

**CHARTER TOWNSHIP OF VAN BUREN BOARD OF TRUSTEES  
APRIL 4, 2016 WORK STUDY MEETING  
TENTATIVE AGENDA**

**ROLL CALL:**

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

**UNFINISHED BUSINESS:**

**NEW BUSINESS:**

1. Discussion on the proposal from wade trim for the design engineering, in an amount not to exceed \$45,000, for the proposed paving of McBride Rd. between Quirk Rd. and Beck Rd.
2. Discussion on the 2016 McBride Rd. water main replacement project.
3. Discussion on Resolution 2016-05 allowing Van Buren Township to enter into a contract with SHVUA for financing of the Aeration Mixer Replacement Project.
4. Discussion on Resolution 2016-06 an extension of the temporary moratorium pertaining to medical marihuana establishments until May 9, 2016.
5. Discussion on Ordinance 4-4-16 (1) to amend the General Code of Ordinances Chapter 18- Buildings and Building Regulations Article I-In General by amending Sec. 18-1-18-3.
6. Discussion on Ordinance 4-4-16 (2) to amend the General Code of Ordinances, Chapter 18-Buildings and Building Regulations, Article II- Building Code by amending Sec. 18-31, Agency Designated.
7. Discussion on Ordinance 4-4-16 (3) to amend the General Code of Ordinances, Chapter 18- Buildings and Building Regulations, Article IIA-Residential Code by amending Sec. 18-46, Agency Designated.
8. Discussion on Ordinance 4-4-16 (4) to amend the General Code of Ordinances, Chapter 18- Buildings and Building Regulations, Article III-Mechanical Code by amending Sec. 18-56, Agency Designated.
9. Discussion on Ordinance 4-4-16 (5) to amend the General Code of Ordinances, Chapter 18- Buildings and Building Regulations, Article IV-Plumbing Code by amending Sec. 18-81, Agency Designated.
10. Discussion on Ordinance 4-4-16 (6) to amend the General Code of Ordinances, Chapter 18-Buildings and Building Regulations, Article VI-Electrical Code by amending Sec. 18-151, Agency Designated and by removing Sec. 18-171-18-402 Electrical Examining and Appeals Board, Licensing and Registration, & Permits and Inspection.
11. Discussion on Ordinance 4-4-16 (7) to amend the Charter Township of Van Buren Zoning Ordinance 6-2-92 to provide for regulations governing Medical Marihuana Cultivation Facilities.
12. Discussion on the 2016 Planning & Economic Development Budget Amendment.

**PUBLIC COMMENT:**

**ADJOURNMENT:**

**CLOSED SESSION:**

1. To discuss the Attorney's recommendations and opinions regarding settlement strategy in Marvin v. Van Buren Twp. v. Gelb, Wayne County Circuit Court Case #14-004749-CH.

**ADJOURNMENT:**

# Charter Township of Van Buren

Agenda Item: \_\_\_\_\_

## REQUEST FOR BOARD ACTION

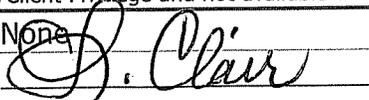
**WORK STUDY MIG DATE: 4/4/16**

**BOARD MTG. DATE: 4/19/16**

Consent Agenda \_\_\_\_\_ **New Business X** \_\_\_\_\_ Unfinished Business \_\_\_\_\_ **Public Hearing** \_\_\_\_\_

<b>ITEM (SUBJECT)</b>	McBride Paving Project – Design Engineering Proposal
<b>DEPARTMENT</b>	Planning and Economic Development
<b>PRESENTER</b>	David Nummer, Wade Trim
<b>PHONE NUMBER</b>	734-947-9700
<b>INDIVIDUALS IN ATTENDANCE (OTHER THAN PRESENTER)</b>	Ron Akers, Director of Planning & Economic Development

### Agenda topic

<b>ACTION REQUESTED</b>	
To consider the not-to-exceed \$45,000 proposal from Wade Trim for the design engineering of the proposed paving of McBride Road between Quirk Road and Beck Road.	
<b>BACKGROUND – (SUPPORTING AND REFERENCE DATA, INCLUDE ATTACHMENTS)</b>	
<p>The Township is participating in Wayne County’s Local Road Initiative program for fiscal year 2015-16. The County will reimburse 80% of the construction costs of rehabilitating and improving certain local Township roads. This project entails the conversion of McBride Road between Quirk Road and Beck Road from a gravel road to a paved road. At their March 21, 2016 meeting the Van Buren School District Board of Education authorized the allocation of not-to-exceed \$180,000 toward the 20% match that is required by Wayne County. Based on preliminary engineering estimates, this amount should cover the 20% match. Similar to last year, Wayne County will reimburse the Township for the 80% portion of the road construction.</p> <p>This proposal is for Wade Trim to provide design engineering for this project. Design engineering includes, a project kick-off meeting; a topographic survey of the road &amp; ditches; soil borings; pavement design; permitting; providing specifications, contract documents, and the bidding package; a final construction cost estimate; and assistance with the bidding process. This is similar to what was provided for last year’s road projects which were pavement improvements for Venetian-Dewitt-Jeanette and the Walden Woods subdivision.</p>	
<b>BUDGET IMPLICATION</b>	None, School District and Wayne County funds will be used for this project.
<b>IMPLEMENTATION NEXT STEP</b>	If approved the Township Engineer will began design engineering work on the project and prepare the information to bid out the project.
<b>DEPARTMENT RECOMMENDATION</b>	Approval
<b>COMMITTEE/COMMISSION RECOMMENDATION</b>	N/A
<b>ATTORNEY RECOMMENDATION</b>	N/A
(May be subject to Attorney/Client Privilege and not available under FOIA)	
<b>ADDITIONAL REMARKS</b>	None
<b>APPROVAL OF SUPERVISOR</b>	



# WADE TRIM

February 17, 2016

Charter Township of Van Buren  
46425 Tyler Road  
Van Buren Township, MI 48111

Attention: Mr. Ron Akers, Planning and Economic Development Director

Re: Design Engineering Proposal for McBride Avenue Paving

Dear Mr. Akers:

Van Buren Township is the recipient of funding from Wayne County that may be used to improve local roads. For 2016, a total of \$750,000 is available with a local match of 20% required. The project selected for this year is the paving of McBride Avenue, from Quirk Road to Beck Road. This existing gravel road is the primary access to North Middle School. The School District has been contacted to determine if they would be willing to provide the 20% local matching funds for the project.

McBride Avenue appears to be the original gravel subdivision road and is approximately 27 feet wide. The existing surface is severely deteriorated with large potholes and rutting. During the spring thaw the road surface becomes very rough and can be almost impassible at times. Drainage along McBride Avenue is handled by open roadside ditches, most of which appear to be in good condition and functioning well. There are a few areas near the school and also near Quirk Road that will need additional ditching to properly convey drainage.

The proposed project includes reuse of the existing gravel base to the greatest extent possible and the addition of a new asphalt pavement surface. The roadway section will be constructed in accordance with Wayne County standard detail L-2, "*Typical (SAD) HMA local road over existing aggregate with open shoulder*". For purposes of cost estimating, we have assumed a pavement section consisting of three inches of new aggregate base, three inches of HMA base, and 1.5 inches of HMA top. This pavement section will be confirmed with the Wayne County Engineering staff during project design. Aggregate bleeders will be extended out to the existing ditch in order to properly drain the sub-base. Minor ditch grading will be required at several locations along the project. Other project work will include relocation of mailboxes (if required), restoration of the disturbed areas of the right-of-way, mobilization, traffic control and other associated work items.

We propose to provide the following professional services for this project:

1. Conduct a project kick-off meeting with Wade Trim engineers, Township representatives and Wayne County permitting staff. The purpose of the meeting is to confirm the scope of the work and to review any information that is needed by Wayne County in order to issue construction permits.
2. Our survey crews will complete a topographic survey of the existing pavement, ditches, drive approaches, utilities, structures and other features in the road right-of-way that may be affected by the proposed construction. This topographic data will become the basis for the computer model and roadway design.

Wade Trim Associates, Inc.  
25251 Northline Road  
P.O. Box 10  
Taylor, MI 48180

734.947.9700  
800.482.2864  
734.947.9726 fax  
www.wadetrim.com



3. Soil Borings – For this project, it is important to determine the existing subsurface conditions so the roadway can be designed for maximum service life. We will obtain soil borings to a depth of five feet at several locations along McBride Avenue.
4. We will design the new pavement based on recommendations from the geotechnical engineer. The existing gravel will be retained as base material and will be supplemented with additional aggregate base. Our plans will include a removal plan, a proposed plan with proposed horizontal and vertical alignments, proposed pavement cross section, limits of construction, existing utilities and associated work items. The preliminary plans will be reviewed with Township staff and Wayne County permitting staff. Any review comments will be incorporated into the final design documents.
5. Our plans will include a proposed construction detour plan if necessary.
6. Permitting – We assume that the only permits needed for this project are through Wayne County for work in the right-of-way. We are not anticipating the need for other permits at this time. We will submit plans for permit review and address any comments from the permitting engineer.
7. Wade Trim will prepare specifications, contract documents and a bidding package that can be used to obtain competitive bids for the project.
8. A final construction cost estimate will be provided to the Township based on the final quantities and final design.
9. Wade Trim will assist the Township with the bidding process including addressing any questions that arise, issuing addendums as necessary and conducting the actual bid opening. All bids received will be verified and tabulated. After review of the bids, Wade Trim will provide a recommendation to the Township Board for award of the project to the lowest responsive bidder.

We propose to provide this scope of services on a time and materials basis for an amount not-to-exceed \$45,000.00. This scope of services will bring the project through design and bidding to contract award by the Township, but does not include construction engineering, testing or inspection. We will provide a separate proposal for these services based on the quantities of work and project timeline that is determined through the project design process. Should you have any questions on this proposal, please contact me directly at 734.947.2793.

Submitted by: Wade Trim Associates, Inc.

Acceptance by: Van Buren Township

  
\_\_\_\_\_  
David M. Nummer, PE, Client Representative

\_\_\_\_\_  
Linda Combs, Township Supervisor

\_\_\_\_\_  
Leon Wright, Township Clerk

DMN:ka  
VBN 1000-16T

20160217Akers.docx  
cc: Mr. Matthew Best, Deputy Director

## TECHNICAL MEMORANDUM

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### Wayne County Local Partnering Initiative for Township Roads

**Prepared For:** Mr. Ron Akers, Director of Planning and Economic Development

**Prepared By:** David M. Nummer, PE

**Date:** January 5, 2016

Wayne County has made available a pool of funds that may be used by Wayne County Townships to repair, resurface, or reconstruct local roads. The available funding for each community is based upon population. For Van Buren Township, the available funding for construction in 2016 is \$750,000. In order to take advantage of this funding, the Township must submit an application which includes the following information:

- The project must meet eligibility requirements
- Detailed scope of the project
- Engineer's estimate of cost
- Statement certifying that the Township has the capital to front the costs of the project
- Acknowledgement that the Township's Contractor must comply with permit requirements including insurance and bonds

The proposed project for 2016 is to pave McBride Avenue from Quirk Road to Beck Road. McBride Avenue is an existing gravel road that serves the adjacent residential properties and provides access to North Middle School.

A map showing the project area is attached as Exhibit A.

#### Project Eligibility

The proposed project includes road improvements to McBride Avenue. McBride Avenue is a residentially zoned street that is under the jurisdiction of Wayne County. As local streets they are not eligible for Federal aid.

#### Detailed Project Scope

McBride Avenue was originally constructed as a gravel subdivision street in the 1950's. The existing roadway widths are approximately 27 feet wide with open ditches. The existing gravel surface is rough with numerous potholes. See attached photos.

The proposed project includes paving the roadway and excavating ditches where necessary. The roadway section will be constructed in accordance with Wayne County standard detail L-2, "*Typical (SAD) HMA Local Road over Existing Aggregate*" with the exception that we will maintain the existing 27 foot width. For purposes of cost estimating, we have assumed a pavement section consisting of 1½ inch HMA wearing course and 3 inches HMA base course on top of existing aggregate base. Other project work will include minor ditching, relocation of mailboxes (if required), restoration of the disturbed areas of the right-of-way, mobilization, traffic control, and other associated work items.

### Engineer's Estimate of Cost

The total project cost is estimated at \$882,890.13. This includes construction cost, engineering and contingency. A detailed cost estimate is attached as Exhibit B.

### Township Acknowledgements

Van Buren Township certifies that they have the capital assets necessary to complete the project, including the 20% local match. Furthermore, the Township understands that this funding from Wayne County will be in the form of a reimbursement after the project has been completed. The reimbursement amount will be the project cost less the 20% local match, with a maximum reimbursement amount of \$750,000.

The Township will be responsible for contracting the work and administering the construction contract. An interagency agreement with Wayne County will be necessary to clearly define the duties and responsibilities of each party. The Township understands that this project will require a permit from Wayne County and that the Contractor for the project will be subject to any permit requirements including providing insurance and bonds as required by Wayne County.

DMN:

VBN 1020-15T

[Local Road Partnering Tech Memo.docx](#)

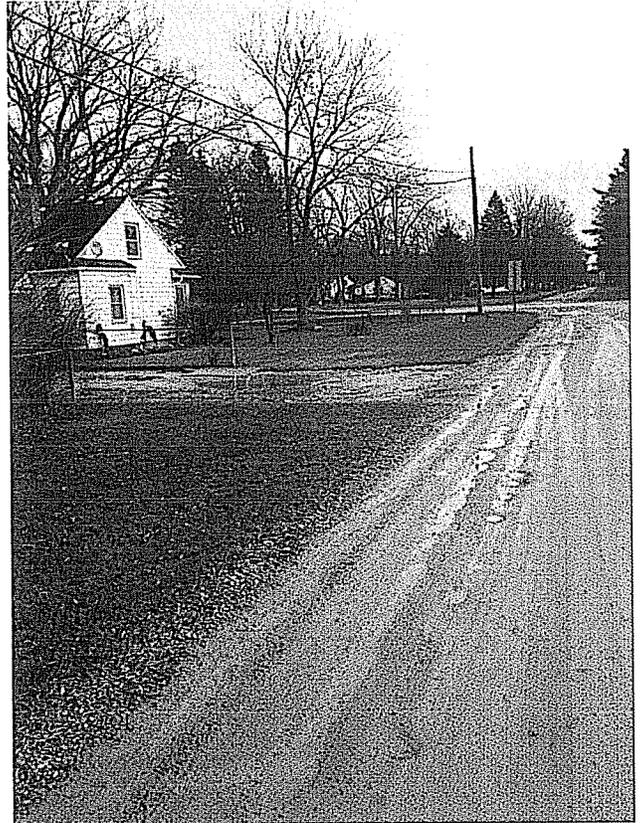
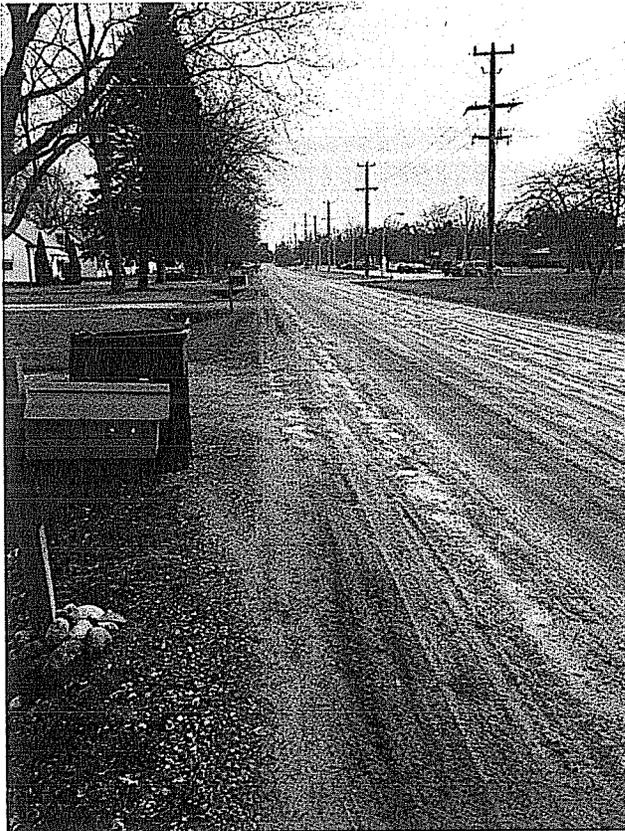
Enclosures:

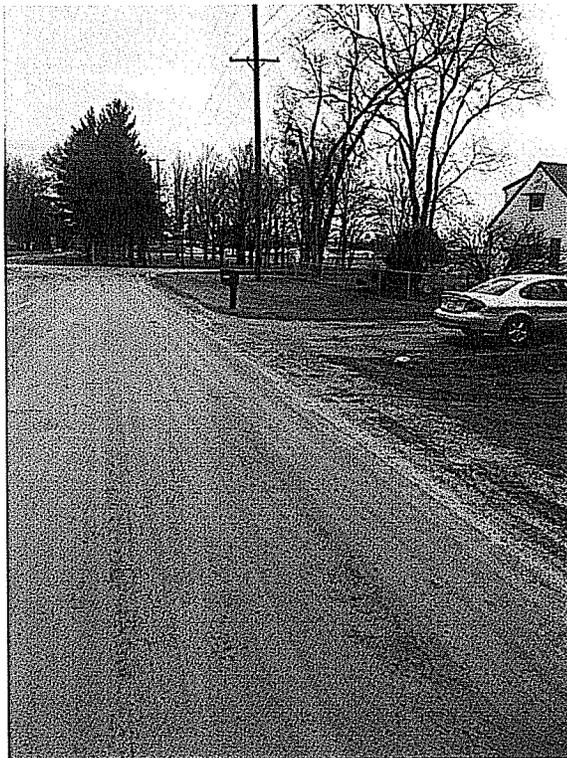
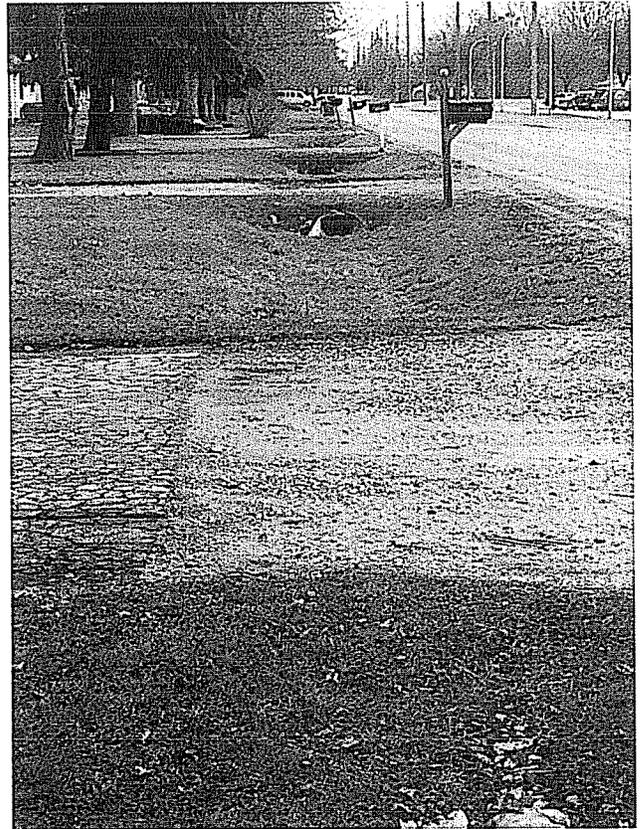
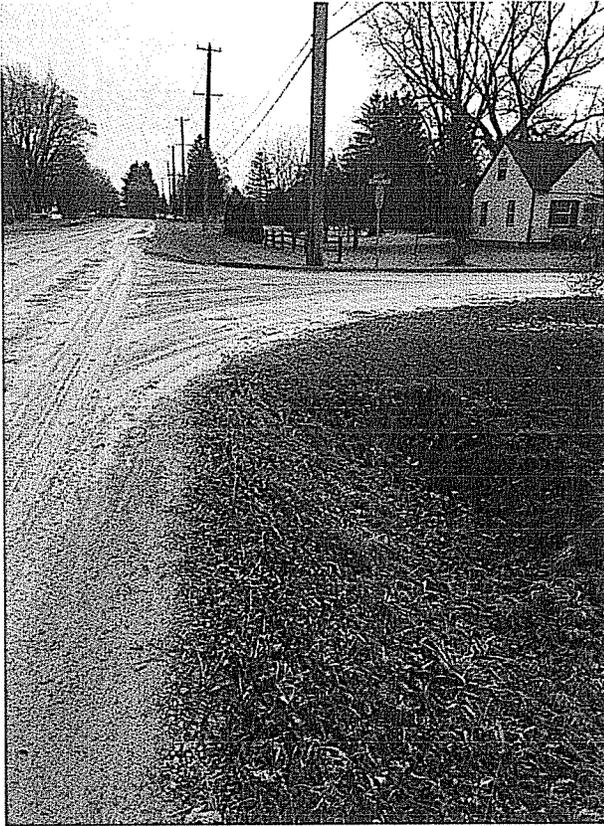
Existing Condition Photos

Exhibit A – Project Area Map

Exhibit B – Engineer's Estimate of Probable Construction Cost

Wayne County Standard Detail L-2







WADE TRIM  
Prelim cost Est.

SUBJECT McBride Paving

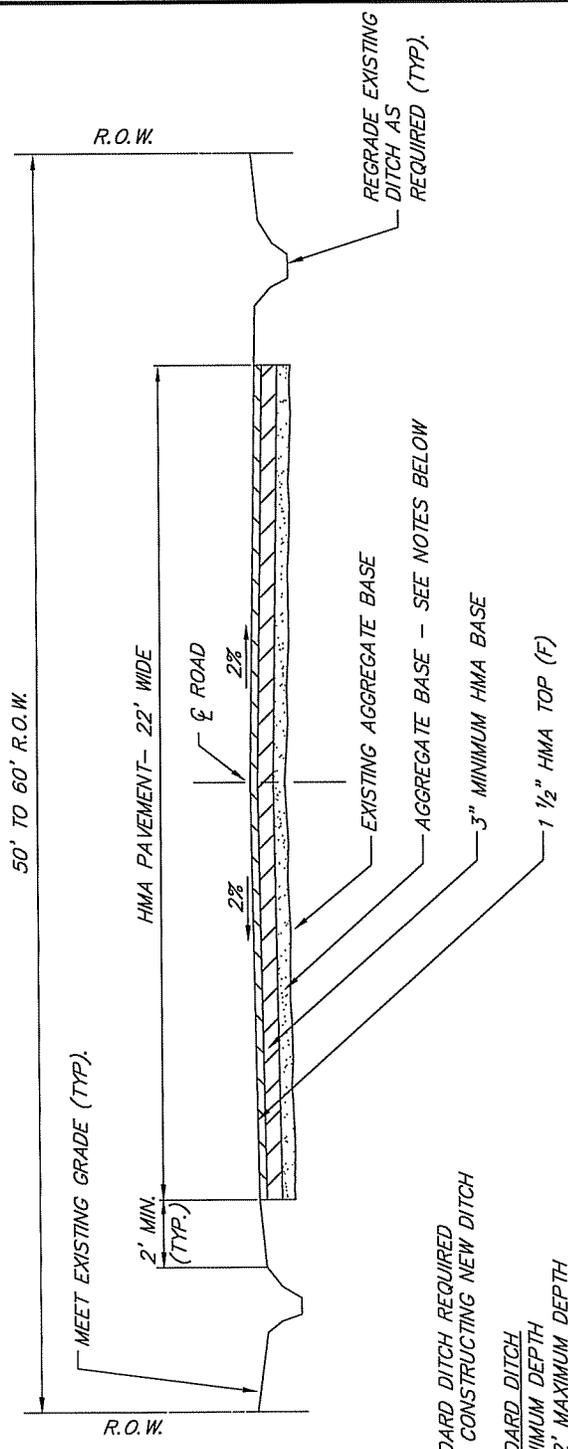
JOB NO.

CLIENT: Van Buren Township

DATE: January 5, 2016

Bid Date:

PAY ITEM NUMBER	DESCRIPTION	QUANTITY	UNIT	Unit Cost	Eng. Est.
1	Scarify, regrade, and add 3" 21AA agg	8,500	Syd	\$10.00	\$85,000.00
2	Pavement Remove, Butt Joint	50	Syd	\$20.00	\$1,000.00
3	Bituminous Drives, Remove	1,125	Sft	\$2.25	\$2,531.25
4	Concrete Drives, Remove	1,125	Sft	\$3.00	\$3,375.00
6	12" CMP Drive Culverts Including end sections	5	Each	\$1,000.00	\$5,000.00
6	Ditching	1200	LF	\$125.00	\$150,000.00
7	Subgrade Undercut and 21AA Backfill	100	Cyd	\$57.00	\$5,700.00
8	Embankment	200	Cyd	\$13.00	\$2,600.00
9	Maintenance Aggregate	100	Ton	\$23.00	\$2,300.00
10	Aggregate Bleeder	2	Each	\$1,000.00	\$2,000.00
11	Bituminous Leveling Course, LVSP	2200	Ton	\$80.00	\$176,000.00
12	Bituminous Wearing Course, LVSP 20AAA	750	Ton	\$80.00	\$60,000.00
13	Agg Surface Course, 6", Drives	125	Syd	\$5.00	\$625.00
14	Bituminous Drives, LVSP	50	Ton	\$190.00	\$9,500.00
15	Concrete Drive, 6 inch	125	Syd	\$93.00	\$11,625.00
16	Relocate Mailbox, with New Post	27	Each	\$170.00	\$4,590.00
17	Miscellaneous Sign Type B, Perm	100	Sft	\$15.00	\$1,500.00
18	Restoration with 4 inches Topsoil, Seed Fertilizer and Mulch	10,120	Syd	\$12.50	\$126,500.00
19	Traffic Maintenance and Control	1	L.S.	\$12,000.00	\$12,000.00
20	Audio/Video Route Survey	1	L.S.	\$1,200.00	\$1,200.00
21	Inspector Days	\$700.00	\$/Day	23	\$16,100.00
				<b>Total</b>	<b><u>\$679,146.25</u></b>
(Items 1 thru 20)				<i>Contingency/Engineering/CE 30%</i>	<b>\$203,743.88</b>



REGRADE EXISTING DITCH AS REQUIRED (TYP).

R.O.W.

50' TO 60' R.O.W.

MEET EXISTING GRADE (TYP).

2' MIN. (TYP.)

HMA PAVEMENT— 22' WIDE

2% 2%

EXISTING AGGREGATE BASE

AGGREGATE BASE — SEE NOTES BELOW

3" MINIMUM HMA BASE

1 1/2" HMA TOP (F)

R.O.W.

STANDARD DITCH REQUIRED WHEN CONSTRUCTING NEW DITCH

- STANDARD DITCH
- 1' MINIMUM DEPTH
- 2' 1/2' MAXIMUM DEPTH
- 2' DITCH BOTTOM
- 1:3 MAXIMUM SIDE SLOPES
- 12" MIN. COVER OVER DRIVE CULVERTS.

NOTES:

THIS TYPICAL CROSS SECTION IS TO BE USED FOR SPECIAL ASSESSMENT DISTRICT (SAD) LOCAL ROAD PROJECTS ONLY.  
 THE THICKNESS OF THE PROPOSED AGGREGATE BASE WILL BE AS DETERMINED BY THE WAYNE COUNTY ENGINEER.  
 IF NEW AGGREGATE BASE COURSE IS UTILIZED, THEN SUBGRADE UNDERDRAIN ON BOTH SIDES OF THE ROADWAY WILL BE REQUIRED OR EXTEND AGGREGATE SUBGRADE TO FACE OF DITCH AS DETERMINED BY THE WAYNE COUNTY ENGINEER.  
 RIGHT-OF-WAY RESTORATION SHALL CONSIST OF EITHER SEED MIX THM AND MULCH OVER 3" OF TOPSOIL OR SOD OVER 2" OF TOPSOIL.  
 DITCH MAY BE ENCLOSED AS DIRECTED BY THE WAYNE COUNTY ENGINEER  
 USE BOND COAT SS-1h BETWEEN EACH HMA LIFT AT A RATE OF 0.05 GAL/SYD

WORK THIS SHEET WITH THE GENERAL NOTES ON RS-1.

REVISION DATE: 08/01/07	WAYNE COUNTY DEPARTMENT OF PUBLIC SERVICES ENGINEERING DIVISION/PERMIT OFFICE PERMIT STANDARDS <b>TYPICAL (SAD) HMA LOCAL ROAD OVER EXISTING AGGREGATE OPEN SHOULDER</b>	SCALE NOT TO SCALE <b>L-2</b> SHEET 1 OF 1
_____ DIRECTOR OF ENGINEERING		
_____ DIVISION PERMIT ENGINEER		

NOTE: THIS IS NOT A LEGAL ENGINEERING DOCUMENT BUT AN ELECTRONIC DUPLICATE. THE ORIGINAL SIGNED COPY FOR PUBLICATION IS KEPT ON FILE AT THE WAYNE COUNTY ENGINEERING OFFICES.

## Wayne County Local Partnering Initiative for Township Roads

The Wayne County Department of Public Services (DPS) will make available a pool of funds to repair, resurface or reconstruct existing local township residential zoned roads under Wayne County's jurisdiction. The Local Partnering Initiative funding pool will be available to fund projects starting in the County's fiscal year 2014-15.

### Funding Availability

The Wayne County DPS will make available \$14,000,000 to fund this Initiative through fiscal year 2015-16. In fiscal year 2014-15, one half of the total amount of the Initiative (\$7,000,000) will be available to fund projects in each Wayne County township. In fiscal year 2015-16, the remaining half (\$7,000,000) will be available to fund projects in each Wayne County township. The Initiative will be a reimbursement based program. To qualify for project cost reimbursement, a Wayne County township must match at least 20% of the total cost of a project with local funding. Wayne County will fund up to 80% of project costs capped at the amount available for each township to utilize through the Initiative. Equitable funding allocations will be based on township population according to the following scale:

Population	Annual Initiative Amount
85,000 +	\$ 1,500,000
65,000 to 84,999	\$ 1,250,000
45,000 to 64,999	\$ 1,000,000
25,000 to 44,999	\$ 750,000
5000 to 24,999	\$ 500,000
Under 5000	\$ 250,000

Population figures will be based on the most current population estimates published by SEMCOG. Under SEMCOG's 2014 published population reports, projects in each Wayne County township in fiscal years 2014-15 and 2015-16 will be eligible for the following amounts in each of those fiscal years:

Community	Population	Annual Initiative Amount
Canton Township	92,610	\$ 1,500,000
Redford Township	47,166	\$ 1,000,000
Northville Twp	30,582	\$ 750,000
Brownstown Twp	30,257	\$ 750,000
Van Buren Twp	28,984	\$ 750,000
Plymouth Township	27,166	\$ 750,000
Huron Township	15,467	\$ 500,000
Grosse Ile Twp	10,422	\$ 500,000
Sumpter Township	9,481	\$ 500,000

This Initiative will end after 2015-16 and no funding commitments under this program will extend beyond fiscal year 2015-16.

## **Project Eligibility**

The Initiative shall be used to fund projects to repair, resurface or reconstruct existing residentially zoned roads in townships that are under Wayne County's jurisdiction and are either not eligible to receive federal aid funding or are determined by Wayne County to be federal aid challenged. Federal aid challenged roads are roads that are technically eligible for federal aid funding, but will likely never be chosen for federal funding due to factors like low traffic counts, right of way constraints, lane width restrictions, etc.

## **Applicant Eligibility**

Wayne County townships are eligible to apply.

## **Local Match Requirement**

Projects must have at least a 20% local funding match commitment from the township to be considered. The township's local match may consist of local funding sources including township funds, in-kind services (for example, design engineering) and private sources such as homeowner association contributions. The value of the township's in-kind contribution shall be determined by agreement with the County prior to approval of the township's Initiative project application. The County's permit, inspection and plan review fees shall be waived for Initiative projects, and shall not be credited against a match.

## **Design and Construction**

Design of the project must be performed by a qualified engineer. Construction of the project must be performed by a qualified contractor engaged and paid for by the township. Contracts for all work will be bid and awarded by the township, with agreement executed between the township and the contractor, with copy supplied to Wayne County DPS. All design and construction work must be approved, permitted, and inspected by the Wayne County Department of Public Services, Engineering Division.

## **Application Process**

By November 30 of the year before the proposed construction year and township's Initiative eligibility year, written proposals from the township should be sent to:

Wayne County Department of Public Services  
Local Roads Initiative Program  
Engineering Division  
400 Monroe, Suite 300  
Detroit, MI 48226

Proposals must include a detailed scope of the project, engineer's estimate and a statement certifying that the township has or can secure the funding required to pay for the entire cost of the project up-front with County reimbursement of agreed to costs up to the amount of the Initiative award being made after work is performed.

The proposal should acknowledge that the township's selected contractor must comply with Wayne County permit requirements which will require the contractor to be insured and may require the contractor to provide security in the form of a cash bond or irrevocable bank letter of credit.

## **Selection**

Based on township recommendation and project feasibility, Wayne County will make final project selections and will send an Initiative award notice to the township by December 31. Upon receiving approval from Wayne County DPS, a project shall require an Inter-Governmental Agreement (IGA) between the township and Wayne County to formalize project requirements, responsibilities, costs and reimbursement terms. Project Initiative awards will be deemed final once the Wayne County Commission approves the IGA between the township and the County. The only agreement between the township and Wayne County will be the approved IGA, and this statement of policy does not constitute an agreement. In cases of different interpretation, the approved IGA will control.

## **Commission Approval and Reimbursement**

Wayne County will not provide funds in advance of project completion, but will reimburse the township for project costs up to the amount approved in the Initiative award and IGA. Final project funding is dependent on the Wayne County Commission approving the IGA. No work shall commence until the IGA is approved. After project completion, the township shall timely submit invoices, waivers of lien and other required documentation. Reimbursement shall not exceed the amount of county commitment included in the IGA. If the IGA is rejected by the Wayne County Commission, the project will be null and void.

## **Unused Funds**

In the event a township does not apply for a project under this initiative or fails to submit a project that meets eligibility requirements, or the proposed IGA does not receive County Commission approval, or the total amount for projects available in a township is not fully utilized, Wayne County DPS may, in its discretion, undertake a road improvement project in that township which meets the project eligibility requirement of this initiative utilizing the remaining funding of the amount available for projects in the township for that fiscal year.

# Charter Township of Van Buren

Agenda Item \_\_\_\_\_

## REQUEST FOR BOARD ACTION

**WORK STUDY MEETING DATE:**  
2016-04-04

**BOARD MEETING DATE:**  
2016-04-19

Consent Agenda \_\_\_\_\_

New Business

Unfinished Business \_\_\_\_\_

Public Hearing \_\_\_\_\_

<b>ITEM (SUBJECT)</b>	2016 McBride Water Main Replacement Project
<b>DEPARTMENT</b>	Public Services
<b>PRESENTER</b>	Director James T. Taylor
<b>PHONE NUMBER</b>	734-699-8947
<b>INDIVIDUALS IN ATTENDANCE (OTHER THAN PRESENTER)</b>	Engineer Dave Nummer

### Agenda topic

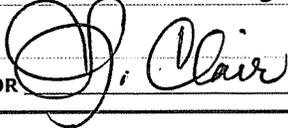
<b>ACTION REQUESTED</b>	Board approval of water main replacement on McBride, between Beck and Quirk roads.
<b>BACKGROUND – (SUPPORTING AND REFERENCE DATA, INCLUDE ATTACHMENTS)</b>	See attached documentation. This project would be contingent upon Wayne County's follow-through with the Township on the McBride Street Restoration Project.

<b>BUDGET IMPLICATION</b>	Amount of the project is estimated at \$345,000.00 to be paid from the Water & Sewer Restricted Cash Reserves Fund 592-000-005-000. It is also recommended that the Board approve a 10% (\$34,500.00) contingency for unforeseen adjustments within the scope of the project to be implemented upon approval of the Director of Public Services.
<b>IMPLEMENTATION NEXT STEP</b>	Board approval of project proposal and contingency

<b>DEPARTMENT RECOMMENDATION</b>	Board approval of project proposal and contingency
<b>COMMITTEE/COMMISSION RECOMMENDATION</b>	

<b>ATTORNEY RECOMMENDATION</b>	(May be subject to Attorney/Client Privilege and not available under FOIA)
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<b>ADDITIONAL REMARKS</b>	The Director of Public Works requests that the Board of Trustees approve this project and contingency as an agenda item at the April 19, 2016 Board meeting.
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<b>APPROVAL OF SUPERVISOR</b>	
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# Charter Township of Van Buren

Agenda Item \_\_\_\_\_

## REQUEST FOR BOARD ACTION

**WORK STUDY MEETING DATE:**  
2016-04-04

**BOARD MEETING DATE:**  
2016-04-19

Consent Agenda \_\_\_\_\_ New Business  X  Unfinished Business \_\_\_\_\_ Public Hearing \_\_\_\_\_

<b>ITEM (SUBJECT)</b>	2016 McBride Water Main Project Engineering Services
<b>DEPARTMENT</b>	Public Services
<b>PRESENTER</b>	Director James T. Taylor
<b>PHONE NUMBER</b>	734-699-8947
<b>INDIVIDUALS IN ATTENDANCE (OTHER THAN PRESENTER)</b>	Engineer Dave Nummer

### Agenda topic

<b>ACTION REQUESTED</b>	Recommend to the Township Board to award a contract to Wade Trim not to exceed the amount of \$22,000.00 to provide the list of engineering services listed in the attached letter, listing the scope of services.
<b>BACKGROUND – (SUPPORTING AND REFERENCE DATA, INCLUDE ATTACHMENTS)</b>	See attached documentation. As noted in the attached letter, this project would be contingent upon Wayne County's follow-through with the Township on the McBride Street Restoration Project.

<b>BUDGET IMPLICATION</b>	This proposal is for a not-to-exceed amount of \$22,000.00 The project is being funded from Water & Sewer Restricted Cash Reserves Fund 592-000-005-000.
<b>IMPLEMENTATION NEXT STEP</b>	Approval by Township Board, execute contract.
<b>DEPARTMENT RECOMMENDATION</b>	Approval of contract with Wade Trim and authorize Supervisor and Clerk to execute contract.
<b>COMMITTEE/COMMISSION RECOMMENDATION</b>	
<b>ATTORNEY RECOMMENDATION</b>	(May be subject to Attorney/Client Privilege and not available under FOIA)
<b>ADDITIONAL REMARKS</b>	The Director of Public Works requests that the Board of Trustees approve this contract as an agenda item at the April 19, 2016 Board meeting.
<b>APPROVAL OF SUPERVISOR</b>	_____



CHARTER TOWNSHIP OF VAN BUREN  
DEPARTMENT OF PUBLIC SERVICES

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DATE: April 4, 2016  
TO: Township Board of Trustees  
FROM: James T. Taylor, Director of Public Services  
RE: Request for Board Action – 2016 McBride Water Main Replacement Project

I am requesting Board approval of the 2016 McBride Water Main Replacement Project. This project comes forward with the McBride Street Restoration Project proposed by the Economic & Development Director Ron Akers. This street restoration project was recently given support by the Van Buren School District, and will be funded in a joint effort by the Charter Township of Van Buren and Wayne County. This water main replacement makes sense both cost wise and operationally to perform during the street reconstruction to minimize future additional costs and service disruptions.

The proposed water main replacement will be located on McBride Street, between Quirk and Beck roads. The project will include replacement of approximately 2,500 lf of 8" water main, 3 gate valves and 5 hydrants. Any lead services that are discovered during construction will be replaced from the water main to the curb valve box with K-copper. We will also encourage any customers discovered to have lead services from the curb stop valve to the meter to replace such services with k-copper.

We have recommended pipe-bursting as the preferred method to install 8" HDPE replacing the existing asbestos cement pipe. The pipe-bursting method is preferred, as it will reduce restoration costs of an open cut, minimize traffic flow restrictions and eliminate costs of AC pipe disposal. Presently, the existing AC pipe is approximately 50 years old and provides approximately 40 PSI during non-peak demand times, with a minimum fire flow of 1000 GPM. While the pipe has not reached a critical age, it is expected that both non-peak PSI and fire flow GPM will improve.

In conclusion, I recommend the replacement of this water main on McBride Street and that Wade Trim be contracted to perform the required engineering services listed in the attached memo dated March 8, 2016.

**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."*





# WADE TRIM

March 8, 2016

Charter Township of Van Buren  
46425 Tyler Road  
Van Buren Township, MI 48111

Attention: Mr. James Taylor, Director of Public Works

Re: McBride Avenue Water Main Replacement

Dear Mr. Taylor:

Wayne County has established a program for providing funding for local road paving in 2016. The County program will provide 80% of the project cost, up to a maximum of \$750,000 with the remaining 20% match being the responsibility of the community. For this year the Township has elected to pave McBride Avenue from Beck Road to Quirk Road. In conjunction with that paving project, you desire to replace the existing water main that is over 50 years old. Since funding for the water main project will come from the Public Works capital fund, the design and construction costs must be separated from the funds used to pave the road. We have prepared this proposal to work in conjunction with the road paving project to replace the water main.

The existing water main is an 8-inch cast iron main located on the north side of McBride Avenue, along the ditch line. In order to reduce potential impacts on residents and to avoid the need to reconstruct the existing ditches and driveway approaches, it was decided to install this water main via pipe bursting rather than conventional open-cut excavation. Typically, the cost to pipe burst a water main is slightly higher than open cut, but the difference in cost is often offset by the savings realized by not having to do significant restoration work. The estimated cost of the water main replacement is \$345,000.

We are proposing to provide the following scope of services related to the replacement of the water main on McBride Avenue. Since this project is being designed and constructed in conjunction with the roadway paving, there are some cost savings in survey and soil boring costs that are already included in the road project.

1. Topographic Survey – The detailed site survey for the roadway paving project will also include the relevant information necessary to design the water main. No additional survey will be required for the water main.
2. Geotechnical Services – Wade Trim will obtain soil borings and a soils report detailing the in-situ soils conditions in conjunction with the roadway paving project. No additional soil boring will be required for the water main replacement.
3. Prepare preliminary engineering plans for the water main, including the crossing under McBride Avenue at Borgman Avenue.
4. Conduct an "in-house" quality review meeting and make necessary changes to the plans and specifications.

Wade Trim Group, Inc.  
25251 Northline Road  
P.O. Box 10  
Taylor, MI 48180

734.947.9700  
800.482.2864  
734.947.1380 fax  
www.wadetrim.com



5. Wade Trim will make submittals to permitting agencies and complete permit applications to secure the necessary permits for this project. All permit fees are to be paid by the Township or reimbursed to Wade Trim as additional scope of services. We assume that the following permits will be required for this project. Wayne County permits will be combined with the roadway paving project.
  - a. Wayne County Soil Erosion
  - b. Wayne County Right-of-Way Permit
  - c. Michigan Department of Environmental Quality Part 399 Water Main Permit
6. Prepare final engineering plans based on comments from the in-house review and permitting agencies.
7. Prepare technical specifications and contract documents for use in bidding work. A separate bidding document will be used in order to track costs for the water main and the road project separately.
8. Attend meetings with Van Buren Township's staff and any regulatory agencies that require special assistance. Wade Trim will include in our cost one public information meeting to discuss any questions or concerns the homeowners involved may have.
9. Assist the Township in bidding the work including attending the bid opening, tabulating the bids, and preparing a recommendation for award letter.

In accordance with our continuing services contract dated September 19, 2001, Wade Trim will perform this scope of services on a time-and-material basis using the current rate schedule for a cost not to exceed \$22,000. This is approximately 6% of the estimated cost of the project.

We welcome the opportunity to provide these services for Van Buren Township. If there are any questions, please feel free to contact this office.

Submitted By Wade Trim



\_\_\_\_\_  
David M. Nummer, PE, Client Representative

Acceptance by Van Buren Township

\_\_\_\_\_  
Linda Combs, Township Supervisor

\_\_\_\_\_  
Leon Wright, Township Clerk

# Charter Township of Van Buren

Agenda Item \_\_\_\_\_

## REQUEST FOR BOARD ACTION

**WORK STUDY MEETING DATE:**  
2016-04-04

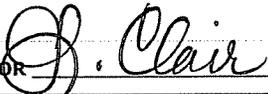
**BOARD MEETING DATE:**  
2016-04-19

Consent Agenda \_\_\_\_\_ New Business  X  Unfinished Business \_\_\_\_\_ Public Hearing \_\_\_\_\_

<b>ITEM (SUBJECT)</b>	Resolution 2016-05 (SHVUA Aeration Mixer Replacement Project)
<b>DEPARTMENT</b>	Public Services
<b>PRESENTER</b>	Director James T. Taylor
<b>PHONE NUMBER</b>	734-699-8947
<b>INDIVIDUALS IN ATTENDANCE (OTHER THAN PRESENTER)</b>	

### Agenda topic

<b>ACTION REQUESTED</b>	
Board approval of Resolution 2016-05 that allows Van Buren Township to enter into a contract with SHVUA for financing of the Aeration Mixer Replacement Project.	
<b>BACKGROUND – (SUPPORTING AND REFERENCE DATA, INCLUDE ATTACHMENTS)</b>	See attached documentation

<b>BUDGET IMPLICATION</b>	Estimated amount of \$627,000.00 will be paid from Water & Sewer Restricted Cash Reserves Fund 592-000-005-000
<b>IMPLEMENTATION NEXT STEP</b>	Board approval of the resolution
<b>DEPARTMENT RECOMMENDATION</b>	Approve the resolution
<b>COMMITTEE/COMMISSION RECOMMENDATION</b>	SHVUA Board recommends approval
<b>ATTORNEY RECOMMENDATION</b>	Approval of the resolution based upon attorney review
(May be subject to Attorney/Client Privilege and not available under FOIA)	
<b>ADDITIONAL REMARKS</b>	The Director of Public Works requests that the Board of Trustees approve this resolution as an agenda item at the April 19, 2016 Board meeting.
<b>APPROVAL OF SUPERVISOR</b>	



CHARTER TOWNSHIP OF VAN BUREN  
DEPARTMENT OF PUBLIC SERVICES

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DATE: April 4, 2016  
TO: Township Board of Trustees  
FROM: James T. Taylor, Director of Public Services  
RE: Request for Board Action – Resolution 2016-05

I am requesting Board approval of Resolution 2016-05 that allows Van Buren Township to enter into a contract with SHVUA that will provide among other things the acquisition, construction, furnishing and equipment improvements to SHVUA's sewage disposal system, consisting generally of reequipping existing biological treatment tanks with new diffused aeration equipment, including mixers, diffusers, blowers, valves, gates, control system improvements, and safety improvements, together with all necessary appurtenances and attachments thereto and will issue its bonds in the approximate amount of not to exceed \$3,700,000 to finance all or part of the cost of said improvements.

The Charter Township of Van Buren's expected cash contribution to this project is estimated to be \$627,000.00. It is the intention of the Township to pay this expected contribution in full from the Water & Sewer Restricted Cash Reserve Fund 592-000-005-000 and thus create a savings from paying interest on the bond that various SHVUA communities will be securing to fund this project.

A similar approach has also been taken by Van Buren Township in prior SHVUA projects, such as the "Trenton Arm Pump Project" and the "Sludge Storage Tank Project" which are about 95% complete. It should also be noted that due to cost savings in these projects, we are expecting a potential refund of approximately \$167,000.00 to be returned to our restricted funds following completion of the projects.

**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  
County of Wayne, State of Michigan  
RESOLUTION 2016-05**

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**APPROVING FINANCING CONTRACT AND  
AUTHORIZING PUBLICATION OF NOTICE  
(SOUTH HURON VALLEY UTILITY AUTHORITY 2016 SEWAGE DISPOSAL  
SYSTEM IMPROVEMENT BONDS (GENERAL OBLIGATION LIMITED TAX))**

Minutes of a \_\_\_\_\_ meeting of the Township Board of the Charter Township of Van Buren, County of Wayne, State of Michigan (the "Township"), on the \_\_\_\_ day of \_\_\_\_\_, 2016 at \_:\_\_\_ o'clock p.m., Eastern Daylight Time.

PRESENT: Members \_\_\_\_\_  
\_\_\_\_\_

ABSENT: Members \_\_\_\_\_

The following resolution was offered by Member \_\_\_\_\_ and seconded by Member \_\_\_\_\_:

WHEREAS, the Cities of Flat Rock, Gibraltar, and Woodhaven in the Charter County of Wayne, the Charter Townships of Brownstown, Huron and Van Buren in the Charter County of Wayne, and the Village of South Rockwood in the County of Monroe (collectively, the "Constituent Municipalities"), have established the South Huron Valley Utility Authority (the "Authority"), as an authority organized under the provisions of Act 233, Public Acts of Michigan, 1955, as amended ("Act 233"); and

WHEREAS, Act 233 empowers the Authority to furnish sewage disposal service and to acquire, own, improve, enlarge and extend a sewage disposal system; and

WHEREAS, Act 233 empowers the Authority to finance the acquisition, construction and equipping of sewage disposal system improvements; and

WHEREAS, a contract among the Constituent Municipalities and the Authority (the "Contract") for the acquisition, construction, furnishing, equipping and financing of improvements to the existing sewage disposal system consisting generally of reequipping existing biological treatment tanks with new diffused aeration equipment, including mixers, diffusers, blowers, valves, gates, control system improvements, and safety improvements, together with all necessary appurtenances and attachments thereto (the "Improvements") has been prepared and accompanies this resolution; and

WHEREAS, the Contract provides for the issuance of bonds by the Authority to pay all or part of the costs of the Improvements (the "Bonds").

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The Contract is hereby approved, ratified and confirmed and the Supervisor and the Clerk of the Township are hereby authorized and directed to execute, seal and deliver the Contract for and on behalf of the Township; provided, however, that the Contract shall not become effective until the expiration of forty-five (45) days after the date of the publication of the notice attached hereto as Exhibit A as a display advertisement of at least one-quarter (1/4) page size in one or more newspapers of general circulation within the territory encompassed by the Authority, which manner of publication is deemed by the Township Board to be the most effective manner of informing the taxpayers and electors of the Township of the details of the proposed Contract and the rights of referendum thereunder.

2. If the Bonds are issued on a tax-exempt basis, the Township shall take or abstain from taking all actions required by the Internal Revenue Code of 1986, as amended (the "Code"), and regulations thereunder as may be necessary to retain for the interest on the Bonds from the exclusion of interest from adjusted gross income for federal income tax purposes.

3. The Clerk (or the Clerk's designee), is hereby directed to publish the attached notice as soon as possible after the adoption hereof in substantially the form attached, with such changes as shall be approved by the Clerk or the Clerk's designee, and upon the advice of bond counsel to the Authority, so as to permit the Bonds to be issued as contemplated herein. The Clerk may agree to publish the attached notice pursuant to this Section jointly with the clerk of the other Constituent Municipalities *provided* that the attached notice shall appear in a newspaper having a general circulation in the Township.

4. The Chief Administrative Officer is authorized to file a Qualifying Statement with the Michigan Department of Treasury (the "Department") in accordance with Act 34, Public Acts of Michigan, 2001, as amended ("Act 34"), or take such other actions and file such other documents as are appropriate to obtain "qualified status" under Act 34. In the event that the Township is not granted qualified status by the Department, the Chief Administrative Officer is hereby authorized to file for prior approval of the bonds from the Michigan Department of Treasury and to pay the fees relating thereto. The Chief Administrative Officer is further authorized to apply for any waivers or other orders from the Department as may be necessary or advisable to issue, sell and deliver the bonds as contemplated herein and to pay any filing fees related thereto.

5. Any officer of the Township as may be appropriate is each hereby authorized and directed to take such further steps and actions as are necessary or desirable to enable the Authority to issue the Bonds for and on behalf of the Township as contemplated herein.

6. The Township has been advised that the Authority has retained Miller, Canfield, Paddock and Stone, P.L.C. ("Miller Canfield") as its bond counsel in connection with the Bonds and the Township hereby consents to the representation of the Authority by Miller Canfield.

7. All resolutions and parts of resolutions in conflict with this Resolution be, and the same hereby are repealed.

AYES: Members \_\_\_\_\_  
\_\_\_\_\_

NAYS: Members \_\_\_\_\_

RESOLUTION DECLARED ADOPTED.

\_\_\_\_\_  
Leon Wright, Clerk

CERTIFICATION

I HEREBY CERTIFY that the foregoing is a true and complete copy of a resolution adopted by the Township Board of the Charter Township of Van Buren, County of Wayne, State of Michigan, at a \_\_\_\_\_ meeting held on \_\_\_\_\_, 2016, and that public notice of said meeting was given and that minutes of said meeting will be available in accordance with Act No. 267, Public Acts of Michigan, 1976, as amended.

\_\_\_\_\_  
Leon Wright, Clerk

**EXHIBIT A**

**NOTICE OF INTENT TO EXECUTE TAX-SUPPORTED  
CONTRACT AND RIGHT TO PETITION FOR  
REFERENDUM THEREON**

TO THE TAXPAYERS AND ELECTORS OF THE CHARTER TOWNSHIP OF VAN BUREN:

PLEASE TAKE NOTICE that the Cities of Flat Rock, Gibraltar and Woodhaven in the County of Wayne, the Charter Townships of Brownstown, Huron and Van Buren in the County of Wayne, and the Village of South Rockwood in the County of Monroe (collectively, the "Local Units" and each a "Local Unit") have each approved the execution of a contract (the "Contract") with the South Huron Valley Utility Authority (the "Authority") pursuant to Act No. 233, Public Acts of Michigan, 1955, as amended, which Contract will provide among other things that the Authority will acquire, construct, furnish and equip improvements to the Authority's sewage disposal system, consisting generally of reequipping existing biological treatment tanks with new diffused aeration equipment, including mixers, diffusers, blowers, valves, gates, control system improvements, and safety improvements, together with all necessary appurtenances and attachments thereto and will issue its bonds in the approximate amount of not to exceed \$3,700,000 to finance all or part of the cost of said improvements. Each Local Unit, including the Charter Township of Van Buren, will pay to the Authority annually all sums necessary to retire its share of the principal of and interest of said bonds pursuant to a proposed Financing Contract among the Authority and the Local Units. Each Local Unit's share of such payments shall be based generally on the weighted average of the last three calendar years' flow percentages for each Local Unit served by the sewage disposal system, approximately as follows:

<b><u>Local Unit</u></b>	<b><u>Percentage of Share</u></b>
Brownstown Twp.	24.62%
Flat Rock City	15.96%
Gibraltar City	10.02%
Huron Twp.	15.97%
South Rockwood Village	2.29%
Van Buren Twp.	16.96%
Woodhaven City	14.18%

**CONTRACT OBLIGATIONS OF THE LOCAL UNITS**

It is presently contemplated that said bonds will be issued by the Authority in the principal amount of not to exceed \$3,700,000 and will be payable in not to exceed twenty (20) years, and will bear interest at a rate not exceeding 6% per annum on the outstanding principal balance, subject to revision pursuant to Michigan law and the Contract. The Contract includes the pledge by each Local Unit of its limited tax full faith and credit as security for its obligations under the Contract including payment of its share of debt service on the bonds. PURSUANT TO SUCH PLEDGE, EACH LOCAL UNIT, INCLUDING THE CHARTER TOWNSHIP OF VAN BUREN, WILL BE REQUIRED TO LEVY AD VALOREM TAXES ON ALL TAXABLE

PROPERTY WITHIN ITS BOUNDARIES, SUBJECT TO APPLICABLE CONSTITUTIONAL, STATUTORY AND CHARTER TAX RATE LIMITATIONS, TO THE EXTENT NECESSARY TO MAKE THE LOCAL UNIT'S REQUIRED PAYMENTS UNDER THE CONTRACT IF OTHER FUNDS ARE NOT AVAILABLE. It is the present intention of each Local Unit to use the revenues derived from the operation of its sanitary sewer collection system to make substantially all of the payments required to pay its obligations under the Contract.

**RIGHT OF REFERENDUM**

FOR EACH LOCAL UNIT, THE CONTRACT WILL BECOME EFFECTIVE without a vote of the electors of the Local Unit, as permitted by law, UNLESS A VALID PETITION REQUESTING AN ELECTION on the question of entering into the Contract, SIGNED BY NOT LESS THAN 10% OF THE REGISTERED ELECTORS OF SUCH LOCAL UNIT, is filed with the Clerk of the Local Unit WITHIN FORTY-FIVE (45) DAYS after publication of this notice. If such petition is so filed, the Contract will not become effective with respect to such Local Unit without an approving vote by the majority of electors of the Local Unit voting on the question.

THIS NOTICE is given pursuant to the requirements of Section 8 of Act No. 233, Public Acts of Michigan, 1955, as amended. Further information concerning the details of said contract and the matters set out in this notice may be secured from the Charter Township of Van Buren Clerk's office.

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Leon Wright, Clerk  
Charter Township of Van Buren

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**SOUTH HURON VALLEY UTILITY AUTHORITY FINANCING CONTRACT**  
**(Aeration Mixer Replacement Project)**

THIS CONTRACT, dated as of April 1, 2016, by and among the South Huron Valley Utility Authority, a municipal authority and public body corporate of the State of Michigan (the "Authority"), the Cities of Flat Rock, Gibraltar, and Woodhaven in the County of Wayne, the Charter Townships of Brownstown, Huron, and Van Buren in the County of Wayne, and the Village of South Rockwood in the County of Monroe (collectively, the "Local Units" and each a "Local Unit").

**WITNESSETH:**

WHEREAS, the Authority has been incorporated under the provisions of Act No. 233, Public Acts of Michigan, 1955, as amended ("Act 233"), for the purposes set forth in Act 233; and

WHEREAS, the Authority operates an existing sewage disposal system (the "System") that provides sewage disposal services to the Local Units, each of whom is a constituent municipality of the Authority; and

WHEREAS, it is necessary for the public health, safety and welfare of the present and future residents of each of the Local Units that the Authority acquire, construct, furnish and equip improvements to the Authority's sewage disposal system, consisting generally of reequipping existing biological treatment tanks with new diffused aeration equipment, including mixers, diffusers, blowers, valves, gates, control system improvements, and safety improvements, together with all necessary appurtenances and attachments thereto (the "Improvements"); and

WHEREAS, plans and an estimate of cost of the Improvements have been prepared by the Authority's consulting engineers, Hubbell, Roth, and Clark, Detroit, Michigan (the "Consulting Engineers"), which said estimate of cost totals an amount not to exceed \$3,700,000; and

WHEREAS, each of the Local Units is desirous of having the Authority carry out the Improvements in order to continue to operate the System in order to furnish the Local Units with sanitary sewer system services and facilities; and

WHEREAS, the Authority and each of the Local Units are each agreeable to the execution of this Contract by and among themselves which provides, among other things, for the financing of each of the Local Unit's share of the cost of the Improvements if not prepaid by a Local Unit from funds on hand prior to the issuance of bonds; and

WHEREAS, this Contract contemplates the issuance of bonds by the Authority to pay all or part of the costs of the Improvements; and

WHEREAS, each of the Local Units has or will approve and authorize the execution of this Contract by resolution of its governing body; and

WHEREAS, each of the Local Units has published or will publish, individually or jointly, a notice of intention to enter into this Contract in a newspaper of general circulation in the territory encompassed by the Authority; and

WHEREAS, this Contract will become effective for each Local Unit upon expiration of a period of forty-five (45) days following publication by each Local Unit of its notice of intention without the filing of a petition for referendum on the question of its entering into this Contract, or if such referendum election be required, then upon approval by the qualified electors of the Local Unit.

NOW, THEREFORE, IN CONSIDERATION OF THE PREMISES AND THE COVENANTS MADE HEREIN, THE PARTIES HERETO AGREE AS FOLLOWS:

SECTION 1. The Authority and the Local Units hereby approve the acquisition, construction, furnishing, equipping and operation of Improvements to the System, together with all necessary interests in land, appurtenances and attachments thereto.

SECTION 2. Each of the Local Units hereby consents to the use by the Authority and any parties contracting with the Authority of the public streets, alleys, lands and rights-of-way in each Local Unit for the purpose of constructing, operating and maintaining the System including any improvements, enlargements and extensions thereto.

SECTION 3. The System including the Improvements are designed to provide sewage disposal service to each of the Local Units and the Improvements are immediately necessary to protect and preserve the public health.

SECTION 4. The Authority and each of the Local Units hereby approve and confirm the plans for the Improvements to the System prepared by the Consulting Engineers and the total estimated cost thereof in the sum of not to exceed \$3,700,000. Said cost estimate includes all surveys, plans, specifications, acquisition of property for rights-of-way, physical construction necessary to acquire and construct the Improvements, the acquisition of all materials, machinery and necessary equipment, and all engineering, engineering supervision, administrative, legal and financing expenses necessary in connection with the acquisition and construction of the Improvements and the financing thereof.

SECTION 5. The Authority shall not enter into any final contract or contracts for the acquisition and construction of the Improvements to the System if such contract price or prices will be such as to cause the actual cost thereof to exceed the estimated cost as approved in Section 4 of this Contract unless the Authority has sufficient funds to cover such excess, or, each of the Local Units, by resolution of its respective legislative body, (a) approves said increased total cost, and (b) agrees to pay such excess over the estimated cost, either in cash or by specifically authorizing the maximum principal amount of bonds to be issued, as provided in Sections 9 and 14 of this Contract, to be increased to an amount which will provide sufficient funds to meet said increased cost, and approves a similar increase in the installment obligations of each Local Unit, if any, pledged under the terms of this Contract to the payment of such bonds.

SECTION 6. The Improvements shall be acquired and constructed by the Authority substantially in accordance with the plans and specifications that are approved by this Contract. All matters relating to engineering plans and specifications, together with the making and letting of final

construction contracts, the approval of work and materials thereunder, and construction supervision, shall be in the control of the Authority. All acquisition of sites and rights-of-way, if any, shall be done by the Authority. Each Local Unit's share of the costs of such acquisition in each Local Unit, if any, shall, if not paid from funds on hand of the Local Unit prior to issuance of the bonds, be paid from the Local Unit's share of bond proceeds and, in addition, any costs incurred by any Local Unit in connection with the acquisition or construction of the Improvements, including, but not limited to, engineering expenses, shall be promptly reimbursed to the Local Unit by the Authority from the proceeds of the Authority's Bonds.

SECTION 7. The Authority shall operate, maintain and administer the System including the Improvements for and on behalf of the Local Units. The System including the Improvements shall be maintained in good condition and repair. The Authority shall provide insurance as part of its obligation to operate the System. The Authority will furnish reports to the Local Units at periodic intervals corresponding with the reporting periods of the Local Units in detail sufficient to inform the Local Units of the operations of the System and to permit the Local Units to meet their financing requirements hereunder.

SECTION 8. To provide for the construction and financing of the Improvements in accordance with the provisions of Act 233, the Authority shall take the following steps:

(a) The Authority will take steps to adopt a resolution providing for the issuance of its bonds in the principal amount of not to exceed \$3,700,000 (except as otherwise authorized pursuant to Section 5 of this Contract) to finance all or part of the costs of the Improvements. Said bonds shall mature serially or be subject to mandatory sinking fund redemption as authorized by law, and shall be secured by the contractual obligations of each Local Unit in this Contract, unless such Local Unit has prepaid its share from funds on hand prior to issuance of the bonds. After due adoption of the resolution, the Authority will take all necessary legal procedures and steps necessary to effectuate the sale and delivery of said bonds.

(b) The Authority shall take all steps necessary to take bids for and enter into and execute final acquisition and construction contracts for the acquisition and construction of the Improvements as specified and approved hereinbefore in this Contract, in accordance with the plans and specifications therefor based on the plans as approved by this Contract.

(c) The Authority will require and procure from the contractor or contractors undertaking the actual construction and acquisition of the Improvements necessary and proper bonds to guarantee the performance of the contract or contracts and such labor and material bonds as may be required by law.

(d) The Authority, upon receipt of the proceeds of sale of the bonds, will comply with all provisions and requirements provided for in the resolution authorizing the issuance of the bonds and this Contract relative to the disposition and use of the proceeds of sale of the bonds.

(e) The Authority may temporarily invest any bond proceeds or other funds held by it for the benefit of each Local Unit as permitted by law and investment income shall accrue to and follow the fund producing such income. The Authority shall not, however, invest, reinvest or accumulate any moneys deemed to be proceeds of the bonds pursuant to §148 of the Internal

Revenue Code of 1986, as amended, and the applicable regulations thereunder (the "Code"), in such a manner as to cause the bonds to be "arbitrage bonds" within the meaning of Code § 103(b)(2) and §148, or otherwise as may jeopardize the tax status of the bonds.

SECTION 9. Each Local Unit shall pay its Local Unit Share (as hereinafter defined) of each payment required to be made by the Local Unit to the Authority pursuant to this Section 9 of the Contract. "Local Unit Share" means for each Local Unit for each fiscal year of the Authority the percentage of each payment based upon the three-year weighted average percentage use of the System by the Local Unit, as set forth more fully on Exhibit A to this Contract. Prior to issuance of the bonds, a Local Unit has the option to prepay in full its Local Unit Share of the cost of the Improvements.

The cost of the Improvements to be financed with the issuance of bonds of the Authority in the aggregate principal amount of not to exceed \$3,700,000 shall be paid in annual installments on the dates and in the amounts as established in the Authority's bond authorizing resolution.

Each Local Unit covenants that it will make or cause to be made its payments as required by this Contract not less than five (5) business days prior to the dates on which the Authority is required to make payments on the bonds described herein to the Transfer Agent for the bonds.

It is understood and agreed that the bonds of the Authority hereinbefore referred to will be issued in anticipation of the above contractual obligation, with principal maturities on the dates established by the Authority corresponding to the principal amount of the installments then coming due, and there shall also be paid in addition to said principal installments, on May 1st and November 1st of each year, or such other dates as shall be determined by the Authority, commencing November 1, 2016, as accrued interest on the principal amount remaining unpaid, an amount sufficient to pay all interest, less any credit payments to be received from the United States Treasury for bonds issued as qualified energy conservation bonds, at an interest rate not to exceed six percent (6%) per annum, due on the next succeeding interest payment date on the bonds from time to time outstanding.

From time to time as the Authority is billed by the transfer agent for its services for the bonds, and as other costs and expenses accrue to the Authority from handling of the payments made by the Local Units, or from other actions taken in connection with the Improvements, the Authority shall promptly notify the Local Units of the amount of such paying agent fees and other costs and expenses, and the Local Units shall promptly remit to the Authority sufficient funds to meet such fees and other costs and expenses in the proportions hereinabove provided to the extent sufficient funds are not available to the Authority.

The Authority shall, within thirty (30) days after the delivery of the bonds of the Authority hereinbefore referred to, furnish each Local Unit with a complete schedule of installments of principal and interest thereon, and the Authority shall also at least thirty (30) days prior to each principal and/or interest installment due date, advise the Local Units, in writing, of the exact amount of principal and interest installments due on the bonds on the next succeeding bond principal and/or interest due date, and payable on the first day of the month immediately preceding, as hereinbefore provided. Failure of the Authority to notify the Local Units of any such payment shall not relieve the Local Units of the obligation to make such payment.

If any principal installment or interest installment is not paid when due, the amount not so paid

shall be subject to a penalty, in addition to interest, of one percent (1%) thereof for each month or fraction thereof that the same remains unpaid after the due date.

SECTION 10. Each Local Unit states its intention to pay its obligations under this Contract from sources of moneys as are provided by Act 233 and applicable law, including the levy and collection of rates and charges to users of its sewage disposal system provided by each Local Unit to customers in the Local Unit. Nevertheless, pursuant to the authorization contained in Act 233, each Local Unit hereby irrevocably pledges its full faith and credit for the prompt and timely payment of its obligations pledged for bond payments as expressed in this Contract, and, subject to the provisions of the last sentence of this paragraph, shall each year, commencing with the first tax levy after issuance of the bonds by the Authority, levy an ad valorem tax on all the taxable property in the Local Unit in an amount which, taking into consideration estimated delinquencies in tax collections, will be sufficient to pay such obligations under this Contract becoming due before the time of the following year's tax collections. Such annual tax levies shall be subject to applicable constitutional, statutory, and charter tax rate limitations. Nothing herein contained shall be construed to prevent a Local Unit from using any, or any combination of, the means and methods provided in Section 7 of Act 233, as now or hereafter amended, for the purpose of providing funds to meet its obligations under this Contract, and, if at the time of making the annual tax levy there shall be either other funds on hand earmarked and set aside, or funds provided in the annual budget of the sewage disposal system of the Local Unit, for the payment of the contractual obligations due prior to the next tax collection period, then such annual tax levy may be reduced by such amount.

In the event a Local Unit shall fail for any reason to pay to the Authority at the times specified the amounts required to be paid by the provisions of this Contract, the Authority shall immediately give notice of such default and the amount thereof, to the Treasurer of each Local Unit, the Treasurer of the County of Wayne, the Treasurer of the County of Monroe, the Treasurer of the State of Michigan, and such other officials charged with the disbursement to such Local Unit of funds returned by the State and now or hereafter under Act 233 available for pledge as provided in this Section and in Section 12a of Act 233, and if such default is not corrected within ten (10) days after such notification, the State Treasurer, or other appropriate official charged with disbursement to such Local Unit of the aforesaid funds, is, by these presents, specifically authorized by the Local Unit, to the extent permitted by law, to withhold from the aforesaid funds the maximum amount necessary to cure said deficit and to pay said sums so withheld to the Authority, to apply on the obligations of the Local Unit as herein set forth. Any such moneys so withheld and paid shall be considered to have been paid to the Local Unit within the meaning of the Michigan Constitution and statutes, the purpose of this provision being voluntarily to pledge and authorize the use of said funds owing to the Local Unit to meet any past-due obligations of such Local Unit due under the provisions of this Contract. In addition to the foregoing, the Authority shall have all other rights and remedies provided by law to enforce the obligations of the Local Unit to make its payments in the manner and at the times required by this Contract, including the right of the Authority to direct the Local Unit to make a tax levy to reimburse the Authority for any funds advanced.

SECTION 11. Each Local Unit may pay in advance any of the payments required to be made by this Contract, in which event the Authority shall credit the respective Local Unit with such advance payment on future due payments to the extent of such advance payment, or use such advances to call bonds without credit to the extent provided in the bonds.

SECTION 12. Each Local Unit may pay additional moneys over and above any of the payments

specified in this Contract, with the written request that such additional funds be used to prepay installments, in which event the Authority shall be obligated to apply and use said moneys for such purpose to the fullest extent possible. Such moneys shall not then be credited as advance payments under the provisions of Section 11 of this Contract.

SECTION 13. It is specifically recognized by each Local Unit that the debt service payments required to be made by each pursuant to the terms of Section 9 of this Contract are to be pledged for and used to pay the principal installments of and interest on with respect to the bonds to be issued by the Authority as provided by this Contract and authorized by law, and each Local Unit covenants and agrees that it will make all required payments to the Authority promptly and at the times herein specified without regard to whether the Improvements are actually completed or placed in operation.

SECTION 14. If the proceeds of the sale of the bonds to be issued by the Authority are for any reason insufficient to complete each Local Unit's share of the cost of the System, subject to each Local Unit's approval required by Section 4 hereof, the Authority shall automatically be authorized to issue additional bonds in an aggregate principal amount sufficient to pay the cost of completing the Improvements and to increase the annual payments required to be made by each Local Unit in an amount so that the total payments required to be made as increased will be sufficient to meet the annual principal and interest requirements on the bonds herein authorized plus the additional bonds to be issued. It is expressly agreed between the parties hereto that the Authority shall issue bonds pursuant to this Contract and each Local Unit shall be committed to retire such amount of bonds as may be necessary to pay each Local Unit's share of the costs of the Improvements whether or not in excess of those presently estimated herein. Any such additional bonds shall comply with the requirements of Act 233 and any increase in the annual payments shall be made in the manner and at the times specified in this Contract. In lieu of such additional bonds, each Local Unit may pay over to the Authority, in cash, sufficient moneys to complete each Local Unit's share of the cost of the Improvements.

SECTION 15. After completion of the Improvements to the System and payment of all costs thereof, any surplus remaining from the proceeds of sale of bonds shall be used by the Authority for either of the following purposes: (a) for additional improvements to the System or for other projects of the Authority undertaken on behalf of the Local Units, subject to approval of the Authority; or (b) credited by the Authority toward the next payments due the Authority by said Local Units hereunder.

SECTION 16. The obligations and undertakings of each of the parties to this Contract shall be conditioned on the successful issuance and sale of the bonds pursuant to Act 233, and if for any reason whatsoever said bonds are not issued and sold within two (2) years from the date of this Contract, this Contract, except for payment of preliminary expenses and ownership of engineering data, shall be considered void and of no force and effect.

SECTION 17. The Authority and each Local Unit each recognize that the owners from time to time of the bonds issued by the Authority under the provisions of Act 233 to finance the cost of the Improvements will have contractual rights in this Contract, and it is, therefore, covenanted and agreed by the Authority and each Local Unit that so long as any of said bonds shall remain outstanding and unpaid, the provisions of this Contract shall not be subject to any alteration or revision which would in any manner materially affect either the security of the bonds or the prompt payment of principal or interest thereon. Each Local Unit and the Authority each further covenant and agree that each will comply with its respective duties and obligations under the terms of this Contract promptly at the times

and in the manner herein set forth, and will not suffer to be done any act which would in any way impair the said bonds, the security therefor, or the prompt payment of principal and interest thereon. It is hereby declared that the terms of this Contract insofar as they pertain to the security of any such bonds shall be deemed to be for the benefit of the owners of said bonds.

SECTION 18. This Contract shall remain in full force and effect from the effective date hereof (as provided in Section 21) until the bonds issued by the Authority are paid in full, but in any event not to exceed a period of twenty-one (21) years. At such time within said 21-year term as all of said bonds are paid, this Contract shall be terminated. In any event, the obligation of each Local Unit to make payments required by this Contract shall be terminated at such time as all of said bonds are paid in full, together with any deficiency or penalty thereon.

SECTION 19. The parties hereto hereby expressly agree that the Authority shall not be liable for and the Local Units, to the extent permitted by law, shall pay, indemnify and save the Authority harmless of, from and against all liability of any nature whatever regardless of the nature in which such liability may arise, for any and all claims, actions, demands, expenses, damages and losses of every conceivable kind whatsoever (including, but not limited to, liability for injuries to or death of persons and damages to or loss of property) asserted by or on behalf of any person, firm, corporation or governmental authority arising out of, resulting from, or in any way connected with the ownership, acquisition, construction, operation, maintenance and repair of Improvements to the System, this Contract, or the issuance, sale and delivery of the bonds herein described. It is the intent of the parties that the Authority be held harmless by the Local Units from liability for such claims, actions, demands, expenses, damages and losses, however caused or however arising, including, but not limited to, to the extent not prohibited by law, such claims, actions, demands, expenses, damages and losses even though caused, occasioned or contributed to by the negligence, sole or concurrent, of the Authority or by negligence for which the Authority may be held liable. In any action or proceeding brought about by reason of any such claim or demand, the Local Units will also pay, indemnify and save the Authority harmless from and against all costs, reasonable attorneys' fees and disbursements of any kind or nature incidental to or incurred in said defense, and will likewise pay all sums required to be paid by reason of said claims, demands, or any of them, in the event it is determined that there is any liability on the part of the Authority. Upon the entry of any final judgment by a court of competent jurisdiction or a final award by an arbitration panel against the Authority on any claim, action, demand, expense, damage or loss contemplated by this Section and notwithstanding that the Authority has not paid the same, the Local Units shall be obligated to pay to the Authority, upon written demand therefor, the amount thereof not more than sixty (60) days after such demand is made. In the event that any action or proceeding is brought against the Authority by reason of any such claims or demands, whether said claims or demands are groundless or not, the Local Units shall, upon written notice and demand from the Authority, but will not, without written consent of the Authority, settle any such action in the proceeding. Notwithstanding the foregoing, nothing contained in this Section shall be construed to indemnify or release the Authority against or from any liability which it would otherwise have arising from the wrongful or negligent actions or failure to act on the part of the Authority's employees, agents or representatives with respect to matters not related to the ownership, acquisition, construction, operation, maintenance or repair of the Improvements, the Contract, or the bonds described in this Contract.

SECTION 20. This Contract shall inure to the benefit of and be binding upon the respective parties hereto, their successors and assigns.

SECTION 21. This Contract shall become effective upon (i) approval by the legislative body of each Local Unit, (ii) approval by the Board of the Authority, (iii) expirations of the forty-five day period following publication by the Local Units of its notice of intention without filing of a petition of referendum on the question of its entering into this Contract, or if such referendum election be required, then upon approval by the qualified electors of such Local Unit, and (iv) due execution by authorized officers of each Local Unit and by the Chairperson and Secretary of the Authority.

SECTION 22. This Contract may be executed in several counterparts.

IN WITNESS WHEREOF, the parties hereto have caused this instrument to be executed as of the day and year first above written.

In the presence of:

\_\_\_\_\_

\_\_\_\_\_

**SOUTH HURON VALLEY UTILITY  
AUTHORITY**

By: \_\_\_\_\_  
Chairperson

By: \_\_\_\_\_  
Secretary

In the presence of:

\_\_\_\_\_

\_\_\_\_\_

**CITY OF FLAT ROCK**

By: \_\_\_\_\_  
Mayor

By: \_\_\_\_\_  
City Clerk

In the presence of:

\_\_\_\_\_

\_\_\_\_\_

**CITY OF GIBRALTAR**

By: \_\_\_\_\_  
Mayor

By: \_\_\_\_\_  
City Clerk

In the presence of:

\_\_\_\_\_

\_\_\_\_\_

**CITY OF WOODHAVEN**

By: \_\_\_\_\_  
Mayor

By: \_\_\_\_\_  
City Clerk

**CHARTER TOWNSHIP OF BROWNSTOWN**

By: \_\_\_\_\_  
Supervisor

By: \_\_\_\_\_  
Township Clerk

**CHARTER TOWNSHIP OF HURON**

By: \_\_\_\_\_  
Supervisor

By: \_\_\_\_\_  
Township Clerk

**CHARTER TOWNSHIP OF VAN BUREN**

By: \_\_\_\_\_  
Supervisor

By: \_\_\_\_\_  
Township Clerk

In the presence of:

\_\_\_\_\_

\_\_\_\_\_

**VILLAGE OF SOUTH ROCKWOOD**

By: \_\_\_\_\_  
President

By: \_\_\_\_\_  
Village Clerk

EXHIBIT A

LOCAL UNIT ESTIMATED SHARE OF IMPROVEMENT COST

									Aeration Project Financing Calculation		
	2013		2014		2015		Multi-Year Total		3 Yr wtd Avg (2013-2015)	Community Cost Share	Rounded Off Amount
	Flow (MG)	%	Flow (MG)	%	Flow (MG)	%	Flow (MG)	%			
Brownstown Twp.	738	25.5%	704	24.5%	707	23.9%	2149	24.62%	24.62%	\$911,021	\$911,000
Flat Rock	439	15.2%	449	15.6%	506	17.1%	1394	15.96%	15.96%	\$590,546	\$590,000
Gibraltar	276	9.5%	279	9.7%	320	10.8%	875	10.02%	10.02%	\$370,555	\$371,000
Huron Twp.	481	16.6%	465	16.2%	448	15.2%	1394	15.97%	15.97%	\$590,975	\$591,000
South Rockwood	68	2.3%	65	2.3%	66	2.2%	199	2.29%	2.29%	\$84,565	\$85,000
Van Buren Twp.	482	16.6%	496	17.3%	502	17.0%	1480	16.96%	16.96%	\$627,596	\$627,000
Woodhaven	412	14.2%	418	14.6%	407	13.8%	1237	14.18%	14.18%	\$524,743	\$525,000
<b>TOTAL</b>	<b>2896</b>	<b>100.0%</b>	<b>2876</b>	<b>100.0%</b>	<b>2956</b>	<b>100.0%</b>	<b>8728</b>	<b>100.00%</b>	<b>100.00%</b>	<b>\$3,700,000</b>	<b>\$3,700,000</b>

MILLER, CANFIELD, PADDOCK AND STONE, P.L.C.

# Charter Township of Van Buren

Agenda Item: \_\_\_\_\_

## REQUEST FOR BOARD ACTION

**WORK STUDY MEETING DATE: 4/4/16**

**BOARD MTG. DATES: 4/5/16**

Consent Agenda \_\_\_\_\_

New Business X

Unfinished Business \_\_\_\_\_

Public Hearing \_\_\_\_\_

<b>ITEM (SUBJECT)</b>	Medical Marihuana Temporary Moratorium Extension
<b>DEPARTMENT</b>	Planning & Economic Development
<b>PRESENTER</b>	Ron Akers, Director of Planning & Economic Development
<b>PHONE NUMBER</b>	734-699-8913
<b>INDIVIDUALS IN ATTENDANCE (OTHER THAN PRESENTER)</b>	

### Agenda topic

<b>ACTION REQUESTED</b>	To consider the adoption of a resolution to extend the temporary moratorium passed on September 15, 2015 to defer the review of applications pertaining to Medical Marihuana Establishments until May 9, 2016.
<b>BACKGROUND – (SUPPORTING AND REFERENCE DATA, INCLUDE ATTACHMENTS)</b>	See attached letter dated 3-28-2016.
<b>BUDGET IMPLICATION</b>	None
<b>IMPLEMENTATION NEXT STEP</b>	After adoption of the resolution it will be signed and placed on file in the Township Clerk's office.
<b>DEPARTMENT RECOMMENDATION</b>	Approval
<b>COMMITTEE/COMMISSION RECOMMENDATION</b>	N/A
<b>ATTORNEY RECOMMENDATION</b>	Attorney has reviewed resolution. (May be subject to Attorney/Client Privilege and not available under FOIA)
<b>ADDITIONAL REMARKS</b>	<i>[Handwritten Signature]</i>
<b>APPROVAL OF SUPERVISOR</b>	<i>[Handwritten Signature]</i>



# Charter Township of Van Buren

## BOARD OF TRUSTEES

SUPERVISOR  
Linda H. Combs

CLERK  
Leon Wright

TREASURER  
Sherry A. Budd

TRUSTEE  
Phillip C. Hart

TRUSTEE  
Jeffrey L. Jahr

TRUSTEE  
Brenda J. McClanahan

TRUSTEE  
Reggie Miller

March 8, 2016

Board of Trustees  
Charter Township of Van Buren  
46425 Tyler Road  
Belleville, MI 48111

**Subject: Medical Marihuana Moratorium Extension**

Honorable Trustees,

Staff is requesting that the Township Board of Trustees consider extending the moratorium to defer the consideration and review of applications for uses, rezoning and/or for special land uses pertaining to medical marihuana establishments until May 9, 2016. The current moratorium is in effect until April 7, 2016 and there is a proposal before the Township Board to amend the Zoning Ordinance to address this issue, but due to the required approval process established in the 2006, Michigan Zoning Enabling Act; the effective date of the proposed Zoning Ordinance amendment (if adopted) would be May 6, 2016. The following is a proposed timeline for adoption of this Zoning Ordinance amendment:

April 4, 2016: Consideration and discussion at Township Board Work Study  
April 5, 2016: First reading held at Township Board meeting.  
April 19, 2016: Second reading held at Township Board meeting.  
April 28, 2016: Notice of adoption posted in the Belleville Independent.  
May 6, 2016: Proposed Zoning Ordinance amendment would go into effect.

I have attached to this letter a proposed resolution which would extend the moratorium until May 9, 2016. This will allow for sufficient time to meeting our publication requirements and ensure that the moratorium is lifted when the proposed amendment goes into effect. We have discussed this option with Township legal counsel and they have indicated that this is an appropriate course of action due to the Township currently considering a proposed ordinance amendment. Please feel free to contact me with any questions you may have and I look forward to further discussion regarding this matter.

Respectfully submitted,

Ron Akers, AICP  
Director of Planning & Economic Development  
Charter Township of Van Buren

# CHARTER TOWNSHIP OF VAN BUREN

## RESOLUTION 2016 - April 5, 2016

### A RESOLUTION TO EXTEND THE MORATORIUM PASSED ON SEPTEMBER 15, 2015 TO DEFER THE REVIEW OF APPLICATIONS PERTAINING TO MEDICAL MARIJUANA ESTABLISHMENTS UNTIL MAY 9, 2016

#### PREAMBLE

A resolution to extend the moratorium established on September 15, 2015 to defer the consideration and review of applications for uses, rezoning and/or for special land uses pertaining to medical marijuana establishments, including, but not limited to, dispensaries, provision centers, clubs and other similar type establishments within Van Buren Township.

**THE CHARTER TOWNSHIP OF VAN BUREN, WAYNE COUNTY, MICHIGAN, ORDAINS:**

**WHEREAS**, Van Buren Township desires to secure the public safety, health, and welfare of the residents and property owners of the Township of Van Buren, Wayne County, Michigan, by providing for the regulation, control, and prohibition where necessary, of medical marijuana establishments, including, but not limited to, dispensaries, provision centers, clubs and other similar type establishments within Van Buren Township.

**WHEREAS**, the cultivation, sale, use, or dispensation of medical marijuana was not envisioned when the current Zoning Ordinance was adopted;

**WHEREAS**, this use is not regulated or planned for in any way;

**WHEREAS**, the Van Buren Township Board of Trustees is currently considering a proposal to potentially revise the Van Buren Township Zoning Ordinance;

**WHEREAS**, the Van Buren Township Board of Trustees will require additional time to study how to regulate these uses and recommends an extension of the moratorium to allow it sufficient time to consider the proposed zoning ordinance amendments;

**WHEREAS**, allowing the use, cultivation, sale or dispensation of medical marijuana prior to the amendment of the Zoning Ordinance would be contrary to the goals of the current zoning ordinance and master plan;

**WHEREAS**, Van Buren Township desires to ascertain the best and safest path to compliance with the Michigan Medical Marijuana Act, being PA 2008; MCL 333.26421, *et. al.*, in order to protect the public health, safety, and welfare;

**WHEREAS**, the Van Buren Township Board of Trustees has concluded that until the zoning ordinances are revised that it would be counter-productive if new development or expansion of development relating to medical marijuana establishments or a rezoning or special land use application for such type facilities were permitted to move forward. Therefore, the Van Buren Township Board of Trustees has determined that for this period that there shall be a deferral of consideration or review of any requests for new development, establishment and of the rezoning of property and special land uses for property pertaining to medical marijuana establishments, including the use, cultivation, sale and/or dispensing of medical marijuana;

**THEREFORE**, be it resolved that a moratorium established on September 15, 2015 is extend by an additional thirty-two (32) days, and such extension is hereby declared effective from April 4, 2016 until May 9, 2016.

**THEREFORE**, be it further resolved that, for the period commencing on the date of this Resolution and terminating on May 9, 2016, there shall be no consideration or action taken by a Township entity, official, and/or agent on a proposal for the establishment of a medical marijuana establishment/facility in Van Buren Township and that during the moratorium medical marijuana establishments shall not be permitted in the Township.

**CERTIFICATE**

Upon the motion made by \_\_\_\_\_, and seconded by \_\_\_\_\_, the above Resolution was adopted.

The following members voted:

Yeas:

Nays:

Absent/Abstain:

**The Supervisor Declared the Resolution Adopted.**

\_\_\_\_\_  
Linda Combs, Supervisor

\_\_\_\_\_  
Date

**Certification of Clerk**

I, LEON WRIGHT, Clerk of Van Buren Township, Wayne County, Michigan, do hereby certify that the above is a true and correct copy of the Resolution relative to the Moratorium established, which Resolution was adopted by the Van Buren Township Board at a meeting held on \_\_\_\_\_, 2016

\_\_\_\_\_  
Leon Wright, Clerk

\_\_\_\_\_  
Date

# Charter Township of Van Buren

Agenda Item: \_\_\_\_\_

Work Study: 4-4-16  
 Board Meeting (First Reading): 4-5-16  
 Board Meeting (Second Reading): 4-19-16

## REQUEST FOR BOARD ACTION

	Consent Agenda	<input checked="" type="checkbox"/> New Business	Unfinished Business	Public Hearing
<b>ITEM (SUBJECT)</b>	To consider the first reading of Ordinance 4-4-16 (1) to amend the General Code of Ordinances Chapter 18 – BUILDINGS AND BUILDING REGULATIONS, ARTICLE I – IN GENERAL by amending SEC. 18-1 – 18-3.			
<b>DEPARTMENT</b>	Planning & Economic Development			
<b>PRESENTER</b>	Ron Akers, Director of Planning and Economic Development			
<b>PHONE NUMBER</b>				
<b>INDIVIDUALS IN ATTENDANCE (OTHER THAN PRESENTER)</b>				

### Agenda topic

<b>ACTION REQUESTED:</b>	
To approve the first reading of Ordinance 4-4-16 (1) to amend the General Code of Ordinances Chapter 18 – BUILDINGS AND BUILDING REGULATIONS, ARTICLE I – IN GENERAL by amending SEC. 18-1 – 18-3.	
<b>BACKGROUND – (SUPPORTING AND REFERENCE DATA, INCLUDE ATTACHMENTS)</b>	
The Ordinance addition clarifies the provisions of the State Construction Code which the Township has adopted and its responsibilities thereunder.	

<b>BUDGET IMPLICATION</b>	None
<b>IMPLEMENTATION NEXT STEP</b>	Hold a second hearing and publish in the newspaper of record upon approval
<b>DEPARTMENT RECOMMENDATION</b>	Approval
<b>COMMITTEE/COMMISSION RECOMMENDATION</b>	
<b>ATTORNEY RECOMMENDATION</b>	The Ordinance was prepared and reviewed by the Township Attorney. (May be subject to Attorney/Client Privilege and not available under FOIA)
<b>ADDITIONAL REMARKS</b>	
<b>APPROVAL OF SUPERVISOR</b>	

**CHARTER TOWNSHIP OF VAN BUREN**  
**County of Wayne, State of Michigan**

**Ordinance No.:** 4-4-16 (1)  
**(Township Board Meeting Date)**

**The Charter Township of Van Buren hereby ordains that Sections 18-1 – 18-3 of the Township General Code of Ordinances be amended as follows:**

Sec. 18-1. – Purpose and Intent.

The intent of this Article is to is to designate enforcing agencies to discharge the responsibility of the Charter Township of Van Buren, located in Wayne County, under the provisions of the State Construction Code Act, Public Act No. 230 of 1972 (MCL 125.1501 et seq.), as amended.

Sec. 18-2. – Adoption, Administration, and Enforcement of State Construction Code.

Pursuant to the provisions of Sections 8a and 8b of the Stille-Derossett-Hale Single State Construction Code Act, Public Act 230 of 1972 (MCL 125.1501 et seq.), as amended (“Act”), the Charter Township of Van Buren hereby adopts by reference the Construction Code. The Charter Township of Van Buren hereby assumes responsibility for the enforcement of the Construction Code and Act within its corporate limits.

For purposes of this Section, the following words, terms, and phrases shall the following meaning ascribed to them:

- a. “Act” means the Stille-Derossett-Hale Single State Construction Code Act, Public Act 230 of 1972 (MCL 125.1501 et seq.), as amended.
- b. “Construction Code” means the State Construction Code promulgated from time-to-time by the director of the Department of Licensing and Regulatory Affairs or an authorized representative of the director pursuant to Section 4 of the Act, including the Michigan Building Code, the Michigan Residential Code, the Michigan Electrical Code, the Michigan Mechanical Code, and the Michigan Plumbing Code promulgated thereunder, as amended.

The Building Official of the Charter Township of Van Buren is designated as the “enforcing agency” to discharge the responsibility of the charter township under the Construction Code and Act, Public Act 230 of 1972 (MCL 125.1501 et seq.), as amended.

Sec. 18-3.-References in Code

References in the Construction Code to “jurisdiction” and “name of jurisdiction” shall mean the Charter Township of Van Buren.

Sec. 18-4 to 18-30.- Reserved.

**State law reference—** MCL 125.1508b.

**Effective Date**

This amendment shall become effective upon publication in a newspaper of general circulation within the Charter Township of Van Buren.

THIS ORDINANCE IS HEREBY DECLARED TO HAVE BEEN ADOPTED BY THE TOWNSHIP BOARD OF THE CHARTER TOWNSHIP OF VAN BUREN, COUNTY OF WAYNE, STATE OF MICHIGAN, AT A REGULAR MEETING, CALLED AND HELD ON THE \_\_\_\_\_ day of \_\_\_\_\_, 2016.

YEAS (in favor of amendment): \_\_\_\_\_

NAYS (opposed to amendment): \_\_\_\_\_

ABSENT: \_\_\_\_\_

I hereby approve the foregoing Ordinance.

\_\_\_\_\_  
Linda Combs,  
Supervisor, Charter Township of Van Buren

\_\_\_\_\_  
Leon Wright,  
Clerk, Charter Township of Van Buren

Adopted: \_\_\_\_\_

Published: \_\_\_\_\_

Effective: \_\_\_\_\_

Secs. 18-1—18-30. - Reserved.

Current

# Charter Township of Van Buren

Agenda Item: \_\_\_\_\_

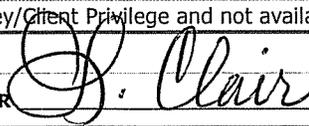
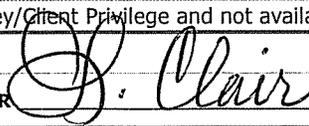
**Work Study: 4-4-16**  
**Board Meeting (First Reading): 4-5-16**  
**Board Meeting (Second Reading): 4-19-16**

## REQUEST FOR BOARD ACTION

	Consent Agenda	<input checked="" type="checkbox"/> New Business	Unfinished Business	Public Hearing
<b>ITEM (SUBJECT)</b>	To consider the first reading of Ordinance 4-4-16 (2) to amend the General Code of Ordinances, Chapter 18 – BUILDINGS AND BUILDING REGULATIONS, ARTICLE II – BUILDING CODE by amending SEC. 18-31, Agency Designated.			
<b>DEPARTMENT</b>	Planning & Economic Development			
<b>PRESENTER</b>	Ron Akers, Director of Planning and Economic Development			
<b>PHONE NUMBER</b>				
<b>INDIVIDUALS IN ATTENDANCE (OTHER THAN PRESENTER)</b>				

### Agenda topic

<b>ACTION REQUESTED:</b>	
To approve the first reading of Ordinance 4-4-16 (2) to amend the General Code of Ordinances, Chapter 18 – BUILDINGS AND BUILDING REGULATIONS, ARTICLE II – BUILDING CODE by amending SEC. 18-31, Agency Designated.	
<b>BACKGROUND – (SUPPORTING AND REFERENCE DATA, INCLUDE ATTACHMENTS)</b>	
The Ordinance addition clarifies the Township’s adoption of the Michigan Building Code and its responsibilities thereunder.	

<b>BUDGET IMPLICATION</b>	None
<b>IMPLEMENTATION NEXT STEP</b>	Hold a second hearing and publish in the newspaper of record upon approval
<b>DEPARTMENT RECOMMENDATION</b>	Approval
<b>COMMITTEE/COMMISSION RECOMMENDATION</b>	
<b>ATTORNEY RECOMMENDATION</b>	The Ordinance was prepared and reviewed by the Township Attorney. (May be subject to Attorney/Client Privilege and not available under FOIA)
<b>ADDITIONAL REMARKS</b>	
<b>APPROVAL OF SUPERVISOR</b>	

**CHARTER TOWNSHIP OF VAN BUREN**  
**County of Wayne, State of Michigan**

**Ordinance No.:** 4-4-16 (2)  
**(Township Board Meeting Date)**

**The Charter Township of Van Buren hereby ordains that Section 18-31 of the Township General Code of Ordinances be amended as follows:**

Sec. 18-31. - Agency designated.

Pursuant to the provisions of the Michigan Building Code, in accordance with Section 8b(6) of Public Act No. 230 of 1972 (MCL 125.1501 et seq.), as amended, the Building Official of the Charter Township is designated as the enforcing agency to discharge the responsibility of the Charter Township under Public Act No. 230 of 1972 (MCL 125.1501 et seq.), as amended. The Charter Township assumes responsibility for the administration and enforcement and adopts by reference the Michigan Building Code, as amended, within its corporate limits.

Sec. 18-31.2. – Savings Clause.

All proceedings pending and all rights and liabilities existing, acquired or incurred at the time this ordinance takes effect are saved and may be consummated according to the law in force at the time the proceeding was commenced.

Sec. 18-31.3. – Severability.

The various parts, sections and clauses of this ordinance are declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the ordinance shall not be affected.

Sec. 18-31.4. – Repeal.

All regulatory provisions contained in other township ordinances, which are inconsistent with the provisions of this ordinance, are repealed.

**State law reference—** MCL 125.1508b.

**Effective Date**

This amendment shall become effective upon publication in a newspaper of general circulation within the Charter Township of Van Buren.

THIS ORDINANCE IS HEREBY DECLARED TO HAVE BEEN ADOPTED BY THE TOWNSHIP BOARD OF THE CHARTER TOWNSHIP OF VAN BUREN, COUNTY OF

WAYNE, STATE OF MICHIGAN, AT A REGULAR MEETING, CALLED AND HELD ON  
THE \_\_\_\_\_ day of \_\_\_\_\_, 2016.

YEAS (in favor of amendment): \_\_\_\_\_

NAYS (opposed to amendment): \_\_\_\_\_

ABSENT: \_\_\_\_\_

I hereby approve the foregoing Ordinance.

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Linda Combs,  
Supervisor, Charter Township of Van Buren

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Leon Wright,  
Clerk, Charter Township of Van Buren

Adopted: \_\_\_\_\_

Published: \_\_\_\_\_

Effective: \_\_\_\_\_

## ARTICLE II. - BUILDING CODE

## FOOTNOTE(S):

--- (2) ---

**Editor's note**— Ord. No. 1 of December 4, 2001, §§ 1, 2, amended art. II in its entirety to read as herein set out. Formerly, art. II pertained to similar subject matter and derived from Ord. No. 3-20-93(3), §§ 1, 3, effective April 12, 1990, and Ord. No. 5-4-93(3), §§ 10.001, 10.003, effective June 1, 1993.

~~Sec. 18-31. - Agency designated:~~

~~Pursuant to the provisions of the Michigan Building Code 2000, in accordance with Section 8b (6) of Act 230, of the Public Acts of 1972, as amended, the building official of the charter township is hereby designated as the enforcing agency to discharge the responsibility of the charter township under Act 230, of the Public Acts of 1972, as amended, State of Michigan. The charter township assumes responsibility for the administration and enforcement of said Act throughout its corporate limits.~~

~~(Ord. No. 12-4-01(1), §§ 1, 2, eff. 12-27-01)~~

~~Secs. 18-32—18-45. -Reserved.~~

# Charter Township of Van Buren

Agenda Item: \_\_\_\_\_

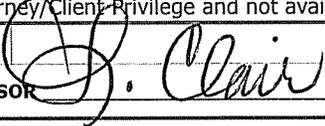
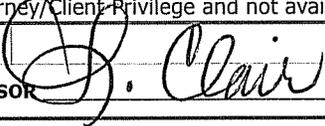
**Work Study: 4-4-16**  
**Board Meeting (First Reading): 4-5-16**  
**Board Meeting (Second Reading): 4-19-16**

## REQUEST FOR BOARD ACTION

	Consent Agenda	<input checked="" type="checkbox"/> New Business	Unfinished Business	Public Hearing
<b>ITEM (SUBJECT)</b>	To consider the first reading of Ordinance 4-4-16 (3) to amend the General Code of Ordinances, Chapter 18 – BUILDINGS AND BUILDING REGULATIONS, ARTICLE IIA – RESIDENTIAL CODE by amending SEC. 18-46, Agency Designated.			
<b>DEPARTMENT</b>	Planning & Economic Development			
<b>PRESENTER</b>	Ron Akers, Director of Planning and Economic Development			
<b>PHONE NUMBER</b>				
<b>INDIVIDUALS IN ATTENDANCE (OTHER THAN PRESENTER)</b>				

### Agenda topic

<b>ACTION REQUESTED:</b>	
To approve the first reading of Ordinance 4-4-16 (3) to amend the General Code of Ordinances, Chapter 18 – BUILDINGS AND BUILDING REGULATIONS, ARTICLE IIA – RESIDENTIAL CODE by amending SEC. 18-46, Agency Designated.	
<b>BACKGROUND – (SUPPORTING AND REFERENCE DATA, INCLUDE ATTACHMENTS)</b>	
The Ordinance addition clarifies the Township’s adoption of the Michigan Residential Code and its responsibilities thereunder.	

<b>BUDGET IMPLICATION</b>	None
<b>IMPLEMENTATION NEXT STEP</b>	Hold a second hearing and publish in the newspaper of record upon approval
<b>DEPARTMENT RECOMMENDATION</b>	Approval
<b>COMMITTEE/COMMISSION RECOMMENDATION</b>	
<b>ATTORNEY RECOMMENDATION</b>	The Ordinance was prepared and reviewed by the Township Attorney. (May be subject to Attorney/Client Privilege and not available under FOIA)
<b>ADDITIONAL REMARKS</b>	
<b>APPROVAL OF SUPERVISOR</b>	

**CHARTER TOWNSHIP OF VAN BUREN**  
**County of Wayne, State of Michigan**

**Ordinance No.:** 4-4-16 (3)  
**(Township Board Meeting Date)**

**The Charter Township of Van Buren hereby ordains that Section 18-46 of the Township General Code of Ordinances be amended as follows:**

Sec. 18-46. - Agency designated.

Pursuant to provisions of the Michigan Residential Code, in accordance with Sec. 8b(6) of Public Act No. 230 of 1972 (MCL 125.1501 et seq.), as amended, the Building Official of the Charter Township is designated as the enforcing agency to discharge the responsibility of the Charter Township under Public Act No. 230 of 1972 (MCL 125.1501 et seq.), as amended. The Charter Township adopts and assumes responsibility for the administration and enforcement of the Michigan Residential Code, as amended, within its corporate limits.

Sec. 18-46.2. – Savings Clause.

All proceedings pending and all rights and liabilities existing, acquired or incurred at the time this ordinance takes effect are saved and may be consummated according to the law enforced when they are commenced.

Sec. 18-46.3. – Severability.

The various parts, sections and clauses of this ordinance are declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected.

Sec. 18-46.4. – Repeal.

All regulatory provisions contained in other charter township ordinances which are inconsistent with the provisions of this ordinance, are repealed.

**State law reference—** MCL 125.1508b.

**Effective Date**

This amendment shall become effective upon publication in a newspaper of general circulation within the Charter Township of Van Buren.

THIS ORDINANCE IS HEREBY DECLARED TO HAVE BEEN ADOPTED BY THE TOWNSHIP BOARD OF THE CHARTER TOWNSHIP OF VAN BUREN, COUNTY OF

WAYNE, STATE OF MICHIGAN, AT A REGULAR MEETING, CALLED AND HELD ON  
THE \_\_\_\_\_ day of \_\_\_\_\_, 2016.

YEAS (in favor of amendment): \_\_\_\_\_

NAYS (opposed to amendment): \_\_\_\_\_

ABSENT: \_\_\_\_\_

I hereby approve the foregoing Ordinance.

---

Linda Combs,  
Supervisor, Charter Township of Van Buren

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Leon Wright,  
Clerk, Charter Township of Van Buren

Adopted: \_\_\_\_\_

Published: \_\_\_\_\_

Effective: \_\_\_\_\_

ARTICLE IIA. - RESIDENTIAL CODE

FOOTNOTE(S):

--- (3) ---

Editor's note— Ord. No. 2 of December 4, 2001, §§ 1, 2, enacted provisions intended for use as art. II, § 18-31. Inasmuch as there are already provisions so designated, and at the discretion of the editor, said provisions have been redesignated as art. IIA, § 18-46

~~Sec. 18-46. Agency designated.~~

~~Pursuant to the provisions of the Michigan Residential Code 2000, in accordance with Section 8b (6) of Act 230, of the Public Acts of 1972, as amended, the building official of the charter township is hereby designated as the enforcing agency to discharge the responsibility of the charter township under Act 230, of the Public Acts of 1972, as amended, State of Michigan. The charter township assumes responsibility for the administration and enforcement of said Act throughout its corporate limits.~~

~~(Ord. No. 12-4-01(2), §§ 1, 2, en. 12-27-01)~~

~~Secs. 18-47—18-55. Reserved.~~

# Charter Township of Van Buren

Agenda Item: \_\_\_\_\_

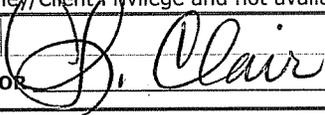
**Work Study: 4-4-16**  
**Board Meeting (First Reading): 4-5-16**  
**Board Meeting (Second Reading): 4-19-16**

## REQUEST FOR BOARD ACTION

	Consent Agenda	<input checked="" type="checkbox"/> New Business	Unfinished Business	Public Hearing
<b>ITEM (SUBJECT)</b>	To consider the first reading of Ordinance 4-4-16 (4) to amend the General Code of Ordinances, Chapter 18 – BUILDINGS AND BUILDING REGULATIONS, ARTICLE III – MECHANICAL CODE by amending SEC. 18-56, Agency Designated.			
<b>DEPARTMENT</b>	Planning & Economic Development			
<b>PRESENTER</b>	Ron Akers, Director of Planning and Economic Development			
<b>PHONE NUMBER</b>				
<b>INDIVIDUALS IN ATTENDANCE (OTHER THAN PRESENTER)</b>				

### Agenda topic

<b>ACTION REQUESTED:</b>	
To approve the first reading of Ordinance 4-4-16 (4) to amend the General Code of Ordinances, Chapter 18 – BUILDINGS AND BUILDING REGULATIONS, ARTICLE III – MECHANICAL CODE by amending SEC. 18-56, Agency Designated.	
<b>BACKGROUND – (SUPPORTING AND REFERENCE DATA, INCLUDE ATTACHMENTS)</b>	
The Ordinance addition clarifies the Township’s adoption of the Michigan Mechanical Code and its responsibilities thereunder.	

<b>BUDGET IMPLICATION</b>	None
<b>IMPLEMENTATION NEXT STEP</b>	Hold a second hearing and publish in the newspaper of record upon approval
<b>DEPARTMENT RECOMMENDATION</b>	Approval
<b>COMMITTEE/COMMISSION RECOMMENDATION</b>	
<b>ATTORNEY RECOMMENDATION</b>	The Ordinance was prepared and reviewed by the Township Attorney. (May be subject to Attorney/Client Privilege and not available under FOIA)
<b>ADDITIONAL REMARKS</b>	
<b>APPROVAL OF SUPERVISOR</b>	

**CHARTER TOWNSHIP OF VAN BUREN**  
**County of Wayne, State of Michigan**

**Ordinance No.:** 4-4-16 (4)  
**(Township Board Meeting Date)**

**The Charter Township of Van Buren hereby ordains that Section 18-56 of the Township General Code of Ordinances be amended as follows:**

Sec. 18-56. - Agency designated.

Pursuant to the provisions of the Michigan Mechanical Code, in accordance with Section 8b(6) of Public Act No. 230 of 1972 (MCL 125.1501 et seq.), as amended, the Mechanical Inspector of the Charter Township is designated as the enforcing agency to discharge the responsibility of the Charter Township under Public Act No. 230 of 1972 (MCL 125.1501 et seq.), as amended. The Charter Township assumes responsibility for the administration and enforcement and adopts by reference the Michigan Mechanical Code, as amended, within its corporate limits.

Sec. 18-56.2. – Savings Clause.

All proceedings pending and all rights and liabilities existing, acquired or incurred at the time this ordinance takes effect are saved and may be consummated according to the law enforced when they are commenced.

Sec. 18-56.3. – Severability.

The various parts, sections and clauses of this ordinance are declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected.

Sec. 18-56.4. – Repeal.

All regulatory provisions contained in other charter township ordinances which are inconsistent with the provisions of this ordinance, are repealed.

**State law reference—** MCL 125.1508b.

**Effective Date**

This amendment shall become effective upon publication in a newspaper of general circulation within the Charter Township of Van Buren.

THIS ORDINANCE IS HEREBY DECLARED TO HAVE BEEN ADOPTED BY THE TOWNSHIP BOARD OF THE CHARTER TOWNSHIP OF VAN BUREN, COUNTY OF WAYNE, STATE OF MICHIGAN, AT A REGULAR MEETING, CALLED AND HELD ON THE \_\_\_\_\_ day of \_\_\_\_\_, 2016.

YEAS (in favor of amendment): \_\_\_\_\_

NAYS (opposed to amendment): \_\_\_\_\_

ABSENT: \_\_\_\_\_

I hereby approve the foregoing Ordinance.

---

Linda Combs,  
Supervisor, Charter Township of Van Buren

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Leon Wright,  
Clerk, Charter Township of Van Buren

Adopted: \_\_\_\_\_

Published: \_\_\_\_\_

Effective: \_\_\_\_\_

ARTICLE III. - MECHANICAL CODE

FOOTNOTE(S):

--- (4) ---

Editor's note— Ord. No. 4 of December 4, 2001, §§ 1, 2, amended art. III in its entirety to read as herein set out. Formerly, art. III pertained to similar subject matter and derived from Ord. No. 3-20-90(2), §§ 1, 3, effective April 12, 1990; Ord. No. 5-4-93(4), §§ 10.101, 10.103, effective June 1, 1993; Ord. No. 12-3-96(2), §§ 1, 2, effective December 26, 1996.

~~Sec. 18-56. Agency designated.~~

~~Pursuant to the provisions of the Michigan Mechanical Code 2000, in accordance with Section 8b (6) of Act 230, of the Public Acts of 1972, as amended, the building official of the charter township is hereby designated as the enforcing agency to discharge the responsibility of the charter township under Act 230, of the Public Acts of 1972, as amended, State of Michigan. The charter township assumes responsibility for the administration and enforcement of said Act throughout its corporate limits.~~

~~(Ord. No. 12-4-01(4), §§ 1, 2, effective 12-27-01)~~

~~Secs. 18-57—18-80. Reserved.~~

# Charter Township of Van Buren

Agenda Item: \_\_\_\_\_

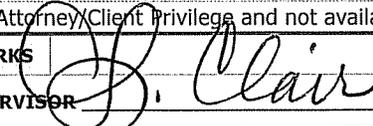
**Work Study: 4-4-16**  
**Board Meeting (First Reading): 4-5-16**  
**Board Meeting (Second Reading): 4-19-16**

## REQUEST FOR BOARD ACTION

	Consent Agenda	<input checked="" type="checkbox"/> New Business	Unfinished Business	Public Hearing
<b>ITEM (SUBJECT)</b>	To consider the first reading of Ordinance 4-4-16 (5) to amend the General Code of Ordinances, Chapter 18 – BUILDINGS AND BUILDING REGULATIONS, ARTICLE IV – PLUMBING CODE by amending SEC. 18-81, Agency Designated.			
<b>DEPARTMENT</b>	Planning & Economic Development			
<b>PRESENTER</b>	Ron Akers, Director of Planning and Economic Development			
<b>PHONE NUMBER</b>				
<b>INDIVIDUALS IN ATTENDANCE (OTHER THAN PRESENTER)</b>				

### Agenda topic

<b>ACTION REQUESTED:</b>	
To approve the first reading of Ordinance 4-4-16 (5) to amend the General Code of Ordinances, Chapter 18 – BUILDINGS AND BUILDING REGULATIONS, ARTICLE IV – PLUMBING CODE by amending SEC. 18-81, Agency Designated.	
<b>BACKGROUND – (SUPPORTING AND REFERENCE DATA, INCLUDE ATTACHMENTS)</b>	
The Ordinance addition clarifies the Township's adoption of the Michigan Plumbing Code and its responsibilities thereunder.	

<b>BUDGET IMPLICATION</b>	None
<b>IMPLEMENTATION NEXT STEP</b>	Hold a second hearing and publish in the newspaper of record upon approval
<b>DEPARTMENT RECOMMENDATION</b>	Approval
<b>COMMITTEE/COMMISSION RECOMMENDATION</b>	
<b>ATTORNEY RECOMMENDATION</b>	The Ordinance was prepared and reviewed by the Township Attorney. (May be subject to Attorney/Client Privilege and not available under FOIA)
<b>ADDITIONAL REMARKS</b>	
<b>APPROVAL OF SUPERVISOR</b>	

**CHARTER TOWNSHIP OF VAN BUREN  
County of Wayne, State of Michigan**

**Ordinance No.: 4-4-16 (5)  
(Township Board Meeting Date)**

**The Charter Township of Van Buren hereby ordains that Section 18-81 of the Township General Code of Ordinances be amended as follows:**

Sec. 18-81. - Agency designated.

Pursuant to the provisions of the Michigan Plumbing Code, in accordance with Section 8b(6) of Public Act No. 230 of 1972 (MCL 125.1501 et seq.), as amended, the Plumbing Inspector of the Charter Township is designated as the enforcing agency to discharge the responsibility of the Charter Township under Public Act No. 230 of 1972 (MCL 125.1501 et seq.), as amended. The Charter Township assumes responsibility for the administration and enforcement and adopts by reference the Michigan Plumbing Code, as amended, within its corporate limits.

Sec. 18-81.2. – Savings Clause.

All proceedings pending and all rights and liabilities existing, acquired or incurred at the time this ordinance takes effect are saved and may be consummated according to the law enforced when they are commenced.

Sec. 18-81.3. – Severability.

The various parts, sections and clauses of this ordinance are declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected.

Sec. 18-81.3. – Repeal.

All regulatory provisions contained in other charter township ordinances which are inconsistent with the provisions of this ordinance, are repealed.

**State law reference—** MCL 125.1508b.

**Effective Date**

This amendment shall become effective upon publication in a newspaper of general circulation within the Charter Township of Van Buren.

THIS ORDINANCE IS HEREBY DECLARED TO HAVE BEEN ADOPTED BY THE TOWNSHIP BOARD OF THE CHARTER TOWNSHIP OF VAN BUREN, COUNTY OF WAYNE, STATE OF MICHIGAN, AT A REGULAR MEETING, CALLED AND HELD ON THE \_\_\_\_\_ day of \_\_\_\_\_, 2016.

YEAS (in favor of amendment): \_\_\_\_\_

NAYS (opposed to amendment): \_\_\_\_\_

ABSENT: \_\_\_\_\_

I hereby approve the foregoing Ordinance.

---

Linda Combs,  
Supervisor, Charter Township of Van Buren

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Leon Wright,  
Clerk, Charter Township of Van Buren

Adopted: \_\_\_\_\_

Published: \_\_\_\_\_

Effective: \_\_\_\_\_

ARTICLE IV. - PLUMBING CODE

FOOTNOTE(S):

--- (5) ---

Editor's note— Ord. No. 5 of December 4, 2001, §§ 1, 2, amended art. IV in its entirety to read as herein set out. Formerly, art. II pertained to similar subject matter and derived from Ord. No. 3-20-90(5), §§ 1, 3, e~~ffective~~ April 12, 1990, and Ord. No. 5-4-93(5), §§ 10.201, 10.203, e~~ffective~~ June 1, 1993.

~~Sec. 18-81. Agency designated.~~

~~Pursuant to the provisions of the Michigan Plumbing Code 2000, in accordance with Section 8b (6) of Act 230, of the Public Acts of 1972, as amended, the building official of the charter township is hereby designated as the enforcing agency to discharge the responsibility of the charter township under Act 230, of the Public Acts of 1972, as amended, State of Michigan. The charter township assumes responsibility for the administration and enforcement of said Act throughout its corporate limits.~~

~~(Ord. No. 12-4-01(5), §§ 1, 2, e~~ffective~~ 12-27-01)~~

~~Secs. 18-82 — 18-115. Reserved.~~

# Charter Township of Van Buren

Agenda Item: \_\_\_\_\_

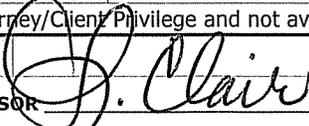
**Work Study: 4-4-16**  
**Board Meeting (First Reading): 4-5-16**  
**Board Meeting (Second Reading): 4-19-16**

## REQUEST FOR BOARD ACTION

Consent Agenda	<input checked="" type="checkbox"/> New Business	Unfinished Business	Public Hearing
<b>ITEM (SUBJECT)</b>	To consider the first reading of Ordinance 4-4-16 (6) to amend the General Code of Ordinances, Chapter 18 – BUILDINGS AND BUILDING REGULATIONS, ARTICLE VI – ELECTRICAL CODE by amending SEC. 18-151, Agency Designated & by removing SEC. 18-171 – 18-402 Electrical Examining and Appeals Board, Licensing and Registration, & Permits and Inspection.		
<b>DEPARTMENT</b>	Planning & Economic Development		
<b>PRESENTER</b>	Ron Akers, Director of Planning and Economic Development		
<b>PHONE NUMBER</b>			
<b>INDIVIDUALS IN ATTENDANCE (OTHER THAN PRESENTER)</b>			

### Agenda topic

<b>ACTION REQUESTED:</b>	
To approve the first reading of Ordinance 4-4-16 (6) to amend the General Code of Ordinances, Chapter 18 – BUILDINGS AND BUILDING REGULATIONS, ARTICLE IV –ELECTRICAL CODE by amending SEC. 18-151, Agency Designated & by removing SEC. 18-171 – 18-402 Electrical Examining and Appeals Board, Licensing and Registration, & Permits and Inspection.	
<b>BACKGROUND – (SUPPORTING AND REFERENCE DATA, INCLUDE ATTACHMENTS)</b>	
The Ordinance addition clarifies the Township’s adoption of the Michigan Electrical Code and its responsibilities thereunder.	

<b>BUDGET IMPLICATION</b>	None
<b>IMPLEMENTATION NEXT STEP</b>	Hold a second hearing and publish in the newspaper of record upon approval
<b>DEPARTMENT RECOMMENDATION</b>	Approval
<b>COMMITTEE/COMMISSION RECOMMENDATION</b>	
<b>ATTORNEY RECOMMENDATION</b>	The Ordinance was prepared and reviewed by the Township Attorney. (May be subject to Attorney/Client Privilege and not available under FOIA)
<b>ADDITIONAL REMARKS</b>	
<b>APPROVAL OF SUPERVISOR</b>	

**CHARTER TOWNSHIP OF VAN BUREN  
County of Wayne, State of Michigan**

**Ordinance No.: 4-4-16 (6)  
(Township Board Meeting Date)**

**The Charter Township of Van Buren hereby ordains that Section 18-151 of the Township General Code of Ordinances be amended as follows:**

Sec. 18-151. - Agency designated.

Pursuant to provisions of the Michigan Electrical Code, in accordance with Sec. 8b(6) of Public Act No. 230 of 1972 (MCL 125.1501 et seq.), as amended, the Electrical Inspector of the Charter Township is designated as the enforcing agency to discharge the responsibility of the Charter Township under Act 230 of Public Acts of 1972, as amended. The Charter Township adopts and assumes responsibility for the administration and enforcement of the current Michigan Electrical Code, as amended, within its corporate limits.

Sec. 18-151.2. – Savings Clause.

All proceedings pending and all rights and liabilities existing, acquired or incurred at the time this ordinance takes effect are saved and may be consummated according to the law enforced when they are commenced.

Sec. 18-151.3. – Severability.

The various parts, sections and clauses of this ordinance are declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected.

Sec. 18-151.4. – Repeal.

All regulatory provisions contained in other charter township ordinances which are inconsistent with the provisions of this ordinance, are repealed.

**State law reference—** MCL 125.1508b.

**Effective Date**

This amendment shall become effective upon publication in a newspaper of general circulation within the Charter Township of Van Buren.

THIS ORDINANCE IS HEREBY DECLARED TO HAVE BEEN ADOPTED BY THE TOWNSHIP BOARD OF THE CHARTER TOWNSHIP OF VAN BUREN, COUNTY OF WAYNE, STATE OF MICHIGAN, AT A REGULAR MEETING, CALLED AND HELD ON THE \_\_\_\_\_ day of \_\_\_\_\_, 2016.

YEAS (in favor of amendment): \_\_\_\_\_

NAYS (opposed to amendment): \_\_\_\_\_

ABSENT: \_\_\_\_\_

I hereby approve the foregoing Ordinance.

---

Linda Combs,  
Supervisor, Charter Township of Van Buren

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Leon Wright,  
Clerk, Charter Township of Van Buren

Adopted: \_\_\_\_\_

Published: \_\_\_\_\_

Effective: \_\_\_\_\_

## ARTICLE VI. - ELECTRICAL

## FOOTNOTE(S):

--- (7) ---

Cross reference— Businesses, ch. 22.

~~DIVISION 1. - GENERALLY~~

## FOOTNOTE(S):

--- (8) ---

Editor's note— Ord. No. 3 of December 4, 2001, §§ 1, 2, amended div. 1 in its entirety to read as herein set out. Formerly, div. 1 pertained to similar subject matter and derived from Ord. No. 2-15-94, §§ 1, 2(C), 4, 14(A), 15, 17(A), effective March 9, 1994.

~~Sec. 18-151. - Agency designated.~~

~~Pursuant to the provisions of the National Electrical Code 1999, in accordance with Section 8b (6) of Act 230, of the Public Acts of 1972, as amended, the building official of the charter township is hereby designated as the enforcing agency to discharge the responsibility of the charter township under Act 230, of the Public Acts of 1972, as amended, State of Michigan. The charter township assumes responsibility for the administration and enforcement of said Act throughout its corporate limits.~~

(Ord. No. 12-4-01(3), §§ 1, 2, effective 12-27-01)

~~Secs. 18-152 - 18-170. - Reserved.~~~~DIVISION 2. - ELECTRICAL EXAMINING AND APPEALS BOARD~~

## FOOTNOTE(S):

--- (9) ---

Cross reference— Boards and commissions, § 2-76 et seq.

~~Sec. 18-171. - Designated.~~

~~The electrical examining and appeals board shall be the Reciprocal Electrical Council, Inc.~~

(Ord. No. 2-15-94, §§ 1, 12(A), effective 3-9-94)

~~Sec. 18-172. - Promulgation and recommendation of rules.~~

~~The board is hereby empowered and it shall be their duty to promulgate and recommend rules and regulations concerning electrical work in the township. The rules and regulations so made by the board shall be effective upon approval by the township board and the state construction code commission and shall take precedence over plans, specifications and national electrical code rules.~~

(Ord. No. 2-15-94, § 2(B), effective 3-9-94)

~~Sec. 18-173. - Jurisdiction of installations.~~

~~The board has jurisdiction, subject to review, over the inspection of all electrical installations, including changes, repairs and additions thereto, within the township.~~

(Ord. No. 2-15-94, § 2(A), effective 3-9-94)

~~Sec. 18-174. Examination of applicants for electrical licenses.~~

~~The board shall examine all applicants for electrical, fire, and sign contractor's licenses; journeyman and master electrician licenses; fire alarm specialty technician licenses and sign specialist licenses; and the registration of apprentice electricians and fire alarm specialty apprentice technicians.~~

~~(Ord. No. 2-15-94, § 12(A), eff. 3-9-94)~~

~~Secs. 18-175 — 18-200. Reserved.~~

~~DIVISION 3. LICENSING AND REGISTRATION Subdivision~~~~I. Generally~~~~Sec. 18-201. Contractor's license Required.~~

~~No person shall engage in the business of electrical contracting, fire alarm contracting, or sign contracting unless such person shall have received from the state or the appropriate municipality the appropriate contractor's license; nor shall any person other than a master electrician, except a person duly licensed and employed by and working under the direction of a holder of an electrical contractor's license, fire alarm contractor's license, or sign contractor's license, in any manner undertaken to execute any electrical wiring; except, no license shall be required by the board to perform the work in section 18-202, nor shall a license or permit be required to execute the work covered by section 18-203.~~

~~(Ord. No. 2-15-94, § 6, eff. 3-9-94)~~

~~Sec. 18-202. Same Exceptions.~~

~~A license is not required to perform the following work:~~

- ~~(1) Any installation, alteration or repair of electrical equipment by a homeowner in a single family home and accompanying outbuildings owned and occupied or to be occupied by the person performing the installation, alteration or repair of electrical equipment.~~
- ~~(2) Work performed by mechanical contractors licensed in classifications listed in section 6(3)(a), (b), (d), (e), and (f) of the Forbes Mechanical Contractor Act, Act No. 192 of the Public Acts of Michigan of 1984 (MCL 338.971 et seq., MSA 18.86(1) et seq.), as amended, plumbing contractors licensed under Act No. 266 of the Public Acts of Michigan of 1929 (MCL 338.901 et seq., MSA 14.451 et seq.), as amended, and employees of persons licensed under Act No. 192 of the Public Acts of Michigan of 1984 (MCL 338.971 et seq., MSA 18.86(1) et seq.), as amended, and Act No. 266 of the Public Acts of Michigan of 1929 (MCL 338.901 et seq., MSA 14.451 et seq.), as amended, while performing maintenance, service, repair, replacement, alteration, modification, reconstruction or upgrading of control wiring circuits and electrical component parts within existing mechanical systems defined in the mechanical and plumbing codes provided for in the State Construction Code Act of 1972, Act No. 230 of the Public Acts of Michigan of 1972 (MCL 125.1501 et seq., MSA 5.2949(1) et seq.), as amended, including, but not limited to, energy management systems, relays and controls on boilers, water heaters, furnaces, air conditioning compressors and condensers, fan controls, thermostats and sensors, and all manufacturer prewired system wiring associated with the mechanical systems in buildings which are on the load side of the unit disconnect, which is located on or immediately adjacent to the equipment, except for life safety systems wiring.~~
- ~~(3) Electrical wiring associated with the installation, removal, alteration, or repair of a water well pump on a single family dwelling to the first point of attachment in the house from the well, by a registered pump installer under part 127 of the Public Health Code, Act No. 368 of the Public Acts of Michigan of 1978 (MCL 333.12701 et seq., MSA 14.15(12701) et seq.), as amended.~~
- ~~(4) The installation, maintenance or servicing of burglar alarm systems within a building or structure.~~
- ~~(5) The installation, maintenance or servicing of residential lawn sprinkling equipment.~~

- (6) ~~The installation, alteration, maintenance or repair of electric signs and related wiring by an unlicensed individual under the direct supervision of a licensed sign specialist, except that the ratio of unlicensed individuals engaged in this activity shall not exceed two unlicensed individuals to one licensed sign specialist. An enforcing agency shall enforce this ratio on a jobsite basis.~~
- (7) ~~The construction, installation, maintenance, repair and renovation of telecommunications equipment and related systems by a person primarily engaged in the telecommunications and related information systems industry. This exemption does not include the construction, installation, maintenance, repair and renovation of a fire alarm system.~~

(Ord. No. 2-15-94, § 6(g), (i) — (n), eä 3-9-94)

~~Sec. 18-203. License/permit exceptions.~~

~~Neither a license nor a permit is required to perform the following work:~~

- ~~(1) Minor repair work.~~
- ~~(2) The installation, alteration, repairing, rebuilding or remodeling of elevators, dumbwaiters, escalators, or man lifts performed under a permit issued by an elevator inspection agency of the state or political subdivision of the state.~~
- ~~(3) The installation, alteration or repair of electrical equipment and its associated wiring, installed on the premises of consumers or subscribers by or for electrical energy supply or communication agencies for use by such agencies in the generation, transmission, distribution or metering of electrical energy, or for the operation of signals or transmission of intelligence, not including fire alarm systems.~~
- ~~(4) The installation, alteration or repair of electric wiring for the generation and primary distribution of electric current, or the secondary distribution system, up to and including the meters, where such work is an integral part of the system owned and operated by an electrical light and power utility in rendering its duly authorized service.~~
- ~~(5) Any work involved in the manufacture of electric equipment, including the testing and repairing of such manufactured equipment.~~
- ~~(6) The installation, alteration or repair of equipment and its associated wiring for the generation or distribution of electric energy for the operation of signals or transmission of intelligence where such work is in connection with a communication system owned or operated by a telephone or telegraph company in rendering its duly authorized service as a telephone or telegraph company.~~
- ~~(7) Any work involved in the use, maintenance, operation, dismantling or reassembling of motion picture and theatrical equipment used in any building with approved facilities for entertainment or educational use and which has the necessary permanent wiring, floor and wall receptacle outlets designed for the proper and safe use of such theatrical equipment, but not including any permanent wiring.~~

(Ord. No. 2-15-94, § 6(a) — (f), (h), eä 3-9-94)

~~Sec. 18-204. Holders of certain licenses not required to hold specialty licenses.~~

~~A person holding a valid electrical contractor's license, master electrician's license, electrical journeyman's license or apprentice electrician's registration shall not be required to hold any specialty licenses in order to perform specialty installations.~~

(Ord. No. 2-15-94, § 12(H), eä 3-9-94)

~~Sec. 18-205. Application forms and examinations — Generally.~~

The electrical examining and appeals board shall prepare the application forms, prescribe the examination and meet on call of the director to hold examinations. Due notice shall be given applicants of the date of examination. All applications for examination shall be in writing. The examination shall consist of a written examination as the board shall determine, and other practical tests at the discretion of the board.

(Ord. No. 2-15-94, § 12(D), eä 3-9-94)

~~Sec. 18-206. Same English language.~~

All application forms and examinations under this division shall be in English, and all applicants shall be able to read and write in the English language.

(Ord. No. 2-15-94, § 12(G), eä 3-9-94)

~~Sec. 18-207. Electrician license applicants' legal addresses.~~

Applicants for journeyman and master electrician licenses, äre alarm specialty technician licenses and sign specialist licenses shall designate their residences as the location of their legal address.

(Ord. No. 2-15-94, § 12(B), eä 3-9-94)

~~Sec. 18-208. Contents of electrician examinations.~~

The examination for a journeyman and master electrician's license, a äre alarm specialty technician license, and a sign specialist license shall include, but not be limited to, questions designed to test an individual's knowledge of this article, the State Construction Code Act of 1972, Act No. 230 of the Public Acts of Michigan of 1972 (MCL 125.1501 et seq., MSA 5.2949(1) et seq.), as amended, and any code adopted by the state or township, as well as the theory relative to those codes.

(Ord. No. 2-15-94, § 12(E), eä 3-9-94)

~~Sec. 18-209. Contractors' legal addresses.~~

All electrical contractors, äre alarm contractors, sign specialty contractors, master electricians, journeyman electricians, and äre alarm specialty apprentice technicians having their legal address within the corporate limits of the township shall secure their license or registration from the township. All applicants for contractor licenses shall designate their principal place of business as their legal address.

(Ord. No. 2-15-94, § 12(B), (C), eä 3-9-94)

~~Sec. 18-210. Examination for contractor's license; contents.~~

The examination for electrical contractor's license, äre alarm contractor's license and sign specialty contractor's license shall include, but not be limited to, questions designed to test an individual's knowledge of this article and any rules promulgated under this article, the State Construction Code Act of 1972, Act No. 230 of the Public Acts of Michigan of 1972 (MCL 125.1501 et seq., MSA 5.2949(1) et seq.), as amended, and the administration and enforcement procedures of any code adopted by this township.

(Ord. No. 2-15-94, § 12(F), eä 3-9-94)

~~Secs. 18-211 — 18-235. Reserved. Subdivision II.  
Contractors~~

~~Sec. 18-236. License required.~~

It shall be unlawful for any person to engage in the business of electrical contractor, äre alarm contractor, sign specialty contractor and install, alter or repair electrical wiring, equipment, apparatus or ätures for light, heat, power or

~~Fire alarm system in or about buildings and/or structures located within the township without first having procured the appropriate contractor's license.~~

~~(Ord. No. 2-15-94, § 12(I), eä 3-9-94)~~

~~Sec. 18-237. Electrical contractor's license; requirements and qualifications.~~

~~The building department shall issue an electrical contractor's license to a person who does all of the following:~~

- ~~(1) Holds a master electrician's license or has not less than one master electrician residing in this state who is in his full-time employ. That master electrician shall be actively in charge of and responsible for code compliance of all installations of electrical wiring and equipment, and represents no other person as their master electrician.~~
- ~~(2) Files a completed application on a form provided by the building department.~~
- ~~(3) Pays the examination fee and passes an examination provided for by the board and the building department.~~
- ~~(4) Pays the license fee prescribed by the township.~~

~~(Ord. No. 2-15-94, § 12(I)(a)(1), eä 3-9-94)~~

~~Sec. 18-238. Fire alarm contractor's license; requirements and qualifications.~~

~~The building department shall issue a fire alarm contractor's license to a person who does all of the following:~~

- ~~(1) Holds a fire alarm specialty technician's license or has not less than one fire alarm specialty technician residing in this state who is in his full-time employ. The fire alarm specialty technician shall be actively in charge of and responsible for code compliance of all installations of fire alarm system wiring and equipment.~~
- ~~(2) Files a completed application on a form provided by the department.~~
- ~~(3) Pays the examination fee and passes the examination provided by the board and the department.~~
- ~~(4) Pays the license fee prescribed by the township.~~

~~(Ord. No. 2-15-94, § 12(I)(a)(2), eä 3-9-94)~~

~~Sec. 18-239. Fire alarm specialty license.~~

~~Beginning March 9, 1994, and for a period of three years from that date, the department shall issue a license to a person qualified for fire alarm specialty licensure except for the requirement of certification by the national institute for certification in engineering technology or the equivalent, as determined by the board. Under these circumstances, the applicant shall furnish a notarized statement from current and past employers documenting past work experience. Work experience of not less than 4,000 hours obtained over a period of not less than two years shall qualify the person for fire alarm specialty licensure under this section.~~

~~(Ord. No. 2-15-94, § 12(I)(a)(2), eä 3-9-94)~~

~~Sec. 18-240. Sign specialty contractor's license; requirements and qualifications.~~

~~The building department shall issue a sign specialty contractor's license to a person who does all of the following:~~

- ~~(1) Holds a sign specialist's license or has not less than one sign specialist residing in this state who is in his full-time employ. The sign specialist shall be actively in charge of and responsible for code compliance of all installations, maintenance, connection, and repair of electric signs and related wiring.~~
- ~~(2) Files a completed application of a form provided by the department.~~
- ~~(3) Pays the examination fee and passes an examination provided for by the board and the department.~~



- (4) Files a written statement from present or former employers to the effect that the applicant has not less than 8,000 hours of experience obtained over a period of not less than four years related to electrical construction or maintenance of buildings or electrical wiring or equipment under the direct supervision of a master or journeyman electrician who is licensed under this article.
- (b) Upon failure to pass the electrical journeyman examination two times within a period of two years, an applicant shall be ineligible to sit for another examination until a period of not less than one year from the date of failure of the second examination, at which time he shall present to the board proof of the successful completion of a course on code, electrical fundamentals, or electrical theory, approved by the board, in order to become eligible again to sit for an examination.
- (c) As a condition of renewal of an electrical journeyman's license, the electrical journeyman shall demonstrate the successful completion of a course, approved by the board, concerning any update or change in the code, within 12 months after the adoption of the update or change in that code. This requirement applies only during or after those years that the code is updated or changed by adoption into ordinance.
- (Ord. No. 2-15-94, § 12(II)(b), eff. 3-9-94)

Sec. 18-269. — ~~Apprentice electrician; registration; forms; certificate of registration; apprenticeship training program; apprentice electrician ratio.~~

- (a) An individual employed as an apprentice electrician shall register with the board on a form provided by the board within 30 days after employment.
- (b) The department shall issue a certificate of registration to a person seeking registration upon satisfactory proof of the person's participation in a bona fide apprenticeship training program approved by the board. This program shall be equivalent to the requirements of those imposed by the United States Department of Labor Bureau of Apprenticeship and Training, subject to subsection (c) of this section.
- (c) Except as otherwise provided in subsection (d) of this section, the ratio of electrical journeymen or master electricians to registered apprentice electricians shall be on the basis of one electrical journeyman or master electrician to one registered apprentice electrician. The department shall enforce the ratio on a jobsite basis.
- (d) Notwithstanding subsection (c) of this section, in the case of a residential single family dwelling or a multifamily dwelling not exceeding eight units per building, the department shall enforce the apprentice electrician ratio on the basis of one electrical journeymen or master electrician to two registered apprentice electricians on a jobsite basis.

(Ord. No. 2-15-94, § 12(II)(c), eff. 3-9-94)

Secs. 18-270 — 18-290. — Reserved.

#### Subdivision IV. — Fire Alarm Specialty Technicians and Apprentices

Sec. 18-291. — License; requirements and qualifications; failure to pass exam; condition of renewal; license limitation.

- (a) The department shall issue a fire alarm specialty technician's license to a person not less than 20 years of age who does all of the following:
- (1) Files a completed application form provided by the department.
  - (2) Pays the examination fee and passes an examination provided for by the board and the department.
  - (3) Pays the license fee.
  - (4) Has certification by the national institute for certification in engineering technology as an associate engineering technician, level II, or the equivalent as determined by the board, in the field of fire alarm systems technology.

- (b) As a condition of renewal of a fire alarm specialty technician's license, the fire alarm specialty technician shall demonstrate the successful completion of a course, approved by the board, concerning any update or change in the code relating to fire alarm systems within 12 months after the adoption of the update or change in that code. This requirement applies only during or after those years that the code is updated or changed by adoption into ordinance.
- (c) The holder of a fire alarm specialty technician's license shall not qualify for more than one fire alarm contractor's license.
- (Ord. No. 2-15-94, § 12(III), eäñ 3-9-94)

Sec. 18-292. — Apprentice; certificate of registration; ratio of technicians to apprentices.

- (a) An individual employed as a fire alarm specialty apprentice technician shall register with the board on a form provided by the board within 30 days after employment.
- (b) The department shall issue a certificate of registration to a person seeking registration upon satisfactory proof of the person's participation in a bona fide apprenticeship training program approved by the board. The program shall be equivalent to the requirements of those imposed by the United States Department of Labor Bureau of Apprenticeship and Training, subject to subsection (c).
- (c) The ratio of fire alarm specialty technicians to registered fire alarm specialty apprentice technicians shall be on the basis of one fire alarm specialty technician to two registered fire alarm specialty apprentice technicians. The department shall enforce the ratio on a jobsite basis.
- (Ord. No. 2-15-94, § 12(IV), eäñ 3-9-94)

Secs. 18-293 — 18-315. — Reserved.

Subdivision V. — Sign Specialist

Sec. 18-316. — License; requirements and qualifications; failure to pass exam; condition of renewal; license limitation.

- (a) The department shall issue a sign specialist's license to a person not less than 18 years of age who does all of the following:
- (1) Files a completed application form provided by the department.
  - (2) Pays the examination fee and passes the examination provided for by the department.
  - (3) Pays the license fee.
  - (4) Files a statement from present or past employers to the effect that the applicant has not less than 4,000 hours of experience, obtained over a period of not less than two years, related to the manufacture, installation, maintenance, connection, or repair of electric signs and related wiring. Equivalent education may be substituted for work experience as determined by the board.
  - (5) Demonstrates the successful completion of a course concerning the installation, maintenance, connection, or repair of electric signs and related wiring, as contained in the "Sign Electrician's Workbook," published by the American Technical Publishers, Inc., or any other course designed to address the installation, maintenance, connection or repair of electric signs and related wiring, as approved by the board.
- (b) Upon failure to pass the sign specialist examination two times within a period of two years, an applicant shall be ineligible to sit for another examination until he presents to the board proof of the successful completion of a course on code and electrical fundamentals approved by the board, in order to become eligible again to sit for an examination.
- (c) As a condition of renewal of a sign specialist's license, the sign specialist shall demonstrate the successful completion of a course, approved by the board, concerning any update or change in

~~applicable sections of the code within 12 months after the adoption of the update or change in that code. The requirement applies only during or after those years that the code is updated or changed by adoption into ordinance.~~  
(Ord. No. 2-15-94, § 12(V), ~~added 3-9-94~~)

~~Secs. 18-317 — 18-340. Reserved.~~

~~Subdivision VI. Issuance or Renewal~~

~~Sec. 18-341. Investigation of those licensed or registered; hearings and reports.~~

The township building department shall have the authority to investigate the activities of a person licensed or registered under this article or Act No. 217 of the Public Acts of Michigan of 1956 (MCL 338.881 et seq., MSA 18.204(1) et seq.), as amended, which are related to the person's licensure or registration as an electrical, fire alarm or sign contractor; master or journeyman electrician; fire alarm specialty technician; sign specialist; electrician apprentice, or fire alarm specialty apprentice technician, which activities include, but are not limited to, the grounds described in section 18-371(a)–(e). The department may hold hearings and shall report its findings to the board.

(Ord. No. 2-15-94, § 13(10), eãŕ 3-9-94)

**Sec. 18-342. Display of licenses and registrations.**

Licenses and registrations issued under this article shall be nontransferable and shall be displayed when required.

(Ord. No. 2-15-94, § 13(4), eãŕ 3-9-94)

**Sec. 18-343. Issuance of licenses upon board recommendation; expiration; renewal; reissuance.**

- (a) Electrical contractor's, fire alarm contractor's, sign specialty contractor's, master electrician's, journeyman electrician's, technician's and specialist's licenses shall be issued by the township upon the recommendation of the board.
- (b) Licenses shall expire on December 31 of each year, and shall be renewed upon application by the licensee, together with payment of the required fee. After March 1, contractor, master, journeyman, technician and specialist licenses not renewed shall be considered canceled and may not be renewed except upon approval of the board. A license not renewed within three years shall not be reissued without examination except upon special approval by the board.

(Ord. No. 2-15-94, § 13(2), (3), eãŕ 3-9-94)

**Sec. 18-344. Issuance of registrations upon board recommendation; expiration; renewal.**

- (a) Apprentice electrician, and fire alarm specialty apprentice technician registrations shall be issued by the township upon recommendation of the board.
- (b) Apprentice electrician and fire alarm specialty apprentice technician registrations will expire on August 31 of each year and shall be renewable within 30 days after that date upon payment of the fee prescribed in section 18-347.

(Ord. No. 2-15-94, § 13(6), (7), eãŕ 3-9-94)

**Sec. 18-345. Recognition of licenses.**

No license shall be recognized by the township unless such licenses are issued by a cooperating member of the Reciprocal Electrical Council, Inc., a municipality that has adopted an ordinance under section 6 of the Electrical Administrative Act, Act No. 217 of the Public Acts of Michigan of 1956 (MCL 338.881 et seq., MSA 18.204(1) et seq.), as amended, or the state electrical administrative board.

(Ord. No. 2-15-94, § 13(8), eãŕ 3-9-94)

**Sec. 18-346. State licensed contractors permitted to work in township; fee; reciprocity.**

The township shall permit electrical, fire, and sign contractors lawfully licensed within the state to install, alter, or repair electrical wiring, equipment, apparatus or fixtures for light, heat, power, or fire alarm system purposes within the corporate limits of the township, upon payment of a registration fee, provided such authorities reciprocate in recognizing such contractors who are duly licensed under the provisions of this article by granting them the same privilege.

[https://www.municode.com/library/mi/van\\_buren\\_charter\\_township\\_\(wayne\\_co\\_\)/codes/code\\_of\\_ordinances?nodeId=COOR\\_CH18BUBURE\\_ARTVIEL](https://www.municode.com/library/mi/van_buren_charter_township_(wayne_co_)/codes/code_of_ordinances?nodeId=COOR_CH18BUBURE_ARTVIEL)(Ord. No. 2-15-94, § 13(9), eãŕ 3-9-94)

(Ord. No. 2-15-94, § 13(9), eãŕ 3-9-94)

**Sec. 18-347. Fees for examination, registration and renewal.**

The fees for examination, registration or licensing shall be prescribed by resolution of the township board.

(Ord. No. 2-15-94, §§ 3, 13(1), eä 3-9-94)

~~Secs. 18-348—18-370.—Reserved. Subdivision VII.—~~

~~Revocation~~

~~Sec. 18-371.—Grounds.~~

~~Grounds for license or registration revocation are as follows:~~

- ~~(1) Fraud or deceit in obtaining a license or registration under this article.~~
- ~~(2) The willful violation of a code.~~
- ~~(3) False advertising.~~
- ~~(4) A violation of this article or the general rules as recommended by the Reciprocal Electrical Council, Inc., or Act No. 217 of the Public Acts of Michigan of 1956 (MCL 338.881 et seq., MSA 18.204(1) et seq.), as amended, except in the case of a minor violation.~~
- ~~(5) Failure to produce the identification card for a license or registration and at least one piece of identification containing the individual's picture when requested by the electrical inspector.~~
- ~~(6) Recommendation by the state electrical administrative board or any other municipal board to suspend or revoke a license or registration issued by this board.~~
- ~~(7) Cheating on an examination.~~

(Ord. No. 2-15-94, § 13(A), eä 3-9-94)

~~Sec. 18-372.—Sanctions for violation of section 18-371.~~

~~(a) ————— The board shall impose one or more of the following sanctions for a violation in section 18-371~~

- ~~(1) Suspension of the license or registration issued under this article.~~
- ~~(2) Denial of the license or registration required under this article.~~
- ~~(3) Revocation of the license or registration issued under this article.~~
- ~~(4) Restriction from taking an exam for a minimum of two years.~~
- ~~(5) Restitution.~~
- ~~(6) Fine as listed in section 18-156 and/or the general rules as recommended by the Reciprocal Electrical Council, Inc.~~
- ~~(7) For two violations of this article within a period of two years, the board may double the äe imposed under this article.~~
- ~~(8) For three violations of this article within a period of three years, the board shall revoke the person's license or registration and permanently deny the person's reapplication for a license or registration of the class revoked.~~
- ~~(9) If restitution is required to be made by a licensee or registrant under this section, the board may suspend the license or registration of the person required to make the restitution until restitution is made.~~

(Ord. No. 2-15-94, § 13(B) —(E), eä 3-9-94)

~~Sec. 18-373.—Contractors securing permits for nonemployees.~~

~~Electrical, äre and sign contractors licensed under the terms of this article shall not secure permits for work to be done by any person not employed by such contractor, and the license may be revoked for violation of this rule.~~

(Ord. No. 2-15-94, § 13(5), eä 3-9-94)

~~Secs. 18-374—18-395. Reserved.~~

~~DIVISION 4. PERMITS AND INSPECTION~~

~~Sec. 18-396. Permit Required; exception; limitations on issuance.~~

~~It shall be unlawful for any person to install, alter, maintain, service or repair electrical equipment in or on any building, structure or part, or on premises, or cause or permit the installation, altering, maintaining, servicing or repairing of any electrical equipment without a permit having been obtained. Nothing in this section shall be considered as applying to any person engaged in repairing and maintaining electrical appliances. Permits shall be issued only to the following:~~

- ~~(1) Licensed electrical contractors.~~
- ~~(2) Licensed fire alarm contractors.~~
- ~~(3) Licensed sign specialty contractors.~~
- ~~(4) A bona fide owner of a single family residence which is, or will be, on completion, his own place of residence, and no part of which is used for rental or commercial purposes nor is now contemplated for such purpose, provided that the owner applies for and secures a permit, pays the fee, does the work himself in accordance with the provisions of this article, applies for inspections and receives approval. Failure to comply with this subsection will subject the owner's permit to cancellation.~~

~~(Ord. No. 2-15-94, § 5, eff. 3-9-94)~~

~~Sec. 18-397. Same Fees.~~

~~When an application is made for a permit required under the terms of this article, a fee shall be paid in an amount as prescribed by resolution of the township board.~~

~~(Ord. No. 2-15-94, § 3, eff. 3-9-94) Sec.~~

~~18-398. Inspection.~~

- ~~(a) Certificate. Upon the completion of the wiring of any building, it shall be the duty of the person installing the wiring to notify the building department, who shall notify the electrical inspector to inspect the installation as soon as possible, and if the installation is found to be fully in compliance with this article and does not constitute a hazard to life and property, he shall issue upon request to such person for delivery to the owner a certificate of inspection.~~
- ~~(b) Before concealment of wires. All wires which are to be hidden from view shall be inspected before concealment and any person installing such wires shall notify the building department, giving sufficient time in which to make the required inspection before such wires are concealed.~~

~~(Ord. No. 2-15-94, § 7, eff. 3-9-94)~~

~~Sec. 18-399. Reinspection; notice; repairs.~~

~~The electrical inspector may, when specially authorized by state law or separate municipal ordinance, make periodically a thorough reinspection of the installation in buildings of all electrical wiring, electrical devices and electrical material now installed or that may hereafter be installed, within the township. When the installation of any such wiring, devices, and/or material is found to be in a dangerous or unsafe condition, the person owning, using or operating the same shall be notified and shall make the necessary repairs or changes required to place such wiring, devices and material in a safe condition and have such work completed within 15 days, or any longer period specified by the electrical inspector in the notice. The electrical inspector is hereby empowered to disconnect or order in writing the discontinuance of electrical service to such wiring, devices and/or material found to be defectively installed until the installation of such wiring, devices and material has been made safe as directed by the electrical inspector.~~

~~(Ord. No. 2-15-94, § 8, eff. 3-9-94)~~

~~Sec. 18-400. — Certificates of inspection; issued in conformity with state law and methods approved in national codes.~~

~~No certificate of inspection shall be issued unless the electrical installation is in strict conformity with the provisions of this article, the statutes of the state, the rules and regulations issued by the state public service commission under the authority of the state statutes and unless it is in conformity with approved methods of construction for safety to persons and property. The regulations as laid down in the National Electrical Code (N.F.P.A. 70), adopted edition of BOCA codes and N.F.P.A.'s: 71, 72, 73, and 74, for fire alarm systems, as approved by the American National Standards Institute (ANSI), and in the amendments, rules and regulations established as provided in this article shall be prima facie evidence of such approved methods.~~

~~(Ord. No. 2-15-94, § 9, eff. 3-9-94)~~

~~Sec. 18-401. — Approved materials.~~

- ~~(a) It shall be unlawful to install or use any electrical device, apparatus, or equipment designed for attachment to, or installation on any electrical circuit or system for heat, light, power, or fire alarm system that is not of good design and construction and safe and adequate for its intended use. The electrical inspector shall have power to disapprove the use or installation of devices not fulfilling this subsection's requirements.~~
- ~~(b) Devices, apparatus and equipment listed by recognized authorities such as the United States Bureau of Standards, or by qualified electrical testing laboratories such as Electrical Testing Laboratories (ETL), Underwriters' Laboratories, Inc. [UL] or Factory Mutual (FM) may be given the approval by the electrical inspector, unless explicitly disapproved by such authority for reasons of faulty design or poor construction involving danger to persons and/or property.~~

~~(Ord. No. 2-15-94, § 10, eff. 3-9-94)~~

~~Sec. 18-402. — Recordkeeping and review.~~

- ~~(a) The township shall keep complete records of all permits issued and inspections made and other social work performed under the provision of this article.~~
- ~~(b) When the electrical inspector condemns all or part of any electrical installation, the owner or his agent may, within five days after receiving written notice from the electrical inspector, file a petition in writing for review of such action of the electrical inspector with the electrical examining and appeals board. Upon receipt of the petition, the board shall at once proceed to determine whether the electrical installation complies with this article, and within three days shall make a decision in accordance with its findings.~~

~~(Ord. No. 2-15-94, § 11, eff. 3-9-94)~~

~~Secs. 18-403 — 18-415. — Reserved.~~

# Charter Township of Van Buren

## REQUEST FOR BOARD ACTION

Agenda Item: \_\_\_\_\_

**WORK STUDY MEETING DATE: 4/4/16**

**BOARD MTG (1ST READING): 4/5/16**

**BOARD MTG (2ND READING): 4/19/16**

Consent Agenda \_\_\_\_\_

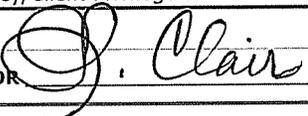
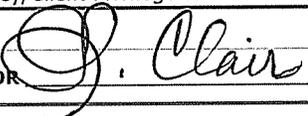
New Business   X  

Unfinished Business \_\_\_\_\_

Public Hearing \_\_\_\_\_

<b>ITEM (SUBJECT)</b>	To consider the first reading of Ordinance 4-4-16 (7) to amend the Charter Township of Van Buren Zoning Ordinance 6-2-92 to provide for regulations governing Medical Marihuana Cultivation Facilities.
<b>DEPARTMENT</b>	Planning & Economic Development
<b>PRESENTER</b>	Ron Akers – Director of Planning & Economic Development
<b>PHONE NUMBER</b>	734-699-8913
<b>INDIVIDUALS IN ATTENDANCE (OTHER THAN PRESENTER)</b>	N/A

### Agenda topic

<b>ACTION REQUESTED</b>	To consider the first reading of Ordinance 4-4-16 (7) to amend the Charter Township of Van Buren Zoning Ordinance 6-2-92 to provide for regulations governing Medical Marihuana Cultivation Facilities.
<b>BACKGROUND – (SUPPORTING AND REFERENCE DATA, INCLUDE ATTACHMENTS)</b>	Please see attached McKenna & Associates memos dated January 22, 2016 & March 3, 2016 for summary of proposed ordinance and a summary of the process for the development of the proposed ordinance.
<b>BUDGET IMPLICATION</b>	None
<b>IMPLEMENTATION NEXT STEP</b>	Conduct a second reading of the proposed zoning ordinance amendment and publish a notice of adoption in the newspaper of record upon approval.
<b>DEPARTMENT RECOMMENDATION</b>	Approval
<b>COMMITTEE/COMMISSION RECOMMENDATION</b>	Approval (See attached minutes)
<b>ATTORNEY RECOMMENDATION</b>	Reviewed by Township Attorney (May be subject to Attorney/Client Privilege and not available under FOIA)
<b>ADDITIONAL REMARKS</b>	
<b>APPROVAL OF SUPERVISOR</b>	

**CHARTER TOWNSHIP OF VAN BUREN  
COUNTY OF WAYNE, STATE OF MICHIGAN  
ORDINANCE NO. 4-4-16 (7)**

**AN ORDINANCE TO AMEND THE ZONING ORDINANCE 6-2-92 AS AMENDED OF THE CHARTER TOWNSHIP OF VAN BUREN TO PROVIDE FOR REGULATIONS GOVERNING MEDICAL MARIHUANA WITHIN THE TOWNSHIP:**

**THE CHARTER TOWNSHIP OF VAN BUREN ORDAINS:**

**SECTION 1 – ORDINANCE AMENDMENT**

Pursuant to this Ordinance, there shall be created in the Charter Township of Van Buren Zoning Ordinance a new subsection 16.03.i. in the M-2 General Industrial District, Permitted Uses After Special Approval providing for the regulation, location and operation of medical marihuana cultivation facilities, upon the effective date of this Amendment:

**(i) Medical Marihuana Cultivation Facilities**

**1. Purpose.**

- a. It is the intent of this section to provide reasonable conditions for the cultivation of marihuana allowed by the Michigan Medical Marihuana Act, MCL 333.26421 et seq, as amended (MMMA). Due to conflicts between the federal Controlled Substances Act and the MMMA, the cultivation of medical marihuana is a specialized land use with ramifications that need to be addressed by a local ordinance. Although some specific uses of marihuana may not be prosecuted according to the MMMA, marihuana continues to be classified as a Schedule 1 controlled substance under federal law making it unlawful under federal law to use, manufacture, distribute, or dispense, or possess with intent to manufacture, distribute, or dispense marihuana. Due to its conflicting legal status, such businesses are generally not funded, financed or supported by banks and similar financial institutions as other federally lawful enterprises may be. As a consequence, medical marihuana enterprises are primarily cash-based operations, making them targets for crime and theft. The regulations set forth herein are intended to take into account these issues and thereby take steps to protect public safety and welfare of the community at large.
- b. It is further the intent of this section to protect the health, safety, and general welfare of persons and property by limiting land uses related to marihuana cultivation to the district that is most compatible with this use. Additional regulations in this section are intended to provide reasonable restrictions within a zoning district so that this use does not compromise the health, safety, and general welfare of persons in the district, or other uses allowed in the district.
- c. While the MMMA generally allows a primary caregiver to grow medical marihuana on his/her own property in accordance with the Act, there are negative impacts and circumstances that could be deemed a nuisance including, but not limited to, the inadequacy of the property or home for safe growing of medical marihuana, and noxious odors from medical marihuana plants and growing that impact neighboring residents in

violation of Township ordinances. Therefore, providing for and regulating medical marihuana cultivation facilities allows primary caregivers to cultivate medical marihuana at a non-residential facility that is better-suited for such use.

2. **Medical Marihuana Definitions.** Some of the words and phrases defined below are also defined in the MMMA, MCL 333.26421 et seq, as amended. If the definition of a word or phrase set forth below conflicts with the definition in the MMMA or if a term is not defined below but is defined in the MMMA, then the definition in the MMMA shall apply. The words and phrases below are defined as follows:

- a. **Marihuana:** That term as defined in Section 7106 of the Public Health Code, 1978 PA 368, MCL 333.7106, as amended.
- b. **Medical Use:** The acquisition, possession, cultivation, manufacture, use, internal possession, delivery, transfer, or transportation of marihuana or paraphernalia relating to the administration of marihuana to treat or alleviate a registered qualifying patient's debilitating medical condition or symptoms associated with the debilitating medical condition.
- c. **Primary Caregiver:** A person who is at least 21 years old and who has agreed to assist with a patient's medical use of marihuana and who has never been convicted of a felony involving illegal drugs.
- d. **Qualifying Patient:** A person who has been diagnosed by a physician as having a debilitating medical condition.
- e. **Registry Identification Card:** A document issued by the Michigan State Department of Community Health that identifies a person as a registered qualifying patient or registered primary caregiver.
- f. **Medical Marihuana Cultivation Facility ("Cultivation Facility"):** A building other than the personal residence of a primary caregiver where one or more primary caregivers are growing medical marihuana in compliance with the MMMA. A medical marihuana cultivation facility may also be referred to as growing facility. A "medical marihuana cultivation facility" shall not include a primary caregiver or a qualifying patient growing medical marihuana at his/her personal residence in accordance with the Michigan Medical Marihuana Act and all applicable Township ordinances including, but not limited to, ordinances prohibiting noxious odors.
- g. **Medical Marihuana Dispensary ("Dispensary"):** A building, part of a building, a facility, a club or other set-up where primary caregivers who are legally registered by the Michigan Department of Community Health (MDCH) may lawfully assist qualifying patients to whom the primary caregiver is connected through the state registration process and who are also legally registered by the MDCH with the medical use of marihuana in accordance with the Michigan Medical Marihuana Act, as amended. A "dispensary" shall not include a primary

caregiver assisting a qualifying patient with whom he/she is connected through the Michigan Department of Community Health's registration process with the medical use of marihuana in the qualifying patient's residence in accordance with the Michigan Medical Marihuana Act.

- h. **Plant:** Any marihuana plant with not more than one readily observable root formation.
- i. **Unit:** A portion of a building that is separate from the remainder of the building by a fireproof wall, and accessible only through an exterior door.

3. **Medical Marihuana Dispensaries Prohibited.** Medical marihuana dispensaries are prohibited in all districts.

4. **Special Site Design and Use Standards.**

- a. **Indoor Growing.** The growing of medical marihuana at a cultivation facility shall be indoors only and shall not be visible from any point outside the medical marihuana cultivation facility.
- b. **Drive-Through Prohibited.** The medical marihuana cultivation facility shall not be permitted to have drive-through facilities.
- c. **Setback From Protected Areas.** The lot lines of a cultivation facility shall be no less than one thousand (1,000) feet from the nearest lot lines of the following: a religious institution, a public park, a residential zoning district, a residential land use, a child care facility, a public or private educational facility including but not limited to pre-schools, nurseries, elementary, secondary and high schools. The setback distance shall be measured as a straight line from the nearest points of the lot lines.
- d. **Maximum Number of Cultivation Facility Buildings Per Lot.** There shall be not more than one (1) building housing a medical marihuana cultivation facility per lot.
- e. **Setback From Other Cultivation Facilities.** The lot lines of a cultivation facility shall be at least one thousand (1,000) feet from the lot lines of another cultivation facility, as measured from the edges of the property on which the use is located.
- f. **State and Local Licensing.** Medical marihuana cultivation facilities shall comply with all applicable state and local licensing regulations. Initial and annual proof of such compliance shall be a condition of special land use approval.
- g. **On-Site Consumption Prohibited.** No smoking, inhalation, or other consumption of marihuana shall take place on the premises of a medical marihuana cultivation facility.
- h. **On-Site Transfer Prohibited.** Any person-to-person transfer of marihuana is prohibited at a cultivation facility. All transfers of medical marihuana between persons shall take place off-site only and in accordance with the MMMA and this Ordinance.
- i. **Retail Sales Prohibited.** Retail sales, including sales of products customarily incidental to the use of medical marihuana, is prohibited at medical marihuana cultivation facilities.

- j. **Indoor Activities Only.** All activities of medical marihuana cultivation facilities shall be conducted indoors.
  - k. **Outdoor Storage Prohibited.** Outdoor storage is prohibited.
  - l. **State and Local Compliance.** Medical marihuana cultivation facilities shall comply with all applicable provisions of this Ordinance, all other Township ordinances, regulations, and codes, and the MMMA. This section preempts any other section of this Ordinance when there is a conflict between this section and another section. This section does not preempt the Michigan Medical Marihuana Act.
  - m. **Maximum Units and Maximum Plants Per Unit.** The maximum number of individual plants permitted within a single unit shall not exceed seventy-two (72) plants, and there shall be no more than six (6) primary caregivers or units in any building housing a medical marihuana cultivation facility.
  - n. **Security.** A security system shall be installed in each unit of a medical marihuana cultivation facility which shall include monitoring cameras with audio capability which are operating continuously. Recordings and data from the security system shall be kept a minimum of three hundred and sixty five (365) days. The recordings shall be made available to law enforcement pursuant to a lawfully issued subpoena or search warrant.
  - o. **Odors.** Odors generated by the medical marihuana cultivation facility shall be contained within the building or the portion of building used by the medical marihuana cultivation facility. The primary caregiver's proposed method of addressing odors generated through use of air filters or air scrubbers must be demonstrated and found to be satisfactory to the Township.
  - p. **Access to Minors Prohibited.** No minors under the age of eighteen (18) are permitted on the site.
  - q. **Limited Accessibility to the Site.** The medical marihuana cultivation facility shall not be accessible to anyone but the primary caregiver lawfully growing medical marihuana in the cultivation facility and lawful visitors to the site, which include contractors working on the site and representatives of the Township administering or enforcing an ordinance or law.
  - r. **Parking.** Off-street parking shall be provided consistent with that of "Industrial Establishments, Assembly, Processing" set forth in Section 6.01.E.1 of Off-Street Parking Requirements of this Ordinance.
5. **Access & Identification.** Each primary caregiver growing medical marihuana in a medical marihuana cultivation facility shall assign an identifying number to each qualifying patient for whom that primary caregiver intends to grow and cultivate medical marihuana including the primary caregiver if the primary caregiver is also a qualifying patient. The primary caregiver shall keep a list identifying the registry identification card of the qualifying patient to whom a number is assigned which shall be made available to law enforcement pursuant to a lawfully issued subpoena or search warrant.

- a. **Separate Grow Areas.** The primary caregiver shall keep the marihuana plants grown for each qualifying patient of the primary caregiver separate from the marihuana plants grown for any other qualifying patient. Each qualifying patient's plants shall be kept in a separate enclosed locked facility to which only the primary caregiver has access. The identifying number of the qualifying patient for whom the medical marihuana is grown and cultivated shall be prominently and permanently displayed on each enclosed locked facility.
- b. **Access Log.** Each primary caregiver shall keep a written log including the identifying number, date and time of every person entering the medical marihuana cultivation facility, which shall be made available to law enforcement pursuant to a lawfully issued subpoena or search warrant. Each primary caregiver shall also keep a written log including the date and time marihuana was removed by the licensed caregiver from the enclosed locked facility and the amount of marihuana removed.
- c. **Correct and Accurate Records.** The primary caregiver shall certify under oath that the written records kept are correct and accurate.

**6. Inspections.**

- a. **Initial Inspection.** A cultivation facility shall be subject to the same inspections as all other buildings and uses as required by this Ordinance and the Charter Township of Van Buren Code of Ordinances.
- b. **Inspections.** The cultivation facility may be inspected annually by the Township to confirm that it is being operated in compliance with the MMMA and any Township ordinance. The cultivation facility may be inspected more frequently at the discretion of the Township. Representatives of the Township for the on-site inspection include, but are not limited to, the Planning Director, Building Official(s), and Public Safety Department. The Township shall limit its inspection to only those issues associated with compliance with the MMMA and Township ordinances, and shall not make inquiry into the identity of any qualifying patient. The cultivation facility shall be available for inspection between the hours of 8:00 a.m. and 8:00 p.m. Eastern Time upon two (2) hours notice.

**7. Application Requirements and Review.** In addition to the application for and review of a site plan in accordance with Section 16.07 and a special land use permit for a medical marihuana cultivation facility in accordance with Section 4.46, the following shall also be required:

- a. **Security Plan.** A security plan and floor plan shall be submitted with the special land use application. The security plan shall:
  - i. Identify the number and location of all monitoring cameras, the format in which all recordings are maintained, and where the recordings will be stored. The recording format shall be of a type capable of being reviewed by the Township.
  - ii. The security plan shall identify the number of plants to be grown, the location of the secured locked facilities assigned to qualifying patients, the location where chemicals and fertilizers are stored, and the layout of the building which shall identify any other entities occupying the building. The security and floor plan shall be a confidential document kept by the Township and exempt from disclosure under the Freedom of

Information Act unless required by the Act.

- b. **Waste Disposal Plan.** A waste disposal plan shall be included with all applications for a medical marihuana cultivation facility, which shall detail plans for chemical disposal and plans for plant waste disposal. The Township Building Official shall determine whether the waste disposal plan meets all Township requirements and may require the applicant to provide proof the disposal plan satisfies county and state requirements.
- c. **Proof of Ownership or Leasehold Interest.** Proof of an ownership or leasehold interest in the building housing the medical marihuana cultivation facility.

**8. Medical Marihuana State Law.**

- a. **Medical Marihuana Act.** This Ordinance shall not limit an individual's rights under the MMMA. The MMMA supersedes this Ordinance where there is a conflict between the Act and this Ordinance.
- b. **Medical Marihuana Registered Qualifying Patient.** A qualified patient with a registry identification card may grow and use medical marihuana for his or her own use in accordance with the Michigan Medical Marihuana Act.
- c. **Medical Marihuana Registered Primary Caregiver.** A primary caregiver with a registry identification card may grow medical marihuana in accordance with the Michigan Medical Marihuana Act except that two or more primary caregivers with a registry identification card who seek to grow medical marihuana on the same site are subject to the requirements of this section.

**9. Unlawfully Established Medical Marihuana Cultivation Facilities.** A medical marihuana cultivation facility which purports to have engaged in the cultivation of marihuana either prior to enactment of this Ordinance, or after enactment of said Ordinance but without having an approved site plan and special land use permit, shall be deemed to not be a legally established use, and therefore not entitled to legal nonconforming status under the provisions of this Ordinance.

**10. Penalty.** Any violation of the site plan, special land use, or conditions under which the permit for operating a medical marihuana cultivation facility is granted shall subject to the penalty provisions of this Ordinance.

**SECTION 2 – SEVERABILITY**

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

**SECTION 3 – REPEALER**

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

**SECTION 4 - SAVINGS CLAUSE**

Nothing in this Ordinance shall be construed to affect any suit or proceeding pending in any court or any rights acquired or any liability incurred, or any cause or causes of action acquired or existing, under the Zoning Ordinance, or any act or Ordinance hereby repealed as cited in Section 3 of this Ordinance; nor shall any just or legal right or remedy of any character be lost, impaired, or affected by this Ordinance.

**SECTION 5 - EFFECTIVE DATE**

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

**SECTION 7 – ADOPTION**

This Ordinance is hereby declared to have been adopted by the Township Board of the Charter Township of Van Buren at a meeting duly called and held on the \_\_\_\_ day of \_\_\_\_\_, 2016, and ordered to be given publication in the manner prescribed by law.

\_\_\_\_\_  
Leon Wright, Clerk

\_\_\_\_\_  
Linda Combs, Supervisor

January 22, 2016

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

**Subject: Proposed Zoning Ordinance Amendment (Medical Marihuana Cultivation Facilities)**

Dear Commissioners:

Enclosed for your review are proposed amendments to the Charter Township of Van Buren Zoning Ordinance for Medical Marihuana Cultivation Facilities. Van Buren Township currently has a moratorium on medical marihuana establishments until April 7, 2016. The purpose of the current moratorium is to allow the Township time to study this topic and, if necessary, prepare ordinance amendments. Since the original moratorium was adopted by the Board of Trustees in April 2015, the Planning Commission assigned a subcommittee to address this issue. The subcommittee met on May 14, 2015, June 18, 2015, July 20, 2015, September 17, 2015, and December 17, 2015, and has studied several aspects of how to proceed on this matter. These included:

- Reviewing zoning and general ordinance regulations from other communities (City of Ypsilanti, Commerce Township, and City of Wayne).
- Considering zoning districts, development standards, setbacks, safety, on-site and off-site impacts, size limitations, and other related aspects.
- Touring a cultivation facility and dispensary in the City of Ypsilanti on July 20, 2015. This tour was arranged by the Ypsilanti Police Department, with the cooperation of the owners of the cultivation facility and dispensary. Representatives of Van Buren Township included subcommittee members, David Greco (Township Attorney), representatives of the Van Buren Township Public Safety Department, and me. We were escorted on this tour by the Ypsilanti Police Department.

Based on our analysis of these issues, we prepared the draft Zoning Ordinance amendment to regulate Medical Marihuana Cultivation Facilities and permit them as Special Land Uses in the M-2 (General Industrial) zoning district. Mr. Greco reviewed a prior version of the proposed Zoning Ordinance amendment, and the enclosed version includes revisions made by Mr. Greco. The proposed regulations for medical marihuana cultivation facilities include the following:

- Requiring all marihuana growing and other activities to be conducted indoors only, including prohibiting outdoor storage.
- Prohibiting drive-through uses.
- A minimum 1,000-foot setback from religious institutions, public parks, residential zoning districts, residential land uses, child care facilities, and educational facilities. An analysis of the Township Zoning Map indicates approximately 7 or 8 M-2 areas that meet these setback requirements.
- Prohibiting on-site transfer, consumption, or retail sales.

- Limiting the number of caregivers per facility to six (6) and requiring separate growing areas for each caregiver.
- Additional requirements for security, access, parking, inspections, waste disposal, and enforcement.

Based on our discussions with the subcommittee and our analysis of the above, we do not propose permitting dispensaries at this time. However, if there are changes to State Law or new case law on this matter, we will recommend revisiting dispensary regulations at that time.

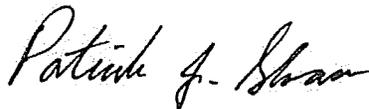
Concurrent with the Zoning Ordinance amendment is a proposed Registration Ordinance for Medical Marihuana Cultivation Facilities. A final version of the proposed Registration Ordinance has not yet been completed. The purpose of the Registration Ordinance, which will be administered by the Public Safety Department, will be to address public safety issues the Township may have and require operators to register with the Township Public Safety Department. The proposed Registration Ordinance will be a general ordinance that will not require Planning Commission review, though the Township Board may seek input from the Planning Commission on the proposed Registration Ordinance.

#### **RECOMMENDATION**

If the Planning Commission is satisfied with the level of detail of the proposed Zoning Ordinance amendment, we recommend scheduling a public hearing for **February 24, 2016**. The public hearing will be an opportunity for members of the public to review the proposed Zoning Ordinance amendments, ask questions, and provide comment.

Respectfully submitted,

**McKENNA ASSOCIATES**



Patrick J. Sloan, AICP  
Principal Planner

March 3, 2016

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

**Subject: Proposed Zoning Ordinance Amendment (Medical Marihuana Cultivation Facilities)**

Dear Commissioners:

At the January 27, 2016 Planning Commission meeting, we discussed the proposed amendments to the Charter Township of Van Buren Zoning Ordinance that would permit Medical Marihuana Cultivation Facilities as Special Land Uses in the M-2 (General Industrial) zoning district. After discussion, the Planning Commission scheduled a public hearing on the proposed Zoning Ordinance amendments for Wednesday, March 9, 2016 at 7:30p.m.

**PURPOSE AND SUMMARY OF PROPOSED ZONING ORDINANCE AMENDMENTS**

Van Buren Township currently has a moratorium on medical marihuana establishments until April 7, 2016. The purpose of the current moratorium is to allow the Township time to study this topic and, if necessary, prepare ordinance amendments. The Township's work in this endeavor is summarized in our previous letter on this matter, dated January 22, 2016.

The proposed regulations for Medical Marihuana Cultivation Facilities include the following:

- Requiring all marihuana growing and other activities to be conducted indoors only, including prohibiting outdoor storage.
- Prohibiting drive-through uses.
- A minimum 1,000-foot setback from religious institutions, public parks, residential zoning districts, residential land uses, child care facilities, and educational facilities. An analysis of the Township Zoning Map indicates approximately 7 or 8 M-2 areas that meet these setback requirements.
- Prohibiting on-site transfer, consumption, or retail sales.
- Limiting the number of caregivers per facility to six (6) and requiring separate growing areas for each caregiver.
- Additional requirements for security, access, parking, inspections, waste disposal, and enforcement.

**PROSPECTIVE CHANGES TO STATE LAW**

There are currently three (3) bills related to medical marihuana that were passed by the State House of Representatives last fall. In our discussions with the Van Buren Township Public Safety Director and Deputy Director, it is the understanding of law enforcement organizations throughout the state that these bills may be passed and signed into law this year. At this time, the Legislature is obtaining feedback from Police Chiefs, County Sheriffs, the Michigan Townships Association (MTA), and the Michigan Municipal League (MML) before taking additional action on these bills.

One of the House bills, House Bill 4209, includes provisions for medical marihuana uses and municipal regulation. HB 4209 permits a municipality to allow any of the 5 uses authorized in the bill (Grower, Processor, Secure Transporter, Provisioning Center, and Safety Compliance Facility). The "Grower" use is similar to the "Cultivation Facility" use in the proposed Zoning Ordinance amendments, though the following differences between the two uses are the most notable:

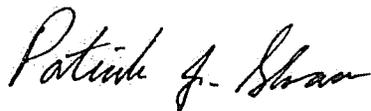
1. In HB 4209, the lowest Class of Grower is a Class A Grower, which allows 500 plants (Class B Growers can have up to 1,000 plants and Class C Growers can have up to 1,500 plants). The allowable quantity for a Class A Grower is similar to a Cultivation Facility with 7 caregivers (i.e., 7 caregivers x 72 plants = 504 plants). The proposed Zoning Ordinance amendment limits the number of caregivers/units to 6 in a Cultivation Facility, so the size would be comparable between a Cultivation Facility and a Class A Grower.
2. In HB 4209, a Grower is prohibited from being a Licensed Caregiver. This prohibition would be contrary to the proposed Zoning Ordinance amendments, where the grower in a Cultivation Facility is required to be a Caregiver. If HB 4209 and the proposed Zoning Ordinance amendments are both adopted in their current forms, the Zoning Ordinance can later be amended to make Cultivation Facilities compliant with State Law. Because it is still not known if HB 4209 will be adopted in its current form, if at all, we recommend that the Township proceed with consideration of the proposed Zoning Ordinance amendments and continue to monitor prospective changes to State Law.

#### **RECOMMENDATION**

If there are no significant changes to the proposed Zoning Ordinance amendments after the March 9<sup>th</sup> public hearing, we recommend placing the proposed amendments on the March 23, 2016 Planning Commission agenda for a recommendation to the Township Board of Trustees.

Respectfully submitted,

**McKENNA ASSOCIATES**



Patrick J. Sloan, AICP  
Principal Planner

**CHARTER TOWNSHIP OF VAN BUREN  
PLANNING COMMISSION  
PUBLIC HEARING**

Notice is hereby given that the Charter Township of Van Buren Planning Commission will hold a public hearing on **Wednesday, March 9, 2016 at 7:30 p.m.**, in the Board of Trustees Room, 46425 Tyler Road, Charter Township of Van Buren, Wayne County, Michigan to consider a proposed amendment to the Charter Township of Van Buren Zoning Ordinance 06-02-92, as amended. The proposed amendment regulates medical marihuana uses, permits medical marihuana cultivation facilities in the M-2 (General Industrial) zoning district as Special Land Uses (Section 16.03), and provides standards in proposed Section 4.57.

The proposed amendment can be reviewed at the Developmental Services Department at Van Buren Township Hall during normal business hours. Written comments will be accepted by the Planning and Economic Development Department until 4:00 p.m. on the hearing date.

In compliance with the Americans with Disabilities Act, reasonable accommodations will be made available with advance notice.

Posted: February 18, 2016  
Published: February 18, 2016

**CHARTER TOWNSHIP OF VAN BUREN  
PLANNING COMMISSION  
MARCH 9, 2016  
MINUTES**

Chairperson Thompson called the meeting to order at 7:31 p.m.

**ROLL CALL:**

**Present:** Kelley, Atchinson, Budd, Boynton, Franzoi and Thompson.

**Excused:** Jackson.

**Staff:** Director Akers, Deputy Director Best and Secretary Harman.

**Planning Representatives:** McKenna Associate, Patrick Sloan and Wade Trim Associate, David Nummer.

**Audience:** One hundred seven (107).

**APPROVAL OF AGENDA:**

**Motion Kelly, Boynton second to approve the agenda of March 9, 2016 as presented. Motion Carried.**

**APPROVAL OF MINUTES:**

**Motion Budd, Boynton second to approve the regular meeting minutes from January 27, 2016 as presented. Motion Carried.**

**CORRESPONDENCE:** None.

**PUBLIC HEARING:**

**ITEM # 1                    MEDICAL MARIJUANA ORDINANCE AMENDMENT**

**TITLE:                    CONSIDER AMENDING THE TEXT OF THE VAN BUREN CHARTER TOWNSHIP ZONING ORDINANCE NO. 6-2-92 BY ADDING A NEW SUBSECTION 16.03i IN THE M-2 GENERAL INDUSTRIAL DISTRICT, PERMITTED USES AFTER SPECIAL APPROVAL PROVIDING FOR THE REGULATION, LOCATION AND OPERATION OF MEDICAL MARIHUANA CULTIVATION FACILITIES.**

**Motion Kelley, Boynton second to open the public hearing. Motion Carried.**

Patrick Sloan of McKenna Associates gave an overview of the proposed amendments and presented his review letter dated 3-3-16 recommending placing the proposed amendments to the Medical Marijuana Ordinance on the March 23, 2016 Planning Commission agenda for a recommendation to the Township Board of Trustees.

Residents inquired about patients growing marijuana in their own home, if patients can be a caregiver, the definition of a caregiver, the number of patients a caregiver can have, how a caregiver distributes to patients, how to become a grower at a cultivation facility and if cultivation facilities will only be permitted in the M-2 district under the ordinance.

Patrick Sloan read the definition of a “caregiver” to explain to the residents what is required of a caregiver in the Medical Marijuana Ordinance.

No comments from Commission members.

**Motion Franzoi, Boynton second to close the public hearing. Motion Carried.**

**OLD BUSINESS:**

**ITEM # 1                      UPDATE ON LAKESHORE ORDINANCE**

Director Akers and Deputy Director Best presented the update on the Lakeshore Ordinance. Public outreach sessions for the lakeshore ordinance were held at the Township Hall: Lakeshore Ordinance Public meeting on February 27<sup>th</sup>, Lakeshore Ordinance Open House on February 22<sup>nd</sup> and 23<sup>rd</sup> which included one on one informational meetings in the evening on both dates and a meeting was also held at the BYC (Belleville Yacht Club). Many residents and stakeholders have serious concerns and comments regarding the lakeshore ordinance. Director Akers recommends removing the Lakeshore Ordinance from Planning Commission consideration to better address comments and concerns with residents and stakeholders. Deputy Director Best would like to start by forming a sub-committee including residents and stakeholders to further discuss and address concerns and work towards forming a draft ordinance, then form a larger group to review and receive comments on the draft prior to establishing a public hearing with the Planning Commission.

Commissioners agreed with the process.

Twelve (12) residents addressed the Planning Commission, the discussed items included: little notice/lack of mailing to homeowners in regards to the lakeshore ordinance, no grandfather clause for existing lakefront structures, re-establishing the Lake Committee, FERC license requirements, lake and island maintenance by the Township, lily pad growth, functions of the French Landing Dam, City of Belleville as a stakeholder, are FERC and the Dam needed, money received from the Dam and its use, the purpose of the lakeshore ordinance, the removal of buoy’s, the history of Belleville Lake and the French Landing Dam, requirements of the MDEQ, money from the Dam being used for lake maintenance and removal of logs in the water adjacent to Township and City property. Several members of the audience volunteered to serve on the lakeshore ordinance sub-committee.

**Motion Boynton, Franzoi second to move in accordance with the recommendations from Director Akers and Deputy Director Best in a letter dated 2-19-16, the Planning Commission set aside the Lakeshore Ordinance so more clarification and other points that were brought up in the recommendation paragraph can be effectively handled. Motion Carried. (Letter Attached)**

**NEW BUSINESS:**

**ITEM # 1                      16-004 – TEMPORARY LAND USE**

**TITLE:                              THE APPLICANT, PHANTOM OF MICHIGAN, IS REQUESTING FINAL APPROVAL TO HOLD “TENT” SALES OF RETAIL GOODS BEYOND THE SEVEN CONSECUTIVE**

**CHARTER TOWNSHIP OF VAN BUREN  
PLANNING COMMISSION  
MARCH 23, 2016  
MINUTES - DRAFT**

Chairperson Thompson called the meeting to order at 7:31 p.m.

**ROLL CALL:**

**Present:** Franzoi, Jackson, Boynton, Kelley, Atchinson, Budd and Thompson.

**Excused:** None.

**Staff:** Deputy Director Best and Secretary Harman.

**Planning Representatives:** McKenna Associate, Patrick Sloan.

**Audience:** Nine (9).

**APPROVAL OF AGENDA:**

**Motion Kelly, Franzoi second to approve the agenda of March 23, 2016 as presented.**

**Motion Carried.**

**APPROVAL OF MINUTES:**

**Motion Budd, Kelley second to approve the regular meeting minutes from March 9, 2016 as presented. Motion Carried.**

**PUBLIC HEARING:** None.

**CORRESPONDENCE:** None.

**UNFINISHED BUSINESS:**

**ITEM # 1                      MEDICAL MARIJUANA ORDINANCE AMENDMENT**

**TITLE:                              CONSIDER AMENDING THE TEXT OF THE VAN BUREN CHARTER TOWNSHIP ZONING ORDINANCE NO. 6-2-92 BY ADDING A NEW SUBSECTION 16.03i IN THE M-2 GENERAL INDUSTRIAL DISTRICT, PERMITTED USES AFTER SPECIAL APPROVAL PROVIDING FOR THE REGULATION, LOCATION AND OPERATION OF MEDICAL MARIHUANA CULTIVATION FACILITIES.**

Patrick Sloan of McKenna Associates gave an overview of the proposed Medical Marijuana Ordinance Amendment and recommended the Planning Commission send recommendation to the Township Board of Trustees for approval.

No comments from Commissioners or the audience.

**Motion Kelley, Boynton second to recommend to the Board of Trustees to amend text in the Township Zoning Ordinance 06-02-92 to add subsection 16.03i referencing the McKenna Associates review letter dated 3-3-16. (Letter Attached)**

**Roll Call:**

**Yays: Atchinson, Budd, Kelley, Boynton, Jackson, Franzoi and Thompson.**

**Nays: None.**

**Absent: None.**

**Motion Carried.**

**NEW BUSINESS:**

**ITEM # 1                    16-013 – TEMPORARY LAND USE**

**TITLE:                    THE APPLICANT, ELLIOTT’S AMUSEMENTS, LLC., IS REQUESTING FINAL APPROVAL TO HOST A CARNIVAL FOR A PERIOD EXTENDING BEYOND THE AS-A-RIGHT SEVEN CONSECUTIVE DAYS OR LESS REQUIREMENT FOUND IN SECTION 4.44 OF THE TOWNSHIP ZONING ORDINANCE 06-02-92, AS AMENDED.**

**LOCATION:                THIS SITE IS LOCTED IN THE BELLEVILLE SQUARE SHOPPING PLAZA AT 10900 BELLEVILLE ROAD. THE SUBJECT LOCATION IS ON THE WEST SIDE OF BELLEVILLE ROAD, NORTH OF THE I-94 SERVICE DRIVE.**

Debbie Elliott of Elliott Amusements, LLC gave the presentation. Elliott Amusements has operated a carnival at the Belleville Square Shopping Plaza for the past five years.

Deputy Director Best presented his review letter dated 3-18-16 recommending.

**Motion Boynton, Franzoi second to grant approval to Elliott’s Amusements, LLC to host a carnival beyond the seven consecutive days found in section 4.44 of the Township Zoning Ordinance located at Belleville Square Shopping Plaza pending recommendations by Deputy Director Best, Van Buren Fire Marshall and the administrative offices of Wayne County and the Township. (Letters Attached)**

**ITEM # 2                    16-014 – TEMPORARY LAND USE**

**TITLE:                    THE APPLICANT, TNT FIREWORKS, IS REQUESTING FINAL APPROVAL TO HOLD “TENT” SALES OF RETAIL GOOD BEYOND THE SEVEN CONSECUTIVE DAYS ALLOWED AS-A-RIGHT IN THE ZONING ORDINANCE FOR TEMPORARY LAND USE UNDERS SECTION 4.44 OF THE TOWNSHIP ZONING ORDINANCE 06-02-92, AS AMENDED.**

**LOCATION:                THIS SITE IS LOCATED AT THE BELLEVILLE ROAD WALMART, STORE #2872, AT 10562 BELLEVILLE ROAD. THE SUBJECT LOCATION IS ON THE WEST SIDE OF BELLEVILLE ROAD, NORTH OF THE I-94 SERVICE DRIVE.**

Chuck Friese of TNT Fireworks gave the presentation. This is the third year for the applicant to hold tent sales of fireworks at the Belleville Road Walmart location. The site plan as is the same as last year and the proposed dates of operation are from June 23, 2016 to July 5, 2016.

# Charter Township of Van Buren

Agenda Item: \_\_\_\_\_

## REQUEST FOR BOARD ACTION

**WORK STUDY MEETING DATE: 4/4/16**

**BOARD MTG. DATES: 4/19/16**

Consent Agenda \_\_\_\_\_

New Business  X

Unfinished Business \_\_\_\_\_

Public Hearing \_\_\_\_\_

<b>ITEM (SUBJECT)</b>	2016 Planning & Economic Development Budget Amendment
<b>DEPARTMENT</b>	Planning & Economic Development
<b>PRESENTER</b>	Ron Akers, Director of Planning & Economic Development
<b>PHONE NUMBER</b>	734-699-8913
<b>INDIVIDUALS IN ATTENDANCE (OTHER THAN PRESENTER)</b>	N/A

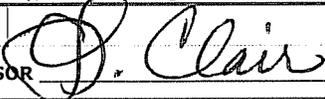
### Agenda topic

<b>ACTION REQUESTED</b>	To consider an amendment to the 2016 Planning & Economic Development Departmental Budget to increase the Office Wages line item \$33,000 to continue with the scanning and uploading of building department files and to increase the Contracted Services line item \$15,000 to continue on site services with McKenna & Associates for building demolition and ordinance enforcement administration.
<b>BACKGROUND – (SUPPORTING AND REFERENCE DATA, INCLUDE ATTACHMENTS)</b>	See attached letter dated March 8, 2016.

<b>BUDGET IMPLICATION</b>	Total Increase of \$48,000
<b>IMPLEMENTATION NEXT STEP</b>	If approval is granted staff will continue with McKenna & Associates on-site services at twelve (12) hours per week for the remainder of the fiscal year and bring the temporary employee on for five (5) days a week until project completion.

<b>DEPARTMENT RECOMMENDATION</b>	Approval
<b>COMMITTEE/COMMISSION RECOMMENDATION</b>	N/A

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

<b>ADDITIONAL REMARKS</b>	
<b>APPROVAL OF SUPERVISOR</b>	_____



# Charter Township of Van Buren

## BOARD OF TRUSTEES

SUPERVISOR  
Linda H. Combs

CLERK  
Leon Wright

TREASURER  
Shary A. Budd

TRUSTEE  
Phillip C. Hart

TRUSTEE  
Jeffrey L. Jahr

TRUSTEE  
Brenda J. McClanahan

TRUSTEE  
Reggie Miller

March 8, 2016

Board of Trustees  
Charter Township of Van Buren  
46425 Tyler Road  
Belleville, MI 48111

**Subject: 2016 Planning & Economic Development Department Budget Amendment**

Honorable Trustees,

Staff is requesting amendments to two (2) line items in the 2016 Planning & Economic Development Budget. These amendments are an increase of \$33,000 to the Office Wages line item (101-370-705-000) to continue scanning and imaging of Building Department files and an increase of \$15,000 in the Contracted Services line item (101-370-819-000) to continue with on-site services for McKenna & Associates for building demolition and code enforcement administration. The rationale for these increases are as follows:

### **Continuation of Scanning & Imaging of Township Files**

Since this project started, we have monitored the speed and progress of this project in order to identify potential timeframes and costs. At this time we have collected enough information to prepare an analysis for a revised estimated cost of this project and an estimated completion date. The findings of this analysis require that an additional amount of \$33,000 is required to complete the project. The following is a summary of this analysis:

2016 Amount Allocated:	\$10,000
Total Cabinets (36", 5 drawer):	18
Total Pages to Process/Scan (Est):	~700,000 - 720,000
Cost per Day:	\$185.12
Total Prepping Days per Cabinet:	9
Total Scanning Days per Cabinet:	3.75
Total Working Days per Cabinet:	12.75
Total Estimated Days on Project:	230
Estimated Completion:	11/2016
Estimated Revised Project Cost:	\$42,485.04
Additional Required:	\$32,485.04
Additional Budget Request:	\$33,000

If approved I will propose to utilize the temporary employee five (5) days a week as opposed to three (3) days a week. This will speed the process along as we move forward.

Opportunity Cost

As an alternative to this proposal staff reviewed utilizing a scanning & imaging service company for this process. After an online review of prices for these services staff has estimated the minimum price for prepping and scanning of files would be approximately \$0.06 to \$0.07 per page. At these rates we estimate the cost of this service to be approximately \$43,200 to \$50,400. This cost does not include the time it would take an employee to sort through the scanned documents and upload them to the Doculex server. Additionally, we would temporarily lose access to these files for a few weeks, which could interrupt our day to day operations and put us at risk to violate the Michigan FOIA laws. The advantage to proceeding with this method is that it is considerably quicker, but it could be more costly.

Based on the above mentioned information, I think the current method of back file scanning is effective and with these budget revisions we will be able to continue with this project.

**McKenna Onsite Services for Building Demolition and Code Enforcement Administration**

Currently McKenna & Associates provides on-site office hours at twelve (12) hours per week. This is split up between a Senior Planner (8 hours) and a Principal Planner (4 hours) with the company. Initially during the 2016 budget I anticipated keeping these services on a portion of the year while eventually phasing them out. Since the beginning of the year our activity levels have been fairly consistent and because of this we are proposing to continue these services for the remainder of the year. The following is the summary associated with the costs of continuing these services:

Current Allocated Amount in Budget:	\$10,000
Current Allocated Amount for Securing Structures:	\$20,000
Weekly Cost of Service:	\$841.76
Estimated Cost for 52 weeks:	\$43,771.52
Estimated Amount Needed:	\$13,771.52
Requested Budget Increase:	\$15,000

Program Highlights

This project started in April of 2015 and the McKenna & Associates on site services transitioned from this project to serving as an Interim Director of the department when my position was vacant. After I started their hours were reduced to twenty four (24) hours per week in October 2015 and then to twelve (12) hours per week in November 2015.

During 2015 fourteen (14) different properties with assorted code violation and property maintenance issues were addressed. Of these properties seven (7) have been demolished, two (2) are currently in the CDBG demolition process, three (3) are being actively rehabilitated, and two (2) have been unresponsive with our communication efforts. Since the beginning of 2016, our Building Inspectors and Ordinance Officers have identified eleven (11) different properties with assorted code violations and property maintenance issues and of those eight (8) have been issued notices and the additional three (3) are on track to be noticed.

Each enforcement issue reflects a unique situation which we attempt to work with the property owner to resolve. This practice of seeking voluntary compliance tends to take a longer time, but is ultimately, in my opinion, the best option to handle these issues. In 2015 of the seven (7) homes that were demolished, four (4) were done by the homeowner after discussion with our consultants. Blight remediation and code enforcement are not necessarily the most attractive items to address as a board because they have a large potential for conflict and lawsuits, but ordinance enforcement is necessary in the preservation of property

values in the community. My experience with ordinance enforcement is that to be effective a community needs to engage in consistent implementation of its procedures and regulations and I feel that we would difficulty doing so without having this additional assistance.

After further review of the activities completed and additional enforcement activities that are currently in process or about to be in process I believe it is important to maintain this service until the end of the year. With these budget amendments we are moving our department forward in meeting some of the goals set by ourselves and the Township Board. I look forward to the board's further discussion regarding this request.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Ron Akers". The signature is fluid and cursive, with a long horizontal stroke at the end.

Ron Akers, AICP  
Director of Planning & Economic Development  
Charter Township of Van Buren

	2013		2014		2015		2015		2016		Difference
	Actual	Budget	Actual	Budget	Actual	Budget	Amended	Actual	Budget	Amended	
101-370-702-000	82,623	52,500	39,125	75,000	55,765	71,050	71,050	0	0	0	0
101-370-702-001	0	0	0	0	0	0	0	0	0	0	0
101-370-702-003	(4,000)	(4,000)	(4,000)	(4,000)	(4,000)	(4,000)	(4,000)	(4,000)	(4,000)	(4,000)	0
101-370-703-000	0	35,000	0	50,000	30,000	62,930	62,930	0	0	62,930	0
101-370-703-005	(1,550)	(12,200)	(6,788)	(12,200)	(7,944)	(7,944)	(7,944)	0	(7,944)	(7,944)	0
101-370-705-000	90,234	90,874	94,744	92,237	100,000	89,480	122,480	95,245	89,480	122,480	33,000
101-370-706-000	72,040	66,715	71,669	121,715	90,000	114,420	114,420	99,820	114,420	114,420	0
101-370-707-000	72,754	70,021	69,851	0	0	0	0	0	0	0	0
101-370-708-000	0	0	0	0	0	0	0	0	0	0	0
101-370-719-000	155,582	152,000	142,440	155,000	110,000	186,900	186,900	114,691	186,900	186,900	0
101-370-740-000	4,970	7,500	5,437	7,500	7,500	7,500	7,500	8,649	7,500	7,500	0
101-370-810-000	15,222	18,700	20,161	18,700	16,000	24,000	24,000	22,161	24,000	24,000	0
101-370-818-000	4,669	5,800	5,927	5,800	6,500	6,500	6,500	6,835	6,500	6,500	0
101-370-819-000	108,805	75,000	162,751	75,000	140,000	136,000	151,000	156,332	136,000	151,000	15,000
101-370-820-000	6,503	6,500	15,172	6,500	2,000	15,000	15,000	2,675	15,000	15,000	0
101-370-821-000	51,872	91,000	142,204	41,000	130,000	70,000	70,000	109,269	70,000	70,000	0
101-370-820-001	(175)	1,400	0	0	0	0	0	(400)	0	0	0
101-370-822-000	0	15,000	0	15,000	1,000	1,000	1,000	0	1,000	1,000	0
101-370-823-000	0	20,000	0	20,000	20,000	18,000	18,000	19,432	18,000	18,000	0
101-370-824-000	6,826	7,100	562	7,000	1,000	1,000	1,000	562	1,000	1,000	0
101-370-860-000	7,915	15,000	13,395	2,500	4,300	7,200	7,200	4,037	7,200	7,200	0
101-370-861-000	2,050	4,000	3,326	2,000	3,000	5,000	5,000	2,391	5,000	5,000	0
101-370-900-000	682	1,500	833	1,500	3,000	3,000	3,000	2,721	3,000	3,000	0
101-370-956-000	(3,357)	7,000	(141)	7,000	7,000	3,000	3,000	6,600	3,000	3,000	0
101-370-970-000	2,021	12,000	11,660	0	0	0	0	0	0	0	0
<b>Total Planning/Building Department</b>	<b>675,686</b>	<b>738,410</b>	<b>788,326</b>	<b>687,252</b>	<b>712,356</b>	<b>810,036</b>	<b>858,036</b>	<b>735,716</b>	<b>810,036</b>	<b>858,036</b>	<b>48,000</b>