the public. **SECTION 2. AMENDMENT TO CODE:** Chapter 78, Article VI, Division 3 of the Charter Township of Canton Code of Ordinances, Sec. 78-202, is hereby amended to read as follows: **Sec. 78-202. – Roominghouses, hotels, and motels** No person shall operate a roominghouse, hotels and motels, or shall occupy or let to another for occupancy any rooming unit in any roominghouse or hotel, except in accordance with the provisions of every section of this article and the following: (1) – (6) [unchanged] (7) *Rental Restrictions.* No room or unit of any premises licensed under the provisions of this chapter shall be rented or let for a period of less than twenty-four (24) hours, nor shall any such room or unit be rented or let to more than one (1) tenant for each twenty-four-hour period. The right to occupy any such room or unit shall not be assigned, transferred or sublet. No licensee shall approve, suffer or permit the assignment, transfer or subletting of any such room or unit. No such room or unit shall be used for gambling, immoral purposes or for any other unlawful act. No person shall occupy or use as a guest or tenant, or be permitted to occupy or use as a guest or tenant, any roominghouses, hotels and motels rooms or the accommodations for a period of more than one (1) month in any calendar year. **SECTION 3. OMIT TO CODE** Chapter 78, Article VI, Division 1 of the Charter Township of Canton Code of Ordinances, Sec. 78-164, is hereby entirely omitted. **SECTION 4. SEVERABILITY** If any clause, sentence, section, paragraph or part of this Ordinance, of thereof to any person, firm, corporation, legal entity or circumstances, shall be for any reason adjudged by a court of competent jurisdiction to be unconstitutional or invalid, said judgment shall not affect, impair or invalidate the remainder of this Ordinance. It is hereby declared to the legislative intent of this body that the Ordinance is severable, and that the Ordinance would have been adopted had such invalid or unconstitutional provisions not have been included in this Ordinance. **SECTION 5. REPEAL OF CONFLICTING ORDINANCES** All Ordinance or parts of Ordinance in conflict herewith is hereby repealed only by the extent necessary to give this Ordinance full force and effect. **SECTION 6. SAVING CLAUSE** All rights and duties which have been matured penalties which have been incurred, proceedings which have begun and prosecution for violations of law occurring before the effective date of this Ordinance are not affected or abated by this Ordinance. **SECTION 7. PUBLICATION** The Clerk for the Charter Township of Canton shall cause this Ordinance to be published in the manner required by law. **SECTION 8. EFFECTIVE DATE** This Ordinance, as amended, shall take effect upon publication. **CERTIFICATION** The

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foregoing Ordinance was duly adopted by the Township Board of Trustees of the Charter Township of Canton at its regular meeting called and held on 24th day of October, 2017, and was ordered to be given publication in the manner required by law. Michael A. Siegrist, Clerk Introduced: September 26, 2017 Adopted: October 24, 2017 Published: November 2, 2017 Effective: November 2, 2017 **GENERAL CALENDAR: Item G-0. Approval of a Request to Purchase 50 Dell Latitude 5480 Laptops for use in the Clerk's Office for Elections as Electronic Pollbooks for \$54,885. (Clerk)** Motion by Siegrist, supported by Foster to approve the request for a Purchase Order to Dell, Inc. for the purchase of Electronic Pollbooks in the amount of \$54,885 from account 101-191.970.0010. Motion carried unanimously. Clerk Siegrist explained the township is getting a discount of \$6754.50 by purchasing these laptops this month. **Item G-1. Consider Approval of the Final site Plan for Concord Park Site Condominium. (MSD)** Motion by Siegrist, supported by Sneiderman to adopt the following resolution. Motion carried unanimously. **RESOLUTION OF BOARD OF TRUSTEES CHARTER TOWNSHIP OF CANTON Final Site Plan Approval for Concord Park Site Condominium** WHEREAS, the Project Sponsor has requested approval of the final site plan for Concord Park Site Condominium, located on the north side of Cherry Hill Road between Ridge and Napier Roads on tax parcel # 071-99-0002-710; and, WHEREAS, the Planning Commission reviewed the site plan and made a recommendation to approve the request for site plan approval; **NOW THEREFORE BE IT RESOLVED**, the Board of Trustees of the Charter Township of Canton, Michigan does hereby approve the request of the petitioner to approve the final site plan for Concord Park Site Condominium on tax parcel # 071-99-0002-710 subject to any and all applicable state and local development regulations.



**Item G-2. Consider Approval of a Letter of Intent to Purchase Real Estate & Authorize Real Estate Purchase Agreement for 2.44 Acres of Vacant Property on Proctor Road. (MSD)** Removed by amendment to the agenda.

**Item G-3. Consider Authorization of Youth Sports Agreements. (CLS)**

Motion by Siegrist, supported by Foster to authorize the Township Supervisor to sign the Youth Sports Agreements with the Canton Victory Hockey Association, the Canton Soccer Club, the Greater Canton Youth Baseball and Softball Association and the Canton Lions Football Club with each agreement being valid January 1, 2018 through December 31, 2020. Motion carried unanimously.

**Item G-4. Consider Approval of Replacement Safety Nets at the Canton Sports Center. (CLS)**

Motion by Siegrist, supported by Sneiderman to approve the replacement of safety netting at Canton Sports Center by Artesian Sports Netting, 605 Livingston NE, Grand Rapids, MI 49503 in the amount of \$35,880 to be taken from Account #101-755-50.970.0020 Capital Outlay Buildings and Improvements. Motion carried unanimously. **Item G-5. Authorize an Extension to the Agreement for the Management of Fellows Creek Golf Course with Billy Casper Golf. (CLS)** Motion by Siegrist, supported by Slavens to authorize the Township Supervisor and Township Clerk to sign an extension to the agreement for the management of Fellows Creek Golf Course with Billy Casper Golf. Motion carried unanimously. **Item G-6. Consider Authorization to Purchase New Cardio Equipment. (CLS)** Motion by Siegrist, supported by Sneiderman to authorize the purchase of nine pieces of fitness equipment from Direct Fitness Solutions, 600 Tower Road, Mundelein, IL 60060, in the amount of \$34,575. Motion carried unanimously. Motion by Siegrist, supported by Sneiderman to authorize the following budget transfer: \$33,033.74 from Account #208-757-50.945, Lease Payments to Account #208-757- 50.970.0030, Capital Outlay Machinery and Equipment. Motion carried unanimously. **Item G-7. Consider Approving Payment for Firefighter Flashover Training. (PSD)** Motion by Siegrist, supported by Slavens to approve payment of \$10,000 to Oakland Community College for Firefighter Flashover Training, with full reimbursement from the State of Michigan Fireworks Training Funds. Motion carried unanimously. **ADDITIONAL PUBLIC COMMENT:** None **OTHER:** Trustee Graham-Hudak commented regarding road closings as a result of trains and an involvement of Senator Stabenow. Supervisor explained that the senator will be directed to be in direct contact Director Meier. The board is also investigating signage similar to one placed in Plymouth. The township's involvement will continue. Clerk Siegrist stated the Educational Excellence Foundation will have their Showcase of Grants on October 25, 2017 at Plymouth Cultural Center at 5:30 p.m. **ADJOURN:** Motion by Anthony, supported by Sneiderman to adjourn at 7:52 p.m. Motion carried unanimously.

**Michael A. Siegrist, Clerk** **Pat Williams, Supervisor**

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, 734-394-5120, during regular business hours or be accessed through our web site [www.canton-mi.org](http://www.canton-mi.org) after Board Approval.

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