

**AGENDA
CASCADE CHARTER TOWNSHIP
REGULAR BOARD MEETING**

Wednesday, November 2, 2022

7:00 P.M.

Wisner Center

2870 Jacksmith Drive SE, Grand Rapids 49546

Public may access the meeting via video conference software Zoom

<https://us02web.zoom.us/j/89645808291>

Meeting ID: 896 4580 8291

By Phone: 1 312 626 6799

Expected Meeting Procedures

1. During public comments you may speak on any item not noted on the agenda for a public hearing.
2. Please limit comments to 3 minutes per person and the Board may or may not choose to respond.
3. Please limit your comments to a specific issue.
4. Please turn OFF cellular phones.

Article 1. Call to Order, Roll Call

Article 2. Pledge of Allegiance to the Flag

Article 3. Approval of Agenda

Article 4. Presentations

- a. Grand Valley Metro Council-Airport Access Study

Article 5. Public Comments - Anything on the Agenda not scheduled for a public hearing. (Limit comments to 3 minutes)

Article 6. Approval of Consent Agenda

- a. Receive and File Minutes
 1. Township Board – 10/26/22
- b. Receive and File Reports
 - 1.
- c. Receive and File Education Requests
 1. Todd Stevenson-Michigan Fire Service Instructors Association Educational Conference-Traverse City, MI-12/1/22-12/4/22
- d. Receive and File Communication
 1. Letter from Michigan Public Service Commission (MPSC)

Article 7. Financial Actions

- a.

- Article 8. Unfinished Business**
- Article 9. New Business**
- 086-2022 Consider Cascade Township Vendor Policy**
- 087-2022 Consider Parks Committee Appointment**
- 088-2022 Consider the Amendment/Repeal of the Township Animal Control Ordinance**
- Article 10. Discussion**
1.
- Article 11. Public Comments – Any comments...whether it is on the agenda or not.
(Limit comments to 3 minutes)**
- Article 12. Manager Comments**
- Article 13. Board Member Comments**
- Article 14. Adjournment**

Airport Access Study

Cascade Township Board Briefing

November 2, 2022

Agenda

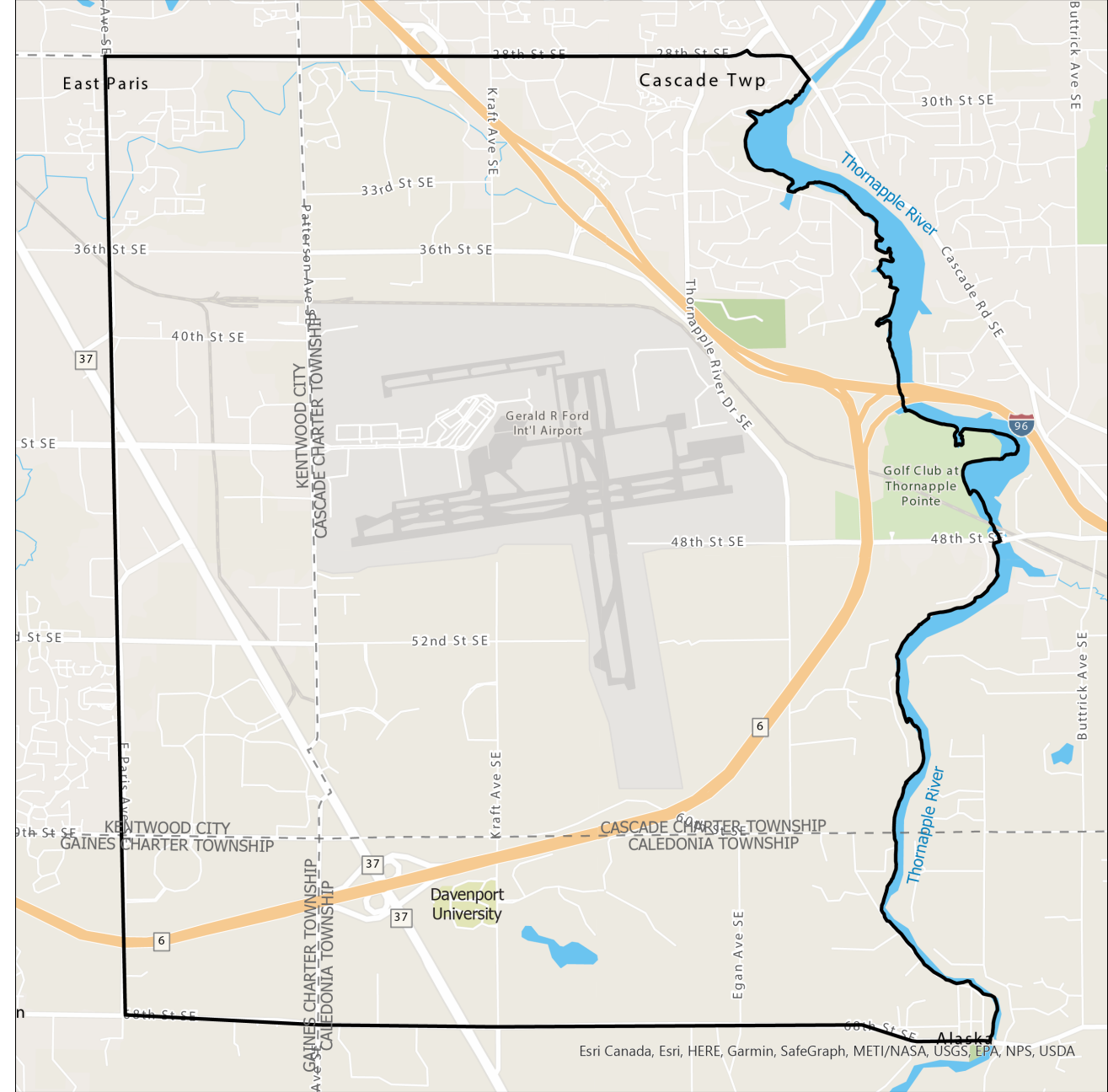
- 1 Project Overview
- 2 Practical Alternatives
- 3 Public Input
- 4 Next Steps



Project Overview

Grand Rapids Airport Access Study

- **What:** Investigation of potential future ways to improve airport access
- **Where:** E Paris Avenue to the river, 28th Street to 68th Street
- **Why:** Growth, limited access routes, lack of direct expressway access

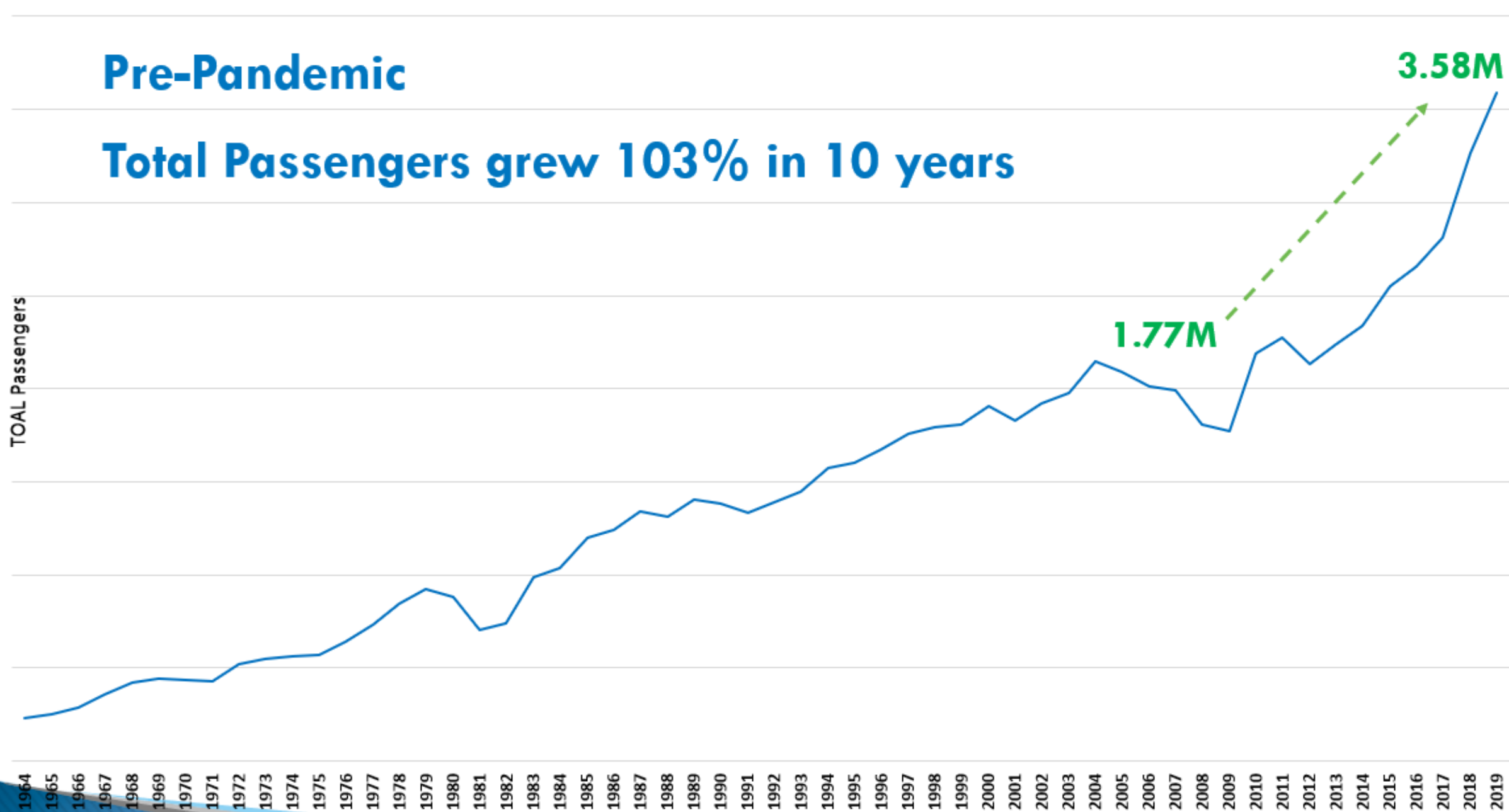


Study Area Boundaries
Jurisdictions

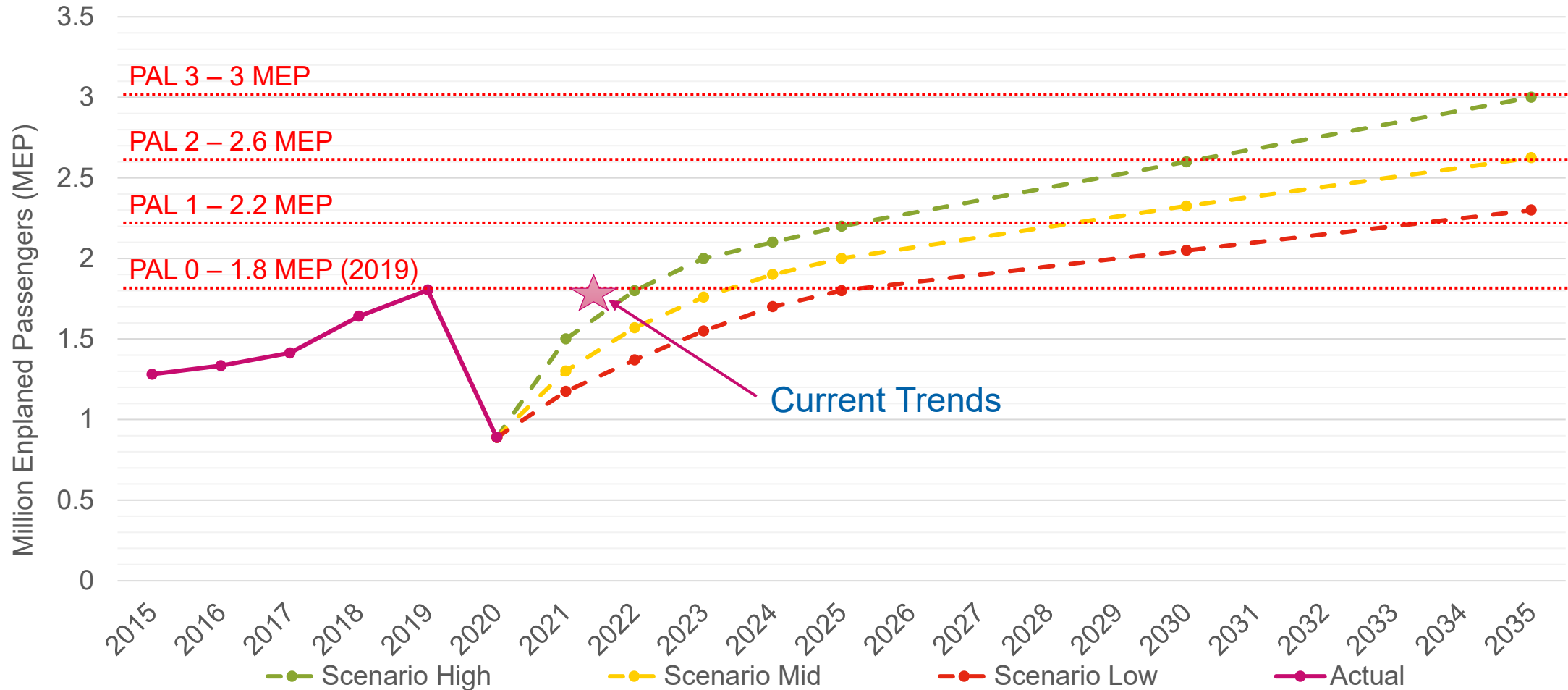
0 0.25 0.5 1 1.5 2 Miles

Pre-Pandemic

Total Passengers grew 103% in 10 years



15 Year Recovery Forecast with Planning Activity Levels



MEP = million enplaned passengers

NORTH GARAGE

CONRAC

FEDERAL INSPECTION STATION

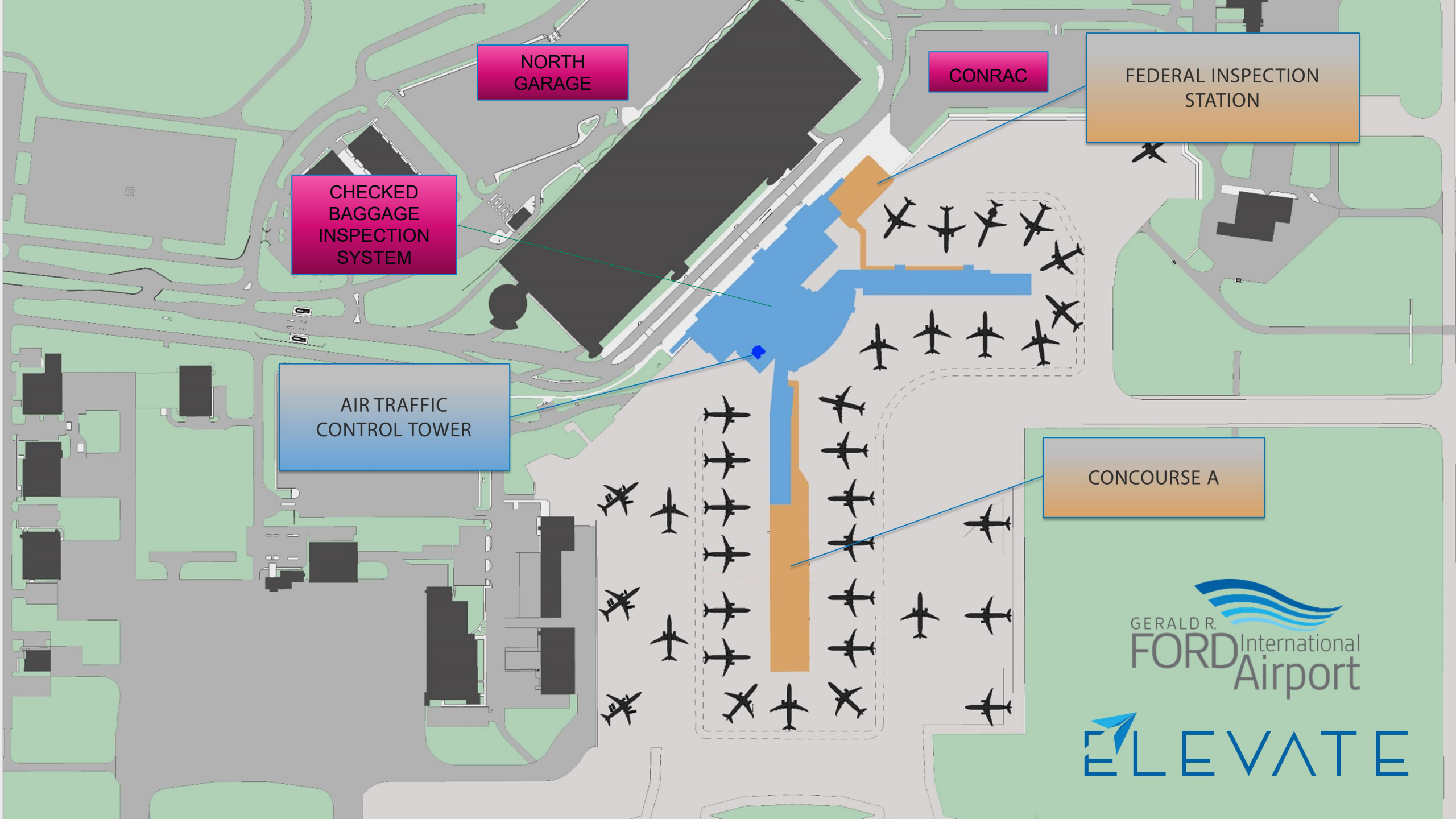
CHECKED BAGGAGE INSPECTION SYSTEM

AIR TRAFFIC CONTROL TOWER

CONCOURSE A

GERALD R. FORD International Airport

ELEVATE



Driving

Crashes 2016-2020

Worst Injury in Crash

- ▲ Fatal injury (K)
- ▲ Suspected Serious Injury (A)

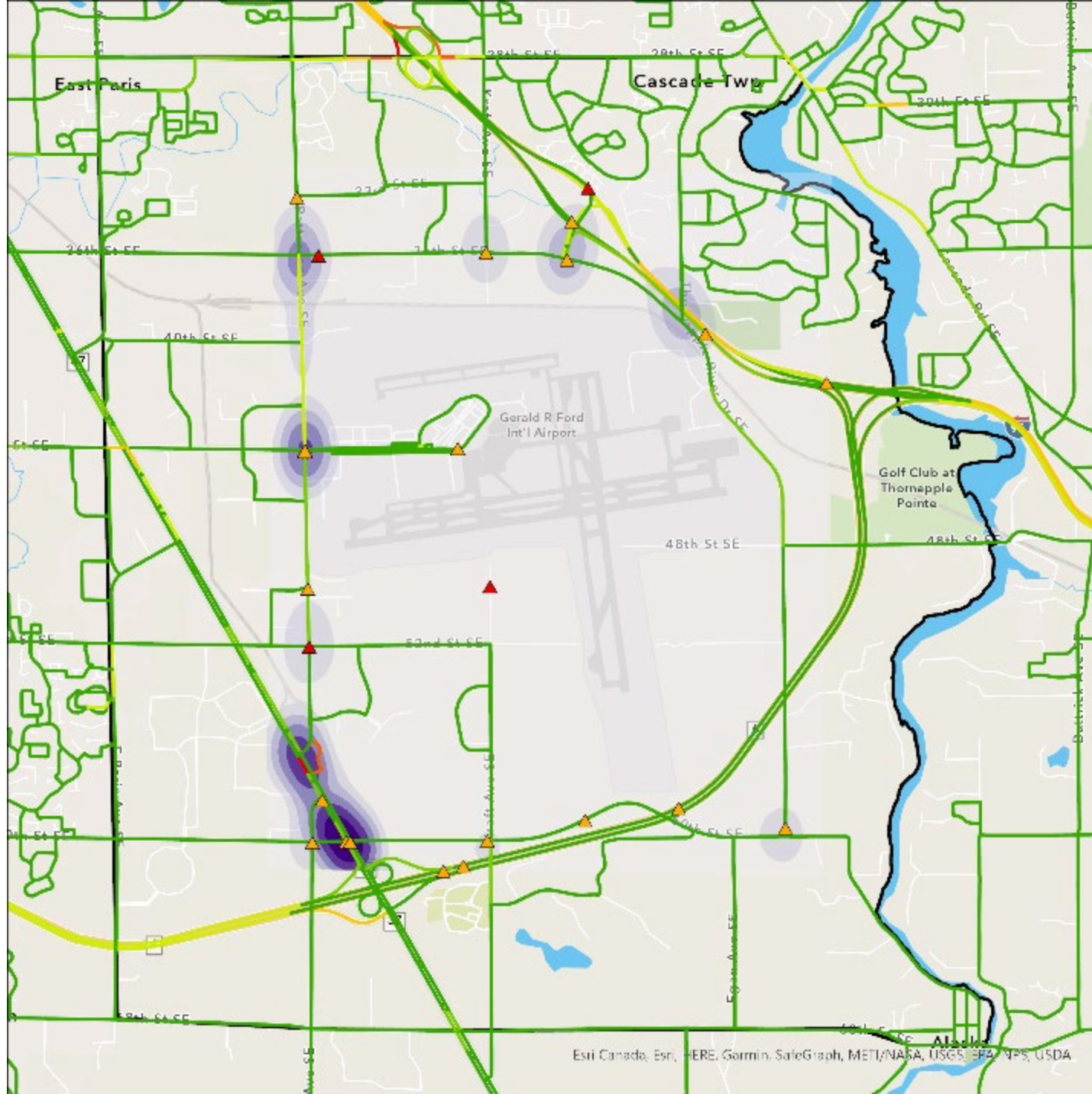
Level of Service

- A (<0.60 V/C)
- B (0.60-0.10 V/C)
- C (0.70-0.80 V/C)
- D (0.80-0.90 V/C)
- E (0.90-1.00 V/C)
- F (>1.00 V/C)

Crash Density 2016-2020

- Low
- High

Source: GVMC




Transit

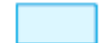
 The Rapid Bus Stops

The Rapid Bus Routes

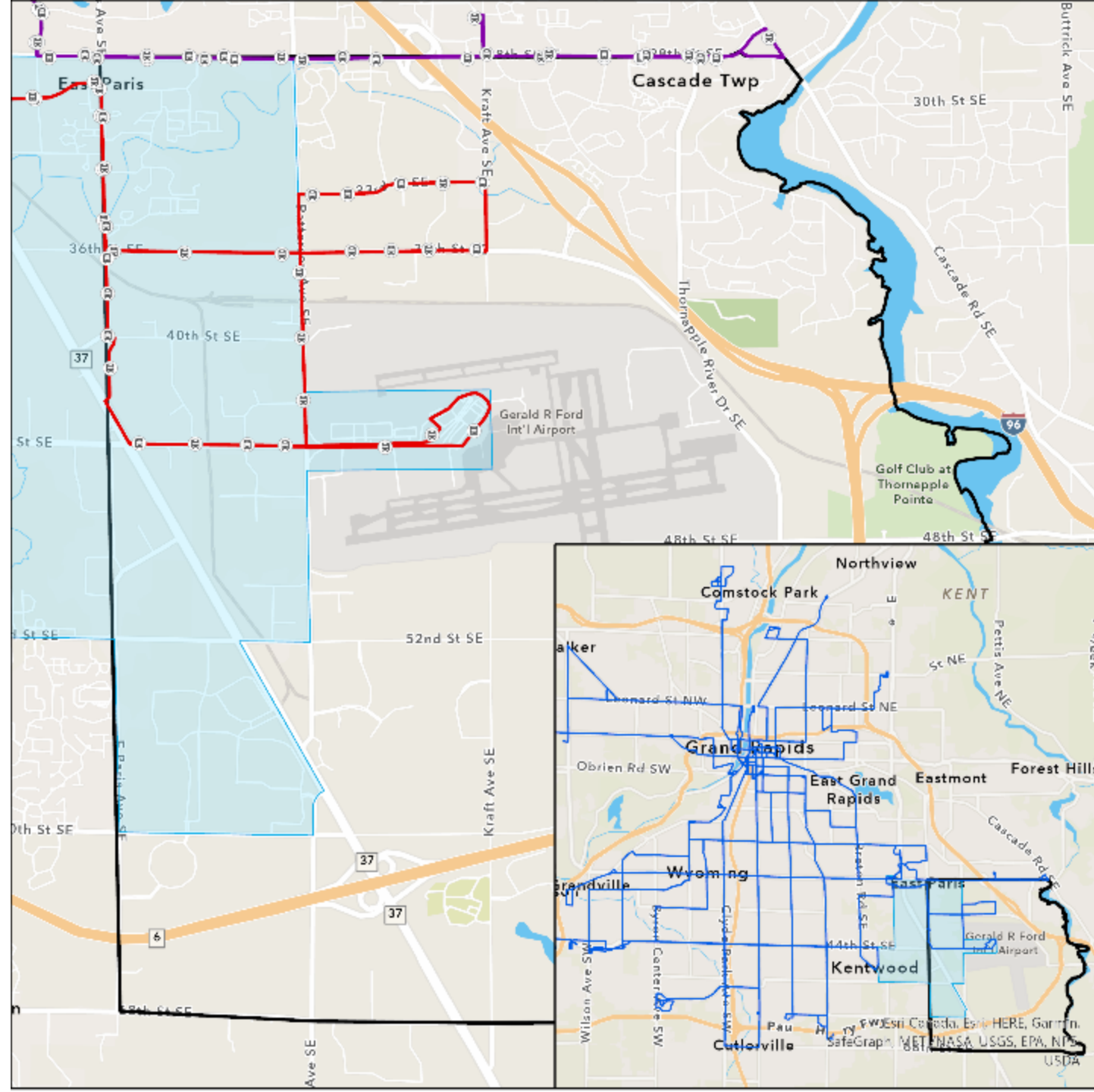
 Airport Industrial

 East 28th

 All Other Routes

 Kentwood On-Demand Zone

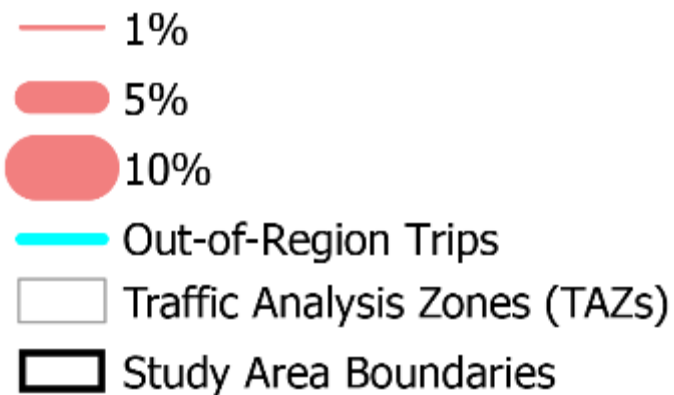
Source: *The Rapid*



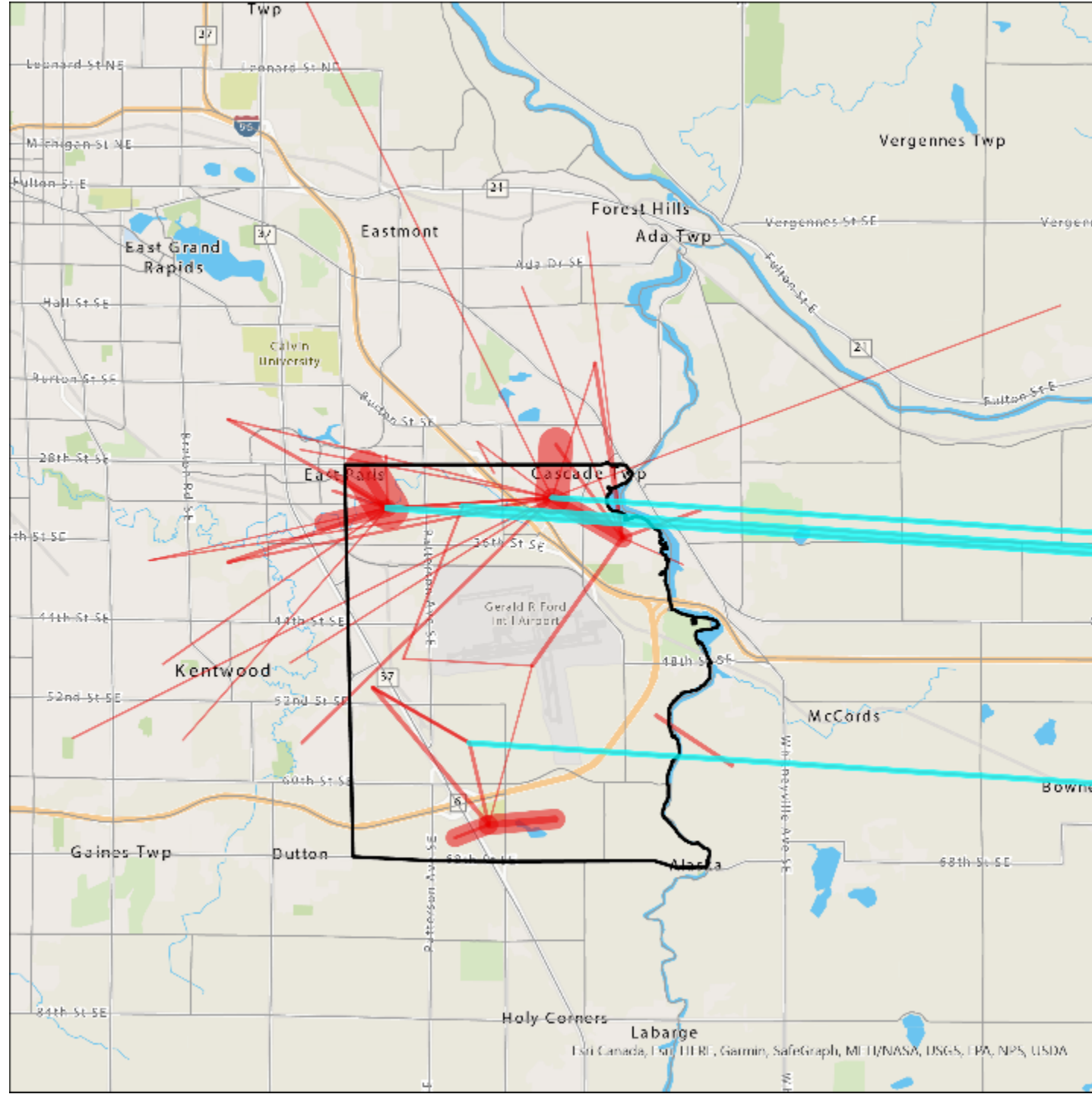
Travel Flows

Study Area TAZ Travel Flows

Percent of Total Trips



Source: September-November 2019 Replica Places data



Project Needs

Limited Access Points
to Airport's Core



Indirect Circulation (around Airport
and from Major Expressways)



Providing for Surrounding
Growth and Development



Support for
Airport Expansion Plans



Expansion of Convenient
Access Options



2

Alternatives Development and Evaluation

Evaluation Process

**Conceptual
Alternatives**

Support for Purpose and Need
Potential Environmental / ROW Impacts
Potential Project Complexity

**Practical
Alternatives**

Transportation Benefits
Planning / Land Use Compatibility
Likely Environmental / ROW Impacts
Estimated Project Cost
Public Support and Prioritization

**Recommended
Alternative(s)**

Practical Alternatives

Airport Roadway Access

1. Access Points from I-96/36th Street

1a - Direct Access

1b - Indirect Access

2. Access Points from Thornapple River Dr

2a - Secondary Freight Access

2b - Air Cargo Drive Access

3. M-6 Interchange near 48th Street and 60th Street

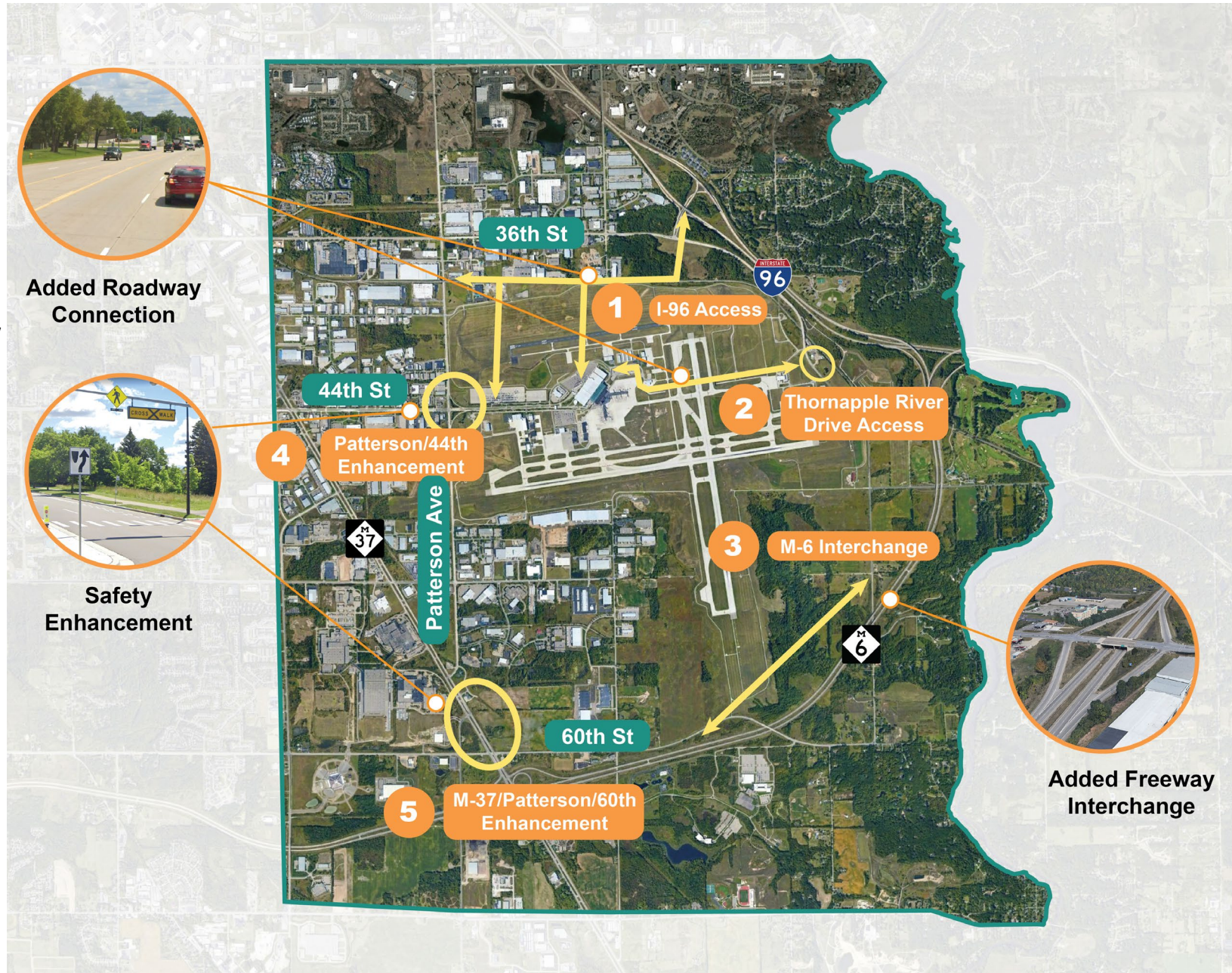
3a - 60th St

3c - Thornapple River Dr and 48th St

3d - 48th St

4. Patterson/44th Safety Enhancements

5. M-37/Patterson/60th Intersection Enhancements

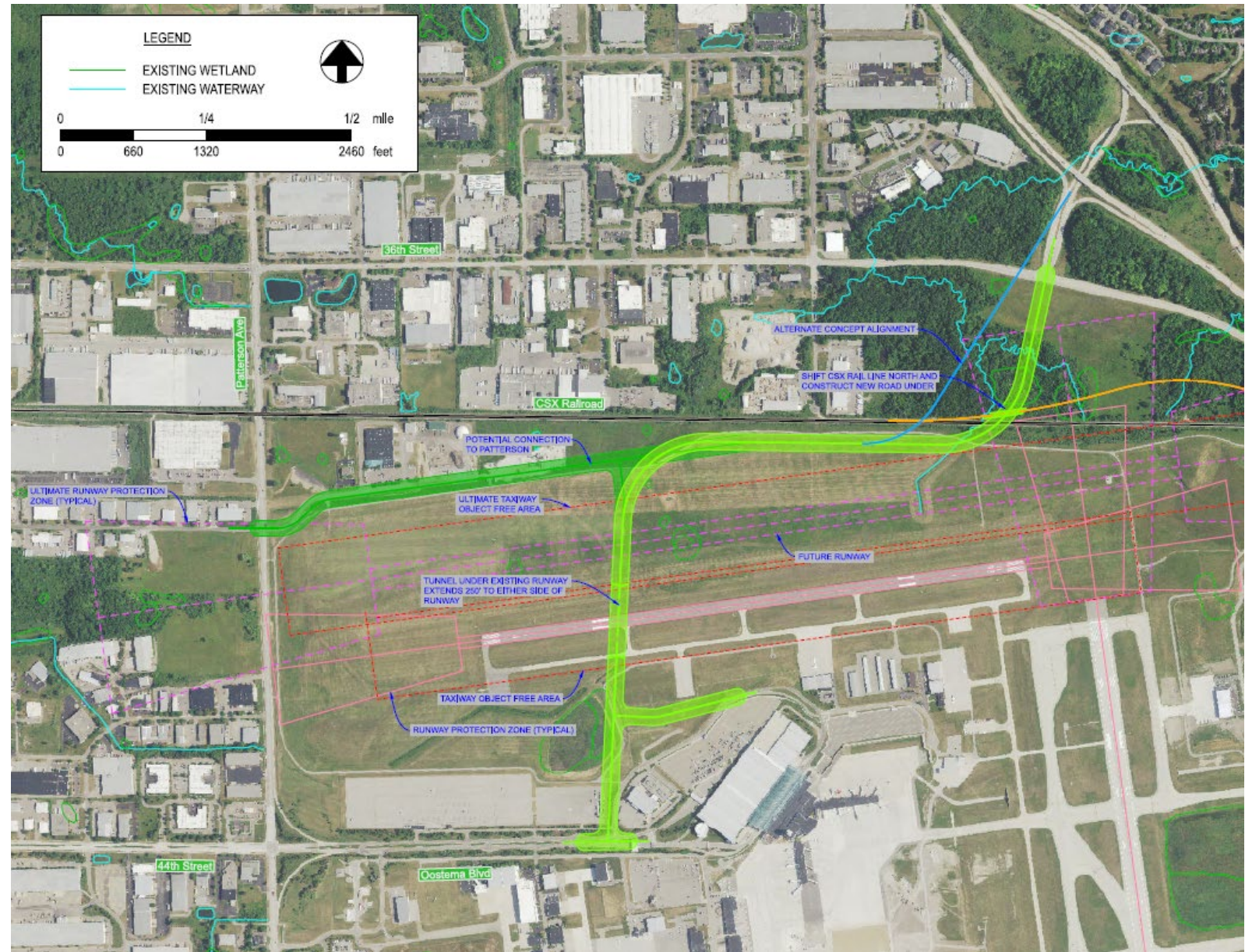


Practical Alternatives

Airport Roadway Access

I-96/36th Street Access - *Direct Access*

- Roadway creates direct connection from 36th Street
- Avoids parking expansion zone on north side of terminal
- Includes tunnel below current and future expanded runway
- Could be phased in along with airport expansion

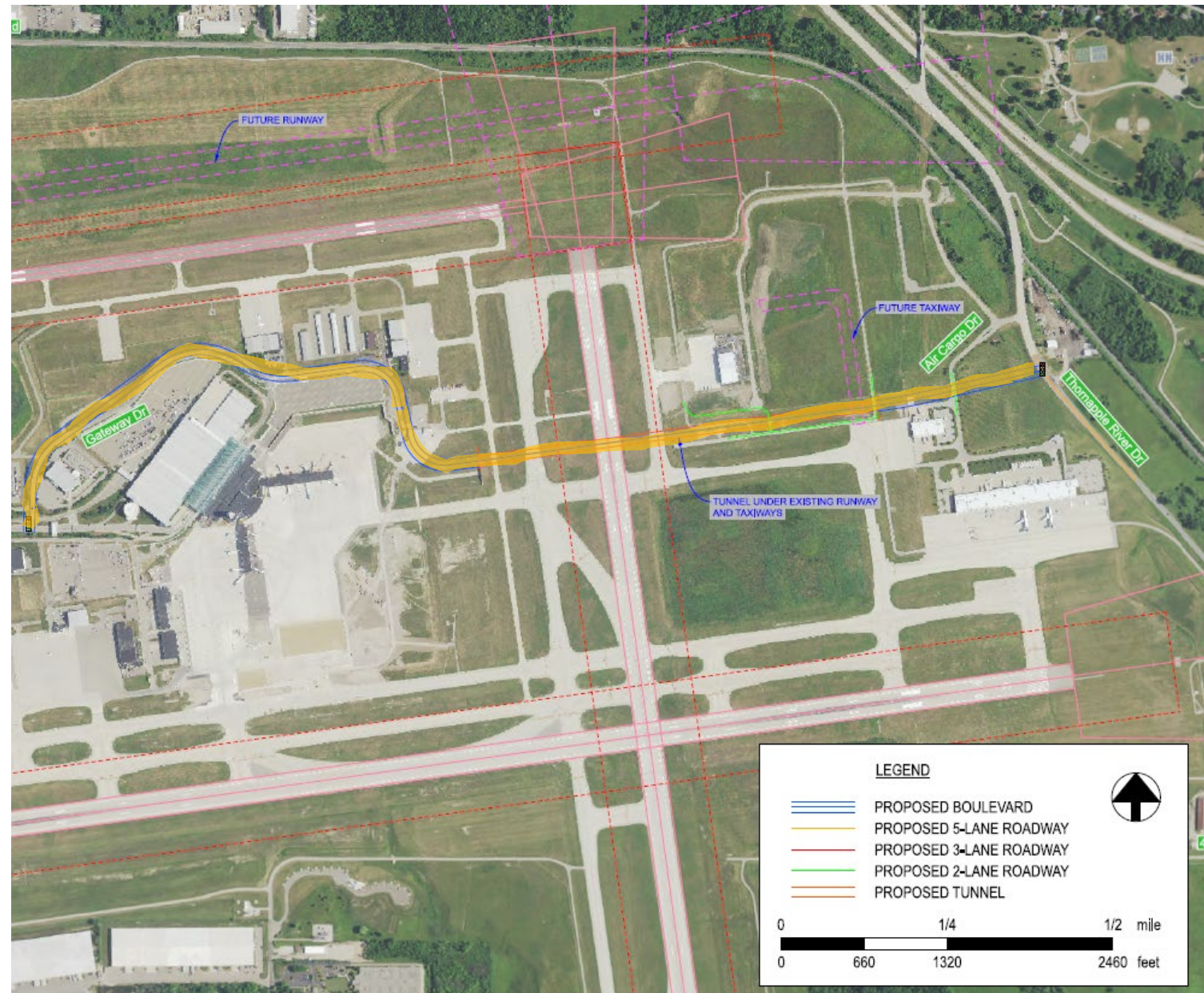


Practical Alternatives

Airport Roadway Access

Air Cargo Drive Access

- Roadway creates direct connection from Thornapple River Drive
- Parallels but does not replace existing tunnel for airport operations
- Requires significant reconfiguration on airport property

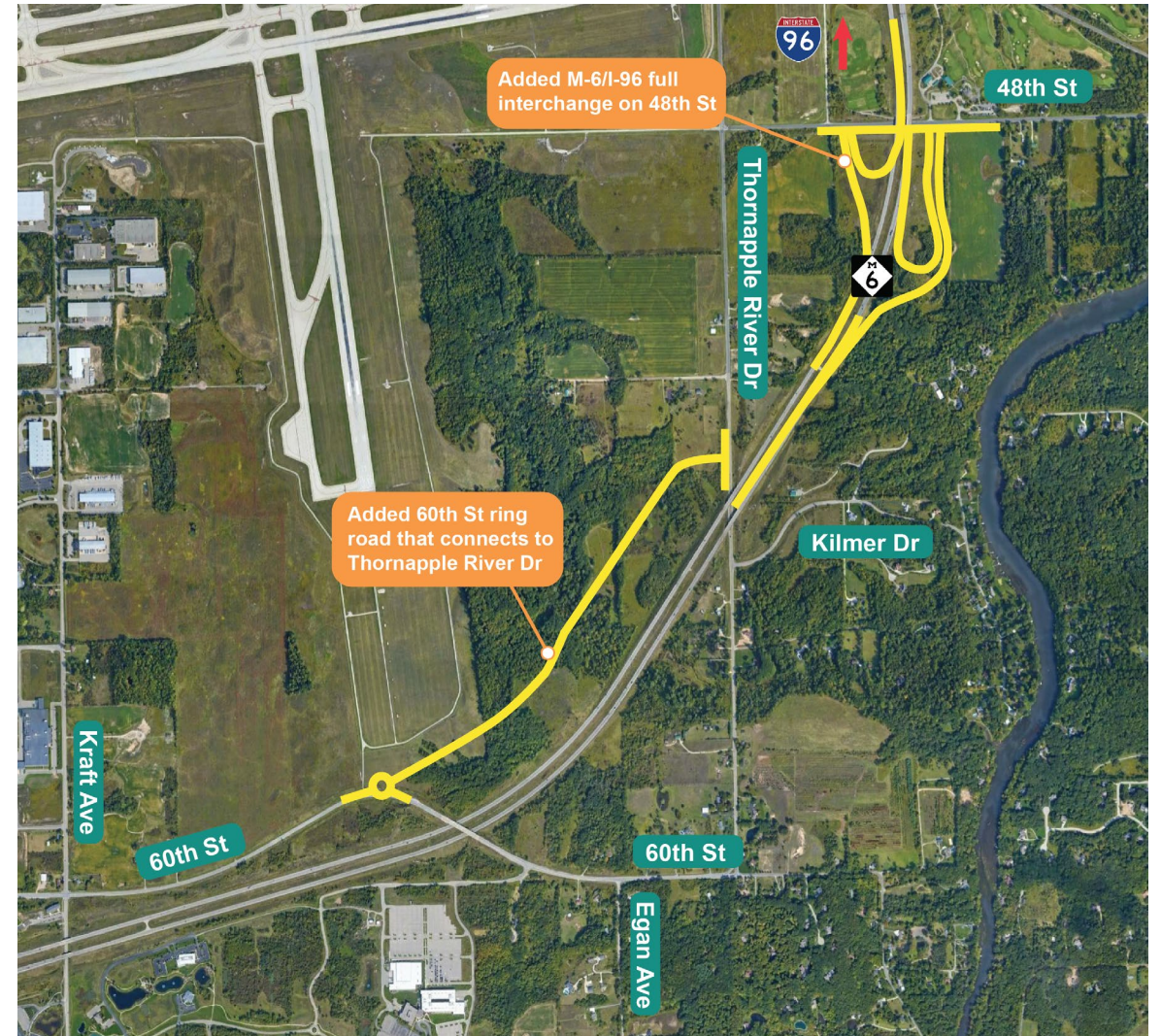


Practical Alternatives

Airport Roadway Access

M-6 Interchange - 48th Street Full Interchange

- Suggested in Cascade Township Master Plan and consistent with County investments in 48th Street
- Creates access point for potential development area on east side of Airport
- Optional Ring Road concept could help complete network traveling around Airport and separate traffic



Practical Alternatives

Airport Roadway Access

M-6 Interchange - Thornapple River Drive and 48th Street Partial Interchanges

- Similar concept creates split interchange between 48th St. and Thornapple River Dr.
- Creates access point for potential development area on east side of Airport
- Optional Ring Road concept could help complete network traveling around Airport and separate traffic



Practical Alternatives

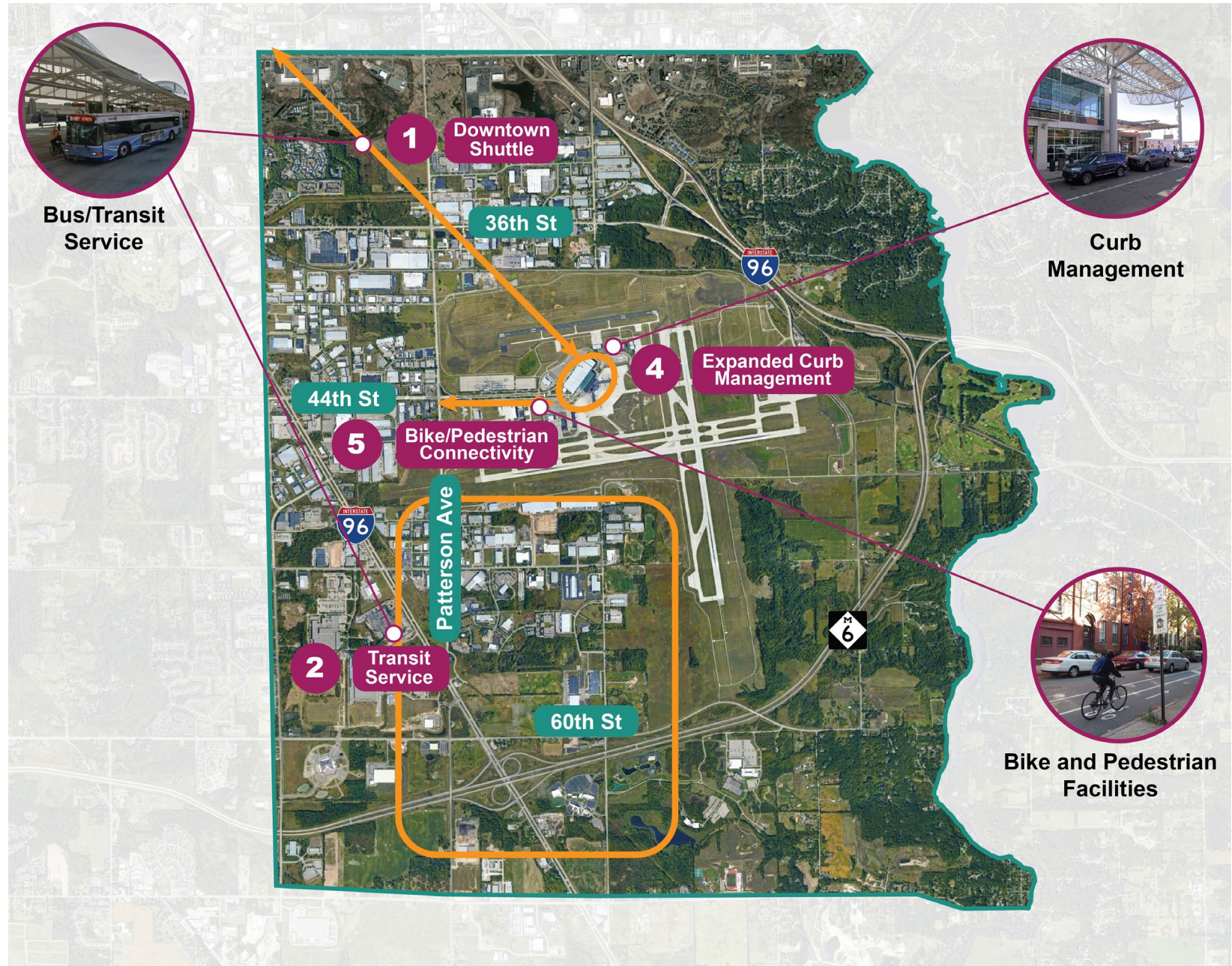
Multi-Modal Enhancements

1. Downtown Express Bus / Shuttle

2. Expanded Transit Service (Cascade / Caledonia)

4. Expanded Curb Management

5. Pedestrian / Bike Connectivity Enhancements

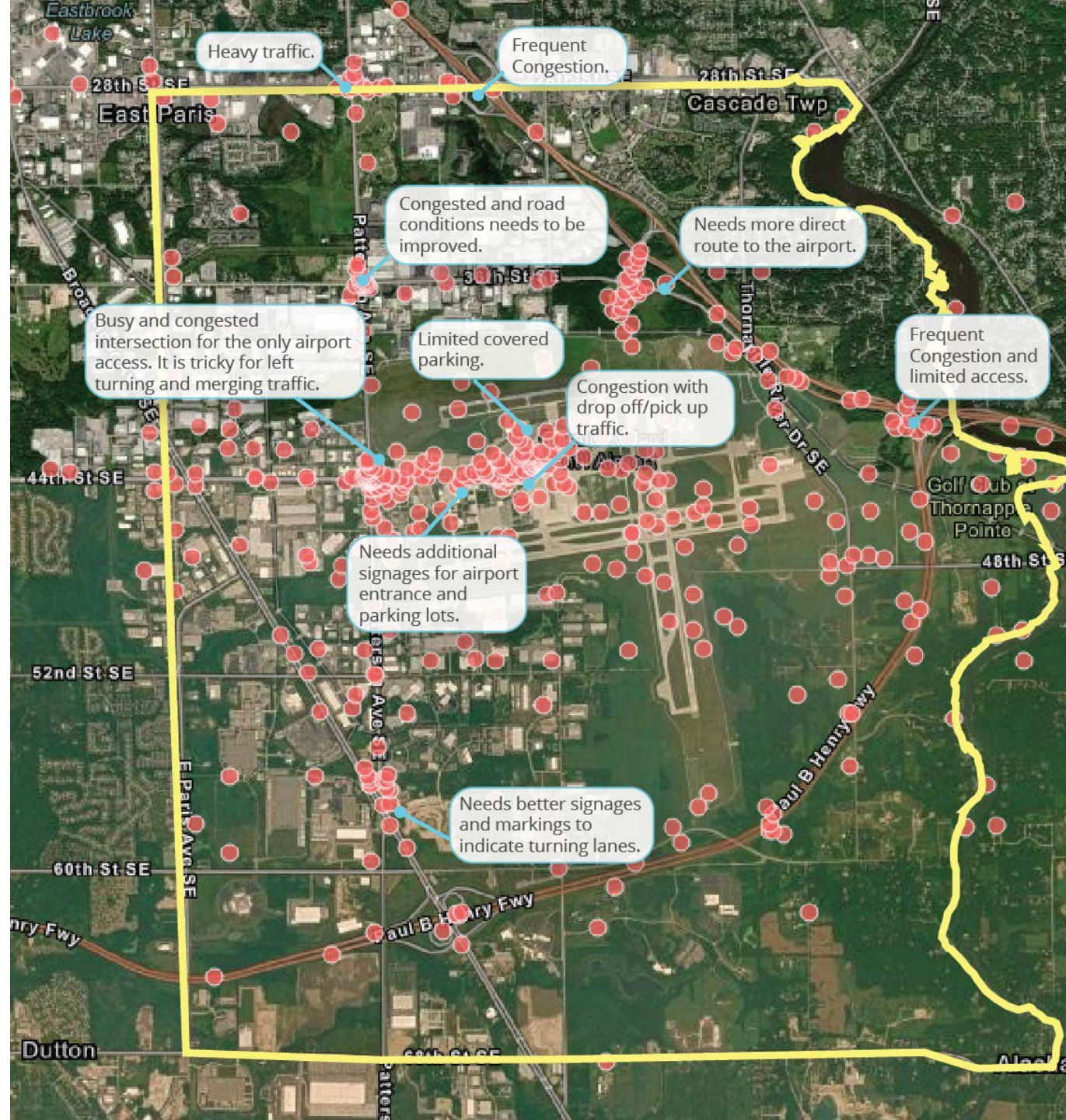


3

Public Input

Phase 1 Survey Summary

Map-Based Comments

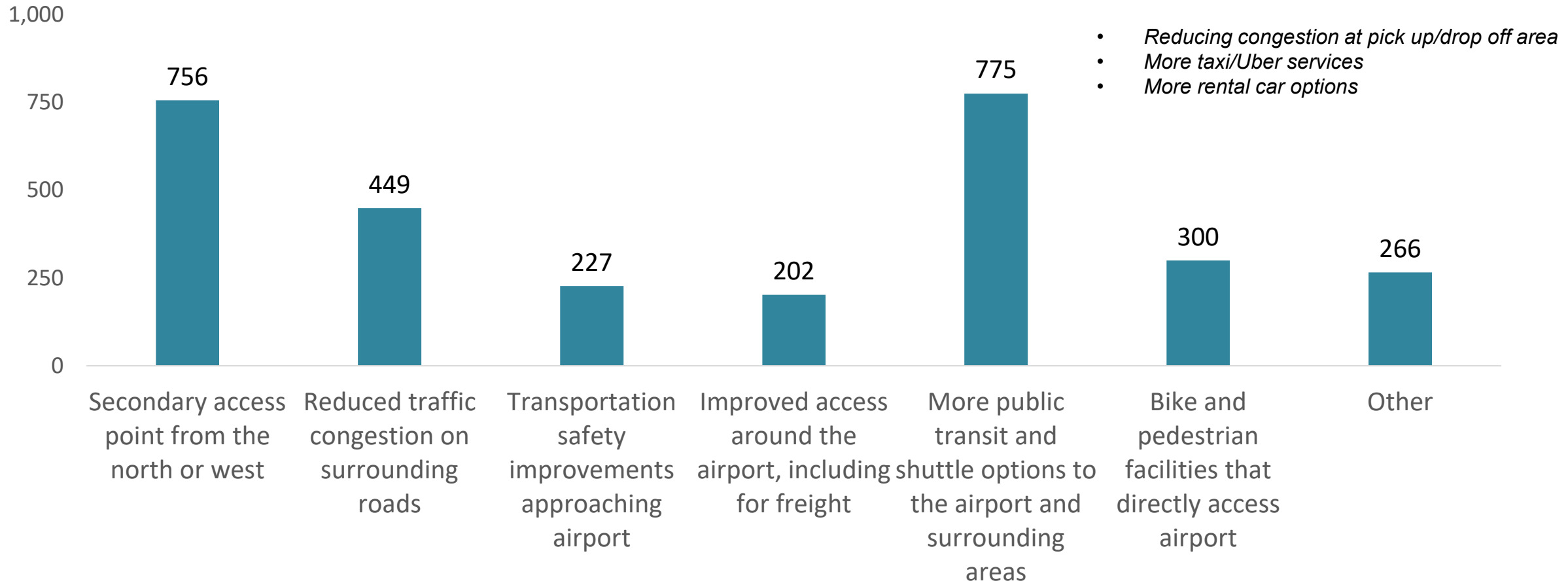


Phase 2 Survey Summary

- Survey open from August 1, 2022 to September 9, 2022
- Over than 6,000 responses received (*participation jumped when Airport provided link for their customers accessing wifi*)
- Because of the number of respondents from airport, there were numerous out-of-region respondents. Approximately 2,000+ had residential zip codes within GVMC region
- Results on following slides indicate those from within region

Phase 2 Survey Summary

What are the top 2 airport access improvements you would like to see?



Phase 2 Survey Summary

- Overall high support for set of practical alternatives suggested by the Study
- Highest support for “*Access Points from I-96/36th Street*” and “*Direct Shuttles between Downtown Grand Rapids and the Airport*”
- Congestion issues at the pick-up/drop-off area is also highlighted in the comments

4

Next Steps

Public Engagement Schedule

Dec Jan Feb Mar Apr May Jun Jul Aug Sep Oct Nov Dec Jan Feb

Meeting Schedule
and Topics

1  Public
TAC

2  Public
TAC

3  Public
TAC

1

Identify



Key findings from existing conditions, draft Purpose and Need, conceptual alternatives



Ranking and rating of needs, location-based issues identification, feedback on conceptual alternatives

2

Examine

Practical alternatives and their pros/cons

Voting/budgeting and comments on practical alternatives

3

Advise

Recommended alternative(s), next steps toward project implementation

Comments on recommended alternative(s) and buy-in

WE
ARE
HERE



For each phase: TAC meeting, public meeting, and online survey

**MINUTES OF THE
CASCADE CHARTER TOWNSHIP
REGULAR BOARD MEETING**

Wednesday, October 26, 2022

Wisner Center

2870 Jacksmith Dr SE

Grand Rapids, MI 49546

AND

Virtual Zoom Meeting

7:00 P.M.

HYBRID FORMAT

- Article 1.** Supervisor Lesperance called the meeting to order.
Present: Supervisor Lesperance, Clerk Slater, Treasurer Peirce, Trustees Koessel, McDonald, Shipley and Noordhoek
Absent: None
Also Present: Township Manager Swayze, Planning Director Hilbrands, Deputy Clerk Brott, Administrative Assistant Stine, and those listed in the Supplement
- Article 2.** Supervisor Lesperance led the Pledge of Allegiance.
- Article 3.** **Approval of Agenda**
Motion by Trustee Shipley, seconded by Trustee McDonald to approve the agenda with the adjustment of Article 9, 086-2022 moved to Article 10. Motion carried unanimously.
- Article 4.** **Presentations**
- a. Parks Reservation Software and Scheduling Refresh – Administrative Assistant Stine presented on RecPro scheduling software.
- Article 5.** **Public Comments-Anything on the Agenda not scheduled for a public hearing. (limit comments to 3 minutes)**
1. Wendy Sturm-2570 Hunter Green Ct-Re DDA: No assessment of current design in Township village. Continue the theme of quaintness.
- Article 6.** **Approval of Consent Agenda**
- a. Receive and File Minutes
 1. Township Board–10/12/22
 - b. Receive and File Reports
None
 - c. Receive and File Education Requests
None
 - d. Receive and File Communication
None
- Motion by Trustee Shipley, seconded by Trustee Koessel to approve the Consent Agenda.
Motion carried unanimously.

Article 7. Financial Actions
a. Consider Approval of September 2022 Financial Reports
b. Consider Approval of September 2022 Payroll, Payables and Transfers
Motion by Treasurer Peirce, seconded by Trustee Shipley to approve. Motion carried unanimously.

Article 8. Unfinished Business

072-2022 Peace Park Hunting Ordinance and Regulations
Considerable discussion. No action taken.

085-2022 Consider Opening the Thirty Day Public Comment Period and Scheduling a Public Hearing for the Parks, Recreation, and Open Space Plan

Parks Committee Chair Wanty updated the Board on the Spaulding property's lack of access.

Motion by Trustee McDonald, seconded by Trustee Shipley to approve. Motion carried unanimously.

Article 9. New Business

086-2022 Consider Cascade Township Vendor Policy
This item was moved to Article 10.

Article 10. Discussion

1. FY2023 Budget Preparation Timeline-Manager Swayze summarized the timeline for next year's budget preparation.
2. Cascade Township Vendor Policy-Manager Swayze reviewed the draft policy for vendors.

Article 11. Public Comments – Any comments...whether it is on the Agenda or not. (limit comments to 3 minutes)

1. Dorothy Cribbs-1980 Deerfield Ct-Re Robert Cribbs' FHPS School Board campaign: Stated his platform.
2. Jeff Hughes-7250 Red Bud Lane-Re Burton Park: Discussed Japanese Barberry, deer ticks, and Lyme disease. He advised that the White Oak is a threatened species in Michigan.

Article 12. Manager Comments

1. Fire Station #1 Groundbreaking Ceremony will occur at 10 a.m., Wednesday, November 2, 2022.

Article 13. Board Member Comments

1. Trustee Shipley-Inquired about the status of communication with EGLE regarding Eagle Creek Landscaping. Thanked everyone for coming to the meeting.
2. Supervisor Lesperance-Welcomed Ariana Jeske from our new engineering firm, Spaulding DeDecker.

Article 14. Adjournment

Motion by Trustee McDonald, seconded by Clerk Slater to adjourn. Motion carried unanimously.

Meeting adjourned at 7:49 pm.

Krissi Brott
Deputy Clerk

Approved by:

Grace Lesperance, Supervisor

Susan B. Slater, Clerk

DRAFT



Cascade Charter Township Seminar/Conference Attendance Request Form

This form must be filled out if the employee is requesting Township payment or reimbursement for the employee's attendance to a seminar or conference.

Conditions:

1. Cascade Charter Township will reimburse employees for approved registration for work related seminars and conferences. Individual seminars and conferences must be related to the employee's current job duties or a foreseeable-future position in the organization in order to be eligible for
2. Some seminars/conferences that an employee may attend may be unrelated to their particular job or government in general, and are therefore not covered by this assistance policy.
3. Any request that requires an overnight stay or expenditure over \$1,000 requires Township Board approval before the seminar/conference is attended.
4. Under extenuating circumstances, the Township Manager may approve an overnight stay or expenditure over \$1,000 for a conference or seminar prior to Township Board approval. The request must be made before attendance to a seminar/conference. The Township Board will be informed of request at their next scheduled meeting.

This form must be completed by the employee and approved by the Township Manager and/or Township Board before the seminar/conference is attended.

Name: Todd Stevenson Application Date: 10-26-2022

Name of Proposed Seminar/Conference: Michigan Fire Service Instructors Association Educational Conf

Seminar/Conference Date(s): 12/01/22 to 12/04/22

Location of Seminar/Conference: Park Place Hotel &Conf. Center Traverse City MI

Description of Seminar/Conference: *(may also be attached)*

Three and a half days of conferences covering topics: Leadership for Fire Instructors, Training for Black Swan Incident, SMOKE (training platform for the State of Michigan) training. Please see attached paperwork. Conference includes year membership to Michigan Fire Service Instructor Association.

How will the Seminar/Conference benefit the employee and the township?

Michigan's PA 291 has new training requirements that went into effect Oct. 2022. With these new requirements Certified State Fire Instructors need continuing education (CE) hours to keep their certification. This conference meets some of those required CE. Well trained instructors, develop better firefighters which in turn provided better services to the citizens of Cascade.

Cost of the Seminar/Conference:

Registration \$ 275.00

Lodging \$ 396.99

Travel \$ 302 miles round trip

Account # 206-336-726-00

Applicant: 

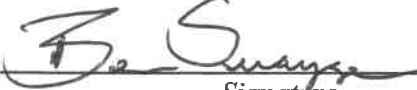
Signature

Approvals:

Department Head: 

Signature

10-27-22
Date

Township Manager: 

Signature

10-28-22
Date

Clerk: _____
(Signature Indicates Township Board Approval)

Date

➤ Original to Personnel File

➤ 1 Copy to Applicant

➤ 1 Copy to Accounting

When

Wednesday, November 30, 2022 at 1:00 PM EST

-to-

Sunday, December 4, 2022 at 11:00 AM EST

[Add to Calendar](#)

Where

Park Place Hotel and Conference Center
 300 E. State Street
 Traverse City, MI 49684

Contact

Rick VanHorn, Secretary
 Michigan Fire Service Instructors Association
 616-299-3060
rick.vanhorn@mfsia.com

Michigan Fire Service Instructors Association Educational Conference

We hope you will join us for the 73rd Annual Michigan Fire Service Instructors Association Educational Conference. There will be multiple instructors and various classes for you go to and we have various CE's for each class.

Payment Summary

Name	Type	Quantity	Fee	Total
	Member Full			
	Conference includes			
Todd Stevenson	Arson Class, Specific Breakfasts, Lunches, Banquet and Classes	1	\$190.00	\$190.00
Subtotal:				\$190.00

Additional Items	Option	Quantity	Price	Total
MFSIA Annual Yearly Membership or Renewal	-	1	\$85.00	\$85.00
7:30 am - 8:30 am Friday Open/Breakfast / Grandview	-	1	\$0.00	\$0.00
8:30 am - 10:00 am MFSIA Meeting / Grandview	-	1	\$0.00	\$0.00
10:00am - 11:30am Keynote: What is your Impact / Fankhauser/ Grandview	-	1	\$0.00	\$0.00
11:30 am - 12:45 pm LUNCH / Grandview	-	1	\$0.00	\$0.00
1:00 pm - 3:00 pm Friday Classes	Training for a Black Swan Incident/ Courtyard II	1	\$0.00	\$0.00
3:00 pm - 5:00 pm Friday Classes	SMOKE Training / Courtyard II	1	\$0.00	\$0.00
7:00 am - 8:00 AM SATURDAY BREAKFAST / Grandview	-	1	\$0.00	\$0.00
8:00 am - 12:00 am Saturday Morning Classes	Modern Engines Operation / Front	1	\$0.00	\$0.00
12:00 pm - 1:00 pm SATURDAY LUNCH / GRANDVIEW	-	1	\$0.00	\$0.00
1:00 pm - 5 pm Saturday Afternoon Classes	Leadership for the Fire Service Instructor / Park	1	\$0.00	\$0.00
SUNDAY MORNING BREAKFAST - GOODBYE / GRANDVIEW	-	1	\$0.00	\$0.00
Subtotal:				\$85.00
TOTAL:				\$275.00

* All fields are required



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
PUBLIC SERVICE COMMISSION

ORLENE HAWKS
DIRECTOR

TREMAINE PHILLIPS
COMMISSIONER

DAN SCRIPPS
CHAIR

KATHERINE PERETICK
COMMISSIONER

October 14, 2022

To Cities/Villages/Townships:

This letter is being sent to franchise entities (municipalities) within the state of Michigan regarding Public Act 480 of 2006, the Uniform Video Services Local Franchise Act (the Act). The Michigan Public Service Commission (MPSC) is the agency designated to implement the Act. Pursuant to Section 12(2) of the Act, the MPSC shall file an annual report to the Governor and Legislature that includes information on the status of video service competition in Michigan.

To assist MPSC Staff with gathering information for the report, please complete our electronic survey, which is located at michigan.gov/mpsc beginning **October 17, 2022**. Responses to the survey are due by **November 14, 2022**. *Please note that the survey will not be available on the website after November 14, 2022.* You may find the survey by following these steps:

1. Go to michigan.gov/mpsc and click on "Regulatory Information" at the top of the page.
2. Next, scroll down and click on "Telecommunications" at the bottom.
3. Lastly, click on "Video/Cable Regulatory Information" and you will find the survey under the "Provider & Franchise Entity Information" category.

The survey is quick and easy and should take only a few minutes of your time. It is important that MPSC Staff receives feedback from franchise entities. Your feedback will help to provide MPSC Staff with a better insight of the video/cable issues that may be occurring in your community. While MPSC Staff cannot provide you with answers to the survey questions, please contact Staff if you require clarification regarding the questions being asked.

In addition to the survey, please find attached two Consumer Tips that provide information regarding filing a video/cable complaint with the MPSC. One is relevant to customers, the other to a municipality. We would encourage you to share this information with your residents. You may also find the complaint information online at michigan.gov/mpsc by clicking the "Consumer Information" link at the top of the page. You may consider posting the MPSC contact information and/or a link of our Consumer Tips to your community's webpage.

Your cooperation in submitting your survey answers to our office is greatly appreciated. Should you have any questions, please contact Erin West at (517) 284-8212 or by email at westel@michigan.gov.

Sincerely,

Ryan McAnany, Director
Telecommunications Division

Attachments

Filing a Video/Cable Complaint

The MPSC's role in handling video/cable television complaints

On December 21, 2006, Governor Granholm signed legislation to promote competition for video services in the state of Michigan. Public Act 480 of 2006, or as it is more commonly known, the "Uniform Video Services Local Franchise Act" charges the Michigan Public Service Commission (MPSC) with implementing the Act. The MPSC now has the responsibility to handle cable inquiries and complaints.

Are you having a problem with your video/cable television provider?

If you are experiencing problems with your provider, you should first contact your provider and attempt to resolve your dispute with them.

Not satisfied? File an informal complaint with the MPSC.

If you are dissatisfied with the provider's response, or the dispute is not resolved to your satisfaction, you may file an informal complaint with the MPSC.

How does the informal complaint process work?

- A customer contacts the MPSC with a video/cable television complaint.
- MPSC Staff forwards the complaint to the provider & informally mediates (if necessary) between the provider and the customer.
- The provider is allowed up to 10 business days (under normal circumstances) to respond and provide a detailed resolution to both the customer and the MPSC.

Still not satisfied? File a formal complaint and request a hearing

If you remain dissatisfied even after the Staff has completed the informal complaint process, you may file a Formal Complaint.

A customer will be permitted to file a formal complaint **only after:**

- the informal complaint process has been completed; and
- a satisfactory resolution has not been reached between the provider and the customer.

To request a formal hearing, prepare a letter of complaint explaining the problem. Send the original and seven (7) copies of the letter/ complaint to the MPSC at the following address:

**Executive Secretary
MPSC
P.O. Box 30221
Lansing, MI 48909**

The written complaint must contain the following information:

- customer name, address, telephone number, and signature;
- the name and address of the provider with whom there is a disagreement;
- the location/address of the disputed action;
- the time and dates of the disputed actions;



consumer TIPS

January 2022

michigan.gov/mpsc

- a description of exactly what happened – include all details, the names and addresses of any persons involved, disputed charges and costs.
- Identify the specific section(s) of the Video Act that are alleged to have been violated and state sufficient facts to support the alleged violation (s). Specify the relief requested.

Next Action

An MPSC Staff attorney will review the formal complaint, and if the disputed amount is under \$5,000 and all required information is included, the Commission shall appoint a mediator within seven (7) business days of the date the complaint is filed. Mediation may include a review of the complaint and discussions with the customer and company. If through this process the customer and company are still unable to agree, the mediator will issue a recommended solution within 30 days from the date of appointment. The customer and company have 10 days to either accept or reject the recommendation. If the customer or company rejects the solution, the complaint proceeds to a formal hearing. If the dispute involves an amount over \$5,000, it proceeds directly to a contested case hearing with no prior mediation.

Formal Complaint Hearing Process

A formal complaint hearing is a trial-like proceeding. This means that the customer, the cable company, and MPSC Staff will come before an administrative law judge. A formal complaint proceeding is separate from any informal proceeding related to the problem that may have taken place. Lawyers represent the cable company.

Customers may hire a lawyer, represent themselves (excluding some businesses), or bring someone to assist them. The customer must present information and witnesses to prove or justify his/her position. The MPSC cannot provide a lawyer or pay any legal fees. After the hearing, the judge will issue a proposed decision. However, the MPSC will make the final decision, and will issue its decision in a MPSC order. During this process the customer and the company may continue to try to settle the problem. However, the MPSC must approve any agreement that is reached.

Required Costs

If the customer or company rejects the mediator's decision and is found by MPSC order to be at fault, that party will be responsible for the legal costs of the other party. If both the customer and the company reject the mediator's decision, each party pays their own legal costs.

For more information:

For more information about filing a complaint, PA 480, or the dispute resolution process, go to the MPSC website at: michigan.gov/mpsc. Click on the Telecommunications and then the Video/Cable button.

You may also contact the MPSC at:

Telecommunications Division
Attn: Video Franchising
P.O. Box 30221
Lansing, MI 48909
Phone: (800) 292-9555
Fax: (517) 284-8200

Filing Satellite Complaints

The Federal Trade Commission (FTC) at: (877) 382-4357 or ftc.gov handles satellite complaints/inquiries.



Dispute Resolution: Franchise Entity (Municipality) or Provider vs. Provider

The Michigan Public Service Commission's (MPSC) role in informal and formal video/ cable television complaints:

Public Act 4 of 2009 —Providing a dispute resolution process for complaints between municipalities or providers and cable providers.

Who can file an informal complaint on behalf of a municipality/provider?

A municipality/provider may speak on behalf of itself when filing an informal complaint. Legal representation is not required until a formal complaint is filed.

What does a municipality/provider need to do to file an informal complaint?

The municipality/provider shall file a written notice of the dispute with the MPSC.

What information is required in the notice of dispute?

- Identifying the nature of the dispute.
- Language that requests an informal dispute resolution process.
- Language stating the other party has been served the notice of the dispute.

What happens after the notice is filed?

Commission staff will conduct an informal mediation with both parties in an attempt to resolve the dispute.

What if the dispute is not resolved with informal mediation?

If a satisfactory resolution to the dispute is not achieved, any named party in the complaint may file a formal complaint.

How does the formal complaint process begin?

- A representative submits the following, in writing, to the commission:
- Information that states the section(s) of the public act or franchise agreement that was allegedly violated.
- Sufficient facts to support the allegations.
- The relief requested.
- All information— testimony, exhibits and other documents— in possession the party intends to rely on to support the complaint.

How does the formal complaint process proceed?

- Once the complaint is filed each party has ten days to agree on alternative means to resolve the complaint.
- If no agreement is reached within 10 days, the Commission shall order mediation.
- Within 60 days from the date mediation is ordered, the mediator shall issue a recommended settlement.



What happens after the proposed settlement is presented?

- Each party shall file, with the Commission, a written acceptance or rejection of the recommended settlement within 7 days.
- If the parties accept the recommendation, then the recommendation shall become the final order.
- If a party rejects or fails to respond within 7 days to a proposed settlement, then the complaint will proceed to a contested case hearing.
- A party that rejects the recommended settlement shall pay the opposing party's actual costs of proceeding to a contested case hearing.

What is the format of a contested case hearing?

A contested case hearing is provided under section 203 of the Michigan telecommunications act, 1991 PA 179, MCL 484.2203

[http://www.legislature.mi.gov/\(S\(wfspd4xxva0zoz1n54hd5vor\)\)/documents/mcl/pdf/mcl-Act-179-of-1991.pdf](http://www.legislature.mi.gov/(S(wfspd4xxva0zoz1n54hd5vor))/documents/mcl/pdf/mcl-Act-179-of-1991.pdf)

For more information:

For more information about filing a formal complaint, Public Act 480, or the dispute resolution process (PA 4 of 2009), go to the MPSC website at: michigan.gov/mpsc; click on Regulatory Information, then Telecommunications, and lastly Video/Cable Regulatory Information.

You may also contact the MPSC at:

Telecommunications Division
Attn: Video Franchising
7109 W. Saginaw Hwy.
P.O. Box 30221
Lansing, MI 48909
Phone: (800) 292-9555
Fax: (517) 284-8200

Online Formal Complaint Form:

Complaints can be filed online via the video/cable website at: michigan.gov/mpsc; click on Consumer Information and then File A Complaint.





CASCADE CHARTER TOWNSHIP

5920 Tahoe Dr. SE Grand Rapids, Michigan 49546

Date: November 2, 2022
To: Supervisor Lesperance and Township Board Members
From: Ben Swayze, Township Manager
Subject: Township Vendor Registration Policy

FACTS:

The Township Board recently received and accepted the Forensic Analysis report that was commissioned from Plante Moran. The culmination of the report is a series of 10 recommendations made by Plante Moran to improve the policies and processes of the Township. The Township Board then directed the Township staff to implement the recommendations.

Central to the recommendations was the development of policies, processes and procedures related to how the Township selects, vets, tracks and maintains vendors that do business with the Township. To that end, the Township Staff have developed a draft Vendor Registration Policy, Vendor Registration Form and Conflict of Interest Disclosure Form to provide clear policies and protocols for Township staff and officials on the selection of vendors that do business with the Township.

Attached for your review are:

- Draft Township Vendor Policy
- Draft Township Conflict of Interest Disclosure Form
- Draft Township Registration Form
- Forensic Analysis Recommendation Implementation Report

ANALYSIS & CONCLUSIONS:

The Vendor Registration Policy and registration form address 6 of the recommendations contained in the forensic analysis:

- 1. (Recommendation #1) Cascade should consider implementing a policy that 1) requires the disclosure of relationships between employees and vendors, and 2) requires special approval before the use of related-party vendors. If related party vendors are used, the rates/prices charged by the vendors, as well as their invoices, should be analyzed periodically to determine market rates are being charged.***

The proposed policy sets four criteria that every vendor must disclose prior to consideration. If any of those criteria reveal a conflict of interest, the policy sets forth a process that must be followed to utilize the conflicted vendor, culminating with Township Board approval regardless of the size or duration of the contract or business. Conflicted vendor use and/or contracts are limited to 2 years to ensure periodic review.

2. **(Recommendation #2)** *A policy should be established that documents a process of vendor approval and the criteria that would classify an “unallowable vendor”*

The proposed policy sets for the conflict of interest criteria and process for selection of vendors with a real or perceived conflict of interest.

3. **(Recommendation #5)** *A change report, containing new vendors and changes to existing information, should be periodically reviewed for reasonableness.*

The policy contains a provision that that a vendor change report will be generated every 6 months (January and June) and included in the financial reports presented to the Board. The Change Report will also become part of the annual audit record.

4. **(Recommendation #6)** *All vendor information should be entered into the system. While there will be exceptions, those entries should be few and easily identifiable.*

The vendor registration form contains all the required information necessary to register a vendor in the Township financial software. The policy contains a provision for the periodic review of the vendor report to ensure all required information is completed.

5. **(Recommendation #7)** *Inactivate duplicate vendors*

The policy contains a provision for the periodic review of the vendor report and the inactivation of duplicate vendors

6. **(Recommendation #8)** *The vendor list should be periodically reviewed and vendors made inactive if they have not been paid within a set timeframe, such as seven (7) years.*

The policy contains a provision for the periodic review of the vendor report and calls for vendor that have been inactive for 3 years or more be inactivated. Inactivated vendors must complete the registration process again should the business relationship be reestablished.


Should the Township Board choose to adopt the policy, implementation will begin immediately, but could take up to 6 months as well work to get current vendors of the Township fully registered or inactivated.

FINANCIAL CONSIDERATIONS:

Adopting and implementing the Vendor Registration Policy will have little direct cost to the Township other than staff time to implement and oversee.

RECOMMENDED ACTION:

Consider the proposed Cascade Township Vendor Registration Policy

	CASCADE CHARTER TOWNSHIP, MICHIGAN			
	POLICIES AND PROCEDURES		# OF PAGES: 4	POLICY #: 2022-005
	SUBJECT: Vendor Registration Policy		APPROVED BY:	
	DEPARTMENT: Township Wide	SUPERCEDES: None	DATE OF ISSUE: 11/02/2022	DATE OF EFFECT: Immediate

I. PURPOSE

The purpose of this policy is to establish rules and procedures for registering vendors to qualify to business with Cascade Township.

II. POLICY STATEMENT

It is the policy of the Cascade Township that in order to promote fairness, transparency and accountability, all vendors doing business with Cascade Charter Township must first complete a vendor registration form which contains basic information about the vendor and identifies and real or perceived conflicts of interest.

III. PROCEDURES

A. Registration Requirement

In general, all vendors wishing to do business with the Township must complete the Vendor Registration Form, the Vendor Conflict of Interest Disclosure Form and a W-9 form. Vendor registration forms will be good up to 3 years from the last activity with the Township. Should the Township not be able to procure a completed vendor registration form (i.e. from Amazon, etc) the company may be exempt from the requirements by approval of the Township Board.

B. Registration Exemptions

By policy the following vendors are exempt from the registration process:

- Benefit Providers (Heath, Dental, Vision, Etc.)
- Building Permit Payments
- Contracted services from other units of Government
- Employee mileage payments and other reimbursements
- Escrows, performance bonds and solicitation bond refunds
- Fuel card purchases
- Insurance Payments (automotive, liability, workers comp, etc)
- Membership and license fees
- Reimbursements and Refunds
- Tax Disbursements and Refunds
- Utilities
- Any other exemptions approved by the Township Board

C. Conflict of Interest

All vendors of the Township are required to fill out and sign the Township Vendor Conflict Interest Disclosure Form. Through the form, the vendor authorized representative will certify that:

1. No Township official or employee or Township employee's immediate family member has an ownership interest in vendor's company or is deriving personal financial gain from this contract.
2. No retired or separated Township official or employee who has been retired or separated from the Township for less than one (1) year has an ownership interest in vendor's Company.
3. No Township official or employee is contemporaneously employed or prospectively to be employed with the vendor.
4. Vendor hereby declares it has not and will not provide gifts or hospitality of any dollar value or any other gratuities to any Township employee or official to obtain or maintain a contract or business with the Township.
5. Any exceptions to 1-4 should be noted on the provided space on the form.

A vendor who discloses a conflict of interest will not be disqualified from doing business with the Township. Rather, any conflicted vendor recommended for a contract or otherwise doing business with the Township must be presented to the Township Board following the procedures outlined in section D.

D. Use of a Conflicted Vendor

Should a conflicted vendor be recommended for business with the Township, the following protocol should be followed. Any deviations from the process must be documented and explained to the Township Board prior to their consideration.

- Any contract award or business with a conflicted vendor must be presented to the Township Board for consideration, regardless of the duration or size of the contract or business. When presented to the Township Board, the details of the conflict of interest shall be posted as well as an explanation as to why the conflicted vendor is being recommended.
- Any contract award or business with a conflicted vendor must be the result of an open bid, or securing a minimum of 3 competitive bids. In the case that an open bid process or 3 competitive bids are not available, an explanation must be provided to the Township Board before consideration.
- Approval of a contract or business with a conflicted vendor may not be for a period for more than 2 years, unless otherwise approved by the Township Board.

E. Maintenance of The Vendor Registration System

The Senior Accountant shall be responsible for the maintenance of the vendor registration system. No payment to any vendor will be made unless the form has been received, the vendor is exempt based on this policy, or the Township Board has specifically exempted the vendor. Payments to conflicted vendors will not be made until approved as outlined in Section **D** of this policy.

Vendors that have not done business with the Township in the past 3 years will be deactivated from the system and must re-register if the relationship is re-established. Each January and July the Senior Accountant will submit to the Township Board, as part of the monthly financial statements, an active vendor report and a vendor change report. As part of these reports, any duplicate vendors will be eliminated and any missing vendor information will be completed.

IV. REGULATION

A. Enforcement of Policy

The Township Manager or his/her designee shall be responsible for the enforcement of the provisions contained within this policy.

B. Adoption/Amendment of Policy

The Township Board of Trustees shall be responsible for the adoption and amendment of this policy.



Vendor Conflict of Interest Disclosure

All vendors interested in conducting business with Cascade Charter Township must complete and return the Vendor Conflict of Interest Disclosure Form, along with the Vendor Registration Form, in order to be eligible to do business with the Township. Please note that all vendors are subject to comply with Cascade Charter Township's conflict of interest policies as stated within the certification section below.




If a vendor has a relationship with a Cascade Charter Township official or employee, an immediate family member of a Cascade Charter Township official or employee, the vendor shall disclose the information required below.








1. No Township official or employee or Township employee's immediate family member has an ownership interest in vendor's company or is deriving personal financial gain from this contract.
2. No retired or separated Township official or employee who has been retired or separated from the Township for less than one (1) year has an ownership interest in vendor's Company.
3. No Township official or employee is contemporaneously employed or prospectively to be employed with the vendor.
4. Vendor hereby declares it has not and will not provide gifts or hospitality of any dollar value or any other gratuities to any Township employee or official to obtain or maintain a contract or business with the Township.
5. Please note any exceptions below:




Conflict of Interest Disclosure*	
Name of Cascade Township employees, officials or immediate family members with whom there may be a potential conflict of interest.	<input type="checkbox"/> Relationship to employee <hr/> <input type="checkbox"/> Interest in vendor's company <input type="checkbox"/> Other (please describe in box below)




*Disclosing a potential conflict of interest does not disqualify vendors, but may require additional approval. In the event vendors do not disclose potential conflicts of interest and they are detected by the Township, vendor will be exempt from doing business with the Township.

I certify that this Conflict of Interest Disclosure has been examined by me and that its contents are true and correct to my knowledge and belief and I have the authority to so certify on behalf of the Vendor by my signature below:		
Vendor Name	Vendor Phone Number	
Signature of Vendor Authorized Representative	Date	Printed Name of Vendor Authorized Representative

	High Priority
	Medium Priority
	Low Priority

#	Priority	Observations	Possible Risk	Recommendations	Management's Response			
					Action Steps to be Taken	Owner	Status	Due Date
1		Cascade does not have a policy that requires the disclosure and approval of related-party vendors.	Related-party vendors present an increased risk for: 1) The perception of a conflict of interest; 2) Non-market rates charged by the vendor; or 3) Fraudulent invoices.	Cascade should consider implementing a policy that 1) requires the disclosure of relationships between employees and vendors, and 2) requires special approval before the use of related-party vendors. If related party vendors are used, the rates/prices charged by the vendors, as well as their invoices, should be analyzed periodically to determine market rates are being charged.	1) Creation of a draft Vendor Registration & Disclosure policy Including process for considering vendors with a real or perceived conflict of interest. 2) Governance Committee to review proposed policy and make recommendation to the Township Board regarding adoption. 3) Township Board to consider adoption of proposed policy. 4) Implementation and staff training on policy.	1) Township Manager/Senior Accountant/Township Legal Counsel 2) Governance Committee 3) Township Board 4) Township Manager/Senior Accountant	In process	1) 10/21/22 2) 10/26/22 3) 11/2/22 4) 11/11/22
2		No vendor approval policy exists. Departments send invoices from new vendors to the Senior Accountant, requesting the vendor be added to the system.	Fictitious vendors, vendors with a conflict of interest, and vendors who operate in a manner inconsistent with Cascade's policies could be paid.	A policy should be established that documents a process of vendor approval and the criteria that would classify an "unallowable vendor."	1) Creation of a Draft Vendor Registration Form including section for conflict of interest disclosure (to follow policy created for #1) 2) Governance Committee to review proposed form and make recommendation to the Township Board regarding adoption. 3) Township Board to consider adoption of proposed policy. 4) Implementation and staff training on policy.	1) Township Manager/Senior Accountant/Township Legal Counsel 2) Governance Committee 3) Township Board 4) Township Manager/Senior Accountant	In process	1) 10/21/22 2) 10/26/22 3) 11/2/22 4) 11/11/22
3		Errors in submissions to governmental agencies occurred to support expenditures for awards/grants.	A claw-back of funds could be made by the agencies for erroneous submissions.	Better oversight should be performed. For example, use of an Excel workbook to list purchases utilizing award/grant funds could be saved on the Township's network for review by multiple personnel.	1) Development of a policy that requires a multi-departmental team for grant administration 2) Development of tool to track grant requirements and expenses 3) Governance Committee to review proposed policy and make recommendation to the Township Board regarding adoption 4) Township Board to consider adoption of proposed policy 5) Implementation and staff training on policy	1) Township Manager/Senior Accountant/Township Legal Counsel 2) Township Manager/Senior Accountant 3) Governance Committee 4) Township Board 5) Township Manager/Senior Accountant		1) 11/18/22 2) 11/18/22 3) 11/23/22 4) 12/14/22 5) 12/31/22
4		Proper approvals were missing from documentation.	Without properly documented approvals, unauthorized purchases could be made.	Given the Township's responsibility to its residents, all purchases should have the proper documentation and approvals.	1) Conduct staff training on all approval process 2) Develop Training Report for Township Board	1) Township Manager/Senior Accountant 2) Township Manager/Senior Accountant		1) 12/2/22 2) 12/14/22
5		New vendor additions and/or changes to the master vendor file are not periodically reviewed.	The Senior Accountant could add a fictitious vendor and/or manipulate a legitimate vendor's information, such as bank account or address, to their own, resulting in the diversion of vendor payments.	A change report, containing new vendors and changes to existing vendor information, should be periodically reviewed for reasonableness.	1) Policy outline in #1 to have section regarding periodic review of vendor change report 2) Vendor change report to be review every 6 months and included in annual audit documentation	1) Various (see owners for item #1 tasks) 2) Senior Accountant/Township Manager/Township Auditor		1) 11/11/22 2) 12/31/22 & every 6 months thereafter
6		Vendors in the system are missing information, such as addresses, city and vendor name.	Fictitious vendors could be created.	All vendor information should be entered into the system. While there will be exceptions, those entries should be few and easily identifiable.	1) Vendors to be reviewed and missing information to be filled in where available 2) Vendor report to be reviewed every 6 months and included in annual audit documentation	1) Senior Accountant 2) Senior Accountant/Township Manager/Township Auditor	In process	1) Completed 2) 12/31/22
7		Duplicate vendors are listed in the system.	Duplicative payments, 1099 errors, etc. could occur.	Inactivate duplicate vendors.	1) Senior Accountant to inactivate duplicate vendors from system 2) Vendor report to be reviewed every 6 months and included in annual audit documentation	1) Senior Accountant 2) Senior Accountant/Township Manager/Township Auditor	In process	1) Completed 2) 12/31/22

	High Priority
	Medium Priority
	Low Priority

#	Priority	Observations	Possible Risk	Recommendations	Management's Response			
					Action Steps to be Taken	Owner	Status	Due Date
8		Vendors in the system are never made inactive.	Vendors may continue to be listed on the vendor master file and appear active, even if they have not received payment for a significant period of time. This can create a voluminous listing that does not represent current data.	The vendor list should be periodically reviewed and vendors made inactive if they have not been paid within a set timeframe, such as seven (7) years.	<ol style="list-style-type: none"> 1) Policy outline in #1 to have section regarding inactivation of vendors no longer doing business with the Township 2) Regular inactivation of vendors no longer doing business with the Township. 3) Vendor report to be review every 6 months and included in annual audit documentation 	<ol style="list-style-type: none"> 1) Various (see owners for item #1 tasks) 2) Senior Accountant 3) Senior Accountant/Township Manager/Township Auditor 		<ol style="list-style-type: none"> 1) 11/11/22 2) 12/31/22 3) 12/21/22 & every 6 months thereafter
9		Cascade is not redeeming the rewards earned on the organization's credit card. The current balance was approximately \$1,700 at the time of our fieldwork.	Cascade is not benefiting from the accumulating cash back rewards.	Cascade should consider implementing a process for redeeming rewards, such as a recurring "cash out" into Cascade's bank account or applying points against the credit card balance. This process should include a reconciliation performed by someone who does not have account access to redeem the rewards.	<ol style="list-style-type: none"> 1) Review & amend Township Credit Card Policy regarding the redemption of rewards 2) Governance Committee to review proposed policy and make recommendation to the Township Board regarding adoption. 3) Township Board to consider adoption of proposed policy. 4) Implementation and staff training on policy. 	<ol style="list-style-type: none"> 1) Township Manager/Senior Accountant/Township Legal Counsel 2) Governance Committee 3) Township Board 4) Township Manager/Senior Accountant/Deputy Treasurer 		<ol style="list-style-type: none"> 1) 11/18/22 2) 11/23/22 3) 12/14/22 4) 12/31/22
10		No additional assessment of internal controls / processes is performed beyond the annual financial statement audit.	Gaps in internal controls can lead to problematic and erroneous transactions.	Consider performing periodic data testing to help ensure internal controls/processes are being performed.	<ol style="list-style-type: none"> 1) Work with Township Auditor to develop periodic data testing protocols 2) Data testing to be conducted every 6 months and included in annual audit documentation 	<ol style="list-style-type: none"> 1) Township Manager/Senior Accountant/Township Auditor 2) Township Manager/Senior Accountant/Township Auditor 		<ol style="list-style-type: none"> 1) 12/16/22 2) 12/31/22 & Every 6 months thereafter



CASCADE CHARTER TOWNSHIP
5920 Tahoe Dr. SE Grand Rapids, Michigan 49546

Date: October 19, 2022
To: Board of Trustees
From: Supervisor Grace Lesperance
Subject: **Parks Committee Appointment**

Pursuant to the Township's Park's Committee By-Laws (adopted 12/22/93 and revised 9/14/22), I recommend one appointment to the Parks Committee:

Eileen Boekestein, M.S. (appointed to three-year term expiring 12/31/2025)

Ms. Boekestein's perspective as a parent of young children, as well as her professional background and expertise, will significantly assist the Parks Committee's deliberations. (See resume attached.)

Eileen Boekestein, M.S.

Experience

Environmental Education Coordinator | *Michigan Department of Environment, Great Lakes, and Energy* | *Lansing, MI*

November, 2021 – Present

- Develop, implement, and evaluate the Department's statewide environmental education program impacting educators, students, and all citizens in the state of Michigan.
- Develop program goals and an annual environmental education plan and prepare reports evaluating program progress.
- Develop, plan, and implement education outreach programming for EGLE, including making materials available to educators throughout the state.
- Develop EGLE-specific education curriculum related to EGLE's mission of protecting the environment and public health focused on educating educators, students, and the general public on all areas of EGLE's work.
- Develop, plan, and implement training and professional development programs for educators.
- Consult and work with other state departments to support EGLE's environmental education plan, develop curriculum, and promote understanding of EGLE's mission and programs.
- Collaborate with EGLE staff to create educational content related to programmatic work in all EGLE areas, including but not limited to, water use and protection, contaminated property management, waste disposal, and air quality.
- Coordinate EGLE STEM activities.
- Serve as advisor to the board of directors for the Michigan Alliance for Environmental and Outdoor Education.
- Provide technical assistance to schools, school districts, and educators wishing to undertake environmental projects.
- Research, evaluate, and recommend new environmental education programs.
- Serve as the statewide coordinator for the Michigan Green Schools program.
- Manage grant funds to support statewide environmental education efforts.

Environmental Education Coordinator | *Grand Valley Metropolitan Council* | *Grand Rapids, MI*

May 2017 – November 2021

- Develop, implement, evaluate, and refine annual regional Public Education Plans for the Lower Grand River Watershed Management Plan and for 23 communities holding Municipal Separate Storm Sewer System (MS4) permits in West Michigan
- Provide technical assistance to engage students and community members in meaningful, place-based stewardship education and action projects around water, air, and land

- Assist with creation of environmental education curriculum aligned to state and national science educational standards for the Grand River Revitalization and Rapids Restoration Project ([River Rewilding](#) and [The Living Grand](#)) and [Sustainable Agriculture](#) in the watershed
- Promote incorporation of standards-aligned watershed education into curriculum objectives for local school districts along with community partners ([GREEN Collaborative](#))
- Nurture collaboration between diverse community partners through assembling and leading of committee meetings, regional educational events, and joint educational ventures
- Obtain funding through grant writing to support environmental education work in conjunction with community partners and municipalities
- Write, manage, and report on grants from Federal, State, and local sources that support public outreach and environmental education. Wrote or administered grants totaling \$374,000 over the past four years and assisted with implementation of additional grant funded projects.
- Develop outreach materials for organization's [website](#), social media, newsletters, and targeted education programs including [Adopt-a-Drain](#) and the [Grand River Revitalization and Rapids Restoration](#)
- Assist in the development of a watershed-based climate resiliency plan through research and public engagement

Adjunct Instructor | *Cornerstone University | Grand Rapids, MI*

2012 - 2017

- Developed curriculum and taught undergraduate Environmental Science and Science & Culture courses
- A hands-on, place-based teaching style, based on current education and communications research, engaged students in practical application of course material
- Achieved consistently positive evaluations of teaching methods, course content, and course design from students and Division Chair

Independent Contractor | *The Watershed Foundation | North Webster, IN*

2011 – 2014

- Authored motivating public outreach content for websites and community programming ([TWF Healthy Shorelines Initiative](#) and Waterfowl and Pet Poo pledge pages at [indiana.clearchoicescleanwater.org](#)) based on principles of community-based social marketing
- Wrote grant applications and reports for Foundation projects to funding sources including EPA 319 Nonpoint Source Program, U.S. Fish and Wildlife Service, Community Foundations, and non-profits

Program Coordinator | *Center for Lakes and Streams | Grace College, Winona Lake, IN*

2007-2010

- Developed curriculum based on local water quality issues aligned to Indiana's state educational standards

- Created and implemented hands-on education programs such as the [Lake Adventure Days](#), [Classroom Lake Experience](#), and [Lilly Center Art Contest](#) for K-12, college, and community audiences
- Managed training of teachers and undergraduate Teacher Education students in presentation of programs
- Wrote and edited website content, newsletter articles, scientific reports, and grant documentation
- Nurtured collaboration between diverse community partners through leadership of community meetings, public forums, networking events, and joint educational ventures
- Organized and launched the first and second [Northern Indiana Lakes Festival](#)
- Aided with development of a county-wide water quality research program and created the first online database of available research on local lakes and streams ([lakes.grace.edu](#))
- Facilitated the development of a Lakes and Streams Leadership Network to provide collaboration and support between local lake association and watershed leaders

Education Specialist | *Koinonia Nature Preserve | Manchester College, North Manchester, IN 2007*

- Presented interactive K-12 outdoor, environmental, solid waste management, and sustainability programs in classroom and field trips

Undergraduate Researcher | *Pierce Cedar Creek Institute | Hastings, MI Summer 2006*

Field Research Intern | *Wetland and Coastal Resources | Lansing, MI Fall 2006*

Lab Assistant-Botany, General Biology, General Chemistry | *Cornerstone University | Grand Rapids, MI 2005-2006*

Education

M.S. Environmental Studies | *Green Mountain College | Poultney, VT | 2017*

- Writing and Communication Emphasis

B.S. Environmental Biology | *Cornerstone University | Grand Rapids, MI | 2006*

- Major: Environmental Biology; Minors: General Science, Spanish

Au Sable Institute of Environmental Studies | *Mancelona, MI | 2005, 2006*

- Earned Environmental Analyst and Naturalist Certificates

Leadership & Specialized Training

- [ee360 CEE-Change Fellow](#); North American Association for Environmental Education; Leadership in Civics and Environmental Education: 2021-2023
- **Michigan Environmental Education Curriculum Support Writer** for Water Quality unit in the 2020 MEECS update
- **Certified Green Infrastructure Professional**; National Green Infrastructure Certification Program: February 2021-Present

- **Active Member of Education, Grants, and EEC Committees;** Michigan Alliance for Environmental and Outdoor Education; 2019-Present
- **Plainsong Farm & Ministry;** Board of Directors: January 2019-Present; Board Secretary: January 2020-Present
- **Certified Environmental Educator;** Michigan Alliance for Environmental and Outdoor Education: 2018-Present
- **Nonprofit Board Certification Training;** Johnson Center for Philanthropy: 2017
- **Groundswell Advisory Council;** Advisory Council Member and Projects Committee Chair of the Groundswell hub of the Great Lakes Stewardship Initiative: 2017-Present
- **Lakes and Streams Leadership Institute;** Michigan State University; 2017
- **Indiana Lakes Management Society;** Board of Directors 2008-2010; Board secretary 2009-2010
- **Trained in National Project WET, Project WILD, and Healthy Water Healthy People** environmental education curricula; Certified Michigan Project WET Facilitator
- **Indiana Master Naturalist;** 2008-2010
- **Indiana Watershed Leadership Academy;** Purdue University, 2008
- **Environmental Educator of the Year;** Kosciusko County Soil and Water Conservation District, 2008
- **Natural Resources Leadership Development Institute;** Purdue University, 2007

Selected Recent Presentations & Programs

- ***"Blue Crew Training"*** – Advanced water chemistry monitoring professional development session for high school educators – Grand Rapids, MI – 2021
- ***"Place-Based Project WET"*** Workshop for K-12 and nonformal educators – Lowell, MI – 2021
- ***"Phenology on the Farm: Strategies for Rural Place-Based Stewardship Education"*** – Place-Based Education Conference, University of Michigan – Flint, 2019
- ***"River Rewilding: Engaging Students in Evaluating the Impacts of River Restoration on Ecosystems and Communities"*** - Place-Based Education Conference, University of Michigan – Flint, 2019
- ***"STEM to STREAM: Catching and Keeping Girls' Interest in STEM through Fly-fishing"*** – Michigan Alliance for Environmental and Outdoor Education Annual Conference, 2019
- ***"Every Drop Counts: Planning for Water Quality at the Watershed Level"*** - Climate Change Education Solutions Summit, Grand Valley State University, 2019
- ***"Place-Based Project WET"*** – Workshop for K-12 Educators – Grandville, MI – 2019
- ***"Engaging Students in Grand River Rapids Restoration"*** – Full-day Professional Development training for K-12 teachers through Great Lakes Stewardship Initiative -2018
- ***"Reciprocity in Community Partnerships"*** – Place-Based Education Conference, Eastern Michigan University, 2017



CASCADE CHARTER TOWNSHIP

5920 Tahoe Dr. SE Grand Rapids, Michigan 49546

Date: November 2, 2022
To: Supervisor Lesperance and Township Board Members
From: Ben Swayze, Township Manager
Subject: Township Animal Control Regulations – Ordinance Amendment/Repeal
Introduction and Setting of Public Hearing

FACTS:

On July 1, 2022 Kent County Animal Control operations were officially reassigned from the Kent County Health Department (KCHD) to the Kent County Sheriff's Department (KCSD). The restructuring was the result of extensive research completed by the County Administrator's Office, and received unanimous approval by the County Board of Commissioners. With animal control operations now being under the KCSD, Animal Control Officers have received supervision and training from sworn staff that is more in-line with the law enforcement function that they perform. The County believes this supervision and training will translate to safer and more effective animal control services to the communities that are served by the County.

Up until this restructuring, Animal Control Officers primarily took enforcement action by citing violations of Health Department animal control regulations. As the KCHD no longer oversees animal control operations, Animal Control Officers are unable to enforce those regulations. In order to solve that issue and update regulations that were nearly 20 years old, a new Kent County Animal Control Ordinance was drafted and approved by the by the Kent County Board of Commissioners. The newly adopted ordinance, which is attached for review, is a municipal civil ordinance, and enforcement action will be taken in the form of civil infraction citations. In more serious cases involving animal complaints, Animal Control Officers and Deputies will have the option to cite and/or seek charges under applicable state law.

One limitation of the Kent County Animal Control ordinance is that pursuant to state law, the KCSD will only have jurisdiction to enforce the ordinance in cities, villages and townships that do not have their own animal control ordinance. As Cascade Township does currently have an Animal Control ordinance, the KCSD will be unable to take civil enforcement action in the Township until our ordinance is either repealed, or amended to remove animal control enforcement action.

The first step in the process will be to set the public hearing for the ordinance amendment or repeal, which staff is recommending be set for Wednesday November 16 at the regular Township Board meeting. Once the public hearing is held, the Township Board will be able to repeal the current ordinance, or adopt an ordinance amendment at the meeting, or at any future meeting of the Board.

Attached for your review is:

- Kent County press release regarding animal control operations

- Current Cascade Township Animal Control Ordinance
- Kent County Animal Control Ordinance

ANALYSIS & CONCLUSIONS:

The current Cascade Township Animal Control Ordinance is pretty straightforward and really only regulates animals running at large and animal waste. The Township does have other ordinances, including the Zoning ordinance, that contain other animal related regulations. These ordinances do not have to be amended or repealed, and can remain in place. Because of the simplicity of our current ordinance, and the fact that the regulations are also included in the Kent County ordinance, staff is recommending a full repeal of our current ordinance. This will allow the KCSD to fully enforce their animal control regulations in the Township, and they will work with the Cascade Township Zoning Administrator to do so.

If the Township Board wishes to move forward with the repeal (or amendment) of the Township Animal Control ordinance, a public hearing will need to be held prior to consideration. Township Staff is recommending the public hearing be set for the regular Township Board meeting on November 16, 2022 at 7:00pm at the Wisner Center. After the public hearing is held, the Township Board may choose to repeal or amend the Animal Control ordinance at that meeting, or any future meeting

FINANCIAL CONSIDERATIONS:

The repeal or amendment of the Animal Control ordinance itself comes with minimal costs, including staff time, printing and publishing. By going through the process, the Kent County Sheriff's Department will be able to oversee animal control activities in the Township according to the Kent County Animal Control ordinance. These services are included through our East Precinct agreement, so no additional policing costs will be incurred.

RECOMMENDED ACTION:

Set the Public Hearing for the repeal or amendment of the Cascade Township Animal Control Ordinance for Wednesday November 16, 2022 at 7pm at the Wisner Center.



FOR IMMEDIATE RELEASE: June 9, 2022

Contact: Steve Kelso
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Kent County Announces Restructuring of Animal Shelter/Animal Control Operations *Changes are data-driven and reflect nationwide best practices in animal welfare and public safety*

Grand Rapids, Mich. (June 9, 2022) – Kent County will soon restructure its animal shelter and animal control operations. On July 1, the animal shelter will move out from under the Kent County Health Department and will be structured as a stand-alone county department reporting directly to the administration. At the same time, animal control operations will be reassigned to a dedicated, specially trained team at the Kent County Sheriff's Office.

"Best practices in animal welfare and animal control are Kent County's top priority in restructuring these operations," said Kent County Administrator Al Vanderberg. "We consulted subject matter experts and community members and commissioned extensive research into county-level animal shelter and animal control operations before recommending these changes. These decisions are data-driven and reflect nationwide best practices in animal welfare, as well as public safety."

Kent County Animal Control

Animal control will be reassigned to the Sheriff's Office because these operations are largely a function of law enforcement. The team will be led by sworn law enforcement officers including a KCSO Enforcement Division lieutenant and two Enforcement Division sergeants who will oversee daily operations and staff. Staff will include an animal control supervisor, animal control officers, community outreach, media relations and training.

At a meeting this morning, the Kent County Board of Commissioners approved recommendations from its Legislative and Human Resources Committee and Finance and Physical Resources Committee to create and fund the three full-time animal control unit supervisors at the Sheriff's Office.

"For years, KCSO officers have worked cooperatively with Kent County animal control officers in response to calls and to carry out the law enforcement aspects of these operations," said Kent County Sheriff Michelle LaJoye-Young. "With these changes, animal control operations will be led by sworn law enforcement officers trained to provide oversight and to protect due process in rapidly unfolding legal and civil rights matters."

-more-

While the animal control officers will be civilian positions and will not have arresting authority, the sworn Sheriff's deputies in the animal control unit will have authority to make arrests when there is cause to believe a crime has been committed.

To prepare for these changes, the Sheriff's Office is developing a new Kent County Animal Control Ordinance to replace the Kent County Health Department Animal Control Regulations that have been on the books for over 20 years. Starting July 1, the new ordinance will apply anywhere in the county where local city, township or village ordinances are not already in place. Existing local ordinances will supersede the Kent County Animal Control Ordinance.

How to Contact Animal Control

If a Kent County resident encounters an animal emergency – an animal is attacking a person or a pet is in immediate danger – they should call 911. Otherwise, residents should call the Kent County Sheriff's Department dispatch at (616) 632-7310 if they encounter a stray dog, in the case of a dog bite, or to report a suspected case of animal cruelty or neglect.

Kent County Animal Shelter

With the restructuring announced today, the Kent County Animal Shelter will maintain primary responsibility for the care, shelter and feeding of lost and abandoned animals in Kent County. The change in reporting directly to the administration will allow the Kent County Health Department, and specifically the Environmental Health Division, to focus more exclusively on human health.

"Our mission hasn't changed. We remain keenly focused on reuniting pets with their families and finding safe and loving new homes for animals when needed," said Angela Hollinshead, Animal Shelter Director. "We value the support that many community leaders and animal welfare agencies have provided in support of that mission and of the animals in our care over the past several years. We look forward to working with these leaders and organizations to formalize and increase community support in the months ahead."

Following the restructuring, County administration and the animal shelter will explore the possibility of establishing a foundation and "friends group" to increase financial and volunteer support for the shelter.

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Chapter 99. Animals

[HISTORY: Adopted by the Township Board of the Charter Township of Cascade as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Animal control — See Ch. 282.

Article I. Animal Control

[Adopted 7-14-1999 by Ord. No. 4-1999]

§ 99-1. Interpretation; enforcement.

- A. It is deemed by the Township that the ownership of an animal is a privilege which carries with it responsibilities to the Township and its residents with regard to the care and custody of said animal. In interpretation and application, the provisions of this article shall be construed to impose a primary responsibility for compliance with the provisions of this article on the owner of said animal.
- B. Responsibility for enforcement of this article shall be vested in the Director of the Kent County Department of Animal Control, or successor agency, and his or her agents and employees.^[1]

[1] *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).*

§ 99-2. Definitions.

As used in this article, the following terms have the following meanings, unless the context clearly requires otherwise:

ANIMAL CONTROL OFFICER

An agent of the Director of the Kent County Department of Animal Control, or successor agency.^[1]

OWNER

When applied to the proprietorship of an animal, means every person having a right of property in the animal and every person who keeps or harbors the animal or has it in his care, and every person who permits the animal to remain on or about any premises occupied by him. For purposes of this article, any person keeping or harboring any animal for seven consecutive days shall be deemed the owner thereof within the meaning of this article.

[1] *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).*

§ 99-3. Dogs running at large prohibited.

No person owning or having charge, care, custody, or control of any dog shall cause, permit, or allow the dog to run or be at large within the Township whether it be upon any highway, street, lane, alley, court, park, or other public place, or upon any private property or premises other than those of the person owning or having charge, care, custody, or control of such dog, unless such dog is restrained by

a substantial chain or retractable leash not exceeding 20 feet in length and is in the charge, care, custody, or control of a person with the ability to restrain it.

§ 99-4. Animal waste.

A person having custody of any dog shall not permit, either willfully or through failure to exercise due care or control, such dog to commit a nuisance within the Township by defecating upon any public property or upon any private property or premises other than those of the person having charge, care, custody, or control of such dog, without the consent of the owner or person in lawful occupation of such property. Notwithstanding the above, it shall not be a violation of this article if the owner of the dog immediately cleans up the area where the dog has defecated.

§ 99-5. Violations and penalties; impounding of animals.

- A. Any person who violates any provision of this article shall be responsible for a municipal civil infraction, subject to the penalties in Chapter 40, Article IV, Penalties for Misdemeanors and Municipal Civil Infractions.
- B. In addition, any animal which is in violation of the provisions of this article shall be subject to being impounded by an Animal Control Officer.

[1] *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).*

KENT COUNTY ANIMAL CONTROL ORDINANCE

**Adopted by Kent County Board of Commissioners
On June 23, 2022**

Ordinance No. 06-23-22-82

AN ORDINANCE to control, protect and regulate Animals to protect the health, safety and welfare of Kent County citizens and their interests; and to prescribe penalties for violation of its provisions.

THE PEOPLE OF THE COUNTY OF KENT, MICHIGAN, DO ORDAIN:

Section 1. Short Title and Citation

This Ordinance shall be known and cited as the “Kent County Animal Control Ordinance”.

Section 2. Declaration of Purpose

It is in the best interest of the citizens of Kent County to control, protect and regulate Animals to protect the health, safety and welfare of Kent County citizens and their interests.

Section 3. Authority

The authority for this Ordinance is found in 1919 Public Act 339, being MCL 287.261 et seq., as amended, and MCL 46.11(j).

Section 4. Limitations

Pursuant to MCL 287.289a, this Ordinance shall not be construed to apply within any city, village or township which has adopted its own Animal control ordinance.

Section 5. Construction

- a. Any term in the singular shall include the plural.
- b. Pronouns in any gender shall include all genders.
- c. Any requirement or prohibition of any act shall respectively extend to and include the causing and procuring, directly or indirectly, of such act.
- d. No provision in this Ordinance shall make unlawful any act necessarily performed by any officer or employee of Kent County, the Kent County Sheriff’s Office, or any other Kent County department or agency within the scope of his/her duty, or by

any independent contractor when acting under and in conformity with an agreement with the County and/or Sheriff's Department, or his/her agent or employees.

- e. The provisions of this Ordinance are minimum standards supplemental to the statutes of this State.

Section 6. Definitions

For the purpose of this Ordinance, the following terms are defined as follows:

- a. "Abandon" means leaving an Animal, or permitting an Animal to be left, without human supervision and without making provisions for the Animal's adequate care, unless premises are vacated in a short-term emergency for the protection of human life or the prevention of injury to a human. An Animal that is lost by an Owner or Custodian from home or while traveling, walking, hiking, or hunting is not abandoned when the Owner or Custodian has made a reasonable effort to locate the Animal.
- b. "Animal", unless otherwise stated, means domesticated animals, a population that have had their behavior, life cycle or physiology systemically altered as a result of being under human control. "Animal" includes but is not limited to birds, fish, mammals and reptiles.
- c. "Animal Control Officer" means a Kent County Deputy Sheriff or any person appointed by the Kent County Sheriff to enforce this Ordinance, as amended, and/or the Dog Law of 1919.
- d. "Animal Shelter" means the Kent County Animal Shelter or a facility that is contracted with the County for the purpose of Animal impound and to house Stray Animals.
- e. "Animal Shelter Director" means the Director of the Kent County Animal Shelter Department or his/her designee.
- f. "Board of Commissioners" means the Kent County Board of Commissioners.
- g. "County" means the County of Kent, State of Michigan.
- h. "Custodian" of an Animal for purposes of this Ordinance and its enforcement means a Person who keeps or harbors the Animal or has the Animal in his/her care or custody; or who permits the Animal to remain on or about any Premises occupied by the Person.

- i. "Dog Law of 1919" means 1919 Public Act 339, being MCL 287.261 et seq., as amended.
- j. "Kennel" means an establishment wherein or whereon 3 or more dogs are confined and kept for sale, boarding, breeding or training purposes, for remuneration.
- k. "Kent County Animal Shelter Department" shall be defined as an administrative department of Kent County
- l. "Livestock" means horses, stallions, colts, geldings, mares, sheep, rams, lambs, bulls, bullocks, steers, heifers, cows, calves, mules, jacks, jennets, burros, goats, kids and swine, and fur-bearing Animals being raised in captivity.
- m. "Owner" of an Animal for purposes of this Ordinance and its enforcement means a Person having a right of property ownership in an Animal;
- n. "Person" means any natural person, corporation, company, association, firm, or any other entity or organization.
- o. "Sanitary Conditions" means space free from health hazards including excessive Animal waste, overcrowding of Animals, or other conditions that endanger the Animal's health. This definition does not include any condition resulting from a customary and reasonable practice pursuant to farming or animal husbandry.
- p. "Sheriff" means the Kent County Sheriff or his/her designee.
- q. "State" means State of Michigan.
- r. "Stray" or "Running at Large" mean an Animal not under the control of an Owner or Custodian and not on an Owner or Custodian's premises.
- s. "Tag" means a physical identification emblem or a device issued as a verification of a dog license.
- t. "Treasurer" or "County Treasurer" means the Kent County Treasurer or his/her designee.

Section 7. Animal Shelter, Animal Shelter Director and Animal Control Officers

- a. The Kent County Animal Shelter Department is established by the Kent County Administrator for the operation of the Animal Shelter. The Animal Shelter Director shall be an employee of Kent County and shall report to the County Administrator. The Animal Shelter Director is not responsible for oversight of Animal Control Officers.

- b. Animal Control Officers and enforcement of this Ordinance will be under the supervision, oversight and control of the Kent County Sheriff. An Animal Control Officer may be deputized by the Sheriff as a peace officer and/or Special Deputy to enforce this ordinance and/or the Dog Law of 1919.
- c. An Animal Control Officer shall meet the minimum employment standards as established by the Dog Law of 1919 and any other applicable law, rule or regulation.

Section 8. Collection of Animals

- a. Capture. The Animal Control Officer or any Deputy of the Kent County Sheriff's Office may capture or take into custody:
 - 1. Unlicensed dogs;
 - 2. Dogs without current rabies vaccination certificates;
 - 3. Dogs which are Running at Large, Stray or which are not restrained with a lead or leash no greater than six (6) feet in length while off the Owner or Custodian's property; provided, however, this subsection shall not apply (1) when the dog is inside the boundaries of an established dog park accompanied by the dog's Owner or Custodian where dog park rules allow a dog to be off leash; (2) when the dog is engaged in lawful hunting accompanied by its Owner or Custodian; or (3) as allowed by other applicable law;
 - 4. Abandoned Animals;
 - 5. Animals whose treatment constitutes cruelty or abuse in violation of State law or this Ordinance;
 - 6. Animals not provided adequate care as required by State law or this Ordinance, including Section 13, Keeping of Animals;
 - 7. Animals which have bitten a person;
 - 8. Animals that are subject of a violation of this Ordinance, State law or other applicable law.
- b. Observation. The Animal Control Officer may capture and take into custody or accept and care for any Animal held for observation at the recommendation of a doctor, a veterinarian, or the County Health Department.

- c. **Producing for Inspection.** The Animal Control Officer or Deputy of the Kent County Sheriff's Office may require that a person owning any dog produce for inspection the dog, the required vaccination certificate, or the current license and license Tag for such dog.
- d. **Failure to Produce for Inspection.** Any Person upon whom a demand is made under authority of this Ordinance produce for inspection any dog, rabies vaccination certificate, license or Tag, who fails or refuses to produce the same, is in violation of this Ordinance.
- e. **Interference with an Animal Control Officer.** No Person shall interfere with, oppose, or resist the Animal Control Officer or Deputy Sheriff while he or she is engaged in the performance of any act authorized in this Ordinance.
- f. **Unauthorized Removal from the Shelter.** No Person shall remove any Animal from the Animal Shelter without first receiving permission from the Animal Shelter Director.
- g. **Reclamation.** All dogs reclaimed from the Animal Shelter must be licensed as specified in Sections 9 (Individual Dog Licensing) and 12 (Impoundment and Disposition).

Section 9. Individual Dog Licensing

- a. **Licensing Required.** Unless otherwise required by State law, all dogs shall be licensed by the County except:
 - 1. A dog under four months of age;
 - 2. A dog licensed by a municipality in which the dog Owner and dog reside;
 - 3. A dog licensed by another state or county in which the dog and Owner reside, if the Owner will be present in Kent County for thirty days or less;
 - 4. Dogs kept in Dog Kennels licensed pursuant to MCL 287.270.
- b. **Rabies Vaccination.** A dog license shall be issued for only a dog which has a current rabies vaccination; provided, however, that a license may be issued to an unvaccinated dog if a veterinarian states in writing that the dog should not be vaccinated for medical reasons and indicates when the dog can be vaccinated.
- c. **Individual Licenses.** The County Treasurer or the Treasurer's agent shall issue licenses as provided by MCL 287.274-287.274a. License fees shall be established from time to time by the County Board of Commissioners.

- d. Wearing of Tags. A license Tag shall be worn by each licensed dog at all times, except when such dog is engaged in lawful hunting accompanied by its Owner or Custodian.

Section 10. Dog Kennels

- a. Kennel Licenses. Any person who owns, keeps, or operates a Kennel may, in lieu of individual licenses required for dogs under this Ordinance and under the Statutes of the State of Michigan, apply at the Kent County Animal Shelter for a Kennel license entitling that person to own, keep, or operate such a Kennel in accordance with applicable laws of the State, including but not limited to MCL 287.270. Pets must be licensed individually and will not be covered under the Kennel license. This provision is not intended to and does not negate any obligation to obtain zoning permission from the local governmental unit if required by the local unit.
- b. Application for Kennel License. In order to obtain a Kennel License, any person who owns, keeps, or operates a Kennel at any single location within the boundaries of Kent County, except in cities, villages, or townships with their own Animal control ordinance, shall; (1) within thirty days prior to the start of such operation or; (2) a person who has been previously issued a Kennel License, shall apply for a new Kennel License for a new Kennel License by June 1 of each year, at the Animal Shelter Department which, acting as agent of the Treasurer, shall issue such license if the Dog Kennel is in compliance with Sections 10 and 11 of the Dog Law of 1919, being MCL 287.270 and MCL 287.271, and the applicant provides proof acceptable to the County that the Dog Kennel is in compliance with any applicable ordinance of the city, village, or township in which it is located.
- c. Inspection. The Animal Control Officer shall have the right to inspect any Dog Kennel in Kent County in order to determine whether said Kennel is in compliance with this Ordinance and State Statute. If the Kennel has been issued a Kennel License, it shall be the duty of the Animal Control Officer to suspend said Kennel License if, in the Officer's opinion, conditions exist which are not in compliance with this Ordinance, Section 10 of the Dog Law of 1919, being MCL 287.270, and the rules of the Michigan Department of Agriculture, pending correction of such conditions, and further shall have the ability to revoke said Kennel License if such conditions are not corrected within a designated reasonable time.
- d. Rabies Vaccination. Each dog kept in the Kennel that is four (4) months of age or older must have a current rabies vaccination as evidenced by a valid certificate of vaccination licensed by the United States Department of Agriculture, signed by an accredited veterinarian or affidavit of the Kennel owner.

- e. Conditions of Kennel. Any Kennel which under State law is to be covered by a Kennel License shall meet all applicable requirements of State law, including but not limited to Department of Agriculture and Rural Development, Animal Industry Division, Regulation No. 129, being R 285.129.1, Dog kennels.
- f. Animal Care. All licensed Kennels shall provide Animal care as required by applicable State law and this Ordinance, including but not limited to Section 13, Keeping of Animals.
- g. Revocation of Kennel License. A Kennel License may be revoked if the Kennel is not in compliance with State law or this Ordinance.
- h. Forfeiture of Fee. Upon revocation of a Kennel License no part of the fees paid for the License shall be returned and such fees shall be forfeited to the County.
- i. Display of License. Every person having a Kennel License shall keep the License posted and exhibited in a conspicuous manner at the Kennel.
- j. Local Zoning. No Kennel License shall be valid for any Kennel which violates any zoning ordinances or official land use plan. No Kennel License shall be valid where such use is declared a nuisance by the relevant Township Board, Village Council or City Commission.
- k. Fees. The Kent County Board of Commissioners shall set the fees associated with the Article and all other provisions in this Ordinance.

Section 11. Animal Behavior

- a. An Owner or Custodian shall not permit or enable his/her dog or Animal to Run at Large.
- b. An Owner or Custodian shall, at any time the dog is off that Person's property, restrain the dog with a lead or leash no greater than six (6) feet in length; provided, however, this requirement shall not apply (1) when the dog is inside the boundaries of an established dog park accompanied by the dog's Owner or Custodian where dog park rules allow a dog to be off leash; (2) when the dog is engaged in lawful hunting accompanied by its Owner or Custodian; or (3) as allowed by other applicable law.
- c. An Owner or Custodian shall not intentionally, or by failure to exercise due care, allow his/her dog or Animal to menace, attack or bite a person or other Animal in a place where the person or other Animal is legally entitled to be. "Menace" shall include, but not be limited to, charging, scratching, toppling, teeth-baring, snapping, growling, or other predatory mannerisms, directed at a person or other

Animal. "Menace" shall not include behavior of a dog or Animal separated from the person or other Animal by a cage, fence or other barrier.

- d. An Owner or Custodian shall not intentionally, or by failure to exercise due care, allow his/her dog or other Animal to destroy real or personal property.
- e. An Owner or Custodian shall prevent the Animal from defecating on any public or private property other than his own or shall immediately collect and properly dispose of all fecal matter deposited by the Animal while it is off his property.
- f. Stray Livestock. The Owner or Custodian of livestock or poultry shall prevent such animals from running at large on public or private property without consent of the property owner provided, however that this section shall not prohibit leading or driving livestock, under the Owner or Custodian's supervision, along a public highway.

Section 12. Impoundment and Disposition

- a. Animal Shelter. The Animal Shelter is the Animal custodial care and animal impound facility designated as such by the County. Any Stray Animal found in Kent County may be delivered to the custody of the Animal Shelter during its normal business hours.
- b. Relinquishing Strays. Any person picking up any Stray Animal promptly shall inform the Animal Shelter Director that they have found a Stray Animal and shall surrender such Animal to the Animal Shelter upon demand of the Animal Shelter Director, Animal Control Officer or law enforcement officer.
- c. Apprehension of Strays. Any person finding a Stray may assist the Animal Control Officer by holding such Animal for the Animal Control Officer to pick up or by delivering it to the Animal Shelter.
- d. Length of Impoundment. At a minimum the Animal Shelter shall impound Animals and Livestock for the length of time required by State law or applicable court order, if any.

The length of impoundment shall be computed by excluding the first day the Animal is brought to the shelter and including the last day of confinement. If the last day is Sunday, legal holiday, or day the Animal Shelter is closed to the public, the period shall be extended to the next day which is not Sunday, legal holiday, or day the Animal Shelter is closed to the public.

- e. Licensed Dogs. When any Stray dog wearing a current, valid license Tag issued by the Kent County Treasurer, his/her agent, or any municipality within Kent County is impounded pursuant to this Ordinance, the Animal Control Officer or the Animal

Shelter shall, within twelve working hours after receiving the dog, give written notice of the dog's impoundment to the person to whom the license was issued using the address given on the license application. The Notice shall inform the Owner that the dog will be impounded for seven days after the date of the Notice and must be reclaimed within that impoundment period. If the Owner does not reclaim the dog by the end of the impoundment period, the dog shall be considered unclaimed under Subsection J of this Section.

- f. Sick or Injured Animals. Any Animal that is terminally ill or suffering unduly may be humanely euthanized at the discretion of the Animal Shelter Director and any impound time shall not apply.
- g. Voluntarily Surrendered Animals. Any Animal may be humanely euthanized at the request of the Owner for a fee set from time to time by the County Board of Commissioners. No impound time is required for voluntarily surrendered Animals.
- h. Records. The Animal Shelter shall keep a record of each Animal impounded by it, the date of the impounding, the date and manner of its disposition, and if reclaimed, adopted or sold, the name and amount of all fees collected by the County because of the impounding, reclaiming, adopting or purchasing of the Animal, together with the number of any license Tag or Kennel License exhibited or purchased upon the redemption or sale.
- g. Compliance. The Animal Control Officer or Animal Shelter shall not release or sell any Animal that has been impounded in accordance with this Ordinance unless the person to whom the Animal is released or sold provides satisfactory proof that the Animal will be licensed and maintained in accordance with this Ordinance and any other relevant ordinance or statute.
- h. Medical Attention. The Animal Control Officer or Animal Shelter may employ a veterinarian whenever he or she deems necessary in a medical emergency in order to properly care for an impounded Animal. The County or Animal Shelter shall charge a fee for veterinary services and such Animal shall not thereafter be reclaimed without payment of such fee in addition to other impoundment fees and costs.
- i. Payment of Fees. All fees and costs shall be paid, or a payment plan established, prior to the release of any Animal. Fees and costs are established by the Kent County Board of Commissioners.
- j. Impoundment and Disposition. Upon conclusion of the impoundment period, if the Animal has not been reclaimed by its Owner, the Animal Shelter Director may continue to confine the Animal, release the Animal for adoption, sell the Animal or euthanize the Animal in a humane manner.

- k. Prohibition. Animals may not be sold or otherwise transferred to be used as experimental subjects.

Section 13. Keeping of Animals

- a. Adequate Care. Every person who owns or who has charge, care, or custody of an Animal shall provide sufficient food, water, shelter, Sanitary Conditions, exercise, and veterinary medical attention in order to maintain the Animal in a state of good health. Adequate Care includes but is not limited to each of the following requirements.
 - 1. Feeding. Each Animal shall be supplied with sufficient, good, wholesome food and water of sufficient quality and nutritive value to meet the daily requirements determined by the condition and size of the Animal. All Animals shall have fresh water available at all times.
 - 2. Cleanliness. All Animals and all Animal buildings or enclosures shall be maintained in a clean and sanitary condition.
 - 3. Unattended Animals. Whenever a commercial Animal facility or a Dog Kennel is left unattended, the name, address, and telephone number of the owner of the facility and the person responsible for care of the Animals shall be posted in a conspicuous place at the front of the facility.
 - 4. Dangerous Surroundings. No condition shall be maintained or permitted that is, or could be, injurious to the Animal.
 - 5. Teasing. Every reasonable precaution shall be taken to ensure that Animals are not teased, abused, mistreated, annoyed, tormented, or made to suffer by any person.
 - 6. Protection. All reasonable precautions shall be taken to protect the public from Animals and Animals from the public.
 - 7. Sick Animals. Every commercial Animal facility and Dog Kennel shall isolate sick Animals sufficiently so as to not endanger the health of other Animals.
 - 8. Ventilation and Light. Every building or enclosure wherein Animals are maintained shall be constructed of materials easily cleaned and shall be kept in a sanitary condition. The building shall be properly ventilated to prevent drafts and to remove odors. Heating and cooling shall be provided as required

according to the physical needs of the Animals with sufficient light to allow observation of the Animals.

9. Veterinarian Attention. The Owner or Custodian shall take an Animal to a veterinarian for an examination and treatment if the Animal Control Officer finds this necessary to maintain the health of the Animal, and so orders.
10. Cages. Cages shall provide enough space to let each Animal stand up, lie down, and turn around without touching the top or sides of the cage. Cages shall be of a material and construction that permits cleaning and sanitizing. Cage floors, unless radiantly heated, shall have either a resting area above the cage floor or some type of bedding.
11. Shelter. Proper shelter and protection from the weather shall be provided at all times and at a minimum shall consist of a three-sided shelter of suitable size. Shelter floors, unless radiantly heated, shall have either a resting area above the shelter floor or some type of dry bedding.
12. Structural Strength. Housing facilities for Animals shall be structurally sound and shall be maintained in good repair to protect the Animals from injury, contain the Animal, and restrict the entrance of other Animals.

b. **Cruelty**

1. General Prohibition. No person shall beat, harass, injure, or attempt to beat, harass, or injure an Animal.
2. Alcohol. No person shall give an Animal any alcoholic beverage unless prescribed by a veterinarian.
3. Incompatible Animals. No person shall allow Animals, which are natural enemies, temperamentally unsuited, or otherwise incompatible to be quartered together or so near each other as to cause injury, fear, or torment. If two or more Animals are trained so that they can be placed together and without attacking each other, or performing, or attempting any hostile act toward each other, such Animals shall not be considered enemies.
4. Injurious Tack. No person shall allow the use of any tack, equipment, device, substance, or material that is, or could be, injurious or cause unnecessary cruelty to any Animal.

5. Proper Exercise. Working Animals shall be given exercise proper for the individual Animal under the particular conditions.
6. Working Sick Animals. No person shall work or use any Animal which is overheated, weakened, exhausted, sick, injured, diseased, lame, or otherwise unfit.
7. Dog in Heat. No person having a dog in heat shall permit her to be contained in a fashion which gives Animals Running at Large or Stray Animals access to her or which permits her to escape.
8. Confinement. No person shall confine a dog on a chain for more than four hours unless the chain permits movement over at least thirty square feet and allows the dog free access to a suitable shelter and water at all times.
9. Abandonment. No person shall Abandon an Animal.

Section 14. Bites

- a. Reporting. An Owner or Custodian of an Animal which is known to have bitten a person is obligated to report the bite to the Animal Control Officer and/or the Animal Shelter within twenty-four hours of knowledge of the bite. If on a weekend, the report may be made through calling emergency dispatch (911).
- b. Proof of Vaccination. Any Owner or Custodian must upon request provide proof of the Animal's rabies shots or vaccinations and if the Owner or Custodian refuses, the Animal will be presumed to have no current protections.
- c. Quarantine. Every Animal which is known to have bitten a person shall be quarantined as required by State law. Such quarantine shall be at the Animal Shelter, a veterinary office, or a place designated by the Animal Control Officer. The Owner or Custodian shall surrender the Animal to the Animal Control Officer upon request.

Section 15. Enforcement and Penalties

- a. Fines. Any person who violates this Ordinance may be responsible for municipal civil infraction violation punishable by a municipal civil infraction fine, as follows:
 1. \$100 for an initial infraction, or \$200 for a subsequent infraction within five years; and
 2. the costs of prosecution and other costs as determined by the court.

- b. **Enforcement.** The Animal Control Officer or any Deputy of the Kent County Sheriff's Office may also order correction of a violation and may specify the nature of corrective action required and a reasonable time limit for the corrective action to be completed. In the case of violations that may present an imminent danger to public health and safety, immediate corrective action may be required. The Animal Control Officer and any Deputy of the Kent County Sheriff's Office is authorized to issue and serve municipal civil infraction citations if he or she has reasonable cause to believe that a person has committed a violation of this Ordinance. The citation shall contain a description of the violation, that it is a civil infraction, and shall cite the specific sections of the State Statutes or this Ordinance that apply. A court which finds an individual responsible for a civil infraction may exercise equitable powers within its authority to compel current and future compliance with this Ordinance.
- c. **Other Remedies.** Nothing in this Ordinance shall be construed as impairing the right of Kent County or the Animal Control Officers to pursue other legal remedies, including but not limited to, injunctive relief, to enforce the provisions of this Ordinance or citation under applicable State law.

Section 16. Fees for Licenses, Services and Costs

The Kent County Board of Commissioners shall determine fees and costs for various licenses, services, and costs provided or incurred under this Ordinance.

Section 17. Amendments

This Ordinance may be amended from time to time at the discretion of the Kent County Board of Commissioners during a regularly scheduled meeting by majority vote of the members present. The Ordinance shall be read in conformity with and to include any amendments to the State statutes referenced.

Section 18. Severability

The phrases, sentences and provisions of this Ordinance are severable and the finding that any portion hereof is unconstitutional or otherwise unenforceable shall not detract from or affect the enforceability of the remainder of this Ordinance.

Section 19. Repeal

Any ordinances, rules or regulations heretofore enacted and in conflict with this Ordinance are hereby repealed.

Section 20. Effective Date

This Ordinance shall become effective July 1, 2022.

Adopted: 6/23/2022 by Resolution No. 06-23-22-82