

**CHARTER TOWNSHIP OF VAN BUREN BOARD OF TRUSTEES
NOVEMBER 13, 2018 WORK STUDY MEETING 4:00 P.M.
TENTATIVE AGENDA**

ROLL CALL:

Supervisor McNamara _____	Trustee Miller _____
Clerk Wright _____	Trustee White _____
Treasurer Budd _____	Engineer Potter _____
Trustee Frazier _____	Attorney McCauley _____
Trustee Martin _____	Secretary Montgomery _____

UNFINISHED BUSINESS:

NEW BUSINESS:

1. Discussion on the re-appointment of Donald Boynton to the Planning Commission and Board of Zoning Appeals (Planning Commission Rep. alternate) with a term to expire October 1, 2021.
2. Discussion on the re-appointment of Shareen Barker to the Local Development Finance Authority with a term to expire August 12, 2022.
3. Discussion on the re-appointment of James Williams to the Local Development Finance Authority with a term to expire August 12, 2022.
4. Discussion on Resolution 2018-31 the 2019 annual Wayne County Maintenance Permit A-19045.
5. Discussion on Resolution 2018-32 the 2019 annual Wayne County Special Events Permit A-19086.
6. Discussion on Resolution 2018-33 the 2019 annual Wayne County Pavement Restoration Permit A-19100.
7. Discussion on the agreement between the Township and the owner at 13156 Hannan Road and the City of Romulus for connection to the water system in the City of Romulus.
8. Discussion on the Commercial Fireworks Display Permit application by Great Lakes Fireworks LLC to set off fireworks on Saturday, December 1, 2018 from the (closed) Denton Road Bridge.
9. Presentation on Options regarding Recreational Marihuana Businesses.

PUBLIC COMMENT:

CLOSED SESSION: The Township Board will go into closed session pursuant to MCL 15.268 (d) to consider the purchase or lease of real property.

ADJOURNMENT:

Notice of Meeting Change/Cancellation

The Township Board of Trustees

Work Study Session: Monday November 19, 2018

And

Board Meeting: Tuesday, November 20, 2018

**Have been canceled and rescheduled for
November 13, 2018**

The meetings will take place in the Board Room
at

Van Buren Township Hall

46425 Tyler Road, Van Buren Township, MI 48111

Work Study Session to begin at 4:00 p.m.

Board Meeting to begin at 7:00 p.m.

In accordance with the American with Disabilities Act, reasonable accommodations can be made with advance notice.

Charter Township of Van Buren

Agenda Item: _____

REQUEST FOR BOARD ACTION

WORK STUDY

DATE: 11-13-2018

BOARD MEETING

DATE: 11-13-2018

Consent Agenda _____

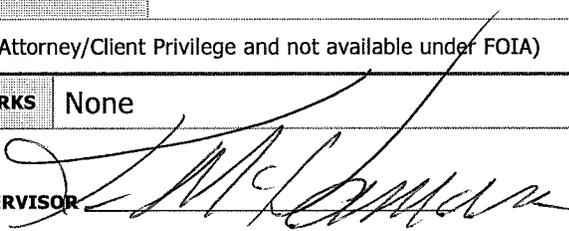
New Business _____

Unfinished Business _____

Public Hearing _____

ITEM (SUBJECT)	Re-appointment of Donald Boynton to the Planning Commission and Board of Zoning Appeals (Planning Commission Rep. alternate).
DEPARTMENT	Supervisor's Office
PRESENTER	Supervisor McNamara
PHONE NUMBER	734-699-8910
INDIVIDUALS IN ATTENDANCE (OTHER THAN PRESENTER)	

Agenda topic

ACTION REQUESTED	
To consider the reappointment of Donald Boynton to the Planning Commission and Board of Zoning Appeals (Planning Commission Rep. alternate) with a term to expire 10-01-2021.	
BACKGROUND – (SUPPORTING AND REFERENCE DATA, INCLUDE ATTACHMENTS)	
Donald Boynton currently serves on the Planning Commission and as Planning Commission representative alternate to the Board of Zoning Appeals (BZA).	
He has expressed interest in being re-appointed to both posts. His new term will expire 10-01-2021 if approved.	
BUDGET IMPLICATION	none
IMPLEMENTATION NEXT STEP	
DEPARTMENT RECOMMENDATION	Approval
COMMITTEE/COMMISSION RECOMMENDATION	
ATTORNEY RECOMMENDATION	
(May be subject to Attorney/Client Privilege and not available under FOIA)	
ADDITIONAL REMARKS	None
APPROVAL OF SUPERVISOR	

Charter Township of Van Buren

Agenda Item: _____

REQUEST FOR BOARD ACTION

WORK STUDY

DATE: 11-13-2018

BOARD MEETING

DATE: 11-13-2018

Consent Agenda X

New Business

Unfinished Business

Public Hearing

ITEM (SUBJECT)	Re-appointment of Shareen Barker to the LDFA.
DEPARTMENT	Supervisor's Office
PRESENTER	Supervisor McNamara
PHONE NUMBER	734-699-8910
INDIVIDUALS IN ATTENDANCE (OTHER THAN PRESENTER)	

Agenda topic

ACTION REQUESTED	
To consider the re-appointment of Shareen Barker to the LDFA with a term to expire: 8-12-2022.	
BACKGROUND – (SUPPORTING AND REFERENCE DATA, INCLUDE ATTACHMENTS)	
Shareen Barker is the VBPS representative to the LDFA. Superintendent Kudlak has recommended Shareen Barker for re-appointment. Her new term will expire: 8-12-2022.	

BUDGET IMPLICATION	none
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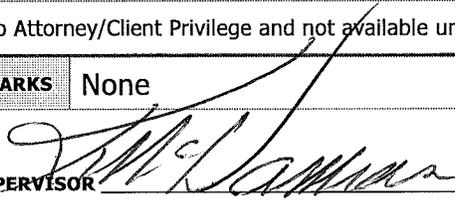
IMPLEMENTATION NEXT STEP	
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DEPARTMENT RECOMMENDATION	Approval
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COMMITTEE/COMMISSION RECOMMENDATION	
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ATTORNEY RECOMMENDATION	
(May be subject to Attorney/Client Privilege and not available under FOIA)	

ADDITIONAL REMARKS	None
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APPROVAL OF SUPERVISOR	
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Charter Township of Van Buren

Agenda Item: _____

REQUEST FOR BOARD ACTION

WORK STUDY

DATE: 11-13-2018

BOARD MEETING

DATE: 11-13-2018

Consent Agenda X

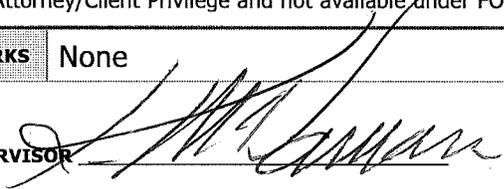
New Business

Unfinished Business

Public Hearing

ITEM (SUBJECT)	Re-appointment of James Williams to the LDFA.
DEPARTMENT	Supervisor's Office
PRESENTER	Supervisor McNamara
PHONE NUMBER	734-699-8910
INDIVIDUALS IN ATTENDANCE (OTHER THAN PRESENTER)	

Agenda topic

ACTION REQUESTED	
To consider the re-appointment of Shareen Barker to the LDFA with a term to expire: 8-12-2022.	
BACKGROUND – (SUPPORTING AND REFERENCE DATA, INCLUDE ATTACHMENTS)	
James Williams is the VBPS representative to the LDFA. Superintendent Kudlak has recommended James Williams for re-appointment. His new term will expire: 8-12-2022.	
BUDGET IMPLICATION	none
IMPLEMENTATION NEXT STEP	
DEPARTMENT RECOMMENDATION	Approval
COMMITTEE/COMMISSION RECOMMENDATION	
ATTORNEY RECOMMENDATION	
(May be subject to Attorney/Client Privilege and not available under FOIA)	
ADDITIONAL REMARKS	None
APPROVAL OF SUPERVISOR	



DEPARTMENT OF PUBLIC SERVICES
WATER & SEWER

DATE: November 13, 2018
TO: Township Board of Trustees
FROM: James T. Taylor, Director of Water & Sewer
RE: Requests for Board Action

There are four Requests for Board Action in your packet from Water & Sewer. The first three are requests for approvals to the attached resolutions to the annual permits for access to the Wayne County Right-Of-Ways for FY2019. These resolutions and permits are:

- Resolution 2018-31 / Maintenance Permit A-19045
- Resolution 2018-32 / Special Events Permit A-19086
- Resolution 2018-33 / Pavement Restoration Permit A-19100

There are no costs for these permits. I am requesting they be placed on the Consent Agenda for the Board Meeting, November 13, 2018.

The fourth request is approval of an agreement for the property owner at 13156 Hannan Road to connect to the City of Romulus water supply. This is a request for a residential connection due to failure in an existing well on the property. This type of arrangement has been approved by past Boards to accommodate needs of residential property owners that border the City of Romulus.

Once the Board approves the agreement, it will also require approval from the City of Romulus City Council before taking effect. I am requesting approval for the Supervisor and Clerk to execute the agreement pending approval from the City of Romulus.

MISSION STATEMENT

"The Van Buren Public Services Department is committed to a clean and safe environment, enhanced service delivery to its customers and protection of the significant public investment in the township's buildings and grounds, and water distribution and sanitary collection systems."

Charter Township of Van Buren

Agenda Item _____

REQUEST FOR BOARD ACTION

WORK STUDY MEETING DATE:
2018-11-13

BOARD MEETING DATE:
2018-11-13

Consent Agenda X New Business Unfinished Business Public Hearing

ITEM (SUBJECT)	Resolution 2018-31 Annual Wayne County Maintenance Permit A-19045
DEPARTMENT	Public Services – Water & Sewer
PRESENTER	Water & Sewer Director James T. Taylor
PHONE NUMBER	734-699-8947
INDIVIDUALS IN ATTENDANCE (OTHER THAN PRESENTER)	

Agenda topic

ACTION REQUESTED	
Recommend to the Township Board to approve Resolution 2018-31 for the Annual Wayne County Maintenance Permit A-19045	
BACKGROUND – (SUPPORTING AND REFERENCE DATA, INCLUDE ATTACHMENTS)	
This is an annual permit required by Wayne County for all communities utilizing Wayne County roads and right-of-ways.	

BUDGET IMPLICATION	none
IMPLEMENTATION NEXT STEP	Board approval resolution
DEPARTMENT RECOMMENDATION	Approval by township board.
COMMITTEE/COMMISSION RECOMMENDATION	
ATTORNEY RECOMMENDATION	N/A
(May be subject to Attorney/Client Privilege and not available under FOIA)	
ADDITIONAL REMARKS	
APPROVAL OF SUPERVISOR	



Warren C. Evans
County Executive

October 26, 2018

Charter Township Of Van Buren
46425 Tyler Rd
Belleville, MI 48111-5217

RE: Annual Maintenance Permit - A-19045

Attention: Jim Taylor

Enclosed is your Wayne County Annual Maintenance Permit package. The Annual Permit authorizes a municipality to occupy Wayne County road rights-of-way for the purpose of inspection, repair and routine maintenance of the following facilities which are under its jurisdiction:

1. Sanitary sewer inspection, repair and routine maintenance.
2. Water main inspection, repair, routine maintenance and installation of residential and commercial water service connections (two-inch maximum diameter).
3. Application of dust palliatives.
4. Repair and replacement of existing sidewalks.

Note: A separate permit will be required for final pavement repairs when pavement is broken while making either emergency or non-emergency repairs.

In addition to the Annual Permit, the package also includes the following attachments, which are incorporated by reference into the permit:

1. *Scope of Work and Conditions for Municipal Maintenance Permits*
2. *General Conditions and Limitations of Permits*
3. *Indemnity and Insurance Attachment*
4. *Model Community Resolution*

Please review the insurance attachment carefully, since the insurance requirements have been recently updated.

The WCDPS Permit Office has published its manual, *Rules, Specifications and Procedures for Permit Construction*. This manual replaces the Permit Specifications Document which was attached to annual permits in previous years. The manual is also incorporated by reference into this annual permit and is available online at:

http://www.waynecounty.com/dps/construction_permits.htm

As a condition of the annual permit, the County requires that your governing body pass a blanket resolution of approval which

- a) agrees to fulfill all permit obligations and conditions
- b) to the extent allowed by law, hold harmless and defends Wayne County and its officials and employees against any and all damage claims, suits or judgments of any kind or nature arising as a result of the permitted activity
- c) designates and authorizes an appropriate official of the requesting municipality to sign the permit on its behalf.

Please return the original permit, signed and dated by the person authorized and designated by the resolution, along with a certified copy of the resolution and a copy of your certificate of insurance, consistent with the requirements transmitted in this package. Type the name of the designated signer below the signature line and submit these documents to:

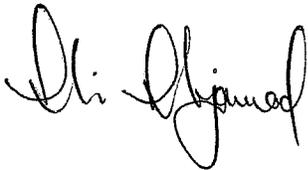
Wayne County Department of Public Services
Permit Office
Attn: Mr. Ali Aljawad
33809 Michigan Avenue
Wayne MI 48184

Once received, the Permit Coordinator will validate your permit and return an executed copy to you for your files.

The *Scope of Work and Conditions for Municipal Maintenance Permits* requires that the Permit Holder submit monthly reports of all work performed under this permit. These reports should be faxed to 734.595.6356.

If you have any questions regarding this Annual Permit, please contact me at 734.595.6504, extension 2079.

Sincerely,



Ali Aljawad, P.E.
Division Permit Engineer

C: file

Attachments: Annual Permit
Scope of Work and Conditions for Municipal Maintenance Permits
General Conditions and Limitations of Permits
Indemnity and Insurance Attachment
Model Community Resolution



**Wayne County Department of Public Services
Engineering Division – Permit Office**

**Scope of Work and Conditions Attachment
For Annual Municipal Maintenance Permits**

The Annual Permit authorizes the municipality to occupy Wayne County road rights-of-way for the purpose of inspection, repair and routine maintenance of the facilities listed below that are under its jurisdiction.

Scope of Work - The following work is authorized under the Annual Maintenance Permit:

Sanitary Sewers

1. Inspection, repair and routine maintenance of the facilities under its jurisdiction

Water Main and installation of 2" pipe

1. Inspection, repair and routine maintenance of the facilities under its jurisdiction
2. Water service connection with 2" diameter pipe or less, serving single customer

A separate permit will be required for any operations performed under the following conditions for Water and/or Sanitary related work:

- a. For all water service connections larger than a two inch (2") diameter.
- b. For any water service connection that serves more than one customer.
- c. Whenever work is to be performed in a new subdivision.
- d. For any sanitary sewer service connection.

Dust Palliative Applications

1. Dust palliative treatment shall be with calcium magnesium chloride in accordance with Wayne County specifications.
2. The municipality shall designate each road to be treated with dust palliative and pay the Contractor for all materials and service.
3. Prior to the application of Dust Palliative Materials, the Permit Holder shall provide at least seven (7) days notice to the Wayne County Roads Division (313-955-9920) to allow for preparation and inspection of the roads to be treated.

Sidewalk

1. Existing sidewalks may be repaired or replaced at existing alignment on existing grade.

A separate permit will be required for the construction of a new sidewalk, for the replacement of an existing sidewalk on a new alignment or grade or for the construction of new sidewalk ramps to the County road.

Street Sweeping

1. Street sweeping shall be performed during daylight hours only.
2. All traffic control devices shall conform to the provisions of the current MMUTCD.

Permit Conditions

1. **A separate permit will be required for final pavement repairs when pavement is broken while making either emergency or non-emergency repairs.**
2. Reports indicating all work performed or that no work was performed under the permit shall be provided to the Permit Office at the end of each month.
3. Any work not covered under the annual scope of work and conditions above shall require a separate permit. Refer to the *Wayne County Rules, Specifications and Procedures Construction Permits*.
4. All inspection costs, including overtime, supervision, testing of materials and emergency work, if required, shall be billed to the Permit Holder.



**Wayne County Department of Public Services
Engineering Division – Permit Office
Indemnity and Insurance Attachment**

To the extent allowed by law, the Permit Holder shall defend and hold harmless Wayne County, the Department of Public Services, its officials and employees against any and all claims, suits and judgments to which Wayne County, the Departments, its officials and employees may be subject and for all costs and actual attorney fees which may be incurred on account of injury to persons or damage to property, including County property. The Permit Holder shall provide this indemnity for any incident arising out of any and all activities performed under the permit or in connection with work not authorized by the permit, or resulting from the failure to comply with the terms of the permit, or arising out of the continued existence of the work product that is subject to the permit.

Certificates of insurance shall be required for all construction permits, excluding residential driveway permits. Each certificate of insurance and any associated correspondence shall reference the plan review number of the project. General liability and automotive liability insurance coverage shall be in amounts detailed below:

The general liability insurance coverage shall be in amounts not less than \$1,000,000 each occurrence and \$2,000,000 general aggregate. Proof of automobile liability shall be in amounts not less than \$1,000,000 combined single limit for each accident, bodily injury per accident, and property damage per accident, and in an amount not less than \$1,000,000 for bodily injury each person, each occurrence and property damage liability \$1,000,000 each occurrence.

The certificate of insurance must be provided by a person, the corporation, or by authorized representatives who signed personally either the application or permit. Insurance shall remain in force until the permit is released by Wayne County.

The Wayne County Department of Public Services shall be a Certificate Holder on the policy of insurance. Wayne County, drainage district, and its officers, agents and employees shall be named as additional insured parties. It is also required that the annual permit numbers are included on each certificate of insurance.

The insurance shall cover a period not less than the term of the permit and shall provide that it cannot be cancelled or reduced without thirty (30) days advance written notice to Wayne County, by certified mail, first-class, return receipt requested. The thirty (30) days shall begin on the date when the County received the notice, as evidenced by the return receipt.

Such insurance shall provide by endorsement therein for the thirty (30) day notice by the insurer to the Permit Office prior to termination, cancellation or material alteration of the policy.

Licensee agrees to make application for renewal thereof at least sixty (60) days before the expiration date of the policy then in force and to file a certified copy of such renewed policy with the Permit Office.

The policy shall also provide by endorsement for the removal of the contractual exclusion.

Should insurance coverage be cancelled or reduced below acceptable limits, or allowed to expire, the authorization to continue work under the permit shall be suspended or revoked and shall not resume until new insurance is in force and accepted by Wayne County. Wayne County may, in such cases, take appropriate action to restore or protect the road and appurtenances. All costs incurred by this action shall be deducted from any remaining inspection deposit, bond and/or Letter of Credit and, if necessary, the Permit Holder may be billed to defray actual expenses.



**Wayne County Department of Public Services
Engineering Division – Permit Office
Conditions & Limitations of Permits**

Plan Approval and Specifications: All work performed under the permit shall be done in accordance with the approved plans, specifications, maps, statements and special conditions filed with the County and shall comply with Wayne County Specifications, as defined in the current *Wayne County Rules, Specifications and Procedures for Permit Construction*, included as an attachment to this permit, the *Wayne County Standard Plans for Permit Construction*, and the *MDOT Standard Specifications For Construction*, as modified by WCDPS Special Provisions, and other WCDPS specifications. Any situation or problem which occurs as a result of the construction, operation, use and/or maintenance of the facility in the right-of-way and is not covered by the approved plans nor by the County's current Standards and Specifications shall be resolved by the Permit Holder as directed and approved by the Permit Office. Any significant change to the plans must be approved by the Permit Office and is authorized only when an approved addendum is obtained from the Permit Office.

Fees: The Permit Holder shall be responsible for all fees and costs incurred by the County in connection with the permit and shall deposit payment for fees and costs as determined by the County at the time the permit is issued.

Bond: The Permit Holder shall furnish a bond in cash or Certified check in an amount acceptable to the County to guarantee performance under the conditions of the permit. The County may use all or any portion of the bond which shall be necessary to cover any expense, including inspection costs or damage incurred by the County through the granting of the permit. Should the bond be insufficient to cover the expenses and damages incurred by the County, the Permit Holder shall pay such deficiency upon billing by the County. If the bond amount exceeds the expenses and damages incurred by the County, the excess portion will be returned to the Depositor. The excess performance bond provided for herein, when it cannot be returned, shall be deposited into the County Road Fund and become a part thereof, unless claimed by the Depositor within one year of the date of satisfactory completion of the construction authorized by the permit.

Insurance: The Permit Holder shall furnish proof of liability and property damage insurance in the form and amounts acceptable to the County with Wayne County named as an insured party. The Permit Holder shall maintain this insurance until the permit is released, revoked or cancelled by the County.

Indemnification / Hold Harmless: Sub-Section 1 herein applies to all Permit Holders except Municipalities. Sub-Section 2 herein applies to Municipalities only.

1. To the extent allowed by law, the Permit Holder shall indemnify, hold harmless and defend Wayne County, its Department of Public Services, its officials and employees against any and all claims, suits and judgments to which the County, the Department, its officials and employees may be subject and for all costs and actual attorney fees which may be incurred on account of injury to persons or damage to property, including property of the County, whether due to negligence of the Permit Holder or to the joint negligence of the Permit Holder and the County, arising out of any and all work performed under the permit, or in connection with work not authorized by the permit, or resulting from failure to comply with the terms of the permit or arising out of the continued existence of the work product that is the subject of the permit. This hold harmless provision must not be construed as a waiver of any governmental immunity by the County.
2. To the extent allowed by law, the Municipality as Permit Holder shall hold harmless and defend Wayne County, its Department of Public Services, its officials and employees, for the Municipality's own negligence, tortious acts, errors, or omissions, and the acts, errors, or omissions of any of its employees, on account of injury to persons or damage to property, including property of the County, arising out of any and all work performed under the permit, or in connection with work not authorized by the permit, or resulting from failure to comply with the terms of the permit or arising out of the continued existence of work product that is the subject of the permit. Sub-section 1 above applies to contractors, subcontractors, consultants, or agents of the Municipality. This hold harmless provision must not be construed as a waiver of any governmental immunity by the County or the Municipality's, as provided by statute or modified by court decisions.

Permit on Site: The Permit Holder shall keep available a copy of the permit and any associated approved plans on site during permitted activities.

Notification for Start and Completion of Work: The permit shall not become operative until it has been fully executed by the County. The Permit Holder shall notify the County before starting construction and shall notify the County when work is completed. The Permit Holder or their representative shall have copies of the executed permit and approved plans in their possession on the job site at all times.

1. The Permit Holder shall provide at least three (3) days advanced notice, excluding Saturdays, Sundays and holidays, to the Permit Office prior to the commencement of any permitted activities by submitting a START OF WORK NOTIFICATION form by mail, fax or e-mail. In certain instances, additional notice may be required by the Permit Office. In the event that construction work ceases for a period of time, then the Permit Holder shall notify the Wayne County Inspector at least 24 hours prior to resuming work.
2. The Permit Holder shall comply with all requirements of the Miss Dig Statute, MCL §460.701 et seq., as amended. The Permit Holder shall call "MISS DIG", at (800) 482-7161, at least 72 hours, excluding Saturdays, Sundays and holidays, but not more than twenty-one (21) calendar days, before starting any underground work. The Permit Holder assumes all responsibility for damage to or interruption of underground utilities.
3. The Permit Holder shall call Wayne County Department of Public Services' Traffic Operations Office at (734) 955-2154, at least 72 hours prior, excluding Saturdays, Sundays and holidays, but not more than twenty-one (21) calendar days, before starting any underground work in the vicinity of any traffic signal equipment owned, operated or maintained by Wayne County.

Safety: The Permit Holder agrees that all work under the permit shall be performed in a safe manner and to keep the area affected by the permit in a safe condition until the work is completed and accepted by the County. The Permit Holder shall furnish, install and maintain all necessary traffic controls and protection which are in accordance with the current *Manual on Uniform Traffic Control Devices (MUTCD)*. The Permit Holder shall conduct all activities and maintain all facilities as set forth in the permit in a manner so as not to damage, impair, interfere with, or obstruct a public road or create a foreseeable risk of harm to the traveling public. The Permit Holder shall comply with all applicable OSHA and MIOSHA requirements.

Underground Utilities: The Permit Holder shall contact all utility owners regarding their facilities prior to starting work and shall comply with all applicable provisions of Act 53, Public Acts of 1974, as amended. Wayne County makes no warranty either expressed or implied as to the condition or suitability of subsurface conditions or any existing facility which may be encountered during an excavation. The presence or absence of utilities is based on the best information available and the County is not responsible for the accuracy of this information. The Permit Holder assumes all responsibility for the interruption and damage to underground utilities. The Permit Holder is responsible for proper disposal, in accordance with current regulations, of any material excavated from within the right-of-way. Such materials include, without limitation, soils or groundwater contaminated by petroleum products or other pollutants associated with sites identified by the MDEQ or reported on appropriate release forms for underground storage tanks.

Assignability: The permit is neither transferable nor assignable without the written consent of the County.

Limitation of Permit: The Applicant and the Permit Holder shall be responsible for obtaining and shall secure any permits or permission necessary or required by law from State, federal or other local governmental agencies and jurisdictions, corporations or individuals. These include, without limitation, those pertaining to drains, inland lakes and streams, wetlands, woodlands, flood plains, filling, noise regulation and hours of operation. Issuance of a Wayne County permit does not authorize activities otherwise regulated by State, federal or local agencies.

Access of Other Vehicles: The Permit Holder shall, at all times possible, maintain a minimum of one acceptable access to all abutting occupied properties, driveways and side streets unless otherwise specified on the approved plans. The Permit Holder shall notify all owners or occupants of properties whose access may be temporarily disrupted during the permitted work. The local police, fire or emergency service agencies shall define acceptable access. The Permit Holder shall provide signing and other improvements necessary to ensure adequate access until the roadway, driveway or side street is restored. The Permit Holder shall conduct all operations so as to minimize inconvenience to abutting property owners. Wayne County reserves the right to reasonably restrict the progress of work by the Permit Holder based on the rate of roadway and right-of-way restoration, including permanent or temporary pavement. Wayne County may require that work be suspended until satisfactory backfilling of open trenches or excavations has been completed and driveways, side streets and drainage restored.

Restoration: The Permit Holder agrees to restore the County road and road right-of-way, County drain easement or County park property to a condition equal to or better than its condition before work under the permit began. If the Permit Holder fails to satisfactorily restore the permitted work area, Wayne County may take all practical actions necessary to provide reasonably safe and convenient public travel, preservation of the roadway and drainage, prevention of soil erosion and sedimentation, and elimination of nuisance to abutting property owners caused by the permitted activity. Security in the form of cash, a certified check or surety bond shall be required to secure the cost of restoring the disturbed portion of the right-of-way to an acceptable safe condition. The amount of the security shall be determined by the Permit Office. In the event that a suspension of work will be protracted or that the work will not be completed by the Permit Holder, the Permit Holder shall restore the right-of-way to a condition similar to the condition that existed prior to issuance of the permit.

Acceptance: Acceptance by the County of work performed does not relieve the Permit Holder of full responsibility for work performed or the presence of the permitted facility. The Permit Holder acknowledges that the County has no liability for the presence of the Permit Holder's facility located within the County road right-of-way, County drain easement or County park property.

Permit Expiration and Extension of Time: All work authorized by the permit shall be completed to the satisfaction of the Permit Office on or before the expiration date specified in the permit. Any request for an extension of time for completion shall be on a completed County form and shall demonstrate good cause for granting the request. Additional requirements may be imposed as a condition of an extension of time due to seasonal limitations or other considerations. These additional requirements may include, without limitation, changes to materials or construction methods, reestablishment of fees, bonds, deposits and insurance requirements.

Responsibility: The design, construction, operation and maintenance of all work covered by the permit shall be at the Permit Holder's expense with the exception that the Permit Holder will not be responsible for maintaining road widenings or similar facilities which become part of the County roadway.

Revocation: The permit may be suspended or revoked at the will of the County. Upon order of the County, the Permit Holder shall surrender the permit, cease operations and remove, alter or relocate, at their expense, the facilities for which the permit was granted. The Permit Holder expressly waives any right to claim damages for compensation resulting from the revocation of the permit.

Violation: The County may declare the permit null and void if the Permit Holder violates the terms of the permit. The County may require immediate removal of the Permit Holder's facilities and restoration of the County property, or the County may remove the facilities and restore the County property at the Permit Holder's expense. The Permit Holder agrees that in the event of a violation of the terms of the permit or in the event the work authorized by the permit is not satisfactorily completed by the permit expiration date, the County may use all or any portion of the performance bond to restore the County road right-of-way, drain easement, wastewater facility or park property as necessary for reasonably safe and efficient operations and maintenance, or to establish extraordinary maintenance procedures as required to assure reasonably safe and efficient operation of the County facility.

Inspection and Testing of Materials: Wayne County reserves the right of inspection and the testing of materials by its authorized representatives of all permitted activities and/or activities within the road right-of-way, County owned property or within a County drain easement. All items identified by the final inspection shall be resolved prior to release of the permit. All materials and methods utilized during the course of the authorized permit work shall meet the requirements of the current *MDOT Standard Specifications For Construction* as modified by Wayne County Special Provisions, Standard Plans for Permit Construction and this manual. The Permit Holder shall reimburse Wayne County for all required inspections and testing of materials.

Design: The Permit Holder is fully responsible for the design of the permitted facility, such that the design shall be consistent with all applicable County standards, specifications, guidelines, requirements and with good engineering practice. Any errors in the plans that become evident after the issuance of a permit, and which change the scope of permitted work, are subject to review and may be grounds for revocation of the permit. The Permit Office will not relieve the Permit Holder of the responsibility of correcting errors, deficiencies, or omissions due to oversight or unforeseen contingencies such as faulty drainage, poor subsoil conditions or the failure of the Permit Holder's engineer to show all the related or pertinent conditions inside or outside the plan area.

Drainage: Drainage shall not be altered to flow into the road right-of-way or road drainage system unless approved by Wayne County.

Permit Holder Compliance: The Permit Holder shall abide by the conditions and limitations contained on the permit and all other conditions listed within the WCDPS Rules, Specifications and Procedures for Construction Permits. The application of any work undertaken under the permit shall constitute the Permit Holder's agreement to the Provision.

**MODEL COMMUNITY RESOLUTION
AUTHORIZING EXECUTION OF
WAYNE COUNTY PERMITS**

Resolution No. 2018-31

At a Regular Meeting of the VAN BUREN TOWNSHIP BOARD OF TRUSTEES (Name of Community Governing Board) on NOVEMBER 13, 2018 (date), the following resolution was offered:

WHEREAS, the CHARTER TOWNSHIP OF VAN BUREN (hereinafter the "Community") periodically applies to the County of Wayne Department of Public Services, Engineering Division Permit Office (hereinafter the "County") for permits to conduct emergency repairs, annual maintenance work, and for other purposes on local and County roads located entirely within the boundaries of the Community, as needed from time to time to maintain the roads in a condition reasonably safe and convenient for public travel;

WHEREAS, pursuant to Act 51 of 1951, being MCL 247.651 *et seq.*, the County permits and regulates such activities noted above and related temporary road closures;

NOW THEREFORE, BE IT RESOLVED, in consideration of the County granting such permit (hereinafter the "Permit"), the Community agrees and resolves that:

Any work performed for the Community by a contractor or subcontractor will be solely as a contractor for the Community and not as a contractor or agent of the County. Any claims by any contractor or subcontractor will be the sole responsibility of the Community. The County shall not be subject to any obligations or liabilities by vendors and contractors of the Community, or their subcontractors.

The Community shall take no unlawful action or conduct, which arises either directly or indirectly out of its obligations, responsibilities, and duties under the Permit which results in claims being asserted against or judgment being imposed against the County, and all officers, agents and employees thereof pursuant to a maintenance contract. In the event that same occurs, for the purposes of the Permit, it will be considered a breach of the Permit thereby giving the County a right to seek and obtain any necessary relief or remedy, including, but not by way of limitation, a judgment for money damages.

With respect to any activities authorized by Permit, when the Community requires insurance on its own or its contractor's behalf, it shall also require that such policy include as named insured the County of Wayne and all officers, agents and employees thereof.

The incorporation by the County of this Resolution as part of a permit does not prevent the County from requiring additional performance security or insurance before issuance of a Permit.

This Resolution stipulates that the requesting Community shall, at no expense to Wayne County, provide necessary police supervision, establish detours and post all necessary

signs and other traffic control devices in accordance with the Michigan Manual of Uniform Traffic Control Devices.

This Resolution stipulates that the requesting Community shall assume full responsibility for the cost of repairing damage done to the County road during the period of road closure or partial closure.

This Resolution shall continue in force from the date of execution until cancelled by the Community or the County with no less than thirty (30) days prior written notice to the other party. It will not be cancelled or otherwise terminated by the Community with regard to any Permit which has already been issued or activity which has already been undertaken.

The Community stipulates that it agrees to the terms of the County of Wayne permit at the time a permit is signed by the Community's authorized representative.

BE IT FURTHER RESOLVED, that the following individual(s) is/are authorized in their official capacity as the Community's authorized representative to sign and so bind the Community to the provisions of any and all permits applied for to the County of Wayne, Department of Public Services Engineering Division Permit Office for necessary permits from time to time to work within County road right-of-way or local roads on behalf of the Community.

Name	Title
_____	_____
_____	_____

I HEREBY CERTIFY that the foregoing is a true and correct copy of a resolution adopted by the [Board of Trustees/City Council] of the _____
(name of Community), County of Wayne, Michigan, on _____.

Charter Township of Van Buren

Agenda Item _____

REQUEST FOR BOARD ACTION

WORK STUDY MEETING DATE:
2018-11-13

BOARD MEETING DATE:
2018-11-13

Consent Agenda New Business Unfinished Business Public Hearing

ITEM (SUBJECT)	Resolution 2018-32 Annual Wayne County Special Events Permit A-19086
DEPARTMENT	Public Services – Water & Sewer
PRESENTER	Water & Sewer Director James T. Taylor
PHONE NUMBER	734-699-8947
INDIVIDUALS IN ATTENDANCE (OTHER THAN PRESENTER)	

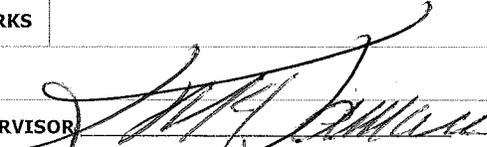
Agenda topic

ACTION REQUESTED	
Recommend to the Township Board to approve Resolution 2018-32 for the Annual Wayne County Special Events Permit A-19086	
BACKGROUND – (SUPPORTING AND REFERENCE DATA, INCLUDE ATTACHMENTS)	
This is an annual permit required by Wayne County for all communities utilizing Wayne County roads and right-of-ways.	

BUDGET IMPLICATION	none
IMPLEMENTATION NEXT STEP	Board approval resolution

DEPARTMENT RECOMMENDATION	Approval by township board.
COMMITTEE/COMMISSION RECOMMENDATION	

ATTORNEY RECOMMENDATION	N/A
(May be subject to Attorney/Client Privilege and not available under FOIA)	

ADDITIONAL REMARKS	
APPROVAL OF SUPERVISOR	



Warren C. Evans
County Executive

October 26, 2018

Charter Township Of Van Buren
46425 Tyler Rd
Belleville, MI 48111-5217

RE: Annual Permit for Special Events - A-19086

Attention: Jim Taylor

Enclosed is your Wayne County Annual Permit for Special Events package. This annual permit grants preliminary authorization to a municipality to

- a) temporarily close a county road for a reasonable length of time for a parade, marathon, festival or similar activity;
- b) to use a county road as a detour for traffic around such activity taking place on a non-county road.
- c) place a temporary banner within the County right-of-way;

In addition to the annual permit, the package also includes the following attachments, which are incorporated by reference into the permit:

1. *Annual Special Events Attachment for Municipalities*
2. *Banner Attachment for Municipalities*
3. *General Conditions and Limitations of Permits*
4. *Model Community Resolution*

As a condition of the annual permit, the County requires that a governing body pass a blanket resolution, effective for all permitted road closures for special events and installation of banners planned throughout the year which

- a) agrees to fulfill all permit obligations and conditions for the current year
- b) to the extent allowed by law, hold harmless and defends Wayne County and its officials and employees against any and all damage claims, suits or judgments of any kind or nature arising as a result of the permitted activity.
- c) designates and authorizes an appropriate official of the requesting municipality to sign the permit on its behalf

Additionally, the Permit Office requires that each municipality provide a written request on municipal letterhead at least (10) ten business days prior to the commencement of a road closure and/or banner placement. The written request should include all required information as specified in the appropriate attachments, "Annual Special Events for Municipalities" or "Annual Attachment for Banners". Upon approval, the permit office shall issue a permit authorizing the special event activities.

For additional information on the Annual Permit for Special Events (Road Closure/Detour and Banner Placement), please refer to Rule 11.4 published in the Wayne County, Rules, Specifications & Procedures for Construction Permits.

This publication may be downloaded at

http://www.waynecounty.com/dps/construction_permits.htm

Please return the original permit, signed and dated by the person authorized and designated by the resolution, along with a certified copy of the resolution consistent with the requirements transmitted in this package. Type the name of the designated signer below the signature line and submit these documents to:

**Wayne County Department of Public Services
Permit Office
Attn: Mr. Ali Aljawad
33809 Michigan Avenue
Wayne MI 48184**

Once received, an executed copy will be returned to you for your files.

If you have any questions regarding this Annual Permit, please contact me at 734.595.6504, extension 2079.

Sincerely,



Ali Aljawad, P.E.
Division Permit Engineer

C: file

Attachments:

*Annual Permit
Annual Special Events Attachment for Municipalities
Banner Attachment for Municipalities
General Conditions and Limitations of Permits
Model Community Resolution*

PERMIT OFFICE 33809 MICHIGAN AVE WAYNE, MI 48184 PHONE (734) 595-6504 FAX (734) 595-6356
72 HOURS BEFORE ANY CONSTRUCTION. CALL Various Staff (734) 595-6504, Ext: 2009 FOR INSPECTION



PERMIT No. A-19086	
ISSUE DATE 1/1/2019	EXPIRES 12/31/2019
REVIEW No.	WORK ORDER

WAYNE COUNTY
DEPARTMENT OF PUBLIC SERVICES
PERMIT TO CONSTRUCT, OPERATE, USE AND/OR MAINTAIN

PROJECT NAME
 VAN BUREN TWP. - SPECIAL EVENTS

LOCATION: VARIOUS () CITY/TWP: VAN BUREN TWP

PERMIT HOLDER CHARTER TOWNSHIP OF VAN BUREN 46425 TYLER RD BELLEVILLE, MI 48111-5217	CONTRACTOR CONTACT <BLANK>
CONTACT JIM TAYLOR (734) 699-8900	CONTACT <BLANK>

DESCRIPTION OF PERMITTED ACTIVITY (72 HOURS BEFORE YOU DIG, CALL MISS DIG 1-800-482-7161, www.missdig.org)

TO ALLOW TEMPORARY CLOSURE OF CERTAIN LOCAL AND COUNTY ROADS FOR A SPECIFIED PERIOD OF TIME IN ACCORDANCE WITH ALL GENERAL AND SPECIAL CONDITIONS OF THIS PERMIT.

REFER TO ATTACHEMENT: ANNUAL SPECIAL EVENTS PERMIT FOR MUNICIPALITIES TO CONDUCT PARADES, BLOCK PARTIES, MARATHONS, CELEBRATIONS AND FESTIVALS.

PERMIT TO INSTALL BANNERS WITHIN THE COUNTY ROAD RIGHT-OF-WAY.
 PLEASE REFER TO ATTACHMENT: ANNUAL PERMIT FOR MUNICIPAL BANNERS

PERMIT HOLDER SHOULD CONTACT/INFORM THE LOCAL POLICE, HOSPITAL, FIRE MARSHAL, SCHOOL AND ANY OTHER LOCAL AGENCIES ARE/MAY BE AFFECTED BY THIS ROAD CLOSURE THREE (3) BUSINESS DAYS PRIOR TO SCHEDULED CLOSURE.

THE PERMIT HOLDER SHOULD CONTACT THE WAYNE COUNTY TRAFFIC OFFICE AT (734) 955-2154 THREE (3) WORKING DAYS PRIOR TO ANY CLOSURE.

THE CONTRACTOR/PERMIT HOLDER WILL SET UP AND MAINTAIN ALL BARRICADING AND SIGNS IN ACCORDANCE WITH THE MICHIGAN MANUAL OF UNIFORM TRAFFIC CONTROL DEVICES (HTTP://MUTCD.FHWA.DOT.GOV) AND WILL BE THE RESPONSIBILITY OF THE PERMIT HOLDER.

ALL ATTACHMENTS ARE INCORPORATED BY REFERENCE AS PART OF THIS PERMIT.

FINANCIAL SUMMARY PERMIT FEE \$0.00 PLAN REVIEW FEE..... \$0.00 PARK FEE..... \$0.00 OTHER FEE..... \$0.00 BOND..... \$0.00 INSPECTION DEPOSIT..... \$0.00 OTHER BOND \$0.00 TOTAL COSTS \$0.00 TOTAL CHECK AMOUNT \$0.00	DEPOSITOR LETTER OF CREDIT DEPOSITOR	APPROVED PLANS PREPARED BY PLANS APPROVED BY DATE PLANS APPROVED 1/1/2019 REQUIRED ATTACHMENTS GENERAL CONDITIONS ANNUAL ROAD SPECIAL EVENTS FOR MUNICIPALITIES ANNUAL BANNER PERMIT ATTACHMENT FOR MUNICIPALITIES SAMPLE COMMUNITY RESOLUTION RULES, SPECIFICATIONS AND PROCEDURES FOR PERMIT CONSTRUCTION - AVAILABLE ONLINE AT www.waynecounty.com/dps_engineering_cpoffice.htm
CASHIER DATE 1/1/2019	(PERMIT VALID ONLY IF ACCOMPANIED BY ABOVE ATTACHMENTS)	

In consideration of the Permit Holder and Contractor agreeing to abide and conform with all the terms and conditions herein, a Permit is hereby issued to the above named to Construct, Operate, Use and/or Maintain within the Road Right of Way, County Easement, and/or County Property. The permitted work described above shall be accomplished in accordance with the Approved Plans, Maps, Specifications and Statements filed with the Permit Office which are integral to and made part of this Permit. The General Conditions as well as any Required Attachments are incorporated as part of this Permit.

WAYNE COUNTY DEPARTMENT OF PUBLIC SERVICES

JIM TAYLOR PERMIT HOLDER / AUTHORIZED AGENT	DATE	PREPARED BY
<BLANK> CONTRACTOR / AUTHORIZED AGENT	DATE	VALIDATED BY DATE



**Wayne County Department of Public Services
Engineering Division – Permit Office**

Conditions & Limitations of Permits

Plan Approval and Specifications: All work performed under the permit shall be done in accordance with the approved plans, specifications, maps, statements and special conditions filed with the County and shall comply with Wayne County Specifications, as defined in the current *Wayne County Rules, Specifications and Procedures for Permit Construction*, included as an attachment to this permit, the *Wayne County Standard Plans for Permit Construction*, and the *MDOT Standard Specifications For Construction*, as modified by WCDPS Special Provisions, and other WCDPS specifications. Any situation or problem which occurs as a result of the construction, operation, use and/or maintenance of the facility in the right-of-way and is not covered by the approved plans nor by the County's current Standards and Specifications shall be resolved by the Permit Holder as directed and approved by the Permit Office. Any significant change to the plans must be approved by the Permit Office and is authorized only when an approved addendum is obtained from the Permit Office.

Fees: The Permit Holder shall be responsible for all fees and costs incurred by the County in connection with the permit and shall deposit payment for fees and costs as determined by the County at the time the permit is issued.

Bond: The Permit Holder shall furnish a bond in cash or Certified check in an amount acceptable to the County to guarantee performance under the conditions of the permit. The County may use all or any portion of the bond which shall be necessary to cover any expense, including inspection costs or damage incurred by the County through the granting of the permit. Should the bond be insufficient to cover the expenses and damages incurred by the County, the Permit Holder shall pay such deficiency upon billing by the County. If the bond amount exceeds the expenses and damages incurred by the County, the excess portion will be returned to the Depositor. The excess performance bond provided for herein, when it cannot be returned, shall be deposited into the County Road Fund and become a part thereof, unless claimed by the Depositor within one year of the date of satisfactory completion of the construction authorized by the permit.

Insurance: The Permit Holder shall furnish proof of liability and property damage insurance in the form and amounts acceptable to the County with Wayne County named as an insured party. The Permit Holder shall maintain this insurance until the permit is released, revoked or cancelled by the County.

Indemnification / Hold Harmless: Sub-Section 1 herein applies to all Permit Holders except Municipalities. Sub-Section 2 herein applies to Municipalities only.

1. To the extent allowed by law, the Permit Holder shall indemnify, hold harmless and defend Wayne County, its Department of Public Services, its officials and employees against any and all claims, suits and judgments to which the County, the Department, its officials and employees may be subject and for all costs and actual attorney fees which may be incurred on account of injury to persons or damage to property, including property of the County, whether due to negligence of the Permit Holder or to the joint negligence of the Permit Holder and the County, arising out of any and all work performed under the permit, or in connection with work not authorized by the permit, or resulting from failure to comply with the terms of the permit or arising out of the continued existence of the work product that is the subject of the permit. This hold harmless provision must not be construed as a waiver of any governmental immunity by the County.
2. To the extent allowed by law, the Municipality as Permit Holder shall hold harmless and defend Wayne County, its Department of Public Services, its officials and employees, for the Municipality's own negligence, tortious acts, errors, or omissions, and the acts, errors, or omissions of any of its employees, on account of injury to persons or damage to property, including property of the County, arising out of any and all work performed under the permit, or in connection with work not authorized by the permit, or resulting from failure to comply with the terms of the permit; or arising out of the continued existence of work product that is the subject of the permit. Sub-section 1 above applies to contractors, subcontractors, consultants, or agents of the Municipality. This hold harmless provision must not be construed as a waiver of any governmental immunity by the County or the Municipality's, as provided by statute or modified by court decisions.

Permit on Site: The Permit Holder shall keep available a copy of the permit and any associated approved plans on site during permitted activities.

Notification for Start and Completion of Work: The permit shall not become operative until it has been fully executed by the County. The Permit Holder shall notify the County before starting construction and shall notify the County when work is completed. The Permit Holder or their representative shall have copies of the executed permit and approved plans in their possession on the job site at all times.

1. The Permit Holder shall provide at least three (3) days advanced notice, excluding Saturdays, Sundays and holidays, to the Permit Office prior to the commencement of any permitted activities by submitting a START OF WORK NOTIFICATION form by mail, fax or e-mail. In certain instances, additional notice may be required by the Permit Office. In the event that construction work ceases for a period of time, then the Permit Holder shall notify the Wayne County Inspector at least 24 hours prior to resuming work.
2. The Permit Holder shall comply with all requirements of the Miss Dig Statute, MCL §460.701 et seq., as amended. The Permit Holder shall call "MISS DIG", at (800) 482-7161, at least 72 hours, excluding Saturdays, Sundays and holidays, but not more than twenty-one (21) calendar days, before starting any underground work. The Permit Holder assumes all responsibility for damage to or interruption of underground utilities.
3. The Permit Holder shall call Wayne County Department of Public Services' Traffic Operations Office at (734) 955-2154, at least 72 hours prior, excluding Saturdays, Sundays and holidays, but not more than twenty-one (21) calendar days, before starting any underground work in the vicinity of any traffic signal equipment owned, operated or maintained by Wayne County.

Safety: The Permit Holder agrees that all work under the permit shall be performed in a safe manner and to keep the area affected by the permit in a safe condition until the work is completed and accepted by the County. The Permit Holder shall furnish, install and maintain all necessary traffic controls and protection which are in accordance with the current *Manual on Uniform Traffic Control Devices (MUTCD)*. The Permit Holder shall conduct all activities and maintain all facilities as set forth in the permit in a manner so as not to damage, impair, interfere with, or obstruct a public road or create a foreseeable risk of harm to the traveling public. The Permit Holder shall comply with all applicable OSHA and MIOSHA requirements.

Underground Utilities: The Permit Holder shall contact all utility owners regarding their facilities prior to starting work and shall comply with all applicable provisions of Act 53, Public Acts of 1974, as amended. Wayne County makes no warranty either expressed or implied as to the condition or suitability of subsurface conditions or any existing facility which may be encountered during an excavation. The presence or absence of utilities is based on the best information available and the County is not responsible for the accuracy of this information. The Permit Holder assumes all responsibility for the interruption and damage to underground utilities. The Permit Holder is responsible for proper disposal, in accordance with current regulations, of any material excavated from within the right-of-way. Such materials include, without limitation, soils or groundwater contaminated by petroleum products or other pollutants associated with sites identified by the MDEQ or reported on appropriate release forms for underground storage tanks.

Assignability: The permit is neither transferable nor assignable without the written consent of the County.

Limitation of Permit: The Applicant and the Permit Holder shall be responsible for obtaining and shall secure any permits or permission necessary or required by law from State, federal or other local governmental agencies and jurisdictions, corporations or individuals. These include, without limitation, those pertaining to drains, inland lakes and streams, wetlands, woodlands, flood plains, filling, noise regulation and hours of operation. Issuance of a Wayne County permit does not authorize activities otherwise regulated by State, federal or local agencies.

Access of Other Vehicles: The Permit Holder shall, at all times possible, maintain a minimum of one acceptable access to all abutting occupied properties, driveways and side streets unless otherwise specified on the approved plans. The Permit Holder shall notify all owners or occupants of properties whose access may be temporarily disrupted during the permitted work. The local police, fire or emergency service agencies shall define acceptable access. The Permit Holder shall provide signing and other improvements necessary to ensure adequate access until the roadway, driveway or side street is restored. The Permit Holder shall conduct all operations so as to minimize inconvenience to abutting property owners. Wayne County reserves the right to reasonably restrict the progress of work by the Permit Holder based on the rate of roadway and right-of-way restoration, including permanent or temporary pavement. Wayne County may require that work be suspended until satisfactory backfilling of open trenches or excavations has been completed and driveways, side streets and drainage restored.

Restoration: The Permit Holder agrees to restore the County road and road right-of-way, County drain easement or County park property to a condition equal to or better than its condition before work under the permit began. If the Permit Holder fails to satisfactorily restore the permitted work area, Wayne County may take all practical actions necessary to provide reasonably safe and convenient public travel, preservation of the roadway and drainage, prevention of soil erosion and sedimentation, and elimination of nuisance to abutting property owners caused by the permitted activity. Security in the form of cash, a certified check or surety bond shall be required to secure the cost of restoring the disturbed portion of the right-of-way to an acceptable safe condition. The amount of the security shall be determined by the Permit Office. In the event that a suspension of work will be protracted or that the work will not be completed by the Permit Holder, the Permit Holder shall restore the right-of-way to a condition similar to the condition that existed prior to issuance of the permit.

Acceptance: Acceptance by the County of work performed does not relieve the Permit Holder of full responsibility for work performed or the presence of the permitted facility. The Permit Holder acknowledges that the County has no liability for the presence of the Permit Holder's facility located within the County road right-of-way, County drain easement or County park property.

Permit Expiration and Extension of Time: All work authorized by the permit shall be completed to the satisfaction of the Permit Office on or before the expiration date specified in the permit. Any request for an extension of time for completion shall be on a completed County form and shall demonstrate good cause for granting the request. Additional requirements may be imposed as a condition of an extension of time due to seasonal limitations or other considerations. These additional requirements may include, without limitation, changes to materials or construction methods, reestablishment of fees, bonds, deposits and insurance requirements.

Responsibility: The design, construction, operation and maintenance of all work covered by the permit shall be at the Permit Holder's expense with the exception that the Permit Holder will not be responsible for maintaining road widenings or similar facilities which become part of the County roadway.

Revocation: The permit may be suspended or revoked at the will of the County. Upon order of the County, the Permit Holder shall surrender the permit, cease operations and remove, alter or relocate, at their expense, the facilities for which the permit was granted. The Permit Holder expressly waives any right to claim damages for compensation resulting from the revocation of the permit.

Violation: The County may declare the permit null and void if the Permit Holder violates the terms of the permit. The County may require immediate removal of the Permit Holder's facilities and restoration of the County property, or the County may remove the facilities and restore the County property at the Permit Holder's expense. The Permit Holder agrees that in the event of a violation of the terms of the permit or in the event the work authorized by the permit is not satisfactorily completed by the permit expiration date, the County may use all or any portion of the performance bond to restore the County road right-of-way, drain easement, wastewater facility or park property as necessary for reasonably safe and efficient operations and maintenance, or to establish extraordinary maintenance procedures as required to assure reasonably safe and efficient operation of the County facility.

Inspection and Testing of Materials: Wayne County reserves the right of inspection and the testing of materials by its authorized representatives of all permitted activities and/or activities within the road right-of-way, County owned property or within a County drain easement. All items identified by the final inspection shall be resolved prior to release of the permit. All materials and methods utilized during the course of the authorized permit work shall meet the requirements of the current *MDOT Standard Specifications For Construction* as modified by Wayne County Special Provisions, Standard Plans for Permit Construction and this manual. The Permit Holder shall reimburse Wayne County for all required inspections and testing of materials.

Design: The Permit Holder is fully responsible for the design of the permitted facility, such that the design shall be consistent with all applicable County standards, specifications, guidelines, requirements and with good engineering practice. Any errors in the plans that become evident after the issuance of a permit, and which change the scope of permitted work, are subject to review and may be grounds for revocation of the permit. The Permit Office will not relieve the Permit Holder of the responsibility of correcting errors, deficiencies, or omissions due to oversight or unforeseen contingencies such as faulty drainage, poor subsoil conditions or the failure of the Permit Holder's engineer to show all the related or pertinent conditions inside or outside the plan area.

Drainage: Drainage shall not be altered to flow into the road right-of-way or road drainage system unless approved by Wayne County.

Permit Holder Compliance: The Permit Holder shall abide by the conditions and limitations contained on the permit and all other conditions listed within the WCDPS Rules, Specifications and Procedures for Construction Permits. The application of any work undertaken under the permit shall constitute the Permit Holder's agreement to the Provision.



**Wayne County Department of Public Services
Engineering Division – Permit Office**

**Annual Special Events for Municipalities
Road Closure/Detour Guidelines**

An Annual Permit granting permission to temporarily close a County road for a reasonable length of time for a parade, marathon, celebration, festival or similar activity, or to use a County road as a detour for traffic around such activity taking place on a non-County road may be issued by the Permit Office to a governing body of a city, incorporated village or township.

A permit, granting authorization to close County roads and to set detours over County roads may be issued if an annual Special Events Permit was previously executed with an associated blanket resolution. For each event, the Permit Holder shall submit a written request at least ten (10) business days prior to the commencement of a road closure. Each request shall be submitted on municipal letterhead and include the following information:

- a) The nature of the activity for which the permit is requested;
- b) The dates and times it is proposed to close and reopen the County road to traffic;
- c) The roads and/or portions of roads to be closed;
- d) The proposed detour route or routes, including a map if necessary to clearly describe the proposed detour.

The written request shall be sent to the following offices:

Wayne County Permit Office
33809 Michigan Ave
Wayne MI 48184

Wayne County Division of Roads
Traffic Operations Office
29900 Goddard Road
Romulus MI 48242

Upon approval of the request, a permit will be issue authorizing the special event activities.

Permit Conditions:

1. All roads temporarily closed under the permit shall be County local roads, as certified under Act 51, P.A. 1951, with residential frontage exclusive of section line (mile roads), quarter section line (collector roads) and border line roads.
2. Road closures authorized under the permit shall not be for the purpose of allowing private commercial activities such as advertising or the sale of goods, wares or produce.
3. The Permit Holder, at no expense to the County, shall provide any necessary police supervision.
4. Road closures authorized under the permit shall not have the effect of depriving property which is not adjacent to the section of road being closed from continuous uninterrupted access to the main public road system.
5. The closure or partial closure of the road and any detour route selected shall allow alternative routes for the reasonably safe and convenient movement of traffic.
6. Road closures authorized by the permit shall not exceed the approved duration, generally between 24 and 72 hours.
7. The Permit Holder shall, at no expense to the County, install, maintain and remove all traffic control devices required for the temporary road closure and detour routes.
8. All traffic control devices installed in conjunction with the road closure or partial closure and any detour route shall conform to the provisions of the current MMUTCD.
9. The Permit Holder shall, at its sole expense, immediately following conclusion of the permitted activity clean up and remove any litter, debris, refuse, etc., placed or left in the right-of-way as a result of the permitted activity. In the event that the Permit Holder fails to clean up as required, causing Wayne County to do the cleanup work, the Permit Holder shall reimburse Wayne County any costs incurred to restore the right-of-way.
10. The Permit Holder acknowledges that the County may, at its sole discretion, deny any road closure proposed under the permit.



**Wayne County Department of Public Services
Engineering Division – Permit Office
Banner Attachment for Municipalities
Guidelines**

Pursuant to MCL §247.323, a permit for installation of any banner to be placed within or over County road right-of-way may be issued to a governing body of a city, incorporated village or township. Commercial signs shall not be permitted within the right-of-way of any road under the jurisdiction of the Wayne County.

A permit, authorizing the placement of banners within the County right-of-way may be issued if an annual Special Events Permit was previously executed with an associated blanket resolution. For each event, the Permit Holder shall submit a written request at least ten (10) business days prior to the placement of banner(s). Each request shall be submitted on municipal letterhead and include the following information:

- a) The activity in connection with which the banner is to be placed;
- b) The location of the proposed installation, including distance to overhead traffic control devices;
- c) A description of the banner, including any legend or symbol thereon;
- d) The height of any overhead banner from the road surface to its lowest point;
- e) The dates the banner will be erected and removed. This period shall not exceed a time specified by the Permit Office. An acceptable period of time for banners to be in place is a total of three (3) weeks, except for Holiday decorations which may be in place for eight (8) weeks;
- f) Such other information as the Permit Office may deem necessary.

Upon approval of the request, a permit will be issue authorizing the special event activities.

Design & Placement Requirements

- a) Any banner shall be designed, installed and located so as to avoid danger to those using the road or undue interference with the free movement of traffic or maintenance operations.
- b) Any banner shall be securely fastened so as to have a minimum bottom height of 18 feet above the surface of the traveled way, shall be placed no closer than 100 feet in advance of flashing beacons or traffic control signals and shall be placed so as to not obstruct a clear view of traffic lights, signals or other traffic control devices.
- c) Banners shall not be attached to trees.
- d) No banner shall have displayed thereon any legend or symbol which may in any way be construed to advertise or otherwise promote the sale of or publicize any merchandise or commodity, or which may be construed to be political in nature.
- e) No banner shall have displayed thereon any device that is or purports to be an imitation of, resembles or may be mistaken for a traffic control device or which attempts to direct the movement of traffic.
- f) No banner shall be above ground figures, signs or other structures, objects or devices whether lit or unlit.
- g) Decorations shall not include flashing lights, reflective materials or other devices that may distract motorists.

Permit Conditions

- a) Any authorization may be revoked by the Permit Office if the banner placement becomes dangerous to those using the road or unduly interferes with the free movement of traffic or maintenance operations.
- b) The city, village or township making application shall faithfully fulfill all permit requirements.

An addendum authorization may be revoked by the Permit Office upon failure to comply with any permit conditions.

**MODEL COMMUNITY RESOLUTION
AUTHORIZING EXECUTION OF
WAYNE COUNTY PERMITS**

Resolution No. 2018-32

At a Regular Meeting of the VAN BUREN TOWNSHIP BOARD OF TRUSTEES (Name of Community Governing Board) on NOVEMBER 13, 2018 (date), the following resolution was offered:

WHEREAS, the CHARTER TOWNSHIP OF VAN BUREN (hereinafter the "Community") periodically applies to the County of Wayne Department of Public Services, Engineering Division Permit Office (hereinafter the "County") for permits to conduct emergency repairs, annual maintenance work, and for other purposes on local and County roads located entirely within the boundaries of the Community, as needed from time to time to maintain the roads in a condition reasonably safe and convenient for public travel;

WHEREAS, pursuant to Act 51 of 1951, being MCL 247.651 *et seq.*, the County permits and regulates such activities noted above and related temporary road closures;

NOW THEREFORE, BE IT RESOLVED, in consideration of the County granting such permit (hereinafter the "Permit"), the Community agrees and resolves that:

Any work performed for the Community by a contractor or subcontractor will be solely as a contractor for the Community and not as a contractor or agent of the County. Any claims by any contractor or subcontractor will be the sole responsibility of the Community. The County shall not be subject to any obligations or liabilities by vendors and contractors of the Community, or their subcontractors.

The Community shall take no unlawful action or conduct, which arises either directly or indirectly out of its obligations, responsibilities, and duties under the Permit which results in claims being asserted against or judgment being imposed against the County, and all officers, agents and employees thereof pursuant to a maintenance contract. In the event that same occurs, for the purposes of the Permit, it will be considered a breach of the Permit thereby giving the County a right to seek and obtain any necessary relief or remedy, including, but not by way of limitation, a judgment for money damages.

With respect to any activities authorized by Permit, when the Community requires insurance on its own or its contractor's behalf, it shall also require that such policy include as named insured the County of Wayne and all officers, agents and employees thereof.

The incorporation by the County of this Resolution as part of a permit does not prevent the County from requiring additional performance security or insurance before issuance of a Permit.

This Resolution stipulates that the requesting Community shall, at no expense to Wayne County, provide necessary police supervision, establish detours and post all necessary

signs and other traffic control devices in accordance with the Michigan Manual of Uniform Traffic Control Devices.

This Resolution stipulates that the requesting Community shall assume full responsibility for the cost of repairing damage done to the County road during the period of road closure or partial closure.

This Resolution shall continue in force from the date of execution until cancelled by the Community or the County with no less than thirty (30) days prior written notice to the other party. It will not be cancelled or otherwise terminated by the Community with regard to any Permit which has already been issued or activity which has already been undertaken.

The Community stipulates that it agrees to the terms of the County of Wayne permit at the time a permit is signed by the Community's authorized representative.

BE IT FURTHER RESOLVED, that the following individual(s) is/are authorized in their official capacity as the Community's authorized representative to sign and so bind the Community to the provisions of any and all permits applied for to the County of Wayne, Department of Public Services Engineering Division Permit Office for necessary permits from time to time to work within County road right-of-way or local roads on behalf of the Community.

Name	Title
_____	_____
_____	_____

I HEREBY CERTIFY that the foregoing is a true and correct copy of a resolution adopted by the [Board of Trustees/City Council] of the _____
(name of Community), County of Wayne, Michigan, on _____.

Charter Township of Van Buren

Agenda Item _____

REQUEST FOR BOARD ACTION

WORK STUDY MEETING DATE:
2018-11-13

BOARD MEETING DATE:
2018-11-13

Consent Agenda X New Business Unfinished Business Public Hearing

ITEM (SUBJECT)	Resolution 2018-33 Annual Wayne County Pavement Restoration Permit A-19100
DEPARTMENT	Public Services – Water & Sewer
PRESENTER	Water & Sewer Director James T. Taylor
PHONE NUMBER	734-699-8947
INDIVIDUALS IN ATTENDANCE (OTHER THAN PRESENTER)	

Agenda topic

ACTION REQUESTED	
Recommend to the Township Board to approve Resolution 2018-33 for the Annual Wayne County Pavement Restoration Permit A-19100	
BACKGROUND – (SUPPORTING AND REFERENCE DATA, INCLUDE ATTACHMENTS)	
This is an annual permit required by Wayne County for all communities utilizing Wayne County roads and right-of-ways.	

BUDGET IMPLICATION	none
IMPLEMENTATION NEXT STEP	Board approval resolution
DEPARTMENT RECOMMENDATION	Approval by township board.
COMMITTEE/COMMISSION RECOMMENDATION	
ATTORNEY RECOMMENDATION	N/A
(May be subject to Attorney/Client Privilege and not available under FOIA)	
ADDITIONAL REMARKS	
APPROVAL OF SUPERVISOR	



Warren C. Evans
County Executive

October 26, 2018

Charter Township Of Van Buren
46425 Tyler Rd
Belleville, MI 48111-5217

RE: Annual Pavement Restoration Permit - A-19100

Attention: Jim Taylor

Enclosed is your Wayne County Annual Pavement Restoration Permit package. The Annual Permit authorizes your company to occupy Wayne County road rights-of-way for the purpose of pavement repair and restoration.

In addition to the Annual Permit, the package also includes the following attachments, which are incorporated by reference into the permit:

1. *General Conditions and Limitations of Permits*
2. *Indemnity and Insurance Attachment*
3. *Model Community Resolution*

Please review the insurance attachment carefully, since the insurance requirements have been recently updated.

The WCDPS Permit Office has published its manual, *Rules, Specifications and Procedures for Permit Construction*. This manual replaces the Permit Specifications document which was attached to annual permits in previous years. The manual is also incorporated by reference into this annual permit and is available online at:

http://www.waynecounty.com/dps/construction_permits.htm

In particular, refer to Section 6, "Restoration" and Section 7, "Maintaining Traffic and Traffic Control Devices" for specific rules and specifications regarding pavement restoration work. Additionally, refer to Wayne County Standards of Permit Construction, numbered: PR-1, PR-2, PR-3, PR-4 and PR-5 for detailed specifications on pavement repair and patching. These standards are also available online at the above web address.

As an additional condition of this annual permit, the Permit Holder agrees to provide at least 72 hours prior notice before starting any construction. Each notice shall be sent to the Permit Office at the address shown below and shall include the location and date of the proposed work along with a detailed set of construction plans.

For each restoration project, plan review and inspection costs, including overtime, supervision, materials testing and emergency work (if required) will be billed to the Permit Holder on a monthly basis.

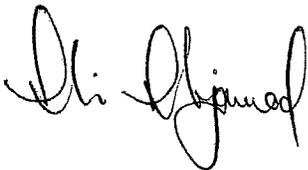
Please return the original permit, signed and dated by an authorized signatory, confirming that the signer's name is typed below the signature line and submit these documents to:

**Wayne County Department of Public Services
Permit Office
Attn: Mr. Ali Aljawad
33809 Michigan Avenue
Wayne MI 48184**

Once received, I will validate your permit and return an executed copy to you for your files.

If you have any questions regarding this Annual Permit, please contact me at 734.595.6504, extension 2079.

Sincerely,



Ali Aljawad, P.E.
Division Permit Engineer

C: file

Attachments: Annual Permit
General Conditions and Limitations of Permits
Indemnity and Insurance Attachment
Model Community Resolution

PERMIT OFFICE
 33809 MICHIGAN AVE
 WAYNE, MI 48184
 PHONE (734) 595-6504
 FAX (734) 595-6356

72 HOURS BEFORE ANY
 CONSTRUCTION. CALL
 Various Staff
 (734) 595-6504, Ext: 2009
 FOR INSPECTION



WAYNE COUNTY
DEPARTMENT OF PUBLIC SERVICES
PERMIT TO CONSTRUCT, OPERATE, USE AND/OR MAINTAIN

PERMIT No. A-19100	
ISSUE DATE 1/1/2019	EXPIRES 12/31/2019
REVIEW No.	WORK ORDER 79340

PROJECT NAME
VAN BUREN TWP. - PAVEMENT RESTORATION

LOCATION: **VARIOUS** CITY/TWP: **VAN BUREN TWP**

PERMIT HOLDER CHARTER TOWNSHIP OF VAN BUREN 46425 TYLER RD BELLEVILLE, MI 48111-5217	CONTRACTOR
CONTACT JIM TAYLOR (734) 699-8900	CONTACT <BLANK>

DESCRIPTION OF PERMITTED ACTIVITY (72 HOURS BEFORE YOU DIG, CALL MISS DIG 1-800-482-7161, www.missdig.org)

TO REPLACE AND REPAIR PAVEMENT CUTS DUE TO UTILITY REPAIRS WITHIN THE RIGHT-OF-WAY OF VARIOUS ROADS IN WAYNE COUNTY IN ACCORDANCE WITH THE WAYNE COUNTY RULES, SPECIFICATIONS AND PROCEDURES MANUAL & WAYNE COUNTY STANDARD PLANS FOR PERMIT CONSTRUCTION.

AT LEAST 72 HOURS PRIOR TO CONSTRUCTION, THE PERMIT HOLDER SHALL SUBMIT WRITTEN NOTICE OF CONSTRUCTION, INCLUDING THE LOCATION AND DATE OF THE WORK ALONG WITH CONSTRUCTION PLANS TO THE PERMIT OFFICE FOR APPROVAL.

THE FINAL AREA OF ANY PAVEMENT TO BE REPLACED AND/OR OVERLAID SHALL BE DETERMINED AND MARKED OUT BY THE COUNTY.

FOR EACH PROJECT, ALL ACTUAL PLAN REVIEW AND INSPECTION COSTS, INCLUDING OVERTIME, SUPERVISION, TESTING OF MATERIALS AND EMERGENCY WORK, IF REQUIRED, SHALL BE BILLED TO THE PERMIT HOLDER ON A MONTHLY BASIS.

ANY ROAD CLOSURE SHALL BE IN COMPLIANCE WITH THE MICHIGAN MANUAL OF TRAFFIC CONTROL DEVICES.
[HTTP://MUTCD.FHWA.DOT.GOV](http://MUTCD.FHWA.DOT.GOV)

THE ATTACHMENTS LISTED BELOW ARE INCORPORATED BY REFERENCE AS PART OF THE CONDITIONS OF THIS PERMIT.

FINANCIAL SUMMARY PERMIT FEE \$0.00 PLAN REVIEW FEE..... \$0.00 PARK FEE..... \$0.00 OTHER FEE..... \$0.00 BOND..... \$0.00 INSPECTION DEPOSIT..... \$0.00 OTHER BOND \$0.00 TOTAL COSTS \$0.00 TOTAL CHECK AMOUNT \$0.00 CASHIER DATE 1/1/2019	DEPOSITOR LETTER OF CREDIT DEPOSITOR	APPROVED PLANS PREPARED BY PLANS APPROVED BY DATE PLANS APPROVED 1/1/2019 REQUIRED ATTACHMENTS GENERAL CONDITIONS INDEMNITY AND INSURANCE ATTACHMENT RULES, SPECIFICATIONS AND PROCEDURES FOR PERMIT CONSTRUCTION - AVAILABLE ONLINE AT www.waynecounty.com/dps_engineering_coffice.htm <small>(PERMIT VALID ONLY IF ACCOMPANIED BY ABOVE ATTACHMENTS)</small>
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In consideration of the Permit Holder and Contractor agreeing to abide and conform with all the terms and conditions herein, a Permit is hereby issued to the above named to Construct, Operate, Use and/or Maintain within the Road Right of Way, County Easement, and/or County Property. The permitted work described above shall be accomplished in accordance with the Approved Plans, Maps, Specifications and Statements filed with the Permit Office which are integral to and made part of this Permit. The General Conditions as well as any Required Attachments are incorporated as part of this Permit.

WAYNE COUNTY DEPARTMENT OF PUBLIC SERVICES

JIM TAYLOR PERMIT HOLDER / AUTHORIZED AGENT	DATE	PREPARED BY
<BLANK> CONTRACTOR / AUTHORIZED AGENT	DATE	VALIDATED BY
		DATE



Wayne County Department of Public Services
Engineering Division – Permit Office
Conditions & Limitations of Permits

Plan Approval and Specifications: All work performed under the permit shall be done in accordance with the approved plans, specifications, maps, statements and special conditions filed with the County and shall comply with Wayne County Specifications, as defined in the current *Wayne County Rules, Specifications and Procedures for Permit Construction*, included as an attachment to this permit, the *Wayne County Standard Plans for Permit Construction*, and the *MDOT Standard Specifications For Construction*, as modified by WCDPS Special Provisions, and other WCDPS specifications. Any situation or problem which occurs as a result of the construction, operation, use and/or maintenance of the facility in the right-of-way and is not covered by the approved plans nor by the County's current Standards and Specifications shall be resolved by the Permit Holder as directed and approved by the Permit Office. Any significant change to the plans must be approved by the Permit Office and is authorized only when an approved addendum is obtained from the Permit Office.

Fees: The Permit Holder shall be responsible for all fees and costs incurred by the County in connection with the permit and shall deposit payment for fees and costs as determined by the County at the time the permit is issued.

Bond: The Permit Holder shall furnish a bond in cash or Certified check in an amount acceptable to the County to guarantee performance under the conditions of the permit. The County may use all or any portion of the bond which shall be necessary to cover any expense, including inspection costs or damage incurred by the County through the granting of the permit. Should the bond be insufficient to cover the expenses and damages incurred by the County, the Permit Holder shall pay such deficiency upon billing by the County. If the bond amount exceeds the expenses and damages incurred by the County, the excess portion will be returned to the Depositor. The excess performance bond provided for herein, when it cannot be returned, shall be deposited into the County Road Fund and become a part thereof, unless claimed by the Depositor within one year of the date of satisfactory completion of the construction authorized by the permit.

Insurance: The Permit Holder shall furnish proof of liability and property damage insurance in the form and amounts acceptable to the County with Wayne County named as an insured party. The Permit Holder shall maintain this insurance until the permit is released, revoked or cancelled by the County.

Indemnification / Hold Harmless: Sub-Section 1 herein applies to all Permit Holders except Municipalities. Sub-Section 2 herein applies to Municipalities only.

1. To the extent allowed by law, the Permit Holder shall indemnify, hold harmless and defend Wayne County, its Department of Public Services, its officials and employees against any and all claims, suits and judgments to which the County, the Department, its officials and employees may be subject and for all costs and actual attorney fees which may be incurred on account of injury to persons or damage to property, including property of the County, whether due to negligence of the Permit Holder or to the joint negligence of the Permit Holder and the County, arising out of any and all work performed under the permit, or in connection with work not authorized by the permit, or resulting from failure to comply with the terms of the permit or arising out of the continued existence of the work product that is the subject of the permit. This hold harmless provision must not be construed as a waiver of any governmental immunity by the County.
2. To the extent allowed by law, the Municipality as Permit Holder shall hold harmless and defend Wayne County, its Department of Public Services, its officials and employees, for the Municipality's own negligence, tortious acts, errors, or omissions, and the acts, errors, or omissions of any of its employees, on account of injury to persons or damage to property, including property of the County, arising out of any and all work performed under the permit, or in connection with work not authorized by the permit, or resulting from failure to comply with the terms of the permit or arising out of the continued existence of work product that is the subject of the permit. Sub-section 1 above applies to contractors, subcontractors, consultants, or agents of the Municipality. This hold harmless provision must not be construed as a waiver of any governmental immunity by the County or the Municipality's, as provided by statute or modified by court decisions.

Permit on Site: The Permit Holder shall keep available a copy of the permit and any associated approved plans on site during permitted activities.

Notification for Start and Completion of Work: The permit shall not become operative until it has been fully executed by the County. The Permit Holder shall notify the County before starting construction and shall notify the County when work is completed. The Permit Holder or their representative shall have copies of the executed permit and approved plans in their possession on the job site at all times.

1. The Permit Holder shall provide at least three (3) days advanced notice, excluding Saturdays, Sundays and holidays, to the Permit Office prior to the commencement of any permitted activities by submitting a START OF WORK NOTIFICATION form by mail, fax or e-mail. In certain instances, additional notice may be required by the Permit Office. In the event that construction work ceases for a period of time, then the Permit Holder shall notify the Wayne County Inspector at least 24 hours prior to resuming work.
2. The Permit Holder shall comply with all requirements of the Miss Dig Statute, MCL §460.701 et seq., as amended. The Permit Holder shall call "MISS DIG", at (800) 482-7161, at least 72 hours, excluding Saturdays, Sundays and holidays, but not more than twenty-one (21) calendar days, before starting any underground work. The Permit Holder assumes all responsibility for damage to or interruption of underground utilities.
3. The Permit Holder shall call Wayne County Department of Public Services' Traffic Operations Office at (734) 955-2154, at least 72 hours prior, excluding Saturdays, Sundays and holidays, but not more than twenty-one (21) calendar days, before starting any underground work in the vicinity of any traffic signal equipment owned, operated or maintained by Wayne County.

Safety: The Permit Holder agrees that all work under the permit shall be performed in a safe manner and to keep the area affected by the permit in a safe condition until the work is completed and accepted by the County. The Permit Holder shall furnish, install and maintain all necessary traffic controls and protection which are in accordance with the current *Manual on Uniform Traffic Control Devices (MUTCD)*. The Permit Holder shall conduct all activities and maintain all facilities as set forth in the permit in a manner so as not to damage, impair, interfere with, or obstruct a public road or create a foreseeable risk of harm to the traveling public. The Permit Holder shall comply with all applicable OSHA and MIOSHA requirements.

Underground Utilities: The Permit Holder shall contact all utility owners regarding their facilities prior to starting work and shall comply with all applicable provisions of Act 53, Public Acts of 1974, as amended. Wayne County makes no warranty either expressed or implied as to the condition or suitability of subsurface conditions or any existing facility which may be encountered during an excavation. The presence or absence of utilities is based on the best information available and the County is not responsible for the accuracy of this information. The Permit Holder assumes all responsibility for the interruption and damage to underground utilities. The Permit Holder is responsible for proper disposal, in accordance with current regulations, of any material excavated from within the right-of-way. Such materials include, without limitation, soils or groundwater contaminated by petroleum products or other pollutants associated with sites identified by the MDEQ or reported on appropriate release forms for underground storage tanks.

Assignability: The permit is neither transferable nor assignable without the written consent of the County.

Limitation of Permit: The Applicant and the Permit Holder shall be responsible for obtaining and shall secure any permits or permission necessary or required by law from State, federal or other local governmental agencies and jurisdictions, corporations or individuals. These include, without limitation, those pertaining to drains, inland lakes and streams, wetlands, woodlands, flood plains, filling, noise regulation and hours of operation. Issuance of a Wayne County permit does not authorize activities otherwise regulated by State, federal or local agencies.

Access of Other Vehicles: The Permit Holder shall, at all times possible, maintain a minimum of one acceptable access to all abutting occupied properties, driveways and side streets unless otherwise specified on the approved plans. The Permit Holder shall notify all owners or occupants of properties whose access may be temporarily disrupted during the permitted work. The local police, fire or emergency service agencies shall define acceptable access. The Permit Holder shall provide signing and other improvements necessary to ensure adequate access until the roadway, driveway or side street is restored. The Permit Holder shall conduct all operations so as to minimize inconvenience to abutting property owners. Wayne County reserves the right to reasonably restrict the progress of work by the Permit Holder based on the rate of roadway and right-of-way restoration, including permanent or temporary pavement. Wayne County may require that work be suspended until satisfactory backfilling of open trenches or excavations has been completed and driveways, side streets and drainage restored.

Restoration: The Permit Holder agrees to restore the County road and road right-of-way, County drain easement or County park property to a condition equal to or better than its condition before work under the permit began. If the Permit Holder fails to satisfactorily restore the permitted work area, Wayne County may take all practical actions necessary to provide reasonably safe and convenient public travel, preservation of the roadway and drainage, prevention of soil erosion and sedimentation, and elimination of nuisance to abutting property owners caused by the permitted activity. Security in the form of cash, a certified check or surety bond shall be required to secure the cost of restoring the disturbed portion of the right-of-way to an acceptable safe condition. The amount of the security shall be determined by the Permit Office. In the event that a suspension of work will be protracted or that the work will not be completed by the Permit Holder, the Permit Holder shall restore the right-of-way to a condition similar to the condition that existed prior to issuance of the permit.

Acceptance: Acceptance by the County of work performed does not relieve the Permit Holder of full responsibility for work performed or the presence of the permitted facility. The Permit Holder acknowledges that the County has no liability for the presence of the Permit Holder's facility located within the County road right-of-way, County drain easement or County park property.

Permit Expiration and Extension of Time: All work authorized by the permit shall be completed to the satisfaction of the Permit Office on or before the expiration date specified in the permit. Any request for an extension of time for completion shall be on a completed County form and shall demonstrate good cause for granting the request. Additional requirements may be imposed as a condition of an extension of time due to seasonal limitations or other considerations. These additional requirements may include, without limitation, changes to materials or construction methods, reestablishment of fees, bonds, deposits and insurance requirements.

Responsibility: The design, construction, operation and maintenance of all work covered by the permit shall be at the Permit Holder's expense with the exception that the Permit Holder will not be responsible for maintaining road widenings or similar facilities which become part of the County roadway.

Revocation: The permit may be suspended or revoked at the will of the County. Upon order of the County, the Permit Holder shall surrender the permit, cease operations and remove, alter or relocate, at their expense, the facilities for which the permit was granted. The Permit Holder expressly waives any right to claim damages for compensation resulting from the revocation of the permit.

Violation: The County may declare the permit null and void if the Permit Holder violates the terms of the permit. The County may require immediate removal of the Permit Holder's facilities and restoration of the County property, or the County may remove the facilities and restore the County property at the Permit Holder's expense. The Permit Holder agrees that in the event of a violation of the terms of the permit or in the event the work authorized by the permit is not satisfactorily completed by the permit expiration date, the County may use all or any portion of the performance bond to restore the County road right-of-way, drain easement, wastewater facility or park property as necessary for reasonably safe and efficient operations and maintenance, or to establish extraordinary maintenance procedures as required to assure reasonably safe and efficient operation of the County facility.

Inspection and Testing of Materials: Wayne County reserves the right of inspection and the testing of materials by its authorized representatives of all permitted activities and/or activities within the road right-of-way, County owned property or within a County drain easement. All items identified by the final inspection shall be resolved prior to release of the permit. All materials and methods utilized during the course of the authorized permit work shall meet the requirements of the current *MDOT Standard Specifications For Construction* as modified by Wayne County Special Provisions, Standard Plans for Permit Construction and this manual. The Permit Holder shall reimburse Wayne County for all required inspections and testing of materials.

Design: The Permit Holder is fully responsible for the design of the permitted facility, such that the design shall be consistent with all applicable County standards, specifications, guidelines, requirements and with good engineering practice. Any errors in the plans that become evident after the issuance of a permit, and which change the scope of permitted work, are subject to review and may be grounds for revocation of the permit. The Permit Office will not relieve the Permit Holder of the responsibility of correcting errors, deficiencies, or omissions due to oversight or unforeseen contingencies such as faulty drainage, poor subsoil conditions or the failure of the Permit Holder's engineer to show all the related or pertinent conditions inside or outside the plan area.

Drainage: Drainage shall not be altered to flow into the road right-of-way or road drainage system unless approved by Wayne County.

Permit Holder Compliance: The Permit Holder shall abide by the conditions and limitations contained on the permit and all other conditions listed within the WCDPS Rules, Specifications and Procedures for Construction Permits. The application of any work undertaken under the permit shall constitute the Permit Holder's agreement to the Provision.



**Wayne County Department of Public Services
Engineering Division – Permit Office
Indemnity and Insurance Attachment**

To the extent allowed by law, the Permit Holder shall defend and hold harmless Wayne County, the Department of Public Services, its officials and employees against any and all claims, suits and judgments to which Wayne County, the Departments, its officials and employees may be subject and for all costs and actual attorney fees which may be incurred on account of injury to persons or damage to property, including County property. The Permit Holder shall provide this indemnity for any incident arising out of any and all activities performed under the permit or in connection with work not authorized by the permit, or resulting from the failure to comply with the terms of the permit, or arising out of the continued existence of the work product that is subject to the permit.

Certificates of insurance shall be required for all construction permits, excluding residential driveway permits. Each certificate of insurance and any associated correspondence shall reference the plan review number of the project. General liability and automotive liability insurance coverage shall be in amounts detailed below:

The general liability insurance coverage shall be in amounts not less than \$1,000,000 each occurrence and \$2,000,000 general aggregate. Proof of automobile liability shall be in amounts not less than \$1,000,000 combined single limit for each accident, bodily injury per accident, and property damage per accident, and in an amount not less than \$1,000,000 for bodily injury each person, each occurrence and property damage liability \$1,000,000 each occurrence.

The certificate of insurance must be provided by a person, the corporation, or by authorized representatives who signed personally either the application or permit. Insurance shall remain in force until the permit is released by Wayne County.

The Wayne County Department of Public Services shall be a Certificate Holder on the policy of insurance. Wayne County, drainage district, and its officers, agents and employees shall be named as additional insured parties. It is also required that the annual permit numbers are included on each certificate of insurance.

The insurance shall cover a period not less than the term of the permit and shall provide that it cannot be cancelled or reduced without thirty (30) days advance written notice to Wayne County, by certified mail, first-class, return receipt requested. The thirty (30) days shall begin on the date when the County received the notice, as evidenced by the return receipt.

Such insurance shall provide by endorsement therein for the thirty (30) day notice by the insurer to the Permit Office prior to termination, cancellation or material alteration of the policy.

Licensee agrees to make application for renewal thereof at least sixty (60) days before the expiration date of the policy then in force and to file a certified copy of such renewed policy with the Permit Office.

The policy shall also provide by endorsement for the removal of the contractual exclusion.

Should insurance coverage be cancelled or reduced below acceptable limits, or allowed to expire, the authorization to continue work under the permit shall be suspended or revoked and shall not resume until new insurance is in force and accepted by Wayne County. Wayne County may, in such cases, take appropriate action to restore or protect the road and appurtenances. All costs incurred by this action shall be deducted from any remaining inspection deposit, bond and/or Letter of Credit and, if necessary, the Permit Holder may be billed to defray actual expenses.

**MODEL COMMUNITY RESOLUTION
AUTHORIZING EXECUTION OF
WAYNE COUNTY PERMITS**

Resolution No. 2018-33

At a Regular Meeting of the Van Buren Board of Trustees (Name of Community Governing Board) on November 13, 2018 (date), the following resolution was offered:

WHEREAS, the Chase Township of Van Buren (hereinafter the "Community") periodically applies to the County of Wayne Department of Public Services, Engineering Division Permit Office (hereinafter the "County") for permits to conduct emergency repairs, annual maintenance work, and for other purposes on local and County roads located entirely within the boundaries of the Community, as needed from time to time to maintain the roads in a condition reasonably safe and convenient for public travel;

WHEREAS, pursuant to Act 51 of 1951, being MCL 247.651 *et seq.*, the County permits and regulates such activities noted above and related temporary road closures;

NOW THEREFORE, BE IT RESOLVED, in consideration of the County granting such permit (hereinafter the "Permit"), the Community agrees and resolves that:

Any work performed for the Community by a contractor or subcontractor will be solely as a contractor for the Community and not as a contractor or agent of the County. Any claims by any contractor or subcontractor will be the sole responsibility of the Community. The County shall not be subject to any obligations or liabilities by vendors and contractors of the Community, or their subcontractors.

The Community shall take no unlawful action or conduct, which arises either directly or indirectly out of its obligations, responsibilities, and duties under the Permit which results in claims being asserted against or judgment being imposed against the County, and all officers, agents and employees thereof pursuant to a maintenance contract. In the event that same occurs, for the purposes of the Permit, it will be considered a breach of the Permit thereby giving the County a right to seek and obtain any necessary relief or remedy, including, but not by way of limitation, a judgment for money damages.

With respect to any activities authorized by Permit, when the Community requires insurance on its own or its contractor's behalf, it shall also require that such policy include as named insured the County of Wayne and all officers, agents and employees thereof.

The incorporation by the County of this Resolution as part of a permit does not prevent the County from requiring additional performance security or insurance before issuance of a Permit.

This Resolution stipulates that the requesting Community shall, at no expense to Wayne County, provide necessary police supervision, establish detours and post all necessary

signs and other traffic control devices in accordance with the Michigan Manual of Uniform Traffic Control Devices.

This Resolution stipulates that the requesting Community shall assume full responsibility for the cost of repairing damage done to the County road during the period of road closure or partial closure.

This Resolution shall continue in force from the date of execution until cancelled by the Community or the County with no less than thirty (30) days prior written notice to the other party. It will not be cancelled or otherwise terminated by the Community with regard to any Permit which has already been issued or activity which has already been undertaken.

The Community stipulates that it agrees to the terms of the County of Wayne permit at the time a permit is signed by the Community's authorized representative.

BE IT FURTHER RESOLVED, that the following individual(s) is/are authorized in their official capacity as the Community's authorized representative to sign and so bind the Community to the provisions of any and all permits applied for to the County of Wayne, Department of Public Services Engineering Division Permit Office for necessary permits from time to time to work within County road right-of-way or local roads on behalf of the Community.

Name	Title
_____	_____
_____	_____

I HEREBY CERTIFY that the foregoing is a true and correct copy of a resolution adopted by the [Board of Trustees/City Council] of the _____
(name of Community), County of Wayne, Michigan, on _____.

Charter Township of Van Buren

Agenda Item _____

REQUEST FOR BOARD ACTION

WORK STUDY MEETING DATE:
2018-11-13

BOARD MEETING DATE:
2018-11-13

Consent Agenda New Business Unfinished Business _____ Public Hearing _____

ITEM (SUBJECT)	Approval for Water Service Connection
DEPARTMENT	Public Services – Water & Sewer
PRESENTER	Water & Sewer Director James T. Taylor
PHONE NUMBER	734-699-8947
INDIVIDUALS IN ATTENDANCE (OTHER THAN PRESENTER)	

Agenda topic

ACTION REQUESTED	
Recommend to the Township Board to approve an agreement with the owner at 13156 Hannan Road and the City of Romulus granting permission for connection to the water system in the City of Romulus water system.	
BACKGROUND – (SUPPORTING AND REFERENCE DATA, INCLUDE ATTACHMENTS)	
The property owner at 13156 Hannan Road has requested permission from the Township to connect to the Romulus water supply. The owner’s well is no longer viable and the Township water supply is not available at this property. There are other properties that have made similar requests which have been approved by previous boards over the years.	

BUDGET IMPLICATION	none
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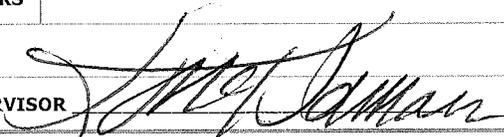
IMPLEMENTATION NEXT STEP	Board approval resolution
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DEPARTMENT RECOMMENDATION	Approval by township board.
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COMMITTEE/COMMISSION RECOMMENDATION	
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ATTORNEY RECOMMENDATION	Recommends approval
(May be subject to Attorney/Client Privilege and not available under FOIA)	

ADDITIONAL REMARKS	
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APPROVAL OF SUPERVISOR	
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AGREEMENT TO PROVIDE WATER SERVICE

THIS AGREEMENT made and entered into this ____ day of _____, 2018, by and between the City of Romulus, a Michigan municipal corporation (“City”) whose address is 11111 Wayne Road, Romulus, MI 48174, the Charter Township of Van Buren, a Michigan municipal corporation (“Township”) whose address is 46425 Tyler Road, Belleville, MI 48111, and Ciprian Lucaci (“Owner”) whose address is 13156 Hannan Rd, Van Buren Township MI 48111.

RECITALS

A. Ciprian Lucaci, as owner of record, has requested water service from Romulus for his property located in the Township at 13156 Hannan Road (“Property”) more particularly described as:

SEE EXHIBIT “A” FOR PARCEL DESCRIPTION

B. The Township currently does not have water service available to the Property, whereas Romulus has a water main under its jurisdiction located on the east side of Hannan Road capable of providing water service to the Property.

C. The parties hereto mutually agree that Romulus will provide water service to the Property of Ciprian Lucaci pursuant to the terms and conditions set forth below.

AGREEMENT

1. The Recitals are fully incorporated herein by reference. The parties acknowledge receipt of good and valuable consideration for entering into and the performance of this Agreement.

2. Romulus shall provide water service to the Property for residential purposes only through its water main on Hannan Road and allow Owner to one (1) tap into the said main provided that Owner shall pay all necessary charges and expenses for the entire cost of connection to the Romulus System including all easement acquisition costs, benefit charges, trunk line charges, tap and permit fees, special assessments, inspection fees, transmission and meter fees as assessed by Romulus.

3. Owner shall be solely responsible at her expense for the one (1) tap to the Romulus water main including the cost of boring under Hannan Road. The tap shall service one single-family residence only and no other commercial, residential or other service is allowed through this single tap.

4. Owner shall obtain and furnish to the Township and City recorded easements in a form and substance acceptable to both for installation and maintenance of this private service line across Parcel 83 096 99 0017 720.

5. Owner shall also be solely responsible at his cost for the construction, maintenance and repair of the entire service line from the point of connection on the Romulus main to the building on the Property. Owner shall also be solely responsible at his cost and shall install a shut off valve and curb box within Romulus' water main easement and an additional shut off valve and curb box one (1') foot inside Owner's property line and shall also be solely responsible at his cost to install or pay for Romulus' installation of a water meter or the cost of

connecting this service line to the current water meter on site, so that water usage may be measured by such a meter.

6. Owner shall also fully comply with all applicable Romulus ordinances, rules and regulations including the Romulus water ordinance.

7. Romulus will read the water meter and will bill Owner (or any subsequent property owner) on a periodic basis. Water usage will be billed at the rate then currently charged to a City of Romulus customer. Owner will advise Romulus and the Township in writing within ten (10) days if the Property is sold, leased, assigned or otherwise transferred to any third party including the name and address of that third party.

8. Owner shall cause all water use to the Property to be from the Romulus System until such time as the water system of the Township becomes available to service the Property. At the time the Township water system becomes available to service the Property, the Township shall so advise the City and the Owner (or any subsequent property owner) in writing. Within six (6) months of this notice, Owner (or any subsequent property owner) shall:

- a. Disconnect at his/her sole expense from the Romulus System and connect to the Township System. If Owner (or any subsequent property owner) fails to timely make this disconnection and connection, the Township may perform or cause to be performed this work and charge the then current Property owner for all costs and expenses associated with the work which charge shall become a lien on the Property until paid in full.
- b. Pay, in addition to the charges set forth in Paragraph 7a above, all necessary charges and expenses for the entire cost of connection to the Township System including all benefit charges, trunkline charges, tap, permit and inspection fees, special assessments, transmission and meter fees as assessed by the Township; and
- c. Enter into a water service agreement with the Township upon terms and conditions reasonably acceptable to the Township.

9. This Agreement may be terminated by Romulus and/or the Township upon the occurrence of any of the following:

- a. Any building on the Property receiving water service is demolished, at which time water service will be disconnected from Romulus at the then Property owner's sole cost and expense; or
- b. Property owner fails to timely pay any fees, charges, expenses or assessments as required in this Agreement. Any non-payment of the water bill will result in a termination of service (shut-off) notice. If the bill remains unpaid, service will be terminated and not reinstated until the delinquent amount is paid in full; or
- c. Property owner fails to fully comply with all applicable Romulus rules, regulations and/or ordinances or any terms or conditions of this Agreement; and/or
- d. Pursuant to Paragraph 10 below.

10. Owner (or any subsequent property owner) agrees that he will indemnify City and Township against any loss of fees, or costs and expenses whatsoever, or damages of any kind or nature to the Romulus System which may occur by reason of the use of the Romulus System by Owner (or any subsequent Property owner).

11. This Agreement shall be binding upon the City, Township, Owner, their successors and assigns and any subsequent owner of the Property. If any subsequent owner of the Property fails or refuses to be bound by and/or fully perform the terms and conditions of this Agreement, the Agreement may be terminated upon ten (10) days prior written notice by the City and/or Township.

12. The parties agree that this Agreement, or a short form thereof, may be recorded by any party hereto with the Wayne County Register of Deeds.

13. City and Township agree that prior to the execution of this Agreement the same shall be submitted to their respective legislative body for adoption and approval as to form and substance and that certified copies of such resolutions or motions shall be furnished each to the other.

14. This Agreement constitutes the entire agreement between the parties and may not be modified, replaced or amended, without the prior written consent of the parties hereto.

15. This Agreement shall be governed by the laws of the State of Michigan.

16. The remedies provided for herein are cumulative. The failure of a party to enforce its rights with respect to any breach hereof will not constitute a waiver by that party of its rights with respect to subsequent breaches.

17. Any notices required by the terms of this Agreement shall be in writing, and mailed to the other party via U.S. mail addressed to such party at the address set forth at the beginning of this Agreement, or to such other address as one party may provide to the other by notice.

18. This Agreement may be executed in counterparts, each of which shall constitute an original agreement.

IN WITNESS WHEREOF, this Agreement has been executed by Owner, Romulus and Township, as at the date of this Agreement, and shall be effective immediately.

SIGNED IN THE PRESENCE OF:

City of Romulus

By: _____
LeRoy D. Burcroff - Mayor

And

By: _____
Ellen L. Craig-Bragg - City Clerk

Charter Township of Van Buren

By: _____
Kevin McNamara - Supervisor

and

By: _____
Leon Wright - Clerk

Owner

By: _____
Ciprian Lucaci - Owner

ACKNOWLEDGEMENT

State of Michigan)
)ss.
County of _____)

The foregoing instrument was acknowledged before me this ____ day of _____, 2018 by LEROY D. BURCROFF and ELLEN L. CRAIG-BRAGG, the Mayor and Clerk, respectively, of the CITY OF ROMULUS, Wayne County, Michigan, a Michigan municipal corporation, who stated that they were duly authorized to execute the instrument on behalf of the City.

ACKNOWLEDGEMENT

State of Michigan)
)ss.
County of _____)

The foregoing instrument was acknowledged before me this ____ day of _____, 2018, by KEVIN MCNAMARA and LEON WRIGHT, the Supervisor and Clerk, respectively, of the CHARTER TOWNSHIP OF VAN BUREN, Wayne County, Michigan, a Michigan municipal corporation, who stated that they were duly authorized to execute the instrument on behalf of the Township.

ACKNOWLEDGEMENT

State of Michigan)
)ss.
County of _____)

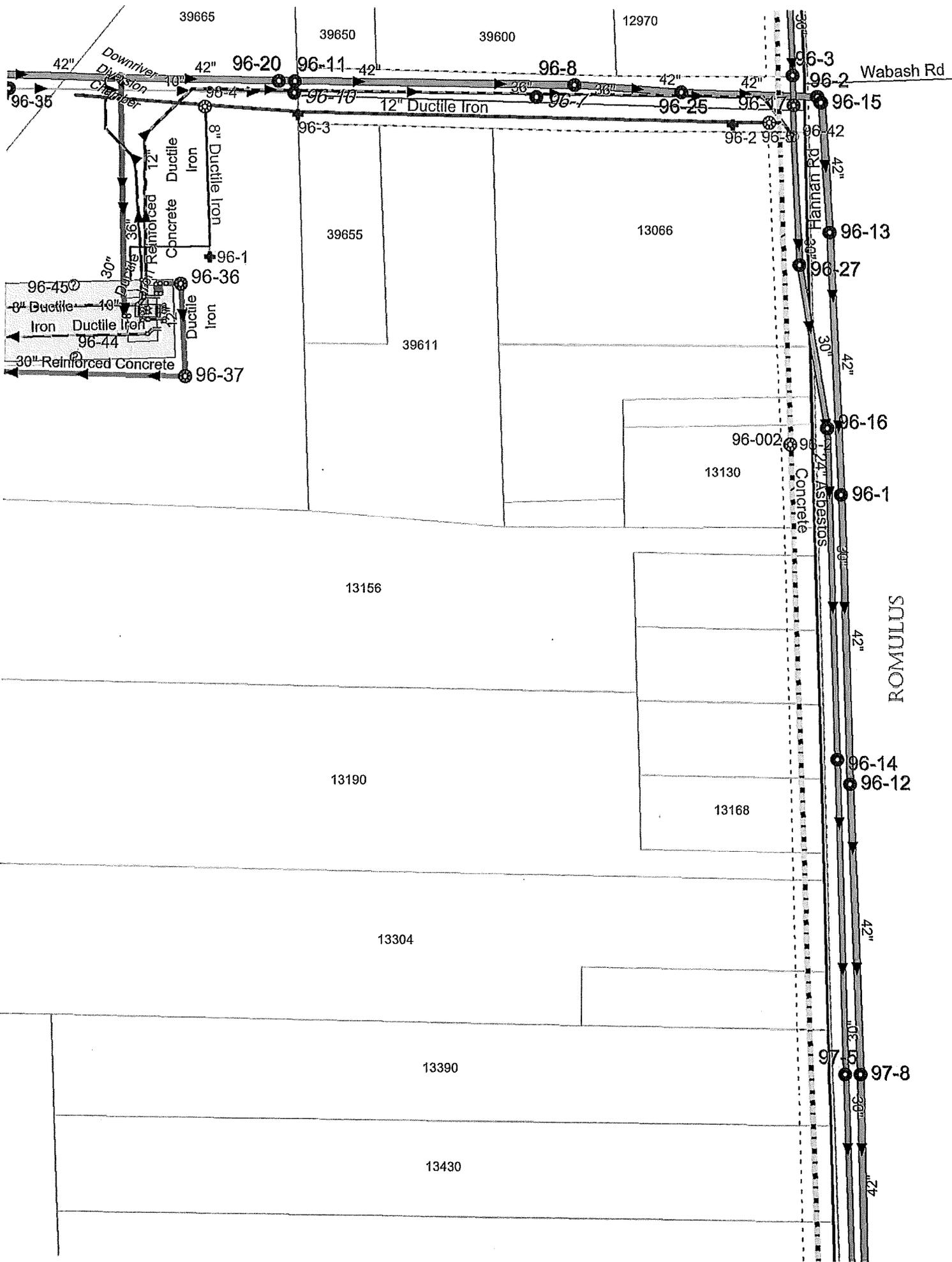
The foregoing instrument was acknowledged before me this ____ day of _____, 2018, by Ciprian Lucaci, and who stated that he was the sole owner of the property and duly authorized to execute the instrument.

THIS INSTRUMENT PREPARED BY:
Patrick McCauley
GASIOREK MORGAN GRECO, McCAULEY & KOTZIAN PC
30500 Northwestern Highway, Suite 425
Farmington Hills, Michigan 48334

WHEN RECORDED RETURN TO:
Charter Township of Van Buren
Office of the Clerk
46425 Tyler Road
Van Buren Twp, MI 48111

EXHIBIT A
83 096 99 0017 720

24KK1A2A4A1A PT OF SE 1/4 SEC 24 T3S R8E DESC AS BEG N01 45 45E
512.73 FT FROM THE SE COR OF SEC 24 - - TH N85 42 15W 200 FT- TH S01 45
45W 149.65 FT- TH N85 42 15W 931.26 FT- TH N23 59 15E 210.78 FT- TH S84 55
15E 507.68 FT- TH S82 26 48E 207.52 FT- TH S83 29 23E 133.33 FT- TH S86 28 00E
204.36 FT- TH S01 45 45W 27.81 FT POB - 4.01 AC - K- 3.99



39665 39650 39600 12970
 42" 96-20 96-11 42" 96-8 96-3 96-2 Wabash Rd
 42" 96-15
 12" Ductile Iron 96-7 96-25 96-17 96-42
 96-2 96-3
 8" Ductile Iron
 12" Reinforced Concrete
 36" Ductile Iron
 96-1 96-27
 96-45 96-36
 8" Ductile Iron 10" Ductile Iron
 96-44
 30" Reinforced Concrete 96-37
 96-3
 39655 13066
 39611
 96-002 96-16
 13130 Concrete 96-1
 30" 42"
 24" Asbestos
 96-14
 96-12
 42"
 42"
 42"
 10" 10" 30" 42"
 97 97-8
 30" 42"

Charter Township of Van Buren

REQUEST FOR BOARD ACTION

Agenda Item: _____

Work Study Date: 11/13/18

Board Meeting: 11/13/18

Consent Agenda X

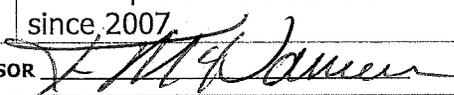
New Business _____

Unfinished Business: _____

Public Hearing _____

ITEM (SUBJECT)	Granting approval of the Commercial Fireworks Display Permit Application by Great Lakes Fireworks LLC.
DEPARTMENT	Planning
PRESENTER	Matthew R. Best, Director of Public Services
PHONE NUMBER	(734) 699-8913
INDIVIDUALS IN ATTENDANCE (OTHER THAN PRESENTER)	Paul Henning – Belleville DDA

Agenda topic

ACTION REQUESTED	
Granting approval of the Commercial Fireworks Display Permit Application by Great Lakes Fireworks LLC to set off fireworks on Saturday, December 1, 2018 from the (closed) Denton Road Bridge, and authorize the Supervisor or his designee to sign the permit.	
BACKGROUND – (SUPPORTING AND REFERENCE DATA, INCLUDE ATTACHMENTS)	
The fireworks show takes place the same evening as the Belleville Chamber of Commerce Christmas Parade. This application is in compliance with the Fireworks Ordinance. Enclosed for your review are... <ol style="list-style-type: none"> 1. Documents from Great Lakes Fireworks LLC (Application, permit, license, itinerary, insurance and map.) 2. Review letter from David McInally (Fire Marshal/Battalion Chief) which approves the application. 	
BUDGET IMPLICATION	None
IMPLEMENTATION NEXT STEP	Supervisor or his designee to sign permit.
DEPARTMENT RECOMMENDATION	Approval
COMMITTEE/COMMISSION RECOMMENDATION	N/A
ATTORNEY RECOMMENDATION	N/A
(May be subject to Attorney/Client Privilege and not available under FOIA)	
ADDITIONAL REMARKS	This request is the same that has been previously approved each year since 2007.
APPROVAL OF SUPERVISOR	

18-033

GREAT LAKES FIREWORKS

24805 Marine • Eastpointe, MI 48021 • Office: (586) 779-8062 • Fax: (586) 779- 8439 • www.greatlakesfireworks.com

October 18, 2018

Anna Halstead
Van Buren Charter Twp / Bldg & Maint
46425 Tyler Rd
Belleville, MI 48111

Dear Anna:

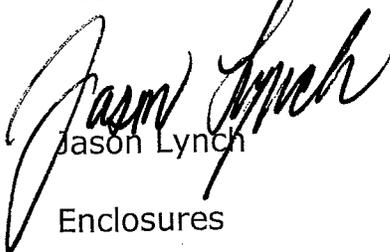
It was pleasure to speak with you. Thank you in advance for your assistance with the December 1st fireworks application on behalf of the Belleville Area Chamber of Commerce. As discussed, the program and particulars are substantially the same as in previous years. Application and attachments as follows:

- Commercial Fireworks Display Permit Application **A**
- Applicant's Driver's License **B**
- BATF Licenses **C**
- Completed Application for Fireworks Display Permit **D**
- Description of Display include type and number of fireworks **E**
- Scale drawing of the subject site **F**
- Proof of insurance **G**
- Resume – William Shaffer **H**
- Temporary Land Use/Special Permit Application **I**

We certainly look forward to providing the Chamber with another spectacular display. If you have questions or need further information, please call me at 419-476-8808 or 734-652-5812 (cell).

Sincerely,

GREAT LAKES FIREWORKS



Jason Lynch

Enclosures

CC: Paul Henning

A ✓

Case number: 18-033

Dated submitted: 10-25-18

Commercial Fireworks Display Permit Application

APPLICANT INFORMATION

Applicant's Business Name GREAT LAKES FIREWORKS LLC Phone 586-779-8062
 Name of Applicant or Agent JASON LYNCH Email jlynch65@aol.com
 Property Owner (if different than applicant) VAN BUREN CHARTER TOWNSHIP Phone 734-699-8900
 Address 46425 TYLER RD Fax 734-699-5213
 City, State BELLEVILLE MI Zip 48111 E-Mail Address _____

SITE INFORMATION

Location or address of display: DENTON ROAD BRIDGE BELLEVILLE MI

Tax ID: 27-1366153

State all deed, subdivision improvement and property restrictions in effect at this time, together with dates of expiration:

REQUIRED INFORMATION

The applicant is responsible for submitting **ALL** of the following information with this application and checking the corresponding boxes below. Failure to submit **ALL** of the following information will result in review delays or application denial.

- Copy of applicant's driver license (applicant must be over 18 years in age).
- License or permit to operate commercial fireworks from the Federal Bureau of Alcohol, Tobacco, Firearms, and Explosives.
- Completed Application for Fireworks Display Permit from the State of Michigan.
- Description of the display, including the type and number of fireworks to be discharged.
- Scale drawing of the subject site, including but not limited to surrounding buildings, the display site as described by NFPA 1123, the spectator viewing area(s), and the parking area(s).
- Proof of insurance, meeting the Fireworks Safety Act Ordinance, including the following:
 - 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.
 - 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.
 - 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's No-Fault law.
- For non-resident applicants, a written appointment of a resident member of the bar of Michigan 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.
- Proof that the applicant is knowledgeable of the recommended safety requirements of NFPA 1123. This will be reviewed by the Charter Township of Van Buren Fire Department.

A 2/

OWNER'S AND APPLICANT'S AFFIDAVIT

Print Property Owner's Name
GREAT LAKES FIREWORKS, LLC
JASON LYNCH, AGENT

Signature of Property Owner
Jason Lynch
Signature of Applicant

Date
10/24/18
Date

Print Applicant's Name

Print Agent's Name

Signature of Agent

Date

STATE OF MICHIGAN
COUNTY OF Monroe

The undersigned, being duly sworn, deposes and says that the foregoing statements and answers herein contained and accompanied information and date are in all respects true and correct.

Subscribed and sworn before me this 24th day of October 20 18
Hollie N. Pendleton Notary Public, Monroe County, Michigan

My Commission expires 12-18-, 20 19

HOLLIE N. PENDLETON
Notary Public Monroe County, MI
My Commission Expires Dec. 18, 2019

THIS PORTION FOR OFFICIAL USE ONLY

STANDARDS OF REVIEW

Pursuant to Section 5 the Fireworks Safety Act Ordinance, a permit shall only be issued if the following standards are satisfied:

1. The permit application is complete and conforms to the requirements of the Ordinance.
2. The proposed discharge of fireworks shall not have an adverse effect upon public safety.
3. The time, duration, and location of fireworks will not unreasonably disturb the peace of neighboring property owners.

TOWNSHIP DEPARTMENT REVIEW

- Recommendation letter from the Planning and Economic Development Director, dated _____
- Recommendation letter from the Fire Department, dated _____
- Township Board of Trustees action to _____ the application on _____
Approve or Deny *Date*



**CHARTER TOWNSHIP OF VAN BUREN
APPLICATION FOR
TEMPORARY LAND USE/SPECIAL EVENT
46425 TYLER ROAD
BELLEVILLE, MI 48111**

I

DATE: OCTOBER 12, 2018

BUSINESS NAME: GREAT LAKES FIREWORKS, LLC

CONTACT PERSON: JASON LYNCH PHONE # 419-476-8808

SUPERVISOR FOR SITE: WILLIAM SHAFFER PHONE # 419-351-3111

EVENT TITLE: WINTER FEST 2018

TYPE OF EVENT: WINTER PARADE / FIREWORKS DATE(S): 12/1/2018

LOCATION OF EVENT: DENTON ROAD BRIDGE / VAN BUREN CHARTER TWP / BELLEVILLE

ADDRESS OF LOCATION: DENTON ROAD BRIDGE

PROPERTY OWNER REPRESENTATIVE: VAN BUREN CHARTER TWP / BELLEVILLE PHONE # 734-699-8900

ARE SIGNS PROPOSED FOR ADVERTISING: YES NO IF YES, INCLUDE LOCATIONS & DETAILS

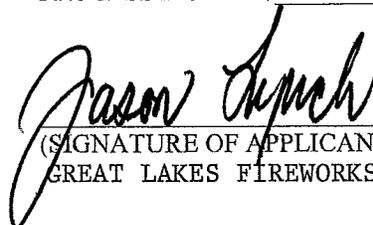
OTHER _____

IF OUTSIDE USE OF THE SITE IS PROPOSED SUBMIT DRAWING OF LAYOUT AND INCLUDE CRITERIA ITEMS (ATTACHED)

NOTES:
IF NOISE ABOVE 65 DB, ODOR, GLARE, SMOKE, VIBRATION ARE EXPECTED BEYOND THE PROPERTY BOUNDRIES PLEASE EXPLAIN IN SEPARATE LETTER.

ALL STRUCTURES INSTALLED FOR THE SPECIAL EVENT MUST BE REMOVED FROM SITE NO LATER THAN THREE (3) DAYS AFTER THE EVENT.

PROCESSING FEE \$ _____ BOND FEE \$ _____ TOTAL \$ _____



(SIGNATURE OF APPLICANT) JASON LYNCH (AGENT),
GREAT LAKES FIREWORKS, LLC

10/19/2018

(DATE SIGNED)

(APPROVED BY) (DATE SIGNED)

C 1/

In accordance with the provisions of Title XI, Organized Crime Control Act of 1970, and the regulations issued thereunder (27 CFR Part 555), you may engage in the activity specified in this license or permit within the limitations of Chapter 40, Title 18, United States Code and the regulations issued thereunder, until the expiration date shown. **THIS LICENSE IS NOT TRANSFERABLE UNDER 27 CFR 555.53.** See "WARNINGS" and "NOTICES" on reverse.

Direct ATF Correspondence To ATF - Chief, FELC 244 Needy Road Martinsburg, WV 25405-9431	License/Permit Number 4-MI-099-27-OL-01174
Chief, Federal Explosives Licensing Center (FELC) <i>Christopher R. Keers</i>	Expiration Date November 1, 2020
Name GREAT LAKES FIREWORKS LLC	

Premises Address (Changes? Notify the FELC at least 10 days before the move.)
24805 MARINE
EASTPOINTE, MI 48021-

Type of License or Permit
27-DEALER OF EXPLOSIVES

Purchasing Certification Statement
The licensee or permittee named above shall use a copy of this license or permit to assist a transferor of explosives to verify the identity and the licensed status of the licensee or permittee as provided by 27 CFR Part 555. The signature on each copy must be an original signature. A faxed, scanned or e-mailed copy of the license or permit with a signature intended to be an original signature is acceptable. The signature must be that of the Federal Explosives Licensee (FEL) or a responsible person of the FEL. I certify that this is a true copy of a license or permit issued to the licensee or permittee named above to engage in the business or operations specified above under "Type of License or Permit."

Mailing Address (Changes? Notify the FELC of any changes.)
GREAT LAKES FIREWORKS LLC
24805 MARINE
EASTPOINTE, MI 48021-

Licensee/Permittee/Responsible Person Signature	Position Title
Printed Name	Date

Previous Edition is Obsolete GREAT LAKES FIREWORKS LLC 24805 MARINE EASTPOINTE, MI 48021-4 MI-099-27-OL-01174 November 1, 2020 27-DEALER OF EXPLOSIVES ATF Form 5400.14 5400.15 Part J Revised October 2011

Federal Explosives License (FEL) Customer Service Information

Federal Explosives Licensing Center (FELC)
244 Needy Road
Martinsburg, WV 25405-9431
Toll-free Telephone Number: (877) 283-3352
Fax Number: (304) 616-4401
E-mail: FELC@atf.gov
ATF Homepage: www.atf.gov

Change of Address (27 CFR 555.54(a)(1)). Licensees or permittees may during the term of their current license or permit remove their business or operations to a new location at which they intend regularly to carry on such business or operations. The licensee or permittee is required to give notification of the new location of the business or operations not less than 10 days prior to such removal with the Chief, Federal Explosives Licensing Center. The license or permit will be valid for the remainder of the term of the original license or permit. **(The Chief, FELC, shall, if the licensee or permittee is not qualified, refer the request for amended license or permit to the Director of Industry Operations for denial in accordance with § 555.54.)**

Right of Succession (27 CFR 555.59). (a) Certain persons other than the licensee or permittee may secure the right to carry on the same explosive materials business or operations at the same address shown on, and for the remainder of the term of, a current license or permit. Such persons are: (1) The surviving spouse or child, or executor, administrator, or other legal representative of a deceased licensee or permittee; and (2) A receiver or trustee in bankruptcy, or an assignee for benefit of creditors. (b) In order to secure the right provided by this section, the person or persons continuing the business or operations shall furnish the license or permit for that business or operations for endorsement of such succession to the Chief, FELC, within 30 days from the date on which the successor begins to carry on the business or operations.

(Continued on reverse side)

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Federal Explosives License/Permit (FEL) Information Card	
License Permit Name:	GREAT LAKES FIREWORKS LLC
Business Name:	
License Permit Number:	4-MI-099-27-OL-01174
License Permit Type:	27-DEALER OF EXPLOSIVES
Expiration:	November 1, 2020
Please Note: Not Valid for the Sale or Other Disposition of Explosives.	

C 2/

In accordance with the provisions of Title XI, Organized Crime Control Act of 1970, and the regulations issued thereunder (27 CFR Part 555), you may engage in the activity specified in this license or permit within the limitations of Chapter 40, Title 18, United States Code and the regulations issued thereunder, until the expiration date shown. **THIS LICENSE IS NOT TRANSFERABLE UNDER 27 CFR 555.53.** See "WARNINGS" and "NOTICES" on reverse.

Direct ATF Correspondence To	ATF - Chief, FELC 244 Needy Road Martinsburg, WV 25405-9431	License Permit Number	4-MI-099-51-0L-01173
Chief, Federal Explosives Licensing Center (FELC)	<i>Christopher L. Keers</i>	Expiration Date	November 1, 2020

Name
GREAT LAKES FIREWORKS LLC

Premises Address (Changes? Notify the FELC at least 10 days before the move.) 24805 MARINE EASTPOINTE, MI 48021-
--

Type of License or Permit
51-IMPORTER OF EXPLOSIVES

Purchasing Certification Statement
The licensee or permittee named above shall use a copy of this license or permit to assist a transferor of explosives to verify the identity and the licensed status of the licensee or permittee as provided by 27 CFR Part 555. The signature on each copy must be an original signature. A faxed, scanned or e-mailed copy of the license or permit with a signature intended to be an original signature is acceptable. The signature must be that of the Federal Explosives Licensee (FEL) or a responsible person of the FEL. I certify that this is a true copy of a license or permit issued to the licensee or permittee named above to engage in the business or operations specified above under "Type of License or Permit."

Mailing Address (Changes? Notify the FELC of any changes.)

GREAT LAKES FIREWORKS LLC
24805 MARINE
EASTPOINTE, MI 48021-

Licensee/Permittee Responsible Person Signature	Position Title
Printed Name	Date

Previous Edition is Obsolete GREAT LAKES FIREWORKS LLC 24805 MARINE 48021, MI 48021-01173 November 1, 2020 51-IMPORTER OF EXPLOSIVES

ATF Form 5400.14-5400.15 Part 1
Revised October 2011

Federal Explosives License (FEL) Customer Service Information

Federal Explosives Licensing Center (FELC) 244 Needy Road Martinsburg, WV 25405-9431	Toll-free Telephone Number: (877) 283-3352 Fax Number: (304) 616-4401 E-mail: FELC@atf.gov	ATF Homepage: www.atf.gov
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Change of Address (27 CFR 555.54(a)(1)). Licensees or permittees may during the term of their current license or permit remove their business or operations to a new location at which they intend regularly to carry on such business or operations. The licensee or permittee is required to give notification of the new location of the business or operations not less than 10 days prior to such removal with the Chief, Federal Explosives Licensing Center. The license or permit will be valid for the remainder of the term of the original license or permit. **(The Chief, FELC, shall, if the licensee or permittee is not qualified, refer the request for amended license or permit to the Director of Industry Operations for denial in accordance with § 555.54.)**

Right of Succession (27 CFR 555.59). (a) Certain persons other than the licensee or permittee may secure the right to carry on the same explosive materials business or operations at the same address shown on, and for the remainder of the term of, a current license or permit. Such persons are: (1) The surviving spouse or child, or executor, administrator, or other legal representative of a deceased licensee or permittee; and (2) A receiver or trustee in bankruptcy, or an assignee for benefit of creditors. (b) In order to secure the right provided by this section, the person or persons continuing the business or operations shall furnish the license or permit for that business or operations for endorsement of such succession to the Chief, FELC, within 30 days from the date on which the successor begins to carry on the business or operations.

(Continued on reverse side)

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Federal Explosives License/Permit (FEL) Information Card	
License Permit Name:	GREAT LAKES FIREWORKS LLC
Business Name:	
License Permit Number:	4-MI-099-51-0L-01173
License Permit Type:	51-IMPORTER OF EXPLOSIVES
Expiration:	November 1, 2020
Please Note: Not Valid for the Sale or Other Disposition of Explosives.	

D 2/

2018 Permit for Fireworks Other than Consumer or Low Impact

Authority: 2011 PA 256	The Legislative Body of City, Village or Township Board will not discriminate against any individual or group because of race, sex, religion, age, national origin, color marital status, disability, or political beliefs. If you need assistance with reading, writing, hearing, etc., under the Americans with Disabilities Act, you may make your needs known to this Legislative Body of City, Village or Township Board.
------------------------	--

This permit is not transferable. Possession of this permit authorizes the herein named person to possess, transport and display fireworks in the amounts, for the purpose of and at the place listed below only through permit expiration date.

TYPE OF PERMIT(S) (Select all applicable boxes) <input type="checkbox"/> Agricultural or Wildlife Fireworks <input type="checkbox"/> Articles Pyrotechnic <input checked="" type="checkbox"/> Display Fireworks <input checked="" type="checkbox"/> Public Display <input type="checkbox"/> Private Display <input type="checkbox"/> Special Effects Manufactured for Outdoor Pest Control or Agricultural Purposes	FOR USE BY LEGISLATIVE BODY OF CITY, VILLAGE OR TOWNSHIP BOARD ONLY. PERMIT(S) EXPIRATION DATE (ENTER DATE OF EXPIRATION)
--	--

NAME OF PERSON PERMIT ISSUED TO WILLIAM SHAFFER	AGE OF APPLICANT (18 or over) <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
---	--

ADDRESS OF PERSON PERMIT ISSUED TO
15671 W. YEASTING RD ELMORE OH

NAME OF ORGANIZATION, GROUP, FIRM, OR CORPORATION
GREAT LAKES FIREWORKS, LLC FBO BELLEVILLE AREA CHAMBER OF COMMERCE

NUMBER AND TYPES OF FIREWORKS

192	3" AERIAL DISPLAY SHELLS
60	4" AERIAL DISPLAY SHELLS
6	MULTIPLE SHOT, BARRAGE-TYPE ITEMS (CAKES <3")

EXACT LOCATION OF DISPLAY
DENTON ROAD BRIDGE

CITY, VILLAGE, TOWNSHIP VAN BUREN CHARTER TOWNSHIP	DATE DECEMBER 1, 2018	TIME DUSK
--	---------------------------------	---------------------

BOND OR INSURANCE FILED <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	AMOUNT \$5 MILLION
--	------------------------------

Issued by action of the Legislative Body of a

city village township of _____ on the _____ day of _____

(Signature and Title of Legislative Body Representative)

*** THIS FORM IS VALID UNTIL THE DATE OF EXPIRATION OF PERMIT ***

GREAT LAKES FIREWORKS

**ITINERARY
DECEMBER 1, 2018 FIREWORKS DISPLAY**

BELLEVILLE, MI

Please Note: Great Lakes Fireworks must be permitted to follow all guidelines as set forth by the NFPA 1123 – as amended, in its entirety.

December 1, 2018

- | | |
|--------------|--|
| 11:30 AM | Great Lakes Fireworks arrival at discharge site, Denton Rd bridge and commence up in secure area of Hillside Cemetery. |
| 6:30 PM | Stop all traffic on roadway; block off with trucks at both ends of roadway (upon completion of parade) |
| 7:00-7:30 PM | Start show execution after parade, firing on command by Randy Brown; will use cell phone communication |
| 7:45 PM | About 10 minutes after the show is complete, the breakdown of equipment and upload truck will begin; also, search for duds on ground and in lake |
| 8:00 PM | Sweep roadway and pick up debris |
| 8:15 PM | Open road to traffic |

NOTE: Tentative time-line only, subject to review and approval by local AHJ.

D 4/



U.S. Department
of Transportation

Eastern Service Center
Operations Support Group
AJV-E2

1701 Columbia Ave.
College Park, GA 30337

REQUEST FOR FIREWORKS DISPLAY

Name of Fireworks Company and Email Address (To Send Approval Letters):

GREAT LAKES FIREWORKS c/o JLYNCH65@AOL.COM

Event Name: BELLEVILLE AREA CHAMBER OF COMMERCE FIREWORKS DISPLAY

Display Date: DECEMBER 1, 2017 Rain Date: N/A

Display Start Time: APPROX 7:00PM

Duration of Fireworks Display: APPROXIMATELY 15 MINUTES

Max Height of Fireworks < 300 FEET

City or Town and State (Physical Address): DENTON STREET BRIDGE, BELLEVILLE, MI

Latitude: 42.210523 (North) Longitude: -83.495373 (West)

Location or Special Notes: Annual fireworks display – same location as prior years

GREAT LAKE FIREWORKS

E

BELLEVILLE CHAMBER OF COMMERCE
BELLEVILLE, MICHIGAN

OCTOBER 11, 2018

SYNOPSIS

December 1, 2018

DESCRIPTION

QUANTITY

BODY OF PROGRAM

Three Inch Assorted Color Shells and Salutes	72
Four Inch Assorted Color Shells and Salutes	48

GRAND FINALE

Three Inch Assorted Color Shells and Salutes	120
Four Inch Assorted Color Shells and Salutes	12

LOW LEVEL

6 Multi-Shot Barrage Cakes Items < 3 Inch	approximately 600 shots
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This is an electrically-fired display conducted in accordance with NFPA 1123, as amended, subject to local rules and restrictions.

F 11

**GREAT LAKES FIREWORKS
FIREWORKS DISPLAY
DECEMBER 1, 2018
BELLEVILLE AREA CHAMBER OF COMMERCE**

**MAXIMUM SHELL SIZE: 4" (REQUIRES 280 FEET TABLE OF DISTANCE)
Display to be electrically fired in accordance with NFPA 1123, as amended.**

Statement: Fireworks display to be electrically-fired in accordance with NFPA 1123 and all state and local regulations and ordinances.

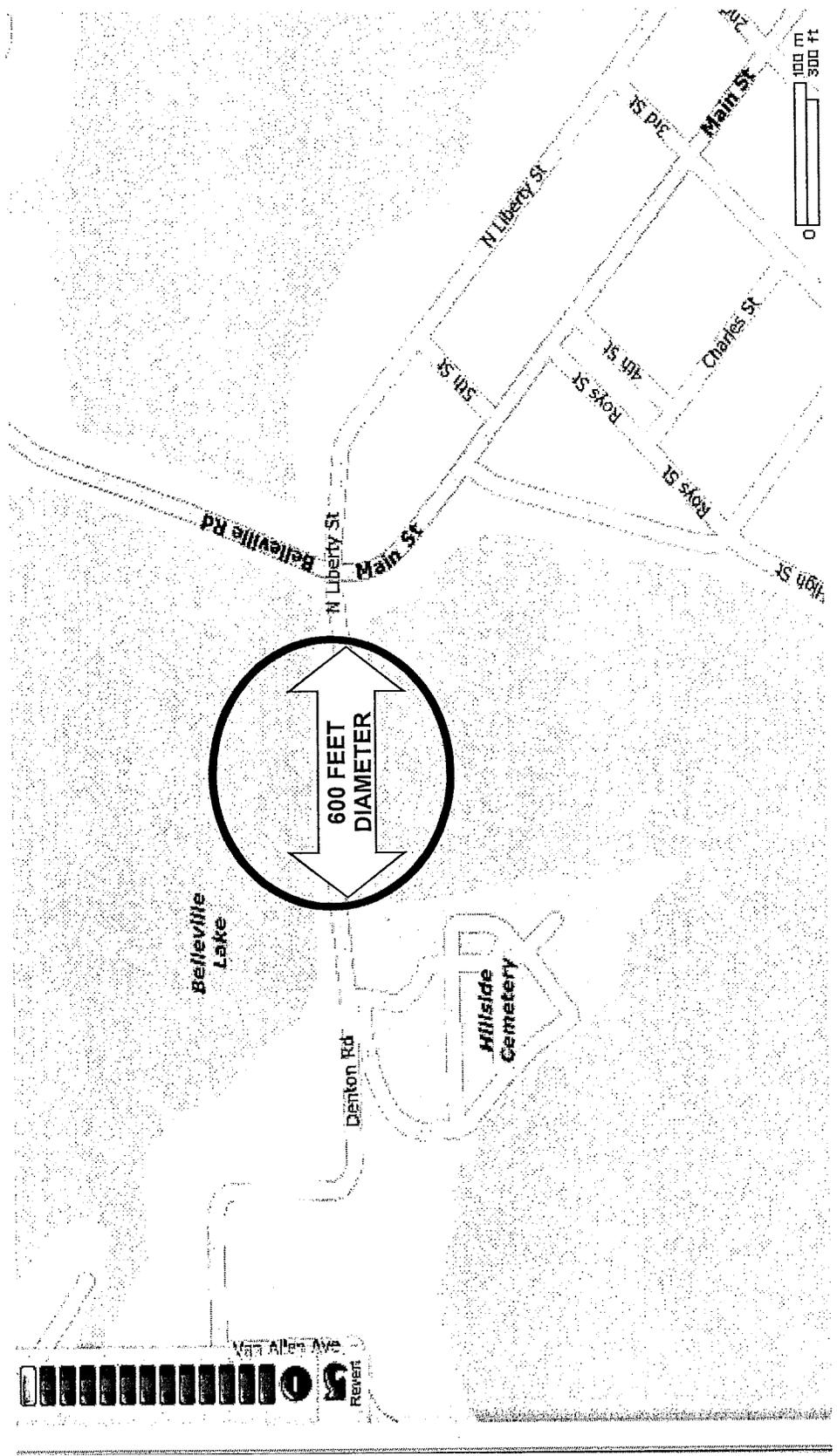


DIAGRAM AND FIRING SITE INFORMATION

(to accompany site diagram / map)

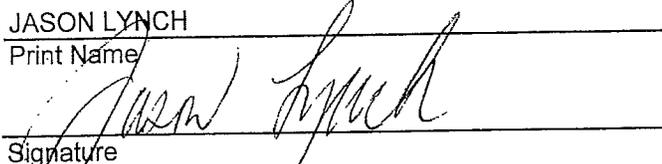
At Colonial Fireworks safety is our utmost concern, in order to provide that it is imperative that you supply us with a diagram and/or map of the display area. This will allow us to review the area and see where the spectators, parking areas and buildings will be in relationship to the firing site.

Below is a checklist that will assist you in completing the map and/or diagram. If the item listed does not apply - do not leave the space blank, please insert "N/A" - this will help us in determining if the omission was an oversight or that it really does not apply.

When completing the next section, please use distance in feet from the firing site to the following areas:

- | | |
|--|-------------------|
| 1) Spectators/Audience/Viewing Area | <u>350</u> feet |
| 2) Parking Areas | > <u>350</u> feet |
| 3) Occupied Buildings | > <u>350</u> feet |
| 4) Public Buildings (schools, hospitals, etc.) | <u>N/A</u> feet |
| 5) Explosive/Toxics, Gasoline Pumps, etc. | <u>N/A</u> feet |
| 6) Temporary Event Set-ups (Tents, rides, etc.) | <u>N/A</u> feet |
| 7) Highways, Streets, Roads | > <u>350</u> feet |
| 8) Obstructions Overhead (Power lines, lights, etc.) | <u>N/A</u> feet |
| 9) Active Railroads | <u>N/A</u> feet |

I have completed the above information to the best of my knowledge.

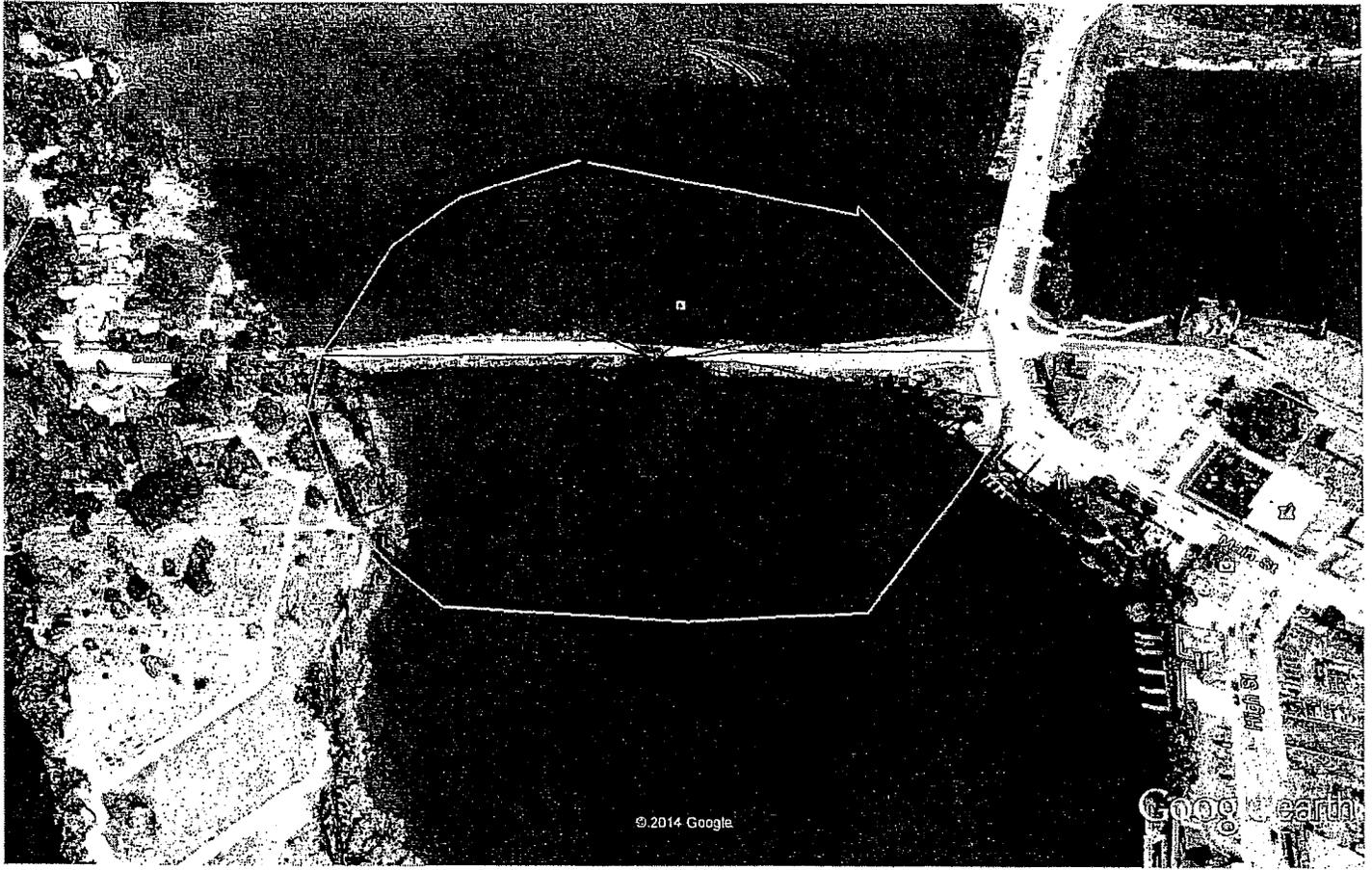
JASON LYNCH
Print Name

Signature

WINTERFEST
BELLEVILLE AREA CHAMBER OF COMMERCE
Event Name
Date 10/11/18

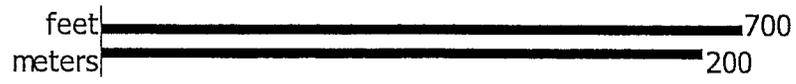
Safe shows are a result of proper planning. As always, it is our goal to provide you with the best display for your event dollar, with safety being out number one concern.

GPS or Lats / Longs if known: _____

F 41



Google earth



GREAT LAKES FIREWORKS

H 11

24805 Marine • Eastpointe, MI 48021 • Office: (586) 779-8062 • Fax: (586) 779- 8439 • www.greatlakesfireworks.com

LEAD PYROTECHNICIAN

WILLIAM SHAFFER
15761 WEST YEASTING RD
ELMORE, OH 43416

D.O.B. JANUARY 18, 1949

Mr. Shaffer has over 37 years of experience as a pyrotechnician. He has experience in electronic, electrical, and manual firing. He is experienced in all manner of fireworks displays including barge, rooftop, indoor and outdoor displays in many venues throughout Michigan and Ohio.

Following are some of Mr. Shaffer's displays include the following:

- Southeast Michigan Antique Tractor & Engine Association
- Winterfest – Belleville, MI
- Lenawee County Fair, Lenawee, MI
- Ida, MI
- Belleville, MI
- Rochester, MI
- Upper Arlington, OH
- Mt. Gilead, OH
- Elmore, OH
- Galion, OH
- Candlewood Lake Association, Mt. Gilead, OH
- Deshler, OH
- Walbridge, OH

Mr. Shaffer has fired over 150 fireworks displays and has an outstanding safety record. He is a lead instructor and Training Officer in our Annual Pyrotechnicians' Shooter/Safety Seminar.

Mr. Shaffer is licensed Exhibitor with the State of Ohio and has a Commercial Drivers License with a hazardous materials (haz-mat) endorsement. Mr. Shaffer has also been cleared by the ATF as required by the 2003 U.S. Patriot Act.

H 2/



Ohio Division of State Fire Marshal, Bureau of Testing & Registration

Lookup Detail View**Contact Information**

Name	Address
WILLIAM SHAFFER	ELMORE, OH 43416 Work Number: (419) 332-6401

Credential Information

Credential	License Type	Expiration Date	Status	Reason
56.62.0008	Fireworks - Exhibitor	04/01/2019	ACTIVE	ACTIVE

Categories

Category	Status	Date Added
Fireworks and Pyrotechnics - NFPA 1123 and 1126	Active	03/06/1997

Generated on: 10/11/2018 4:48:09 PM

David C. McNally II
Fire Marshal
O: 734-699-8900 ext9416

Van Buren Fire Department
46425 Tyler Rd
Van Buren Twp., MI 48111



To: Director Best
From: Fire Marshal David McNally
Date: 10-29-2018

Re: Great Lakes Fireworks LLC.
18-033

I have reviewed the submitted plan for the Belleville Area Chamber of Commerce fireworks display.

Per the plan submitted, I find that this plan is compliant and acceptable when the items listed below are met in accordance with the respective NFPA 1 and NFPA 1123 codes.

1. Minimum diameter for 4 inch shells is 560 ft. The center point of the show shall be just west of the concrete bridge.
NFPA 1123 5.1.3.1
2. Any time the fireworks or pyrotechnic materials are on location, they shall not be left unattended or unsecured
NFPA 1123 7.5.7.2
3. During the display, approved support personnel (FD&PD) shall be positioned to visually observe the roofs of any structures with in the fallout area.
NFPA 1123 7.6.4.1
4. The approved support personnel shall be in communication with the shooter and the fire service assigned to the display.
NFPA 1123 7.6.4.2

Our Mission: The members of the Van Buren Fire Department shall work together in a professional and caring way to protect life and property from the adverse effects of fire, trauma, illness and dangerous conditions. Our services will be provided in a fair, honest, and ethical manner with the highest respect and dignity to all.

5. During the display, **(two-way)** voice communication shall be present on site from which fireworks and other pyrotechnic materials are being discharged with communication between each shooter, the operator and the AHJ.

NFPA 1123 7.6.5

6. Monitors shall be positioned around the display site to prevent spectators or any other unauthorized persons from entering the discharge site.

NFPA 1123 8.1.2.1

7. Only the operator, authorized assistants and inspectors representing the AHJ shall be permitted in the display site while the display is in progress

NFPA 1123 8.1.3.2

8. The operator shall have primary responsibility for safety.

NFPA 1123 8.1.3*

9. Denton Rd West of Hillside cemetery entrance along with Main/Denton access points will need to be blocked with fire apparatus to cover any fire that might occur on either side of the display area during the event.

AHJ

10. Dispatch shall be notified 5 minutes prior to beginning of display.

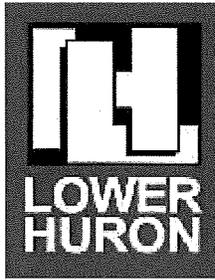
AHJ

This review does not relieve Great Lakes LLC, from following all applicable parts of NFPA 1123 pertaining to their display permit request.

Respectfully Submitted,

David C. McInally

Fire Marshal



Remit To:	Invoice 428231	Date 30-Oct-2018
LOWER HURON SUPPLY CO.	PO Number 18-028	\$499.00
5595 TREADWELL	Order Date 30-Oct-2018	
P.O. BOX 459	Ship Date 30-Oct-2018	
WAYNE, MI 48184	Terms NET 30	
1-734-721-3601	Due Date 29-Nov-2018	
1-734-721-3622	Carrier cpu	

Bill To:	Ship To:
VAN BUREN TOWNSHIP 46425 TYLER ROAD BELLEVILLE MI 48111	VAN BUREN TOWNSHIP HALL 46425 TYLER RD BELLEVILLE MI 48111

Description	Item Code	Ordered	Shipped	B/O	Price Tax	Amount
1980 SCOTT SCOTTFOLD M TOWEL	KC01980	10	10	0	47.68 N	\$476.80
A SERVICE CHARGE OF 1.5%/MONTH (18%/YR) WILL BE CHARGED ON ALL PAST DUE ACCOUNTS						Merch Total \$476.80
						Taxable Sales \$0.00
						6.0% Sales Tax \$0.00
Salesman JIM						\$0.00
Cust Acct VANBU110						Ship/Handling \$0.00
PAYMENT IS DUE 30 DAYS FROM INVOICE DATE						Ppd Deposit \$0.00
RETURNS SUBJECT TO 20% RESTOCKING CHARGE						Total Due \$476.80

Charter Township of Van Buren

REQUEST FOR BOARD ACTION

Agenda Item: _____

WORK STUDY MEETING DATE: 11/13/18

1ST READING: N/A

2ND READING: N/A

Consent Agenda _____

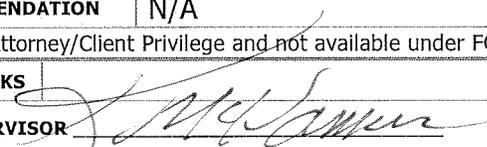
New Business _____

Unfinished Business _____

Public Hearing _____

ITEM (SUBJECT)	Presentation on Options Regarding Recreational Marihuana Businesses.
DEPARTMENT	Planning & Economic Development
PRESENTER	Ron Akers, AICP – Director of Planning & Economic Development
PHONE NUMBER	734-699-8913
INDIVIDUALS IN ATTENDANCE (OTHER THAN PRESENTER)	N/A

Agenda topic

ACTION REQUESTED	Presentation on Options Regarding Recreational Marihuana Businesses.	
BACKGROUND – (SUPPORTING AND REFERENCE DATA, INCLUDE ATTACHMENTS)	Please see attached.	
BUDGET IMPLICATION	None	
IMPLEMENTATION NEXT STEP	N/A	
DEPARTMENT RECOMMENDATION	N/A	
COMMITTEE/COMMISSION RECOMMENDATION	N/A	
ATTORNEY RECOMMENDATION	N/A	
(May be subject to Attorney/Client Privilege and not available under FOIA)		
ADDITIONAL REMARKS		
APPROVAL OF SUPERVISOR		

Senate Fiscal Agency



NOVEMBER
2018
BALLOT PROPOSAL
18-1

An Overview

Prepared by
Jeffrey Mann,
Associate Director;
Bruce Baker, Ryan Bergan, Abbey Frazier,
Elizabeth Raczkowski, Cory Savino, and
Josh Sefton, Fiscal Analysts;
and
David Zin, Chief Economist

Ellen Jeffries, Director

Phone (517) 373-2768

<http://www.senate.michigan.gov/sfa>



On November 6, 2018, Michigan voters will have the opportunity to vote on Proposal 18-1, which would allow under State law the personal possession and use of marijuana by individuals 21 years of age or older. The result of a petition to initiate legislation, Proposal 18-1 will appear on the ballot as follows:

A proposed initiated law to authorize and legalize possession, use and cultivation of marijuana products by individuals who are at least 21 years of age and older, and commercial sales of marijuana through state-licensed retailers.

This proposal would:

- Allow individuals 21 and older to purchase, possess and use marijuana and marijuana-infused edibles, and grow up to 12 marijuana plants for personal consumption.
- Impose a 10-ounce limit for marijuana kept at residences and require amounts over 2.5 ounces be secured in locked containers.
- Create a state licensing system for marijuana businesses and allow municipalities to ban or restrict them.
- Permit retail sales of marijuana and edibles subject to a 10% tax, dedicated to implementation costs, clinical trials, schools, roads, and municipalities where marijuana businesses are located.
- Change several current violations from crimes to civil infractions.

Should this proposal be adopted?

If a majority of the electors vote "yes" on Proposal 18-1, the "Michigan Regulation and Taxation of Marijuana Act" will be enacted.

Current State and Federal Law

Under Article 7 (Controlled Substances) of the Public Health Code, marijuana, except that used for the purpose of treating a debilitating medical condition under the Michigan Medical Marijuana Act (MMMA), is listed as a Schedule 1 controlled substance, which means that it has high potential for abuse and has no accepted medical use in treatment in the United States or lacks accepted safety for use in treatment under medical supervision. Marijuana used to treat a debilitating medical condition is listed as a Schedule 2 controlled substance. Under the Code, manufacturing, creating, or delivering marijuana or possessing it with intent to manufacture, create, or deliver it is a felony. Knowingly or intentionally possessing marijuana, or using it, is a misdemeanor.

The MMMA, which was approved by the voters in 2008, allows qualifying patients to possess up to 2.5 ounces of marijuana (and 12 plants), and to use it for medicinal purposes. In 2016, the Legislature modified the medical marijuana framework in Michigan by enacting the Medical Marijuana Facilities Licensing Act (MMFLA). The MMFLA established, among other things, the Medical Marijuana Licensing Board and license categories for entities that grow, process, transport, test, and sell medical marijuana.

At the Federal level, marijuana is listed as a Schedule 1 drug, and the Federal government prohibits, and prescribes criminal penalties for, the importation, exportation, manufacture, distribution, possession, and use of marijuana.

The Proposal

Individual Conduct. The proposal would allow an individual 21 years of age or older to do any of the following:

- Possess, use, consume, purchase, transport, or process 2.5 ounces or less of marijuana.
- Within his or her residence, possess, store, and process not more than 10 ounces and any marijuana produced by plants cultivated on the premises, and cultivate not more than 12 plants

- for personal use, provided that no more than 12 plants were possessed, cultivated, or processed at once.
- Transfer without remuneration up to 2.5 ounces to an individual 21 years of age or older, if the transfer were not advertised or promoted to the public.
 - Use, manufacture, possess, and purchase marijuana accessories.

The proposal would prescribe civil and criminal penalties for violations.

An employer would not have to allow or accommodate conduct authorized under the proposal in a workplace or on an employer's property. The proposed Act would not prohibit an employer from disciplining an employee or refusing to hire a candidate for violation of a workplace drug policy or for working under the influence of marijuana.

Municipalities. The proposal would allow a municipality to prohibit or limit the number of marijuana establishments within its boundaries. Individuals could petition to initiate an ordinance to provide for the number of marijuana establishments allowed, or to prohibit marijuana establishments within, a municipality. The proposed ordinance would appear on the next general election ballot if the petition received a sufficient number of signatures.

A municipality also could adopt other ordinances establishing reasonable restrictions on signage, or time, place, and manner restrictions, provided they were not unreasonably impracticable and did not conflict with the Act or its rules.

Department of Licensing and Regulatory Affairs (LARA). The Department would be responsible for implementing the Act. Among other things, LARA would have to promulgate rules establishing procedures for issuing a State license, establishing a schedule of fees, and prescribing qualifications for licensure.

The Department would have to begin accepting applications for marijuana establishments within 12 months after the Act's effective date. For 24 months after it began accepting applications, LARA could accept applications only from specified entities. After receiving the application and the application fee, LARA would have to forward a copy of the application to the municipality where the establishment would be located, determine whether the applicant and premises qualified for the license, and issue the license or send the applicant a notice of rejection within 90 days.

The Department would have to issue the following license types:

- Marijuana retailer-could purchase marijuana from marijuana establishments, and sell it to other establishments or individuals 21 years of age or older.
- Marijuana safety compliance facility-could test marijuana for potency, contaminants.
- Marijuana secure transporter could obtain marijuana from marijuana establishments to transport it to other establishments.
- Marijuana processor-could obtain marijuana from marijuana establishments, process and package it, and sell or transfer it to other marijuana establishments.
- Marijuana microbusiness- could cultivate up to 150 plants, process and package marijuana, and sell it to individuals 21 years of age or older.
- Marijuana grower- could cultivate marijuana and sell it to establishments; Class A-up to 100 plants; Class B-up to 500 plants; Class C-up to 2,000 plants.

Proposal 18-1 also would establish a process through which an applicant would apply to a municipality for a license if, beginning a year after the Act's effective date, the Department did not timely promulgate rules or accept or process applications.

Excise Tax & Distribution. In addition to all other taxes, marijuana retailers and microbusinesses would have to pay an excise tax of 10% on the sales price of marijuana transferred to anyone other than a marijuana establishment. The Department would have to spend the money collected

first for implementation, administration, and enforcement, and next, for at least two years, \$20.0 million each year to one or more clinical trials researching the efficacy of marijuana in treating veterans and preventing veteran suicide. The unspent balance would have to be allocated as follows:

- 15% to municipalities in which a marijuana retail store or microbusiness was located, allocated in proportion to the number of those establishments within the municipality.
- 15% to counties in which a marijuana retail store or microbusiness was located, allocated in proportion to the number of those establishments within the county.
- 35% to the School Aid Fund for K-12 education.
- 35% to the Michigan Transportation Fund for repair and maintenance of roads and bridges.

Discussion

Proponents of Proposal 18-1 contend that prohibition efforts have cost billions of dollars and have failed to reduce the possession, sale, and use of marijuana. According to *The War on Marijuana in Black and White*, a 2013 American Civil Liberties Union (ACLU) report, several hundred thousand individuals are arrested for possession of marijuana each year. The same report indicates that in 2010, Michigan spent roughly \$91.4 million on these efforts. Despite these arrests, proponents note that marijuana use has remained relatively constant.

Proponents note that these efforts are to control a substance that is safer than other substances that can be purchased legally. According to the Trust for American's Health, in 2015, Michigan's alcohol-induced death rate was 9.9 per 100,000 (ignoring alcohol-attributable deaths related to injury and violence). Preliminary data from the Michigan Department of Health and Human Services shows that, of the 2,729 overdose deaths in Michigan in 2017, over 1,900 were from opioids. In contrast, there have been no recorded deaths resulting from an overdose on marijuana. Moreover, proponents state that several studies have shown positive associations between legalized recreational marijuana and a reduction in opioid-related deaths. Legalizing marijuana and taxing it would save money on enforcement efforts, and allow police to focus on more important public safety issues.

Opponents of legalization maintain that Proposal 18-1, if passed, would contribute to decreased public safety. Driving under the influence of alcohol and/or drugs (including marijuana) impairs an individual's ability to drive safely. Increased availability of marijuana, opponents claim, would increase the numbers of individuals who drive while impaired. Few reliable tools exist to determine when someone is impaired from marijuana use. Also, according to opponents, the legalization of marijuana likely would not reduce costs for public safety. In states that have legalized marijuana, law enforcement agencies have reported increases in public consumption of marijuana, illegal grow operations, property crimes, and drug trafficking.

Proposal 18-1 also could have negative impacts on public health. According to the National Academies of Sciences, Engineering, and Medicine, marijuana poses a number of possible health risks, including respiratory issues (if smoked), negative effects on mental health (such as schizophrenia or psychosis), negative impacts on fetal health, and an impaired ability to operate heavy machinery or automobiles.

Opponents of the proposal also contend that legalization would have a negative impact on the labor force and businesses. Employers often test job candidates for drugs because it is required under State or Federal law for the position in question, or because their insurance provider requires it. An impaired individual at work is a risk to his or her fellow employees, and a liability to his or her employer if that person's impairment causes an injury, property damage, or death. If more people consumed marijuana, it would be harder to find individuals who could pass a drug test. This would make it more difficult to find qualified applicants for positions. Conversely, if a business that was not bound by law to test opted not to do so, then it could see increased insurance costs from implementing such a policy.

Fiscal Impact

LARA. The initiated law would have a significant but indeterminate fiscal impact on LARA. The Department would use existing staff and resources currently directed towards the administration and enforcement of the MMMA and the MMFLA to begin implementation, including management of applications for licensing. The Department anticipates a need for an additional 27.0 full-time equated positions (FTEs) at an estimated cost of \$2.5 million. In addition, implementation and administration of the proposal would require increased information technology (IT) expenditures and additional facility space for associated operations. Funding for operations likely would be derived from licensing and other fees. Analyses of recreational marijuana legalization in other states suggest that revenue would be sufficient to fund recreational marijuana-related operations within LARA.

Department of State Police. Proposal 18-1 would require the MSP to cooperate with and assist LARA in conducting background investigations of applicants, the amount of effort and cost of which cannot be determined at this time. It also is unknown whether the proposal's adoption would result in a net increase or decrease in resource demands on law enforcement. For example, if marijuana were legalized, there would be the potential for increased incidences of impaired driving (which could require more patrols and arrests). Alternatively, there likely would be fewer arrests for adult possession and use of marijuana. These and other effects of legalization would depend on, among other things, individual behavior and whether legalization resulted in increased availability of marijuana. These and other variables make it difficult to project with any accuracy the fiscal impact of Proposal 18-1 on the MSP.

Judiciary & Department of Corrections. Proposal 18-1 could have a positive fiscal impact on State and local government. Fewer felony arrests and convictions could decrease resource demands on court systems, community supervision, jails, and correctional facilities. In 2016, 199 people were sentenced to prison for a marijuana-related felony conviction, and 3,620 were sentenced to jail, probation, or a combination of both. For any decrease in prison intakes, in the short term, the marginal cost to State government is approximately \$5,315 per prisoner per year. The average cost to State government for felony probation supervision is approximately \$3,024 per probationer per year. Any associated decrease in fine revenue would decrease funding to public libraries.

Department of Treasury. Adoption of Proposal 18-1 would result in additional administrative costs to the Department of Treasury. According to the Department, the costs would include IT and tax processing costs. The IT costs would include one-time implementation costs of over \$1.9 million to set up the new tax system and \$1.2 million in ongoing costs to support 4.0 FTEs in the Department of Technology, Management, and Budget, and to manage the tax flow. Because the recreational marijuana industry is primarily cash-based, additional support and staff would be necessary for the tax process and business service units within the Department of Treasury. These costs would depend on the volume of sales, and would start with 12.0 FTEs and \$1.75 million and remain at that level if the volume of sales were low, but could be as high as 22.0 FTEs and \$3.1 million.

The table below shows revenue projections from the sales tax, excise tax, and fees levied under the initiated law. The estimates are based upon per capita sales data from states that have adopted similar laws, and account for a provision of the MMFLA that eliminates the current 3% tax on provisioning centers should recreational marijuana be legalized. Differences in the degree of establishment of the medical marijuana industry as well as cultural, social, and economic factors between states likely will result in significant differences for the revenue collected. The impact presumes a one-year time frame for initial implementation activities.

Estimates of Revenue and Distributions, FY 2019-20 - FY 2022-23 (millions)				
	2019-20	2020-21	2021-22	2022-23
Sales Tax Revenue	\$ 35.5	\$ 66.5	\$ 98.9	\$ 105.6
School Aid Fund	26.0	48.7	72.5	77.4
Constitutional Revenue Sharing	3.6	6.6	9.9	10.6
General Fund/General Purpose	5.9	11.1	16.5	17.6
Marihuana Regulation Fund (MRF)	\$ 64.0	\$ 114.4	\$ 167.2	\$ 182.3
Excise Tax Revenue	53.8	100.7	149.9	160.0
License Application Fee Revenue	10.2	13.7	17.3	22.3
Distribution:				
Administration/Enforcement	\$ 2.5	\$ 2.6	\$ 2.7	\$ 2.8
Research	20.0	20.0	20.0	-
Counties	6.2	13.8	21.7	26.9
Municipalities	6.2	13.8	21.7	26.9
School Aid Fund	14.5	32.1	50.6	62.8
Michigan Transportation Fund	14.5	32.1	50.6	62.8
Total MRF Distribution	\$ 64.0	\$ 114.4	\$ 167.2	\$ 182.3
Medical Marihuana Excise Fund	\$ (22.4)	\$ (23.5)	\$ (24.7)	\$ (25.9)
1st Responder Presumed Coverage	(6.7)	(7.1)	(7.4)	(7.8)
Counties	(6.7)	(7.1)	(7.4)	(7.8)
Municipalities	(5.6)	(5.9)	(6.2)	(6.5)
Sheriffs	(1.1)	(1.2)	(1.2)	(1.3)
MCOLES	(1.1)	(1.2)	(1.2)	(1.3)
State Police	(1.1)	(1.2)	(1.2)	(1.3)
Total Med Marihuana Excise Distribution	\$ (22.4)	\$ (23.5)	\$ (24.7)	\$ (25.9)
Total Revenue	\$ 77.1	\$ 157.4	\$ 241.4	\$ 262.0

Local Governments. The proposal could have a negative fiscal impact on local units that prohibited marijuana establishments, or had no establishments within their boundaries, if those local units currently have medical marijuana provisioning centers, as they would lose excise tax revenue tied to those centers. Municipalities that did have marijuana establishments likely would see a positive fiscal impact.

Each municipality would be allowed to charge an annual fee of up to \$5,000 per establishment to defray the application, administrative, and enforcement costs associated with the operation of the marijuana establishments. In addition, municipalities would receive 15% of the unspent balance of the Marihuana Regulation Fund in proportion to the number of retail stores and microbusinesses within the municipality. Counties with those establishments also would receive 15% of the unspent balance of the Fund in proportion to the number of those establishments within the county. Cities, villages, and townships also would see additional revenue from the projected increase in constitutional revenue sharing.

INITIATION OF LEGISLATION

An initiation of legislation to allow under state law the personal possession and use of marihuana by persons 21 years of age or older; to provide for the lawful cultivation and sale of marihuana and industrial hemp by persons 21 years of age or older; to permit the taxation of revenue derived from commercial marihuana facilities; to permit the promulgation of administrative rules; and to prescribe certain penalties for violations of this act.

The people of the State of Michigan enact:

Sec. 1. This act shall be known and may be cited as the Michigan Regulation and Taxation of Marihuana Act.

Sec. 2. The purpose of this act is to make marihuana legal under state and local law for adults 21 years of age or older, to make industrial hemp legal under state and local law, and to control the commercial production and distribution of marihuana under a system that licenses, regulates, and taxes the businesses involved. The intent is to prevent arrest and penalty for personal possession and cultivation of marihuana by adults 21 years of age or older; remove the commercial production and distribution of marihuana from the illicit market; prevent revenue generated from commerce in marihuana from going to criminal enterprises or gangs; prevent the distribution of marihuana to persons under 21 years of age; prevent the diversion of marihuana to illicit markets; ensure the safety of marihuana and marihuana-infused products; and ensure security of marihuana establishments. To the fullest extent possible, this act shall be interpreted in accordance with the purpose and intent set forth in this section.

Sec. 3. As used in this act:

- (a) "Cultivate" means to propagate, breed, grow, harvest, dry, cure, or separate parts of the marihuana plant by manual or mechanical means.
- (b) "Department" means the department of licensing and regulatory affairs.
- (c) "Industrial hemp" means a plant of the genus *cannabis* and any part of that plant, whether growing or not, with a delta-9 tetrahydrocannabinol concentration that does not exceed 0.3% on a dry-weight basis, or per volume or weight of marihuana-infused product, or the combined percent of delta-9-tetrahydrocannabinol and tetrahydrocannabinolic acid in any part of the plant of the genus *cannabis* regardless of moisture content.
- (d) "Licensee" means a person holding a state license.
- (e) "Marihuana" means all parts of the plant of the genus *cannabis*, growing or not; the seeds of the plant; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant or its seeds or resin, including marihuana concentrate and marihuana-infused products. For purposes of this act, marihuana does not include:
 - (1) the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks, except the resin extracted from those stalks, fiber, oil, or cake, or any sterilized seed of the plant that is incapable of germination;
 - (2) industrial hemp; or
 - (3) any other ingredient combined with marihuana to prepare topical or oral administrations, food, drink, or other products.
- (f) "Marihuana accessories" means any equipment, product, material, or combination of equipment, products, or materials, which is specifically designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, storing, containing, ingesting, inhaling, or otherwise introducing marihuana into the human body.
- (g) "Marihuana concentrate" means the resin extracted from any part of the plant of the genus *cannabis*.
- (h) "Marihuana establishment" means a marihuana grower, marihuana safety compliance facility, marihuana processor, marihuana microbusiness, marihuana retailer, marihuana secure transporter, or any other type of marihuana-related business licensed by the department.
- (i) "Marihuana grower" means a person licensed to cultivate marihuana and sell or otherwise transfer marihuana to marihuana establishments.
- (j) "Marihuana-infused product" means a topical formulation, tincture, beverage, edible substance, or similar product containing marihuana and other ingredients and that is intended for human consumption.
- (k) "Marihuana microbusiness" means a person licensed to cultivate not more than 150 marihuana plants; process and package marihuana; and sell or otherwise transfer marihuana to individuals who are 21 years of age or older or to a marihuana safety compliance facility, but not to other marihuana establishments.
- (l) "Marihuana processor" means a person licensed to obtain marihuana from marihuana establishments; process and package marihuana; and sell or otherwise transfer marihuana to marihuana establishments.
- (m) "Marihuana retailer" means a person licensed to obtain marihuana from marihuana establishments and to sell or otherwise transfer marihuana to marihuana establishments and to individuals who are 21 years of age or older.
- (n) "Marihuana secure transporter" means a person licensed to obtain marihuana from marihuana establishments in order to transport marihuana to marihuana establishments.
- (o) "Marihuana safety compliance facility" means a person licensed to test marihuana, including certification for potency and the presence of contaminants.
- (p) "Municipal license" means a license issued by a municipality pursuant to section 16 of this act that allows a person to operate a marihuana establishment in that municipality.
- (q) "Municipality" means a city, village, or township.
- (r) "Person" means an individual, corporation, limited liability company, partnership of any type, trust, or other legal entity.
- (s) "Process" or "Processing" means to separate or otherwise prepare parts of the marihuana plant and to compound, blend, extract, infuse, or otherwise make or prepare marihuana concentrate or marihuana-infused products.
- (t) "State license" means a license issued by the department that allows a person to operate a marihuana establishment.
- (u) "Unreasonably impracticable" means that the measures necessary to comply with the rules or ordinances adopted pursuant to this act subject licensees to unreasonable risk or require such a high investment of money, time, or any other resource or asset that a reasonably prudent businessperson would not operate the marihuana establishment.

Sec. 4. 1. This act does not authorize:

- (a) operating, navigating, or being in physical control of any motor vehicle, aircraft, snowmobile, off-road recreational vehicle, or motorboat while under the influence of marihuana;
 - (b) transfer of marihuana or marihuana accessories to a person under the age of 21;
 - (c) any person under the age of 21 to possess, consume, purchase or otherwise obtain, cultivate, process, transport, or sell marihuana;
 - (d) separation of plant resin by butane extraction or another method that utilizes a substance with a flashpoint below 100 degrees Fahrenheit in any public place, motor vehicle, or within the curtilage of any residential structure;
 - (e) consuming marihuana in a public place or smoking marihuana where prohibited by the person who owns, occupies, or manages the property, except for purposes of this subdivision a public place does not include an area designated for consumption within a municipality that has authorized consumption in designated areas that are not accessible to persons under 21 years of age;
 - (f) cultivating marihuana plants if the plants are visible from a public place without the use of binoculars, aircraft, or other optical aids or outside of an enclosed area equipped with locks or other functioning security devices that restrict access to the area;
 - (g) consuming marihuana while operating, navigating, or being in physical control of any motor vehicle, aircraft, snowmobile, off-road recreational vehicle, or motorboat, or smoking marihuana within the passenger area of a vehicle upon a public way;
 - (h) possessing marihuana accessories or possessing or consuming marihuana on the grounds of a public or private school where children attend classes in preschool programs, kindergarten programs, or grades 1 through 12, in a school bus, or on the grounds of any correctional facility; or
 - (i) Possessing more than 2.5 ounces of marihuana within a person's place of residence unless the excess marihuana is stored in a container or area equipped with locks or other functioning security devices that restrict access to the contents of the container or area.
2. This act does not limit any privileges, rights, immunities, or defenses of a person as provided in the Michigan medical marihuana act, 2008 IL 1, MCL 333.26421 to 333.26430, the medical marihuana facilities licensing act, 2016 PA 281, MCL 333.27101 to 333.27801, or any other law of this state allowing for or regulating marihuana for medical use.
3. This act does not require an employer to permit or accommodate conduct otherwise allowed by this act in any workplace or on the employer's property. This act does not prohibit an employer from disciplining an employee for violation of a workplace drug policy or for working while under the influence of marihuana. This act does not prevent an employer from refusing to hire, discharging, disciplining, or otherwise taking an adverse employment action against a person with respect to hire, tenure, terms, conditions, or privileges of employment because of that person's violation of a workplace drug policy or because that person was working while under the influence of marihuana.
4. This act allows a person to prohibit or otherwise regulate the consumption, cultivation, distribution, processing, sale, or display of marihuana and marihuana accessories on property the person owns, occupies, or manages, except that a lease agreement may not prohibit a tenant from lawfully possessing and consuming marihuana by means other than smoking.
5. All other laws inconsistent with this act do not apply to conduct that is permitted by this act.

Sec. 5. 1. Notwithstanding any other law or provision of this act, and except as otherwise provided in section 4 of this act, the following acts by a person 21 years of age or older are not unlawful, are not an offense, are not grounds for seizing or forfeiting property, are not grounds for arrest, prosecution, or penalty in any manner, are not grounds for search or inspection, and are not grounds to deny any other right or privilege:

- (a) except as permitted by subdivision (b), possessing, using or consuming, internally possessing, purchasing, transporting, or processing 2.5 ounces or less of marihuana, except that not more than 15 grams of marihuana may be in the form of marihuana concentrate;
- (b) within the person's residence, possessing, storing, and processing not more than 10 ounces of marihuana and any marihuana produced by marihuana plants cultivated on the premises and cultivating not more than 12 marihuana plants for personal use, provided that no more than 12 marihuana plants are possessed, cultivated, or processed on the premises at once;
- (c) assisting another person who is 21 years of age or older in any of the acts described in this section; and
- (d) giving away or otherwise transferring without remuneration up to 2.5 ounces of marihuana, except that not more than 15 grams of marihuana may be in the form of marihuana concentrate, to a person 21 years of age or older, as long as the transfer is not advertised or promoted to the public.

2. Notwithstanding any other law or provision of this act, except as otherwise provided in section 4 of this act, the use, manufacture, possession, and purchase of marihuana accessories by a person 21 years of age or older and the distribution or sale of marihuana accessories to a person 21 years of age or older is authorized, is not unlawful, is not an offense, is not grounds for seizing or forfeiting property, is not grounds for arrest, prosecution, or penalty in any manner, and is not grounds to deny any other right or privilege.

3. A person shall not be denied custody of or visitation with a minor for conduct that is permitted by this act, unless the person's behavior is such that it creates an unreasonable danger to the minor that can be clearly articulated and substantiated.

Sec. 6. 1. Except as provided in section 4, a municipality may completely prohibit or limit the number of marihuana establishments within its boundaries. Individuals may petition to initiate an ordinance to provide for the number of marihuana establishments allowed within a municipality or to completely prohibit marihuana establishments within a municipality, and such ordinance shall be submitted to the electors of the municipality at the next regular election when a petition is signed by qualified electors in the municipality in a number greater than 5% of the votes cast for governor by qualified electors in the municipality at the last gubernatorial election. A petition under this subsection is subject to section 488 of the Michigan election law, 1954 PA 116, MCL 168.488.

2. A municipality may adopt other ordinances that are not unreasonably impracticable and do not conflict with this act or with any rule promulgated pursuant to this act and that:

- (a) establish reasonable restrictions on public signs related to marihuana establishments;
- (b) regulate the time, place, and manner of operation of marihuana establishments and of the production, manufacture, sale, or display of marihuana accessories;
- (c) authorize the sale of marihuana for consumption in designated areas that are not accessible to persons under 21 years of age, or at special events in limited areas and for a limited time; and
- (d) designate a violation of the ordinance and provide for a penalty for that violation by a marihuana establishment, provided that such violation is a civil infraction and such penalty is a civil fine of not more than \$500.

3. A municipality may adopt an ordinance requiring a marihuana establishment with a physical location within the municipality to obtain a municipal license, but may not impose qualifications for licensure that conflict with this act or rules promulgated by the department.

4. A municipality may charge an annual fee of not more than \$5,000 to defray application, administrative, and enforcement costs associated with the operation of the marihuana establishment in the municipality.

5. A municipality may not adopt an ordinance that restricts the transportation of marihuana through the municipality or prohibits a marihuana grower, a marihuana processor, and a marihuana retailer from operating within a single facility or from operating at a location shared with a marihuana facility operating pursuant to the medical marihuana facilities licensing act, 2016 PA 281, MCL 333.27101 to 333.27801.

Sec. 7. 1. The department is responsible for implementing this act and has the powers and duties necessary to control the commercial production and distribution of marihuana. The department shall employ personnel and may contract with advisors and consultants as necessary to adequately perform its duties. No person who is peculiarly interested, directly or indirectly, in any marihuana establishment may be an employee, advisor, or consultant involved in the implementation, administration, or enforcement of this act. An employee, advisor, or consultant of the department may not be personally liable for any action at law for damages sustained by a person because of an action performed or done in the performance of their duties in the implementation, administration, or enforcement of this act. The department of state police shall cooperate and assist the department in conducting background investigations of applicants. Responsibilities of the department include:

- (a) promulgating rules pursuant to section 8 of this act that are necessary to implement, administer, and enforce this act;
- (b) granting or denying each application for licensure and investigating each applicant to determine eligibility for licensure, including conducting a background investigation on each person holding an ownership interest in the applicant;
- (c) ensuring compliance with this act and the rules promulgated thereunder by marihuana establishments by performing investigations of compliance and regular inspections of marihuana establishments and by taking appropriate disciplinary action against a licensee, including prescribing civil fines for violations of this act or rules and suspending, restricting, or revoking a state license;
- (d) holding at least 4 public meetings each calendar year for the purpose of hearing complaints and receiving the views of the public with respect to administration of this act;
- (e) collecting fees for licensure and fines for violations of this act or rules promulgated thereunder, depositing all fees collected in the marihuana regulation fund established by section 14 of this act, and remitting all fines collected to be deposited in the general fund; and
- (f) submitting an annual report to the governor covering the previous year, which report shall include the number of state licenses of each class issued, demographic information on licensees, a description of enforcement and disciplinary actions taken against licensees, and a statement of revenues and expenses of the department related to the implementation, administration, and enforcement of this act.

Sec. 8. 1. The department shall promulgate rules to implement and administer this act pursuant to the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to MCL 24.328, including:

- (a) procedures for issuing a state license pursuant to section 9 of this act and for renewing, suspending, and revoking a state license;
- (b) a schedule of fees in amounts not more than necessary to pay for implementation, administration, and enforcement costs of this act and that relate to the size of each licensee or the volume of business conducted by the licensee;
- (c) qualifications for licensure that are directly and demonstrably related to the operation of a marihuana establishment, provided that a prior conviction solely for a marihuana-related offense does not disqualify an individual or otherwise affect eligibility for licensure, unless the offense involved distribution of a controlled substance to a minor;
- (d) requirements and standards for safe cultivation, processing, and distribution of marihuana by marihuana establishments, including health standards to ensure the safe preparation of marihuana-infused products and prohibitions on pesticides that are not safe for use on marihuana;
- (e) testing, packaging, and labeling standards, procedures, and requirements for marihuana, including a maximum tetrahydrocannabinol level for marihuana-infused products, a requirement that a representative sample of marihuana be tested by a marihuana safety compliance facility, and a requirement that the amount of marihuana or marihuana concentrate contained within a marihuana-infused product be specified on the product label;
- (f) security requirements, including lighting, physical security, and alarm requirements, and requirements for securely transporting marihuana between marihuana establishments, provided that such requirements do not prohibit cultivation of marihuana outdoors or in greenhouses;
- (g) record keeping requirements for marihuana establishments and monitoring requirements to track the transfer of marihuana by licensees;
- (h) requirements for the operation of marihuana secure transporters to ensure that all marihuana establishments are properly serviced;
- (i) reasonable restrictions on advertising, marketing, and display of marihuana and marihuana establishments;
- (j) a plan to promote and encourage participation in the marihuana industry by people from communities that have been disproportionately impacted by marihuana prohibition and enforcement and to positively impact those communities; and
- (k) penalties for failure to comply with any rule promulgated pursuant to this section or for any violation of this act by a licensee, including civil fines and suspension, revocation, or restriction of a state license.

2. In furtherance of the intent of this act, the department may promulgate rules to:

- (a) provide for the issuance of additional types or classes of state licenses to operate marihuana-related businesses, including licenses that authorize only limited cultivation, processing, transportation, delivery, storage, sale, or purchase of marihuana, licenses that authorize the consumption of marihuana within designated areas, licenses that authorize the consumption of marihuana at special events in limited areas and for a limited time, licenses that authorize cultivation for purposes of propagation, and licenses intended to facilitate scientific research or education; or
- (b) regulate the cultivation, processing, distribution, and sale of industrial hemp.

3. The department may not promulgate a rule that:

- (a) establishes a limit on the number of any type of state licenses that may be granted;
- (b) requires a customer to provide a marihuana retailer with identifying information other than identification to determine the customer's age or requires the marihuana retailer to acquire or record personal information about customers other than information typically required in a retail transaction;

- (c) prohibits a marihuana establishment from operating at a shared location of a marihuana facility operating pursuant to the medical marihuana facilities licensing act, 2016 PA 281, MCL 333.27101 to 333.27801, or prohibits a marihuana grower, marihuana processor, or marihuana retailer from operating within a single facility; or
- (d) is unreasonably impracticable.

Sec. 9. 1. Each application for a state license must be submitted to the department. Upon receipt of a complete application and application fee, the department shall forward a copy of the application to the municipality in which the marihuana establishment is to be located, determine whether the applicant and the premises qualify for the state license and comply with this act, and issue the appropriate state license or send the applicant a notice of rejection setting forth specific reasons why the department did not approve the state license application within 90 days.

2. The department shall issue the following state license types: marihuana retailer; marihuana safety compliance facility; marihuana secure transporter; marihuana processor; marihuana microbusiness; class A marihuana grower authorizing cultivation of not more than 100 marihuana plants; class B marihuana grower authorizing cultivation of not more than 500 marihuana plants; and class C marihuana grower authorizing cultivation of not more than 2,000 marihuana plants.

3. Except as otherwise provided in this section, the department shall approve a state license application and issue a state license if:

- (a) the applicant has submitted an application in compliance with the rules promulgated by the department, is in compliance with this act and the rules, and has paid the required fee;
- (b) the municipality in which the proposed marihuana establishment will be located does not notify the department that the proposed marihuana establishment is not in compliance with an ordinance consistent with section 6 of this act and in effect at the time of application;
- (c) the property where the proposed marihuana establishment is to be located is not within an area zoned exclusively for residential use and is not within 1,000 feet of a pre-existing public or private school providing education in kindergarten or any of grades 1 through 12, unless a municipality adopts an ordinance that reduces this distance requirement;
- (d) no person who holds an ownership interest in the marihuana establishment applicant:
 - (1) will hold an ownership interest in both a marihuana safety compliance facility or in a marihuana secure transporter and in a marihuana grower, a marihuana processor, a marihuana retailer, or a marihuana microbusiness;
 - (2) will hold an ownership interest in both a marihuana microbusiness and in a marihuana grower, a marihuana processor, a marihuana retailer, a marihuana safety compliance facility, or a marihuana secure transporter; and
 - (3) will hold an ownership interest in more than 5 marihuana growers or in more than 1 marihuana microbusiness, except that the department may approve a license application from a person who holds an ownership interest in more than 5 marihuana growers or more than 1 marihuana microbusiness if, after January 1, 2023, the department promulgates a rule authorizing an individual to hold an ownership interest in more than 5 marihuana growers or in more than 1 marihuana microbusiness.

4. If a municipality limits the number of marihuana establishments that may be licensed in the municipality pursuant to section 6 of this act and that limit prevents the department from issuing a state license to all applicants who meet the requirements of subsection 3 of this section, the municipality shall decide among competing applications by a competitive process intended to select applicants who are best suited to operate in compliance with this act within the municipality.

5. All state licenses are effective for 1 year, unless the department issues the state license for a longer term. A state license is renewed upon receipt of a complete renewal application and a renewal fee from any marihuana establishment in good standing.

6. The department shall begin accepting applications for marihuana establishments within 12 months after the effective date of this act. Except as otherwise provided in this section, for 24 months after the department begins to receive applications for marihuana establishments, the department may only accept applications for licensure: for a class A marihuana grower or for a marihuana microbusiness, from persons who are residents of Michigan; for a marihuana retailer, marihuana processor, class B marihuana grower, class C marihuana grower, or a marihuana secure transporter, from persons holding a state operating license pursuant to the medical marihuana facilities licensing act, 2016 PA 281, MCL 333.27101 to 333.27801; and for a marihuana safety compliance facility, from any applicant. One year after the department begins to accept applications pursuant to this section, the department shall begin accepting applications from any applicant if the department determines that additional state licenses are necessary to minimize the illegal market for marihuana in this state, to efficiently meet the demand for marihuana, or to provide for reasonable access to marihuana in rural areas.

7. Information obtained from an applicant related to licensure under this act is exempt from disclosure under the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246.

Sec. 10. 1. Notwithstanding any other law or provision of this act, and except as otherwise provided in section 4 of this act or the rules promulgated thereunder, the following acts are not unlawful, are not an offense, are not grounds for seizing or forfeiting property, are not grounds for arrest, prosecution, or penalty in any manner, are not grounds for search or inspection except as authorized by this act, and are not grounds to deny any other right or privilege:

- (a) a marihuana grower or an agent acting on behalf of a marihuana grower who is 21 years of age or older, cultivating not more than the number of marihuana plants authorized by the state license class; possessing, packaging, storing, or testing marihuana; acquiring marihuana seeds or seedlings from a person who is 21 years of age or older; selling or otherwise transferring, purchasing or otherwise obtaining, or transporting marihuana to or from a marihuana establishment; or receiving compensation for goods or services;
- (b) a marihuana processor or agent acting on behalf of a marihuana processor who is 21 years of age or older, possessing, processing, packaging, storing, or testing marihuana; selling or otherwise transferring, purchasing or otherwise obtaining, or transporting marihuana to or from a marihuana establishment; or receiving compensation for goods or services;
- (c) a marihuana secure transporter or an agent acting on behalf of a marihuana secure transporter who is 21 years of age or older, possessing or storing marihuana; transporting marihuana to or from a marihuana establishment; or receiving compensation for services;
- (d) a marihuana safety compliance facility or an agent acting on behalf of a marihuana safety compliance facility who is 21 years of age or older, testing, possessing, repackaging, or storing marihuana; transferring, obtaining, or transporting marihuana to or from a marihuana establishment; or receiving compensation for services;
- (e) a marihuana retailer or an agent acting on behalf of a marihuana retailer who is 21 years of age or older, possessing, storing, or testing marihuana; selling or otherwise transferring, purchasing or otherwise obtaining, or transporting marihuana to or from a marihuana establishment; selling or otherwise transferring marihuana to a person 21 years of age or older; or receiving compensation for goods or services; or
- (f) a marihuana microbusiness or an agent acting on behalf of a marihuana microbusiness who is 21 years of age or older, cultivating not more than 150 marihuana plants; possessing, processing, packaging, storing, or testing marihuana from marihuana plants cultivated on the premises; selling or otherwise transferring marihuana cultivated or processed on the premises to a person 21 years of age or older; or receiving compensation for goods or services.
- (g) leasing or otherwise allowing the use of property owned, occupied, or managed for activities allowed under this act;
- (h) enrolling or employing a person who engages in marihuana-related activities allowed under this act;
- (i) possessing, cultivating, processing, obtaining, transferring, or transporting industrial hemp; or
- (j) providing professional services to prospective or licensed marihuana establishments related to activity under this act.

2. A person acting as an agent of a marihuana retailer who sells or otherwise transfers marihuana or marihuana accessories to a person under 21 years of age is not subject to arrest, prosecution, forfeiture of property, disciplinary action by a professional licensing board, denial of any right or privilege, or penalty in any manner, if the person reasonably verified that the recipient appeared to be 21 years of age or older by means of government-issued photographic identification containing a date of birth, and the person complied with any rules promulgated pursuant to this act.

3. It is the public policy of this state that contracts related to the operation of marihuana establishments be enforceable.

Sec. 11. (a) A marihuana establishment may not allow cultivation, processing, sale, or display of marihuana or marihuana accessories to be visible from a public place outside of the marihuana establishment without the use of binoculars, aircraft, or other optical aids.

(b) A marihuana establishment may not cultivate, process, test, or store marihuana at any location other than a physical address approved by the department and within an enclosed area that is secured in a manner that prevents access by persons not permitted by the marihuana establishment to access the area.

(c) A marihuana establishment shall secure every entrance to the establishment so that access to areas containing marihuana is restricted to employees and other persons permitted by the marihuana establishment to access the area and to agents of the department or state and local law enforcement officers and emergency personnel and shall secure its inventory and equipment during and after operating hours to deter and prevent theft of marihuana and marihuana accessories.

(d) No marihuana establishment may refuse representatives of the department the right during the hours of operation to inspect the licensed premises or to audit the books and records of the marihuana establishment.

(e) No marihuana establishment may allow a person under 21 years of age to volunteer or work for the marihuana establishment.

(f) No marihuana establishment may sell or otherwise transfer marihuana that was not produced, distributed, and taxed in compliance with this act.

(g) A marihuana grower, marihuana retailer, marihuana processor, marihuana microbusiness, or marihuana testing facility or agents acting on their behalf may not transport more than 15 ounces of marihuana or more than 60 grams of marihuana concentrate at one time.

(h) A marihuana secure transporter may not hold title to marihuana.

(i) No marihuana processor may process and no marihuana retailer may sell edible marihuana-infused candy in shapes or packages that are attractive to children or that are easily confused with commercially sold candy that does not contain marihuana.

- (j) No marihuana retailer may sell or otherwise transfer marihuana that is not contained in an opaque, resealable, child-resistant package designed to be significantly difficult for children under 5 years of age to open and not difficult for normal adults to use properly as defined by 16 C.F.R. 1700.20 (1995), unless the marihuana is transferred for consumption on the premises where sold.
- (k) No marihuana establishment may sell or otherwise transfer tobacco.

Sec. 12. In computing net income for marihuana establishments, deductions from state taxes are allowed for all the ordinary and necessary expenses paid or incurred during the taxable year in carrying out a trade or business.

- Sec. 13. 1. In addition to all other taxes, an excise tax is imposed on each marihuana retailer and on each marihuana microbusiness at the rate of 10% of the sales price for marihuana sold or otherwise transferred to anyone other than a marihuana establishment.
2. Except as otherwise provided by a rule promulgated by the department of treasury, a product subject to the tax imposed by this section may not be bundled in a single transaction with a product or service that is not subject to the tax imposed by this section.
3. The department of treasury shall administer the taxes imposed under this act and may promulgate rules pursuant to the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to MCL 24.328 that prescribe a method and manner for payment of the tax to ensure proper tax collection under this act.

Sec. 14. 1. The marihuana regulation fund is created in the state treasury. The department of treasury shall deposit all money collected under section 13 of this act and the department shall deposit all fees collected in the fund. The state treasurer shall direct the investment of the fund and shall credit the fund interest and earnings from fund investments. The department shall administer the fund for auditing purposes. Money in the fund shall not lapse to the general fund.

2. Funds for the initial activities of the department to implement this act shall be appropriated from the general fund. The department shall repay any amount appropriated under this subsection from proceeds in the fund.
3. The department shall expend money in the fund first for the implementation, administration, and enforcement of this act, and second, until 2022 or for at least two years, to provide \$20 million annually to one or more clinical trials that are approved by the United States food and drug administration and sponsored by a non-profit organization or researcher within an academic institution researching the efficacy of marihuana in treating the medical conditions of United States armed services veterans and preventing veteran suicide. Upon appropriation, unexpended balances must be allocated as follows:

- (a) 15% to municipalities in which a marihuana retail store or a marihuana microbusiness is located, allocated in proportion to the number of marihuana retail stores and marihuana microbusinesses within the municipality;
- (b) 15% to counties in which a marihuana retail store or a marihuana microbusiness is located, allocated in proportion to the number of marihuana retail stores and marihuana microbusinesses within the county;
- (c) 35% to the school aid fund to be used for K-12 education; and
- (d) 35% to the Michigan transportation fund to be used for the repair and maintenance of roads and bridges.

Sec. 15. A person who commits any of the following acts, and is not otherwise authorized by this act to conduct such activities, may be punished only as provided in this section and is not subject to any other form of punishment or disqualification, unless the person consents to another disposition authorized by law:

1. Except for a person who engaged in conduct described in sections 4(1)(a), 4(1)(b), 4(1)(c), 4(1)(d), 4(1)(g), or 4(1)(h), a person who possesses not more than the amount of marihuana allowed by section 5, cultivates not more than the amount of marihuana allowed by section 5, delivers without receiving any remuneration to a person who is at least 21 years of age not more than the amount of marihuana allowed by section 5, or possesses with intent to deliver not more than the amount of marihuana allowed by section 5, is responsible for a civil infraction and may be punished by a fine of not more than \$100 and forfeiture of the marihuana.
2. Except for a person who engaged in conduct described in section 4, a person who possesses not more than twice the amount of marihuana allowed by section 5, cultivates not more than twice the amount of marihuana allowed by section 5, delivers without receiving any remuneration to a person who is at least 21 years of age not more than twice the amount of marihuana allowed by section 5, or possesses with intent to deliver not more than twice the amount of marihuana allowed by section 5:
- (a) for a first violation, is responsible for a civil infraction and may be punished by a fine of not more than \$500 and forfeiture of the marihuana;
- (b) for a second violation, is responsible for a civil infraction and may be punished by a fine of not more than \$1,000 and forfeiture of the marihuana;
- (c) for a third or subsequent violation, is guilty of a misdemeanor and may be punished by a fine of not more than \$2,000 and forfeiture of the marihuana.
3. Except for a person who engaged in conduct described by section 4(1)(a), 4(1)(d), or 4(1)(g), a person under 21 years of age who possesses not more than 2.5 ounces of marihuana or who cultivates not more than 12 marihuana plants:
- (a) for a first violation, is responsible for a civil infraction and may be punished as follows:
- (1) if the person is less than 18 years of age, by a fine of not more than \$100 or community service, forfeiture of the marihuana, and completion of 4 hours of drug education or counseling; or
- (2) if the person is at least 18 years of age, by a fine of not more than \$100 and forfeiture of the marihuana.
- (b) for a second violation, is responsible for a civil infraction and may be punished as follows:
- (1) if the person is less than 18 years of age, by a fine of not more than \$500 or community service, forfeiture of the marihuana, and completion of 8 hours of drug education or counseling; or
- (2) if the person is at least 18 years of age, by a fine of not more than \$500 and forfeiture of the marihuana.
4. Except for a person who engaged in conduct described in section 4, a person who possesses more than twice the amount of marihuana allowed by section 5, cultivates more than twice the amount of marihuana allowed by section 5, or delivers without receiving any remuneration to a person who is at least 21 years of age more than twice the amount of marihuana allowed by section 5, shall be responsible for a misdemeanor, but shall not be subject to imprisonment unless the violation was habitual, willful, and for a commercial purpose or the violation involved violence.

Sec. 16. 1. If the department does not timely promulgate rules as required by section 8 of this act or accept or process applications in accordance with section 9 of this act, beginning one year after the effective date of this act, an applicant may submit an application for a marihuana establishment directly to the municipality where the marihuana establishment will be located.

2. If a marihuana establishment submits an application to a municipality under this section, the municipality shall issue a municipal license to the applicant within 90 days after receipt of the application unless the municipality finds and notifies the applicant that the applicant is not in compliance with an ordinance or rule adopted pursuant to this act.

3. If a municipality issues a municipal license pursuant to this section:

- (a) the municipality shall notify the department that the municipal license has been issued;
- (b) the municipal license has the same force and effect as a state license; and
- (c) the holder of the municipal license is not subject to regulation or enforcement by the department during the municipal license term.

Sec. 17. This act shall be broadly construed to accomplish its intent as stated in section 2 of this act. Nothing in this act purports to supersede any applicable federal law, except where allowed by federal law. All provisions of this act are self-executing. Any section of this act that is found invalid as to any person or circumstances shall not affect the application of any other section of this act that can be given full effect without the invalid section or application.