

**CHARTER TOWNSHIP OF VAN BUREN BOARD OF TRUSTEES
MAY 19, 2014 WORK STUDY MEETING, TENTATIVE AGENDA**

PLEDGE OF ALLEGIANCE:

ROLL CALL:

Supervisor Combs	_____	Trustee McClanahan	_____
Clerk Wright	_____	Trustee Miller	_____
Treasurer Budd	_____	Engineer Nummer	_____
Trustee Hart	_____	Attorney McCauley	_____
Trustee Jahr	_____	Secretary Cline	_____

UNFINISHED BUSINESS:

NEW BUSINESS:

1. Discuss intergovernmental agreement between the Charter Township of Van Buren and the City of Belleville for emergency dispatch and lockup services; authorize the Supervisor and Clerk to execute the agreement.
2. Discuss Full House Self-Storage Special Use Approval request for expansion of mini-warehouse/self-storage facility in C-1 Zoning District.
3. Discuss proposed fireworks ordinance.
4. Discuss adoption of Wayne County Hazard Mitigation Plan.

CLOSED SESSION:

1. To discuss personnel evaluation regarding Arthur Mullen's employment pursuant to the Open Meetings Act, Section 8 (a) at the employee's request.

ADJOURNMENT:

Charter Township of Van Buren

REQUEST FOR BOARD ACTION

WIS #1
Agenda Item: B&D-Consent #4

WORK STUDY MEETING DATE:

MAY 19, 2014

BOARD MEETING

DATE: MAY 20, 2014

Consent Agenda x

New Business _____

Unfinished Business _____

Public Hearing _____

ITEM (SUBJECT)	Consider intergovernmental agreement between the Charter Township of Van Buren and the City of Belleville for emergency dispatch and lockup services, and authorize the Supervisor and Clerk to execute the agreement.
DEPARTMENT	Public Safety
PRESENTER	Director Laurain
PHONE NUMBER	734-699-8930
INDIVIDUALS IN ATTENDANCE (OTHER THAN PRESENTER)	

Agenda topic

ACTION REQUESTED	
Approve the intergovernmental agreement between the Charter Township of Van Buren and the City of Belleville for emergency dispatch and lockup services, and authorize the Supervisor and Clerk to execute the agreement.	
BACKGROUND – (SUPPORTING AND REFERENCE DATA, INCLUDE ATTACHMENTS)	
Supervisor Combs and Director Laurain met with Belleville Mayor Conley and City Manager Kollmeyer to negotiate the 2014, 2015 and 2016 intergovernmental agreement for emergency dispatch and lockup services. The agreement for these three years of service is a 6%, 4% and 4% increase, respectively. The agreement also named each municipality as an additional insured to the other's insurance in connection with the emergency dispatch agreement. The proposed agreement will expire on December 31, 2016.	
BUDGET IMPLICATION	
IMPLEMENTATION NEXT STEP	Execution of Contract
DEPARTMENT RECOMMENDATION	Yes
COMMITTEE/COMMISSION RECOMMENDATION	
ATTORNEY RECOMMENDATION	
(May be subject to Attorney/Client Privilege and not available under FOIA)	
ADDITIONAL REMARKS	See attached documentation for additional information.
APPROVAL OF SUPERVISOR	<u><i>[Signature]</i></u>

Charter Township of Van Buren

Agenda Item: WS NB#2

REQUEST FOR BOARD ACTION

WORK STUDY MEETING DATE:

MAY 19, 2014

BOARD MEETING DATE:

JUNE 3, 2014

Consent Agenda

New Business

Unfinished Business

Public Hearing

ITEM (SUBJECT)	Full House Self-Storage Special Use Approval for Expansion of Mini-Warehouse/Self-Storage Facility in C-1 Zoning District
DEPARTMENT	Planning and Economic Development Department
PRESENTER	Arthur Mullen
PHONE NUMBER	699.8913
INDIVIDUALS IN ATTENDANCE (OTHER THAN PRESENTER)	

Agenda topic

ACTION REQUESTED	
Approval of Request for Special Use Approval for Proposed Expansion of Full House Self Storage	
BACKGROUND – (SUPPORTING AND REFERENCE DATA, INCLUDE ATTACHMENTS)	
<p>Full House Self Storage, at 7886 Belleville Road, is proposing to expand its current facility south onto the adjoining property, addressed 7934 Belleville Road. The entire combined parcel will measure approximately 6.9 acres. The site is located in C-1 General Business District, and mini-warehouse/self-storage facilities require approval by the Board of Trustees after a Public Hearing and recommendation by the Planning Commission. Township staff met with the property representatives multiple times through the review process. The property representatives worked closely with the Township to address multiple design issues through a collaborative process. At its April 9, 2014 meeting, the Planning Commission unanimously voted to recommend that the Board of Trustees grant Special Land Use Approval for this request. Minutes from the Planning Commission approval are attached along with the referenced McKenna and Associates review letter dated March 28, 2014.</p>	

BUDGET IMPLICATION	None
IMPLEMENTATION NEXT STEP	Project Returns to Planning Commission for Preliminary Site Plan Review and Approval
DEPARTMENT RECOMMENDATION	Approval
COMMITTEE/COMMISSION RECOMMENDATION	Approval
ATTORNEY RECOMMENDATION	N/A
(May be subject to Attorney/Client Privilege and not available under FOIA)	
ADDITIONAL REMARKS	
APPROVAL OF SUPERVISOR	

**CHARTER TOWNSHIP OF VAN BUREN
PLANNING COMMISSION
April 9, 2014
MINUTES**

Chairperson Thompson called the meeting to order at 7:30 p.m.

ROLL CALL:

Present: McKenna, Budd, Kelley, Boynton, Johnson, Franzoi and Thompson.

Excused: None.

Staff: Director Mullen and Secretary Harman.

Planning Representatives: McKenna & Associates, Sally Hodges and Wade Trim, David Nummer.

Audience: Six.

APPROVAL OF AGENDA:

Motion McKenna, Boynton second to approve the agenda of April 9, 2014 as presented.

Motion Carried.

APPROVAL OF MINUTES:

Motion Budd, Johnson second to approve minutes from March 26, 2013 as presented.

Motion Carried.

OLD BUSINESS:

ITEM # 1

CASE # SLU & SPR 13-013

TITLE:

THE APPLICANT, FULL HOUSE SELF STORAGE, IS REQUESTING A RECOMMENDATION FOR SPECIAL LAND USE APPROVAL AND GRANTING PRELIMINARY SITE PLAN APPROVAL FOR EXPANSION OF A SELF-STORAGE FACILITY. THIS REQUEST IS BEING MADE IN CONFORMANCE WITH SECTION 12.03 PERMITTED USE AFTER SPECIAL APPROVAL OF THE TOWNSHIP ZONING ORDINANCE.

LOCATION:

PARCEL NUMBER V125-83-033-99-0035-000, ALSO KNOWN AS 7934 BELLEVILLE ROAD, IS THE SUBJECT PROPERTY OF THIS REQUEST. THIS SITE IS LOCATED ON THE WEST SIDE OF BELLEVILLE ROAD BETWEEN ECORSE AND TYLER ROADS.

Paul Loosely, Environmental Engineer from Civil Engineering Consultants gave the presentation for the applicant.

Sally Hodges of McKenna Associates presented review letter dated 3-28-14 recommending special land use approval to the Township Board of Trustees subject to the seven (7) conditions referenced in the letter.

Sally Hodges of McKenna Associates presented review letter dated 3-28-14 recommending the Planning Commission grant preliminary site plan approval subject to the ten (10) conditions referenced in the letter.

David Nummer of WadeTrim presented review letter dated 4-1-14 recommending the Planning Commission grant preliminary site plan approval.

Director Mullen presented the Fire Department review letter dated 4-4-14 recommending preliminary site plan approval subject to conditions referenced in the letter.

Commissioners inquired about the hours of operation, number of employees, mosquito control at the existing pond on site, fencing and parking.

Motion Johnson, Franzoi second to recommend special use approval to the Township Board for 7886 Belleville Road subject to conditions in the McKenna Associates letter dated 3-28-14. (Letter Attached)

Roll Call:

Yeas: Boynton, Kelley, McKenna, Budd, Johnson, Franzoi and Thompson.

Nays: None.

Absent: None.

Motion carried.

Motion Johnson, Boynton second to grant preliminary site plan approval to Full House Self Storage located at 7886 Belleville Road subject to conditions in the McKenna letter dated 3-28-14, Wade Trim Letter dated 4-1-14 and Battalion Chief McNally's letter dated 4-4-14. Motion Carried. (Letters Attached)

ITEM # 2 CASE # SPR13-008

TITLE: THE APPLICANT, L & W INDUSTRIES, IS REQUESTING TO REVISE FINAL SITE PLAN APPROVAL GRANTED ON JANUARY 22, 2014 FOR DEMOLITION OF A STRUCTURE AND CONSTRUCTION OF LOADING DOCKS AND TRUCK CIRCULATION.

LOCATION: PARCEL NUMBER V125-83-033-99-0035-000, ALSO KNOWN AS 7934 BELLEVILLE ROAD, IS THE SUBJECT PROPERTY OF THIS REQUEST. THIS SITE IS LOCATED ON THE WEST SIDE OF BELLEVILLE ROAD BETWEEN ECORSE AND TYLER ROADS.

A representative for L & W Industries gave the presentation for the final site plan revision to add more warehouse space.

Sally Hodges of McKenna Associates presented review letter dated 3-31-14 recommending approval of the amended final site plan subject to the Planning Commission's approval of photo metrics for the site and the reduced number of 294 parking spaces.

David Nummer of WadeTrim presented review letter dated 3-18-14 recommending the Planning Commission grant approval of final site plan revisions.

Director Mullen presented Fire Department review letter dated 4-7-14 recommending approval of the revised final site plan.

Motion Boynton, Kelley second to grant L & W Industries a revision to the final site plan approved January 22, 2014 for demolition of a structure and construction of loading docks and truck circulation subject to recommendations in the McKenna letter dated 3-31-14, Wade Trim letter dated 3-18-14 and Lieutenant Fire Inspector McCormick's letter dated 4-7-14 and to include the reduction in parking spaces as stated in the request from L & W Industries. Motion Carried. (Letters Attached)

NEW BUSINESS:

ITEM # 1

CASE # TLU14-008

TITLE:

THE APPLICANT, ELLIOTT'S AMUSEMENTS, IS REQUESTING APPROVAL TO HOLD A CARNIVAL BEYOND THE SEVEN CONSECUTIVE DAYS THAT IS ADMINISTRATIVELY ALLOWED IN THE ZONING ORDINANCE FOR TEMPORARY LAND USE UNDER SECTION 4.44 OF THE TOWNSHIP ZONING ORDINANCE 06-02-92, AS AMENDED.

LOCATION:

THIS SITE IS LOCATED IN THE BELLEVILLE SQUARE SHOPPING CENTER AT 10900 BELLEVILLE ROAD. THE SUBJECT LOCATION IS AT THE NORTHWEST CORNER OF BELLEVILLE ROAD AND NORTH I-94 SERVICE DRIVE.

A representative for Elliott Amusements gave the presentation. The applicant has met the fire requirement standards for the state.

Director Mullen presented review letter dated 4-7-14 recommending approval of the application for temporary land use of more than seven consecutive days. The carnival will run Thursday through Sunday, April 17th- 20th and Thursday through Sunday, April 24th- 27th. The site has been used for a carnival in the past without any known complaints.

Director Mullen presented Fire Department Review letter dated 4-9-14 recommending approval.

Director Mullen presented Police Department letter dated 4-7-14 recommending approval provided Elliott's amusements provides proof of a bonded and insured security company, preliminary security action plan or a contract with the Van Buren Township Police Department to provide security.

Commissioners discussed location of fire extinguishers and a first aid booth being located on site.

Motion McKenna, Boynton second to approve the temporary land use request for Elliot's Amusements for the dates referenced in Director Mullen's letter. Motion Carried.

GENERAL DISCUSSION:

Commissioner inquired if the Belleville Petroleum project had been approved by the Township Board. The project is on the April 15th agenda.

Motion Boynton, McKenna second to adjourn at 8:12 p.m. Motion Carried.

Respectfully submitted,

Christina Harman
Recording Secretary



March 28, 2014

COPY

Planning Commission
Charter Township of Van Buren
46425 Tyler Road
Belleville, MI 48111

Attention: Arthur Mullen, Director of Planning and Economic Development

Subject: VBT-13-013 SPR; Full House Self Storage; 7886 Belleville Road;
SPR Review #3: Plans Received 3/21/14

Dear Commissioners:

The applicant, Full House Self Storage, is proposing to expand its site by 1.52 acres, to a total 6.92 acres, and add more storage units to the existing mini-warehouse facility on the west side of Belleville Road. The applicant proposes to add 15,450 square feet of self-storage space to the existing 69,978 square feet currently on the site.

The site is in the C-1 General Business District. In the C-1 district, mini-warehouse/self-storage facilities require public hearing and special approval recommendation by the Planning Commission and approval by the Township Board. Site plan approval by the Planning Commission is also required. Our comments on the site plan follow.

COMMENTS

- 1. **Site Boundaries.** The site includes several parcels, which must all be combined and one of which must be split from the adjacent property. Lot split and combination application and approval will be required prior to issuance of a building permit for the site.
- 2. **Landscaping and Screening.** The landscape plan requires several revisions. The required landscape maintenance plan statement from the Zoning Ordinance and the location of all existing and proposed shrubs must be added to the plan. The scale on the landscape plan sheet must be corrected, as it is 1:50 not 1:30 as indicated on the plan.

As discussed in our special approval recommendation, the existing pattern of evergreen shrubs in a hedge should be continued (along with the trees proposed) as the means to buffer view and create the required greenbelt, and the berm should be removed. The berm will impact the root zone of the large oak in the road R.O.W. and is not consistent with the future, more urban character planned for this area.

The fencing proposed along the south side of the site should be stopped no closer to the street than the east end of the new storage units. This will keep it consistent with the front façade of the building(s). Also, the type and color of the block in the six foot high screen wall segments must be labelled with the details for that wall.

3. **Dumpster.** The existing dumpster enclosure sits on the asphalt parking lot in a very visible front location. Section 4.40.3.I. of the Zoning Ordinance requires dumpsters to be in a rear or side yard and they must be screened from view from public thoroughfares. In this case, the dumpster is in a side yard, but in the front parking lot. The site plan proposes additional year-round landscaping to increase the screening of the enclosure. Also, the screening gates on the enclosure must be kept closed, and this assurance should be noted on the site plan.
4. **Parking and Circulation.** Standard parking spaces must be 9.5 feet wide by 20 feet deep, with a 24 foot wide access aisle. As noted above, all spaces must be dimensioned on the plan and conform. All parking spaces must be double striped, and this noted on the plan. The applicant has requested Planning Commission approval to defer 7 parking spaces and this aspect is addressed in our comments for special approval. The required deferred parking construction assurance must be added to the site plan.
5. **Lighting.** Outdoor lighting details and a photometric plan have been submitted. New LED wall pack lights and LED pole lights are proposed. The pole mounted lights are concealed source and focused down. The cut sheet details must be submitted for the wall mounted lights to confirm that they are also concealed source fixtures.
6. **Stormwater Pond.** The applicant proposes a new retention pond to handle site drainage from the expansion area. This facility is subject to the Township's standards in Sections 4.40.3. and 4.56, thus landscaping, fencing and other revisions are required. The basin perimeter must be planted with trees and shrubs, with the deciduous trees clustered so as to provide some shade. Native plant species are required, and to obtain more space for planting, water-tolerant species could be planted slightly below the noted high water elevation. Although the new pond will not hold water for an extended period of time, mosquito control measures for the existing pond must be addressed to the Planning Commission's satisfaction.

Chain link fence is proposed around the portion of the site used for the new stormwater pond (similar to the treatment of the existing stormwater basin); however the Zoning Ordinance's storm pond regulations require this fencing to be a decorative variety, not chain link. Standard chain link is prohibited at the pond by Ordinance, but given the location next to a contractor's storage yard and lack of public visibility of the pond, we believe the Commission could require and approve black vinyl-coated chain link as an alternative.
8. **Amenities.** All C-1 uses in the Township are required to provide amenities on site that will serve the comfort of future users of the site. Sidewalk from Belleville Road to the manager's residence has been provided as an amenity. We also recommend that a bench be added at the front of the building.
9. **Building Facades.** According to the applicant, the new buildings will match the existing one. The building elevations need to be clarified to specify that the east "end walls" closest to the street will be the version with masonry. The building materials and colors must be noted on the elevations, along with the dimensioned building height.

RECOMMENDATION

We recommend that the Planning Commission grant preliminary site plan approval to the expansion of Full House Self-Storage at 7886 Belleville Road, subject to the following conditions to be met on the final site plan (except as may be more specifically noted below):

1. Special approval.
2. Lot split and combination application and approval prior to issuance of a building permit for the site.
3. Compliance with the landscape items listed in Comment #2 above:
 - a. Addition of the required landscape maintenance plan statement from the Zoning Ordinance.
 - b. The location of all existing and proposed shrubs added on the plan.
 - c. Correction of the scale on the landscape plan sheet.
 - d. Continuation of the existing pattern of evergreen shrubs in a hedge across the frontage (along with the proposed trees), in lieu of the berm.
 - e. The fencing proposed along the south side of the site should be stopped no closer to the street than the east end of the new storage units.
 - f. Label the type and color of the block in the six foot high screen wall segments.
4. Note on the plan that the screening gates on the trash enclosure will be kept closed except when in use.
5. All parking spaces must be double striped, and this noted on the plan.
6. Addition of a note on the site plan stating that "the applicant agrees to construct the deferred parking at such time as there are 3 documented parking violations from the Building Department".
7. Cut sheet details must be submitted for the wall- mounted lights, confirming that they are concealed source fixtures.
8. Revision of the plan to comply with the Township's stormwater basin requirements as described in Comment #6 above, including Planning Commission approval of the type of fencing to surround the stormwater basin.
9. Addition of another site amenity, subject to the Commission's approval.
10. Revision of the building elevations sheet to specify that the "end wall" with masonry is the one that faces the street. Building materials and colors must be noted on the elevations, along with the building height.

Respectfully submitted,

McKENNA ASSOCIATES



Sara J. Hodges, AICP, IAP2
Senior Vice President

Charter Township of Van Buren

Agenda Item: WS NB# 3

REQUEST FOR BOARD ACTION

WORK STUDY MEETING DATE: MAY

19, 2014

BOARD MEETING DATE:

JUNE 3, 2014

Consent Agenda

New Business

Unfinished Business

Public Hearing

ITEM (SUBJECT)	Discuss proposed fireworks ordinance.
DEPARTMENT	Ordinance
PRESENTER	Director Laurain
PHONE NUMBER	734-699-8930
INDIVIDUALS IN ATTENDANCE (OTHER THAN PRESENTER)	

Agenda topic

ACTION REQUESTED	
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Discuss proposed fireworks ordinance.

BACKGROUND – (SUPPORTING AND REFERENCE DATA, INCLUDE ATTACHMENTS)	
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Effective January 2012, the Michigan legislature enacted the Michigan Fireworks Safety Act (MFSA), which made it legal to sell and discharge consumer fireworks that were previously banned. The MFSA also substantially limits municipalities from enacting any ordinance "regulating the sale, display, storage, transportation or distribution of [consumer] fireworks". This caused controversy and confusion among municipalities regarding their ability to enforce/pass ordinances under the MFSA.

Generally speaking, the limitation on the sale of consumer fireworks for municipalities is certainly significant, but not all regulation is prohibited and sale of fireworks can be regulated by zoning regulations/ordinance). A specific ordinance restricting or limiting the sale of fireworks specifically runs afoul of the MFSA.

BUDGET IMPLICATION	NA
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IMPLEMENTATION NEXT STEP	Approval
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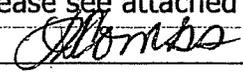
DEPARTMENT RECOMMENDATION	Yes
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COMMITTEE/COMMISSION RECOMMENDATION	
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ATTORNEY RECOMMENDATION	
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(May be subject to Attorney/Client Privilege and not available under FOIA)

ADDITIONAL REMARKS	Please see attached documentation for additional information.
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APPROVAL OF SUPERVISOR	
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**VAN BUREN CHARTER TOWNSHIP
FIREWORKS SAFETY ACT ORDINANCE**

ORDINANCE NO.

AN ORDINANCE TO CONTROL THE USE AND DISCHARGE OF FIREWORKS AND OTHER EXPLOSIVE AND FLAMMABLE COMPOUNDS, CHEMICALS, AND DEVICES USED IN CONNECTION THEREWITH.

The Van Buren Charter Township ordains:

SECTION 1 – TITLE

This Ordinance shall be known as the Fireworks Safety Act Ordinance.

SECTION 2 – PURPOSE

The purpose and intent of this Ordinance is to regulate the use and discharge of certain fireworks consistent with the Michigan Fireworks Safety Act, Act 256 of 2011, as amended.

SECTION 3 – DEFINITIONS

The following words, terms and phrases, when used in this Ordinance, shall have the meaning ascribed to them in this section:

Act means the Michigan Fireworks Safety Act, Public Act 256 of 2011, MCL 28.451 – 28.471, as amended.

Agricultural and wildlife fireworks means firework devices distributed to farmers, ranchers, and growers through a wildlife management program administered by the United States Department of Interior or the Michigan Department of Natural Resources.

APA means American Pyrotechnics Association.

Articles pyrotechnic means pyrotechnic devices for professional use that are similar to consumer fireworks in chemical composition and construction but not intended for consumer use, that meet the weight limits for consumer fireworks but are not labeled as such, and that are classified as UN0431 or UN0432 under 49 CFR 172.101.

Commercial fireworks includes display fireworks, articles pyrotechnic, special effects and agricultural and wildlife fireworks.

Consumer fireworks means fireworks devices that are designed to produce visible or audible effects by combustion, that are required to comply with the construction, chemical composition, and labeling regulations promulgated by the United States Consumer Product Safety

Commission under 16 CFR Parts 1500 and 1507, and that are listed in APA standard 87-1, 3.1.2, 3.1.3, or 3.5. Consumer fireworks do not include low-impact fireworks.

Display fireworks means large fireworks devices that are explosive materials intended for use in fireworks displays and designed to produce visible or audible effects by combustion, deflagration, or detonation, as provided in 27 CFR 555.11, 49 CFR 172, and APA standard 87-1, 4.1.

Firework or *fireworks* means any composition or device, except for a starting pistol, a flare gun, or a flare, designed for the purpose of producing a visible or audible effect by combustion, deflagration, or detonation. Fireworks consist of consumer fireworks, low-impact fireworks, articles pyrotechnic, display fireworks, and special effects.

Low-impact fireworks means ground and handheld sparkling devices as that phrase is defined under APA standard 87-1, 3.1, 3.1.1.1 to 3.1.1.8, and 3.5.

National holiday: A national holiday is defined in 5 USC 6103 and includes the following:

- (a) New Year's Day (January 1st).
- (b) Martin Luther King Jr. Day (third Monday in January)
- (c) Washington's Birthday (third Monday in February)
- (d) Memorial Day (last Monday in May)
- (e) Independence Day (July 4th)
- (f) Labor Day (first Monday in September)
- (g) Columbus Day (second Monday in October)
- (h) Veterans Day (November 11th)
- (i) Thanksgiving Day (fourth Thursday in November)
- (j) Christmas Day (December 25th)

NFPA means National Fire Protection Association.

Novelty fireworks means that term as defined under APA standard 87-1, 3.2, 3.2.1, 3.2.2, 3.2.3, 3.2.4, and 3.2.5 and all of the following:

- (a) Toy plastic or paper caps for toy pistols in sheets, strips, rolls, or individual caps containing not more than .25 of a grain of explosive content per cap, in packages labeled to indicate the maximum explosive content per cap.
- (b) Toy pistols, toy cannons, toy canes, toy trick noisemakers, and toy guns in which toy caps as described in subparagraph (a) are used, that are constructed so that the hand cannot come in contact with the cap when in place for the explosion, and that are not designed to break apart or be separated so as to form a missile by the explosion.
- (c) Flitter sparklers in paper tubes not exceeding 1/8 inch in diameter.

- (d) Toy snakes not containing mercury, if packed in cardboard boxes with not more than 12 pieces per box for retail sale and if the manufacturer's name and the quantity contained in each box are printed on the box; and toy smoke devices.

Special effects means a combination of chemical elements or chemical compounds designed and intended to produce an audible, visual, mechanical, or thermal effect as an integral part of a motion picture, radio, television, theatrical or opera production or live entertainment.

State fire marshal means the Michigan state fire marshal appointed under section 1b of the Michigan Fire Prevention Code, 1941 PA 207, MCL 29.1b.

SECTION 4 – PROHIBITIONS

Fireworks Generally.

Fireworks shall not be ignited, discharged or used by: (a) a minor; (b) a person under the influence of alcohol or controlled substances or a combination of alcoholic liquor and a controlled substance; or (c) on public property, school property, church property, or property of another person, without that organization's or person's written authorization to do so.

Consumer Fireworks.

No person shall ignite, discharge or use consumer fireworks in the Township; except on the day preceding, the day of, or the day after a national holiday, only between the hours of 8:00 am and 12 Midnight, except on New Years' Day, when consumer fireworks may be discharged between the hours of 12 Midnight and 1:00 am, and in accordance with the Michigan Fireworks Safety Act, Public Act 256 of 2011, as amended.

Commercial Fireworks.

Commercial Fireworks shall not be discharged in the Township without a permit.

Low Impact or Novelty Fireworks.

The display of low impact or novelty fireworks are regulated by state law and are not regulated by this Ordinance.

SECTION 5 – PERMITS

A permit is required for the discharge of commercial fireworks.

Permit Application. A person seeking a permit to discharge commercial fireworks shall complete an application for a permit, which shall be submitted to the Township Clerk's Office at least 45 days in advance of the proposed discharge date.

The application shall include:

1. Proof that the applicant is over 18 years in age;
2. A license or permit to operate commercial fireworks from the Federal Bureau of Alcohol, Tobacco, Firearms and Explosives;
3. A scale drawing of the site, including but not limited to surrounding buildings, the display site as described by NFPA 1123, the spectator viewing area and the parking areas;
4. Proof of insurance as set forth in this Ordinance;
5. Information as to the competency and qualifications of the fireworks display operators as required by NFPA 1123;
6. A completed Application for Fireworks Display Permit from the State of Michigan;
7. A description of the display, including the type and number of fireworks to be discharged;
8. Proof to the Township Fire Chief or his/her designee, that the applicant is knowledgeable of the recommended safety requirements outlined in NFPA 1123;
9. A nonresident applicant shall appoint in writing a resident member of the bar of this state or a resident agent to be the legal representative upon whom all process in an action or proceeding against the person, firm, or corporation may be served; and
10. Payment of a fee as determined by the Township.

Permit Approval Process.

1. The Township Clerk or his/her designee shall review the application for completeness.
2. The Township Fire Chief or his/her designee shall review the application and make a written recommendation to the Township Board.
3. The Township Board shall review the application and issue a permit if it finds that the following standards have been satisfied:
 - a. The permit application is complete and conforms with the requirements of this Ordinance.
 - b. The proposed discharge of fireworks shall not have an adverse effect upon public safety.
 - c. The time, duration and location of the fireworks will not unreasonably disturb the peace of neighboring property owners.

Requirements of Permit Holders.

1. A permit holder shall be responsible for the discharge of fireworks which shall conform with the approved permit and this Ordinance.
2. A permit holder shall be responsible for all shells being fired. In the event one or more shells do not explode, the permit holder shall take appropriate measures to locate and properly dispose of the unexploded shell(s).

Transfers.

Permits cannot be transferred or assigned without prior review and written approval of the Township.

Revocation.

Permits shall be revoked and inventory seized if at any time during the term of the permit the terms and conditions of this Ordinance are violated.

SECTION 6 – COST RECOVERY

The payment of all costs incurred by the Township, including, but not limited to the time expended by police or fire personnel and equipment in enforcing this Ordinance or responding to an emergency resulting from a violation of this Ordinance, and any storage costs for fireworks seized under the Act, shall be the responsibility of the person or persons responsible or liable for the violation. Any failure by the person or persons liable or responsible for the expenses to pay said bill within thirty (30) days of mailing or service of the bill shall constitute a default on said bill. The failure to pay may further be considered a violation of probation if the payment was ordered by the court at the time of sentencing. The Township shall also have the right to bring action in a court of competent jurisdiction to collect said costs if the Township deems such action to be necessary.

SECTION 7 – INSURANCE

To protect the public, the applicant seeking a permit to discharge commercial fireworks shall provide proof of financial responsibility by insurance to satisfy claims for damages to property or personal injuries arising out of an act or omission on the part of the applicant. At a minimum, the applicant shall maintain (a) Worker's Compensation and Employers Liability coverage covering the statutory requirements of the State of Michigan and insuring the applicant with an Employer's Liability limit of at least \$500,000, if applicable, and (b) occurrence based Commercial General Liability coverage covering liability arising out of the operations of the applicant, with limits of at least \$3,000,000 per occurrence and (c) Automobile Liability with a limit of \$1,000,000 per occurrence CSL covering all owned, non-owned, and hired automobiles, and shall comply with all requirements of Michigan No-Fault law. The General Liability and Automobile liability policies shall be issued by an insurer licensed to do business in the State of Michigan with an A.M. Best rating of "A-" or better. If the applicant utilizes Township owned property during the display, the Township, its elected and appointed officials, boards, commissions, employees, agents and representatives shall be named as additional insured on the General Liability and Automobile Liability policies, and coverage shall be considered primary over any other insurance held by the Township.

SECTION 8 – PENALTIES

Municipal Civil Infraction.

A violation of the provisions of this Ordinance pertaining to Consumer Fireworks shall be deemed a municipal civil infraction.

- A. The following civil fines shall apply in the event of a determination of responsibility for a municipal civil infraction, unless a different fine is specified in connection with a particular ordinance provision.

- i. The First Offense. The civil fine for a first offense violation shall be in an amount of Seventy-Five Dollars (\$75.00), plus cost and other sanctions, for each offense.
- ii. First Repeat of Offense. The civil fine for any offense which is a first repeat offense shall be in an amount of One Hundred Fifty Dollars (\$150.00), plus cost and other sanctions, for each offense.
- iii. Second (or any subsequent) Repeat of Offense. The civil fine for any offense which is a second or subsequent repeat offense shall be in an amount of Five Hundred Dollars (\$500.00), plus cost and other sanctions, for each offense.

Misdemeanor.

All other violations of the provisions of this Ordinance, including, but not limited to, those pertaining to Commercial Fireworks, shall be deemed a misdemeanor, punishable by a fine of not more than Five Hundred Dollars (\$500.00), plus costs and/or imprisonment not to exceed ninety (90) days.

Additional Provisions Applicable to Both Municipal Civil Infraction and Misdemeanor violations of this Ordinance:

- A. In addition to ordering the defendant determined to be responsible or guilty of a violation of this Ordinance to pay a fine, costs, damages and expenses, the Judge or Magistrate shall be authorized to issue any judgment, writ or order necessary to enforce, or enjoin violation of, this Ordinance.
- B. Continuing Offense. Each act of violation and each day upon which any such violation shall occur, shall constitute a separate offense.
- C. Remedies Not Exclusive. In addition to any remedies provided for in this ordinance, any equitable or other remedies available may be sought, pursued, prosecuted and/or charged, including, but not limited to, violations of other Township ordinances.
- D. Judge or Magistrate. The Judge or Magistrate shall also be authorized to impose costs, damages and expenses as provided by law.
- E. Default on Payment of Fines and Costs. A default in the payment of a civil fine, costs, damages or expenses ordered under this Ordinance or an installment of the fine, costs, damages or expenses as allowed by the court, may be collected by the Township by a means authorized for the enforcement of a judgment under Chapters 40 or 60 of the Revised Judicature Act, MCL 600.101, et. seq., MSA 27A. 101, et. seq., as amended.

SECTION 9 – SEVERABILITY

Should any provision or part of this Ordinance be declared by any court of competent jurisdiction to be invalid or unenforceable, the same shall not affect the validity or enforceability of the balance of this Ordinance, which shall remain in full force and effect.

SECTION 10 – REPEALER

All other ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed only to the extent necessary to give this ordinance full force and effect.

SECTION 11 – SAVINGS CLAUSE

Nothing in this Ordinance shall be construed to affect any suit or proceeding pending in any court or any rights acquired or any liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in Section 10 of this Ordinance; nor shall any just or legal right or remedy of any character be lost, impaired, or affected by this Ordinance.

SECTION 12 – EFFECTIVE DATE

This Ordinance shall take effect following publication in the manner prescribed by law. This Ordinance shall be published in the manner provided by law.

SECTION 13 – ADOPTION

This Ordinance is hereby declared to have been adopted by the Township Board of the Charter Township of Van Buren at a meeting duly called and held on the __th day of _____, 2013, and ordered to be given publication in the manner prescribed by law.

Leon Wright, Clerk

Linda Combs, Supervisor

Introduction:
Introduction Publication:
Adopted:
Adoption Publication:
Effective:

Charter Township of Van Buren

Agenda Item: WSNB#4

REQUEST FOR BOARD ACTION

WORK STUDY MEETING DATE: MAY

19, 2014

BOARD MEETING DATE:

JUNE 3, 2014

Consent Agenda

New Business

Unfinished Business

Public Hearing

ITEM (SUBJECT)	Adoption of Wayne County Hazard Mitigation Plan
DEPARTMENT	Public Safety – Emergency Management
PRESENTER	Fire Chief Dan Besson
PHONE NUMBER	734-699-8916
INDIVIDUALS IN ATTENDANCE (OTHER THAN PRESENTER)	

Agenda topic

ACTION REQUESTED	Approval
BACKGROUND – (SUPPORTING AND REFERENCE DATA, INCLUDE ATTACHMENTS)	<p>The Van Buren Department of Public Safety – Emergency Management Division formally requests adoption of the Wayne County Hazardous Mitigation Plan (dated August 5, 2013).</p> <p>Understandably Wayne County and its communities, such as Van Buren Township, are at risk of natural, technological and human hazards; and the Disaster Mitigation Act of 2000 requires communities to have a five-year Hazard Mitigation Plan approved by the Federal Emergency Management Agency (FEMA) in order to receive funds made available through certain mitigation grant programs;</p> <p>The Wayne County Hazard Mitigation Plan, prepared in cooperation with the Wayne County communities, identifies the hazard threats to the County and feasible mitigation projects to minimize hazard impacts; and the contents of the Hazard Mitigation Plan were reviewed by, and received input from, residents and local officials representing the local units of government within Wayne County.</p> <p>The next step that needs to be completed for Van Buren Township to be covered under the Wayne County Hazard Mitigation Plan, and meeting the elements necessary for FEMA acceptance, is to formally adopt the plan.</p>

BUDGET IMPLICATION	NA
IMPLEMENTATION NEXT STEP	Approval
DEPARTMENT RECOMMENDATION	Yes
COMMITTEE/COMMISSION RECOMMENDATION	N/A
ATTORNEY RECOMMENDATION	N/A
(May be subject to Attorney/Client Privilege and not available under FOIA)	
ADDITIONAL REMARKS	Please see attached documentation for additional information.
APPROVAL OF SUPERVISOR	