

**CHARTER TOWNSHIP OF VAN BUREN BOARD OF TRUSTEES
JUNE 21, 2022 WORK STUDY MEETING 5:00 P.M.
TENTATIVE AGENDA**

Per guidance provided by the Wayne County Local Public Health Department for meetings of governmental bodies held under public act 228 of 2020, effective January 1, 2022, the following Zoom link is provided to enable remote participation in a meeting of the public body by the general public.

Please click this URL to join. <https://us02web.zoom.us/j/83156489403>

Or One tap mobile:

+13017158592,,83156489403# US (Washington DC)

+13126266799,,83156489403# US (Chicago)

Or join by phone:

Dial(for higher quality, dial a number based on your current location):

US: +1 301 715 8592 or +1 312 626 6799 or +1 929 205 6099 or +1 253 215 8782 or +1 346 248 7799 or +1 669 900 6833

Webinar ID: 831 5648 9403

International numbers available: <https://us02web.zoom.us/j/83156489403>

ROLL CALL:

Supervisor McNamara _____

Clerk Wright _____

Treasurer Budd _____

Trustee Frazier _____

Trustee Martin _____

Trustee Miller _____

Trustee Boynton _____

Recording Assistant Beaudry _____

CLOSED SESSION: The Board of Trustees will go into closed session pursuant to MCL 15.268(h), to discuss the contents of an attorney-client privileged communication.

UNFINISHED BUSINESS:

NEW BUSINESS:

1. Discussion on the first reading of Ordinance 06-07-22(1) to discuss an approval of the amendment of Chapter 90 (Waterways), Article I (In General) to amend Sec. 90-18.
2. Discussion on the first reading of Ordinance 06-07-22 (2) to discuss an approval of the amendment of Chapter 90 (Waterways) Article II (Boat and Water Safety) Division 3 (Operating Requirements) to amend Sec. 90-67 and 90-69.
3. To consider approval of the first reading of Ordinance 06-21-22(2) to discuss an approval of the amendment of Article II (Fire Prevention Code) of Chapter 46 (Fire Prevention and Protection) to amend Sec. 46-31.

PUBLIC COMMENT:

ADJOURNMENT:



VAN BUREN
CHARTER TOWNSHIP

NOTICE OF CLOSED SESSION

BOARD OF TRUSTEES 5:00 PM

ON TUESDAY, JUNE 21, 2022

The Board of Trustees Work Study meeting will begin at 5:00 p.m. in order to go into closed session: Pursuant to MCL 15.268 - section (h) To consider the contents of an attorney-client communication and resume the regularly scheduled meeting following the closed session.

Posted: 6/16/2022

Charter Township of Van Buren

REQUEST FOR BOARD ACTION

Agenda Item: _____

WORK STUDY: JUNE 21, 2022

1ST READING DATE: JUNE 21, 2022

2ND READING DATE: JULY 5, 2022

Consent Agenda	New Business X	Unfinished Business	Public Hearing
ITEM (SUBJECT)	First reading of Ordinance 06-07-22(1) to discuss an approval of the amendment of Chapter 90 (Waterways), Article I (In General) to amend Sec. 90-18.		
DEPARTMENT	Public Safety		
PRESENTER	Sgt. Stanton		
PHONE NUMBER	(734) 699-8930		
INDIVIDUALS IN ATTENDANCE (OTHER THAN PRESENTER)	Angela Mannarino		

Agenda topic

ACTION REQUESTED	
First reading of Ordinance 06-07-22(1) to discuss an approval of the amendment of Chapter 90 (Waterways), Article I (In General) to amend Sec. 90-18.	
BACKGROUND – (SUPPORTING AND REFERENCE DATA, INCLUDE ATTACHMENTS)	
The amendment of Sec. 90-18 reduces many minor violations to civil infractions.	

BUDGET IMPLICATION	None
IMPLEMENTATION NEXT STEP	
DEPARTMENT RECOMMENDATION	Approval
COMMITTEE/COMMISSION RECOMMENDATION	
ATTORNEY RECOMMENDATION	Approval
(May be subject to Attorney/Client Privilege and not available under FOIA)	
ADDITIONAL REMARKS	
APPROVAL OF SUPERVISOR	<u>Daniel Selman</u>

Sec. 90-18. - Violation of Chapter or rules; penalties.

Unless otherwise specified under this Chapter, a violation of this part or rules promulgated under this Chapter is a ~~misdemeanor~~ civil infraction. A political subdivision having adopted a local ordinance in conformity with this Chapter may provide that any violation of the ordinance is a misdemeanor. Any person convicted of reckless operation of a vessel as defined in MCL 324.80147, or of operating a motorboat while under the influence of alcoholic liquor or narcotic drugs, or with any amount of a controlled substance listed in schedule 1 under section 7212 of the public health code, 1978 PA 368, MCL 333.7212, or a rule promulgated under that section, or of a controlled substance described in section 7214(a)(iv) of the public health code, 1978 PA 368, MCL 333.7214, in his or her body, in addition to any other penalty, may be refused by the court having jurisdiction of the violation the right of operating any motorboat on any of the waters of this state for a period of not more than 2 years.

Sec. 90-67. - Same—Motorboats by children.

- (a) ~~Except as otherwise provided in this section~~In addition to the requirements of subsection (b), a person less than 12 years of age shall not operate a motorboat that is powered by a motor or motors totaling more than 6 horsepower on the waters of this township unless ~~all~~both of the following conditions are met:

~~(1) He or she has been issued and is in possession of a boating safety certificate.~~

~~(2)~~(1) He or she is under the direct supervision of a person on board the motorboat who is 16 years of age or older and who, if born on or after July 1, 1996, has been issued a boating safety certificate.

~~(3)~~(2) The motorboat he or she operates is powered by a motor totaling no more than 35 horsepower.

- (b) Subject to subsection (d), a person who is born on or after July 1, 1996 shall not operate a motorboat that is powered by a motor or motors totaling more than 6 horsepower on the waters of this township unless the person has been issued and is in possession of a boating safety certificate.

~~Except as otherwise provided in this section, a person 12 through 15 years of age may operate a motorboat on the waters of this township only if that person complies with either of the following:~~

~~(1) He or she is accompanied by at least one person 16 years of age or older.~~

~~(2) He or she is in possession of a boating safety certificate issued after he or she has satisfactorily completed a department approved course in boating safety.~~

- (c) A person operating a motorboat as described in this section shall present the boating safety certificate issued to him or her upon the demand of any peace officer who identifies himself or herself as a peace officer. A person who violates this subsection is guilty of a misdemeanor.

- (d) An individual who, under subsection (c), displays an electronic copy of his or her boating safety certificate using an electronic device is not presumed to have consented to a search of the electronic device. This state, an employee of this state, a peace officer, or an entity employing the peace officer is not liable for damage to or loss of an electronic device that occurs as a result of the peace officer's viewing an electronic copy of a boating safety certificate as provided in this section, regardless of whether the peace officer was in possession of the electronic device at the time the damage or loss occurred~~This section does not apply to the operation of a motorboat that is powered by a motor totaling no more than six horsepower.~~
- (e) Beginning July 1, 2012, a person who is born on or after July 1, 1996 shall not operate a motorboat on the waters of this township unless the person has been issued and is in possession of a boating safety certificate.

State Law reference— Similar provisions, MCL 324.80141, MSA 13A.80141.

Sec. 90-69. — Reckless operation by operator or person being towed.

- (a) If a person carelessly and heedlessly operates a vessel upon the waters of this township in disregard of the rights or safety of others, or without due caution and circumspection, or at a rate of speed or in a manner that endangers or is likely to endanger a person or property, that person is guilty of the misdemeanor of reckless operation of a vessel_ and is subject to the penalties described in subsection (c) of this section.
- (b) If a person who, while being towed on water skis, water sled, surfboard, or a similar contrivance upon the waters of this township, carelessly and heedlessly navigates, steers, or controls himself in disregard of the rights or safety of others, or without due caution and circumspection and in a manner that endangers or is likely to endanger a person or property, that person is guilty of the misdemeanor of reckless operation of the contrivance that he or she controls, and is subject to the penalties described in subsection (c) of this section.
- (c) Upon a person's conviction under this section, the court may issue an order prohibiting that person from operating a vessel on the waters of this township for a period of not more than two years. Upon a person's subsequent conviction under this section, the court shall order that person to participate in and complete a marine safety educational program approved by the department of natural resources. An order issued pursuant to this subsection is in addition to any other penalty authorized under this article.

State Law reference— Similar provisions, MCL 324.80147, MSA 13A.80147.

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

Ordinance No.: _____
(Township Board Meeting Date)

At a regular meeting of the Township Board of the Charter Township of Van Buren, Wayne County, Michigan, held in the Van Buren Township Hall within the Township, on the _____ day of _____, 2022 at 6:00 p.m.

PRESENT: Trustees: _____

ABSENT: Trustee: _____

It was moved by Trustee _____ and supported by Trustee _____ the following Ordinance be adopted to amend Sec. 90-18 of Article I (In General) of Chapter 90 (Waterways) to read as follows:

THE CHARTER TOWNSHIP OF VAN BUREN ("Township"), COUNTY OF WAYNE, MICHIGAN ORDAINS:

Sec. 90-18. - Violation of Chapter or rules; penalties.

Unless otherwise specified under this Chapter, a violation of this part or rules promulgated under this Chapter is a civil infraction. A political subdivision having adopted a local ordinance in conformity with this Chapter may provide that any violation of the ordinance is a misdemeanor. Any person convicted of reckless operation of a vessel as defined in MCL 324.80147, or of operating a motorboat while under the influence of alcoholic liquor or narcotic drugs, or with any amount of a controlled substance listed in schedule 1 under section 7212 of the public health code, 1978 PA 368, MCL 333.7212, or a rule promulgated under that section, or of a controlled substance described in section 7214(a)(iv) of the public health code, 1978 PA 368, MCL 333.7214, in his or her body, in addition to any other penalty, may be refused by the court having jurisdiction of the violation the right of operating any motorboat on any of the waters of this state for a period of not more than 2 years.

Effective Date

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

THIS ORDINANCE IS HEREBY DECLARED TO HAVE BEEN ADOPTED BY THE TOWNSHIP BOARD OF THE CHARTER TOWNSHIP OF VAN BUREN, COUNTY OF WAYNE, STATE OF MICHIGAN, AT A REGULAR MEETING, CALLED AND HELD ON THE _____ day of _____, 2022.

YEAS (in favor of amendment): _____

NAYS (opposed to amendment): _____

ABSENT: _____

I hereby approve the foregoing Ordinance.

Kevin McNamara,
Supervisor, Charter Township of Van Buren

Leon Wright,
Clerk, Charter Township of Van Buren

Adopted: _____

Published: _____

Effective: _____

Charter Township of Van Buren

REQUEST FOR BOARD ACTION

Agenda Item: _____

WORK STUDY: JUNE 21, 2022
1ST READING DATE: JUNE 21, 2022
2ND READING DATE: JULY 5, 2022

Consent Agenda	New Business X	Unfinished Business	Public Hearing
ITEM (SUBJECT)	First reading of Ordinance 06-07-22(2) to discuss an approval of the amendment of Chapter 90 (Waterways) Article II (Boat and Water Safety) Division 3 (Operating Requirements) to amend Sec. 90-67 and 90-69.		
DEPARTMENT	Public Safety		
PRESENTER	Sgt. Stanton		
PHONE NUMBER	(734) 699-8930		
INDIVIDUALS IN ATTENDANCE (OTHER THAN PRESENTER)	Angela Mannarino		

Agenda topic

ACTION REQUESTED	
First reading of Ordinance 06-07-22(2) to discuss an approval of the amendment of Chapter 90 (Waterways) Article II (Boat and Water Safety) Division 3 (Operating Requirements) to amend Sec. 90-67 and 90-69.	
BACKGROUND – (SUPPORTING AND REFERENCE DATA, INCLUDE ATTACHMENTS)	
The amendment of Sec. 90-69 allows reckless operation to remain a misdemeanor, and the amendment of Sec. 90-67 incorporates amendments made to state law.	

BUDGET IMPLICATION	None
IMPLEMENTATION NEXT STEP	
DEPARTMENT RECOMMENDATION	Approval
COMMITTEE/COMMISSION RECOMMENDATION	
ATTORNEY RECOMMENDATION	Approval
(May be subject to Attorney/Client Privilege and not available under FOIA)	
ADDITIONAL REMARKS	
APPROVAL OF SUPERVISOR	<u>Daniel Selman</u>

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

Ordinance No.: _____
(Township Board Meeting Date)

At a regular meeting of the Township Board of the Charter Township of Van Buren, Wayne County, Michigan, held in the Van Buren Township Hall within the Township, on the _____ day of _____, 2022 at 6:00 p.m.

PRESENT: Trustees: _____

ABSENT: Trustee: _____

It was moved by Trustee _____ and supported by Trustee _____ the following Ordinance be adopted to amend Sec. 90-67 and Sec. 90-69 of Division 3 (Operating Requirements) of Article II (Boat and Water Safety) of Chapter 90 (Waterways) to read as follows:

THE CHARTER TOWNSHIP OF VAN BUREN ("Township"), COUNTY OF WAYNE, MICHIGAN ORDAINS:

Sec. 90-67. - Same—Motorboats by children.

- (a) In addition to the requirements of subsection (b), a person less than 12 years of age shall not operate a motorboat that is powered by a motor or motors totaling more than 6 horsepower on the waters of this township unless both of the following conditions are met:
 - (1) He or she is under the direct supervision of a person on board the motorboat who is 16 years of age or older and who, if born on or after July 1, 1996, has been issued a boating safety certificate.
 - (2) The motorboat he or she operates is powered by a motor totaling no more than 35 horsepower.
- (b) Subject to subsection (d), a person who is born on or after July 1, 1996 shall not operate a motorboat that is powered by a motor or motors totaling more than 6 horsepower on the waters of this township unless the person has been issued and is in possession of a boating safety certificate.
- (c) A person operating a motorboat as described in this section shall present the boating safety certificate issued to him or her upon the demand of a peace officer who identifies himself or herself as a peace officer. A person who violates this subsection is guilty of a misdemeanor.

- (d) An individual who, under subsection (c), displays an electronic copy of his or her boating safety certificate using an electronic device is not presumed to have consented to a search of the electronic device. This state, an employee of this state, a peace officer, or an entity employing the peace officer is not liable for damage to or loss of an electronic device that occurs as a result of the peace officer's viewing an electronic copy of a boating safety certificate as provided in this section, regardless of whether the peace officer was in possession of the electronic device at the time the damage or loss occurred.

State Law reference— Similar provisions, MCL 324.80141, MSA 13A.80141.

Sec. 90-69. – Reckless operation by operator or person being towed.

- (a) If a person carelessly and heedlessly operates a vessel upon the waters of this township in disregard of the rights or safety of others, or without due caution and circumspection, or at a rate of speed or in a manner that endangers or is likely to endanger a person or property, that person is guilty of the misdemeanor of reckless operation of a vessel and is subject to the penalties described in subsection (c) of this section.
- (b) If a person who, while being towed on water skis, water sled, surfboard, or a similar contrivance upon the waters of this township, carelessly and heedlessly navigates, steers, or controls himself in disregard of the rights or safety of others, or without due caution and circumspection and in a manner that endangers or is likely to endanger a person or property, that person is guilty of the misdemeanor of reckless operation of the contrivance that he or she controls, and is subject to the penalties described in subsection (c) of this section.
- (c) Upon a person's conviction under this section, the court may issue an order prohibiting that person from operating a vessel on the waters of this township for a period of not more than two years. Upon a person's subsequent conviction under this section, the court shall order that person to participate in and complete a marine safety educational program approved by the department of natural resources. An order issued pursuant to this subsection is in addition to any other penalty authorized under this article.

State Law reference— Similar provisions, MCL 324.80147, MSA 13A.80147.

Effective Date

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

THIS ORDINANCE IS HEREBY DECLARED TO HAVE BEEN ADOPTED BY THE TOWNSHIP BOARD OF THE CHARTER TOWNSHIP OF VAN BUREN, COUNTY OF WAYNE, STATE OF MICHIGAN, AT A REGULAR MEETING, CALLED AND HELD ON THE _____ day of _____, 2022.

YEAS (in favor of amendment): _____

NAYS (opposed to amendment): _____

ABSENT: _____

I hereby approve the foregoing Ordinance.

Kevin McNamara,
Supervisor, Charter Township of Van Buren

Leon Wright,
Clerk, Charter Township of Van Buren

Adopted: _____

Published: _____

Effective: _____



Charter Township of Van Buren

Request for Board Action

Agenda Item #:
Work Study Meeting Date:
Board Meeting Date:

Consent Agenda

New Business

Unfinished Business

Public Hearing

Presentation

Item (Subject)	
Department	
Presenter(s)	
Phone Number	
Individuals in Attendance (Other than presenter)	

Agenda topic

Action Requested	
Background – (Supporting and reference Data, Include attachments)	
Budget Implication	
Implementation Next Step	
Department Recommendation	
Committee/Commission Recommendation	
Attorney Recommendation	
(May be subject to Attorney/Client Privilege and not available under FOIA)	
Additional Remarks	
Approval of Supervisor	<u>Kevin McNamara</u>

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

Ordinance No.: _____
(Township Board Meeting Date)

At a regular meeting of the Township Board of the Charter Township of Van Buren, Wayne County, Michigan, held in the Van Buren Township Hall within the Township, on the _____ day of _____, 2022 at 6:00 p.m.

PRESENT: Trustees: _____

ABSENT: Trustee: _____

It was moved by Trustee _____ and supported by Trustee _____ the following Ordinance be adopted to amend Sec. 46-31 of Article II (Fire Prevention Code) of Chapter 46 (Fire Prevention and Protection) to read as follows:

THE CHARTER TOWNSHIP OF VAN BUREN ("Township"), COUNTY OF WAYNE, MICHIGAN ORDAINS:

Sec. 46-31. - Adoption.

- (a) The 2021 edition of NFPA 1 (Fire Prevention Code) and the 2021 edition of NFPA, 101 (Life Safety Code), 2021 appendices and documents adopted by Chapter 2 of that NFPA Code, and the 2021 edition of the International Fire Code (IFC), one copy of which is on file and is open to inspection by the public in the office of the township clerk, be and hereby is adopted and incorporated into this article as fully as if set out at length herein, and from the date on which this article shall take effect, the provisions thereof shall be controlling within the jurisdictional limits of the township fire department. The same are hereby adopted as the code of the township fire department for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion and providing for issuance of permits and collection of fees.
- (b) In the event of a conflict between any of the provisions of the Fire Prevention Code and the National Fire Codes, as adopted in (a) of this section, and any other provision of this chapter or any other local ordinance, resolution, rule or regulation, the local provision shall control. In the event of a conflict between any of the provisions of the Fire Prevention Code and the National Fire Codes, as adopted in division (a) of this section, and any State law, rule or regulation, the stricter standard shall control.

Effective Date

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

THIS ORDINANCE IS HEREBY DECLARED TO HAVE BEEN ADOPTED BY THE TOWNSHIP BOARD OF THE CHARTER TOWNSHIP OF VAN BUREN, COUNTY OF WAYNE, STATE OF MICHIGAN, AT A REGULAR MEETING, CALLED AND HELD ON THE _____ day of _____, 2022.

YEAS (in favor of amendment): _____

NAYS (opposed to amendment): _____

ABSENT: _____

I hereby approve the foregoing Ordinance.

Kevin McNamara,
Supervisor, Charter Township of Van Buren

Leon Wright,
Clerk, Charter Township of Van Buren

Adopted: _____

Published: _____

Effective: _____