

Charter Township of Canton Board Proceedings – May 22, 2018

A regular meeting of the Board of Trustees of the Charter Township of Canton was held Tuesday, May 22, 2018 at 1150 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 Trumbull Deputy Director LaFever Staff Absent: Director Meier **Adoption of Agenda** Motion by Anthony, supported by Foster to approve the agenda as presented. Motion carried unanimously. **Approval of Minutes** Motion by Siegrist, supported by Slavens to approve the Board Meeting Minutes of May 8, 2018 as presented. Motion carried unanimously. **Citizen's Non-Agenda Item Comments:** George Miller, 1946 Briarfield, commented about potholes in Canton, paving bonds in Canton, disaster shelters available to residents, and police reports for damage caused by road hazards. **Payment of the Bills:** Motion by Slavens, supported by Sneiderman to approve payment of the bills as presented. Motion carried unanimously. **CONSENT CALENDAR: Item C-1. Consider Second Reading of an Ordinance to Amend Chapter 30 of the Canton Code of Ordinances.** (PSD) Motion by Siegrist, supported by Slavens to remove from the table, hold the Second Reading and adopt an amendment to Canton Township Code of Ordinances, which amends Chapter 30 of Canton Code of Ordinances, to be published and become effective on May 31st, 2018. **STATE OF MICHIGAN COUNTY OF WAYNE CHARTER TOWNSHIP OF CANTON CHAPTER 30 AN ORDINANCE TO AMEND CHAPTER 30, ARTICLE II, OF THE CANTON CODE OF ORDINANCES ENTITLED "FALSE ALARM" TO REVISE SECTIONS 30-35 AND 30-37 TO BRING IT INTO COMPLIANCE WITH THE CURRENT STATE LAW. THE CHARTER TOWNSHIP OF CANTON ORDAINS: SECTION 1. AMENDMENT TO CODE:** Chapter 30, Article II of the Charter Township of Canton Code of Ordinances, Sec 30-35 and Sec 30-37, entitled "False Alarm" are hereby amended to read as follows: **Sec. 30-35. - False alarm fees established.** In order to defray the expense incurred by the township in responding to false alarms, an alarm user who owns or maintains an alarm system which has transmitted a false alarm which has resulted in a response by the public safety department shall pay to the township a fee as established by this section. The fee shall be based on the number of occurrences within a calendar year.

First occurrence	No charge
Second occurrence	No charge
Third occurrence	\$100.00
Fourth occurrence	\$200.00
Subsequent responses	\$300.00

**** * Sec. 30-37. - Collection of false alarm fees.** False alarm fees imposed under this article shall be paid within 30 days of an invoice sent to the address to which public safety personnel were sent in response to the false alarm. In the event the fees are not paid by the next September 1st, the unpaid fee(s) shall be considered a lien on the property and shall be collected as delinquent ad valorem real property taxes. **SECTION 2. 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 3. REPEAL OF CONFLICTING ORDINANCES** All Ordinance or parts of Ordinance in conflict herewith is hereby repealed only by to the extent necessary to give this Ordinance full force and effect. **SECTION 4. SAVINGS 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 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 effect upon publication. **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 22nd day of May, 2018, and was ordered to be given publication in the manner required by law. Michael Siegrist, Clerk Introduced: May 8, 2018 Adopted: May 22, 2018 Published: May 31, 2018 Effective: May 31, 2018 A copy of the complete text of this Ordinance is available at the Clerk's Office of the Charter Township of Canton, 1150 S. Canton Center Road, Canton, MI., 48188, during regular business hours. The approved text of the Amendment will be published in the Canton Eagle/Associated Newspaper within the meeting minute's synopsis of the date of approval. A complete copy of the Ordinances for Canton Township is available at www.canton-mi.org. **Item C-2. Consider Second Reading of an Ordinance to Amend Chapter 38, of the Canton Code of Ordinances, entitled "Fire Prevention and Protection" to adopt the 2015 International Fire Code version.** (PSD) Motion by Siegrist, supported by Slavens to remove from the table, hold the Second Reading and adopt an amendment to Chapter 38 of Canton Code of Ordinances, to be published and become effective on May 31st, 2018. Motion carried unanimously. **STATE OF MICHIGAN COUNTY OF WAYNE CHARTER TOWNSHIP OF CANTON CHAPTER 38 AN ORDINANCE TO AMEND CHAPTER 38 OF THE CODE OF ORDINANCES OF THE CHARTER TOWNSHIP OF CANTON TO ADOPT THE 2015 VERSION OF THE INTERNATIONAL FIRE CODE THE CHARTER TOWNSHIP OF CANTON ORDAINS: SECTION 1. Amendment to Code.** Chapter 38, entitled "Fire Prevention and Protection" is hereby amended to read as follows: **ARTICLE I. – IN GENERAL Sec. 38-1. Scope, purpose and intent.** The Canton Fire Department exists to serve the residents, businesses and visitors of Canton Township by providing professional all-hazards incident response including emergency medical services, fire prevention, public education and code enforcement. **Sec. 38-2. Interference/misrepresentation.** No person shall interfere with or prevent a member of the Canton Township Fire Department from executing appropriate responsibilities regarding an officially dispatched emergency and/or duty appointed responsibilities of their assigned position. No person shall represent themselves or otherwise claim to be a member of the department unless duly designated by Canton Township. **Sec. 38-3. Soliciting donations.** Fund-raising activities on the behalf of the Canton Township Fire Department shall not be conducted in the name of the township without the express permission of the board of trustees. **Sec. 38-4. Site plan examinations.** The fire marshal or duly approved fire inspector shall conduct an examination of all site plans for all proposed new construction within the jurisdiction. A written report shall be submitted within excepted policy of jurisdiction to the planning commission, clearly indicating compliance or noncompliance, to fire code requirements, of all proposed new construction that requires site plan review. **Sec. 38-5. Construction plan examination.** The fire marshal or duly approved fire inspector shall conduct construction plan examinations relative to all proposed new construction, excepting one-and two-family detached dwelling units. A written report shall be submitted within ten (10) working days to the building department prior to the building permit issuance, indicating all fire code violations or fire code compliance. The examination report shall include the review of all pertinent portions of the fire code in relation to the proposed construction. **Sec. 38-6. Fees for inspection and permits.** A schedule of fees may be established to defray the expense of administration and enforcement of this article by resolution of the township board. The township board may, from time to time, modify the fee schedule. **Sec. 38-7. Fire Safety inspection.** The fire marshal or the duly approved fire inspector shall physically inspect all buildings within the jurisdiction of Canton Township with the exception of detached one-and two-family detached dwelling units, their buildings and structures accessory thereof. **ARTICLE II - FIRE PREVENTION CODE Sec. 38-31. Adoption of the International Fire Code.** The International Fire Code, 2015 Edition, including Appendix Chapters B, D, E, F, I, J and K, as promulgated and published by the International Code Council is hereby adopted by reference as an Ordinance of the Charter Township of Canton, regulating and governing the safeguarding of life and property from fire and explosion hazards arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the occupancy of buildings and premises as herein provided; and providing for the issuance of permits and collection of fees therefore. Each and all of the regulations, provisions, penalties, conditions and terms of said Fire Code on file in the Office of the Canton Township Clerk are hereby referred to, adopted and made a part hereof, as if fully set out in this article and Code, with the additions, insertions, amendments, deletions and limitations, if any, prescribed in the remaining sections of this Article. **Sec. 38-32. Additions, insertions and changes.** The following sections of the adopted International Fire Code, referenced edition, are hereby revised as follows: *Section 101.1* These regulations shall be known as the Fire Prevention Code of the Charter Township of Canton and are hereinafter referred as "this code." *Section 104.7.3 Certificate of Occupancy.* Every building or tenant space shall have their certificate of occupancy posted in a conspicuous place, near the main exit or exit access doorway from the building or tenant space. *Section 105.6.4.7 Certificate of Fitness* Canton Township shall have the authority to require certificate of fitness and collect fees for individuals performing inspections and or maintenance within the jurisdiction of Canton Township such as the following. 1) Inspection, servicing or recharging of portable fire extinguishers. 2) Inspection, servicing or recharging of fixed fire extinguishing systems. 3) Inspection, servicing of fire alarm or fire communication systems. 4) Inspection or servicing of range hood systems. *105.6.4.7.2* All applicants for certificate of fitness shall be filed with Canton Township Fire Prevention Office. *105.6.4.7.3* Every individual applying for certificate of fitness shall furnish evidence to Canton Township Fire Prevention of familiarity with the codes and standards for which the certificate of fitness is issued. *105.6.4.7.4* Certificate of fitness shall not be transferable. *105.6.4.7.5* Certificates of fitness shall be issued for a period not to exceed 3 years. *105.6.4.7.6* Applications for the renewal of the certificate of fitness shall be filed in the same manner as an application for an original certificate. *105.6.4.7.7* Each individual holding a certificate of fitness shall notify Canton Township Fire Prevention in writing of any changes of the approved certificate of fitness within 10 days after such change. *105.6.4.7.8* Any individual to whom a certificate of fitness has been granted shall, upon request, produce and show proper identification and the certificate of fitness to anyone for whom that individual seeks to render services or to Canton Township inspectors. *105.6.4.7.9* Canton Township Fire Prevention shall be permitted to revoke or suspend a certificate of fitness issued if any violation of the code is found upon inspection or where any false statements or misrepresentations are submitted in the application on which the approval was based. *105.6.4.7.10* Failure on the part of an individual to give such notification to changes of the approved certificate of fitness required by *105.6.4.7.7* shall constitute grounds for revocation of the certificate of fitness. *Section 108.1 Board of appeals established.* In order to hear and decide appeals of orders, decisions or determinations made by the fire code official relative to the application and interpretation of this code, there shall be and is hereby created a board of appeals. The board of appeals shall be recommended for appointment by the Fire Marshal, Deputy Fire Chief or Deputy Director of Fire and shall hold office at the pleasure of the Director of Public Safety. The fire code official shall be an ex officio member of said board but shall have no vote on any matter before the board. The board shall adopt rules of procedure for conducting its business, and shall render all decisions and findings in writing to the appellant with a duplicate copy to the fire code official. *Section 108.4 Board of appeals members.* The board of appeals shall consist of the following: One (1) Building Official from an outside jurisdiction with a minimum of 3 years' experience. One (1) Fire Professional from an outside jurisdiction with a minimum of 10 years' experience. One (1) certified building inspector from an outside jurisdiction with minimum of 3 years' experience. One (1) Commercial Design Professional with a minimum of five (5) years' experience. One general industry or business representative with a minimum of seven (7) years' experience. No member of the appeals board shall have a conflict of interest with the issue being addressed. *Section 109.5 Prohibited parking; exception; bus-loading zone; violation as civil infraction.* (1) A vehicle shall not be parked, except in compliance with the law or the directions of a police officer, fire official/personnel or traffic-control device, in any of the following places: 1) Within 26 feet of a fire hydrant. 2) Within 50 feet of the driveway entrance to a fire station and within 75 feet of a fire station entrance on opposite side of street if properly marked by an official sign. 3) Alongside or opposite a street excavation or obstruction, if the stopping, standing, or parking would obstruct traffic. 4) Within 500 feet of an accident at which police officer, fire official/personnel is in attendance. 5) In a place or in a manner that blocks immediate egress from an emergency exit conspicuously marked as an emergency exit of a building. 6) In a place or in a manner that blocks or hampers the immediate egress from a fire escape conspicuously marked as a fire escape providing an emergency means of egress from a building. 7) Within 500 feet of a fire at which fire apparatus is in attendance. However, fire fighters responding to the fire may park within 500 feet of the fire in a manner not to interfere with fire apparatus at the scene. A vehicle parked legally previous to the fire is exempt from this subdivision. 8) In a place or in a manner that blocks access to a space clearly designated as a fire lane. 9) A person shall not move a vehicle not owned by said person into a prohibited area that makes the parking unlawful. *Section 202 General Definitions.* The following definitions shall be in addition to the definitions noted in the International Fire Code referenced edition. "Code Official" The Deputy Director of Fire, Fire Marshal, Fire Inspector, Code Enforcement Officer, or other designated authority charged by the applicable governing body with the duties of administration and enforcement of the code, or duly authorized representative. The term "fire official" may be used interchangeably with "code official" in this code. "Fire Watch" A temporary measure intended to ensure continuous and systematic surveillance of a building or portion thereof by one or more qualified individuals for the purposes of identifying and controlled fire hazards, detecting early signs of unwanted fire, raising an alarm of fire and notifying the fire department by method(s) approved or recommended by the code official. *Section 307.3 Extinguishment authority.* When any open burning, bonfire, recreational fire or portable outdoor fireplace creates or adds to a hazardous situation, or a required permit for the open burning or bonfire has not been obtained, or creates a nuisance, the fire code official is authorized to order the extinguishment of the open burning, bonfire, recreational fire or portable outdoor fireplace. *Section 307.6 Fire department training.* Open burning is allowed for the purpose of training fire fighters in firefighting practice, or for the purpose of training the public, including workers or employees, or for the purpose of demonstration by the fire official or other trained fire personnel, when such burning is done in accordance with accepted practice. *Section 307.7 Banning open burning.* The Deputy Director of Fire, Fire Marshal, or fire code official shall be authorized to issue a ban on all open burning if condition are to hazardous in the opinion of the fire code official to allow the open burning, open flame, etc. *Section 308.1.4 Open-flame cooking devices.* Charcoal burners and other open-flame cooking devices shall not be stored or operated on combustible balconies or within 10 feet of combustible construction. Exceptions: 1) One-and two-family dwellings. 2) Where buildings, balconies and decks are protected by an automatic sprinkler system. 3) LP-gas cooking devices having LP-gas container with a water capacity not greater than 2.5 lbs *Section 308.1.9 Occupational needs.* Open burning for warmth of workers or heating for occupational needs shall be confined to an approved noncombustible container or apparatus to prevent the fire from spreading. *Section 507.1.1 Public Water Supply.* The fire official shall recommend to the chief administrative official of the municipality the location or relocation of new or existing fire hydrants and the placement or replacement of inadequate water mains located upon public property and deemed necessary to provide an adequate fire flow and distribution pattern. A fire hydrant shall not be placed into or removed from service until approved by the fire official. *Section 507.5.1 Where required* Where a portion of the facility or building hereafter constructed or moved into or within the jurisdiction is more than 400 feet from a hydrant on a fire apparatus access road, as measured by an approved route around the exterior of the facility or building, on-site fire hydrants and mains shall be provided where required by the fire code official. *Section 507.5.1.1 Location of Fire Hydrants.* Fire Hydrants shall be situated immediately adjacent to, and in no event, a distance greater than 20' from a public road or fire apparatus access road. *Section 507.5.1.2 Hydrant for standpipe systems.* Buildings equipped with a standpipe system installed in accordance with section 905 shall have a fire hydrant within 50 feet of the fire department connections and when the fire hydrant is in use the fire apparatus road shall not be obstructed. Exception: The distance shall be permitted to exceed 50 feet where approved by the fire code official. *Section 507.5.4.1 Violation.* If, upon the expiration of the time mentioned in a notice of violation, obstructions or encroachments are not removed, the fire official shall proceed to remove the same. Cost incurred in the performance of necessary work shall be paid from the municipal treasury on certificate of the fire official and with the approval of the chief administrative official and the legal authority of the municipality shall institute appropriate action for the recovery of such costs. *Section 901.8.2 Replacement of Fire Suppression Equipment.* Whenever a fire appliance is removed as herein permitted, it shall be replaced or re-installed as soon as the purpose for which it was removed has been accomplished. Defective and non-approved fire appliance or equipment shall be replaced or repaired as directed by the fire official. *Section 903.4.4 Tenant control valves.* A sprinkler system sectional

control valve shall be provided for each tenant space in multi-tenant occupancies, i.e., strip malls. Existing covered malls shall install a sectional control valve for each tenant space that undergoes a tenant alteration. The sectional control valve shall be electrically supervised and shall be visible from the floor level. *Section 912.2 Location.* With respect to hydrants, driveways, buildings and landscaping, fire department connections shall be so located that fire apparatus and hose connected to supply the system will not obstruct access to the buildings for other fire apparatus. The location of fire department connections shall be within 50 feet of a hydrant and approved by the Canton Township Fire Department. *Section 3103.4 Permits.* To obtain a permit, the applicant shall first file an application therefor in writing on a form furnished by the Canton Township Building Department. *Chapter 80 - Referenced Standards* This chapter shall also include the following: State of Michigan Laws, Rules, or Requirements including but not necessarily limited to the following with amendments: Michigan Fire Prevention Code 1941 PA 207 Michigan Explosives Law 1970 PA 202 Michigan Fireworks Law 1931 PA 328 Michigan Model Rocket Law 1965 PA 333 **ARTICLE III. - AUTHORITY AT FIRES Sec. 38-61. - Definition of Authorized Emergency Vehicle.** Authorized emergency vehicles shall be restricted to those which are defined and authorized under the laws of the State of Michigan. **Sec. 38-62. - Operations of Vehicles on Approach of Authorized Emergency Vehicles.** Upon the approach of any authorized emergency vehicle giving audible and visual signal, the operator of every other vehicle shall immediately drive the same to a position as near as possible and parallel to the right-hand edge or curb of the street or roadway, clear of any intersection, and shall stop and remain in such position until the authorized emergency vehicle or vehicles shall have passed, unless otherwise directed by the fire official or a police officer. **Sec. 38-63. - Vehicles Following Fire Apparatus.** It shall be unlawful for the operator of any vehicle other than one on official business to follow closer than 300 feet from any fire apparatus traveling in response to a fire alarm or to drive any vehicle within the block or immediate area where any fire apparatus has stopped in answer to a fire alarm. **Sec. 38-64. - Unlawful Boarding or Tampering with Fire Department Emergency.** A person shall not without proper authorization from the fire official in charge of said fire department emergency equipment cling to, attach himself to, climb upon or into, board or swing upon any fire department emergency vehicle, whether the same is in motion or at rest, or sound the siren, horn, bell or other sound-producing device thereon or to manipulate or tamper with or attempt to manipulate or tamper with any levers, valves, switches, starting devices, brakes, pumps or any equipment or protective clothing on, or a part of any fire department emergency vehicle. **Sec. 38-65. - Damage or Injury to Fire Department, Equipment, Personnel.** It shall be unlawful for any person to damage or deface any fire department emergency vehicle at any time or to injure or attempt to injure or conspire to injure fire department personnel while performing departmental duties. **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** 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 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 be effective upon publication. **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 22nd day of May, 2018, and was ordered to be given publication in the manner required by law. Michael Siegrist, Clerk Introduced: May 8, 2018 Adopted: May 22, 2018 Published: May 31, 2018 Effective: May 31, 2018 A copy of the complete text of this Ordinance is available at the Clerk's Office of the Charter Township of Canton, 1150 S. Canton Center Road, Canton, MI., 48188, during regular business hours. The approved text of the Amendment will be published in the Canton Eagle/Associated Newspaper within the meeting minute's synopsis of the date of approval. A complete copy of the Ordinances for Canton Township is available at www.canton-mi.org. **Item C-3. Consider Second Reading of an Ordinance to Amend Chapter 46, Article VII, Division 1, of the Canton Code of Ordinances entitled "Offenses and Miscellaneous Provisions" to revise Section 46-505 and 46-506.** (PSD) Motion by Siegrist, supported by Slavens to remove from the table, hold the Second Reading and adopt an amendment to Canton Code of Ordinances, which amend Chapter 46 of Canton Code of Ordinances, to be published and become effective on May 31st, 2018. Motion carried unanimously. **STATE OF MICHIGAN COUNTY OF WAYNE CHARTER TOWNSHIP OF CANTON CHAPTER 46 AN ORDINANCE TO AMEND CHAPTER 46, ARTICLE VII, DIVISION 1, OF THE CANTON CODE OF ORDINANCES ENTITLED "OFFENSES AND MISCELLANEOUS PROVISIONS" TO REVISE SECTION 46-505 AND 46-506. THE CHARTER TOWNSHIP OF CANTON ORDAINS: SECTION 1. AMENDMENT TO CODE.** Chapter 46 of the Charter Township of Canton Code Ordinance, Article VII, entitled "OFFENSES AND MISCELLANEOUS PROVISIONS," Division 1, entitled "GENERALLY," Sections 46-505 and 46-506, are hereby amended to read as follows: **Sec. 46-505. - Sale of tobacco products, vapor products or alternative nicotine products to persons under 18 years of age.** (a) A person shall not sell, give or furnish any cigarette, cigar, chewing tobacco, tobacco snuff or tobacco in any form or vapor products or alternative nicotine products to a person under 18 years of age. A person who violates this section is guilty of a misdemeanor punishable by a fine of not more than \$50.00 for each offense. (b) A person who sells tobacco products or vapor products or alternative nicotine products at retail shall post a sign as required by section 1 of Public Act No. 31 of 1915 (MCL 722.641), furnished by the state department of public health, that includes the following statement: *The purchase of tobacco products or vapor products or alternative nicotine products by a minor under 18 years of age and the provision of tobacco products or vapor products or alternative nicotine products to a minor are prohibited by law. A minor unlawfully purchasing or using tobacco products is subject to criminal penalties.* (c) It is an affirmative defense to a charge pursuant to subsection (b) of this section that the defendant had in force at the time of arrest and continues to have in force a written policy to prevent the sale of cigarettes, cigars, chewing tobacco, tobacco snuff, and other tobacco products, vapor products or alternative nicotine products to persons under 18 years of age, and that the defendant enforced and continues to enforce the policy. A defendant which proposes to offer evidence of the affirmative defense described in this subsection shall file and serve notice of the defense, in writing, upon the court and the township attorney. The notice shall be served not less than 14 days before the date set for trial. (d) A township attorney who proposes to offer testimony to rebut the affirmative defense described in subsection (c) of this section shall file and serve a notice of rebuttal, in writing, upon the court and the defendant. The notice shall be served not less than seven days before the date set for trial, and shall contain the name and address of each rebuttal witness. **Sec. 46-506. - Possession or use of tobacco, vapor products or alternative nicotine products.** (a) Definitions. As used in this section, the following definitions shall apply: *Chewing tobacco* means loose tobacco or a flat, compressed cake of tobacco which is inserted into the mouth to be chewed or sucked. *Vapor Product or Alternative Nicotine Products* means a non-combustible product containing nicotine or not that employs a heating element, power source, electronic circuit, or other electronic, chemical, or mechanical means regardless of shape or size, that can be used to produce vapor from nicotine or not in a solution or other form. Vapor Product includes an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device and a vapor cartridge or other container of nicotine in a solution or other form than is intended to be used with or in an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device. Vapor Product does not include a product regulated as a drug or device by the United States Food and Drug Administration ("FDA") under subchapter V of the Federal Food, Drug, and Cosmetic Act, 21 USC 351 to 360FFF-7. *Tobacco snuff* means shredded, powdered or pulverized tobacco which may be inhaled through the nostrils, chewed or placed against the gums. (b) *Possession or use in public place prohibited.* A person under 18 years of age shall not possess or smoke cigarettes or cigars, or possess or chew, suck, or inhale chewing tobacco or tobacco snuff, or possess or use tobacco in any other form, or possess or smoke vapor product or alternative nicotine products on a public highway, street, alley, park, or other lands used for public purposes, or in a public place of business or amusement. (c) *Penalty.* A person who violates subsection (b) of this section is guilty of a misdemeanor, punishable by a fine of not more than \$50.00 for each offense. Pursuant to a probation order, the court may require a person who violates subsection (b) of this section to participate in a health promotion and risk reduction assessment program, if available. A probationer who is ordered to participate in a health promotion and risk reduction assessment program under this section is responsible for the cost of participating in the program. In addition, a person who violates this section is subject to the following: (1) For the first violation the court may order the person to do one of the following: a. Perform not more than 16 hours of community service in a hospice, nursing home or long term care facility. b. Participate in a health promotion and risk reduction program, as described in this subsection. (2) For a second violation, in addition to participation in a health promotion risk reduction program, the court may order the person to perform not more than 32 hours of community service in a hospice, nursing home, or long term care facility. (3) For a third or subsequent violation, in addition to participation in a health promotion and risk reduction program, the court may order the person to perform not more than 48 hours of community service in a hospice, nursing home or long term care facility. **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** 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 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 be effective upon publication as required by law. **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 22nd day of May, 2018, and was ordered to be given publication in the manner required by law. Michael A. Siegrist, Clerk Introduced: May 8, 2018 Adopted: May 22, 2018 Published: May 31, 2018 Effective: May 31, 2018 A copy of the complete text of this Ordinance is available at the Clerk's Office of the Charter Township of Canton, 1150 S. Canton Center Road, Canton, MI., 48188, during regular business hours. The approved text of the Amendment will be published in the Canton Eagle/Associated Newspaper within the meeting minute's synopsis of the date of approval. A complete copy of the Ordinances for Canton Township is available at www.canton-mi.org. **GENERAL CALENDAR: Item G-1. Consider Authorizing an Agreement with Nankin Transit as Provider of the Canton Mobility Transportation Program.** (CLS) Motion by Siegrist, supported by Slavens move to authorize a 3 year agreement with an auto renewal option to the Nankin Transit Commission. The amount of the contract with Nankin Transit Commission is not to exceed the annual amount of \$446,027 in year one, or an annual increase above 3% in year two (\$387,395) or year three (\$398,348) of the contract. Motion carried unanimously. **Item G-2. Consider Approval of Symmetry Properties Special Land Uses (Mini-Warehouse Facility and Building Material Sales Establishment.** (MSD) Motion by Siegrist, supported by Slavens to adopt the following resolution. Motion carried unanimously. **RESOLUTION OF BOARD OF TRUSTEES CHARTER TOWNSHIP OF CANTON Approval of the Special Land Uses for Symmetry Property (Mini-Warehouse and Building Material Sales Facility) WHEREAS,** the Project Sponsor has requested special land use approvals for Mini-Warehouse and Building Material Sales Facilities on property located on the south side of Michigan Avenue between Sheldon and Morton Taylor Roads; and, **WHEREAS,** the Planning Commission reviewed the special land use criteria and conceptual site plan for both facilities and voted 8-0 to recommend approval of the request as it meets all applicable criteria; and, **WHEREAS,** the Zoning Board of Appeals granted the applicable variances needed for the Building Material Sales establishment, conditioned upon provision of a full height masonry screen wall in the outdoor sales area in locations where materials are stored on shelving and/or pallets. **NOW THEREFORE BE IT RESOLVED,** the Board of Trustees of the Charter Township of Canton, Michigan does hereby approve the request for a Mini-Warehouse facility in the LI, Light Industrial District and a Building Material Sales Facility in the C-3, Regional Commercial District on parcel nos. 133-02-0040-010, 133-02-0040-011 and 133-02-0040-011, and 133-02-0040-008, as they met all applicable special land use and design criteria for the respective uses, subject to approvals of the variances by the Zoning Board of Appeals and any conditions the ZBA placed on said approvals, subject to any and all applicable state and local development regulations. **Item G-3. Consider Approval of the Minor Planned Development for The Towns at Cherry Hill Condominiums.** (MSD) Motion by Siegrist, supported by Slavens to adopt the following resolution. Motion carried unanimously. **RESOLUTION OF BOARD OF TRUSTEES CHARTER TOWNSHIP OF CANTON, MICHIGAN Approval of the Minor Planned Development for The Towns at Cherry Hill Condominiums WHEREAS,** the Project Sponsor has requested approval of a Minor Planned Development for The Towns at Cherry Hill Condominiums on property located on the south side of Cherry Hill Road west of Denton Road; and, **WHEREAS,** the Planning Commission reviewed the minor planned development agreement and conceptual development plan for both facilities and voted 8-0 to recommend approval of the request as it meets all applicable criteria for a planned development and the general guidelines for the Cherry Hill Village Overlay, **NOW THEREFORE BE IT RESOLVED,** the Board of Trustees of the Charter Township of Canton, Michigan does hereby approve the Minor Planned Development for The Towns at Cherry Hill Condominiums on parcel nos. 073-99-0005-718 and 073-99-0001-707, as proposed, subject to any and all applicable state and local development regulations. **Item G-4. Consider the Approval of First Reading of Code of Ordinance Amendments to Chapter 106 Entitled "Stormwater Management", Articles I & II, Sections 106-32, 106-34, and 106-70.** (MSD) Motion by Siegrist, supported by Slavens to introduce and table for consideration the first reading of the Code of Ordinance amendments to Chapter 106 Entitled "Stormwater Management", Articles I & II, Sections 106-32, 106-34, and 106-70 and then remove from the table for Second Reading on June 12, 2018 with publication date of June 21, 2018 and effective date of July 1, 2018. Motion carried unanimously. A copy of the complete text of this Ordinance is available at the Clerk's Office of the Charter Township of Canton, 1150 S. Canton Center Road, Canton, MI., 48188, during regular business hours. The approved text of the Amendment will be published in the Canton Eagle/Associated Newspaper within the meeting minute's synopsis of the date of approval. A complete copy of the Ordinances for Canton Township is available at www.canton-mi.org. **Item G-5. Consider Approval of Contract for Masonry Repairs in Heritage Park.** (CLS) Motion by Siegrist, supported by Sneiderman to award the contract for the Heritage Park Masonry Repair Project to Danjo Construction, LLC, 5781 S. Sheldon, Suite B, Canton, MI 48188 in the amount of \$31,250 with funds to be paid from Account #101-270.50.970 0020 Capital Outlay Buildings and Improvements. Motion carried unanimously. **Item G-6. Consider Approval for the Emergency Replacement of a Sewage Grinder Station at Heritage Park.** (CLS) Motion by Siegrist, supported by Slavens to approve an emergency purchase order for the replacement of the Heritage Park Grinder Station to Kennedy Industries, 4925 Holtz Drive, Wixom, MI 48393 in the amount of \$21,009 to be paid from 246-750.970 0020, Capital Outlay Buildings and Improvements. Motion carried unanimously. **Item G-7. Consider Approval of a 5-Year Agreement with Wayne County Appraisal, LLC (d/b/a WCA Assessing), for Municipal Assessing Services for Canton Township.** (Supv) Motion by Siegrist, supported by Foster to approve the proposed Agreement with Wayne County Appraisal, LLC, and authorize the Township Supervisor to sign the Agreement on behalf of Canton Township. Motion carried unanimously. **ADDITIONAL PUBLIC COMMENT:** None **OTHER:** Clerk Siegrist commented on the Roads Millage bond issue on the August Ballot. Supervisor Williams stated this weekend is the Canton Cup soccer event. Trustee Graham-Hudak wished all a happy Ramadan and Memorial Day. **ADJOURN:** Motion by Anthony, supported by Slavens to adjourn at 7:44 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 after Board Approval.