



AGENDA
CHARTER TOWNSHIP OF MERIDIAN
TOWNSHIP BOARD – REGULAR MEETING
August 4, 2022 6:00 PM

1. CALL MEETING TO ORDER
2. PLEDGE OF ALLEGIANCE/INTRODUCTIONS
3. ROLL CALL
4. PRESENTATION
 - A. Introduction of New EMT/Firefighter
 - B. 2022 August Primary Election Report-Clerk Guthrie
5. CITIZENS ADDRESS AGENDA ITEMS AND NON-AGENDA ITEMS
6. TOWNSHIP MANAGER REPORT
7. BOARD MEMBER REPORTS OF ACTIVITIES AND ANNOUNCEMENTS
8. APPROVAL OF AGENDA
9. CONSENT AGENDA (SALMON)
 - A. Communications
 - B. Bills
 - C. Proposed CATA Route & Service Changes
10. QUESTIONS FOR THE ATTORNEY
11. HEARINGS (CANARY)
 - A. Planned Unit Development #22-014-3560 Hulett Road-Giguere Homes
12. ACTION ITEMS (PINK)
 - A. Planned Unit Development #22-014-3560 Hulett Road-Giguere Homes
 - B. Ordinance 2022-08-Traffic Impact Study Standards-**Final Adoption**
 - C. Ordinance 2022-12-Refuse/Storage Container Regulations-**Final Adoption**
13. BOARD DISCUSSION ITEMS (ORCHID)
 - A. Prospective Resolution to the Legislature and Governor Regarding Local Control Under the Michigan Fireworks Safety Act
 - B. Debt Management Policy
 - C. Fund Balance Reserve Policy
 - D. Right of First Refusal for 6160 Whitehills Lakes #5
14. COMMENTS FROM THE PUBLIC
15. OTHER MATTERS AND BOARD MEMBER COMMENTS
16. ADJOURNMENT

All comments limited to 3 minutes, unless prior approval for additional time for good cause is obtained from the Supervisor. Appointment of Supervisor Pro Tem and/ or Temporary Clerk if necessary. Individuals with disabilities requiring auxiliary aids or services should contact the Meridian Township Board by contacting: Township Manager Frank L. Walsh, 5151 Marsh Road, Okemos, MI 48864 or 517.853.4258 - Ten Day Notice is Required.

Meeting Location: 5151 Marsh Road, Okemos, MI 48864 Township Hall
Providing a safe and welcoming, sustainable, prime community.

A PRIME COMMUNITY
meridian.mi.us



9.A

**CONSENT AGENDA
BOARD
COMMUNICATION
August 4, 2022**



FOR IMMEDIATE RELEASE
July 26, 2022

CONTACT: Bart Crane, Lieutenant
517.853.4800 | crane@meridian.mi.us

Meridian Township Police Investigate Motor Vehicle Crash - Update
Fatal Injuries

MERIDIAN TOWNSHIP, MI — On July 22, 2022 at 5:22 p.m., Meridian Township Police were dispatched to Haslett Road and Marsh Road in Meridian Township for a two-vehicle crash. The crash involved one passenger vehicle and a motorcycle as they were navigating the intersection. The operator of the motorcycle was transported to the hospital for treatment.

Meridian Township Police were informed shortly after the incident that the operator of the motorcycle died as a result of injuries sustained in the crash. The crash resulted in the death of 44 year-old Jason Alan Knickerbocker of Haslett.

Meridian Township Police were assisted by the Ingham Regional Crash Investigation Team, Michigan State University Police, and the Lansing Police Department.

The investigation of this case is ongoing. Anyone who has information regarding this incident is requested to contact the Meridian Township Police Department at 517.853.4800, or submit an anonymous tip through the Department's social media sites.

###

The community of Meridian Township is in close proximity to the Michigan State Capitol and Michigan State University. The Township serves the community through exceptional services, beneficial amenities and an outstanding quality of life. It is a welcoming community that celebrates quality education, recreation and lifestyles.



From: [Deborah Guthrie](#)
To: [Michelle Prinz](#)
Subject: FW: Concerns related to Daniels Drain project
Date: Thursday, July 28, 2022 5:40:19 PM

Communications

From: Jessi Wortley Adler <jessicawortley@gmail.com>
Sent: Friday, July 22, 2022 2:08 PM
To: Dan Opsommer <opsommer@meridian.mi.us>; Younes Ishraidi <ishraidi@meridian.mi.us>
Cc: Deborah Guthrie <guthrie@meridian.mi.us>; Phil Deschaine <deschaine@meridian.mi.us>; Patricia Herring Jackson <pjackson@meridian.mi.us>; Kathy Ann Sundland <sundland@meridian.mi.us>; Courtney Wisinski <wisinski@meridian.mi.us>; Frank Walsh <walsh@meridian.mi.us>; Tim Schmitt <schmitt@meridian.mi.us>; Marna Wilson <wilson@meridian.mi.us>; Ari B. Adler <aribadler@gmail.com>; Township Board <Townshipboard@meridian.mi.us>; Scott Hendrickson <hendrickson@meridian.mi.us>
Subject: Concerns related to Daniels Drain project

All,

We are writing about health, safety and wellness concerns regarding the Daniels Drain Project.

Thank you for listening to the residents of the Forest Hills Neighborhood related to the project assessment. I know there were a lot of factors, opinions, and considerations at play. While we still don't agree with paying for this project that we didn't ask for, we appreciate that the cost is lower than originally indicated due to you stepping in and readjusting the calculations.

However, this project has now been going on for a YEAR and has caused unexpected damage, undue depreciation, and frustrating inconveniences for our property, possessions and daily lives.

1. We are asking that when the project is complete that the township pay for or reimburse us for a full professional power washing of our house, and thorough cleaning and detailing of our vehicles.
 - a. Our blue house is now brown from a thick layer of dust, and there's no way we can personally do the job, nor be expected to pay for something we did not cause.
 - b. Our vehicles are coated in dust that is being driven into the paint and the interior fabric - hosing them off does no good because then everything is just muddy, and the dust gets inside even if the windows are closed.
2. The construction team needs to water the road more regularly. With dumptrucks and other equipment driving by every 5 minutes it is a constant wall of dust in our yard and down the street.
 0. Being outside is difficult because the dust bowl we are now living in is

irritating to eyes and lungs. We cannot go outside in our yard without suffering ill effects. And that doesn't even count the loud noises we're constantly exposed to.

- a. We have to keep our windows shut at all times because the dust blows into our house and coats our furniture.
 - b. This also means being forced to use air conditioning all the time, increasing our electric use and costs while reducing our availability of fresh air into the home. (Is there a way to cover those increased costs?)
 - c. Our flowers and landscaping are coated with dust and look frightful, and we are not able to use our vegetable garden plot.
3. We need the police to be out here at the corner of Hillside and Northview monitoring the traffic, catching speeders who drive through and kick up even more dust, and often don't stop at the stop sign. This is creating dangerous conditions for the residents and the construction workers.

We look forward to discussing this further with you to determine how to proceed with our requests.

Thank you.
Jessi and Ari Adler
1580 Hillside Drive
517-230-9923



9. B

To: Board Members
From: Amanda Garber, Finance Director
Date: July 28, 2022
Re: Board Bills

MOVED THAT THE TOWNSHIP BOARD APPROVE THE MANAGER'S BILLS AS FOLLOWS:

COMMON CASH	\$202,521.74
PUBLIC WORKS	\$ 7,338.33
TRUST & AGENCY	\$ -

TOTAL CHECKS \$209,860.07

CREDIT CARD TRANSACTIONS

07/21/22 TO 07/27/22 \$ 4,619.57

TOTAL PURCHASES **\$214,479.64**

ACH PAYMENTS **\$ 78,917.91**

07/28/2022 02:53 PM
 User: GRAHAM
 DB: Meridian

INVOICE APPROVAL BY INVOICE REPORT FOR CHARTER TOWNSHIP OF MERIDIAN
 EXP CHECK RUN DATES 08/04/2022 - 08/04/2022
 BOTH JOURNALIZED AND UNJOURNALIZED OPEN AND PAID
 BANK CODE: GF

Vendor Name	Description	Amount	Check #
1. ALLGRAPHICS CORP	DPW AND ENGINEERING LOGO SHIRTS	120.00	
2. ANGELA PONTIUS	REIMBURSEMENT OFFICE SUPPLIES	68.79	
3. ASAP PRINTING	MTPD CITIZEN SURVEY REPRINT	364.05	
	VICTIMS RIGHTS & RESOURCES BROCHURE REPRINT	233.23	
	TOTAL	597.28	
4. AT & T	JULY 2022 ASE NET - THB - FS91 - 831.000.8214 218	3,885.68	
5. AUTO VALUE OF EAST LANSING	UNIT 659 MOTOR POOL - FLEET REPAIR PARTS	6.48	
	UNIT 659 MOTOR POOL - FLEET REPAIR PARTS	138.98	
	UNIT 146 MOTOR POOL - FLEET REPAIR PARTS	185.29	
	SHOP SUPPLIES - FLEET REPAIR PARTS	483.80	
	UNIT 670 MOTOR POOL - FLEET REPAIR PARTS	7.29	
	UNIT 668 MOTOR POOL - FLEET REPAIR PARTS	39.39	
	UNIT 145 MOTOR POOL - FLEET REPAIR PARTS	20.58	
	SHOP TOOLS - FLEET REPAIR PARTS	58.98	
	UNIT 145 MOTOR POOL - FLEET REPAIR PARTS	97.28	
	TOTAL	1,038.07	
6. BARYAMES CLEANERS	6/18/22 - 7/17/2022 POLICE UNIFORM CLEANING	330.40	
7. BOUNDTREE MEDICAL	ORDER #103859645 MEDICAL SUPPLIES	227.75	
	ORDER #103859645 MEDICAL SUPPLIES	1,081.25	
	TOTAL	1,309.00	
8. BRIGHTLINE TECHNOLOGIES	BRIGHTLINE PALO ALTO FIREWALL SOLUTION	115,807.90	
9. CGS INC	SAFETY - CONFINED SPACE AWARENESS TRAINING - ALL D	977.27	
10. CHERYL M. SATTERLEE	OVRPMT AMBULANCE 12/13/2021	85.64	
11. COMCAST	JUL 14 2022 - AUG 13 2022 HOM TV - (AUG 14-SEPT 13	970.23	
	AUG 1 2022 TO AUG 31 2022 - INT+TV @THB	436.65	
	JUL 29 2022 TO AUG 28 2022 TV TEL @ HNC	227.58	
	JUL 19 2022 TO AUG 18 2022 SCADA INET	151.85	
	TOTAL	1,786.31	
12. CRYSTAL FLASH	MOTOR POOL - FLEET FUEL	22,506.68	
13. CUMMINS INC	BUILDINGS - PSB - TRANSFER SWITCH	3,377.00	
	FIRE STATION 92 GENERATOR PM	371.42	
	MUNICIPAL BLDG GENERATOR PM	549.67	
	PUBLIC SAFETY GENERATOR PM	416.14	
	SERVICE CENTER GENERATOR PM	549.67	
	S FIRE GENERATOR PM	270.45	
	TOTAL	5,534.35	
14. DBI	FILE FOLDERS	31.92	
	FOLDERS/CLIP BINDERS	18.35	
	TOTAL	50.27	
15. FISHBECK, THOMPSON, CARR & HUBER	WDV 22-03 PROF SERVICES THRU 7/8/2022	959.85	
	WDV 22-04 PROF SERVICES THRU 7/8/2022	2,230.65	
	WUP HANNAH CROSS SERVICES THRU 7/8/2022	77.50	
	TOTAL	3,268.00	
16. FORESIGHT GROUP	WATER BILLS & POSTAGE 7/15/2022	547.09	

07/28/2022 02:53 PM
 User: GRAHAM
 DB: Meridian

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Vendor Name	Description	Amount	Check #
17. FRANK WALSH	MME CONF TRAVEL REIMB	78.68	
18. HAMMOND FARMS	6' PARKING BLOCK & PALLET DEPOSIT CREDIT FOR PALLETT DEPOSIT	385.00 (35.00)	
	TOTAL	350.00	
19. HASLETT-OKEMOS ROTARY	ROTARY 3RD QTR DUES - F. WALSH	145.00	
20. INGHAM COUNTY FINANCIAL SERVICES	911 LEGACY COSTS 2022	9,000.00	
21. JAN GUZALL	CRC FUNDS DELINQUENT RENT - S DUNN (POTTER)	650.00	107665
22. JANE GREENWAY	6/24/22 & 7/21/22 MILEAGE REIMB	9.13	
23. LANSING SANITARY SUPPLY INC	JANITORIAL SUPPLIES FOR PARKS	815.11	
24. LANSING UNIFORM COMPANY	CPT C. JOHNSON - UNIFORM ITEMS S. SCHOTT - UNIFORM ITEMS N. IRVING - UNIFORM ITEMS	328.15 257.75 307.70	
	TOTAL	893.60	
25. MERIDIAN MEADOWS LLC	CRC FUNDS EMERGENCY RENT - C. ALGER	895.00	107663
26. MERIDIAN TOWNSHIP	TRANSFER FLEX CHECKING 7/29/22	611.91	
27. MICHIGAN MUNICIPAL LEAGUE	WEBSITE ADVERTISEMENT FOR COMM MNGR	119.64	
28. MID MICHIGAN EMERGENCY EQUIPMENT	PATROL UNIT 132 POLICE INTERCEPTOR UPFITTING SUP UNIT 131 POLICE INTERCEPTOR UPFITTING	9,384.50 10,988.76	
	TOTAL	20,373.26	
29. MI-MAUI	2022 MI-MAUI MEMBERSHIP ASSESSMENT	1,800.00	
30. OVERHEAD DOOR OF LANSING	W/O 40331 - OVEREAD DOOR REPAIR W/O 40331 - OVEREAD DOOR REPAIR	60.31 1,322.25	
	TOTAL	1,382.56	
31. PRO-TECH MECHANICAL SERVICES	BUILDINGS - POLICE - UNIT 1 HVAC REPLACE PRESSURE	390.00	
32. PRO-TECH SECURITY SALES	2 BALLISTIC VESTS	2,479.00	
33. RAPID FLUSH	QTRLY PUMP OUT PIT TOILETS HNC	375.00	
34. ROBERT HALF	WK END 7/22/2022 -UB TEMP -W. DIENER	1,177.20	
35. SAMANTHA DIEHL	REIMB FOR TRAIN FARE - CONFERENCE	60.00	
36. SOLDAN'S FEED & PET SUPPLIES	05/07/2022 CANINE SUPPLIES FOR K9 5/21/22 CANINE SUPPLIES FOR K9 6/21/22 CANINE SUPPLIES FOR K9	156.86 88.11 76.98	
	TOTAL	321.95	
37. ST MARTHA CONFERENCE OF	CRC REIMB EMERGENCY RENT - C. MORGAN	1,000.00	107664
38. TEAM FINANCIAL GROUP	COPIER CONTRACT 40026582-1/40026582-2	1,471.50	
39. THOMAS R. JAROSCH	OVRPMT AMBULANCE 03/20/2022	56.47	
40. VARIPRO BENEFIT ADMINISTRATORS	AUG 2022 FLEX SPENDING ADMINISTRATION COST	154.00	
TOTAL - ALL VENDORS		202,521.74	

07/28/2022 02:51 PM
User: GRAHAM
DB: Meridian

INVOICE APPROVAL BY INVOICE REPORT FOR CHARTER TOWNSHIP OF MERIDIAN
EXP CHECK RUN DATES 08/04/2022 - 08/04/2022
BOTH JOURNALIZED AND UNJOURNALIZED OPEN AND PAID
BANK CODE: PWHRZ

Vendor Name	Description	Amount	Check #
1. ALLGRAPHICS CORP	DPW AND ENGINEERING LOGO SHIRTS	20.00	
2. CGS INC	SAFETY - CONFINED SPACE AWARENESS TRAINING - ALL D	1,172.73	
3. CUMMINS INC	CHAMPION WOODS LS PM	373.77	
	EASTEND LIFT STATION PM	373.77	
	EMBER OAKS LIFTSTATION PM	373.77	
	MAIN LS GENERATOR PM	449.69	
	MEADOWS LS GENERATOR PM	262.52	
	MERIDIAN FIRE GENERATOR PM	449.69	
	SIERRA RIDGE GENERATOR PM	262.52	
	TOWAR GARDENS LS GENERATOR PM	262.52	
	TRAILER #1 GENERATOR PM	416.17	
	TRAILER #2 GENERATOR PM	416.17	
	WILDWOOD LS GENERATOR PM	262.52	
	WOOD VALLEY LS GENERATOR PM	270.45	
	TOTAL	4,173.56	
4. INGHAM COUNTY REGISTER OF DEEDS	WATER MAIN EASEMENT - 3560 DOBIE ROAD	30.00	
5. JACK DOHENY COMPANIES INC	WATER - REAPIR PARTS FOR VACTOR	453.04	
6. KAREN PAWLOVICH	MONTEBELLO AVE - SEWER/WATER OVRPMT	98.50	
7. MICHIGAN RURAL WATER ASSOC	WATER REVIEW S1 & S2 - R. STACY, J. ARNETT, T. KEN	960.00	
8. NOUR SOUFAN	RIDGEPOND PL - WATER/SEWER OVRPMT	110.50	
9. PAMELA ESSER	OVERPMT WATER	320.00	
TOTAL - ALL VENDORS		7,338.33	



Account Name	Transaction Amount	Transaction Date	Transaction Merchant Name
ROBERT STACY	(\$99.99)	2022/07/22	TRACTOR SUPPLY #1149
ROBERT STACY	\$99.99	2022/07/22	TRACTOR SUPPLY #1149
TYLER KENNEL	\$53.50	2022/07/22	HAMMOND FARMSLANDSCAPE SU
MICHAEL HAMEL	\$206.32	2022/07/26	GLOBALTEST
ANDREW MCCREADY	\$400.00	2022/07/21	PAYPAL *NATIONALASS
ALLISON GOODMAN	\$17.12	2022/07/25	WAL-MART #2866
ALLISON GOODMAN	\$10.74	2022/07/25	SOLDAN S PET SUPPLIES
ANDREA SMILEY	\$89.95	2022/07/25	FACEBK B9L33GB9U2
FRANK L WALSH	\$71.32	2022/07/21	BP#5159397CHICAGO DRIVE
FRANK L WALSH	\$629.37	2022/07/22	HAWORTH INN & CONFER C
ROBIN FAUST	\$26.95	2022/07/21	USPS PO 2569800864
JOHN HECKAMAN	\$15.92	2022/07/21	GRAINGER
JOHN HECKAMAN	(\$0.28)	2022/07/22	GRAINGER
ROBERT MACKENZIE	\$576.25	2022/07/21	POLLARDWATER.COM #3326
ROBERT MACKENZIE	\$74.66	2022/07/21	ANDERSEN WINDOWS-EMCO
LUANN MAISNER	\$8.97	2022/07/25	GFS STORE #1901
LUANN MAISNER	\$107.37	2022/07/25	MEIJER # 025
TAVIS MILLEROV	\$44.38	2022/07/26	GRAINGER
KENNITH PHINNEY	\$19.90	2022/07/23	HASLETT TRUE VALUE HARDW
KENNITH PHINNEY	\$22.97	2022/07/21	THE HOME DEPOT #2723
KEITH HEWITT	\$320.29	2022/07/25	MIDWEST POWER EQUIPMENT
MICHAEL DEVLIN	\$75.54	2022/07/24	COSTCO WHSE#1277
MICHELLE PRINZ	\$100.00	2022/07/21	JIMMY JOHNS - 90055
MICHELLE PRINZ	\$34.56	2022/07/21	AMZN MKTP US*U73TY3QD3
MICHELLE PRINZ	\$309.00	2022/07/21	AMAZON.COM*CD83Y4LC3
MICHELLE PRINZ	\$100.00	2022/07/21	CULVERS OKEMOS-TIMES SQ
MICHELLE PRINZ	\$100.00	2022/07/22	TST* BUDDY'S PIZZA - OKEM
MICHELLE PRINZ	\$100.00	2022/07/22	TST* NOTHING BUNDT CAKES
MICHELLE PRINZ	\$100.00	2022/07/21	CHICK-FIL-A #03695
MICHELLE PRINZ	\$315.00	2022/07/22	ASSN *ORDER
MICHELLE PRINZ	\$9.99	2022/07/23	LANSINGSTATE JOURNAL
MICHELLE PRINZ	\$19.91	2022/07/24	AMZN MKTP US*X95BU51Y3
MICHELLE PRINZ	\$13.99	2022/07/25	AMZN MKTP US*KJ1OB4KV3 AM
MICHELLE PRINZ	\$4.00	2022/07/25	AMZ*WSJBARRON'S
DENISE GREEN	\$15.70	2022/07/22	USPS PO 2569800864
CATHERINE ADAMS	(\$175.60)	2022/07/21	PRINTGLOBE
CATHERINE ADAMS	\$485.98	2022/07/22	PIONEER ATHLETICS
CATHERINE ADAMS	\$112.00	2022/07/25	STATE EGLE WATER TEST
ED BESONEN	\$0.52	2022/07/21	PAS*PASSPT LANSING PR
ED BESONEN	\$1.87	2022/07/25	PAS*PASSPT LANSING PR
ED BESONEN	\$0.52	2022/07/25	PAS*PASSPT LANSING PR
BART CRANE	\$160.66	2022/07/24	COMCAST
EMMA CAMPBELL	\$13.99	2022/07/25	TOM'S FOOD
BRIDGET CANNON	\$26.24	2022/07/21	WAL-MART #2866
\$4,619.57 TOTAL			

ACH Transactions

Date	Payee	Amount	Purpose
7/22/2022	MCT Utilities	\$ 267.18	Water/Sewer for MCT
7/27/2022	Blue Care Network	\$ 78,650.73	Employee Health Insurance
	Total ACH Payments	<u>\$ 78,917.91</u>	



To: Board Members
From: Phil Deschaine, Treasurer & CATA Board Representative
Date: July 28, 2022
Re: CATA Route & Service Changes for 2022-2023

Attached are the three public notices of route or service changes that could impact Meridian Township residents that will be proposed the CATA Board for August Meeting. These changes would take effect on or about October 1, 2022.

The two changes in Meridian Township routes are for:

1. **Route 24** that runs from the MSU Parking #5 lot and then follows the Western and northern tier of the Township along Hagadorn and Lake Lansing roads, and
2. **Route 26** the goes from MSU Parking Ramp #1 north to Chandler Road.

The service change proposed by CATA is very good news for our residents who rely on CATA. Beginning with Thanksgiving 2022, CATA will offer Holiday Service from 8 am to 8 pm covering the urban and suburban service area. It will be 'demand-response' service offered on seven holidays:

- New Year's Day
- Easter Sunday
- Memorial Day
- Independence Day
- Labor Day
- Thanksgiving Day
- Christmas Day

Rides must be reserved by calling the CATA Paratransit scheduling line at 517-394-2282. The cost will be \$2.50 each way, anywhere in the CATA's holiday service area. The attached map shows this holiday service which goes from Meridian Road to the east to Creyts Road on the west, and from State Road to the North to Harper Road/Sandhill Road to the south.

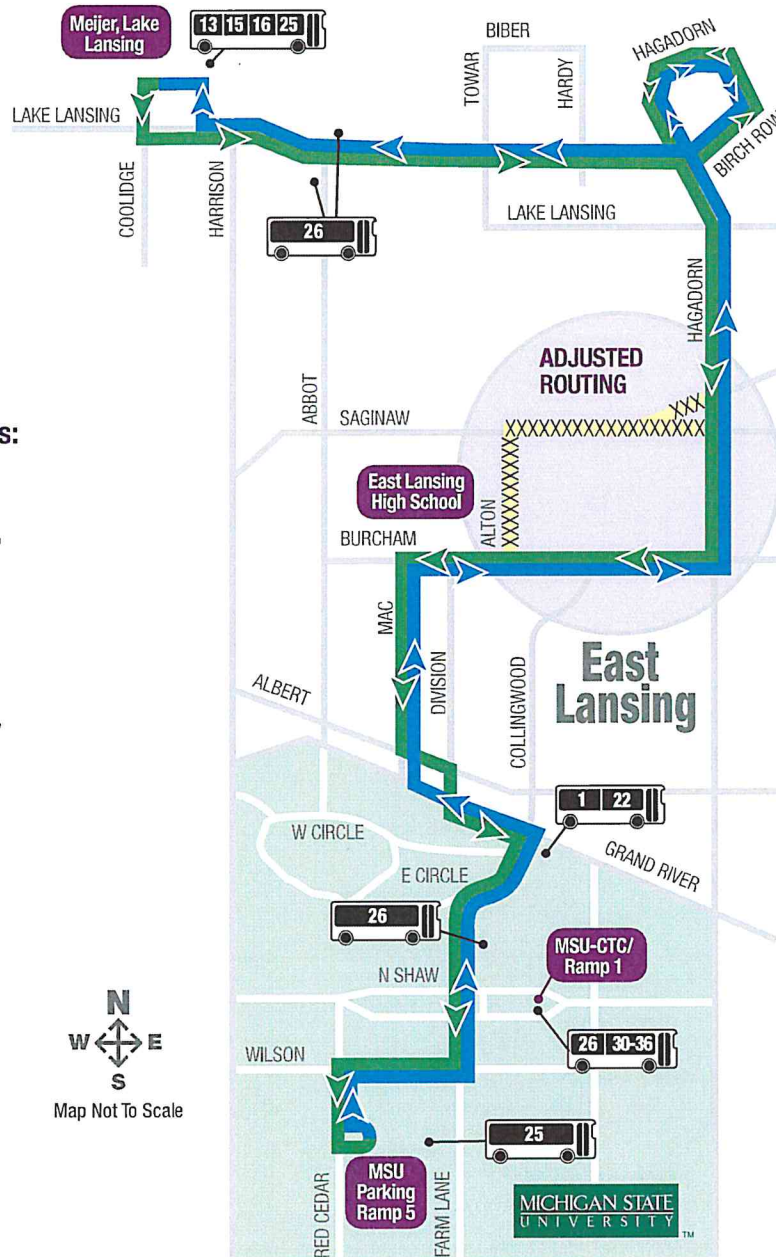
24

East Lansing – E. Lake Lansing Road

Proposed Route Adjustment – Jan. 2023

Summary of Changes:

- Proposed adjustment would reroute service, along Bircham Drive, between Alton Road and Hagadorn Road. Service on Alton Road and Saginaw Highway would be eliminated.



MAP LEGEND

- Outbound (north)
- Inbound (south)
- XXXXXX Route Portion to be Eliminated
- Transfer Point to Indicated Route(s)



26

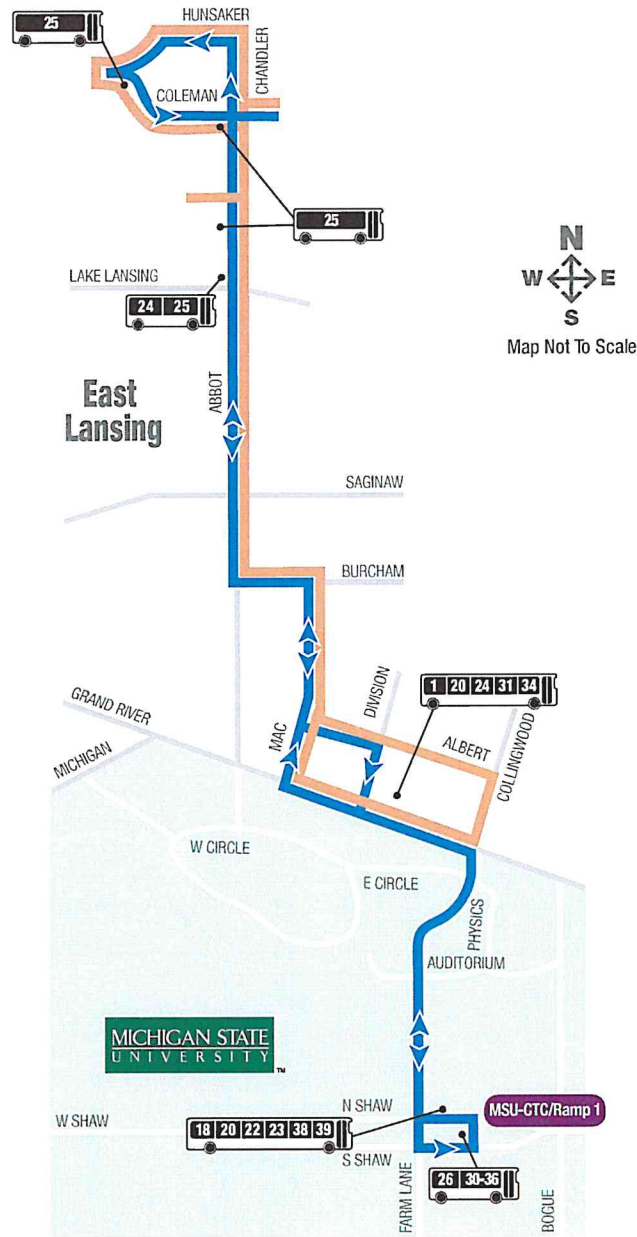
Abbot – Chandler

Service Levels and Late Night Service Changes – Aug. 29, 2022

Summary of Changes:

- Increase weekday service frequency during MSU's fall and spring semesters from 23 minutes to 15 minutes until 8 p.m., and 40 minutes until 11:15 p.m. beginning Aug. 29, 2022.
- Late Night service, typically serving stops along the Late Night route every 35 minutes between 11:20 p.m. and 3 a.m., will be contingent upon operator availability during the 2022/2023 academic year.

When service is available, it will be published on *Transit* and *cata.org* under *Routes & Schedules*.



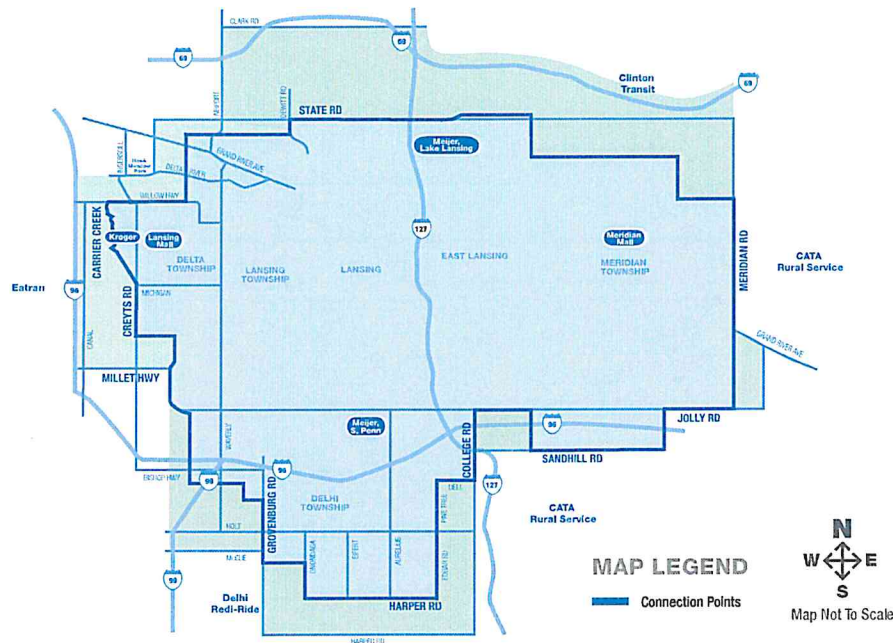
MAP LEGEND

- Route 26
- Route 26 Late Night to be Postponed until Oct. 2022
- Transfer Point to Indicated Route(s)



Holiday Service

Proposed Service to Begin Thanksgiving 2022



Summary of Changes:

- Demand-response service on CATA's seven "no service" holidays, including: New Year's Day, Easter Sunday, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day.
- Service hours are from 8 a.m. to 8 p.m.
- Service will be available with advanced reservations by 5 p.m. the day prior to the holiday and subject to capacity limitations.
- Rides must be reserved by calling through the Paratransit scheduling line at (517) 394-2282. No bookings will be accepted through MyRideCATA or MySpectran.cata.org.
- Rides must be canceled at least 90 minutes prior to the reservation. Rides scheduled before 9:30 a.m. must be canceled before 5 p.m. the day before.
- The Holiday Service will provide transportation within the Spec-Tran service area, including the grandfathered portion of the map.
- The cost of the service is \$2.50 each way and must be paid with exact change or punch pass. Operators do not carry change.





To: Board Members

From: Timothy R. Schmitt, *AICP*
Director of Community Planning and Development

Date: July 27, 2022

Re: Planned Unit Development 22-014 – 3560 Hulett Road
Public Hearing

The Township Board, Planning Commission and Staff have been reviewing the proposed redevelopment project at the Netzloff Farm, located at 3560 Hulett Road. The proposed development would preserve the existing house on the property, while removing the remaining structures and creating five new buildable lots on the property. The Township Board briefly discussed the project at their July 12, 2022 meeting and set a public hearing for the request for the August 4, 2022 meeting. The Board also discussed the project at more length during their July 26, 2022 meeting, raising no major concerns, but offering good feedback for the project.

The Planning Commission held a public hearing on this request at their June 13, 2022 meeting and received a small amount of public input, mostly regarding drainage. The drainage on the site will be reviewed by the Ingham County Drain Commissioner's office and construction on the site will not proceed until their approval is received.

The Township Board, pursuant to the ordinance requirements in the PUD district, is also required to hold a public hearing on the request. After that public hearing, the Township Board may take action on the matter.

Attachments

1. July 26, 2022 Township Board packet materials



To: Board Members

From: Timothy R. Schmitt, *AICP*
Director of Community Planning and Development

Date: July 20, 2022

Re: Planned Unit Development – 3560 Hulett Road (Giguere Homes)

The Planning Commission and Staff have been reviewing the proposed development project at 3560 Hulett Road, commonly known as the Netzloff farm, for several months. The Planning Commission recommended approval of the Planned Unit Development (PUD) proposal at their June 27, 2022 meeting, after the public hearing on the matter at the June 13th meeting. The Township Board very briefly discussed the project at their July 12, 2022 meeting and set a public hearing for the request for the August 4, 2022 meeting.

The project consists of six, single-family home lots on a single cul-de-sac coming from Hulett Road. The existing farmhouse would be retained on one of the lots, leaving five lots to be constructed upon. Public water and sewer are available at the property. The applicant is utilizing the Planned Unit Development approach to development, which allows them to create lots that are similar in size to the surrounding development to the north and east, while preserving over 50% of the project area as open space.

Other than potential drainage concerns, there have been no concerns raised by the neighbors or the public. The applicant has indicated that initial designs for drainage will use the existing pond on the property and infrastructure in the area. This will be confirmed through the site plan process, but the applicant will need to receive approval of the Ingham County Drain Commissioner's office before any construction begins on the site.

Township Board Options

The Township Board may approve or deny the proposed PUD. If the Board amends the proposal, the request may be referred back to the Planning Commission for a recommendation. A resolution will be provided at a future meeting for the Township Board's review.

Attachments

1. Planning Commission Resolution Recommending Approval
2. Staff Reports dated June 9, 2022 and June 23, 2022
3. Planning Commission Minutes of June 13, 2022 and June 27, 2022
4. Application Information

RESOLUTION TO RECOMMEND APPROVAL

**Planned Unit Development #20014
(Okemos Land Investment LLC)**

At a regular meeting of the Planning Commission of the Charter Township of Meridian, Ingham County, Michigan, held at the Meridian Municipal Building, in said Township on the 27th day of June, 2022, at 7:00 p.m., Local Time.

PRESENT: Chair Blumer, Vice-Chair Trezise, Commissioner Premoe, McConnell, Snyder, Shrewsberry, and Richards

ABSENT: Commissioner Cordill

The following resolution was offered by Commissioner Richards and supported by Commissioner Premoe.

WHEREAS, Jim Giguere has submitted a request to establish a planned unit development (PUD) at 3560 Hulett Road; and

WHEREAS, the proposed planned unit development includes the construction of 5 detached single family residential homes and the preservation of one existing single family residential home on six lots on approximately 5 acres located on Hulett Road; and

WHEREAS, the subject site is appropriately zoned RA (Single Family-Medium Density), which allows for a planned unit development; and

WHEREAS, the approximate 1.2 dwelling units per acre (du/a) density of the proposed development is consistent with the R2-Residential 0.5-3.5 Future Land Use Map designation from the 2017 Master Plan; and

WHEREAS, the Planning Commission held a public hearing at its regular meeting on June 13, 2022, and has reviewed staff material forwarded under cover memorandums dated June 9, 2022 and June 23, 2022; and

WHEREAS, the proposed planned unit development provides adequate buffering between the development and adjacent residential land uses to the north and east; and

WHEREAS, the proposed planned unit development meets the minimum PUD performance objective to preserve at least 50% of the project area, excluding wetlands and floodplains, as open space; and

WHEREAS, the proposed planned unit development will be harmonious and similar in character with the existing residential developments to the north and east of the subject site; and

WHEREAS, the requested waivers for building setbacks are necessary to facilitate preservation of open space; and

WHEREAS, the proposed planned unit development will be adequately served by public water and sanitary sewer; and

WHEREAS, the proposed planned unit development meets the minimum PUD performance objectives as stated in Section 86-439(b) of the Code of Ordinances; and

Resolution to Recommend Approval

PUD #22014 (3594 Hulett)

Page 2

WHEREAS, the proposed development is consistent with Objective E of Goal 2 of the 2017 Master Plan to preserve open space by utilizing the planned unit development ordinance for the project; and

WHEREAS, the proposed planned unit development is consistent with Objectives A and B of Goal 1 of the 2017 Master Plan to preserve and strengthen residential neighborhoods by ensuring new residential developments meet high standards of visual attractiveness, health and safety, and environmental sensitivity.

NOW THEREFORE, BE IT RESOLVED THE PLANNING COMMISSION OF THE CHARTER TOWNSHIP OF MERIDIAN hereby recommends approval of Planned Unit Development #22014, subject to the following conditions.

1. Approval is in accordance with the submitted site plan prepared by Enger Engineering, revised on June 6, 2022 and received by the Township on June 7, 2022.
2. The waivers requested for lot size and building setbacks are recommended for approval as depicted on the submitted site plan prepared by Enger Engineering, revised on June 6, 2022 and received by the Township on June 7, 2022.
3. The applicant shall obtain all necessary permits, licenses, and approvals from the Ingham County Road Department, Ingham County Drain Commissioner, and the Township, as applicable. Copies of all permits and approval letters shall be submitted to the Department of Community Planning and Development.
4. The utility, grading, and storm drainage plans for the site are subject to the approval of the Director of Public Works and Engineering and Ingham County Drain Commissioner and shall be completed in accordance with the Township Engineering Design and Construction Standards.
5. No grading or land clearing shall take place on the site until the site plan has been approved by the Director of Community Planning and Development and grading and soil erosion and sedimentation control (SESC) permits have been issued for the project.
6. The proposed roads in the development shall be built to Ingham County Road Department construction standards and shall be subject to the approval of the Director of Public Works and Engineering.
7. Any wetland boundaries or setbacks located on or adjacent to residential lots shall be clearly identified by posted signage notifying the property owner of restrictions related to grading, mowing, placement of structures, landscaping, and dumping in the wetlands. The size, number, location, and language of the signs shall be subject to the approval of the Director of Community Planning and Development.
8. The applicant shall construct the required seven-foot-wide pathway along the east side of the Hulett Road frontage of the properties included in the development. The pathway shall be designed and constructed in accordance with Township Engineering and Construction standards. The design and location of the pathway shall be subject to the approval of the Director of Public Works and Engineering.

Resolution to Recommend Approval

PUD #22014 (3594 Hulett)

Page 3

9. Street trees shall be provided along all internal roads in the development. The species, size, and location of the street trees shall be subject to the approval of the Director of Community Planning and Development.
10. The open space shall be reserved or dedicated by lease or conveyance of title, including beneficial ownership, to a corporation, association, or other legal entity or by reservation by means of a restrictive convenient.

ADOPTED: YEAS: Chair Blumer, Vice-Chair Trezise, Commissioner Premoe, McConnell, Snyder, Shrewsberry, and Richards

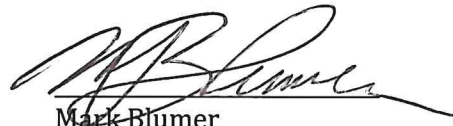
NAYS: None

STATE OF MICHIGAN)

) ss

COUNTY OF INGHAM)

I, the undersigned, the duly qualified and acting Chair of the Planning Commission of the Charter Township of Meridian, Ingham County, Michigan, DO HEREBY CERTIFY that the foregoing is a true and a complete copy of a resolution adopted at a regular meeting of the Planning Commission on the 27th day of June, 2022.



Mark Blumer
Planning Commission Chair



To: Planning Commission

From: Brian Shorkey, AICP, Senior Planner

Date: June 9, 2022

Re: Planned Unit Development #22-014 (3560 Hulett), develop PUD consisting of 6 single family residential lots on approximately 5 acres located on Hulett Road, north of Jolly Road.

Giguerre Homes has submitted a planned unit development (PUD) proposal at the property at 3560 Hulett Road. The PUD proposal includes the construction of 6 detached single-family homes on approximately 5 acres located on Hulett Road. Access to the 6 properties is from a proposed cul-de-sac. A water feature, called Paxton Pond, is included in the permanently preserved open space.

The intent of the PUD ordinance is to permit greater flexibility and more creative design of residential developments than is possible under conventional zoning regulations. A minimum of 50% of the project area, excluding wetlands and floodplains, must be preserved as open space.

Zoning

The subject property is located in the RA (Single Family-Medium Density) zoning district. A PUD is allowed in any residential zoning district on any sized property. Detached single family homes are proposed. The properties to the north, east, and south are also zoned RA while the property to the west, Okemos High School, is zoned Rural Residential.

Master Plan

The property is designated on the Future Land Use Map from the 2017 Master Plan as R-2 Residential, 0.5-3.5 dwelling units per acre (du/a). The density of the proposed development is 1.20 du/a and falls within the R-2 Master Plan designation. The same future land use designation applied to the properties to the north, east, and south. The property to the west is Okemos High School and is designated as Institutional.

Physical Features

The site contains the historical farmhouse and associated out buildings, as well as Paxton Pond. The Township GIS data shows the presence of a wetland on the property, associated with the pond. The wetland is 1.04 acres in size and was delineated in April 2022. The entire wetland lies within the protected open space and all development is outside of the required 40-foot setback. The Flood Insurance Rate Map (FIRM) for Meridian Township indicates there are no floodplains on the property.

Streets and Traffic

The subject site is located on the east side of Hulett Road. Hulett Road is a two-lane road designated as a Collector Street on the Street Setbacks and Service Drives Map in the zoning ordinance. The 2017 Master Plan shows a proposed seven-foot pathway and paved shoulders on Hulett Road. The applicant will be required to construct sidewalks on the proposed cul-de-sac on the subject property if the PUD is approved. Those sidewalks will be required to connect to the Hulett Road pathway.

Utilities

Municipal water is available in the vicinity of the subject site. Municipal sewer is located across Hulett Road and would have to be extended to serve the proposed development. The location and capacity of utilities for any proposed development will be reviewed in detail by the Department of Public Works and Engineering during the Site Plan Review process.

Planned Unit Development Standards

Planning Staff is providing the minimum PUD performance objectives for planned unit developments for the Planning Commission's review, as found in Sec. 86-439 in the zoning ordinance. Staff will provide a more thorough review at a future meeting.

1. All applications shall provide for buffering between any conflicting feature of the design and adjacent residential land use.
2. All applications shall ensure good internal and external pedestrian accessibility with a minimum of conflicting points with the vehicular circulation system.
3. All applications shall minimize the cost of street construction and associated maintenance costs while adhering to official Township construction standards.
4. All applications shall consider convenient access to public transportation.
5. All applications shall minimize the cost of utility construction and associated maintenance costs while adhering to construction standards.
6. All applications shall take advantage of natural vegetation and topographic characteristics to promote natural air conditioning and enhancement of air quality.
7. All applications should enhance and preserve wildlife habitat, with special attention to wetlands and other unique habitats.
8. Except in unusual circumstances, stormwater runoff induced by the proposed development shall be detained for storage and infiltration on the site.
9. All applications shall provide for active and/or passive recreation on the site in harmony with the character of the open space.
10. A minimum of 50% of the project area allowed for density determination, excluding wetlands and floodplains, shall be provided as open space. Deliberate efforts must be made to preserve important landscape features and amenities of long term value and use these features as key components of design.
11. All applications shall contain a housing type or types sufficient in number to maintain a harmonious relationship with important site features, structures and adjacent land uses and represent quality in design.
12. All applications shall demonstrate that there is adequate capacity of public streets, sewer and water facilities to serve the development.

Planning Commission Options

The Planning Commission may recommend approval as written, recommend approval of a revised version, or recommend denial of the proposed zoning amendment. Staff will provide a resolution at a future meeting after collecting the Planning Commission and the public comments and fully reviewing the application.

Attachments

1. Application and attachments.
2. Site plan prepared by Enger Engineering, dated June 6, 2022 and received by the Township June 6, 2022.



To: Planning Commission

From: Brian Shorkey, *AICP*, Senior Planner

Date: June 23, 2022

Re: Planned Unit Development #22-014 (3560 Hulett) – 6 single family residential lots on approximately 5 acres

Giguere Homes has submitted a planned unit development (PUD) proposal at the property at 3560 Hulett Road. The PUD proposal includes the construction of 5 new detached single-family homes and the preservation of the existing house on approximately 5 acres located on Hulett Road. Access to the 6 new properties is from a single cul-de-sac that the applicant is proposing to be built. A water feature, called Paxton Pond on the plan, is included in the permanently preserved open space. The Planning Commission held a public hearing for this application on June 13, 2022 and indicated support for the project.

The intent of the PUD ordinance is to permit greater flexibility and more creative design of residential developments than is possible under conventional zoning regulations. The PUD ordinance allows a developer to propose a residential project with diverse housing types and different lot dimensions and yard setbacks as those prescribed in the underlying zoning district. Lot size, yards, frontage requirements, setbacks, building height, and type and size of dwelling unit restrictions are generally waived in a PUD. In exchange for the flexible standards, a minimum of 50% of the project area, excluding wetlands and floodplains, must be preserved as open space.

Zoning

The property proposed for development is located in the RA (Single Family-Medium Density) zoning district. A PUD is allowed in any residential zoning district on any sized property. All uses in all residential zoning districts are allowed in a PUD, which means any type and mix of housing (detached or attached single family dwellings or multiple family dwellings) are permitted. Detached single family homes are proposed. The properties to the north, east, and south are also zoned RA while the property to the west, Okemos High School, is zoned RR (Rural Residential).

Master Plan

The property is designated on the Future Land Use Map from the 2017 Master Plan as R-2 Residential, 0.5-3.5 dwelling units per acre (du/a). With 6 lots on 5 acres, the density of the proposed development at 1.20 du/a falls within the R-2 Master Plan designation. The same future land use is designated on the properties to the north, east, and south. The property to the west is Okemos High School and is designated as Institutional.

Physical Features

The site contains the historical farmhouse and associated outbuildings, as well as the pond. At the request of the Planning Commission, the applicant has supplied an aerial photo that numbers the outbuildings and lists their historical uses.

The Township GIS data shows the presence of a wetland on the property, associated with Paxton Pond. The wetland was delineated by Marx Wetlands in May 2022. The entire wetland lies within the protected open space and all development is outside of the required 40-foot setback. The Flood Insurance Rate Map (FIRM) for Meridian Township indicates there are no floodplains on the property.

Streets and Traffic

The subject site is located on the east side of Hulett Road. Hulett Road is a two-lane road designated as a Collector Street on the Street Setbacks and Service Drives Map in the Zoning Ordinance. The most recent traffic count information from the Ingham County Road Department (ICRD) for Hulett Road north of Jolly Road showed a total of 1,948 southbound vehicles in a 24-hour period.

The 2017 Master Plan shows a proposed seven foot wide pathway and paved shoulders along both sides of Hulett Road. The applicant will be required to construct sidewalks on the proposed cul-de-sac on the subject property if the PUD is approved. Those sidewalks will be required to connect to the pathway on Hulett Road. As the PUD will only result in an increase of five homes, no traffic study will be required.

Utilities

Municipal water and sewer are available in the vicinity of the subject site. At the June 13th public hearing the applicant said that the development would connect to public utilities. The location and capacity of utilities for any proposed development will be reviewed in detail by the Department of Public Works and Engineering during the Site Plan Review process.

Staff Analysis

When reviewing the project, the Planning Commission should consider whether or not the project meets the purpose and minimum PUD performance objectives found in Sections 86-439(a) and (b) of the Code of Ordinances, the appropriateness of the requested waivers, and the general restrictions and standards for a PUD as outlined in Section 86-439(c) of the Code of Ordinances. The following is a summary of the project's consistency with the provisions of the PUD ordinance.

Open space: In a PUD a minimum of 50% of the project area, excluding wetlands and floodplains, must be preserved as "common open space." With a total of 3.96 acres of developable area, the proposed PUD is required to preserve at least 50 percent of the site, or 1.98 acres, as open space. The submitted PUD plan provides 2.37 acres of open space. The common open space will have to be recorded in the County Register of Deeds as reserved or dedicated by means of a restrictive covenant.

Streets/Circulation Facilities: The PUD ordinance encourages public streets but does allow private streets when they are designed to allow sufficient access for emergency vehicles (police, fire, ambulance) to the dwelling units they will serve. At this time, the applicant has not decided whether the cul-de-sac is going to be public or private. If the private street is proposed and approved, easements of sufficient width acceptable to the Ingham County Road Department (ICRD) are required to be granted to the Township in order to accommodate possible future dedication. The private street must be designed to meet ICRD standards. Final approval of the streets in the PUD is subject to approval by the ICRD and Meridian Township Engineering Department.

**Planned Unit Development #22014 (3560 Hulett)
 Planning Commission (June 23, 2022)
 Page 3**

According to Sec. 86-473, street trees need to be provided as part of the PUD. The site plan needs to show the location and proposed type of trees.

Sidewalks: The Township requires sidewalks for internal circulation with a minimum of five feet in width. The site plan needs to be updated to show the required sidewalks.

Waivers: The PUD ordinance generally waives the standard requirements for lot size, yards, frontage requirements, setbacks, building height, and type and size of dwelling unit, provided the purpose and intent of the ordinance are incorporated into the overall development plan. The PUD ordinance is intended to provide flexibility for the Planning Commission and Township Board to set appropriate standards during the review process. Based on the submitted site plan the applicant is requesting the following waivers for the Hulett Road PUD.

Lot size: The underlying RA zoning district requires parcels have a minimum lot area of 10,000 square feet. The submitted PUD has lots ranging from 8,973 square feet (Lot E) to 13,741 square feet (Lots A, B, C, D, and F) in size. Lot size waivers are required for any lot under 10,000 square feet. This is expected to affect one lot, Lot E.

Lot frontage: The underlying RA zoning district requires parcels have a minimum of 80 feet of lot frontage. All of the proposed lots meeting this requirement.

Setbacks: The underlying setbacks for the RA zoning district are 25 feet for the front setback and 10 feet for the side setbacks. The rear yard setback is either 30 feet for lots up to 150 feet deep or 40 feet for lots deeper than 150 feet. According to the typical lot layout, 30 feet has been proposed for the rear setback. As a result, a waiver is required for the rear setback for any lots greater than 150 feet in depth in favor of the typical 30-foot rear setback as shown in the submitted documents. The Planning Commission may consider the proposed setbacks and determine whether they are appropriate or whether additional setbacks should be established.

	RA zoning	Proposed
Lot size	10,000 square feet	8,973 – 13,741 square feet
Front yard setback	25 feet from street right-of-way (based on street classification)	25 feet from street right-of-way
Side yard setback	10 feet	10 feet
Rear yard setback	30 or 40 feet depending on lot depth	30 feet

If the project is approved by the Township Board, the applicant will be required to submit for Site Plan Review before any work on the site can begin. Site Plan Review is a detailed staff level analysis of the project which includes reviews of stormwater, utilities, landscaping, grading, and other issues to ensure compliance with all applicable ordinances as well as confirmation of approvals from local agencies such as the Ingham County Drain Commissioner’s Office and Road Department. The applicant must begin construction of the PUD within two years of a final site plan approval. The Planning Commission may grant one, one-year extension of the PUD if requested prior to its expiration.

Staff is able to **recommend approval** of the proposed planned unit development at this time. A resolution recommending approval to the Township Board is included with this memo. The following motion has been prepared for the Planning Commission's use:

Motion to adopt the resolution recommending approval of Planned Unit Development #22-014.

Attachments

1. Application and attachments.
2. Resolution to recommend approval.
3. Application sign by Jim Giguere, dated March 10, 2022.
4. Site plan and vicinity map prepared by Enger Engineering, revised on June 6, 2022 and received by the Township on June 7, 2022.
5. Legal description, provided by Enger Engineering on June 6, 2022 and received by the Township on June 7, 2022.
6. Contour map, site analysis, and schematic Storm Sewer Layout prepared by Enger Engineering, revised on June 6, 2022 and received by the Township on June 7, 2022.
7. Typical building elevation, provided by Enger Engineering on June 6, 2022 and received by the Township on June 7, 2022.
8. Typical setbacks and offstreet parking plan prepared by Enger Engineering, revised on June 6, 2022 and received by the Township on June 7, 2022.
9. Walk and Path plan prepared by Enger Engineering, revised on June 6, 2022 and received by the Township on June 7, 2022.
10. Street Tree and Screening plan prepared by Enger Engineering, revised on June 6, 2022 and received by the Township on June 7, 2022.
11. Email from Township Engineering to Enger Engineering, dated June 7, 2022.
12. Email from Ingham County Drain Commissioner's Office dated June 7, 2022.
13. Email from Ingham County Road Department's Office dated March 8, 2022.
14. Wetland verification letter from Fishbeck, dated June 15, 2022.
15. Aerial photo showing uses of outbuildings, received by the Township on June 16, 2022.

VOICE VOTE: Motion approved unanimously.

6. COMMUNICATIONS

- A. Email from Mr. and Mrs. Keerthi RE: PUD 22-014

Chair Blumer noted two other communications have been received

- B. Email from Mr. Radhika Prasad RE: Planned Unit Development # 22-014 (3560 Hulett)
- C. Letter from Mrs. Earle and Netzloff family (3560 Hulett)

7. PUBLIC HEARINGS

A. Planned Unit Development #22-014 – 3560 Hulett Road

Senior Planner Shorkey outlined Planned Unit Development #22-014 – 3560 Hulett Road for Public Hearing.

Applicant Jim Giguere, 16900 Pine Hallow Dr., East Lansing, MI further outlined Planned Unit Development #22-014 for Public Hearing

Vice-Chair Trezise asked if there is a plan for a retention pond.

Mr. Giguere replied the Ingham Drain Commission has an outlet to the adjacent pond, but details remain to be worked out.

Vice-Chair Trezise asked if there is a plan to hook into public utilities.

Mr. Giguere replied there is, the method depends on what the township will allow.

Commissioner McConnell asked about removal of existing structures.

Mr. Giguere replied he will contact people who use barn wood in an effort to repurpose salvageable wood.

Commissioner Richards noted the pedestrian bike pathway ends at this area, and asked if the pedestrian path will be installed here.

Senior Planner Shorkey replied the pathway will be required to be installed here.

Commissioner McConnell asked about storm water runoff and retention.

Director Schmitt stated the standard is to retain and infiltrate storm water on site, with controlled discharges, per the ICDC's standards.

Chair Blumer asked Mr. Giguere what the timeline of the project is.

Mr. Giguere replied as soon as possible.

Laurie Netzloff-Adams read letters on behalf on her brother Mark Netzloff and sister Karen Netzloff-Earle who both spoke in support of this project.

Chair Blumer called for a Straw Vote.

STRAW VOTE: YEAS: Vice-Chair Trezise, Commissioners Snyder, Richards, McConnell,
Premoe, Cordill, Shrewsbury Chair Blumer

NAYS: None

RESULTS: 8-0

Chair Blumer closed the Public Hearing at 7:20 pm.

B. Text Amendment 2022-11 – Municipal Signage

Director Schmitt outlined Text Amendment 2022-11, Municipal Signage for Public Hearing.

Commissioner Cordill asked what township signage would look like.

Director Schmitt replied all signs will be up to the Township Board for approval. All signs will maintain Meridian Township brand standard. Staff and the Township board will ultimately decide the sizes and locations of signs.

Commissioner Richards noted almost all township property is zoned as residential, which is very restrictive when it comes to signs. He supports the text amendment as it grants the township more freedom when it comes to placing signs on its own property.

Commissioner Premoe moved to suspend the rules to take action on this item tonight. Seconded by Commissioner Richards.

Commissioner McConnell asked about the need for urgency on this item as he wouldn't waive the rules for a private applicant.

Commissioner Shrewsbury noted this has been before the board already and sees no issue passing this tonight.

Commissioner Premoe stated the commission would waive the rules based on merit for a private applicant.

Commissioner Cordill noted she would feel more comfortable approving this if she had seen the signs.

ROLL CALL VOTE: YEAS: Vice-Chair Trezise, Commissioners Snyder, Richards,
Premoe, Shrewsbury, Chair Blumer

NAYS: Commissioners McConnell, Cordill

Commissioner McConnell noted on page two, the third to last paragraph reads, "Commissioner McConnell asked storm water runoff and retention." Should read, "Commissioner McConnell asked about storm water runoff and retention."

VOICE VOTE: Motion approved unanimously.

6. COMMUNICATIONS-NONE

7. PUBLIC HEARINGS-NONE

8. UNFINISHED BUSINESS

A. Planned Unit Development #22-014 – 3560 Hulett Road

Senior Planner Shorkey outlined Planned Unit Development #22-014, 3560 Hulett Road.

Commissioner Richards moved to adopt the resolution recommending approval of Planned Unit Development #22-014. Seconded by Commissioner Premoe.

Commissioner McConnell asked if condition seven on page two of the resolution is a universal condition.

Senior Planner Shorkey replied it is.

Chair Blumer stated he found the presentation by the citizen with the historic family connection to this property was very beneficial to the discussion.

ROLL CALL VOTE: YEAS: Commissioners Richards, Shrewsbury, Premoe, McConnell, Snyder, Vice-Chair Trezise, Chair Blumer

NAYS:

Motion carried: 7-0

B. Text Amendment 2022-8 – Traffic Impact Study Standards

Senior Planner Shorkey outlined Text Amendment 2022-8, Traffic Impact Study Standards.

Vice-Chair Trezise moved to adopt the resolution recommending approval of Zoning Amendment #2022-08 in accordance with the revised draft ordinance language. Seconded by Commissioner McConnell.

ROLL CALL VOTE: YEAS: Chair Blumer, Commissioner Snyder, Vice-Chair Trezise, Commissioners Shrewsbury, Richards, Premoe, McConnell

NAYS:

Motion carried: 7-0

C. Text Amendment 2022-12 – Refuse/Storage Container Regulations

**CHARTER TOWNSHIP OF MERIDIAN
PLANNING DIVISION
5151 MARSH ROAD, OKEMOS, MI 48864
PHONE: (517) 853-4560
FAX: (517) 853-4095**

Planned Unit Development Permit Application

A. ~~Owner~~/Applicant JIM GIGVERE
 Address of applicant 6200 Pine Hollow Drive STE 100 East Lansing MI 48823
 Telephone: Work 517-339-3600 Home CELL 517-204-0818
 Fax 517-339-7201 Email jjgigvere@gigverehomes.com

B. Applicant's Representative, Architect, Engineer or Planner responsible for request:
 Name / Contact Person Ron Enger PE Enger Surveying and Engineering
 Address 805 N Cedar Rd PO Box 87 Mason MI 48854-0087
 Telephone: Work 517-676-6565 Home _____
 Fax 517-676-6675 Email engersurveying@yahoo.com

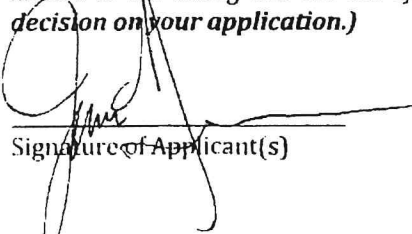
C. Site address/location 3560 Hulett Road Okemos Michigan
 Legal description (Attach additional sheets if necessary) ATTACHED
 Parcel number 33-02-02-32-400-012 Site acreage 5.0 ACRES

D. Date of preapplication conference with Director of Community Planning and Development _____
 Total acres of property 5.00 ACRES
 Acres in floodplain 0.0 ACRES Percent of total 0%
 Acres in wetland not in floodplain 0.55 (SEE NOTE) Percent of total 11%
 Total dwelling units 6
 Total units/acre 1.2

Dwelling unit mix
 Number single family detached 6 for Rent Condo
 Number duplex 0 for Rent Condo
 Number townhouse 0 for Rent Condo
 Number garden apt. style 0 for Rent Condo
 Number other 0 for Rent Condo
 Will commercial be included? (circle one) yes no acres _____
 Will all or part of property be platted? (circle one) yes no
 Percent open space provide exclusive of wetland/floodplain 8%

NOTE:
 WETLAND AREA
 APPROXIMATED
 FROM
 MAP ON EGLE
 WEBSITE, NOT
 YET DELINEATED
 OR DETERMINED
 BY CONSULTANT,
 MARK WETLAND

I (we) hereby grant permission for member of the Charter Township of Meridian Planning Commission, Township staff members and the Township's representatives or experts the right to enter onto the above described property (or as described in the attached information) in my (our) absence for the purpose of gathering information including but not limited to the taking and the use of photographs. (Note to Applicant(s): This is optional and will not affect any decision on your application.)



 Signature of Applicant(s)

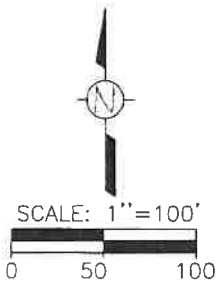
3/10/2022

 Date

 Date

1 214

3560 HULETT ROAD SITE PLAN



SCHOOL DRIVEWAY

LUPINE DRIVE

GROSS AREA	5.00 AC	217,796 SFT
AREA IN 45' FOR HULETT ROAD	0.48 AC	21,014 SFT
AREA IN NEW STREET	0.55 AC	24,119 SFT
PROJECT AREA ALLOWED FOR DENSITY DETERMINATION		172,663 SFT
AREA IN WETLAND AND PAXTON POND	0.51 AC	22,359 SFT
		150,304 SFT

AREA IN PARCELS A THRU F	1.59 AC	69,466 SFT
AREA IN OPEN SPACE SHOWN	2.37 AC	103,198 SFT



OPEN SPACE

THE COMMON OPEN SPACE WILL HAVE TO BE RECORDED IN THE COUNTY REGISTER OF DEEDS AS RESERVED OR DEDICATED BY MEANS OF A RESTRICTIVE CONVENANT AFTER THE FINAL SITE PLAN IS APPROVED

WETLAND LIMIT DETERMINED BY MARX WETLAND LLC APRIL 2022



PUD PLAN
APPLICANT: JIM GIGUERE

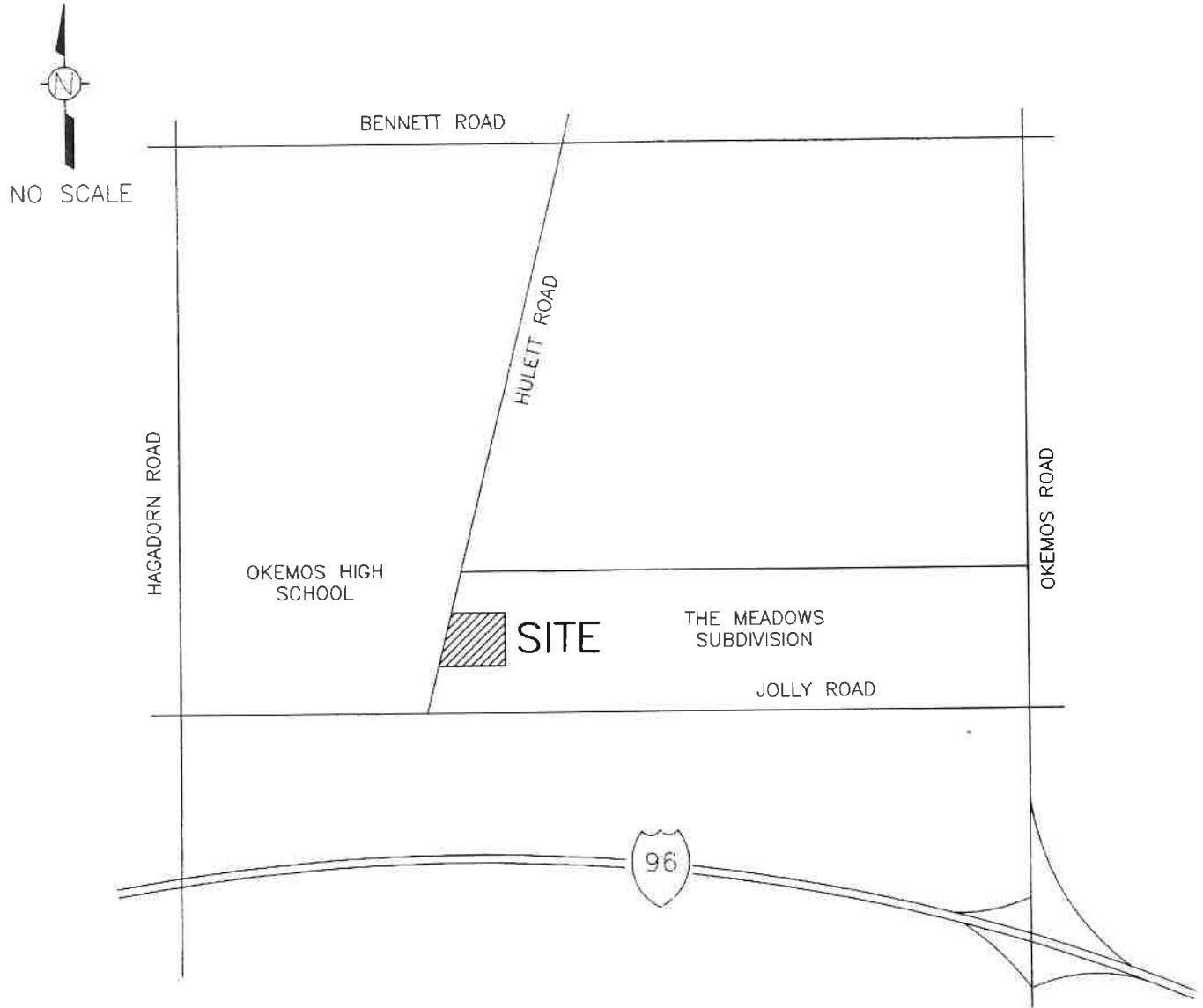
SHEET 3 OF 9

805 N. CEDAR PO BOX 87
MASON, MICHIGAN 48854-0087
517-676-6565

REVISED 6 JUNE 2022
ESE JOB 33-3442

2

3560 HULETT ROAD SITE VICINITY MAP



805 N. CEDAR PO BOX 87
MASON, MICHIGAN 48854-0087
517-676-6565

PUD PLAN
APPLICANT: JIM GIGUERE
3560 HULETT ROAD
SITE VICINITY MAP
REVISED JUNE 6, 2022

SHEET 1 OF 9

2

3560 HULETT ROAD LEGAL DESCRIPTION

AccessMyGov.com is now bsaonline.com. Please change your bookmarks and website links.

3560 HULETT RD OKEMOS, MI 48864 (Property Address)

Parcel Number: 33-02-02-32-400-012



Item 1 of 22 14 Images / 8 Sketches

Property Owner: NETZLOFF, RICHARD & LINDA TRUST

Summary Information

> Residential Building Summary

- Year Built: 1870
- Full Baths: 2
- Sq. Feet: 2,220
- Bedrooms: 4
- Half Bath: 0
- Acres: 5.000

- > Assessed Value: \$137,000 | Taxable Value: \$106,185
- > Property Tax information found

Access additional record information for a small convenience fee. *

- > Additional areas of information include: *Delinquent Tax Information*

Show Purchase Options

Additional record information is free for all homeowners. Click the 'Show Purchase Options' button for more information.

Owner and Taxpayer Information

Owner	NETZLOFF, RICHARD & LINDA TRUST 3560 HULETT RD OKEMOS, MI 48864	Taxpayer	SEE OWNER INFORMATION
--------------	---	-----------------	-----------------------

Land Information

Zoning Code	RA	Total Acres	5.000
Land Value	\$105,600	Land Improvements	\$0
Renaissance Zone	No	Renaissance Zone Expiration Date	No Data to Display
ECF Neighborhood	4000 RESIDENTIAL U	Mortgage Code	No Data to Display
Lot Dimensions/Comments	No Data to Display	Neighborhood Enterprise Zone	No

Lot(s)	Frontage	Depth
No lots found.		
Total Frontage: 0.00 ft		Average Depth: 0.00 ft

Legal Description

COM @ THE S 1/4 CORNER OF SEC 32 -TH S89 DEG 35'11"W ALONG S LINE OF SEC 32 179.64 FT TO C/L HULETT RD -N 14 DEG 17'10"E ALONG SD C/L 463.69 FT TO THE P.O.B. -N 14 DEG 17'10"E 467 FT -N89 DEG 35'11"E 422.91 FT -S 00 DEG 24'49"E 457.71 FT -S 89 DEG 35'11"W 541.41 FT TO THE P.O.B. SEC 32 T4N,R1W 5 AC M/L

****Disclaimer:** BS&A Software provides BS&A Online as a way for municipalities to display information online and is not responsible for the content or accuracy of the data herein. This data is provided for reference only and WITHOUT WARRANTY of any kind, expressed or inferred. Please contact your local municipality if you believe there are errors in the data.



805 N. CEDAR PO BOX 87
MASON, MICHIGAN 48854-0087
517-676-6565

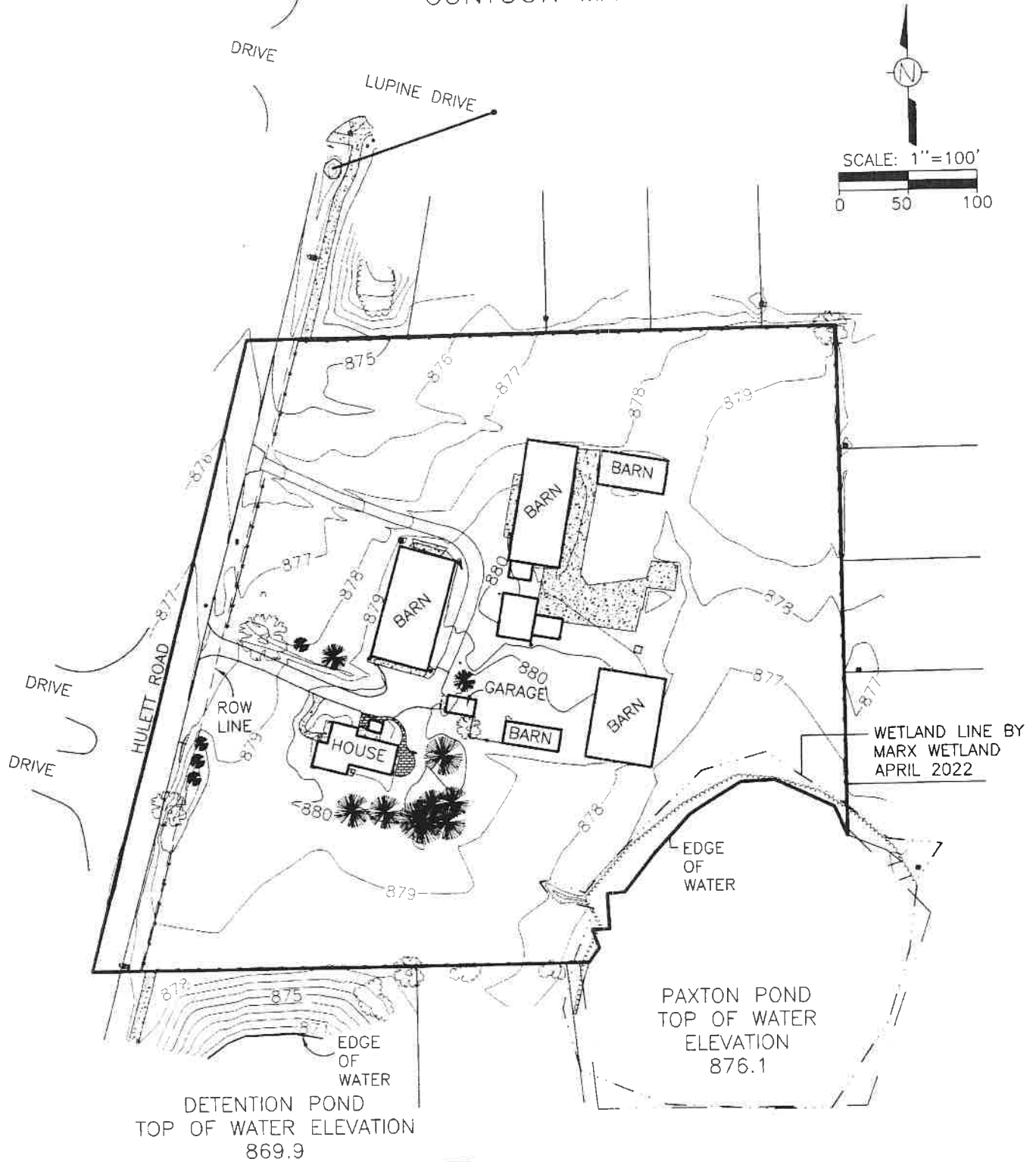
PUD PLAN
APPLICANT: JIM GIGUERE

SHEET 2 OF 9

6 JUNE 2022
ESE 33-3442

3 A

3560 HULETT ROAD CONTOUR MAP



PUD PLAN
APPLICANT: JIM GIGUERE

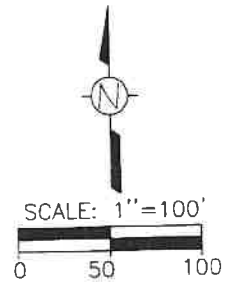
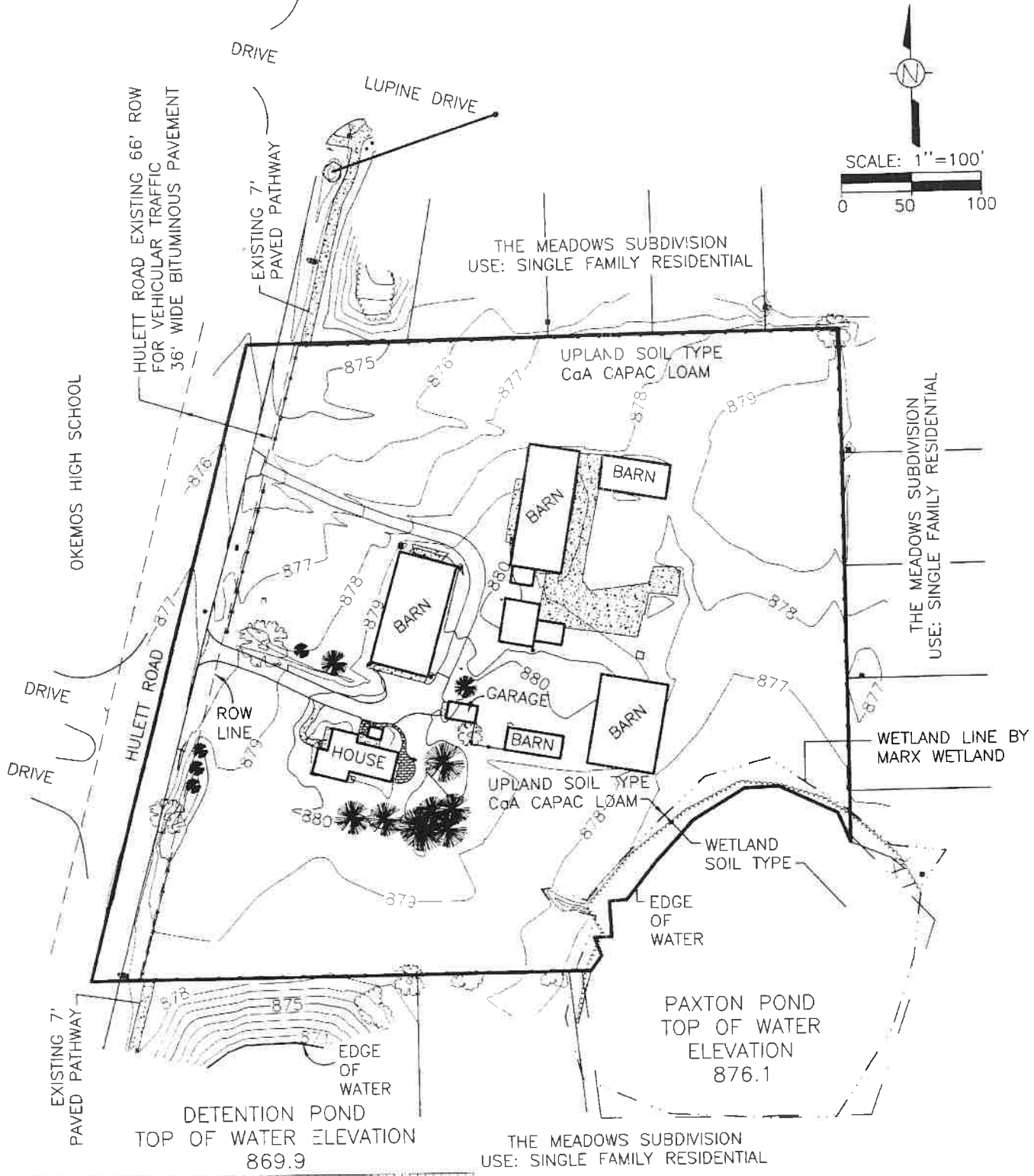
SHEET 4 OF 9

805 N. CEDAR PO BOX 87
MASON, MICHIGAN 48854-0087
517-676-6565

1 JUNE 2022

3b

3560 HULETT ROAD SITE ANALYSIS



EJE ENGER SURVEYING & ENGINEERING

805 N. CEDAR PO BOX 87
MASON, MICHIGAN 48854-0087
517-676-6565

THE MEADOWS SUBDIVISION
USE: SINGLE FAMILY RESIDENTIAL

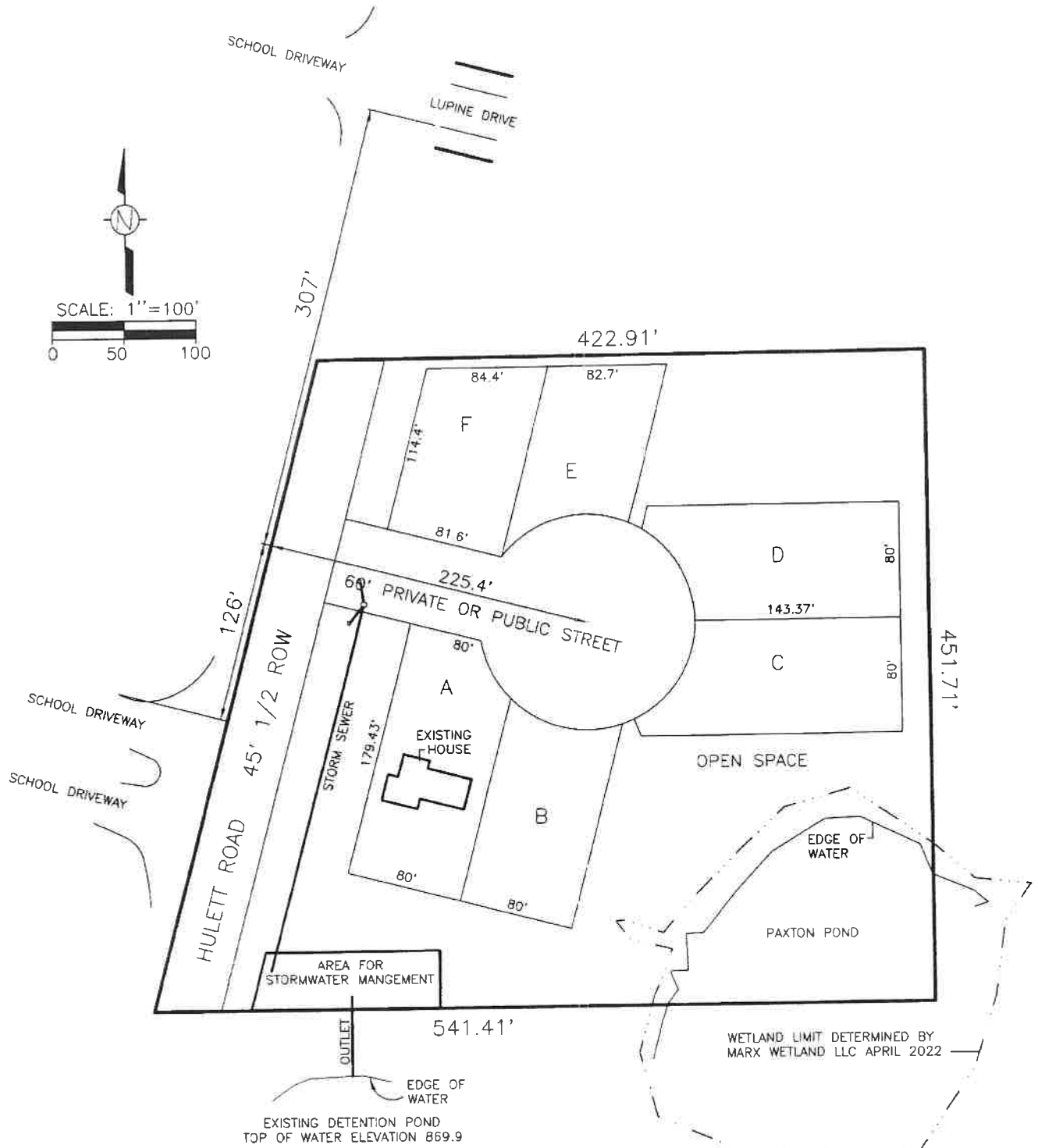
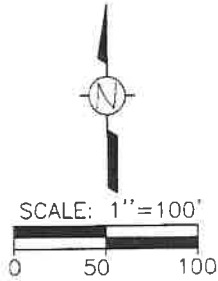
PUD PLAN
APPLICANT: JIM GIGUERE

1 JUNE 2022

SHEET 5 OF 9

3c

3560 HULETT ROAD SCHEMATIC STORM SEWER LAYOUT



805 N. CEDAR PO BOX 87
MASON, MICHIGAN 48854-0087
517-676-6565

PUD PLAN
APPLICANT: JIM GIGUERE

6 JUNE 2022
ESE 33-3442

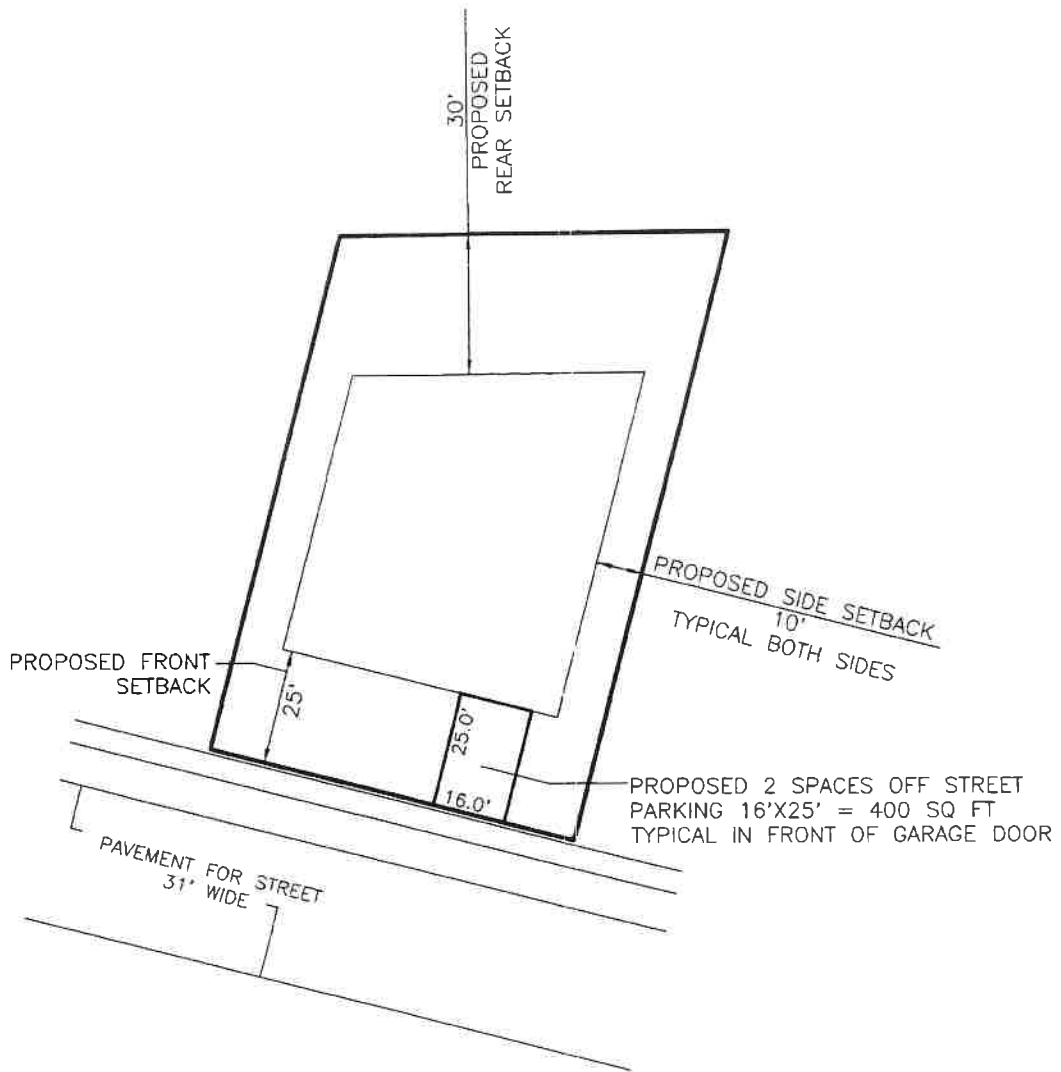
SHEET 6 OF 9

3 (d)



4 25

3560 HULETT ROAD TYPICAL SETBACKS AND OFFSTREET PARKING PLAN



805 N. CEDAR PO BOX 87
 MASON, MICHIGAN 48854-0087
 517-676-6565

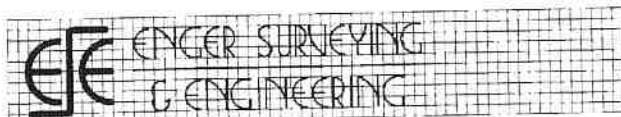
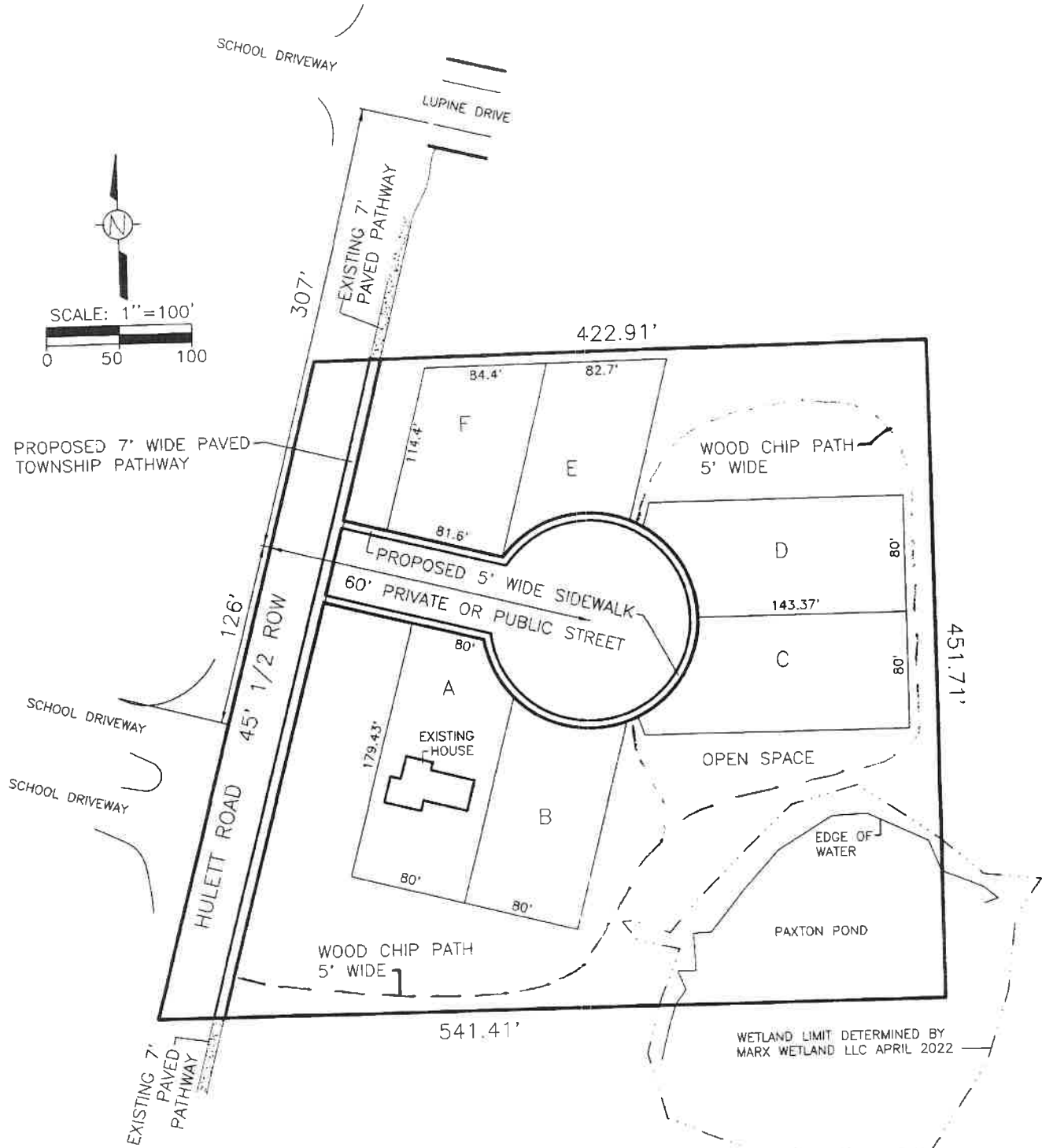
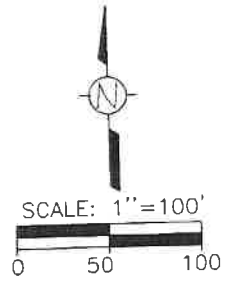
PUD PLAN
 APPLICANT: JIM GIGUERE

6 JUNE 2022
 ESE 33-3442

SHEET 7 OF 9

6

3560 HULETT ROAD WALK AND PATH PLAN



805 N. CEDAR PO BOX 87
 MASON, MICHIGAN 48854-0087
 517-676-6565

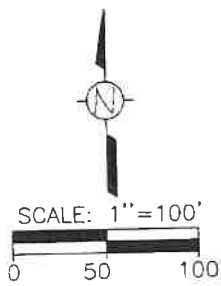
PUD PLAN
 APPLICANT: JIM GIGUERE

REVISED 6 JUNE 2022
 ESE JOB 33-3442

SHEET 8 OF 9

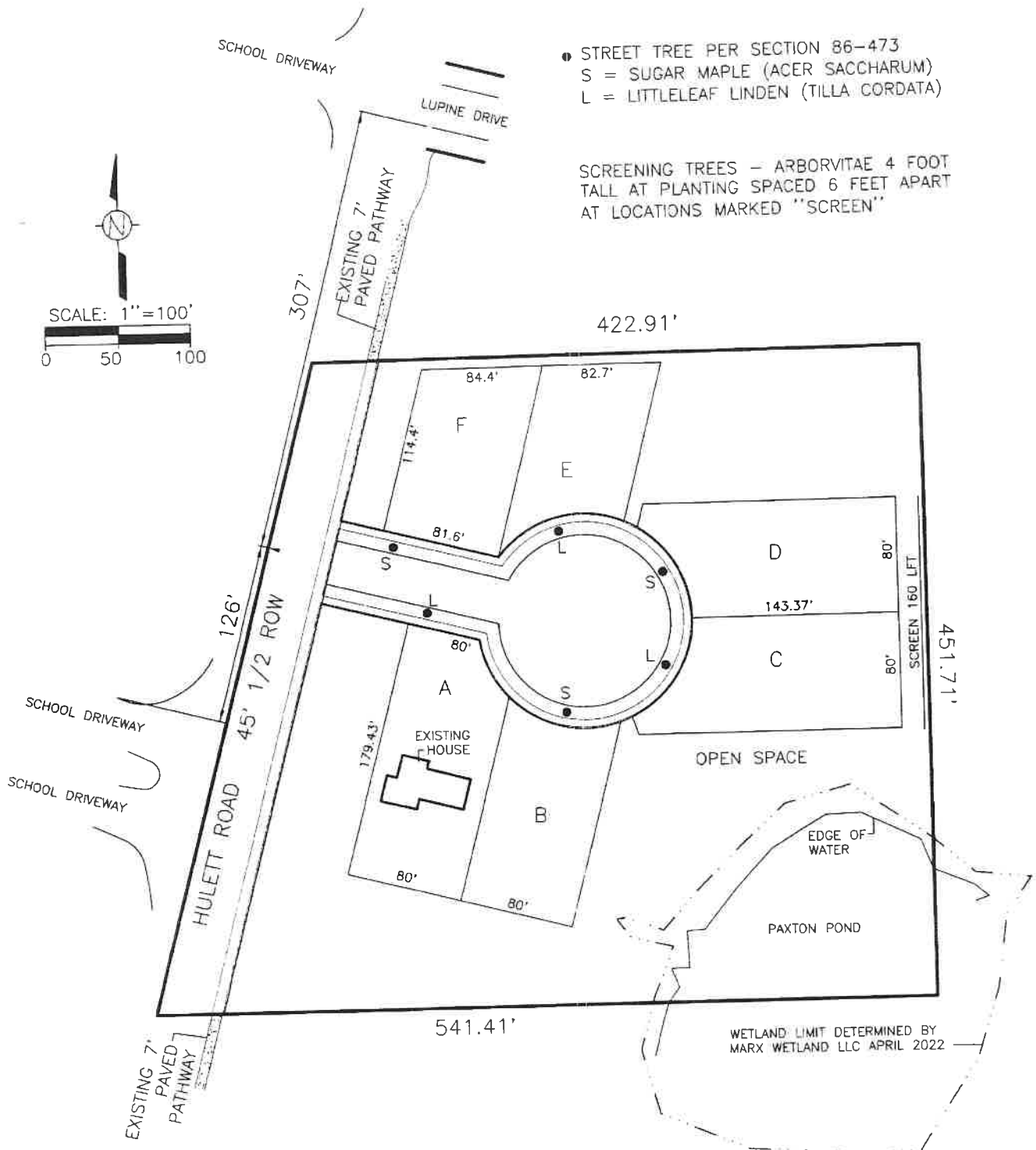
10 & 11 (12) 13

3560 HULETT ROAD STREET TREE AND SCREENING PLAN



- STREET TREE PER SECTION 86-473
- S = SUGAR MAPLE (ACER SACCHARUM)
- L = LITTLELEAF LINDEN (TILLA CORDATA)

SCREENING TREES - ARBORVITAE 4 FOOT TALL AT PLANTING SPACED 6 FEET APART AT LOCATIONS MARKED "SCREEN"



805 N. CEDAR PO BOX 87
MASON, MICHIGAN 48854-0087
517-676-6565

PUD PLAN
APPLICANT: JIM GIGUERE

REVISED 6 JUNE 2022
ESE JOB 33-3442

SHEET 9 OF 9

7

RE: Giguere's PUD Proposed at 3560 Hulett Road - Capacity for sanitary sewer and water to serve

engersurveying@.../Inbox

Y Younes Ishraidi <ishraidi@meridian.mi.us>
To: 'Ron Enger' <engersurveying@yahoo.com>

Jun 7 at 1:39 PM

Ron,

Both the existing water and sanitary systems in the vicinity of the subject location have adequate capacity to properly service the proposed development consisting of 5 single family homes.

Let me know if you need other information regarding this matter.

Sincerely,

Younes Ishraidi, PE
Chief Engineer
ishraidi@meridian.mi.us
W 517.853.4460 | F 517.853.4095
5151 Marsh Road | Okemos, MI 48864
meridian.mi.us

-----Original Message-----

From: Ron Enger <engersurveying@yahoo.com>
Sent: Tuesday, June 7, 2022 10:58 AM
To: Younes Ishraidi <ishraidi@meridian.mi.us>
Subject: Giguere's PUD Proposed at 3560 Hulett Road - Capacity for sanitary sewer and water to serve

Younes

I need to demonstrate to the township Planning Department that adequate capacity for Sanitary Sewer and Water exists for Jim's proposed 5 new single family houses and the one existing single family house, so 6 total single family homes.

Do you agree that the existing Water Main that crosses the property along its Hulett Road frontage has capacity to serve the proposed development?

Do you agree that the existing Sanitary Sewer the terminates at a Manhole at the intersection of Lupine Drive and Hulett Road, about 175 feet north of the PUD site, has capacity to serve the proposed development? The sewer pipe is 11.7 feet deep in that manhole.

If you reply to this email that you agree to the statements above, we will have addressed the relevant requirement in the PUD part of the Ordinance.

Thanks alot.

Ron Enger



Jim Giguere

From: Angelica Cosman <ACosman@ingham.org>
Sent: Tuesday, June 7, 2022 1:13 PM
To: Tim Schmitt
Cc: Carla Clos; Jim Giguere; Ron Enger
Subject: [External]3560 Hulett Road
Attachments: Screen Shot 2022-06-07 at 9.01.54 AM.png

Good Afternoon Mr. Schmitt,

Our office has been contacted by Mr. Jim Giguere and Mr. Ron Enger requesting us to provide Meridian Township information on potential storm water outlet(s) for 3650 Hulett Rd, Parcel # 33-02-02-32-400-012, a parcel that Mr. Giguere is proposing for a Planned Unit Development. While this proposed Planned Unit Development has not yet been submitted to this Office for review, we are happy to offer this information as a courtesy to Meridian Township. It should not be construed by the project owner, developer or others as formal submission to the Ingham County Drain Commissioner for site plan or drainage review, or for representing these potential storm water outlets have been reviewed for adequate capacity or the legal authorization for discharge.

Attached is a screen shot from our GIS showing the parcel and a number of storm water facilities that are operated by public entities, potentially meeting ICDC's requirement for a positive public outlet for storm water discharge. Within the Hulett Rd right-of-way, the Ingham County Road Department operates a storm sewer that connects to Herron Creek Drain through the Jolly Road storm sewer (shown as the pink dashed line on the attachment).

In addition, there are multiple potential outlets available discharging to the Meadows Drain (shown as purple and blue dashed line on the attachment). The Meadows Drain is a county drain under the jurisdiction of Ingham County Drain Commissioner. The Meadows Drain outlets to the same Jolly Road storm sewer referenced above (shown as the pink dashed line on the attachment) and discharges to the Herron Creek Drain, also a county drain.

None of the potential outlets are located on Mr. Giguere property, but with proper agency approvals and/or landowner easements could meet the ICDC requirement for positive public outlet for stormwater discharge, assuming engineering review shows adequate capacity and design.

If I can be any further assistance to Meridian Township in this review or any other , please do not hesitate to contact me.

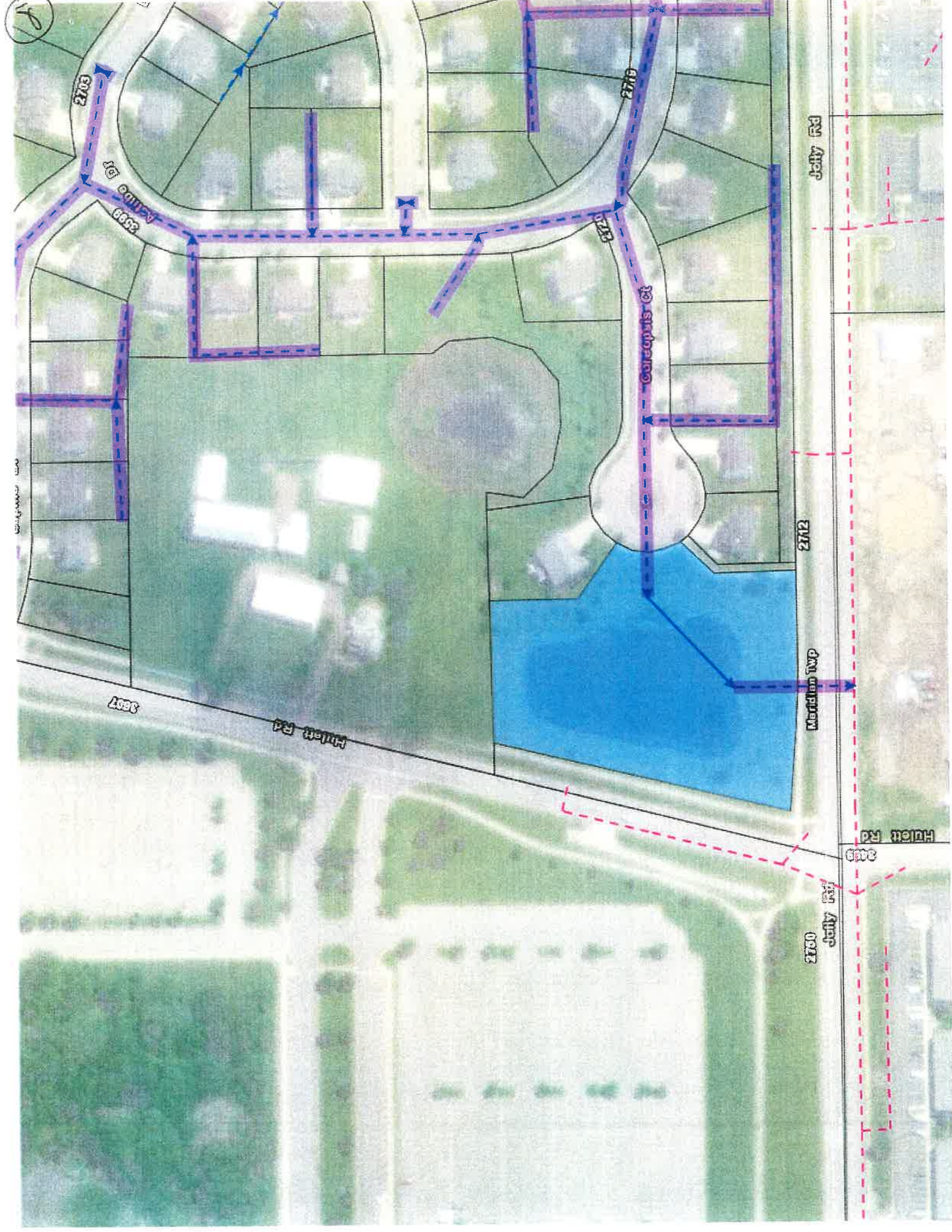
Respectfully yours,

ANGIE COSMAN

Drain Engineer
Ingham County Drain Commissioner's Office



Ph: 517-676-8317



9

Jim Giguere

From: Kelly Jones <KJones2@ingham.org>
Sent: Tuesday, March 8, 2022 3:21 PM
To: Jim Giguere
Cc: Ron Enger; Mark Swanson; Kellie Knauff
Subject: [External]RE: [External]Netzloff Property - Land Division Concept C - Drive Spacing .. Drive Detail
Attachments: Hulett Rd Driveway Detail.pdf; Hulett Rd Concept C.pdf

Jim,

The parcel in question, outlined in red below, is directly across from Okemos High School. There is an existing traffic issue on Hulett Rd before and after school, for which we have worked with the school to try to minimize, but it remains an issue. Based on this condition, we will not allow multiple driveways from this parcel onto Hulett Road. We would be willing to consider a single driveway entrance located approximately halfway between the southern school driveway and Lupine Drive. Potential access may be obtained from the Astilbe Dr & Hyacinth St intersection inside the Meadows Subdivision, but that may be difficult to achieve.

If your intent is to subdivide this parcel, you would only be granted a single entrance, which would then require a private road to access the individual properties, terminating in a cul-de-sac.

Details related to the cul-de-sac sizing, sight distance, offsets, and various other ICRD requirements are available at the following links:

<https://docs.ingham.org/Department/Road%20Dpt/permits/Rules,%20Standards%20and%20Procedures%20for%20Driveways,%20Banners%20and%20Parades.pdf>

<https://docs.ingham.org/Department/Road%20Dpt/permits/Procedures%20and%20Guidelines%20for%20Developing%20Public%20Roads.pdf>

9



Thanks,
Kelly R. Jones, PE

Managing Director
Director of Engineering & County Highway Engineer
Ingham County Road Department
301 Bush Street, PO Box 38
Mason, MI 48854
kjones2@ingham.org
(517) 676-9722 x 2336
Website: roads.ingham.org

June 15, 2022
Project No. 220942

Keith Chapman
Charter Township of Meridian
5151 Marsh Road
Okemos, MI 48864 1198

Wetland Boundary Verification – WDV 22-03
Parcel No. 33-02-02-32-400-012
Meridian Township, Ingham County, Michigan

Dear Keith:

On June 2, 2021, Fishbeck staff conducted a field investigation and verified the wetland boundary for a depressional wetland located at 3560 Hulett Road in Okemos (Parcel Number 33-02-02-32-400-012) (the Site). The Site is located in Section 32 of Meridian Township (Town 4 North, Range 1 West). The Township wetland map identifies Wetland 32-41, a 2.07-acre, emergent/scrub-shrub/open water wetland complex at the approximate location of the delineated wetland.

The Site wetland was delineated by Marx Wetlands (Marx), as described in its May 3, 2022, report entitled *Wetland Evaluation Report: 3560 Hulett Road, Meridian Township, Ingham County, Michigan* (Report). The Report contained a Wetland Delineation Map that noted wetland boundary flags A.1 through A.22 (see attached). The wetland extended onto the adjacent property east and south of the Site.

Site Investigation

The delineated wetland had a distinct boundary where cattail marsh abruptly transitioned to upland, old field species. A catch basin at the east end of the wetland appears to control water levels in the wetland and discharge stormwater to the local storm sewer. Google Earth aerial imagery indicates the wetland predates adjacent residential development and was not constructed as a stormwater basin. In March 2005, the surrounding area contained agricultural fields and the wetland had the same approximate size as its current configuration.

Fishbeck staff observed most of the wetland boundary flags noted on Marx's Wetland Delineation Map. The flags were accurately placed, with one exception: Flag A.17 was approximately 10 feet upgradient from the apparent wetland boundary, based upon the observed plant community. Five wetland boundary flags were missing: A.3, A.6, A.15, A.18, and A.22. The relative location of these flags, as noted on the Wetland Delineation Map, was consistent with the wetland boundary as observed by Fishbeck staff.

Regulatory Review

According to Michigan's Natural Resources and Environmental Protection Act (NREPA), Act 451, Section 30301(d), wetlands "contiguous to the Great Lakes or Lake St. Clair, an inland lake or pond, or a river or stream" or "more than 5 acres in size" are regulated by the State of Michigan. In addition, the Township regulates wetlands greater than two acres in size which are not contiguous to a water body and wetlands between 0.25 acre and two acres in size that are determined to be essential to the preservation of the natural resources of the Township.

The Report's Wetland Delineation Map indicates the Site's wetland is approximately 0.95 acre in size. It is located approximately 175 feet northeast of a one-acre stormwater pond. Because the stormwater pond contains one acre of permanent open water, the Site's wetland is contiguous to a regulated water body and is regulated by both the State of Michigan and the Township.

A Wetland Use Permit (WUP) is required from the Township for any of the following activities within wetlands regulated by the Township:

- Placing fill or permitting the placement of fill in regulated wetland.
- Dredging, removing, or permitting the removal of soil or minerals from regulated wetland.
- Constructing, operating, or maintaining any use or development in regulated wetland.
- Draining surface water from regulated wetland.

In addition, the Township requires that all structures and grading activities during site development shall be set back 40 feet from the delineated wetland boundary and a natural vegetation strip shall be maintained within 20 feet of the wetland boundary.

If you have any questions regarding this letter or any other wetland-related issues, please contact me at 616.464.3738 or ehtripp@fishbeck.com.

Sincerely,



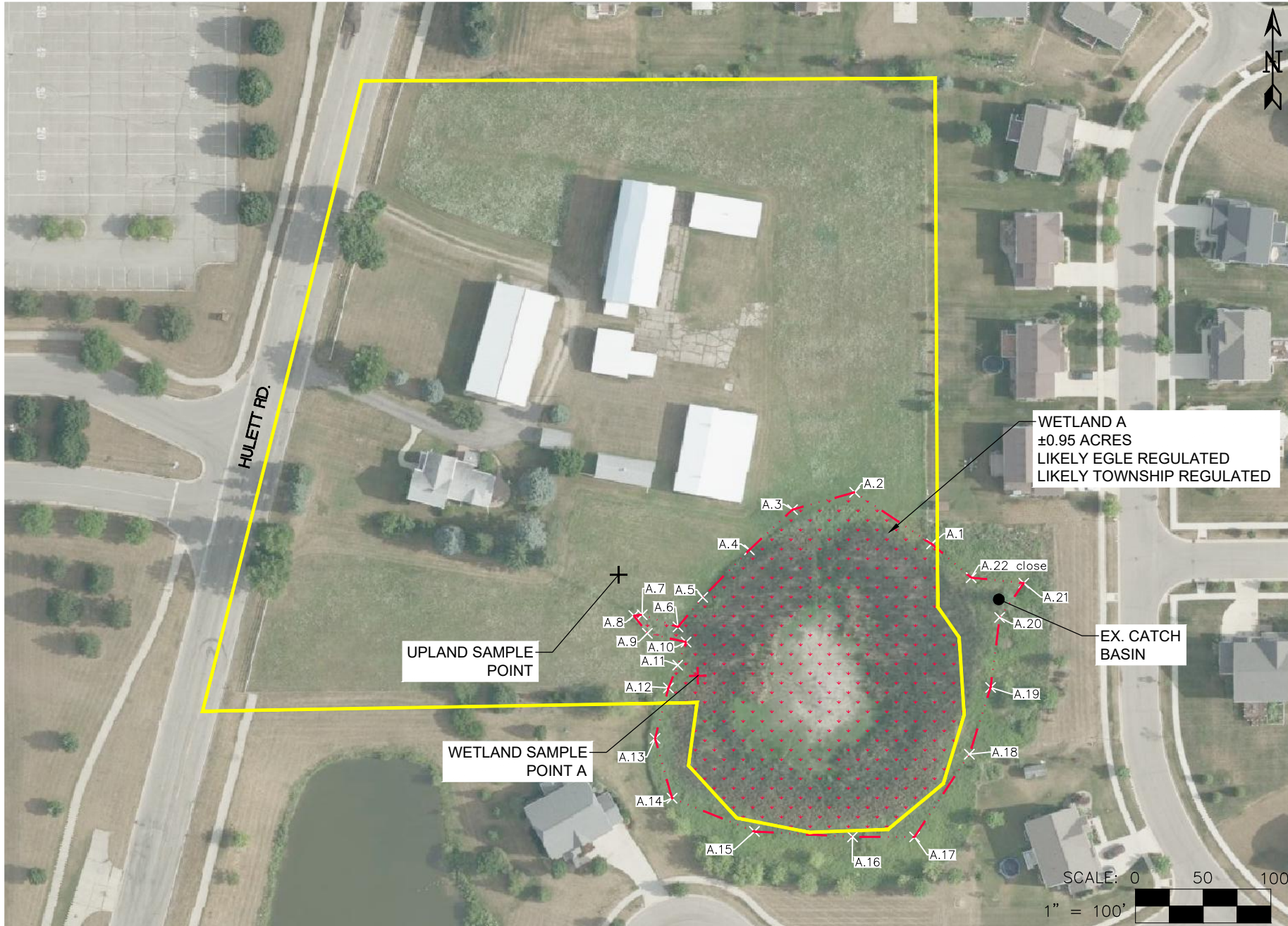
Elise Hansen Tripp, PWS

Senior Wetland Scientist

By email

Attachment

copy: Tim Schmitt– Charter Township of Meridian



LEGEND

- ASSESSMENT BOUNDARY
- EXISTING WETLAND
- UPLAND SAMPLE POINT
- WETLAND SAMPLE POINT

NOTE: THIS MAP ILLUSTRATES AN APPROXIMATE DEPICTION OF THE WETLANDS LOCATED ON THE SUBJECT PROPERTY AS DELINEATED BY MARX WETLANDS, LLC. ON APRIL 8, 2022. PLEASE NOTE THAT THE EGLE HAS THE FINAL AUTHORITY ON THE EXTENT OF REGULATED WETLANDS, LAKES, AND STREAMS IN THE STATE OF MICHIGAN.

MARX WETLANDS, LLC.
 9861 HIGH MEADOW DR
 YPSILANTI, MICHIGAN 48198
 (734) 478-8277



SECTION: 02
 TOWN 04 NORTH, RANGE 01 WEST
 MERIDIAN TOWNSHIP
 INGHAM COUNTY, MICHIGAN

CLIENT: GIGUERE HOMES
 3560 HULETT ROAD
WETLAND DELINEATION MAP

REVISIONS:

DATE: MAY 2, 2022

SHEET NO.
01

- 1-Barn
- 2-Covered area in barnyard
- 3-milk house
- 4-grainery trailer
- 5-shed (open)
- 6-shed for tractors
- 7-calf barn
- 8-garage (car)
- 9-shed for tractors & combines
- 10-house
- 11-well house

COLDWELL
BANKER
HUBBELL
BRIARWOOD

Brokered by: Coldwell Banker Hubbell BriarWood - Okemos



3 / 65



Veterans: How much home can you afford? | Get a great mortgage rate in 3 simple steps



To: Board Members

From: Timothy R. Schmitt, *AICP*
Director of Community Planning and Development

Date: July 28, 2022

Re: Planned Unit Development 22-014 – 3560 Hulett Road (Giguere Homes)

The Township Board, Planning Commission and Staff have been reviewing the proposed redevelopment project at the Netzloff Farm property, located at 3560 Hulett Road, for the last several months. The Planning Commission recommended approval of the Planned Unit Development (PUD) proposal at their June 27, 2022 meeting, after a public hearing on June 13, 2022. The Township Board briefly discussed the project at their July 12, 2022 meeting and set a public hearing for the request for the August 4, 2022 meeting. The Board also discussed the project at length during their July 26, 2022 meeting, raising no major concerns.

As mentioned previously, the proposed development would retain the historic house on the property and create five other buildable lots on the property. Consistent with the discussion from the July 26th Township Board meeting, Staff is recommending conditions of approval that will address street trees, screening of neighboring properties, and the sidewalk along Hulett Road.

The project represents a properly scaled infill project in an area of the Township that has a high demand for housing. The project will still be required to go through the Site Plan Review process and will need to receive approvals from the Drain Commissioner and Road Department before any construction can occur on the site.

At this time, Staff would **recommend approval** of the PUD for 3560 Hulett Road and would offer the following motion for the Township Board's use in their deliberations on the matter.

Motion to adopt the resolution approving the Planned Unit Development request from Jim Giguere, for the redevelopment of the property at 3560 Hulett Road.

Attachments

1. Resolution for Approval

RESOLUTION TO APPROVAL

**Planned Unit Development
3560 - Hulett Road - Jim Giguere**

RESOLUTION

At a regular meeting of the Township Board of the Charter Township of Meridian, Ingham County, Michigan, held at the Meridian Municipal Building, in said Township on the 4th day of August, 2022, at 7:00 p.m., Local Time.

PRESENT: _____

ABSENT: _____

The following resolution was offered by _____ and supported by _____.

WHEREAS, Jim Giguere has submitted a request to establish a planned unit development (PUD) at 3560 Hulett Road; and

WHEREAS, the proposed planned unit development includes the construction of 5 detached single family residential homes and the preservation of one existing single family residential home on six lots on approximately 5 acres; and

WHEREAS, the subject site is appropriately zoned RA (Single Family-Medium Density), which allows for a planned unit development; and

WHEREAS, the approximate 1.2 dwelling units per acre (du/a) density of the proposed development is consistent with the R2-Residential 0.5-3.5 Future Land Use Map designation from the 2017 Master Plan; and

WHEREAS, the Planning Commission held a public hearing at its regular meeting on June 13, 2022 and made a positive recommendation on the project at their June 27, 2022 meeting; and

WHEREAS, the proposed planned unit development meets the minimum PUD performance objective to preserve at least 50% of the project area, excluding wetlands and floodplains, as open space; and

WHEREAS, the proposed planned unit development will be harmonious and similar in character with the existing residential developments to the north and east of the subject site; and

WHEREAS, the requested waivers for building setbacks are necessary to facilitate preservation of open space; and

WHEREAS, the proposed planned unit development will be adequately served by public water and sanitary sewer; and

WHEREAS, the proposed planned unit development meets the minimum PUD performance objectives as stated in Section 86-439(b) of the Code of Ordinances; and

**Resolution of Approval
PUD 22-014 (3560 Hulett Road – Jim Giguere)**

NOW THEREFORE, BE IT RESOLVED THE TOWNSHIP BOARD OF THE CHARTER TOWNSHIP OF MERIDIAN hereby APPROVES Planned Unit Development 22-014 for 3560 Hulett Road, subject to the following conditions:

1. Approval is in accordance with the submitted site plan prepared by Enger Engineering, revised on June 6, 2022.
2. The waivers requested for lot size and building setbacks are recommended for approval as depicted on the submitted site plan prepared by Enger Engineering.
3. The applicant shall obtain all necessary permits, licenses, and approvals from the Ingham County Road Department, Ingham County Drain Commissioner, and the Township, as applicable. Copies of all permits and approval letters shall be submitted to the Department of Community Planning and Development.
4. The utility, grading, and storm drainage plans for the site are subject to the approval of the Director of Public Works and Engineering and Ingham County Drain Commissioner and shall be completed in accordance with the Township Engineering Design and Construction Standards.
5. No grading or land clearing shall take place on the site until the site plan has been approved by the Director of Community Planning and Development and grading and soil erosion and sedimentation control (SESC) permits have been issued for the project.
6. The proposed roads in the development shall be built to Ingham County Road Department construction standards and shall be subject to the approval of the Director of Public Works and Engineering.
7. Any wetland boundaries or setbacks located on or adjacent to residential lots shall be clearly identified by posted signage notifying the property owner of restrictions related to grading, mowing, placement of structures, landscaping, and dumping in the wetlands. The size, number, location, and language of the signs shall be subject to the approval of the Director of Community Planning and Development.
8. The applicant shall construct the required seven-foot-wide pathway along the east side of the Hulett Road frontage of the properties included in the development. The pathway shall be designed and constructed in accordance with Township Engineering and Construction standards. The design and location of the pathway shall be subject to the approval of the Director of Public Works and Engineering.
9. Street trees shall be provided along all internal roads in the development and along Hulett Road. The species, size, and location of the street trees shall be subject to the approval of the Director of Community Planning and Development.
10. The open space shall be reserved or dedicated by lease or conveyance of title, including beneficial ownership, to a corporation, association, or other legal entity or by reservation by means of a restrictive covenant or conservation easement.
11. Screening shall be required along the rear of lots C, D, E, and F, subject to the approval of the Director of Community Planning and Development.

**Resolution of Approval
PUD 22-014 (3560 Hulett Road - Jim Giguere)**

ADOPTED: YEAS: _____

NAYS: _____

STATE OF MICHIGAN)

) ss

COUNTY OF INGHAM)

I, the undersigned, the duly qualified and acting Clerk of the Township Board of the Charter Township of Meridian, Ingham County, Michigan, DO HEREBY CERTIFY that the foregoing is a true and complete copy of a resolution adopted at a regular meeting of the Township Board on the 4th day of August, 2022.

Deborah Guthrie
Township Clerk



To: Township Board

**From: Timothy R. Schmitt, AICP
Community Planning and Development Director**

Date: July 27, 2022

Re: Text Amendment 2022-08 – Traffic Impact Study Standards

Text Amendment 2022-08 is an ordinance update initiated by the Planning Commission and Planning Staff to standardize traffic impact study requirements throughout the zoning ordinance. Additionally, all of the standards would be moved to a single location, for ease of use.

The Township Board approved Ordinance 2022-08 for introduction at its meeting on July 26, 2022. The proposed ordinance was published, as directed by the Board, in advance of a final decision being made on the request. Previously, the ordinance had been reviewed by the Planning Commission, who held a public hearing on the proposed ordinance and recommended approval to the Township Board. Additionally, the Township Board discussed the matter at their July 12, 2022 meeting and had no major concerns.

Staff would **recommend approval** of the proposed ordinance at this time. A resolution to adopt the ordinance is attached for the Township Board’s review and approval. Staff would offer the following motion for the Board to use in their deliberations.

Move to adopt the resolution approving for final adoption Zoning Amendment 2022-08 to amend the Zoning Ordinance of the Charter Township of Meridian at multiple locations to update the standards for Traffic Impact Studies in the Township.

Attachments

1. Resolution to approve Ordinance 2022-08
2. Ordinance 2022-08 – Final Version



RESOLUTION TO APPROVE

**Text Amendment 2022-08
Traffic Impact Study Standards**

RESOLUTION

At a regular meeting of the Township Board of the Charter Township of Meridian, Ingham County, Michigan, held at the Meridian Municipal Building, in said Township on the 4th day of August 2022, at 6:00 p.m., Local Time.

PRESENT: _____

ABSENT: _____

The following resolution was offered by _____ and supported by _____.

WHEREAS, the approved Mixed Use Planned Unit Development ordinance update changed the requirements for a Traffic Impact Study to be triggered, creating an inconsistency in the Zoning Ordinance; and

WHEREAS, the standards for Traffic Impact Studies are spread throughout the Township's Ordinances; and

WHEREAS, the Planning Commission and Transportation Commission have both recommended this change be made to the Code of Ordinances; and

WHEREAS, the Township Board has reviewed the proposed ordinance and has noted no major concerns and believes the ordinance change will make the Zoning Ordinance more user friendly.

NOW THEREFORE, BE IT RESOLVED THE TOWNSHIP BOARD OF THE CHARTER TOWNSHIP OF MERIDIAN hereby ADOPTS Ordinance No. 2022-08, entitled "Ordinance to amend the Charter Township of Meridian Code of Ordinances at Section 86-444, Commercial Planned Unit Development (C-PUD), Section 86-124, Application Requirements, Section 86-441, Grand River Avenue (M-43) Corridor Access Management Overlay District, and Section 62-34, Tentative Preliminary Plat, and to create a new Section 86-156, Traffic Impact Studies"; and

BE IT FURTHER RESOLVED that the Clerk of the Charter Township of Meridian is directed to publish the Ordinance in the form in which it was adopted.

ADOPTED: YEAS: _____

NAYS: _____

STATE OF MICHIGAN)

) ss

COUNTY OF INGHAM)

I, the undersigned, the duly qualified and acting Clerk of the Township Board of the Charter Township of Meridian, Ingham County, Michigan, DO HEREBY CERTIFY that the foregoing is a true and complete copy of a resolution adopted at a regular meeting of the Township Board on the 4th day of August, 2022.

Deborah Guthrie
Township Clerk

ORDINANCE NO. 2022-08

AN ORDINANCE TO AMEND THE CHARTER TOWNSHIP OF MERIDIAN CODE OF ORDINANCES AT SECTION 86-444, COMMERCIAL PLANNED UNIT DEVELOPMENT (C-PUD), SECTION 86-124, APPLICATION REQUIREMENTS, SECTION 86-441, GRAND RIVER AVENUE (M-43) CORRIDOR ACCESS MANAGEMENT OVERLAY DISTRICT, AND SECTION 62-34, TENTATIVE PRELIMINARY PLAT, AND TO CREATE A NEW SECTION 86-156, TRAFFIC IMPACT STUDIES

THE CHARTER TOWNSHIP OF MERIDIAN ORDAINS:

Section 1. Section 62-34(1)(b)(14), Tentative preliminary plat, is hereby amended to read as follows:

A traffic assessment or a traffic impact study may be required as specified in Subsection 86-130.

Section 2. Section 86-124(c)(6), Application Requirements, is hereby amended to read as follows:

A traffic assessment or a traffic impact study may be required as specified in Section 86-130.

Section 3. Section. 86-130, Traffic Study Requirements, is hereby created and reads as follows:

(a) A traffic assessment prepared by a certified traffic engineer based, in whole or in part, on the most current edition of the handbook entitled *Evaluating Traffic Impact Studies: a Recommended Practice for Michigan Communities*, shall be required for an overall development (all phases included) which is expected to generate between 50 and 249 directional trips during a peak hour of traffic.

(b) A traffic impact study prepared by a certified traffic engineer based, in whole or in part, on the most current edition of the handbook entitled *Evaluating Traffic Impact Studies: a Recommended Practice for Michigan Communities*, shall be required for an overall development (all phases included) or for an individual phase of a development which would generate 250 or more directional trips during a peak hour or over 750 trips on an average day. Should a development be submitted in phases, the cumulative effect of each additional phase on those previously reviewed and approved shall be accounted for and documented within the traffic assessment or traffic impact study.

(c) The requirement for a traffic assessment or traffic impact study may be waived by the Director of Community Planning and Development in the following instances:

(1) The existing level of service is not determined to be significantly impacted by the proposed development due to the nature of the request or specific conditions at the subject site.

(2) A similar traffic study was previously prepared for the subject site and is still considered applicable.

1 **Section 4.** Section 86-441(d)(7), Grand River Avenue (M-43) Corridor Access Management
2 Overlay District, is hereby amended to read as follows:
3

4 A traffic assessment or a traffic impact study may be required as specified in
5 Subsection 86-130.
6

7 **Section 5.** Section 86-444(g)(4)(1)(viii), Commercial Planned Unit Development (C-PUD), is
8 hereby amended to read as follows:
9

10 A traffic assessment or a traffic impact study may be required as specified in
11 Subsection 86-130.
12

13 **Section 6.** Validity and Severability. The provisions of this Ordinance are severable and the
14 invalidity of any phrase, clause or part of this Ordinance shall not affect the validity
15 or effectiveness of the remainder of the Ordinance.
16

17 **Section 7.** Repealer Clause. All ordinances or parts of ordinances in conflict therewith are
18 hereby repealed only to the extent necessary to give this Ordinance full force and
19 effect.
20

21 **Section 8.** Savings Clause. This Ordinance does not affect rights and duties matured, penalties
22 that were incurred, and proceedings that were begun, before its effective date.
23

24 **Section 9.** Effective Date. This Ordinance shall be effective seven (7) days after its publication
25 or upon such later date as may be required under Section 402 of the Michigan Zoning
26 Enabling Act (MCL 125.3402) after filing of a notice of intent to file a petition for a
27 referendum.
28

29 ADOPTED by the Charter Township of Meridian Board at its regular meeting this **XX**th day of
30 **XXXXXXX**, 2022.
31

32
33
34 _____
35 Patricia Herring Jackson, Township Supervisor
36

37 _____
38 Deborah Guthrie, Township Clerk



To: Township Board

From: Timothy R. Schmitt, *AICP*
Community Planning and Development Director

Date: July 27, 2022

Re: Text Amendment 2022-12 – Refuse/Storage Container Regulations

Text Amendment 2022-12 is an ordinance update initiated by the Planning Staff to clarify the standards surrounding portable on-demand storage units (PODS) and temporary container units (often referred to as a dumpster or roll off). The current ordinance has no clear regulations to address these items, either in a residential or non-residential setting.

The Township Board approved Ordinance 2022-12 for introduction at its meeting on July 26, 2022. The proposed ordinance was published, as directed by the Board, in advance of a final decision being made on the request. Previously, the ordinance had been reviewed by the Planning Commission, who held a public hearing on the proposed ordinance and recommended approval to the Township Board. Additionally, the Township Board discussed the matter at their July 12, 2022 meeting and Staff made some minor changes to address the concerns that were raised at that meeting.

Staff would **recommend approval** of the proposed ordinance at this time. A resolution to adopt the ordinance is attached for the Township Board’s review and approval. Staff would offer the following motion for the Board to use in their deliberations.

Move to adopt the resolution approving for final adoption Zoning Amendment 2022-12 to amend the Zoning Ordinance of the Charter Township of Meridian to create regulations for temporary storage pods and temporary container units

Attachments

1. Resolution to approve Ordinance 2022-12
2. Ordinance 2022-12 – Final Version

RESOLUTION TO APPROVE

**Text Amendment 2022-12
POD & Container Regulation**

RESOLUTION

At a regular meeting of the Township Board of the Charter Township of Meridian, Ingham County, Michigan, held at the Meridian Municipal Building, in said Township on the 4th day of August 2022, at 6:00 p.m., Local Time.

PRESENT: _____

ABSENT: _____

The following resolution was offered by _____ and supported by _____.

WHEREAS, Staff receives regular inquiries about the temporary use of Portable On-Demand Storage Units (PODS) and dumpsters at both residential and commercial properties in the Township; and

WHEREAS, PODS and temporary container units are currently not defined or regulated in the Zoning Ordinance, limiting our ability to have them removed in the event they are left on a property for an extended period of time; and

WHEREAS, creating basic regulations will provide clarity for residents and businesses as to what is permitted and ensure that these items do not get left behind or become an eyesore; and

WHEREAS, the Planning Commission has recommended these changes be made to the Code of Ordinances; and

WHEREAS, the Township Board reviewed the ordinance and raised minor concerns that were addressed in the final draft being adopted, clarifying that the regulations do not apply to traditional home trash containers.

NOW THEREFORE, BE IT RESOLVED THE TOWNSHIP BOARD OF THE CHARTER TOWNSHIP OF MERIDIAN hereby ADOPTS Ordinance No. 2022-12, entitled "Ordinance to Amend the Zoning Ordinance of the Charter Township of Meridian to create Section 86-476 to regulate storage pods and temporary container units"; and

BE IT FURTHER RESOLVED that the Clerk of the Charter Township of Meridian is directed to publish the Ordinance in the form in which it was adopted.

ADOPTED: YEAS: _____

NAYS: _____

STATE OF MICHIGAN)
) ss
COUNTY OF INGHAM)

I, the undersigned, the duly qualified and acting Clerk of the Township Board of the Charter Township of Meridian, Ingham County, Michigan, DO HEREBY CERTIFY that the foregoing is a true and complete copy of a resolution adopted at a regular meeting of the Township Board on the 4th day of August, 2022.

Deborah Guthrie
Township Clerk

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ORDINANCE NO. 2022-12

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CHARTER TOWNSHIP OF
MERIDIAN TO CREATE SECTION 86-476 TO REGULATE STORAGE PODS AND TEMPORARY
CONTAINER UNITS

THE CHARTER TOWNSHIP OF MERIDIAN ORDAINS:

Section 1. Section 86-2, Definitions, is hereby amended to add the following definitions:

Portable On-Site Deliverable Storage Units – Also known as PODS. A transportable container or portable structure or other unit designed and use primarily for storage of building materials, household goods, personal items, and other materials outside an enclosed building, other than accessory building.

Temporary Container Unit – A portable and transportable bin with a storage capacity of over 250 gallons, designed and used for storage or disposal of building materials, household goods, personal items, or other materials outside an enclosed building, other than an accessory building.

Section 2. Section 86-476, Temporary Storage, is hereby created to read as follows:

- (a) Purpose. The purpose of this section is to regulate the use of temporary container units and PODS within the Township
- (b) No temporary container unit or PODS are permitted without written approval of the Community Planning and Development Director. In any case, all temporary container units and PODS are required to comply with the provisions of this Ordinance.
- (c) Temporary container units and PODS are permitted to be on a property for a period of not to exceed 30 days. The use of such units shall be limited to no more than twice during any twelve-month period.
- (d) A temporary container unit of PODS used in conjunction with a permitted home improvement or construction project are permitted for the duration of an active building permit.
- (e) No more than two temporary container units or PODS shall be permitted on a property at any time.
- (f) A PODS in the front yard must be placed on a driveway or other hard surfaced area. The Community Planning and Development Director may waive this requirement upon request.
- (g) A temporary container unit may be placed anywhere in the front yard outside of the road right-of-way, with the approval of the Community Planning and Development Director.
- (h) A temporary container unit or PODS may not be placed in a road right-of-way without written permission from the Ingham County Road Department.
- (i) Any temporary container unit or PODS in the side of rear yard must comply with the accessory building setbacks as outlined in Section 86.565.

Section 3. Validity and Severability. The provisions of this Ordinance are severable and the invalidity of any phrase, clause or part of this Ordinance shall not affect the validity or effectiveness of the remainder of the Ordinance.

1 **Section 4.** Repealer Clause. All ordinances or parts of ordinances in conflict therewith are
2 hereby repealed only to the extent necessary to give this Ordinance full force and
3 effect.
4

5 **Section 5.** Savings Clause. This Ordinance does not affect rights and duties matured, penalties
6 that were incurred, and proceedings that were begun, before its effective date.
7

8 **Section 6.** Effective Date. This Ordinance shall be effective seven (7) days after its publication
9 or upon such later date as may be required under Section 402 of the Michigan Zoning
10 Enabling Act (MCL 125.3402) after filing of a notice of intent to file a petition for a
11 referendum.
12

13 ADOPTED by the Charter Township of Meridian Board at its regular meeting this **XX**th day of
14 **XXXXXXXX**, 2022.
15

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18 _____
Patricia Herring Jackson, Township Supervisor

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21 _____
Deborah Guthrie, Township Clerk
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To: Board Members

**From: Dan Opsommer, Assistant Township Manager
Director of Public Works and Engineering**

Date: August 4, 2022

Re: Update regarding the Michigan Fireworks Safety Act

At the Board's request, I spoke to Judy Allen with the Michigan Townships Association (MTA). Judy stated that the MTA supports expanding local control, but there is no concerted effort right now to amend the [Michigan Fireworks Safety Act, Public Act 256 of 2011 \(the law is linked here and attached to this memo for your review\)](#). The MTA will devote resources to the effort if/when they find a bill sponsor who is able to get the issue to gain traction.

MTA took a neutral position on the bill that amended the Michigan Fireworks Safety Act in 2018 because the overwhelming sentiment from MTA members was that the bill did not go far enough in terms of allows locals the ability to limit the number of days that commercial fireworks can be discharged.

Here is a summary of some legislation that has been introduced this legislative session (no hearings have been held on any of the bills):

Senate Bill 5: This is the only bill introduced this legislative session that would expand local control in further limiting the number of days commercial fireworks could be discharged. Under this bill, local governments must allow firework use on the following days beginning at 11 a.m.:

- Dec. 31 until Jan. 1 at 1 a.m.
- Saturday and Sunday before Memorial Day until 11:45 p.m.
- ~~June 29 to~~ July 3 and 4 until 11:45 p.m. each day
- July 5, if it falls on a Friday or Saturday, until 11:45 p.m.
- Saturday and Sunday before Labor Day until 11:45 p.m.

Additionally, if a local unit of government has a population density of over 3,400 persons per square mile, this bill would allow the local unit of government to enact an ordinance that restricts use of commercial grade fireworks to the following dates; however, Meridian Township is nowhere near this threshold (we have approximately 1,391 persons per square mile; $43,916 \text{ persons} / 31.57 \text{ miles} = 1,391 \text{ persons per square mile}$):

- December 31 until 1 a.m. on January 1
- Memorial Day until 11 p.m.
- July 4 until 11:45 p.m.
- Labor Day until 11:45 pm.

Memo to Township Board

August 4, 2022

Page 2

Re: Update regarding the Michigan Fireworks Safety Act

The bill omits the start time for these dates, but presumably it would be 11 a.m., which is current law.

[Senate Bill 355](#) and **[House Bill 5063](#): Would expand the use of commercial grade fireworks on Juneteenth.**

[HB 4975](#): Would prohibit within 200 feet of property not owned or leased by person using the fireworks.

[House Bill 5533](#): Would require surety bonds for certain fireworks businesses.

[A complete list of firework-related legislation can be access by clicking here.](#)

Again, the Board has already adopted the most restrictive ordinance you are legally allowed to adopt under state law. The Board needs state lawmakers to allow for greater local control or to restore the statewide ban on most commercial fireworks that was in effect prior to 2011.

Under this 2018 amendment to state law, local governments must allow firework use on the following days beginning at 11 a.m.:

- Dec. 31 until Jan. 1 at 1 a.m.
- Saturday and Sunday before Memorial Day until 11:45 p.m.
- June 29 to July 4 until 11:45 p.m. each day
- July 5, if it falls on a Friday or Saturday, until 11:45 p.m. (this is why it is 12-13 days)
- Saturday and Sunday before Labor Day until 11:45 p.m.

I am happy to assist the Board with whatever direction you wish to go in. I would recommend that Board members reach out to Sen. Curtis Hertel, Jr. and seek his advice. It is very late in the 2-year session to get a bill to the Governor's desk, but Sen. Hertel may have some guidance and advice for next session. The biggest challenge is finding a bill sponsor/s who have the relationships required to get traction on the issue.

Attachments:

1. Memo from the July 12, 2022 Board Meeting
2. Michigan Fireworks Safety Act, Public Act 256 of 2011
3. Chapter 26. Fire Prevention and Protection, Article I. Fireworks



13. D.

To: Board Members

**From: Dan Opsommer, Assistant Township Manager
Director of Public Works and Engineering**

Date: July 12, 2022

Re: Prospective resolution to the Legislature and Governor regarding local control under the Michigan Fireworks Safety Act

The Board has already adopted the most restrictive ordinance you are legally allowed to adopt under state law. The Board needs state lawmakers to allow for greater local control or to restore the statewide ban on most commercial fireworks that was in effect prior to 2011.

The growing issue with fireworks in Michigan was caused in 2011 when the state Legislature legalized the sale, purchase, and use of fireworks by adults 18 or older. The law the Legislature passed is the [Michigan Fireworks Safety Act, Public Act 256 of 2011 \(the law is linked here and attached to this memo for your review\)](#). Prior to this bill becoming law, it was unlawful to possess airborne fireworks and many other commercial fireworks in Michigan. We had one of the most restrictive laws in the entire nation, which is why firework use was far less than it is today.

The ban on most commercial fireworks made it much easier to enforce the law because simply possessing the fireworks was illegal. Now we have one of the least restrictive laws in the entire country and state law prevents local governments from regulating fireworks more strictly than state law. It's also terribly difficult to enforce the state law now because the number one enforcement mechanism was finding people in possession of illegal fireworks. It's difficult to catch people in the act of igniting them. This has always been true, but now there is nothing illegal about someone being in possession of the fireworks.

Additionally, the Michigan Fireworks Safety Act, as adopted in 2011, prohibited local governments from regulating the sale, purchase and use of fireworks more strictly than state law. Under this 2011 law, residents could use fireworks on the 30 days established in the law.

After residents pushed back on lawmakers for seven years, the Legislature then amended the law in 2018 to allow local governments to reduce the number of days that residents can legally use fireworks down to a minimum of 12-13 days, which the Meridian Township Board did on April 23, 2019 when it adopted the ordinance attached to this memo.

Under this 2018 amendment to state law, local governments must allow firework use on the following days beginning at 11 a.m.:

- Dec. 31 until Jan. 1 at 1 a.m.
- Saturday and Sunday before Memorial Day until 11:45 p.m.
- June 29 through July 4 until 11:45 p.m. each day
- July 5, if it falls on a Friday or Saturday, until 11:45 p.m. (this is why it is 12-13 days)

Memo to Township Board

July 12, 2022

Page 2

Re: Prospective resolution to the Legislature and Governor regarding local control under the Michigan Fireworks Safety Act

- Saturday and Sunday before Labor Day until 11:45 p.m.

Here is data we have compiled regarding police, fire and EMS responses for firework-related calls:

Police Responses:

- 2020 we had 57 responses
- 2021 we had 23 responses
- 2022 year-to-date, we have had 28 responses. These responses occurred on the following dates:
 - Jan, 12 and 31
 - May 14, 21, 28, 28, 30, 30
 - June 7, 9, 15, 24, 25, 25,
 - July 1, 3, 3, 4, 4, 4, 4, 4, 5, 5, 5, 5, 5

Fire and EMS Responses:

In 2021 we had two responses:

- 1 Brush Fire
- 1 Citizen Complaint

In 2022 we have had four responses:

- 2 Brush Fires
- 1 Bomb Fire
- 1 smoke investigation at an apartment complex

No citations have been issued for fireworks. Again, it is very difficult to issue a citation under state law now as possessing fireworks is no longer illegal. We have to catch parties in the act of igniting them on a date and/or time when it is not permitted now due to state law.

Attachments:

1. Michigan Fireworks Safety Act, Public Act 256 of 2011
2. Chapter 26. Fire Prevention and Protection, Article I. Fireworks

MICHIGAN FIREWORKS SAFETY ACT
Act 256 of 2011

AN ACT to revise, consolidate, and codify the laws relating to certain fireworks; to regulate the purchase, possession, sale, and use of certain fireworks; to establish a fireworks safety fund; to establish a fireworks safety fee; to provide for the transfer and expenditure of funds; to prescribe the powers and duties of certain state agencies; to provide for penalties and remedies; and to repeal acts and parts of acts.

History: 2011, Act 256, Eff. Jan. 1, 2012.

The People of the State of Michigan enact:

28.451 Short title.

Sec. 1. This act shall be known and may be cited as the "Michigan fireworks safety act".

History: 2011, Act 256, Eff. Jan. 1, 2012.

28.452 Definitions.

Sec. 2. As used in this act:

(a) "Agricultural and wildlife fireworks" means fireworks devices distributed to farmers, ranchers, and growers through a wildlife management program administered by the United States Department of the Interior or the department of natural resources of this state.

(b) "APA Standard 87-1" means the "APA Standard 87-1, Standard for Construction and Approval for Transportation of Fireworks, Novelties, and Theatrical Pyrotechnics", 2001 edition, published by the American Pyrotechnics Association of Bethesda, Maryland.

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

(d) "Citation" means that term as described in section 17a.

(e) "Commercial manufacturer" means a person engaged in the manufacture of consumer fireworks.

(f) "Consumer fireworks" means fireworks devices that are designed to produce visible effects by combustion, that are required to comply with the construction, chemical composition, and labeling regulations promulgated by the United States Consumer Product Safety Commission under 16 CFR parts 1500 and 1507, and that are listed in APA Standard 87-1, 3.1.2, 3.1.3, or 3.5. Consumer fireworks does not include low-impact fireworks.

(g) "Consumer fireworks certificate" means a certificate issued under section 4.

(h) "Department" means the department of licensing and regulatory affairs.

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

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

(k) "Fireworks safety fund" means the fireworks safety fund created in section 11.

(l) "Homemade fireworks" means any composition or device designed for the purpose of producing a visible or audible effect by combustion, deflagration, or detonation that is not produced by a commercial manufacturer and does not comply with the construction, chemical composition, and labeling regulations of the United States Consumer Product Safety Commission under 16 CFR parts 1500 and 1507.

(m) "Local unit of government" means a city, village, or township.

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

(o) "Minor" means an individual who is less than 18 years of age.

(p) "NFPA" means the National Fire Protection Association headquartered at 1 Batterymarch Park, Quincy, Massachusetts.

(q) "NFPA 1" means the "Uniform Fire Code", 2006 edition, developed by NFPA.

(r) "NFPA 72" means the "National Fire Alarm Code", 2002 edition, developed by NFPA.

(s) "NFPA 101" means the "Life Safety Code", 2009 edition, developed by NFPA.

(t) "NFPA 1123" means the "Code for Fireworks Display", 2010 edition, developed by NFPA.

(u) "NFPA 1124" means the "Code for the Manufacture, Transportation, Storage, and Retail Sales of Fireworks and Pyrotechnic Articles", 2006 edition, developed by NFPA.

(v) "NFPA 1126" means the "Standard for the Use of Pyrotechnics Before a Proximate Audience", 2011 edition, developed by NFPA.

(w) "Novelties" means that term as defined under APA Standard 87-1, 3.2, 3.2.1, 3.2.2, 3.2.3, 3.2.4, and 3.2.5 and all of the following:

(i) Toy plastic or paper caps for toy pistols in sheets, strips, rolls, or individual caps containing not more than .25 of a grain of explosive content per cap, in packages labeled to indicate the maximum explosive content per cap.

(ii) Toy pistols, toy cannons, toy canes, toy trick noisemakers, and toy guns in which toy caps as described in subparagraph (i) are used, that are constructed so that the hand cannot come in contact with the cap when in place for the explosion, and that are not designed to break apart or be separated so as to form a missile by the explosion.

(iii) Flitter sparklers in paper tubes not exceeding 1/8 inch in diameter.

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

(x) "Permanent building or structure" is a building or structure that is affixed to a foundation on a site that has fixed utility connections and that is intended to remain on the site for more than 180 consecutive calendar days.

(y) "Person" means an individual, agent, association, charitable organization, company, limited liability company, corporation, labor organization, legal representative, partnership, unincorporated organization, or any other legal or commercial entity.

(z) "Retailer" means a person that sells consumer fireworks or low-impact fireworks for resale to an individual for ultimate use.

(aa) "Retail location" means a facility listed under NFPA 1124, 7.1.2.

(bb) "Rule" means a rule, as that term is defined in section 7 of the administrative procedures act of 1969, 1969 PA 306, MCL 24.207, promulgated by the department.

(cc) "Serious impairment of a body function" means that term as defined in section 58c of the Michigan vehicle code, 1949 PA 300, MCL 257.58c.

(dd) "Serious violation" means a violation of this act, an order issued under this act, or a rule promulgated or adopted by reference under this act for which a substantial probability exists that death or serious impairment of a body function to an individual other than the violator may result unless the violator did not and could not, with the exercise of reasonable diligence, know of the presence of the violation.

(ee) "Special effects" means a combination of chemical elements or chemical compounds capable of burning independently of the oxygen of the atmosphere and designed and intended to produce an audible, visual, mechanical, or thermal effect as an integral part of a motion picture, radio, television, theatrical, or opera production or live entertainment.

(ff) "State fire marshal" means the state fire marshal appointed under section 1b of the fire prevention code, 1941 PA 207, MCL 29.1b.

(gg) "Warehouse" means a permanent building or structure used primarily for the storage of consumer fireworks or low-impact fireworks.

(hh) "Wholesaler" means a person that sells consumer fireworks or low-impact fireworks to a retailer or any other person for resale. Wholesaler does not include a person that sells only display fireworks or special effects.

History: 2011, Act 256, Eff. Jan. 1, 2012;—Am. 2012, Act 257, Imd. Eff. July 2, 2012;—Am. 2018, Act 634, Imd. Eff. Dec. 28, 2018.

28.453 Novelties; inapplicability of act.

Sec. 3. This act does not apply to novelties. Nothing in this act allows a local unit of government to enact or enforce an ordinance, code, or regulation pertaining to, or in any manner regulating, the sale, storage, display for sale, transportation, use, or distribution of novelties.

History: 2011, Act 256, Eff. Jan. 1, 2012.

28.454 Sale of consumer fireworks; certificate required; violation as civil fine; penalty; application; requirements; issuance; validity; issuance of original or renewal certificate; sales tax license information; denial; transfer; display; prohibition; location or address; disposition of fees.

Sec. 4. (1) A person shall not sell consumer fireworks unless the person annually obtains and maintains a consumer fireworks certificate from the department under this section.

(2) A person that fails or neglects to comply with subsection (1) is responsible for a civil fine as follows:

(a) For a first violation, not more than \$5,000.00. The department shall determine the amount of the fine imposed under this subdivision by applying a scale, as developed by the department, that reflects the severity of the violation.

(b) For a second violation, not more than \$20,000.00.

(c) For a third or subsequent violation, not more than \$40,000.00.

(3) An applicant for a consumer fireworks certificate shall do all of the following:

(a) Submit an application no later than April 1 of each year in which the applicant will sell consumer fireworks.

(b) Include on the application the name and address of each retail location from which the applicant will sell consumer fireworks.

(c) Submit with the application all of the following, as applicable:

(i) A nonrefundable consumer fireworks certificate fee of \$1,250.00 for each retail location that is a permanent building or structure or \$1,000.00 for each retail location that is not a permanent building or structure. If the application includes 10 or more retail locations that are not permanent buildings or structures, the fee described in this subdivision shall be \$700.00 for each of those locations.

(ii) For an applicant who applies for a consumer fireworks certificate for a retail location that is not a permanent building or structure and who does not hold a consumer fireworks certificate for a permanent building or structure, a bond in the amount of \$5,000.00 to secure the collection of estimated sales tax and fireworks safety fees.

(iii) A copy of the applicant's current sales tax license, including the applicant's account number, issued by the department of treasury for each retail location where the applicant will sell consumer fireworks.

(iv) Any other document required by the department.

(4) The department shall not issue an initial consumer fireworks certificate to an applicant until the department of treasury has confirmed to the department that each sales tax license submitted by the applicant is current and valid, and that the applicant is otherwise eligible to obtain a consumer fireworks certificate under this act.

(5) A consumer fireworks certificate issued under this section is valid from the date of issue until April 30 of the year following the year in which it is issued. A person may renew a consumer fireworks certificate for a retail location by making application on a form prescribed by the department certifying that all information on file with the department is true and correct, that the person's sales tax license for the retail location is current and valid, and that the person has properly remitted all required fireworks safety fees for the preceding year. The department may deny the renewal of a consumer fireworks certificate if the department determines that the applicant did not properly remit all of the required fireworks safety fees for all preceding years, or sales tax for any of the preceding 5 years, during which the applicant held a consumer fireworks certificate. The department shall provide to the department of treasury the sales tax license information received from the applicant and any additional information as may be necessary to allow the department of treasury to confirm that each sales tax license submitted by the applicant is current and valid. The department shall enter into an agreement with the department of treasury under section 28(1) of 1941 PA 122, MCL 205.28, that will allow the department of treasury to provide that information to the department.

(6) Not more than 30 days after an application and all required supporting documentation and fees are submitted to the department under this section, the department shall issue a consumer fireworks certificate to the applicant or deny the application. If the department denies the application, the department shall indicate to the applicant the reason for denial.

(7) If the department denies an application for a consumer fireworks certificate under this section, the applicant may cure any defect in the application within 45 days after the denial without paying an additional fee. The department shall not unreasonably delay or deny an application.

(8) A consumer fireworks certificate is transferable upon approval by the department and the payment of a \$250.00 transfer fee. The department shall approve the transfer of a consumer fireworks certificate unless the transferee does not satisfy the eligibility requirements for an original consumer fireworks certificate under this act. The department shall not process a request for a transfer of location between June 1 and July 31.

(9) The holder of a consumer fireworks certificate shall prominently display the original certificate or a copy of the certificate in the each retail location to which the certificate applies. A person that violates this subsection is responsible for a civil fine of \$200.00.

(10) The department shall not issue a consumer fireworks certificate to either of the following:

(a) A person that is ineligible under this act.

(b) A person that has an outstanding fine issued under this act not currently under appeal.

(11) The face of the consumer fireworks certificate must indicate the location or address for which it was issued.

(12) Fees collected under this section shall be deposited in the fireworks safety fund.

History: 2011, Act 256, Eff. Jan. 1, 2012;—Am. 2012, Act 257, Imd. Eff. July 2, 2012;—Am. 2013, Act 65, Imd. Eff. June 19, 2013;—Am. 2018, Act 634, Imd. Eff. Dec. 28, 2018.

Compiler's note: In subsection (9), the words "certificate in the each retail location" evidently should read "certificate in each retail location."

28.455 Sale of consumer fireworks from retail location; conditions; automatic sprinkler system; failure to comply; civil fine; insurance coverage; notice of dates and times of permissible use; form and content; conditions for sale over phone or internet.

Sec. 5. (1) A person shall not sell consumer fireworks from a retail location unless all of the following conditions are met:

(a) Except as provided in subdivision (b), the retail location and any adjacent or directly associated retail storage satisfies the applicable requirements of NFPA 101 and NFPA 1124 for consumer and low-impact fireworks that are not in conflict with this act and the Stille-DeRossett-Hale single state construction code act, 1972 PA 230, MCL 125.1501 to 125.1531. Any provision of the Stille-DeRossett-Hale single state construction code act, 1972 PA 230, MCL 125.1501 to 125.1531, that is inconsistent with the applicable requirements of NFPA 101 and NFPA 1124 is superseded to the extent of the inconsistency or conflict.

(b) If the retail location is a permanent building or structure, the building or structure is equipped with a fire suppression system in compliance with NFPA 1124. Beginning on the effective date of the 2018 act that added this sentence and notwithstanding the NFPA 1124 requirements regarding automatic sprinkler systems, if the retail location is in a permanent multitenant building or structure, the building or structure must be equipped with an automatic sprinkler system. The requirement for an automatic sprinkler system described in this subdivision does not apply to the retail location of a person that held a consumer fireworks certificate for a retail location of the same address in a permanent building or structure during the calendar year before the effective date of the 2018 act that added this sentence.

(c) The retailer at that retail location is licensed under section 3 of the general sales tax act, 1933 PA 167, MCL 205.53.

(d) The retailer has a valid federal taxpayer identification number. This requirement does not apply to a retailer that is a sole proprietorship.

(2) A person that fails or neglects to comply with subsection (1) is responsible for a civil fine of not more than \$2,500.00 for each violation. The department shall determine the amount of the fine imposed under this subsection by applying a scale, as developed by the department, that reflects the severity of the violation. Each day that a person is in noncompliance is a separate violation.

(3) During any period of time in which a person is selling consumer fireworks, the person shall add as an additional insured, or obtain and maintain public liability and product liability insurance coverage for, each retail location at which the person is selling consumer fireworks, in an amount not less than \$10,000,000.00 per occurrence. If the department determines that a person has failed or neglected to comply with this subsection, the department shall order the person to immediately cease operations and pay a civil fine of not more than \$5,000.00.

(4) A retailer shall provide with every purchase of consumer fireworks a notice listing the dates and times permitted under this act for the ignition, discharge, and use of consumer fireworks. The notice shall begin with the following statement: "State law permits, under MCL 28.457, the ignition, discharge, and use of consumer fireworks at the following times:". The retailer may provide the notice in a form and manner determined by the retailer, including, but not limited to, printing or stamping the notice on, or affixing the notice to, a receipt, bag, or the product being purchased, or a printed handout provided at the time of purchase. Posting the notice on a wall, window, display, or otherwise, at the retail location, does not satisfy the requirements of this subsection. A retailer who fails to provide the notice required by this subsection is responsible for a civil fine of \$100.00 for each day on which 1 or more violations occur. The department shall provide for the remittance of the fine collected under this subsection to the local law enforcement agency responsible for enforcing the notice requirement.

(5) A person shall not engage in the retail sale of consumer fireworks over the telephone, internet, or other like manner unless the consumer fireworks are picked up or shipped from a permanent location for which the person holds a valid consumer fireworks certificate.

History: 2011, Act 256, Eff. Jan. 1, 2012;—Am. 2013, Act 65, Imd. Eff. June 19, 2013;—Am. 2018, Act 634, Imd. Eff. Dec. 28, 2018.

28.456 Website; establishment and maintenance by department; registration with low-impact fireworks retail registry; application fee; failure to register; civil fine.

Sec. 6. (1) The department shall establish and maintain, or cause to be established and maintained, an internet website that has as its purpose the protection of the residents of this state who purchase, use, or transport fireworks. The website must include, but is not limited to, both of the following:

- (a) A list of every person that is issued a consumer fireworks certificate under section 4.
- (b) A low-impact fireworks retail registry.

(2) A person shall not sell low-impact fireworks unless that person registers with the low-impact fireworks retail registry not less than 10 days before selling the fireworks in each calendar year and pays a \$50.00 registry application fee for each retail location registered. For a person with multiple retail locations, the registry application fees in total shall not exceed \$1,000.00. A person that holds a valid consumer fireworks certificate issued under section 4 is not required to register with the low-impact fireworks retail registry.

(3) If the department determines that a person that sells low-impact fireworks at retail has failed to register as described in this section, the department shall order the person to immediately cease the sale of low-impact fireworks until the person complies with subsection (2) and pay a civil fine of not more than \$1,000.00. For a first violation of this section, if a person complies with subsection (2) within 30 days of receiving a notice of violation, the department shall waive the civil fine described in this subsection.

History: 2011, Act 256, Eff. Jan. 1, 2012;—Am. 2018, Act 634, Imd. Eff. Dec. 28, 2018.

28.457 Local ordinances.

Sec. 7. (1) Except as provided in this act, a local unit of government shall not enact or enforce an ordinance, code, or regulation pertaining to or in any manner regulating the sale, display, storage, transportation, or distribution of fireworks regulated under this act.

(2) A local unit of government may enact an ordinance regulating the ignition, discharge, and use of consumer fireworks, including, but not limited to, an ordinance prescribing the hours of the day or night during which a person may ignite, discharge, or use consumer fireworks. If a local unit of government enacts an ordinance under this subsection, the ordinance shall not regulate the ignition, discharge, or use of consumer fireworks on the following days after 11 a.m.:

- (a) December 31 until 1 a.m. on January 1.
- (b) The Saturday and Sunday immediately preceding Memorial Day until 11:45 p.m. on each of those days.
- (c) June 29 to July 4 until 11:45 p.m. on each of those days.
- (d) July 5, if that date is a Friday or Saturday, until 11:45 p.m.
- (e) The Saturday and Sunday immediately preceding Labor Day until 11:45 p.m. on each of those days.

(3) An ordinance under subsection (2) shall impose a civil fine of \$1,000.00 for each violation of the ordinance and no other fine or sanction. The ordinance must provide for the remittance of \$500.00 of the fine collected under the ordinance to the local law enforcement agency responsible for enforcing the ordinance.

(4) Beginning August 1, 2019, a local unit of government with a population of 100,000 or more or a local unit of government located in a county with a population of 750,000 or more may enact or enforce an ordinance that regulates the use of a temporary structure. An ordinance established under this subsection may include, but is not limited to, a restriction on the number of permits issued for a temporary structure, regulation of the distance required between 2 or more temporary structures, or a zoning ordinance that regulates the use of a temporary structure. An ordinance established under this subsection may not prohibit the temporary storage, transportation, or distribution of fireworks by a consumer fireworks certificate holder at a retail location that is a permanent building or structure. As used in this subsection, "temporary structure" means a movable structure that is used in the sale, display, storage, transportation, or distribution of fireworks, including, but not limited to, a tent or a stand.

History: 2011, Act 256, Eff. Jan. 1, 2012;—Am. 2013, Act 65, Imd. Eff. June 19, 2013;—Am. 2018, Act 635, Imd. Eff. Dec. 28, 2018.

28.458 Fireworks safety fee; imposition; payment; deposit in fireworks safety fund; failure to comply; civil fine.

Sec. 8. (1) A user fee, known as the fireworks safety fee, is imposed on retail transactions made in this state for consumer fireworks and low-impact fireworks as provided in section 9.

(2) A person that acquires consumer fireworks or low-impact fireworks in a retail transaction is liable for the fireworks safety fee on the transaction and, except as otherwise provided in this act, shall pay the fireworks safety fee to the retailer as a separate added amount to the consideration in the transaction. The

retailer shall collect the fireworks safety fee as an agent for the state.

(3) The fireworks safety fee shall be deposited in the fireworks safety fund.

(4) A person that fails to collect a fireworks safety fee as required under this section is responsible for a civil fine as follows:

(a) For a first violation, not more than \$5,000.00. If the person is a retailer of low-impact fireworks and, within 30 days of receiving a notice of violation, the person remits to the department the estimated equivalent of the amount the person should have collected under this section, the department shall waive the civil fine described in this subdivision.

(b) For a second violation, not more than \$20,000.00.

(c) For a third or subsequent violation, not more than \$40,000.00.

History: 2011, Act 256, Eff. Jan. 1, 2012;—Am. 2012, Act 257, Imd. Eff. July 2, 2012;—Am. 2018, Act 634, Imd. Eff. Dec. 28, 2018.

28.459 Fireworks safety fee; determination; rates; collection allowance.

Sec. 9. (1) Except as provided in subsections (2) and (3), the fireworks safety fee is determined by the gross retail income from consumer fireworks and low-impact fireworks received by a retail merchant in a retail unitary transaction of consumer fireworks and low-impact fireworks and is imposed before any taxes are applied at the following rates:

FIREWORKS SAFETY FEE		GROSS RETAIL INCOME FROM THE RETAIL UNITARY TRANSACTION	
\$ 0		less than	\$ 0.08
\$ 0.01	at least \$ 0.08	but less than	\$ 0.24
\$ 0.02	at least \$ 0.24	but less than	\$ 0.40
\$ 0.03	at least \$ 0.40	but less than	\$ 0.56
\$ 0.04	at least \$ 0.56	but less than	\$ 0.72
\$ 0.05	at least \$ 0.72	but less than	\$ 0.88
\$ 0.06	at least \$ 0.88	but less than	\$ 1.04

(2) On a retail unitary transaction in which the gross retail income received by the retail merchant is \$1.04 or more, the fireworks safety fee is 6% of that gross retail income as determined before any taxes are applied.

(3) If the fireworks safety fee calculated under subsection (1) results in a fraction of 1/2 cent or more, the amount of the fireworks safety fee shall be rounded to the next additional cent.

(4) The retailer whose retail location is a permanent building or structure may retain 1% of the fireworks safety fees that the retailer collected under this section as a collection allowance.

History: 2011, Act 256, Eff. Jan. 1, 2012.

28.460 Fireworks safety fees; remittance; forms; manner; payment liability; past due amounts; aggregate filing; failure to remit; civil fine.

Sec. 10. (1) A person that holds a consumer fireworks certificate or that is a retailer of low-impact fireworks is responsible for remitting all fireworks safety fees, as described in section 9, to the department. The person shall remit the fees collected with a form provided and in a manner prescribed by the department. The person shall hold in trust for the state the fees collected until those fees are remitted to the state. An individual who holds a consumer fireworks certificate or who is a retailer of low-impact fireworks is personally liable for the payment of the fees collected.

(2) The department may refer for collection to the department of treasury past due amounts of the fireworks safety fee consistent with section 13 of 1941 PA 122, MCL 205.13 or may initiate subrogation for collection within the department.

(3) A person that is responsible for remitting the collected fireworks safety fees under subsection (1) shall remit those fees no later than 20 days after the end of each preceding month. A person that operates 25 or more retail locations in this state that are permanent buildings or structures may remit the collected fees in an aggregate filing under 1 common identification number as determined by the department.

(4) A person that fails to remit the collected fireworks safety fees, as described in subsection (1), is responsible for a civil fine as follows:

(a) For a first violation, not more than \$5,000.00. If the person is a retailer of low-impact fireworks and, within 30 days of receiving a notice of violation, the person remits to the department the collected fees that are the subject of the violation, the department shall waive the civil fine described in this subdivision.

- (b) For a second violation, not more than \$20,000.00.
- (c) For a third or subsequent violation, not more than \$40,000.00.

History: 2011, Act 256, Eff. Jan. 1, 2012;—Am. 2013, Act 65, Imd. Eff. June 19, 2013;—Am. 2018, Act 634, Imd. Eff. Dec. 28, 2018.

28.461 Fireworks safety fund; creation within department of treasury; investment; money remaining in fund; lapse; expenditures; delegation of inspection duties; program.

Sec. 11. (1) The fireworks safety fund is created within the department of treasury.

(2) The state treasurer may receive money or other assets from any source for deposit into the fund. The state treasurer shall direct the investment of the fund. The state treasurer shall credit to the fund interest and earnings from fund investments.

(3) Money in the fund at the close of the fiscal year shall remain in the fund and shall not lapse to the general fund.

(4) The department shall expend money deposited in the fund as follows:

(a) One hundred percent of the money received from fireworks safety fees under section 8 to be used for the training of firefighters under the direction and approval of the firefighters training council established under the firefighters training council act, 1966 PA 291, MCL 29.361 to 29.377.

(b) One hundred percent of the money received from consumer fireworks certificate fees under section 4 to administer this act and to pay the costs of delegating inspections under this act to local units of government under subsection (5).

(c) One hundred percent of the money received from the fees collected under section 11 of the firefighters training council act, 1966 PA 291, MCL 29.371, to be used for the training of firefighters under the direction and approval of the firefighters training council established under the firefighters training council act, 1966 PA 291, MCL 29.361 to 29.377.

(5) The department may establish a program for delegating inspection duties under this act to 1 or more local units of government. If a local unit of government agrees to carry out inspections, the department shall pay 50% of the consumer fireworks certificate fee paid by each retail location inspected by the local unit of government and retain the remaining 50% of that fee. If a local unit of government declines to participate in the program described in this subsection, the department shall retain its inspection duties under this act.

History: 2011, Act 256, Eff. Jan. 1, 2012;—Am. 2013, Act 65, Imd. Eff. June 19, 2013;—Am. 2017, Act 145, Eff. Jan. 31, 2018;—Am. 2018, Act 634, Imd. Eff. Dec. 28, 2018.

28.462 Prohibited conduct; permission required; violation as civil infraction; civil fine; sale to minor; definitions; violation of smoking prohibition; civil fine; signage.

Sec. 12. (1) A person shall not ignite, discharge, or use consumer fireworks on public property, school property, church property, or the property of another person without that organization's or person's express permission to use those fireworks on those premises. Except as otherwise provided in this section, a person that violates this subsection is responsible for a state civil infraction and may be ordered to pay a civil fine of not more than \$500.00.

(2) A person shall not sell consumer fireworks to a minor. A person that violates this subsection shall be ordered to pay a civil fine of not more than \$1,000.00, or, for a second or subsequent violation of this subsection, a civil fine of not more than \$2,500.00. For a second or subsequent violation, the department shall suspend the person's consumer fireworks certificate for 90 days beginning on the date a civil fine is ordered. The age of an individual purchasing consumer fireworks shall be verified by any of the following:

(a) An operator's or chauffeur's license issued under the Michigan vehicle code, 1949 PA 300, MCL 257.1 to 257.923.

(b) An official state personal identification card issued under 1972 PA 222, MCL 28.291 to 28.300.

(c) An enhanced driver license or enhanced official state personal identification card issued under the enhanced driver license and enhanced official state personal identification card act, 2008 PA 23, MCL 28.301 to 28.308.

(d) A military identification card.

(e) A passport.

(f) Any other bona fide photograph identification that establishes the identity and age of the individual.

(3) An individual shall not discharge, ignite, or use consumer fireworks or low-impact fireworks while under the influence of alcoholic liquor, a controlled substance, or a combination of alcoholic liquor and a controlled substance. A person that violates this subsection is responsible for a state civil infraction and may be ordered to pay a civil fine of not more than \$1,000.00. As used in this subsection:

(a) "Alcoholic liquor" means that term as defined in section 1d of the Michigan vehicle code, 1949 PA

300, MCL 257.1d.

(b) "Controlled substance" means that term as defined in section 8b of the Michigan vehicle code, 1949 PA 300, MCL 257.8b.

(4) An individual who violates the smoking prohibition described in NFPA 1124, 7.3.11.1, regardless of the type or quantity of consumer or low-impact fireworks present, is responsible for a civil fine of \$1,000.00.

(5) Signage stating the smoking prohibition described in subsection (4) satisfies the requirements of NFPA 1124.

(6) A person shall not ignite, discharge, or use consumer fireworks or low-impact fireworks in a manner that is intended to harass, scare, or injure livestock. As used in this subsection, "livestock" means that term as defined in section 3 of the animal industry act, 1988 PA 466, MCL 287.703.

History: 2011, Act 256, Eff. Jan. 1, 2012;—Am. 2012, Act 257, Imd. Eff. July 2, 2012;—Am. 2013, Act 65, Imd. Eff. June 19, 2013;—Am. 2018, Act 634, Imd. Eff. Dec. 28, 2018;—Am. 2019, Act 138, Eff. Feb. 19, 2020.

28.463 Repealed. 2018, Act 634, Imd. Eff. Dec. 28, 2018.

Compiler's note: The repealed section pertained to requiring a wholesaler to maintain a resident agent.

28.464 Identification of firework in violation of act; investigation; determination of violation; seizure; criminal or civil proceedings.

Sec. 14. (1) A governmental or law enforcement agency that identifies a firework that is in violation of this act shall secure the firework and immediately notify the department of the alleged violation. The department or law enforcement agency shall investigate the alleged violation for compliance with this act.

(2) If the department or law enforcement agency determines through its investigation under subsection (1) that a violation of this act has occurred, except for a violation of section 6(2), the department or law enforcement agency may seize the firework as evidence of the violation. The department or law enforcement agency shall store, or cause to be stored, the evidence seized under this section pending disposition of any criminal or civil proceedings arising from the violation. If the person subject to criminal or civil proceedings under this section is found guilty, responsible, or liable for the violation, the person shall be required to pay the storage expense for the evidence seized.

History: 2011, Act 256, Eff. Jan. 1, 2012;—Am. 2018, Act 634, Imd. Eff. Dec. 28, 2018.

28.465 Storage of seized fireworks; disposal or destruction; storage and disposal costs; use for training purposes.

Sec. 15. (1) Fireworks seized for an alleged violation of this act shall be stored in compliance with this act and the rules promulgated under this act.

(2) Following a final disposition of an appeal of a conviction under this act that affirms the conviction, the department may dispose of or destroy any fireworks retained as evidence in that prosecution.

(3) A person from whom fireworks are seized under this act shall pay the actual costs of storage and disposal of the seized fireworks if found guilty, responsible, or liable for a violation under this act.

(4) The department may use fireworks described in subsection (2) for training purposes.

History: 2011, Act 256, Eff. Jan. 1, 2012;—Am. 2018, Act 634, Imd. Eff. Dec. 28, 2018.

28.466 Articles pyrotechnic or display fireworks ignition; permit; competency and qualifications of operators; retention of fee.

Sec. 16. (1) The legislative body of a city, village, or township, upon application in writing on forms provided by the department on the department's website and payment of a fee set by the legislative body, if any, may grant a permit for the use of agricultural or wildlife fireworks, articles pyrotechnic, display fireworks, consumer fireworks, or special effects manufactured for outdoor pest control or agricultural purposes, or for public or private display within the city, village, or township by municipalities, fair associations, amusement parks, or other organizations or individuals approved by the city, village, or township authority, if the applicable provisions of this act are met. After a permit has been granted, a permit holder may sell, possess, or transport fireworks for only the purposes described in the permit. A permit granted under this subsection is not transferable and shall not be issued to a minor.

(2) Before a permit for articles pyrotechnic or a display fireworks ignition is issued, the person applying for the permit shall furnish proof of financial responsibility by a bond or insurance in an amount, character, and form deemed necessary by the local governing authority to protect the public and to satisfy claims for damages to property or personal injuries arising out of an act or omission on the part of the person or an agent or employee of the person.

(3) The department shall not issue under this act a permit to a nonresident person for ignition of articles

pyrotechnic or display fireworks in this state until the person has appointed in writing a resident member of the bar of this state or a resident agent to be the legal representative upon whom all process in an action or proceeding against the person may be served.

(4) Before granting a permit under this act, the local governing authority shall rule on the competency and qualifications of an articles pyrotechnic and display fireworks operator, as furnished by the operator on the operator's application form, in accordance with the requirements provided under NFPA 1123, and on the time, place, and safety aspects of the display of articles pyrotechnic or display fireworks.

(5) A local unit of government that charges and collects a fee to issue a permit under this section shall retain the collected fee.

History: 2011, Act 256, Eff. Jan. 1, 2012;—Am. 2018, Act 634, Imd. Eff. Dec. 28, 2018.

28.467 Conduct not prohibited by act.

Sec. 17. Except as otherwise provided in this act, this act does not prohibit any of the following:

(a) A wholesaler, retailer, commercial manufacturer, or importer from selling, storing, using, transporting, or distributing consumer fireworks or low-impact fireworks.

(b) The use of fireworks by railroads or other transportation agencies or law enforcement agencies for signal purposes or illumination.

(c) The use of agricultural or wildlife fireworks.

(d) The sale or use of blank cartridges for any of the following:

(i) A show or play.

(ii) Signal or ceremonial purposes in athletics or sports.

(iii) Use by military organizations.

(iv) Use by law enforcement agencies.

(e) The possession, sale, or disposal of fireworks incidental to the public display of fireworks by wholesalers or other persons who possess a permit to possess, store, or sell explosives from the bureau of alcohol, tobacco, firearms, and explosives of the United States Department of Justice.

(f) Interstate wholesalers from selling, storing, using, transporting, or distributing fireworks.

(g) A person from parking a motor vehicle, or trailer, that is not being used for the storage of consumer fireworks, within 10 feet of a permanent building or structure used in the retail sale of consumer fireworks.

History: 2011, Act 256, Eff. Jan. 1, 2012;—Am. 2012, Act 257, Imd. Eff. July 2, 2012;—Am. 2018, Act 634, Imd. Eff. Dec. 28, 2018.

28.467a Issuance of citation by state fire marshal.

Sec. 17a. (1) If, as a result of an inspection or investigation, the state fire marshal or the state fire marshal's designee believes that a person has violated this act, an order issued under this act, or a rule promulgated under this act, the state fire marshal or the state fire marshal's designee shall issue a citation not more than 90 days after the completion of the physical inspection or investigation.

(2) The state fire marshal or the state fire marshal's designee shall issue the citation described in subsection (1) to the holder of the consumer fireworks certificate for, or to a person conducting or directing the sale of consumer fireworks without a consumer fireworks certificate at, the retail location that is the subject of the inspection or investigation. A holder of a consumer fireworks certificate, or a person conducting or directing the sale of consumer fireworks without a consumer fireworks certificate, as described in this subsection, is responsible for the acts or omissions of an individual under that person's employ or control.

(3) Except as otherwise provided in this act, upon issuance of a citation, the state fire marshal may immediately suspend the consumer fireworks certificate of the person receiving the citation.

(4) Upon a proper petition, a court of competent jurisdiction may enjoin a violation of this act.

(5) All of the following apply to a citation issued by the state fire marshal or the state fire marshal's designee under this act:

(a) It shall be in writing.

(b) It shall state on its face that it is an allegation of a violation of this act, describe with particularity the nature of the violation, and include a reference to the provision, rule, or order alleged to be violated.

(c) It shall contain all of the following:

(i) The date of the citation.

(ii) The name and title of the individual who issued the citation.

(iii) The name and address of the person receiving the citation.

(iv) The actions necessary to bring the person receiving the citation into compliance, including the payment of a fine.

(v) A space for the signature of the person receiving the citation indicating that the person has received the

citation.

(vi) A space where the person receiving the citation may accept the citation and agree to comply or, in the alternative, indicate the person's intent to contest the citation.

(vii) A notice that the person receiving the citation must accept or reject the terms of the citation in writing within 15 days of the receipt of the citation.

(viii) A brief description of the administrative hearing process and the process for settlement as provided for by rule.

(d) A citation may either be mailed to the person receiving the citation by certified mail, return receipt requested, or delivered in person by the state fire marshal, or the state fire marshal's designee who issued the citation.

History: Add. 2012, Act 257, Imd. Eff. July 2, 2012;—Am. 2018, Act 634, Imd. Eff. Dec. 28, 2018.

28.468 Violation of act; penalty; reimbursement of storage costs.

Sec. 18. (1) Unless otherwise provided in this act, if a person violates this act, the person is guilty of a crime as follows:

(a) Except as otherwise provided in this section, a misdemeanor punishable by imprisonment for not more than 30 days or a fine of not more than \$1,000.00, or both.

(b) If the violation causes damage to the property of another person, a misdemeanor punishable by imprisonment for not more than 90 days or a fine of not more than \$5,000.00, or both.

(c) If the violation causes serious impairment of a body function of another person, a felony punishable by imprisonment for not more than 5 years or a fine of not more than \$5,000.00, or both.

(d) If the violation causes the death of another person, a felony punishable by imprisonment for not more than 15 years or a fine of not more than \$10,000.00, or both.

(2) In addition to any other penalty imposed for the violation of this act, a person that is found guilty of a violation of this act shall be required to reimburse the appropriate governmental agency for the costs of storing seized fireworks that the governmental agency confiscated for a violation of this act. This reimbursement shall be in a form and at a time as required by the department and as otherwise required by law.

History: 2011, Act 256, Eff. Jan. 1, 2012;—Am. 2012, Act 257, Imd. Eff. July 2, 2012.

28.468a Citation for serious violation; fine; prosecution; payment of civil fines to department; collection proceedings.

Sec. 18a. (1) Except as otherwise provided in this section, a person that receives a citation for a serious violation, an order issued under this act, or a rule promulgated under this act shall be assessed a civil fine of not more than \$1,000.00 for each violation.

(2) Except as otherwise provided in this section, a person that receives a citation for a violation of this act that is not a serious violation may be assessed a civil fine of not more than \$500.00 for each violation.

(3) Subsections (1) and (2) do not apply to violations for which a specific civil fine is provided by this act.

(4) The state fire marshal may request that the prosecuting attorney for the county in which a violation of this act occurred issue a complaint and request a warrant for the prosecution of an individual who commits a criminal violation of this act.

(5) A civil fine ordered under this act shall be paid to the department within 15 working days after the date the civil fine is ordered, not subject to further review, and credited to the fireworks safety fund.

(6) The department of treasury shall institute proceedings to collect any civil fines ordered but not paid under this act.

History: Add. 2012, Act 257, Imd. Eff. July 2, 2012;—Am. 2013, Act 65, Imd. Eff. June 19, 2013;—Am. 2018, Act 634, Imd. Eff. Dec. 28, 2018.

Compiler's note: Act 65 of 2013 did not amend this section and evidently should not have been cited as amended.

28.468b Issuance of certificate prohibited; revocation.

Sec. 18b. (1) The department shall not issue, and an individual is ineligible to be issued, a consumer fireworks certificate if, as verified by the internet criminal history access tool (ICHAT) maintained by the department of state police, the individual was convicted of a felony involving theft, fraud, or arson.

(2) If due to a criminal conviction an individual will be ineligible for a consumer fireworks certificate on April 30 of the year following the year for which the individual currently holds a consumer fireworks certificate, the department shall revoke the current consumer fireworks certificate for the balance of the current year.

History: Add. 2012, Act 257, Imd. Eff. July 2, 2012;—Am. 2018, Act 634, Imd. Eff. Dec. 28, 2018.

28.468c Person ineligible to obtain consumer fireworks certificates; offenses; periods; sanctions.

Sec. 18c. (1) A person that is found responsible for any of the following is ineligible, beginning on the date of the finding, to obtain a consumer fireworks certificate for the period of time indicated:

- (a) A second violation of section 4(1), 5 years.
- (b) A third or subsequent violation of section 4(1), 10 years.
- (c) A first violation of section 8(4), 1 year.
- (d) A second violation of section 8(4), 5 years.
- (e) A third or subsequent violation of section 8(4), 10 years.
- (f) A violation subject to section 18(1)(b), 1 year.
- (g) A violation subject to section 18(1)(c), permanently.
- (h) A violation subject to section 18(1)(d), permanently.

(2) A sanction imposed under subsection (1) shall be imposed in addition to any other penalty or sanction imposed for a violation of this act.

History: Add. 2012, Act 257, Imd. Eff. July 2, 2012;—Am. 2018, Act 634, Imd. Eff. Dec. 28, 2018.

28.469 Inspections; delegation of authority and responsibility.

Sec. 19. The department may delegate authority and responsibility to carry out inspections and other duties under this act.

History: 2011, Act 256, Eff. Jan. 1, 2012.

28.470 Rules.

Sec. 20. (1) The department shall promulgate rules under the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328, to administer this act, including, but not limited to, all of the following:

(a) Create uniform applications and other forms for dissemination to and use by local units of government under this act.

(b) Procedures for the collection of application fees and fireworks safety fees.

(c) Enforcement of regulatory duties.

(d) The enforcement of age limitations.

(2) Rules promulgated under this section shall conform to the following codes developed by the national fire protection association, except for any code provision that conflicts with this act:

(a) NFPA 1123, code for fireworks display.

(b) NFPA 1124, code for manufacture, transportation, storage, and retail sales of fireworks and pyrotechnic articles.

(c) NFPA 1126, standard for the use of pyrotechnics.

(3) The rules promulgated under former chapter XXXIX of the Michigan penal code, 1931 PA 328, MCL 750.243a to 750.243e, pertaining to the display of articles pyrotechnic and display fireworks that are in effect on the effective date of this act shall remain in effect until rescinded or otherwise changed according to law, as provided for in section 31 of the administrative procedures act of 1969, 1969 PA 306, MCL 24.231.

History: 2011, Act 256, Eff. Jan. 1, 2012.

28.471 Repealed. 2018, Act 305, Imd. Eff. June 29, 2018.

Compiler's note: The repealed section pertained to a report by the state fire marshal.

Charter Township of Meridian
Thursday, July 7, 2022

Chapter 26. Fire Prevention and Protection

Article I. Fireworks

§ 26-1. Definitions.

[Ord. 2013-04, 7-23-2013; amended by Ord. No. 2019-06, 4-23-2019]

- (a) The following words, terms, and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

ACT 256

The Michigan Fireworks Safety Act, Public Act 256 of 2011, MCL § 28.451 et seq., as amended.

APA STANDARD 87-1

The 2001 APA Standard 87-1, Standard for Construction and Approval for Transportation of Fireworks, Novelties, and Theatrical Pyrotechnics, published by the American Pyrotechnics Association of Bethesda, Maryland.

ARTICLES PYROTECHNIC

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

COMMERCIAL MANUFACTURER

A person engaged in the manufacture of consumer fireworks.

CONSUMER FIREWORKS

Fireworks devices that are designed to produce visible or audible effects by combustion, that are required to comply with the construction, chemical composition, and labeling regulations promulgated by the United States Consumer Product Safety Commission under 16 CFR Parts 1500 and 1507, and that are listed in APA Standard 87-1, 3.1.2, 3.1.3, or 3.5. "Consumer fireworks" does not include low-impact fireworks.

DISPLAY FIREWORKS

Large fireworks devices and explosive materials intended for use in fireworks displays and designed to produce visible or audible effects by combustion, deflagration, or detonation, as provided in 27 CFR 555.11, 49 CFR Part 172, and APA Standard 87-1, 4.1.

FIREWORK or FIREWORKS

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

HOLIDAYS

For the purposes of this article, means the following dates, beginning at 11:00 a.m. on each day:

- (1) December 31 until 1:00 a.m. on January 1.
- (2) The Saturday and Sunday immediately preceding Memorial Day until 11:45 p.m. on each of those days.
- (3) June 29 to July 4 until 11:45 p.m. on each of those days.
- (4) July 5, if that date is a Friday or Saturday, until 11:45 p.m.
- (5) The Saturday and Sunday immediately preceding Labor Day until 11:45 p.m. on each of those days.

HOMEMADE FIREWORKS

Any composition or device designed for the purpose of producing a visible or audible effect by combustion, deflagration, or detonation that is not produced by a commercial manufacturer and does not comply with the construction, chemical composition, and labeling regulations of the United States Consumer Product Safety Commission under 16 CFR Parts 1500 and 1507.

LOW-IMPACT FIREWORKS

Ground and handheld sparkling devices, as that phrase is defined under APA Standard 87-1, 3.1, 3.1.1.1 to 3.1.1.8, and 3.5.

MINOR

An individual who is less than 18 years of age.

NOVELTIES

That term as defined under APA Standard 87-1, 3.2.2, 3.2.3, 3.2.4, 3.2.4 and 3.2.5 and all of the following:

- (1) Toy plastic or paper caps for toy pistols in sheets, strips, rolls, or individual caps containing not more than 0.25 of a grain of explosive content per cap, in packages labeled to indicate the maximum explosive content per cap.
- (2) Toy pistols, toy cannons, toy canes, toy trick noisemakers, and toy guns in which toy caps as described in Subsection **(1)** are used, that are constructed so that the hand cannot come into contact with the cap when in place for the explosion, and that are not designed to break apart or be separated so as to form a missile by the explosion.
- (3) Flitter sparklers in paper tube not exceeding 1/8 inch in diameter.
- (4) Toy snakes not containing mercury, if packed in cardboard boxes with not more than 12 pieces per box for retail sale and if the manufacturer's name and the quantity contained in each box are printed on the box, and toy smoke devices.

PERSON

An individual, agent, association, charitable organization, company, limited liability company, corporation, labor organization, legal representative, partnership, unincorporated organization, or any other legal or commercial entity.

SKY LANTERN

A balloon-type device which is uncontrollable after launch and uses combustible or flammable material to provide heat for lift or buoyancy into the atmosphere, and which is not a consumer firework.

Any other definitions listed in MCL § 28.452 and MCL § 28.462 as may be required to interpret this article.

Cross reference: Fireworks in parks, § 54-43.

State law reference: Fireworks, MCL 28.451 et seq.

§ 26-2. Ignition, discharge and use of low-impact and novelty fireworks.

[Ord. 2013-04, 7-23-2013; amended by Ord. No. 2019-06, 4-23-2019]

The use of low-impact fireworks and novelty fireworks is permitted year round between the hours of 8:00 a.m. and 11:00 p.m.

§ 26-3. Ignition, discharge and use of consumer fireworks.

[Ord. 2013-04, 7-23-2013; amended by Ord. No. 2019-06, 4-23-2019]

- (a) A person shall not ignite, discharge, or use consumer fireworks, except as provided for in this article.
- (b) A minor shall not possess consumer fireworks.

§ 26-4. Sky lantern.

[Ord. 2013-04, 7-23-2013]

A person shall not ignite, discharge, or use a sky lantern.

§ 26-5. Ignition, discharge, or use of consumer fireworks on public property, school property, church property or the property of another person.

[Ord. No. 2019-06, 4-23-2019^[1]]

- (a) A person shall not ignite, discharge or use consumer fireworks on public property, school property, church property, or the property of another person without that organization's or person's express permission to use those fireworks on those premises.
- (b) A violation of this section is a civil infraction, punishable by a fine of not more than \$500.

[1] *Editor's Note: This ordinance also repealed former § 26-5, Enforcement, adopted by Ord. 2013-04, 7-23-2013.*

§ 26-6. Ignition, discharge, or use of consumer fireworks while under the influence.

[Ord. No. 2019-06, 4-23-2019^[1]]

- (a) A person shall not ignite, discharge, or use consumer fireworks or low-impact fireworks while under the influence of alcoholic liquor, a controlled substance, or a combination of alcoholic liquor and a controlled substance.
- (b) As used in this section, "alcoholic liquor" means that term as defined in Section 1d of the Michigan Vehicle Code, MCL § 257.1d, as may be amended, and "controlled substance" means that term as defined in Section 8b of the Michigan Vehicle Code, MCL § 257.8b, as may be amended.

(c) A violation of this section is a civil infraction, punishable by a fine of not more than \$1,000.

[1] *Editor's Note: This ordinance also repealed former § 26-6, Seizure, adopted by Ord. 2013-04, 7-23-2013.*

§ 26-7. Regulations governing the use of consumer fireworks.

[Ord. No. 2019-06, 4-23-2019^[1]]

- (a) The requirements of this section do not apply to the use of consumer fireworks during a holiday.
- (b) Any person wishing to stage a consumer fireworks display shall, at least 60 days prior to the display, submit an application on a form furnished by the Township and secure permission to stage that display from the Township Board.
- (c) A site plan of the area where the fireworks display is to be conducted shall be submitted with the application. The site plan shall set forth all structures in the area and the discharge site fallout area, as well as the distance separating the mortars and the spectators viewing the display. All site plans must be approved by the Township Fire Department prior to Township Board approval.
- (d) Every person who ignites, discharges, or uses consumer fireworks shall follow National Fire Protection Association (NFPA) Code 1123 for fireworks display, the requirements of the Act and regulations promulgated thereunder, and/or Township requirements, whichever is the most restrictive.
- (e) Every person who is granted a permit to ignite, discharge, or use consumer fireworks shall maintain personal liability insurance/property damage liability insurance in the amount of \$2,000,000 as a minimum during each event. Additional insurance may be required based upon conditions and/or location of the display. The Township and its employees and/or officers shall be named as additional named insureds on the insurance policy. The insurance policy must be submitted with the aforementioned application. The insurance policy shall also include coverage for the cleanup after the event has ended.
- (f) Any person using fireworks shall be responsible for all shells or devices being fired or burned. In the event any shell does not explode, the person shall secure the area until the unexploded shell is found and properly disposed of.
- (g) Smoking in an area where fireworks are being used is prohibited.
- (h) Nothing herein limits the liability of any individual for injury to any person or property as a result of the use of fireworks, including any fire suppression costs incurred as a result of improper, careless or negligent use of fireworks.
- (i) The applicant shall cause the site of the fireworks display to be cleaned up within 24 hours after the display has ended.

[1] *Editor's Note: This ordinance also repealed former § 26-7, Penalties and costs, adopted by Ord. 2013-04, 7-23-2013.*

§ 26-8. Dangerous conditions and no-burning restrictions.

[Ord. No. 2019-06, 4-23-2019]

- (a) No person may ignite, discharge, or use any firework if the State Fire Marshal, the commanding officer of the Township's Fire Department, or a firefighter in uniform acting under the orders and directions of the commanding officer of the Township's Fire Department determines that a dangerous or emergency condition exists, except in strict compliance with any restrictions or requirements imposed by such an individual.

- (b) If environmental concerns based on the Department of Natural Resources (DNR) Fire Division's criteria are elevated to "extreme" or to "very high" for 72 consecutive hours, the commanding officer of the Township's Fire Department, in consultation with the DNR, may enforce a no-burning restriction, including a ban on the ignition, discharge, and use of consumer fireworks within the Township. The governor, the DNR, or the State Fire Marshal may also enforce such a restriction statewide. If a no-burning restriction is implemented by the commanding officer of the Township's Fire Department, the public shall be given adequate notice of that restriction. No later than 24 hours after the fire conditions are downgraded from "extreme" or "very high" conditions, the commanding officer of the Township's Fire Department shall lift the restriction on the use of consumer fireworks, and shall inform the public in the same manner the restriction was announced if the commanding officer initiated the ban.

§ 26-9. Enforcement and seizure of fireworks; penalties.

[Ord. No. 2019-06, 4-23-2019]

- (a) This article may be enforced by any sworn law enforcement officers, the Fire Chief, Fire Inspector, Code Enforcement Officer, or any person authorized to issue appearance tickets or civil infractions.
- (b) If an enforcing official determines that a violation of this article or the Act has occurred, the official may seize the fireworks as evidence of such violation and store or cause those fireworks to be stored pending disposition of enforcement proceedings. Upon a finding of guilt, responsibility, or liability, the person so adjudged shall be required to pay all associated storage expenses.
- (c) Unless otherwise provided herein, any person who violates this article is guilty of a municipal civil infraction, which shall be punishable upon a finding of responsibility thereof by a fine not exceeding \$1,000. Upon a finding of responsibility, \$500 of that fine shall be remitted to the local law enforcement agency responsible for enforcing this article, if any.
- (d) Upon conviction, or finding of responsibility, for a violation of this article, law enforcement officials may surrender any fireworks retained as evidence for prosecution of the violation to the Department of Licensing and Regulatory Affairs for destruction as provided by Public Act 5939 of 2018, Section 15(2).

§ 26-10. through § 26-25. (Reserved)



To: Board Members

**From: Dan Opsommer, Assistant Township Manager
Director of Public Works and Engineering**

Date: August 4, 2022

Re: Meridian Township Debt Management Policy

In an effort to maintain a well-managed debt program and continue to protect and improve the financial health and credit rating of the Township, it is recommended that the Board adopt a debt management policy.

This policy will help the Board and staff ensure that high quality debt management decisions are being made, provide consistency in the decision-making process, and aid in committing to the Township's long-term financial planning.

The draft debt management policy before you tonight is simply memorializing the Township's debt management practices into a formal policy, including but not limited to:

- Only incurring debts when there is a dedicated millage or revenue source to pay down the debt;
- Full and timely payment of principal and interest on all debts;
- Township assess all financing alternatives prior to issuing debt, including pay-as-you-go financing options; and
- Maintaining good communication with bond rating agencies to ensure complete and clear understanding of the credit worthiness of the Township.

If the Township Board has consensus to proceed, it is recommended that the Board formally adopt the attached debt management policy.

The following motion has been prepared for the Board's consideration:

"MOVE TO APPROVE THE MERIDIAN TOWNSHIP DEBT MANAGEMENT POLICY."

Attachments:

1. Meridian Township Fund Debt Management Policy



Meridian Township Debt Management Policy

A. Purpose

The Township recognizes the foundation of any well-managed debt program is a debt management policy. A debt management policy sets forth the parameters for issuing debt and managing the outstanding debt portfolio and provides guidance to decision makers regarding the purposes for which debt may be issued, types and amounts of permissible debt, timing and method of sale that may be used, and structural features that may be incorporated.

Adherence to this debt management policy helps to ensure that the government maintains a sound debt position and that credit quality is protected.

It is in the financial interest of the Township to maintain a debt management policy to:

- Ensure high quality debt management decisions;
- Impose order and discipline in the debt issuance process;
- Promote consistency and continuity in the decision making process;
- Demonstrate a commitment to long-term financial planning objectives, and
- Ensure that the debt management decisions are viewed positively by rating agencies, investment community and taxpayers.

B. Implementation

The Township's debt management policy shall be implemented in accordance with the following guidelines:

- It is Meridian Township's policy not to incur debt unless we have a dedicated millage or revenue source to pay down the debt;
- Full and timely payment of principal and interest on all outstanding debt;
- Debt shall be incurred only for those purposes as provided by State Statute;
- Capital improvements should be developed with the capital improvement budgeting process and paid for without financing or debt whenever possible;
- Principal and interest retirement schedules shall be structured to: (1) achieve a low borrowing cost for the Township, (2) accommodate the debt service payments of existing debt and (3) respond to perceptions of market demand. Shorter maturities shall always be encouraged to demonstrate to rating agencies that debt is being retired at a sufficiently rapid pace;
- Debt incurred shall be limited to obligations with serial and term maturities;
- The average life of the debt incurred may not be greater than the projected average life of the assets being financed;
- The Township shall select a method of sale that shall maximize the financial benefit to the Township. So long as the Township remains a credit rating of A or better sales shall be

Adopted: August __, 2022

- competitive. All methods of sale shall be subject to Township Board approval;
- The Township shall maintain good communications with bond rating agencies to ensure complete and clear understanding of the credit worthiness of the Township; and
 - Every financial report, bond prospectus and Annual Information Statement ("AIS") shall follow a policy of full, complete and accurate disclosure of financial conditions and operating results. All reports shall conform to guidelines established by the Debt Policy, the Securities and Exchange Commission ("SEC") and the Internal Revenue Service (IRS) to meet the disclosure needs of rating agencies, underwriters, investors and taxpayers.

C. Financing Alternatives/Pay-As-You-Go

The Township shall assess all financial alternatives for funding capital improvements prior to issuing debt. Pay-as-you-go financing shall always be considered before issuing any debt. Pay-as-you-go financing may include: Inter-governmental grants from federal, state and other sources; current revenues and fund balance; private sector contributions; public/private partnerships; and leasing payments.

Adopted: August __, 2022



To: Board Members

**From: Dan Opsommer, Assistant Township Manager
Director of Public Works and Engineering**

Date: August 4, 2022

Re: Meridian Township Fund Balance Reserve Policy

In 2013, the Board approved an informal balance reserve policy, requiring that the Township maintain a minimum end of year general fund balance of \$5,250,000, which was approximately 20 percent of the general fund expenditures at that time.

The Township has exceeded this informal policy every budget year. The policy was never adopted in written form, but has been cited in the Township budget every year since the informal adoption in 2013.

With a projected fund balance of \$12,508,408 as of December 31, 2022, our fund balance today is nearly 47 percent of our 2022 budgeted general fund expenditures. The average fund balance for local units of government in Michigan is around 20 percent of their annual general fund expenses.

We are asking the Board to adopt this as a formal, written policy. The draft fund balance reserve policy is attached for your review.

The following motion has been prepared for the Board's consideration:

"MOVE TO APPROVE THE MERIDIAN TOWNSHIP FUND BALANCE RESERVE POLICY."

Attachments:

1. Meridian Township Fund Balance Reserve Policy



Meridian Township Fund Balance Reserve Policy

The Township recognizes the foundation of any well-managed local unit of government is a fund balance reserve policy. The purpose of the Township's fund balance reserve policy is to:

1. Provide a stable funding source for expenditures that fluctuate, such as equipment acquisitions, motor pool, and capital outlay projects;
2. Maintain a sufficient cash flow; and
3. Improve the Township's financial health and credit rating.

It is the Township's policy to maintain a minimum fund balance reserve of 25 percent of budgeted general fund expenditures.

Adopted: August __, 2022



To: Board Members
From: Phil Deschaine, Treasurer
Date: July 29, 2022
Re: Right of First Refusal

Public Act 123 of 1999 allows Meridian Township acquisition rights to foreclosed properties prior to the property being actioned at the annual Ingham County Treasurers Land Bank foreclosure auction. This process is known at the Township using it's 'right of first refusal.'

In past years, the Township has acquired parcels that have been used for additional park and school spaces for our residents using its 'right of first refusal.'

Attached is a memo from Deputy County Treasurer Rachel Piner regarding a foreclosed Meridian Township vacant parcel (33-02-02-05-430-001). This is valuable lot in a highly desirable area with an assessed value of \$71,000.

The first reason for us not acquiring this property is that it has no 'public use' to the Township or Haslett Schools. We have no plans to add a park or public utility to this neighborhood. Likewise, Haslett Schools has not expressed any interest or use for this parcel. We are not allowed to acquire it and then turn around and sell it to a real estate developer for a profit. Please review the attached email from Michael Seldon of the Michigan Townships Association for more information.

The second reason for not acquiring this property is that its best use is for the development of a single family home comparable to others around it. Homes in this neighborhood have an assessed value starting at \$300,000 and many are closer to \$500,000. By allowing it to be auctioned off, and a new home eventually built on it, the Township Board will be adding to the tax base for Haslett Schools, Meridian Township services, Ingham County, as well as the many other public entities that we Meridian property tax distributions.

Lastly, the attached letter from the County Treasurers office gives another reason to not exercising our right of first refusal: there are unresolved lawsuits challenging the constitutionality of a new law.

No action is required of the Board if we do not exercise our acquisition rights to a foreclosed property. Please see Ingham County Treasurer Alan Fox's email for confirmation that no action is required of the Board.

6160 WHITEHILLS LAKES DR EAST LANSING, MI 48823 (Property Address)

Parcel Number: 33-02-02-05-430-001



Item 1 of 2 1 Image / 1 Sketch

Property Owner: SUGGS, ANTHONY D & RO NISHA M

Summary Information

- > Assessed Value: \$71,000 | Taxable Value: \$56,565
- > Building Department information found
- > Property Tax information found

Parcel is Vacant

Owner and Taxpayer Information

Owner	SUGGS, ANTHONY D & RO NISHA M 1901 PHILADELPHIA AVE SE GRAND RAPIDS, MI 49507	Taxpayer	SEE OWNER INFORMATION
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General Information for Tax Year 2022

Property Class	402 RESIDENTIAL-VACANT	Unit	02 MERIDIAN TOWNSHIP
School District	EAST LANSING SCHOOL DISTRICT	Assessed Value	\$71,000
MG APPRAISAL C. AREA INFLUENCE	<i>No Data to Display</i>	Taxable Value	\$56,565
Historical District PROBLEMS	<i>Not Available</i>	State Equalized Value	\$71,000
	<i>Not Available</i>	Date of Last Name Change	12/28/2017
	<i>Not Available</i>	Notes	<i>Not Available</i>
	<i>Not Available</i>	Census Block Group	<i>No Data to Display</i>
	<i>Not Available</i>	Exemption	<i>No Data to Display</i>

Principal Residence Exemption Information

Homestead Date *No Data to Display*

Principal Residence Exemption	June 1st	Final
2023	0.0000 %	-
2022	0.0000 %	0.0000 %

Previous Year Information

Year	MBOR Assessed	Final SEV	Final Taxable
2021	\$70,600	\$70,600	\$54,758
2020	\$67,800	\$67,800	\$54,002
2019	\$63,100	\$63,100	\$52,996

Land Information

Zoning Code	RAA	Total Acres	0.536
Land Value	\$142,000	Land Improvements	\$0
Renaissance Zone	No	Renaissance Zone Expiration Date	<i>No Data to Display</i>
ECF Neighborhood	4025 RESIDENTIAL E	Mortgage Code	999
Lot Dimensions/Comments	<i>No Data to Display</i>	Neighborhood Enterprise Zone	No

Lot(s)	Frontage	Depth
Lot 1	174.22 ft	128.28 ft
Total Frontage: 174.22 ft		Average Depth: 128.28 ft

Legal Description

Phil Deschaine

From: Michael Selden <michael@michigantownships.org>
Sent: Friday, July 29, 2022 10:07 AM
To: Phil Deschaine
Cc: Cindy Dodge; Catherine Mullhaupt; Seth Koches
Subject: MTA Follow Up

Hi Phil,

Per our discussion on the townships right of first refusal for tax foreclosed properties, I'm attaching a link here to MCL 211.78m, which is the statute that governs this situation:

[http://www.legislature.mi.gov/\(S\(pevtj1bczklxn41mjz3ek0\)\)/mileg.aspx?page=getobject&objectname=mcl-211-78m](http://www.legislature.mi.gov/(S(pevtj1bczklxn41mjz3ek0))/mileg.aspx?page=getobject&objectname=mcl-211-78m)

MTA doesn't have a lot of information on this, however it is true that after the state, the local government, in this case the township has the first right of refusal to purchase the tax foreclosed property. If the township wants to acquire the property, the property must be used for a public purpose. This can be to include purchasing a property to resell for the purpose of determining what goes on a particular property. The caveat with this, is the township can't make money on the sale. If the township acquires the property for \$10,000 and you have \$2,000 in legal fees and maybe \$5,000 in maintenance costs to fix up or clean up a property, the township would have \$17,000 into the property. If/when the township sells that property, the township can't make a profit on it. If the township sells the property for \$50,000, the township can recoup its \$17,000, but the remaining \$33,000 would need to go back to the county land bank.

I hope this helps explain it in some capacity and the township can certainly talk with the county land bank for more specifics.

Thanks,

Michael Selden
Director, Member Information Services
Michigan Townships Association
(517) 321-6467 Fax: (517) 321-8908
Email: michael@michigantownships.org
Twitter: @Mltownships

MTA Member Information Services staff are regularly available Monday through Friday, 8 a.m. to 5 p.m., to answer your questions.

The information contained in this email is provided solely for a general informational purpose and should not be interpreted as legal advice. MTA encourages township officials to consult with their legal counsel on questions of law. MTA reserves the right to distribute this information.

MTA Mission: *The Michigan Townships Association advances local democracy by fostering township leadership and public policy essential for a strong and vibrant Michigan.*

ALAN FOX
Ingham County Treasurer

Rachel Piner
Chief Deputy Treasurer
(517) 676-7235
rpiner@ingham.org



Courthouse
P.O. Box 215
Mason, MI 48854-0215
(517) 676-7220
afox@ingham.org

June 29, 2022

Mr. Phil Deschaine
Meridian Township Treasurer
5151 Marsh Rd
Okemos, Michigan 48864

Dear Mr. Deschaine:

I am writing to you on behalf of Treasurer Alan Fox who serves as the Foreclosing Governmental Unit (FGU) for Ingham County under Public Act 123 of 1999; MCL 211.1-211.157.

Property considered blighted or vacant was foreclosed upon by the FGU for unpaid property taxes in Meridian Township. Public Act 123 affords certain acquisition rights to government prior to the auction process. These rights were revised in 2020 under the Rafaeli Legislation so I strongly encourage you to review this process at MCL 211.78m(1). Essentially, the Township may acquire the property for the minimum bid if a claim for remaining proceeds has not been made by July 1st in the year of foreclosure. If a claim for remaining proceeds has been made, the Township may still acquire a property prior to the auction but it must pay the FGU "the greater of the minimum bid or the fair market value of the property." A list of all property tax foreclosed parcels located in Meridian Township is enclosed. We ask that this local purchase option be exercised no later than August 1, 2022.

With the changes made to Public Act 123 in 2020, MCL 211.78m(1) outlining the local units right to first refusal of a foreclosed property is now tied to MCL 211.78t, the right to claim interest in remaining proceeds of a foreclosed property. MCL 211.78t has resulted in additional legal action against several counties across the state, including Ingham County, challenging the constitutionality of the new law. Specific focus is on the legality of the July 1st deadline for filing a Notice of Intent to Claim Excess Proceeds. It is for this reason that we strongly encourage the Meridian Township to use caution when considering using their right of first refusal this year. We are actively trying to mitigate

potential liability for Ingham County and the local units as these court cases settle across the state.

However, the State of Michigan and then your jurisdiction do have access to these property tax foreclosed parcels prior to the Treasurer's Tax Auction if they wish to use it. When this issue is taken up in the city processes, Treasurer Fox would be happy to schedule his attendance to answer any questions that may arise.

Also included is a form that may be used to request the F.G.U. add any applicable municipal liens to a foreclosed parcel's minimum bid. This form must be returned no later than August 1, 2022.

Please feel free to reach out to me with questions and we thank you for your assistance in this matter.

Best regards,



Jenna R. Casuccio
Property Tax Forfeiture/Foreclosure Coordinator
Ingham County Treasurer's Office
(517) 676-7237
jcasuccio@ingham.org

Cc: Tim Schmitt – Director of Planning & Development

Cc: Deborah Guthrie – Meridian Township Clerk

Enclosure

2022 Meridian Township
Foreclosure List

PARCEL	ADDRESS	Legal	Foreclosure Amount
33-02-02-05-430-001	6160 WHITEHILLS LAKE	LOT 121 WHITEHILLS LAKES #5	\$15,878.45

Phil Deschaine

From: Alan Fox <AFox@ingham.org>
Sent: Friday, July 29, 2022 9:51 AM
To: Phil Deschaine; Rachel Piner
Cc: Karen Conroy
Subject: RE: Right of First Refusal for 33-02-02-05-430-001, Lot 123 Whitehills Lakes #5

Good morning, Phil –

Exercising the right of first refusal requires positive action by the Board. The requirement is not in the General Property Tax Act itself but is a general condition of the Township spending funds to acquire property. No action is necessary if the right of first refusal is not exercised.

At the end of the year, if parcels do not sell at auction, positive action is required to decline any unsold parcels: 211.78m(6) On or before December 1 immediately succeeding the entry of judgment under section 78k, a list of all property not previously sold by the foreclosing governmental unit under this section must be transferred to the clerk of the city, village, or township in which the property is located. The city, village, or township may object in writing to the transfer of 1 or more properties.

That refusal must be exercised by December 31. Any parcels refused by the township are transferred to the Land Bank on that date, with a couple exceptions permitted by statute.

The public purpose language has been removed from the statute.

Alan Fox
Ingham County Treasurer &
Land Bank Chair
517-676-7233

From: Phil Deschaine <deschaine@meridian.mi.us>
Sent: Friday, July 29, 2022 9:15 AM
To: Rachel Piner <RPiner@ingham.org>; Alan Fox <AFox@ingham.org>
Subject: Right of First Refusal for 33-02-02-05-430-001, Lot 123 Whitehills Lakes #5

Rachel & Alan,

Thank you for your letter dated June 29th regarding our acquisition rights for parcel 33-02-02-05-430-001, Lot 123 Whitehills Lakes #5. It is my understanding that the Township cannot exercise this right unless the parcel/property will be used for a public good such as a park or school use.

Does the Township Board need pass a motion that expresses our intention no to exercise our acquisition rights to this property? If so, should the motion be something like this?

“Move to the Meridian Township will not exercise its acquisition rights for the foreclosed parcel 33-02-02-05-430-001, Lot 123 Whitehills Lakes #5.”

I can have this before our Board at the next meeting on August 4th.