

OSHTEMO CHARTER TOWNSHIP BOARD
7275 West Main Street
Kalamazoo, MI 49009

February 23th, 2021

Refer to www.oshtemo.org home page for Virtual Meeting Information

REGULAR MEETING
6:00 P.M.
AGENDA

1. Call to Order
2. Roll Call & Remote Location Identification
3. Pledge of Allegiance
4. Public Comment on Non-Regular Session Items

WORK SESSION ITEMS

5. Request to Enter into Closed Session to Discuss Opinion of Counsel
6. Other Updates & Business

BREAK (Time Permitting) – 7:05 P.M.

REGULAR SESSION ITEMS – 7:15 P.M.

7. Consent Agenda
 - a. Approve Minutes – February 9th, 2021
 - b. Receipts & Disbursements Report
 - c. Kalamazoo Hazardous Materials Response Team Federal Grant
 - d. 2021 Budget Amendments
 - e. Sewer & Water Installment Agreement Refinancing Policy
 - f. Fire Dept Lexipol Policies
8. Consideration of Zoning Amendment for Nonconforming Uses - First Reading
9. Consideration of 2021 Road Maintenance Projects
10. Consideration of Revisions to Oshtemo Township Fire Code Ordinance – First Reading
11. Consideration of Request to DNR to Add No-discharge of Bow Arms to the No Discharge of Firearms Existing District in the Township
12. Update on 2021 Sidewalk Construction Projects
13. Other Township Business & Question Updates
14. Public Comment
15. Board Member Comments
16. Adjournment

**Policy for Public Comment
Township Board Regular Meetings, Planning Commission & ZBA Meetings**

All public comment shall be received during one of the following portions of the Agenda of an open meeting:

a. Citizen Comment on Non-Agenda Items or Public Comment – while this is not intended to be a forum for dialogue and/or debate, if a citizen inquiry can be answered succinctly and briefly, it will be addressed or it may be delegated to the appropriate Township Official or staff member to respond at a later date. More complicated questions can be answered during Township business hours through web contact, phone calls, email (oshtemo@oshtemo.org), walk-in visits, or by appointment.

b. After an agenda item is presented by staff and/or an applicant, public comment will be invited. At the close of public comment there will be Board discussion prior to call for a motion. While comments that include questions are important, depending on the nature of the question, whether it can be answered without further research, and the relevance to the agenda item at hand, the questions may not be discussed during the Board deliberation which follows.

Anyone wishing to make a comment will be asked to come to the podium to facilitate the audio/visual capabilities of the meeting room. Speakers will be invited to provide their name, but it is not required.

All public comment offered during public hearings shall be directed, and relevant, to the item of business on which the public hearing is being conducted. Comment during the Public Comment Non-Agenda Items may be directed to any issue.

All public comment shall be limited to four (4) minutes in duration unless special permission has been granted in advance by the Supervisor or Chairperson of the meeting.

Public comment shall not be repetitive, slanderous, abusive, threatening, boisterous, or contrary to the orderly conduct of business. The Supervisor or Chairperson of the meeting shall terminate any public comment which does not follow these guidelines.

(adopted 5/9/2000)
(revised 5/14/2013)
(revised 1/8/2018)

Questions and concerns are welcome outside of public meetings during Township Office hours through phone calls, stopping in at the front desk, by email, and by appointment. The customer service counter is open from Monday-Thursday 8:00 am- 5:00 pm, and on Friday 8:00 am-1:00 pm. Additionally, questions and concerns are accepted at all hours through the website contact form found at www.oshtemo.org, email, postal service, and voicemail. Staff and elected official contact information is provided below. If you do not have a specific person to contact, please direct your inquiry to oshtemo@oshtemo.org and it will be directed to the appropriate person.

Oshtemo Township Board of Trustees		
<u>Supervisor</u>		
Libby Heiny-Cogswell	216-5220	libbyhc@oshtemo.org
<u>Clerk</u>		
Dusty Farmer	216-5224	dfarmer@oshtemo.org
<u>Treasurer</u>		
Clare Buszka	216-5260	cbuszka@oshtemo.org
<u>Trustees</u>		
Cheri L. Bell	372-2275	cbell@oshtemo.org
Kristin Cole	375-4260	kcole@oshtemo.org
Zak Ford	271-5513	zford@oshtemo.org
Kizzy Bradford	375-4260	kbradford@oshtemo.org

Township Department Information			
<u>Assessor:</u>			
Kristine Biddle	216-5225	assessor@oshtemo.org	
<u>Fire Chief:</u>			
Mark Barnes	375-0487	mbarnes@oshtemo.org	
<u>Ordinance Enf:</u>			
Rick Suwarsky	216-5227	rsuwarsky@oshtemo.org	
<u>Parks Director:</u>			
Karen High	216-5233	khigh@oshtemo.org	
Rental Info	216-5224	oshtemo@oshtemo.org	
<u>Planning Director:</u>			
Iris Lubbert	216-5223	ilubbert@oshtemo.org	
<u>Public Works:</u>			
Marc Elliott	216-5236	melliott@oshtemo.org	

Zoom Instructions for Participants

Before a videoconference:

1. You will need a computer, tablet, or smartphone with a speaker or headphones. You will have the opportunity to check your audio immediately upon joining a meeting.
2. If you are going to make a public comment, please use a microphone or headphones with a microphone to cut down on feedback, if possible.
3. Details, phone numbers, and links to videoconference or conference call are provided below. The details include a link to “**Join via computer**” as well as phone numbers for a conference call option. It will also include the 11-digit Meeting ID.

To join the videoconference:

1. At the start time of the meeting, click on this link to [join via computer](#). You may be instructed to download the Zoom application.
2. You have an opportunity to test your audio at this point by clicking on “Test Computer Audio.” Once you are satisfied that your audio works, click on “Join audio by computer.”

You may also join a meeting without the link by going to [join.zoom.us](#) on any browser and entering this **Meeting ID: 864 6151 4632**

If you are having trouble hearing the meeting or do not have the ability to join using a computer, tablet or smartphone then you can join via conference call by following instructions below.

To join the conference by phone:

1. On your phone, dial the toll-free teleconferencing number: **1-929-205-6099**
2. When prompted using your touchtone (DTMF) keypad, enter the Meeting ID number: **864 6151 4632#**

Participant controls in the lower-left corner of the Zoom screen:



Using the icons at the bottom of the Zoom screen, you can (some features will be locked to participants during the meeting):

- Participants – opens a pop-out screen that includes a “Raise Hand” icon that you may use to raise a virtual hand. **This will be used to indicate that you want to make a public comment.**
- Chat – opens pop-up screen that allows participants to post comments during the meeting.

If you are attending the meeting by phone, to use the “Raise Hand” feature **press *9 on your touchtone keypad.**

Public comments will be handled by the “Raise Hand” method as instructed above within Participant Controls.

CHARTER TOWNSHIP OF OSHTEMO
KALAMAZOO COUNTY, MICHIGAN

RESOLUTION TO ASSEMBLE IN CLOSED SESSION
February 23, 2021

WHEREAS, the Board of Trustees wishes to assemble in closed session to discuss with its staff counsel a written legal opinion. Staff counsel's written legal memoranda is subject to the Attorney-Client Privilege and is, therefore, excepted from public disclosure and needs not be produced to a requesting party per the Michigan Freedom of Information Act, MCL §15.243(g). That the Board of Trustees is lawfully entitled to consider the legal memorandum from its counsel while assembled in closed session pursuant to the Michigan Open Meetings Act, (MCL §15.268(h); see also, *Booth Newspaper, Inc. v. Regents of University of Michigan*, 93 Mich.App. 100, 107 (1979)); and

WHEREAS, the Board of Trustees desires to comply with the Michigan Open Meetings Act, and specifically seeks to assemble in closed session pursuant to the provisions of MCL §15.268(h);

NOW THEREFORE, BE IT RESOLVED upon motion by _____ and supported by _____, that the Board of Trustees of Oshtemo Charter Township, shall assemble in closed session to consult with its staff counsel concerning staff counsel's written legal opinion.

	Aye	Nay
Libby Heiny-Cogswell	_____	_____
Dusty Farmer	_____	_____
Clare Buszka	_____	_____
Cheri L. Bell	_____	_____
Kristin Cole	_____	_____
Zak Ford	_____	_____
Kizzy Bradford	_____	_____

The Supervisor declared that the Resolution has been adopted by at least 2/3 of the members of the Board.

Dusty Farmer, Clerk
Oshtemo Charter Township

CERTIFICATE

I hereby certify that the foregoing constitutes a true and complete copy of an Excerpt of the Minutes of a special meeting of the Oshtemo Charter Township Board, held on February 23, 2021, at which meeting ____ members were present and voted upon the same as indicated in said Minutes; that said meeting was held in accordance with the Open Meetings Act of the State of Michigan.

DUSTY FARMER, Township Clerk



Memo



To: Libby Heiny-Cogswell, Township Supervisor, Josh Owens, Asst. Twp. Supervisor
From: M. Barnes, Fire Chief
Date: February 12, 2021
Re: County Haz-Mat Team Grant Request

Objective

Township Board authorization to apply for a grant to assist with the Haz-Mat services in Kalamazoo County.

Background

The executive board of the Kalamazoo County Hazardous Materials (Haz-Mat) team is in the process of applying for a federal Assistance to Firefighters Grant (AFG). If awarded, this grant will provide funding to replace the existing chassis of our 23-year old tow vehicle. This 1993 GMC Topkick chassis, and former City of Kalamazoo Fire Rescue truck, was sold to the team by the City for \$1 several years ago. It is quickly reaching a point of unreliability, so replacement is important.

The grant request is for \$94,472.41. With the required 10% match of \$9,447.24 from the Haz-Mat administrative board, the grand total will be \$103,919.65. These funds will be used to purchase a medium duty chassis such as the International Model HV607 or its equivalent. The existing body will be refurbished and transferred to this new chassis which will also be paid for by funding from Haz-Mat.

Although this team, and the grant's award will serve all participating jurisdictions in Kalamazoo County, the grant was written by the metro departments simply for ease of administration and to meet the grant's short timelines.

Since Oshtemo is a participating community in the Haz-Mat agreement and pays an annual maintenance fee of \$1,400, there is no cost to Oshtemo to participate in this grant or for the team to hopefully receive this award. However, Township Board authorization to participate is needed.

Memorandum of Understanding

Between

Portage Fire Department (Host)

and

Kalamazoo Hazardous Materials Response Team Executive Board

This Memorandum of Understanding (MOU) sets forth the terms and understanding between the Portage Fire Department (Host) and the participating agencies of the Kalamazoo Hazardous Materials Response Team - Executive Board to apply as a regional applicant for the Fiscal Year 2020 Assistance to Firefighters Grant (AFG) Program.

The Kalamazoo Hazardous Materials Response Team - Executive Board consists of leadership from the following participating partners.

- City of Portage Fire Department
- Township of Kalamazoo Fire Department
- City of Kalamazoo Department of Public Safety
- Oshtemo Township Fire Department
- Comstock Township Fire Department
- Texas Township Fire Department

This MOU is an acknowledgement that the City of Portage Fire Department will apply as a regional host applicant for the Fiscal Year 2020 Assistance to Firefighters Grant (AFG) Program on behalf of the Executive membership of the Kalamazoo Hazardous Materials Response Team. The purpose of the AFG program application is to obtain financial assistance to procure a replacement tow vehicle for the Kalamazoo Hazardous Materials Response Team.

The City of Portage will apply and submit the necessary documents in accordance with the AFG program guidance documents. The City of Portage Fire Department will serve as the program administrator, and fiduciary should the organization become a successful recipient of the AFG program. Distribution of funded assets will be directly to the Kalamazoo Hazardous Materials Response Team in accordance with the procedures under the Fiscal Year 2020 Assistance to Firefighters Grant (AFG) Program.

This MOU is at-will and may be modified by mutual consent of authorized officials from the Kalamazoo Hazardous Materials Response Team - Executive Board. This MOU shall become effective upon signature by the authorized officials from the participating partners and will remain in effect until modified or terminated by any one of the partners by mutual consent.

Oshtemo Township Fire Department
Mark Barnes, Fire Chief

Date: _____

MEMORANDUM

To: Township Board

From: James Porter

Date: February 19, 2021

Subject: Resolution to Establish A Policy for Water and Sewer Main Installment Payment Refinancing Agreements

OBJECTIVE:

To clarify the procedures under which Water and Sewer Installment Payment Agreements or Installment Payment Mortgage Agreement already executed between the Township and Township Residents may be refinanced at a lower interest rate.

BACKGROUND:

The Board approved revisions to the interest rate setting for Water and Sewer Installment Payment Agreements and approved Township Resident refinance for existing Water and Sewer Installment Payment Agreements or Installment Payment Mortgage Agreements in in January 2021. In receiving requests for such Board approved refinancing, it became clear that the Township needed to establish procedures for how such refinancing would be undertaken to ensure standard treatment for all Residents.

INFORMATION PROVIDED:

I have attached a copy of the Resolution to Establish A Policy for Water and Sewer Main Installment Payment Refinancing Agreements for the Board's review and approval.

STATEMENT OF REQUESTED BOARD ACTION:

I recommend that the Board adopt Resolution to Establish A Policy for Water and Sewer Main Installment Payment Refinancing Agreements.

**OSHTEMO CHARTER TOWNSHIP
COUNTY OF KALAMAZOO, MICHIGAN**

**RESOLUTION TO ESTABLISH A POLICY FOR WATER AND SEWER
INSTALLMENT PAYMENT REFINANCING AGREEMENTS**

Adopted: February 23, 2021

Effective: _____

WHEREAS, the Township Board lowered the rate of interest charged to residents for Water and Sewer Installment Payment Agreements in January 2020 from a rate based on the prime to a rate based upon the Fannie Mae rate, as established January 1 of each year; and

WHEREAS, the Township Board resolved to allow residents to refinance existing and outstanding Water and Sewer Installment Payment Agreements or Installment Payment Mortgage Agreement executed with the Township before the new lower rates were approved; and

WHEREAS, the Township Board wishes to codify the terms and conditions applicable to such refinancing;

NOW, THEREFORE, BE IT HEREBY RESOLVED that Oshtemo Charter Township will allow the refinancing of any Township Water or Sewer Installment Payment Agreements or Installment Payment Mortgage Agreement executed prior to January 28, 2020, upon the following terms and conditions:

1. Property owners will be allowed to refinance each Installment Payment Agreement or Installment Payment Mortgage Agreement with the Township only once; and
2. Refinancing shall be for the remainder of the current term of the Installment Payment Agreement or Installment Payment Mortgage Agreement; and
3. The interest rate at which the refinancing will be set shall be the rate established on January 1 of the year in which the refinancing occurs; and

4. No fee shall be collected from a resident refinancing an eligible Water or Sewer Installment Payment Agreement or Installment Payment Mortgage Agreement.

Motion was made by _____ and seconded by _____, to adopt the foregoing Resolution.

Upon roll call vote the following voted "Aye":

The following voted "Nay":

The following were Absent: None

The following Abstained: None

The Supervisor declared the motion carried and the Resolution duly adopted.

Dusty Farmer, Clerk
Oshtemo Charter Township

Patient Refusal of Pre-Hospital Care

502.1 PURPOSE AND SCOPE

This policy establishes guidelines to be followed any time a patient refuses pre-hospital emergency medical evaluation, care, and/or transport.

502.1.1 DEFINITIONS

Definitions related to this policy include:

Competent - The patient has the capacity to understand the circumstances surrounding his/her illness or impairment and the risks associated with refusing treatment or transport. The patient is alert and his/her judgment is not significantly impaired by illness and/or injury. Mental illness, drugs, alcohol intoxication, or physical/mental impairment may significantly affect a patient's competence. Patients who have attempted suicide or verbalized suicidal intent, or if other factors lead pre-hospital care personnel to suspect intent, should not be regarded as competent.

Emancipated minor - An individual under the age of 18 years who is married, on active duty in the military, is emancipated by declaration of a court, or is emancipated pursuant to any other provision of Michigan law (MCL 722.4).

Patient - A person who meets any one of the following criteria:

- Has a chief complaint
- Has obvious symptoms or signs of injury or illness
- Has been involved in an event that the average first responder would reasonably believe could cause an injury
- Appears to be disoriented or to have impaired psychiatric function
- Has evidence of suicidal intent
- Is deceased

Patient refusing medical care against medical advice (AMA) - A competent patient who is determined by an Emergency Medical Technician (EMT) or base hospital to have a medical problem that requires the immediate treatment and/or transportation capabilities of the Emergency Medical Services (EMS) system, but who declines medical care despite being advised of his/her condition and the risks and possible complications of refusing medical care (MCL 333.20969).

Protective custody - An individual who is held against his/her will for evaluation because the individual is a danger to him/herself, a danger to others, and/or is gravely disabled or unable to care for him/herself (MCL 330.1100c).

502.2 POLICY

It is the policy of the Oshtemo Fire and Rescue Department that a Patient Care Record (PCR) and a patient release form be completed pursuant to local medical control protocols any time a patient refuses emergency medical evaluation, care, and/or transportation.

Patient Refusal of Pre-Hospital Care

502.3 PROCEDURE

In the pre-hospital setting of the sick and injured patient, these guidelines may be interpreted and applied broadly. The EMT should err on the side of providing patient care, even if the patient is later found to have been competent to refuse care. Patients who likely have a serious medical problem should be evaluated more carefully for their decision-making capacity.

- (a) A competent adult or an emancipated minor has the right to determine the course of his/her own medical care and shall be allowed to make decisions affecting his/her medical care, including the refusal of care.
- (b) Spouses or relatives, unless they are a legal representative, cannot necessarily consent to the refusal of care for their spouse or relative. They may provide insight into what an incompetent relative would desire and may be used as surrogates for decision-making after an incompetent patient enters the hospital. Patients less than 18 years old must have a parent or legal representative present to refuse evaluation, medical care and/or transport unless they are an emancipated minor. The parent or legal representative must be competent to make this decision. If the parent or legal representative's decision seems to grossly endanger the minor or the parent or legal representative does not appear to be competent, the EMT should make contact with the base hospital for further guidance.
- (c) The EMT must evaluate and document the patient's ability to comprehend and whether his/her ability to do so is impaired by the medical condition. The EMT should assess the patient with particular attention to:
 - 1. The patient's complaint or the reason for the call.
 - 2. Any important circumstances surrounding the call for assistance.
 - 3. Significant patient medical history.
 - 4. Complete physical assessment, including vital signs and mental status.
 - 5. Signs of drug and/or alcohol use/intoxication and physical or mental conditions affecting judgment, such as injury, developmental disability, or mental illness. Examples of conditions affecting the patient's decision-making capacity include but are not limited to a significantly altered level of consciousness or blood pressure, hypoxia, or severe pain.
- (d) The EMT should establish to the best of his/her ability what treatment the patient requires and the potential risks/consequences if the patient refuses care, and should communicate to the patient the benefits and risks of the proposed medical care or transport.
- (e) If the patient refuses treatment or transport and the EMT believes the patient is competent, the EMT should make reasonable efforts to ensure that the patient understands the risks and consequences of refusing medical attention and to understand why the patient is refusing care. The EMT should present to the patient alternatives to obtaining care, transport, or modification of services offered, and attempt to overcome the patient's objections, if reasonable. Any evaluation, including base hospital contact, should be thoroughly documented for conditions the EMT believes are potentially serious.

Oshtemo Fire and Rescue Department

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Patient Refusal of Pre-Hospital Care

- (f) The base hospital should be contacted regarding any patient exhibiting symptoms meeting the base hospital criteria for treatment and transport. If the patient refuses treatment and/or transport and there is some question on the part of field personnel as to the capacity of the patient, base hospital consultation should be obtained prior to leaving the scene.
- (g) A patient who meets the criteria for release at the scene may be released by an EMT. However, the patient should be advised, if applicable, to seek alternate medical care. If the patient requires additional medical advice, the base hospital should be contacted.
- (h) When a patient exhibits signs of being a danger to him/herself or others, is gravely disabled, or cannot care for him/herself and cannot be treated and/or transported, the EMT should notify law enforcement to confirm that observation and to take the individual into protective custody as provided by Michigan law (MCL 330.1427). The EMT should remain with the patient until the proper authorities have made a determination regarding the hold. Patients on a mental health hold cannot be released at the scene.
- (i) If the base hospital and/or the EMT determine that the patient is not competent to refuse evaluation or transport, the following alternatives exist:
 - 1. The patient should be transported to an appropriate facility under implied consent. In this case a mental health hold is not necessary.
 - 2. If the base hospital determines it is necessary to transport the patient against his/her will and the patient resists or the EMT believes the patient will resist, the EMT shall call for law enforcement assistance in transporting the patient. Law enforcement may consider placing the individual into protective custody (MCL 330.1427).
 - 3. At no time are members to put themselves in danger by attempting to transport or treat a patient who refuses treatment. At all times, good judgment should be used and appropriate assistance obtained.

502.4 DOCUMENTATION

The EMT should document the following for all patients who refuse medical care AMA:

- (a) All relevant patient medical history and assessment
- (b) A description of the patient that clearly indicates his/her decision-making capacity
- (c) Reasons given why the patient refused care, treatment, or transport
- (d) A statement that the patient was advised of the risks/consequences of refusing medical attention and that he/she acknowledged understanding those risks
- (e) Any alternatives that were presented to the patient
- (f) A description of base hospital contact, including information given and received

After advising the patient and any associated witnesses concerning the consequences of refusing medical care, the EMT should obtain the signature of the patient and one witness on the patient

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Patient Refusal of Pre-Hospital Care

release form. Preferably the witness should be a member of the patient's family, if available at the scene.

If the patient is a minor, the parent or legal guardian should sign the patient release form.

If the patient refuses to sign the patient release form, that fact should be documented on the form. The release should include the department-specific incident number, the signature of the field personnel and that of any witnesses.

A PCR for a patient refusing care shall be reviewed by the EMS supervisor to ensure compliance with this policy. The patient release form and copy of the PCR should also be sent to the base hospital for review.

Do-Not-Resuscitate Orders

503.1 PURPOSE AND SCOPE

This policy identifies the circumstances and types of documents required for department Emergency Medical Services (EMS) members to withhold or withdraw resuscitative or life-sustaining measures based on the Michigan Do-Not-Resuscitate (DNR) Procedure Act.

Nothing in this policy should be interpreted to limit EMS members from relieving an airway obstruction.

503.1.1 DEFINITIONS

Definitions related to this policy include (MCL 333.1052):

Do Not Resuscitate (DNR) order - A document executed under the Michigan DNR Procedure Act directing that, if an individual suffers cessation of both spontaneous respiration and circulation in a setting outside of a hospital, resuscitation will not be initiated. Resuscitative efforts include chest compressions, defibrillation, assisted ventilation, basic airway adjuncts, advanced airway adjuncts (e.g., endotracheal tube, Combitube®), cardiotoxic medications, or other medications or means intended to initiate a heartbeat or to treat a non-perfusing rhythm.

The order must be in a form as described by Michigan law (MCL 333.1054; MCL 333.1056).

A DNR order can also be evidenced by a DNR bracelet.

DNR bracelet or identification bracelet - A wrist bracelet that meets the requirements of Michigan law and that is worn by a patient while a DNR order is in effect. A DNR identification bracelet shall possess features that make it clearly recognizable as a DNR identification bracelet including but not limited to all of the following (MCL 333.1057):

- (a) Imprinted with the words "DO-NOT-RESUSCITATE ORDER"
- (b) The name and address of the patient
- (c) The name and telephone number of the patient's attending physician, if any

The words shall be printed in a type size and style that is as easily read as practicable, given the size of the identification bracelet.

Palliative care - The total care of patients who are not responsive to curative treatment, designed to achieve the highest quality of life possible.

Patient advocate - An individual designated to make medical treatment decisions for a patient under Michigan law.

Physician Orders for Scope of Treatment (POST) form - Medical orders that direct specific types or levels of treatment to be provided in a setting outside of a hospital. (MCL 333.5676).

Vital sign - A pulse or evidence of respiration.

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Do-Not-Resuscitate Orders

503.2 POLICY

It is the policy of the Oshtemo Fire and Rescue Department that EMS members honor DNR orders or bracelets to withhold or withdraw resuscitative measures.

503.3 PROCEDURES

The following guidelines and any local medical control protocols should be used by members who are presented with a DNR order or DNR bracelet (MCL 333.1061):

- (a) All EMS members shall honor a DNR order when EMS members have determined that the patient has no vital signs and it can be reasonably established that the patient is the subject of the DNR order and either:
 1. When EMS members have identified a DNR order, DNR bracelet or POST form as defined in this policy (MCL 333.1061a).
 2. When EMS members have personally seen the DNR order in the patient's medical record in a health care facility and they reasonably believe it has not been revoked.
- (b) All DNR patients should receive non-resuscitation-related palliative care and other comfort measures, as would any other person.
- (c) A DNR order shall be disregarded if the patient requests resuscitative measures.
- (d) When EMS members honor a DNR order, they should note on the Patient Care Record (PCR) that a DNR order or DNR bracelet was presented or observed and honored, and shall document the circumstances surrounding the DNR order on a PCR.

503.4 POST FORMS

EMS personnel shall provide or withhold treatment to a patient according to the orders on a POST form unless any of the following apply (MCL 333.5679):

- (a) The care is necessitated by an injury or medical condition that is unrelated to the diagnosis or medical condition indicated on the patient's POST form.
- (b) The orders on the POST form request medical treatment that is contrary to generally accepted health care standards or emergency medical protocols.
- (c) The POST form contains a medical order regarding the initiation of resuscitation if the patient suffers cessation of both spontaneous respiration and circulation, and there is a DNR order put into effect after the POST form was validly executed.
- (d) The POST form has been revoked.

EMS personnel shall comply with the most recent DNR order and a POST form when the POST form contains a medical order regarding the initiation of resuscitation and the individual suffers cessation of both spontaneous respiration and circulation (MCL 333.1061a; MCL 333.5681).

Latex Sensitivity

504.1 PURPOSE AND SCOPE

The purpose of this policy is to establish procedures to ensure that all department members are aware of the potential for severe allergic reactions caused by contact with products containing latex and how to mitigate patient exposure.

504.1.1 DEFINITIONS

Definitions related to this policy include:

Latex sensitivity - Allergic reactions after exposure to products containing latex/natural rubber (e.g., balloons, rubber gloves, other consumable medical products or medical devices).

504.2 POLICY

It is the policy of the Oshtemo Fire and Rescue Department that members shall take precautions to minimize latex exposure any time members are advised that a patient is known to have a latex sensitivity. When the use of a latex product is unavoidable, reasonable precautions shall be taken to prevent a latex sensitivity reaction in a patient.

504.3 PROCEDURE

If treating members are aware that a patient has a history of latex sensitivity, efforts to minimize exposure should be initiated. If a patient begins exhibiting signs of latex sensitivity or anaphylaxis, members should immediately initiate medical treatment and make reasonable efforts to minimize additional exposure to latex products.

If time permits before loading the patient into the ambulance, the interior surfaces should be wiped down with a wet towel to reduce the presence of powder that contains latex proteins. All members wearing latex gloves should cover them with a pair of non-latex gloves. Latex gloves should not be removed as this can put dust or powder in the ambient environment for up to five hours. Members should provide a barrier between equipment and the patient by covering all latex-containing medical devices with stockinet or plastic wrap.

All nonessential equipment should be stored in closed compartments. Care should be taken to remove or replace latex-containing caps from medication vials and to keep intravenous (IV) ports covered to prevent injections. Latex dressings and IV tourniquets should not be used.

Treating members should notify the designated hospital receiving center that a latex-sensitive patient is en route to the facility, and should document the patient's sensitivity and patient management (e.g., Nitrile gloves, plastic wrap on blood pressure cuff) on the Patient Care Record as appropriate. This information should also be communicated to the hospital staff immediately upon arrival.

Field units should strive to carry the following latex-free equipment:

- Nitrile exam gloves

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Latex Sensitivity

- Airway equipment (e.g., bag valve masks, oxygen masks, nasal cannulas, oral airways, suction catheters)
- Plastic or soft cloth tape
- Stockinet or plastic wrap to use as a barrier on medical equipment (e.g., blood pressure cuff, splints, stethoscopes)

Care should be taken to avoid storing uncovered latex gloves with other medical and/or airway equipment.

Oshtemo Fire and Rescue Department

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Vehicle and Apparatus Inspections, Testing, Repair and Maintenance

- (b) Defroster and heater
- (c) Head, tail, stop, backup, and flasher lights
- (d) Backup alarm
- (e) Horn and siren
- (f) Slip-resistant steps and platforms
- (g) Tires, rims, and suspension system
- (h) Steering mechanism
- (i) Braking system
- (j) Operational controls

All portable equipment carried on a fire apparatus shall be inspected for operation and for defects at least monthly and within 24 hours after any use. Inspection records shall be maintained for portable equipment.

702.3.4 TESTING AND REPAIR

Fire pumps on apparatus shall be tested as specified in NFPA 1911. Aerial devices shall be inspected and service tested by a competent person as specified in NFPA 1911.

All repairs and preventive maintenance to apparatus shall be made by personnel deemed qualified by the registered owner of the apparatus.

702.3.5 FEDERAL MOTOR CARRIER SAFETY REGULATIONS

A department vehicle qualifying as a commercial motor vehicle shall be maintained to the applicable minimum standards of the federal Motor Carrier Safety Act regulations (49 CFR 392.1; MCL 480.15).

702.4 RECORDS

The Department shall maintain a written record of inspections, testing, repairs, and maintenance for each vehicle or apparatus using the appropriate forms for the vehicle type. Completed forms should be forwarded to the Operations Deputy Chief and retained by the Department based on established records retention schedules.

Records of repair or replacement of apparatus shall be maintained for the life of the apparatus (Mich. Admin. Code, R 408.17461).

Use of Department-Owned and Personal Property

700.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the care and maintenance of department property entrusted to department members and the return of department property upon separation from employment or affiliation with the Department. This policy also provides guidelines for members to claim damage to or loss of personal property used in an occupational capacity.

700.2 POLICY

It is the policy of the Oshtemo Fire and Rescue Department to issue equipment to members for the purpose of performing their assigned duties. Members shall be responsible for the safekeeping, serviceable condition, proper care, use, and request for replacement of all department property issued or entrusted to their care. A member's intentional or negligent abuse or misuse of department property may lead to discipline, including but not limited to the cost of repair or replacement of the property, and up to and including termination.

700.3 PROCEDURE

The following procedures shall be in effect regarding department property issued to members:

- (a) Members shall promptly report via the chain of command any loss, damage, or unserviceable condition of department-issued property or equipment assigned for member use.
- (b) The use of damaged or unserviceable department property should be discontinued as soon as practicable and a supervisor notified so that the item may be replaced.
- (c) No member should attempt to repair damaged or unserviceable department property without supervisory approval.
- (d) Use of department property should be limited to official purposes in the capacity for which it was designed. Except when otherwise directed and/or required by circumstances, department property shall only be used by the member to whom it was assigned.
- (e) Department property should not be discarded, sold, traded, donated, destroyed, or otherwise disposed of without supervisory approval.

700.3.1 SURRENDERING DEPARTMENT PROPERTY UPON SEPARATION

Members who separate from the Department shall return all department property, regardless of its condition. The following guidelines should apply:

- (a) All department property, including keys, identification cards, electronic devices, and system access cards, shall be returned to the Department no later than the member's departure date or as directed by the Fire Chief or the authorized designee.

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- (b) Badge surrender shall be consistent with the Badges Policy.
- (c) A member who fails to return all department property in his/her possession may be required to reimburse the Department for the value of the property or may be subject to legal action brought by the Township.

700.4 PERSONAL PROPERTY

Members are responsible for exercising reasonable care and caution to avoid damage to or loss of personal property while on-duty. Oshtemo Charter Township department Oshtemo Charter Township Department

Deputy Chief

700.4.1 COVERED PERSONAL PROPERTY

Property that is necessary in the performance of the member's job duties or has been specifically stipulated by a collective bargaining agreement should be considered a covered item. The age and condition of the damaged or lost property should be considered when determining replacement or reimbursement value. The member must demonstrate that the damaged or lost property is directly related to the proper performance of the member's duties.

700.4.2 EXCLUDED PERSONAL PROPERTY ITEMS

Members are discouraged from wearing expensive jewelry or watches or bringing personal property items to the workplace that may be damaged, lost, or stolen. Personal property that is not eligible for replacement or reimbursement includes:

- (a) Any personal property that is lost or damaged directly or indirectly due to negligence of the member.
- (b) Personal computers, communication devices, cell phones, MP3 players, GPS devices, or any other electronic devices that the member voluntarily brings to the workplace and that are not required by the Department for the performance of the member's duties.
- (c) Any personal property used in place of department-issued property, unless required by the Department.
- (d) Any jewelry, with the exception of watches, which should not exceed a \$100 reimbursement.

700.4.3 PERSONAL VEHICLES

The Department will not provide vehicle insurance coverage for members who use their personal vehicles for department business. All members must rely on their personal vehicle insurance carrier for replacement or cost reimbursement of damage to or loss of a personal vehicle. Members using a personal vehicle for department business shall maintain and have evidence of financial responsibility required for that vehicle (MCL 257.517). See Oshtemo Township Personnel Handbook for further clarification.

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700.4.4 LOSS OR DAMAGE OF PROPERTY OF ANOTHER

Members intentionally or unintentionally may cause damage to the real or personal property of another while performing their duties. Any member who damages or causes to be damaged any real or personal property of another while performing any department function, regardless of jurisdiction, shall report it as provided below:

- (a) A verbal report should be made to the member's immediate supervisor as soon as practicable.
- (b) A written report should be submitted before the member goes off-duty or within the time frame directed by the supervisor to whom the verbal report was made.

700.4.5 DAMAGE BY PERSON OF ANOTHER AGENCY

If members of another jurisdiction cause damage to real or personal property belonging to the Oshtemo Charter Township, it shall be the responsibility of the member present or the member responsible for the property to make a verbal report to his/her immediate supervisor as soon as practicable. The member shall submit a written report before going off-duty or as otherwise directed by the supervisor.

All reports should be completed immediately after the incident or as soon as practicable if extenuating circumstances delay the member's ability to complete the report.

All reports, including the supervisor's written report, shall promptly be forwarded to the appropriate Deputy Chief.

Vehicle and Apparatus Inspections, Testing, Repair and Maintenance

702.1 PURPOSE AND SCOPE

The purpose of this policy is to establish the testing, inspection, repair, and maintenance responsibilities of members with regard to department vehicles and apparatus. Vehicles and apparatus shall comply with all regulations specified in the Michigan Vehicle Code and/or the National Fire Protection Association (NFPA) 1911. Inspections also ensure that vehicles and apparatus are properly equipped, maintained, and refueled, and present a professional appearance.

702.1.1 DEFINITIONS

Definitions related to this policy include:

Fire apparatus - Mobile firefighting equipment such as but not limited to a pumper/engine, aerial apparatus, a tanker/tender, or any other similar equipment that has fire suppression or rescue as its primary purpose. A vehicle not designed, equipped, or utilized for emergency operations is not fire apparatus (Mich. Admin. Code, R 408.17403).

In-reserve - Any vehicle or apparatus that, while not currently staffed, is ready for service or deployment as needed, regardless of whether it is fully equipped with tools and equipment.

In-service - Any vehicle or apparatus that is either staffed or cross-staffed by members of the Operations Division or that is pre-positioned to be readily available to on-duty Operations personnel for calls for service (e.g., airport rescue, firefighting apparatus).

702.2 POLICY

It is the policy of the Oshtemo Fire and Rescue Department that all vehicles and apparatus comply with the applicable federal and state vehicle operating and safety criteria. All vehicles and apparatus should be inspected daily, including in-service and in-reserve apparatus. Vehicles and apparatus that are out of service for testing, maintenance, or repair need not be inspected until they are returned to service or released to in-reserve status.

702.3 PROCEDURE

702.3.1 APPARATUS DAILY INSPECTIONS

Operators shall be responsible for conducting a daily inspection of all apparatus that has been established by the Department and includes all of the items and provisions identified to ensure safe operational status. An inspection list is detailed in the applicable sections of NFPA 1911. The department daily inspection list shall be approved by the Fire Chief.

Firefighting apparatus and equipment found to be defective or in unserviceable condition shall be removed from service or repaired or replaced (Mich. Admin. Code, R 408.17461). When an apparatus becomes inoperative or in need of a repair that affects safe operation, the Captain shall

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be immediately notified. Based on the determination of the Captain, if the apparatus cannot be used in a safe manner, it shall be immediately removed from service.

An apparatus shall be considered unsafe and placed out of service if deficiencies are detected in one or more of the following areas:

- Brake system
- Cab and/or body mounting
- Steering
- Door latches
- Suspension
- Seat belts
- Wheels or tires
- Windshield, windshield wipers, or defroster
- Throttle
- Transmission or driveline

Other deficiencies may or may not require an apparatus to be placed out of service. Any safety-related deficiency that does not require the apparatus to be taken out of service shall be repaired as quickly as possible.

702.3.2 STAFF VEHICLE DAILY INSPECTIONS

Members who are assigned staff vehicles should be responsible for the inspection and daily maintenance of their assigned vehicles. Daily maintenance should include checking and maintaining engine and transmission fluids, checking and maintaining tire inflation pressure, monitoring tire wear, and any other inspection needed to ensure the safe operation of the vehicle. Most newer vehicles have diagnostics engine service lights that assist with the operators daily checks.

Any vehicle issues discovered during inspection should be promptly addressed. When a vehicle becomes inoperative or in need of a repair that affects the safe operation of the vehicle, it should be immediately removed from service for repair.

702.3.3 MONTHLY INSPECTIONS

Members also are responsible for completing a monthly inspection and equipment inventory for each assigned apparatus and vehicle and documenting it on the appropriate inspection form. When completed, the form should be forwarded to the Deputy Chief in the member's chain of command.

All of the following items of the fire apparatus, if so equipped, shall be inspected for proper operation and for defects at least once a month (Mich. Admin. Code, R 408.17461):

- (a) Windshield washers and wipers

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- (b) Defroster and heater
- (c) Head, tail, stop, backup, and flasher lights
- (d) Backup alarm
- (e) Horn and siren
- (f) Slip-resistant steps and platforms
- (g) Tires, rims, and suspension system
- (h) Steering mechanism
- (i) Braking system
- (j) Operational controls

All portable equipment carried on a fire apparatus shall be inspected for operation and for defects at least monthly and within 24 hours after any use. Inspection records shall be maintained for portable equipment.

702.3.4 TESTING AND REPAIR

Fire pumps on apparatus shall be tested as specified in NFPA 1911. Aerial devices shall be inspected and service tested by a competent person as specified in NFPA 1911.

All repairs and preventive maintenance to apparatus shall be made by personnel deemed qualified by the registered owner of the apparatus.

702.3.5 FEDERAL MOTOR CARRIER SAFETY REGULATIONS

A department vehicle qualifying as a commercial motor vehicle shall be maintained to the applicable minimum standards of the federal Motor Carrier Safety Act regulations (49 CFR 392.1; MCL 480.15).

702.4 RECORDS

The Department shall maintain a written record of inspections, testing, repairs, and maintenance for each vehicle or apparatus using the appropriate forms for the vehicle type. Completed forms should be forwarded to the Operations Deputy Chief and retained by the Department based on established records retention schedules.

Records of repair or replacement of apparatus shall be maintained for the life of the apparatus (Mich. Admin. Code, R 408.17461).

Non-Official Use of Department Property

710.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance on the non-official use of department property. Department property includes, but is not limited to, all portable pumps, chain saws, rescue saws, generators, fire hoses, hose adapters, suction hoses, ladders, rescue equipment, small tools or any power driven tools.

710.2 POLICY

The personal use of department property is not authorized.

Requests from Township Departments, water companies or public agencies for hose adapters or other equipment shall be forwarded to the appropriate Chief Officer for consideration and approval.

Respiratory Protection Program

908.1 PURPOSE AND SCOPE

The purpose of this policy is to identify the different types of respiratory protection equipment provided by the Department, the requirements and guidelines for the use of respirators, and the other mandates associated with their use.

This policy applies to all members whose job duties could require them to use respiratory protection, due to exposure to atmospheres where there is smoke, low levels of oxygen, high levels of carbon monoxide, or the presence of toxic gases or other respiratory hazards.

908.1.1 DEFINITIONS

Definitions related to this policy include:

Immediately dangerous to life or health (IDLH) - Any atmosphere that poses an immediate threat to life, would cause irreversible adverse health effects, or would impair an individual's ability to escape from a dangerous atmosphere. Interior atmospheric conditions at structure fires beyond the incipient stage are considered IDLH, as are a variety of rescue types (29 CFR 1910.134; Mich. Admin. Code, R 325.60052).

Respiratory protection - Any device that is worn by the user to reduce or eliminate exposure to harmful contaminants through the inhalation of those contaminants.

908.2 POLICY

It is the policy of the Oshtemo Fire and Rescue Department to require members to use the proper level of respiratory protection, as described below, when working in hazardous conditions. The level of protection may be increased or decreased by a Captain or Incident Commander (IC) based upon his/her evaluation of the hazard. Members shall not be required, or allowed, to enter or work in hazardous conditions without proper respiratory protection, and shall be trained in the proper use and care of the devices.

908.3 RESPIRATORY PROTECTION PROGRAM ADMINISTRATOR

The Fire Chief will designate a program administrator with sufficient training or experience to oversee the objectives of this policy and ensure that the Department meets any legal mandates related to respiratory protection.

The administrator shall (29 CFR 1910.134; Mich. Admin. Code, R 325.60052; Mich. Admin. Code, R 408.17436):

- (a) Maintain, implement, and administer a written respiratory protection program.
- (b) Ensure the written respiratory protection program and related procedures are followed and appropriate.
- (c) Ensure the procedures and written respiratory protection program address relevant mandates.

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- (d) Ensure selected respirators continue to effectively protect members.
- (e) Have supervisors periodically monitor member respirator use to make sure members are using them properly.
- (f) Regularly ask members who are required to use respirators for their input on program effectiveness and whether they have problems with the following:
 - 1. Respirator fit during use
 - 2. Any effects of respirator use on work performance
 - 3. Respirators being appropriate for the hazards encountered
 - 4. Proper use under current work site conditions
 - 5. Proper maintenance
- (g) Ensure the Department covers the costs associated with respirators, medical evaluations, fit testing, training, maintenance, travel costs, and wages, as applicable.
- (h) Provide direction for respirator selection.
- (i) Require medical evaluations for members who use respiratory protection as set forth in 29 CFR 1910.134.

908.4 USE OF RESPIRATORY PROTECTION

Members exposed to harmful environments in the course of their assigned activities shall use respiratory protection devices (Mich. Admin. Code, R 408.17412; Mich. Admin. Code, R 408.17431).

Members using respiratory protection shall ensure that they have no facial hair between the sealing surface of the facepiece and the face that could interfere with the seal or the valve function. Members also shall ensure that they have no other condition that will interfere with the face-to-facepiece seal or the valve function (29 CFR 1910.134; Mich. Admin. Code, R 325.60052).

Members shall not wear corrective glasses, goggles, or other personal protective equipment (PPE) that interferes with the seal of the facepiece to the face, or that has not been previously tested for use with that respiratory equipment.

For all tight-fitting respirators, members shall perform a user seal check each time they put on the respirators, using the procedures in 29 CFR 1910.134, App. B-1 or other department-approved procedures recommended by the respirator manufacturer.

Captains shall monitor members using respiratory protection and their degree of exposure or stress. When there is a change in work area conditions or when a member's degree of exposure or stress may affect respirator effectiveness, the Captain shall re-evaluate the continued effectiveness of the respirator and shall direct the member to leave the respirator use area when:

- (a) It is necessary for the member to wash his/her face and the respirator facepiece to prevent eye or skin irritation associated with respirator use.

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- (b) The member detects vapor or gas breakthrough, or when there is a change in breathing resistance or leakage of the facepiece.
- (c) The member needs to replace the respirator or the filter, cartridge, or canister.

Members who detect vapor or gas breakthrough, changes in breathing resistance, or leakage of the facepiece shall replace or repair the respirator before returning to the work area.

908.4.1 USE OF SELF-CONTAINED BREATHING APPARATUS

Self-contained breathing apparatus (SCBA) are atmosphere-supplying respirators for which the breathing air source is designed to be carried by the user.

Members shall use SCBA when entering an atmosphere that may be IDLH (29 CFR 1910.134; Mich. Admin. Code, R 325.60052; Mich. Admin. Code, R 325.52101(7); Mich. Admin. Code, R 408.17412; Mich. Admin. Code, R 408.17436). These situations may include but are not limited to:

- Entering an area that may be oxygen deficient such as confined spaces, trenches, unventilated structures, or septic tanks.
- Engaging in any firefighting operations, with the possible exception of a vegetation fire.
- Entering the hot zone of a hazardous materials incident.
- Entering any area where contaminant levels may become unsafe without warning, or any situation where exposures cannot be identified or reasonably estimated.
- Any time use is specified by the Captain or IC.

Facepieces should be donned and regulators attached before entering any smoke-filled area or IDLH environment. Use of SCBA shall not cease until approved by the IC.

908.4.2 USE OF FULL-FACE RESPIRATORS

Full-face respirators are respirators that fit over the full face to protect the face and eyes from contaminants at the same time they filter air (29 CFR 1910.134; Mich. Admin. Code, R 325.60052; Mich. Admin. Code, R 408.17436).

Captains or the IC may allow the use of full-face respirators in situations where, due to the duration of the incident and level of exposure, the use of SCBA is not necessary or practical. These situations may include but are not limited to:

- (a) Hazardous materials incidents where members are not working in the hot zone.
- (b) Overhaul operations where the structure has been fully ventilated and the atmosphere has been tested for unsafe levels of carbon monoxide and adequate levels of oxygen.
- (c) Incidents involving weapons of mass destruction where members are outside of the hot zone and not directly exposed to any known hazard.
- (d) Certain emergency medical responses where additional protection is warranted.

Full-face respirators shall not be used when there is a potential for an oxygen-deficient atmosphere.

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908.4.3 USE OF CARTRIDGE RESPIRATORS

Cartridge respirators are a type of air-purifying respirator. They may be fitted with mechanical pre-filters or combination cartridge/filter assemblies for use in areas where gases, vapors, dusts, fumes, or mists are present. The correct cartridge must be selected prior to use (29 CFR 1910.134; Mich. Admin. Code, R 325.60052).

A Captain or IC may specify the use of cartridge respirators in situations where the use of an SCBA or a full-face respirator is not necessary. These incidents may include vegetation fires, exposure to a patient with a communicable disease, and certain other incidents. Cartridge respirators shall not be used if there is a potential for an oxygen-deficient atmosphere or a risk of exposure to the member's face or eyes.

Cartridge respirator filters shall be replaced whenever:

- The wearer begins to smell, taste, or be irritated by a contaminant.
- The wearer begins to experience difficulty breathing due to filter loading.
- The cartridges or filters become wet.
- The expiration date on the cartridges or canisters has been reached.

908.4.4 USE OF N95 MEDICAL MASKS

N95 medical masks are a class of disposable respirators that are approved by the Food and Drug Administration (FDA) and the National Institute for Occupational Safety and Health (NIOSH) as suitable for use where fluid resistance is a priority. The masks protect against particulate contaminants that are 0.3 microns or larger, and meet the Centers for Disease Control and Prevention (CDC) guidelines for the prevention of tuberculosis (TB) exposure. Misuse of the N95 respirators may result in serious injury or death. N95 masks should only be used to protect the wearer from particulate contaminants and are not suitable in an oxygen-deficient atmosphere or where an unsafe level of carbon monoxide exists (Mich. Admin. Code, R 408.17436).

908.4.5 TRAINING

Members should not use respirators unless they have completed the mandatory training requirements for the selected device (see the Respiratory Protection Training Policy) (Mich. Admin. Code, R 408.17411; Mich. Admin. Code, R 408.17412).

908.5 EQUIPMENT ACQUISITION AND SPECIFICATIONS

908.5.1 SCBA REQUIREMENTS

Oshtemo Fire and Rescue Department's SCBA shall meet the standards found in National Fire Protection Association (NFPA) Standard 1981 for Open Circuit Self-Contained Breathing Apparatus for Fire Fighters (1997 edition) and approved for use by NIOSH and any other Michigan Occupational Safety and Health Administration (MIOSHA) standard (29 CFR 1910.134; Mich. Admin. Code, R 325.60052; Mich. Admin. Code, R 408.17405).

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The Oshtemo Fire and Rescue Department shall use only the respirator manufacturer's NIOSH-approved breathing-gas containers, marked and maintained in accordance with the quality assurance provisions of the NIOSH approval for the SCBA as issued in accordance with the NIOSH respirator certification standard at 42 CFR 84.1 et seq.

908.5.2 COMPRESSED BREATHING AIR

Compressed breathing air used in SCBA should meet at least the requirements for Grade D breathing air as described in the American National Standards Institute (ANSI) Compressed Gas Association Commodity Specification for Air (G-7.1-1989) (29 CFR 1910.134; Mich. Admin. Code, R 325.60052).

908.6 RESPIRATOR FIT TESTING

Fit tests are used to qualitatively or quantitatively evaluate the fit of a respirator on an individual. Each new member shall be fit tested before being permitted to use SCBA in a hazardous atmosphere. Fit tests may only be administered by persons determined to be qualified by the program administrator (29 CFR 1910.134; Mich. Admin. Code, R 325.60052; Mich. Admin. Code, R 408.17436).

After initial testing, fit testing shall be repeated:

- (a) At least once every 12 months.
- (b) Whenever there are changes in the type of SCBA or facepiece used.
- (c) Whenever there are significant physical changes in the user (e.g., obvious change in body weight, scarring of the face seal area, dental changes, cosmetic surgery, or any other condition that may affect the fit of the facepiece seal).

908.6.1 RESPIRATOR FIT TESTING PROCEDURES

Fit testing is to be done only in a negative-pressure mode. If the facepiece is modified for fit testing, the modification shall not affect the normal fit of the device. Such modified devices shall only be used for fit testing and not for field use (29 CFR 1910.134; Mich. Admin. Code, R 325.60052; Mich. Admin. Code, R 408.17436).

908.6.2 FIT TESTING RECORDS

The Training Officer shall be responsible for maintaining records of all fit testing.

Current fit test records shall be retained as required by the Department records retention schedule, but in all cases at least until the next fit test is administered. Fit test records shall include (29 CFR 1910.134; Mich. Admin. Code, R 325.60052; Mich. Admin. Code, R 408.17411; Mich. Admin. Code, R 408.17436):

- (a) Name of person tested.
- (b) Test date.
- (c) Type of fit test performed.
- (d) Description (type, manufacturer, model, style, and size) of the respirator tested.

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- (e) Results of fit tests (e.g., quantitative fit tests should include the overall fit factor and a print out or other recording of the test).
- (f) The written guidelines for the respirator fit testing program, including pass/fail criteria.
- (g) Instrumentation or equipment used for the test.
- (h) Name or identification of test operator.

908.7 RESPIRATOR MEDICAL EVALUATION QUESTIONNAIRE

All members who are required to use respiratory protection must complete a medical evaluation questionnaire upon initial fit testing and annually thereafter as well as if any of the following conditions arise between annual tests (29 CFR 1910.134; Mich. Admin. Code, R 325.60052; Mich. Admin. Code, R 408.17411):

- (a) A member reports medical signs or symptoms that are related to his/her ability to use a respirator.
- (b) A Physician or Licensed Health Care Professional (PLHCP), a supervisor, or the respirator program administrator informs the employer that an employee needs to be re-evaluated.
- (c) Information from the respiratory protection program, including observations made during fit testing and program evaluation, indicates a need for an employee re-evaluation.
- (d) A change occurs in workplace conditions (e.g., physical work effort, protective clothing, temperature) that may result in a substantial increase in the physiological burden placed on an employee.

The questionnaires will be reviewed by a PLHCP selected by the Department to determine which, if any, members need to complete physical examinations.

The Training Officer shall be responsible for maintaining records of all respirator medical evaluation questionnaires and any subsequent physical examination results.

908.8 SCBA INSPECTION, MAINTENANCE, AND STORAGE

Prior to each shift, members are required to physically inspect and operate all SCBA and respirators that are on frontline fire apparatus. If the equipment is not in daily use, it should be inspected at least once a week and after each cleaning. Inspection should include but is not limited to (Mich. Admin. Code, R 408.17436):

- (a) All alarm devices on the SCBA should be tested for proper operation.
- (b) Any SCBA or respirator which is not operating properly or is below department standard air volume shall be taken out of service immediately until the problem is remedied.
- (c) Rubber facepiece:
 - 1. Excessive dirt
 - 2. Cracks, tears, holes

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3. Distortion from improper storage
 4. Cracked, loose, or scratched lenses (full facepiece)
 5. Broken or missing mounting clips
- (d) Head straps:
1. Breaks or tears
 2. Loss of elasticity
 3. Broken or malfunctioning buckles or attachments
 4. Excessively worn serrations of the head harness which might allow the facepiece to slip
- (e) Inhalation and exhalation valves:
1. Detergent residue, dust particles, or dirt on the valve seal
 2. Cracks, tears, or distortion in the valve material or valve seal
 3. Missing or defective valve covers
- (f) Filter elements:
1. Proper filter for the hazard
 2. Approved designation (NIOSH)
 3. Missing or worn gaskets
 4. Worn thread
 5. Cracks or dents in filter housing

908.8.1 MAINTENANCE, INSPECTION, AND ANNUAL SERVICE

Members should thoroughly clean and sanitize all SCBA and respirators after each use (29 CFR 1910.134; Mich. Admin. Code, R 325.60052; Mich. Admin. Code, R 408.17431; Mich. Admin. Code, R 408.17436).

Respirators may be washed with mild detergent and warm water using a brush, followed by a thorough rinsing with fresh water and drying in a contaminant-free location. Sanitizing of respirators is performed with cotton swabs and/or isopropyl alcohol pads.

All partially empty bottles should be replaced with full bottles. Members should perform the inspections noted above before placing an SCBA or respirator back in service.

Every SCBA shall be inspected monthly by the Department and serviced on an annual basis by individuals who have been trained and certified by the SCBA manufacturer to perform such annual servicing (29 CFR 1910.134; Mich. Admin. Code, R 325.60052; Mich. Admin. Code, R 408.17436). SCBA bottles shall be hydrostatically tested pursuant to applicable federal regulations, state standards, and manufacturer recommendations.

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All maintenance and inspection mandates of 29 CFR 1910.134 and Mich. Admin. Code, R 408.17436 shall apply.

908.8.2 STORAGE

Respirators in storage shall be protected against (29 CFR 1910.134; Mich. Admin. Code, R 325.60052; Mich. Admin. Code, R 408.17436):

- Dust.
- Sunlight.
- Heat.
- Extreme cold.
- Excessive moisture.
- Damaging chemicals.

Freshly cleaned respirators can be stored in reusable plastic bags or in a storage cabinet. Care must be taken so that distortion of the rubber or elastic parts does not occur. Respirators shall not be stored in lockers or vehicles unless the respirators are stored in individual containers and are protected from damage.

All filters, cartridges, and canisters shall be properly labeled and color-coded with NIOSH approval labels. Labels shall not be removed and must remain legible (29 CFR 1910.134; Mich. Admin. Code, R 325.60052; Mich. Admin. Code, R 408.17436).

908.8.3 FLOW TESTING

The Department shall conduct annual flow testing on all SCBA. A flow test, also known as a performance test, ensures that the SCBA is performing to the manufacturer's specifications. Unlike basic inspections and functional testing, flow testing requires specialized equipment. The Department shall use NFPA standards or the SCBA manufacturer's requirements for flow testing, whichever is more stringent (29 CFR 1910.134; Mich. Admin. Code, R 325.60052; Mich. Admin. Code, R 408.17436).

Exposing SCBA to extreme temperatures, water, or chemicals can degrade SCBA performance. If an SCBA is exposed to any type of corrosive material that could lead to a component failure, it should be sent to a certified SCBA technician for testing. If a member suspects that an SCBA has been compromised or damaged, a flow test should be conducted to ensure that it is in good working order.

All annual flow testing must be performed by a certified SCBA technician.

908.8.4 INSPECTIONS AFTER USE AND REPAIRS

Respiratory protection equipment devices shall be inspected by the user after each use. Malfunctioning or damaged components or units shall be repaired by the manufacturer or a person who is certified by the manufacturer or shall be replaced (Mich. Admin. Code, R 408.17431).

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908.9 EXPOSURES

Any member who is exposed to a hazardous atmosphere should immediately leave the room or area and move to an area containing fresh, uncontaminated air. Symptoms of hazardous atmosphere exposure may include but are not limited to:

- Difficulty breathing.
- Dizziness, headache, or other distress symptoms.
- A sense of irritation.
- A smell or taste of contaminants.

If a member feels ill or impaired in any way, a supervisor should be notified, and emergency medical personnel summoned if not already available on-scene. Any time there is a doubt about the need for medical care, medical care shall be obtained. Any injury or exposure must be documented on an injury reporting form. Under most circumstances, the exposed member should not drive a vehicle.

An attempt should be made to identify the exposure agent by questioning the facility representative or by reviewing the hazardous materials inventory. A supervisor should attempt to make this determination. If possible, a Safety Data Sheet (SDS) for the exposure agent should be obtained.

Personal Protective Equipment

914.1 PURPOSE AND SCOPE

The purpose of this policy is to reasonably protect Oshtemo Fire and Rescue Department members by providing and maintaining, at no cost to the member, personal protective equipment (PPE), safety devices, and safeguards for workplace activities. PPE information related to patient care is found in the Communicable Diseases Policy.

914.2 POLICY

It is the policy of the Oshtemo Fire and Rescue Department to provide PPE and safeguards of the proper type, design, strength, and quality needed to reasonably eliminate, preclude, or mitigate a hazard.

The Oshtemo Fire and Rescue Department shall also establish a written maintenance, repair, servicing, and inspection program for protective clothing and equipment to reduce the safety and health risks associated with improper selection, poor maintenance, inadequate care, excess wear, and improper use of PPE.

914.3 PPE STANDARDS AND REQUIREMENTS

The Department will provide approved PPE that is appropriate for the hazard to members who are located in a workplace where there is a risk of injury. Members shall be expected to wear the PPE any time there is a risk of exposure to a hazard. PPE shall include all of the following guidelines, requirements, and standards (29 CFR 1910.132; MCL 408.1014; Mich. Admin. Code, R 408.17431 et seq.):

- (a) The PPE provided shall minimally meet the standards approved by the American National Standards Institute (ANSI) and established by the National Fire Protection Association (NFPA) or other recognized authority (Mich. Admin. Code, R 408.17405).
- (b) When no authoritative standard exists for PPE or a safety device, the use of such equipment shall be subject to inspection and acceptance or rejection by the Deputy Chief in charge of the Division where the equipment will be used.
- (c) PPE shall be distinctly marked so as to facilitate easy identification of the manufacturer.
- (d) The Training Officer shall ensure that the member is properly instructed and uses PPE in accordance with the manufacturer's instructions (Mich. Admin. Code, R 408.17411).
- (e) The Department shall ensure that all PPE, whether provided by the Department or the member, complies with the applicable state standards (Mich. Admin. Code, R 408.17432).
- (f) Members are responsible for maintaining their assigned PPE in a safe and sanitary condition.
- (g) Supervisors are responsible for ensuring that all PPE is maintained in a safe and sanitary condition.

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- (h) PPE shall be of such design, fit, and durability as to provide adequate protection against the hazards for which they are designed.
- (i) PPE shall be reasonably comfortable and shall not unduly encumber member movements that are necessary to perform work.
- (j) Supervisors shall ensure that all members use appropriate PPE.
- (k) Supervisors shall not knowingly allow defective or damaged PPE to be used (Mich. Admin. Code, R 408.13310).
- (l) Members shall use all of the PPE provided by the Department as directed (Mich. Admin. Code, R 408.13310).
- (m) PPE shall include protection of the foot, leg, hand, body, face, eye, and head.
- (n) PPE required to meet a nationally recognized standard shall either bear a manufacturer's label or be certified in writing by the manufacturer as being in compliance with the applicable standard.

914.3.1 HEAD PROTECTION

Members working in locations where there is a risk of head injuries from flying or falling objects and/or electric shock and burns shall wear an approved protective helmet. Each protective helmet shall bear the original marking required by the ANSI standard under which it was approved. At a minimum, the marking shall identify the manufacturer, the ANSI designated standard number and date, and the ANSI designated class of helmet. Where there is a risk of injury from hair entanglements in moving parts of machinery, combustibles, or toxic contaminants, members shall confine their hair to eliminate the hazard (29 CFR 1910.135; MCL 408.1014; Mich. Admin. Code, R 408.17433).

914.3.2 FACE AND EYE PROTECTION

Members working in locations where there is a risk of eye injuries, such as punctures, abrasions, contusions, or burns from contact with flying particles, hazardous substances, projectiles, or injurious light rays that are inherent in the work or environment, shall be safeguarded by means of face or eye protection. Suitable screens or shields isolating the hazardous exposure may be considered adequate safeguarding for nearby members. The Department shall provide and require that members wear approved face and eye protection suitable for the hazard and in accordance with previously cited national standards (29 CFR 1910.133; MCL 408.1014; Mich. Admin. Code, R 408.17433).

914.3.3 BODY PROTECTION

Body protection may be required for members whose work exposes parts of their bodies that are not otherwise protected from hazardous or flying substances or objects. Clothing appropriate for the work being done shall be worn. Loose sleeves, tails, ties, lapels, cuffs, or other loose clothing that can be entangled in moving machinery shall not be worn. Clothing saturated with flammable liquids, corrosive substances, irritants, or oxidizing agents shall either be removed and not worn until properly cleaned, or shall be destroyed (29 CFR 1910.132; MCL 408.1014; Mich. Admin. Code, R 408.17432).

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914.3.4 HAND PROTECTION

Hand protection shall be required for members whose work involves unusual and excessive exposure of hands to cuts, burns, harmful physical or chemical agents, or radioactive materials that are encountered and capable of causing injury or impairment.

Hand protection (e.g., gloves) shall not be worn where there is a danger of the hand protection becoming entangled in moving machinery or materials. Use of hand protection around smooth-surfaced rotating equipment does not constitute an entanglement hazard if it is unlikely that the hand protection will be drawn into the danger zone.

Wristwatches, rings, or other jewelry should not be worn while working with or around machinery with moving parts in which such objects may be caught or around electrical equipment (29 CFR 1910.138; MCL 408.1014).

914.3.5 FOOT PROTECTION

Appropriate foot protection shall be required for members who are exposed to foot injuries from electrical hazards; hot, corrosive, or poisonous substances; falling objects; or crushing or penetrating actions, or who are required to work in abnormally wet locations. Footwear that is defective or inappropriate to the extent that its ordinary use creates the possibility of foot injuries shall not be worn. Footwear shall be appropriate for the hazard and shall comply with recognized national standards (29 CFR 1910.136; MCL 408.1014; Mich. Admin. Code, R 408.17434).

914.4 SELECTION, CARE, AND MAINTENANCE OF PPE

PPE exists to provide the member with an envelope of protection from multiple hazards and repeated exposures. For structural firefighting, PPE is a system of components designed to work as an ensemble. Typical firefighting PPE consists of a hood, helmet, jacket, trousers, gloves, wristlets, and footwear. A program for selection, care, and maintenance of PPE consists of the following.

914.4.1 SELECTION

The PPE selection process should be conducted through a labor-management committee utilizing members from labor and representatives from management.

Prior to procurement, a risk assessment may be performed to include expected hazards, frequency of use, past experiences, geographic location, and climatic conditions. The selection process should evaluate comparative information on all ensemble elements to ensure they will interface and perform based on the risk assessment. The process should consider the following:

- (a) PPE performance expectations, to include thermal and physiological effects
- (b) Style and design for user comfort and wear performance
- (c) Construction for quality, durability, and garment life
- (d) Manufacturer ability to meet performance demand requirements, technical information, service, warranty, and customer support needs

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914.4.2 INSPECTION

There are two primary types of PPE inspection (Mich. Admin. Code, R 408.17431):

Routine inspection - Each firefighter shall conduct a routine inspection of his/her issued PPE each time the elements are exposed or are suspected of having been exposed to damage or contamination.

- (a) Coat, trousers, gloves, and hood should be checked for the following:
 - 1. Soiling
 - 2. Contamination from hazardous materials or biological agents
 - 3. Physical damage, such as:
 - (a) Rips, tears, and cuts
 - (b) Damaged/missing hardware and closure systems
 - (c) Thermal damage, such as charring, burn holes, and melting
 - (d) Damaged or missing reflective trim
 - (e) Shrinkage
 - (f) Loss of elasticity or flexibility at openings
- (b) Helmets should be checked for the following:
 - 1. Soiling
 - 2. Contamination from hazardous materials or biological agents
 - 3. Physical damage to the shell, such as:
 - (a) Cracks, crazing (small cracks), dents, and abrasions
 - (b) Thermal damage to the shell, such as bubbling, soft spots, warping, or discoloration
 - 4. Physical damage to ear flaps, such as:
 - (a) Rips, tears, and cuts
 - (b) Thermal damage, such as charring, burn holes, and melting
 - 5. Damaged or missing components of suspension and retention systems
 - 6. Damaged or missing components of the goggle system including:
 - (a) Discoloration
 - (b) Crazing (small cracks)
 - (c) Scratches to goggle lens, limiting visibility
 - 7. Damaged or missing reflective trim
- (c) Footwear should be checked for the following:
 - 1. Soiling
 - 2. Contamination from hazardous materials or biological agents

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3. Physical damage, such as:
 - (a) Cuts, tears, and punctures
 - (b) Thermal damage, such as charring, burn holes, and melting
 - (c) Exposed or deformed steel toe, steel midsole, and shank
 - (d) Loss of water resistance

Advanced inspection - Advanced inspection of PPE ensembles and elements shall be conducted a minimum of every 12 months or whenever routine inspections indicate a problem may exist.

Advanced inspections shall only be conducted by trained and certified employees or a manufacturer-approved vendor certified to conduct advanced inspections. All findings from advanced inspections shall be documented on an inspection form. Universal precautions shall be observed, as appropriate, when handling elements. Advanced inspections shall include, at a minimum, the inspection criteria outlined in the recognized national standards of Mich. Admin. Code, R 408.17405.

914.4.3 CLEANING AND DECONTAMINATION

The following rules and restrictions shall apply to the cleaning and decontamination of PPE (Mich. Admin. Code, R 408.17431):

- (a) Soiled and contaminated PPE elements shall not be taken home, washed in the home, or washed in public laundries unless the business is dedicated to handling firefighting protective clothing.
 - (b) Commercial dry cleaning shall not be used.
 - (c) The Department will examine the manufacturer's label and user information for specific cleaning instructions.
 - (d) Chlorine bleach or chlorinated solvents shall not be used to clean or decontaminate PPE elements.
 - (e) Scrubbing or spraying with high-velocity water jets, such as a power washer, shall not be used.
 - (f) All contract cleaning or decontamination businesses shall demonstrate procedures for cleaning and decontamination that do not compromise the performance of PPE ensembles and elements. Department standards identify and define three primary types of cleaning: routine, advanced, and specialized.
1. **Routine cleaning** - After each use, any elements that are soiled shall receive routine cleaning. It is the firefighter's responsibility to routinely clean his/her PPE ensemble or elements using the following process:
 - (a) When possible, initiate cleaning at the incident scene.
 - (b) Brush off any dry debris.
 - (c) Gently rinse off debris with a water hose.

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- (d) If necessary, scrub gently with a soft bristle brush and rinse off again if necessary. Spot clean utilizing a utility sink.
 - (e) Inspect for soiling and contamination and repeat the process if necessary.
 - (f) All elements shall be air-dried in an area with good ventilation. Do not dry in direct sunlight or use a machine dryer.
2. **Advanced cleaning** - Should routine cleaning fail to render the elements clean enough to be returned to service, advanced cleaning is required. In addition, elements that have been issued, used, and soiled shall undergo advanced cleaning every six months, at a minimum.
- (a) The department's Health and Safety Officer (HSO) shall manage all advanced cleaning utilizing a qualified contract cleaner.
 - (b) Advanced cleaning will be coordinated with the HSO by either the crew or by the individual. Loaner PPE will be provided for any member scheduled to work.
 - (c) Station laundering machines shall not be used to clean PPE elements.
3. **Specialized cleaning** - PPE elements that are contaminated with hazardous materials or biological agents shall undergo specialized cleaning as necessary to remove the specific contaminants.
- (a) The PPE elements that are contaminated or suspected to be contaminated shall be isolated, tagged, bagged, and removed from service until they undergo specialized cleaning to remove the specific contaminant. All bagged PPE shall include the member's name, company, and shift. Universal precautions shall be observed when handling known or suspected contaminated PPE elements. For more information on decontamination of PPE after exposure, refer to the Communicable Diseases Policy.
 - (b) The department's HSO shall manage all specialized cleaning and will utilize a qualified contract cleaner. The Department, if possible, shall identify the suspected contaminant and consult the manufacturer for an appropriate decontamination agent and process.
 - (c) PPE that is used by more than one member shall be cleaned or sanitized before reassignment (Mich. Admin. Code, R 408.17431).

914.4.4 MAINTENANCE AND CLEANLINESS OF EYE AND FACE PROTECTION

The following apply to the maintenance and cleaning of eye and face protection (Mich. Admin. Code, R 408.13313):

- (a) A face or eye protector shall be kept clean and in good repair.
- (b) Cleaning facilities for protectors shall be provided away from the hazard, but readily accessible to the wearer.
- (c) A slack, worn-out, sweat-soaked, knotted, or twisted headband shall be replaced.

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- (d) A face or eye protector is a personal item and shall be for exclusive use of the person to whom it is issued. If circumstances require reissue, the protector shall be in good condition and thoroughly cleaned and sanitized.

914.4.5 REPAIR OF PPE

The department's HSO shall manage all PPE repairs utilizing a manufacturer-recognized repair facility. All elements shall be subject to an advanced or specialized cleaning before any repair work is done. Loaner PPE is available to members while repairs are being made (Mich. Admin. Code, R 408.17431).

914.4.6 ISSUING PPE

All PPE ensembles or elements shall be issued through the department's HSO. All fittings shall be completed by the HSO and/or by a manufacturer's representative.

- Members shall only use department-issued PPE.
- Members shall minimize the public's exposure to soiled or contaminated PPE and avoid wearing PPE to non-fire related emergencies.
- Members shall not wear PPE inside station living quarters or other department facilities.

914.4.7 STORAGE OF PPE

The parameters for the storage of all PPE ensembles or elements include the following:

- (a) PPE shall not be stored in direct sunlight or exposed to direct sunlight when it is not being worn.
- (b) PPE shall be clean, dry, and well ventilated before storage.
- (c) PPE shall not be stored in airtight containers unless the container is new and unused.
- (d) PPE shall not be stored at temperatures below 40 degrees or above 180 degrees.
- (e) PPE shall be stored in a protective case or bag to prevent damage if stored in compartments or trunks.
- (f) PPE shall not be subjected to sharp objects, tools, or other equipment that could damage the ensemble or elements.
- (g) PPE shall not be stored inside living quarters or with personal belongings, or taken or transported within the passenger compartment of personal vehicles unless it is stored in a protective case or bag.
- (h) PPE shall not be stored in contact with hydraulic fluids, solvents, hydrocarbons, hydrocarbon vapors, or other contaminants.

914.4.8 PPE TRAINING

The Training Officer shall be responsible for the following (Mich. Admin. Code, R 408.17411):

- (a) Upon issue, all members shall be provided training on this policy along with the manufacturer's written instructions on the care, use, and maintenance of their PPE, including any warnings issued by the manufacturer.

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- (b) New firefighters shall receive training in the care, use, and maintenance of their PPE before participating in live fire training or operations. All other firefighters shall receive training as needed when PPE ensembles or elements are upgraded or changed.

914.4.9 PPE RECORD KEEPING

The Department shall maintain or require contracted vendors to maintain records on all structural firefighting ensembles or elements to include:

- (a) The name of the member to whom the element is issued.
- (b) The date and condition of the element when issued.
- (c) The manufacturer, model name, or design.
- (d) The manufacturer's identification number, lot number, or serial number.
- (e) The month and year of manufacture.
- (f) The dates and findings of all advanced inspections.
- (g) The dates of advanced cleaning, specialized cleaning, or decontamination, and by whom it was performed.
- (h) The date of any repairs, the person who repaired the PPE, and a brief description of the repair.
- (i) The date the element was removed from service (retirement).
- (j) The date and method the element was disposed.

914.4.10 PPE RETIREMENT

Pursuant to manufacturer's recommendations and applicable NFPA standards, all PPE ensembles and elements that are worn or damaged to the extent that the Department deems that it is not possible or cost effective to repair shall be retired. All PPE ensembles and elements that are no longer useful for emergency operations but are not contaminated, defective, or damaged shall be retired.

Retired PPE ensembles and elements shall be destroyed or disposed of by the Department in a manner ensuring that they will not be used in any firefighting or emergency activities, including training. Retired PPE may only be used for training when that training does not include live fire. Any PPE used for training shall be clearly marked: "Training only. No live fire."

914.4.11 SPECIAL INCIDENT PROCEDURE

If any member of the Oshtemo Fire and Rescue Department suffers a serious injury or death while wearing PPE, the following procedure should be followed:

- (a) The PPE will immediately be removed from service.
- (b) Custody of the PPE will be maintained by the Fire Chief or the authorized designee, and the PPE shall be kept in a secure location with controlled, documented access.

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- (c) All PPE shall be non-destructively tagged and stored only in paper or cardboard containers to prevent further degradation or damage. Plastic airtight containers shall not be used.
- (d) The PPE shall be made available to the department's investigation team (see the Line-of-Duty Death and Serious Injury Investigations Policy) or outside experts as approved by the Fire Chief or the authorized designee, to determine the condition of the PPE.
- (e) The Fire Chief or the authorized designee shall determine the retention period for storage of the PPE.



February 16, 2021

Mtg Date: February 23, 2021
To: Oshtemo Charter Township Board
From: Iris Lubbert, AICP, Planning Director
Subject: First Reading: Permitted uses on a legal nonconforming lot

Objective:

Consideration of an amendment to Section 63.20 of the Township Zoning Ordinance for First Reading.

Background:

Planning Staff was recently approached by an individual that wished to build a medical office on a legal nonconforming parcel within a R-3 Residence District. A medical office is considered a special use within the R-3 Residence District. What can be built on a legal nonconforming parcel, lot, or building site is outlined in Section 63.20 of the Oshtemo Ordinance. Currently the language reads that “permitted uses of the zoning district” are allowable on these types of properties. There are three categories of uses outlined in the code: permitted uses, permitted uses with conditions, and special uses. Both the Planning Department and Legal Counsel have interpreted the language in Section 63.20 to mean that only the uses outlined under the “permitted uses” and “permitted uses with conditions” categories of a zoning district would be allowed on legal nonconforming properties. Meaning that a special use, i.e the requested medical office, would not be permitted on the legal non-conforming lot in question. However, after additional research and discussion, the Planning Commission, Planning Department, and Legal Counsel have determined that this interpretation is not the intent of the code and is not consistent with how this section has been interpreted in the past. In this case the use of the word “permitted” was intended to mean “allowed”, an instance of poor wording.

The ordinance amendment request was introduced to the Planning Commission at their regular January 14th, 2021 meeting. After discussion the Commission unanimously approved forwarding the proposed text to a Public Hearing. A Public Hearing was held on February 11, 2021 - no public comment was received either for or against the proposed amendment. The Planning Commission unanimously motioned to forward the proposed amendment to the Township Board for consideration with a recommendation of approval.

Proposal:

To provide clear direction and ensure consistency, the Planning Commission and staff are recommending the following change, in red, to Section 63.20 of the Oshtemo Ordinance:

“In any zoning district, notwithstanding limitations imposed by other provisions of this Ordinance, where a nonconforming lot, parcel or building site of record, lawful at the time of its creation, fails to meet the requirements for minimum area, minimum width, minimum frontage or exceeds the allowable depth to width ratio of 4 to 1, such lot, parcel or building site may be used for the permitted uses, **permitted uses with conditions, or special uses** of the zoning district, provided that all other applicable minimum requirements are met.”

OSHTEMO CHARTER TOWNSHIP PLANNING COMMISSION

RECOMMENDATION OF THE OSHTEMO CHARTER TOWNSHIP PLANNING COMMISSION RESULTING FROM A PUBLIC HEARING CONDUCTED ON FEBRUARY 11, 2021

The Oshtemo Charter Township Planning Commission hereby recommends APPROVAL of the amendment of Article 63, Section 63.20 Nonconforming Parcels, Lots or Building Sites, of the Township Zoning Ordinance, to read as follows:

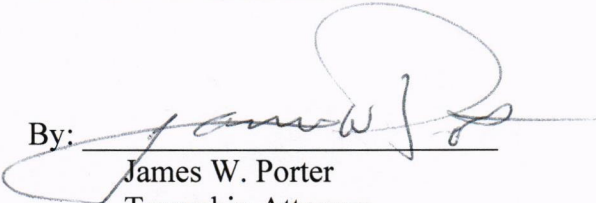
63.20 NONCONFORMING PARCELS, LOTS OR BUILDING SITES

In any zoning district, notwithstanding limitations imposed by other provisions of this Ordinance, where a nonconforming lot, parcel or building site of record, lawful at the time of its creation, fails to meet the requirements for minimum area, minimum width, minimum frontage or exceeds the allowable depth to width ratio of 4 to 1, such lot, parcel or building site may be used for the permitted uses, **permitted uses with conditions, or special uses** of the zoning district, provided that all other applicable minimum requirements are met.

OSHTEMO CHARTER TOWNSHIP
PLANNING COMMISSION

Date: February 11, 2021

By: _____


James W. Porter
Township Attorney

Final Action by Oshtemo Charter Township Board

_____ APPROVED _____

_____ DENIED _____

_____ REFERRED BACK TO PLANNING COMMISSION

OSHTEMO CHARTER TOWNSHIP ORDINANCE NO. ____

Adopted: _____, 2021

Effective: _____, 2021

OSHTEMO CHARTER TOWNSHIP ORDINANCE

An Ordinance to amend the Oshtemo Charter Township Zoning Ordinance, Article 63

Nonconforming Uses, Structures and Land, Section 63.20 Nonconforming Parcels, Lots or Building Sites.

This Ordinance repeals all Ordinances or parts of Ordinances in conflict.

THE CHARTER TOWNSHIP OF OSHTEMO
KALAMAZOO COUNTY, MICHIGAN
ORDAINS:

SECTION I. AMENDMENT OF ZONING ORDINANCE COMPILED ARTICLE 63: NONCONFORMING USES, STRUCTURES AND LAND, SECTION 63.20 NONCONFORMING PARCELS, LOTS OR BUILDING SITES. Article 63, Section 63.20 is hereby amended to read as follows:

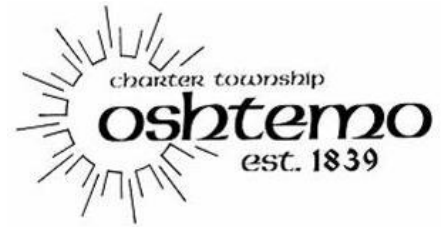
ARTICLE 63: NONCONFORMING USES, STRUCTURES AND LAND

63.20 NONCONFORMING PARCELS, LOTS OR BUILDING SITES

In any zoning district, notwithstanding limitations imposed by other provisions of this Ordinance, where a nonconforming lot, parcel or building site of record, lawful at the time of its creation, fails to meet the requirements for minimum area, minimum width, minimum frontage or exceeds the allowable depth to width ratio of 4 to 1, such lot, parcel or building site may be used for the permitted uses, **permitted uses with conditions, or special uses** of the zoning district, provided that all other applicable minimum requirements are met.

SECTION II. EFFECTIVE DATE AND REPEAL. All Ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed. This Ordinance shall take effect upon publication after adoption in accordance with State law.

DUSTY FARMER, CLERK
OSHTEMO CHARTER TOWNSHIP



Memorandum

Date: 19 February 2021
To: Township Board
From: Public Works
Subject: 2021 PAR Program Road Maintenance Projects

Objective

Oshtemo Township Board consideration of Road Commission PAR program road maintenance projects for the 2021 season.

Background

The first round of local road contracts are targeted for selection and contract completion this month. The Road Commission of Kalamazoo County PAR projects proposals were discussed with members of the Capital Improvements Committee at their meeting on February 16th, and the list of recommended projects is provided herein. Proposed projects are based upon the latest PASER ratings and established policy to coordinate utilities.

Information Provided

PAR Map 2021

Contract Estimates 2021

2021 Oshtemo Paser Rating Map

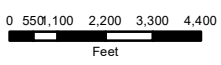
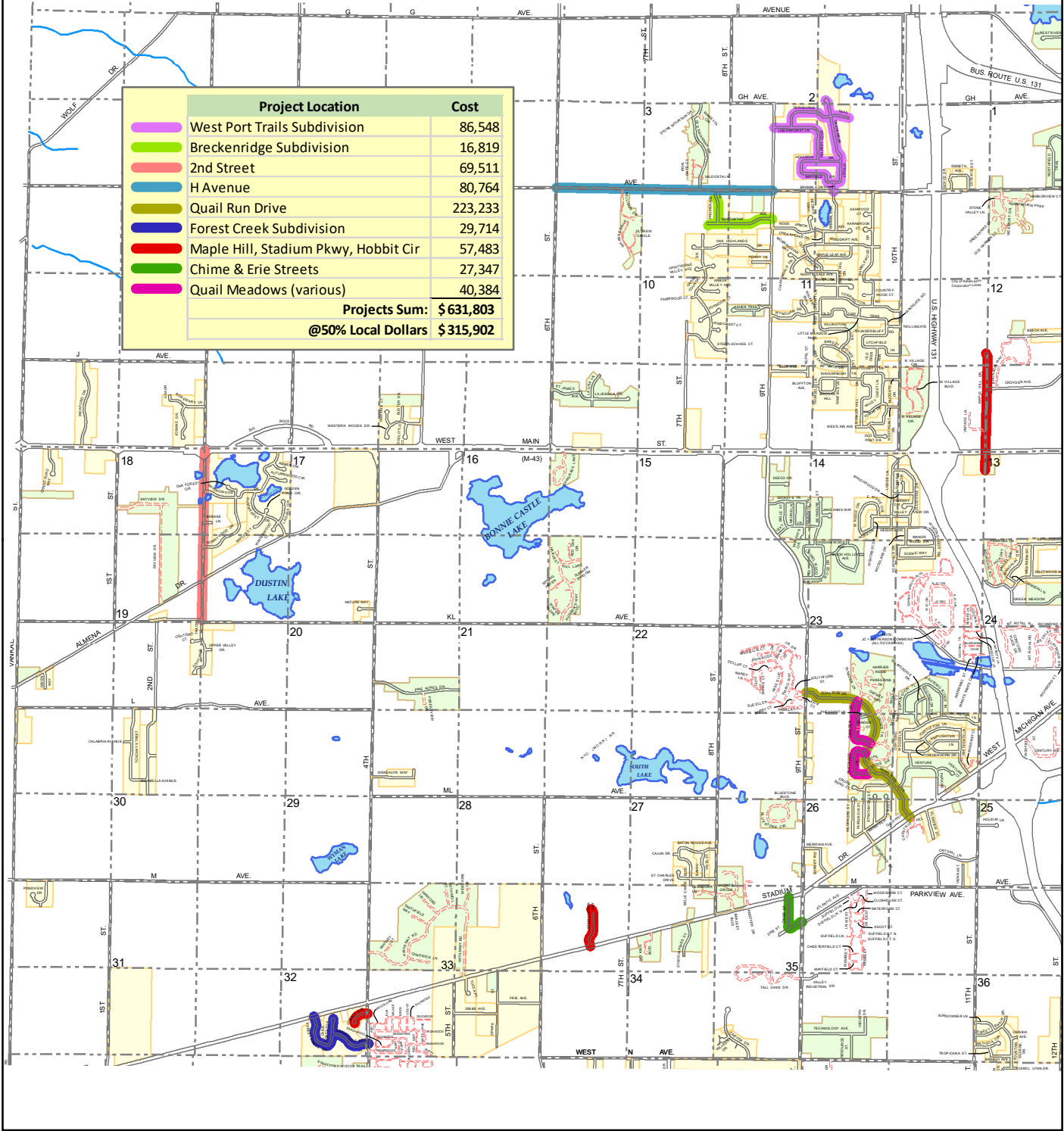
Utility Coordination Information:

Road-Sidewalk-Shared Use Path Assessment Policy

<https://www.kalamazooountyroads.com/userfiles/kcrc/file/Asset%20Management/RCKC%20Compliance%20Pavement%20and%20Bridge%20Asset%20Management%20Plans%202020.pdf> (Page 30)

<http://www.legislature.mi.gov/documents/2017-2018/publicact/pdf/2018-PA-0325.pdf> Page 3
(Item f))

Project Location	Cost
West Port Trails Subdivision	86,548
Breckenridge Subdivision	16,819
2nd Street	69,511
H Avenue	80,764
Quail Run Drive	223,233
Forest Creek Subdivision	29,714
Maple Hill, Stadium Pkwy, Hobbit Cir	57,483
Chime & Erie Streets	27,347
Quail Meadows (various)	40,384
Projects Sum:	\$ 631,803
@50% Local Dollars	\$ 315,902



Charter Township of Oshtemo Kalamazoo Co., Michigan 2021 Local Roadway Projects

This map is for reference purposes only. While it is intended to be an accurate graphic representation, its accuracy cannot be guaranteed. Any conclusions or information derived from this map are at the users sole risk.

Date: 2/19/2021



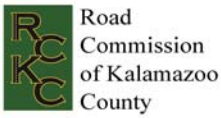
Date Prepared: 2/9/21
 Township: Oshtemo
 Location: **Bramble Drive** - H Avenue to Bay Field Drive,
Bay Field Drive - Hollison Drive to Bramble Drive,
Hollison Drive - Bay Field Drive to Oak Harbor Street,
Oak Harbor Street - Bramble Drive to 544' north of Trayburne Trail,
Kelfrey Cove - Hollison Drive to Lindenhurst Lane,
Lindenhurst Lane - 9th Street to Kelfrey Cove,
Trayburne Trail - Lindenhurst Lane to 550' east of Oak Harbor Lane
 Project Description: Crack Fill, Chip Seal, Fog Seal
 Estimator: Bill Oxx
 Length: 1.72 Miles

Total Area	Length	Width	Length	Width	Cul-de Sac Area (Sft)	Quantity
26,997	9,043	26			7854	1
Conv Factor						
9						

Description of charge	Application Rate	Estimated Quantities	Units of measure	Estimated Unit Cost	Estimated Total	Notes
Crack Fill	Heavy	8,600	lbs	1.60	13,760	
Vacuum Sweeping	2x	16.00	hour	135.00	2,160	
RCKC Equipment		16.46	hour	933.97	15,376	
RCKC Labor/Fringe		16.51	hour	674.28	11,135	
Contractor Equipment/Labor		7559.13	gallon	0.22	1,663	
CST Fine Aggregate	20#/square yard	270	ton	42.72	11,533	
CRS-2M (emulsion)	.28 gallon/square yard	7,559	gallon	1.89	14,287	
Fog Seal	0.10 gal per syd	26,997	sq yd	0.40	10,799	

Estimated Billable Costs		\$80,713
Overhead Billable	7.23%	\$5,836
Total Estimated Billable Project Cost		\$86,548

Total Estimated Project Cost	\$86,548
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Date Prepared: 2/9/21
 Township: Oshtemo
 Location: Promenade Street - Northstar Avenue to H Avenue,
 North Star Avenue - 330' south of North Star Avenue to 9th Street
 Project Description: Crack Fill, Chip Seal, Fog Seal
 Estimator: Bill Oxx
 Length: 0.35 Miles

Total Area	Length	Width	Length	Width	Cul-de Sac Area (Sft)
5,200	1,800	26			7854
Conv Factor					
9					

Description of charge	Application Rate	Estimated Quantities	Units of measure	Estimated Unit Cost	Estimated Total	Notes
Crack Fill	Heavy	1,750	lbs	1.60	2,800	
Vacuum Sweeping	2x	3.00	hour	135.00	405	
RCKC Equipment		3.17	hour	933.97	2,962	
RCKC Labor/Fringe		3.18	hour	674.28	2,145	
Contractor Equipment/Labor		1456.00	gallon	0.22	320	
CST Fine Aggregate	20#/square yard	52	ton	42.72	2,221	
CRS-2M (emulsion)	.28 gallon/square yard	1,456	gallon	1.89	2,752	
Fog Seal	0.10 gal per syd	5,200	sq yd	0.40	2,080	

Estimated Billable Costs		\$15,685
Overhead Billable	7.23%	\$1,134
Total Estimated Billable Project Cost		\$16,819

Total Estimated Project Cost	\$16,819
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Date Prepared: 2/9/21
 Township: Oshtemo
 Location: 2nd Street - KL Avenue to M-43
 Project Description: Crack Fill, HMA Wedging, Chip Seal, Fog Seal
 Estimator: Edward Klein
 Length: 0.95 Miles

Total Area	Length	Width	Length	Width	Cul-de Sac Area (Sft)
13,686	1,675	22			7854
Conv Factor	3,320	26			
9					

Description of charge	Application Rate	Estimated Quantities	Units of measure	Estimated Unit Cost	Estimated Total	Notes
Pavement Marking		4,995	lin ft	0.10	500	no charge
High Shoulder Removal		100	Station	25.00	2,500	no charge
		Estimated Nonbillable Cost			\$3,000	
		Overhead - Nonbillable		7.23%	\$217	
		Total Estimated Nonbillable Cost			\$3,216	
Crack Fill	Heavy	4,750	lbs	1.60	7,600	
HMA Wedging		400	ton	69.50	27,800	
RCKC Equipment		4.07	hour	933.97	3,801	
RCKC Labor/Fringe		4.08	hour	674.28	2,752	
Contractor Equipment/Labor		5474.22	gallon	0.22	1,204	
CS2 Fine Aggregate	20#/square yard	137	ton	42.72	5,846	
CRS-2M (emulsion)	.40 gallon/square yard	5,474	gallon	1.89	10,346	
Fog Seal	0.14 gal per syd	13,686	sq yd	0.40	5,474	
		Estimated Billable Costs			\$64,824	
		Overhead Billable		7.23%	\$4,687	
		Total Estimated Billable Project Cost			\$69,511	
Total Estimated Project Cost					\$72,727	



Date Prepared: 2/9/21
 Township: Oshtemo
 Location: H Avenue - 6th Street to 9th Street
 Project Description: Crack Fill, HMA Wedging, Chip Seal, Fog Seal
 Estimator: Bill Oxx
 Length: 1.25 Miles

Total Area	Length	Width	Length	Width	Cul-de Sac Area (Sft)
19,067	6,600	26			7854
Conv Factor					
9					

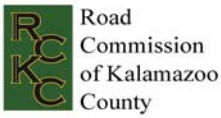
Description of charge	Application Rate	Estimated Quantities	Units of measure	Estimated Unit Cost	Estimated Total	Notes
Pavement Marking		6,600	lin ft	0.10	660	no charge
High Shoulder Removal		132	Station	25.00	3,300	no charge
		Estimated Nonbillable Cost			\$3,960	
			Overhead - Nonbillable	7.23%	\$286	
		Total Estimated Nonbillable Cost			\$4,246	
Crack Fill	Heavy	6,250	lbs	1.60	10,000	
HMA Wedging		350	ton	69.50	24,325	
RCKC Equipment		8.67	hour	933.97	8,095	
RCKC Labor/Fringe		8.69	hour	674.28	5,862	
Contractor Equipment/Labor		5338.67	gallon	0.22	1,175	
CS2 Fine Aggregate	20#/square yard	191	ton	42.72	8,145	
CRS-2M (emulsion)	.28 gallon/square yard	5,339	gallon	1.89	10,090	
Fog Seal	0.14 gal per syd	19,067	sq yd	0.40	7,627	
		Estimated Billable Costs			\$75,318	
			Overhead Billable	7.23%	\$5,446	
		Total Estimated Billable Project Cost			\$80,764	
Total Estimated Project Cost					\$85,010	



Date Prepared: 2/5/21
 Township: Oshtemo
 Location: Quail Run Drive - Stadium Drive to 9th Street
 Project Description: HMA Overlay
 Estimator: Dean Disterheft
 Length: 1.15 Miles

Total Area (Syd)	Length	Width	Length	Width	Cul-de Sac Area (Sft)	Quantity
21,633	5,500	32			7,854	0
Conv Factor	550	34				
9						

Description of charge	Application Rate	Estimated Quantities	Units of measure	Estimated Unit Cost	Estimated Total	Notes
Sanitary Sewer Manhole Adjustment		32	each	800.00	25,600	no charge (City of Kalamazoo)
		Estimated Nonbillable Cost			\$25,600	
		Overhead - Nonbillable		7.23%	\$1,851	
		Total Estimated Nonbillable Cost			\$27,451	
Material Testing		5	each	500.00	2,500	
Cold Milling	1 - 2 inches	21,633	sq yd	0.80	17,306	
Roadside Restoration	1-2' wide	32	station	150.00	4,800	topsoil restoration/seeding
Storm Sewer Manhole Adjustment		10	each	800.00	8,000	
36A HMA Surface Course	220#/sq yd	2,900	ton	59.50	172,550	incudes HMA valley gutter
Fog Seal Construction Joint	2' wide	6,050	lin ft	0.50	3,025	
		Estimated Billable Costs			\$208,181	
		Overhead Billable		7.23%	\$15,052	
		Total Estimated Billable Project Cost			\$223,233	
Total Estimated Project Cost					\$250,684	



Date Prepared: 12/10/20
 Township: Oshtemo
 Location: **Forest Creek Drive - Stadium Drive to Olde Forest Drive,
 Olde Forest Drive - Forest Creek Drive to 475' north of Greystone Road,
 Greystone Road - Olde Forest Drive to 4th Street**
 Project Description: Crack Fill, Chip Seal, Fog Seal
 Estimator: Bill Oxx
 Length: 0.59 Miles

Total Area	Length	Width	Length	Width	Cul-de Sac Area (Sft)
10,317	3,095	30			7854
Conv Factor					
9					

Description of charge	Application Rate	Estimated Quantities	Units of measure	Estimated Unit Cost	Estimated Total	Notes
Crack Fill	Heavy	2,950	lbs	1.60	4,720	
Vacuum Sweeping	2x	6.00	hour	135.00	810	
RCKC Equipment		4.69	hour	933.97	4,380	
RCKC Labor/Fringe		4.70	hour	674.28	3,172	
Contractor Equipment/Labor		2888.67	gallon	0.22	636	
CST Fine Aggregate	20#/square yard	103	ton	42.72	4,407	
CRS-2M (emulsion)	.28 gallon/square yard	2,889	gallon	1.89	5,460	
Fog Seal	0.10 gal per syd	10,317	sq yd	0.40	4,127	
Estimated Billable Costs					\$27,711	
Overhead Billable				7.23%	\$2,003	
Total Estimated Billable Project Cost					\$29,714	
Total Estimated Project Cost					\$29,714	



Date Prepared: 12/10/20
 Township: Oshtemo
 Location: **Maple Hill Drive** - 580' south of M-43 to 1,089' north of Croyden Avenue,
Hobbit Circle - 604' west of 4th Street to 4th Street,
Stadium Park Way - Stadium Drive to 1,174' north of Stadium Drive
 Project Description: Crack Fill, Chip Seal, Fog Seal
 Estimator: Bill Oxx
 Length: 0.99 Miles

Total Area	Length	Width	Length	Width	Cul-de Sac Area (Sft)	Quantity
20,748	675	45			7854	1
Conv Factor	4,500	33				
9						

Description of charge	Application Rate	Estimated Quantities	Units of measure	Estimated Unit Cost	Estimated Total	Notes
Crack Fill	Heavy	4,950	lbs	1.60	7,920	
Vacuum Sweeping	2x	8.00	hour	135.00	1,080	
RCKC Equipment		9.43	hour	933.97	8,809	
RCKC Labor/Fringe		9.46	hour	674.28	6,379	
Contractor Equipment/Labor		5809.35	gallon	0.22	1,278	
CST Fine Aggregate	20#/square yard	207	ton	42.72	8,863	
CRS-2M (emulsion)	.28 gallon/square yard	5,809	gallon	1.89	10,980	
Fog Seal	0.10 gal per syd	20,748	sq yd	0.40	8,299	
Estimated Billable Costs					\$53,607	
Overhead Billable				7.23%	\$3,876	
Total Estimated Billable Project Cost					\$57,483	
Total Estimated Project Cost					\$57,483	



Date Prepared: 2/5/21
 Township: Oshtemo
 Location: **Chime Street** - Erie Street to Stadium Drive,
Erie Street - Chime Street to 9th Street
 Project Description: Crack Fill, HMA Wedging, Chip Seal, Fog Seal
 Estimator: Dean Disterheft
 Length: 0.26 Miles

Total Area	Length	Width	Length	Width	Cul-de Sac Area (Sft)	Quantity
4,241	550	22			7854	0
Conv Factor	150	31				
9	630	34				

Description of charge	Application Rate	Estimated Quantities	Units of measure	Estimated Unit Cost	Estimated Total	Notes
High Shoulder Removal		27	Station	25.00	675	no charge
		Estimated Nonbillable Cost			\$675	
		Overhead - Nonbillable		7.23%	\$49	
		Total Estimated Nonbillable Cost			\$724	
Crack Fill	Heavy	1,300	lbs	1.60	2,080	
HMA Wedging		200	ton	69.50	13,900	
Vacuum Sweeping	2x	3.00	hour	135.00	405	
RCKC Equipment		1.26	hour	933.97	1,178	
RCKC Labor/Fringe		1.26	hour	674.28	853	
Contractor Equipment/Labor		1696.44	gallon	0.22	373	
CS2 Fine Aggregate	20#/square yard	42	ton	42.72	1,812	
CRS-2M (emulsion)	.40 gallon/square yard	1,696	gallon	1.89	3,206	
Fog Seal	0.14 gal per syd	4,241	sq yd	0.40	1,696	
		Estimated Billable Costs			\$25,503	
		Overhead Billable		7.23%	\$1,844	
		Total Estimated Billable Project Cost			\$27,347	
Total Estimated Project Cost					\$28,071	



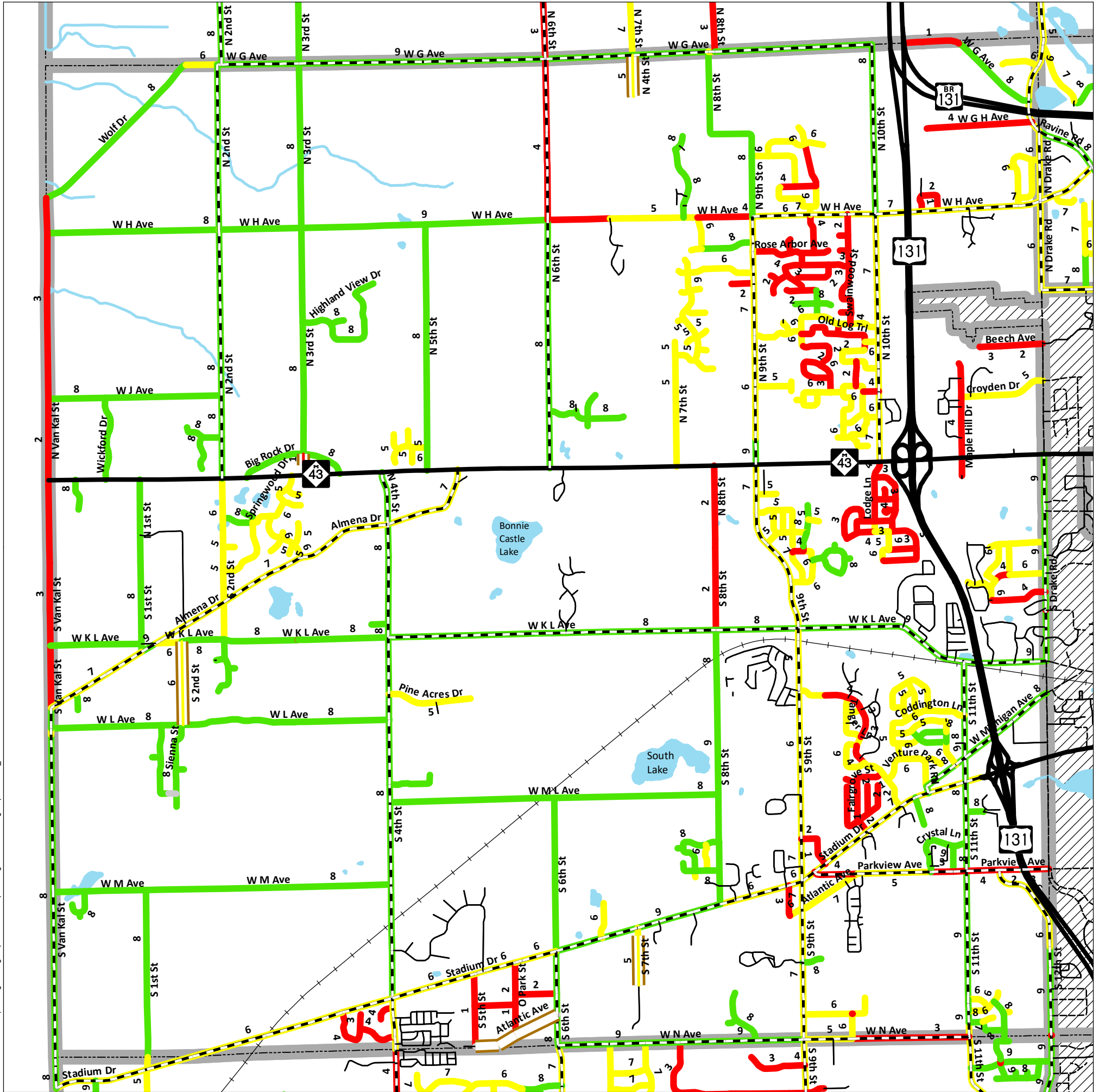
Date Prepared: 2/5/21
 Township: Oshtemo
 Location: **Tanager Lane** - Quail Run Drive to Quail Run Drive,
Pheasant Lane - Tanager Lane to Quail Run Drive,
Partridge Lane - Quail Run Drive to Quail Run Drive
 Project Description: Crack Fill, Chip Seal, Fog Seal
 Estimator: Dean Disterheft
 Length: 0.69 Miles

Total Area	Length	Width	Length	Width	Cul-de Sac Area (Sft)	Quantity
12,942	1,600	32			7854	0
Conv Factor	2,040	32				
9						

Description of charge	Application Rate	Estimated Quantities	Units of measure	Estimated Unit Cost	Estimated Total	Notes
Crack Fill	Heavy	3,450	lbs	1.60	5,520	
Vacuum Sweeping	2x	8.00	hour	135.00	1,080	
RCKC Equipment		5.86	hour	933.97	5,471	
RCKC Labor/Fringe		5.88	hour	674.28	3,962	
Contractor Equipment/Labor		5176.89	gallon	0.22	1,139	
CS2 Fine Aggregate	20#/square yard	129	ton	42.72	5,529	
CRS-2M (emulsion)	.40 gallon/square yard	5,177	gallon	1.89	9,784	
Fog Seal	0.14 gal per syd	12,942	sq yd	0.40	5,177	
Estimated Billable Costs					\$37,661	
Overhead Billable				7.23%	\$2,723	
Total Estimated Billable Project Cost					\$40,384	
Total Estimated Project Cost					\$40,384	

2021 Current Asset Management Ratings Map

Oshtemo Twp



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ASSET MANAGEMENT

Asset Management is a systematic approach to selecting the best investment at the right time to maximize the life of the asset being measured, in this case, road surface conditions. The goal is to maintain our roads in good condition, making periodic investments in the pavement, rather than letting it deteriorate to a level that requires a major investment to bring it back to a good condition. Periodic maintenance investments typically total less than the major investment required to rebuild a road.

PASER RATINGS

PASER stands for Pavement Surface Evaluation and Rating. The PASER rating scale ranges from 1, failed condition, to 10, brand new pavement. A pavement will only be a 10 the first year of its life, the second year it may automatically become a 9. Any condition of 8 or greater is considered to be a good condition, 7, 6 or 5 are fair, 4 or lower is poor.

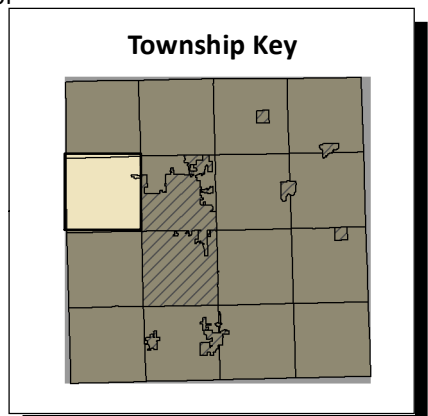
- PASER based on physical ratings and project improvements.
- Private roads not rated.

IBR SYSTEM

IBR stands for Inventory Based Rating. Condition assessment of unpaved/gravel roads is based on the Surface Width, Drainage Adequacy and Structural Adequacy of the roadway. Each of these three assessment areas are then aggregated to the IBR rating for good, fair, poor ranging from 1, poor condition, to 10, good condition. Once initial ratings are established, updates only occur when a construction or rehabilitation activity is completed. The baseline IBR rating occurred in 2015.

THE RIGHT FIX AT THE RIGHT TIME

The RCKC determines the best fix to optimize service life for each of our projects. Good pavement management involves less expensive treatments earlier in the life of the pavement in order to take full advantage of infrastructural investments.



Road Classification	Paved Road Ratings	Gravel Road Ratings	Boundary Designations
State Trunkline	Good (10, 9, 8)	Good (10, 9, 8)	Township/City
County Primary	Fair (7, 6, 5)	Fair (7, 6, 5)	Lakes & Rivers
County Local - Gravel	Poor (4, 3, 2, 1)	Poor (4, 3, 2, 1)	City/Village Limits
City	Unrated		
Private	Private Roads (Not Rated)		

Last Updated: 1/12/2021



Road Commission
of Kalamazoo County
3801 E. Kilgore Road
Kalamazoo, MI 49001
(269) 381-3171
Fax (269) 381-1760
www.kalamazoo-countyroads.com

For more information on this, as well as on other topics, please feel free to contact our office or visit our website.

**CHARTER TOWNSHIP OF OSHTEMO
KALAMAZOO COUNTY, MICHIGAN**

**ROAD – SIDEWALK -- SHARED USE PATH
ASSESSMENT POLICY**

EFFECTIVE: JANUARY 10, 2017

ADMINISTRATIVE PROCEDURE

With assistance of the Capital Improvements Committee, the Township Board shall annually determine which roads will be restored/reconstructed or which will receive Hot Mix Asphalt (HMA) or gravel overlay. Selection of projects and treatments shall be subject to available Township funds, budgeting and scheduling.

A project funding formula is herein outlined. Specific projects shall be approved by the Township Board. On projects with no petitions, a Township Board resolution is needed.

Resolutions or petitions for Assessment Districts shall be forwarded to the Road Commission for Public Hearing.

Township road dollars shall, in general, not be spent on roadway reconstruction if the local street is not served with sanitary sewer and sanitary sewer is available to be extended to service properties along the street. This deferment of other than routine road maintenance is to facilitate the coordination of roadway work with sanitary sewer extensions to utilize Township funds in the most efficient and effective manner. If work is deferred for a local street under this policy, said local street will be planned for sanitary sewer extension within three years.

FUNDING FORMULA

SUBJECT TO AVAILABLE FUNDS

1. Local Roads –

Chip Seal or Seal Coat

Township Funds as supplemented with Road Commission Par Funds

HMA Overlay/Reconstruction

Township Funds as supplemented with Road Commission Par Funds

2. Plat Streets –

Chip Seal or Seal Coat

Township Funds as supplemented with Road Commission Par Funds

Ultra-Thin HMA Paving

100% Of Additional Cost Over Township-Proposed Project shall be by special assessment. Cul-de-Sacs shall be assessed in a manner that approximates an equitable contribution for the “pie” shaped square yardage frontage each assessable parcel (i.e. approximately comparable to the ½ roadway width square yardage assessed on a two-sided street).

HMA Overlay/Reconstruction

Township Funds as supplemented with Road Commission Par Funds

3. Dust Control (gravel roads) –

100% Township Funds

4. Failed Condition Local Road –

The Failed Condition Local Road Policy of the Road Commission shall be utilized.

5. Sidewalks/Shared Use Paths –

\$25.00 Per Front Foot For Single-Family Residential Zoning

\$30.00 Per Front Foot For Commercial/Industrial Zoning

Note 1: If developed, actual land use shall take president when determining the sidewalk/path assessment. When the underlying zoning allows other than single-family residential, or when substantial frontage remains undeveloped, the Township Board may elect to enter into an agreement with the property owner to defer collection of the full assessment until the parcel further develops.

Note 2: An exception shall apply to single-family residential properties which are (a) located along North 10th Street, from W. Main to the Kal-Haven Trail, or (b) located along an “arterial roadway” as classified by the National Functional Classification (NFC) will not be assessed. This location-based exemption is intended to recognize the subordinate neighborhood-usage of the sidewalk/path, versus the facility’s function as an arterial/connector.

6. Land Owner Initiated or Shared-Use Private Roads –

At its sole discretion, the Oshtemo Township Board may elect to facilitate creation of a special assessment district for private roadway improvements when shared-use or other unique conditions warrant the proposed improvements as a public interest. Properties in Private Roadway SAD's shall bare 100% of the cost for the improvements, and shall include reimbursement of the administrative costs incurred by the Township.

A petitioned Public Roadway SAD project is exempt from Township cost participation as outlined in this policy. Specifically, the Township Board shall separately determine to what extent, if any, the Township shall contribute to the project.

ASSESSING POLICY

1. The Township shall annually determine which roads will be restored/reconstructed or which will receive an HMA or gravel overlay subject to budget limitations.
2. Parcels or outlots not in a plat, but with frontage on a plat street would be assessed using the funding formula but not to exceed the largest assessment in the district.
3. Parcels located on a "curved corner" will be assessed using the funding formula but not to exceed the largest assessment in the district.
4. Assessments for condominium units will assessed using the funding formula and the amount will be divided equally among the number of units.
5. The Township has the right and responsibility to set an assessment district, when it has been determined a road must be overlaid or reconstructed and funding is needed.
6. If sidewalk/shared use path project costs are less, individual assessments will be credited accordingly.
7. If any development is required by zoning to provide a sidewalk/shared use path, the development bears the full cost.
8. The Township reserves the right, should the need arise, to revise this policy and any time and shall establish assessment districts calling for abutting land owners to share in the restoration/reconstruction, HMA or gravel overlay. In addition, the Township may consider a petition for road improvements and the establishment of a special assessment as provided by state law.

MEMORANDUM

To: Township Board
From: James Porter
Date: February 17, 2021
Subject: Revisions to Oshtemo Township Fire Code Ordinance (Ord. No. 594)

OBJECTIVE:

To (1) revise Section III, IV, V, VI, VII, and XI to remove references to the “NATIONAL FIRE PROTECTION ASSOCIATION (“NFPA 1”) FIRE CODE, 2018 Edition”, and replace them with references to the “NATIONAL FIRE PROTECTION ASSOCIATION (“NFPA 1”) FIRE CODE 2021 Edition”; and (2) revise Section XII to agree with Ordinance No. 633, Oshtemo Township False Alarm Ordinance, as adopted February 9, 2021.

BACKGROUND:

Ordinance No. 594 was adopted on March 13, 2018 with references to the then current National Fire Code. The Fire Code has been updated, and therefore the Ordinance requires revision to reference the now current NFPA 1 Fire Code. Section XII (Violations) of the current Ordinance is in conflict with the newly adopted revisions to the False Alarm Ordinance (Ord. 633) and should be revised to remove this conflict.

INFORMATION PROVIDED:

I have provided a redline copy of the proposed changes to the Fire Code Ordinance for the Board’s review.

STATEMENT OF REQUESTED BOARD ACTION:

My recommendation is that the Board adopt the proposed changes to Ordinance No. 594 to bring the Ordinance in line with the current version of the NFPA 1 Fire Code and the current Oshtemo Township False Alarm Ordinance.

OSHTEMO CHARTER TOWNSHIP ORDINANCE NO. ____

ADOPTION OF NFPA 1 FIRE CODE

Adopted: _____, 2021

Effective: _____, 2021

This Ordinance amends Ordinance 594, being the Oshtemo Township Fire Code Ordinance, adopted March 13, 2018, to revise Section III, IV, V, VI, VII, and XI to remove references to the NATIONAL FIRE PROTECTION ASSOCIATION (“NFPA 1”) FIRE CODE, 2018 Edition, and replace them with references to the NATIONAL FIRE PROTECTION ASSOCIATION (“NFPA 1”) FIRE CODE 2021 Edition; to revise Section XII to agree with Ordinance No. 633, as amended; and to repeal existing Ordinances or parts of Ordinances in conflict herewith.

OSHTEMO CHARTER TOWNSHIP

KALAMAZOO COUNTY, MICHIGAN,

ORDAINS:

SECTION I. AMENDMENT OF SECTION III ADOPTION OF "NFPA 1 FIRE CODE, 2018 EDITION shall be amended to read as follows:

ADOPTION OF "NFPA 1 FIRE CODE, 2018~~21~~ EDITION"

A certain document or booklet, which is marked and entitled as “NFPA 1 FIRE CODE, ~~2018-2021~~ EDITION” and the annexes and index thereto, said Code being published by the National Fire Protection Association, except Annexes B, C and D which shall be excluded from adoption, official copies of which are on file in the office of the Township Clerk and which may be examined by the general public during regular business hours or by appointment, is hereby adopted by reference as if fully set forth herein. Each and all of the regulations, provisions, penalties, conditions and terms thereof, except as excluded herein or as they may hereafter be modified, shall be deemed adopted and made a part hereof by this reference as if fully set forth in this Ordinance.

SECTION II. AMENDMENT OF SECTION IV CONFLICTS shall be amended to read as follows:

Section 1.3.~~3~~4 of the said NFPA 1 FIRE CODE, 20~~18~~21 EDITION, regarding “Conflicts” is hereby amended to add Section 1.3.3.1 as follows:

1.3.3.1. Where a conflict between this document and the Michigan Construction Code occurs, the specific requirements of the Michigan Construction Code shall apply, except as otherwise provided herein.

SECTION III. AMENDMENT OF SECTION V BOARD OF APPEALS shall be amended to read as follows:

Section 1.10.1.1.2 of the said NFPA 1 FIRE CODE, 20~~21~~18 EDITION, is hereby amended to read as follows:

1.10.1.1.2. A Board of Appeals shall be established consisting of five to seven members and alternate members who shall be appointed by the Charter Township of Oshtemo Board of Trustees by reason of education, experience, and knowledge and are deemed to be competent to sit in judgment on matters concerning this Code and its enforcement.

SECTION IV. AMENDMENT OF SECTION VI OPEN FIRES shall be amended to read as follows:

Sections 10.10.4 through 10.10.8 of the said NFPA 1 FIRE CODE, 20~~18~~21 EDITION, is hereby amended by the deletion of subsections 10.10.4 through 10.10.8 thereunder and by the addition of the following language:

10.10.4 Open fires, incinerators and cooking equipment shall be regulated by a separate Township Ordinance.

SECTION V. AMENDMENT OF SECTION VII MONITORING FOR INTEGRITY shall be amended to read as follows:

Section 13.7.1.4.2 of said NFPA 1 Fire Code, 20~~21~~¹⁸ Edition, is hereby amended to read as follows:

13.7.1.4.2 Fire alarm systems required by the Michigan or International Building Code shall be monitored by a listed central station as defined by NFPA 72. A Certificate or Placard shall be issued by a recognized listing organization that has listed the prime contractor for all newly installed fire alarm systems in commercial occupancies in accordance with NFPA 72. This regulation shall apply to all fire alarm systems that are newly installed in commercial occupancies for which permits are required by the Township of Oshtemo on or after May 1, 2018. Any existing fire alarm system in a commercial occupancy wherein the fire alarm control panel and/or alarm system components are to be replaced shall be considered newly installed for the purposes of this section. Also, where there is reasonable cause due to non-compliance or faulty conditions, the fire code official may require an existing fire alarm system meet the same requirement as a newly installed system. Central station service in full compliance with NFPA 72 shall be maintained at the protected property, so long as the requirement for the fire system exists.

SECTION VI. AMENDMENT OF SECTION XI MAINTAINING ACCESS TO FIRE HYDRANTS shall be amended to read as follows:

In accordance with the adopted NFPA1 Fire Code, 20~~21~~¹⁸ Edition, it shall be unlawful to obscure from view, damage, deface, obstruct or restrict the access to any fire hydrant or any Fire Department connection for the pressurization of fire suppression systems, including fire hydrants and Fire Department connections that are located on public or private streets and access lanes, or on private property. In order to avoid the obscuring or obstruction of fire hydrants, there shall be a 3-foot (914 mm) clear space maintained around the circumference of all fire hydrants. If any fire hydrant is obscured from view or its use obstructed by an abutting property owner, the Fire Department shall give notice of the obstruction to the abutting property owner, requesting him/her to remove the obstruction in accordance with these provisions. The property owner shall be given ten (10) days in which to comply. Upon failure to comply, the Fire Chief, or his designated representative may cause the removal of such obstructions.

SECTION VII. AMENDMENT OF SECTION XII VIOLATIONS shall be amended to read as follows:

Any person, firm, association, partnership, corporation, or governmental entity that violates any of the provisions of this Ordinance or the Uniform Fire Code adopted hereunder

shall be deemed to be responsible for a municipal civil infraction as defined by Michigan Statute which shall be punishable by civil fine determined in accordance with the following schedule:

	<u>Minimum</u>	<u>Maximum</u>
	<u>Fine</u>	<u>Fine</u>
1st Offense within 3 year period*	\$ 75.00	\$ 500.00
2nd Offense within 3 year period*	\$ 150.00	\$ 500.00
3rd Offense within 3 year period*	\$ 325.00	\$ 500.00
4th or More Offense within 3 year period*	\$ 500.00	\$ 500.00

~~* Determined on the basis of the date of commission of the offense(s).~~

	<u>Fine</u>
<u>1st Offense within the calendar year*</u>	<u>\$75.00</u>
<u>2nd Offense within the calendar year*</u>	<u>\$150.00</u>
<u>3rd Offense within the calendar year*</u>	<u>\$325.00</u>
<u>4th or More Offense within the calendar year*</u>	<u>\$500.00</u>

* Calendar year refers to January 1st through December 31st.

Additionally, the violator shall pay costs which may include all expenses, direct and indirect, to which the Charter Township of Oshtemo has incurred in connection with the municipal civil infraction. In no case, however, shall costs of less than \$9.00 nor more than the actual costs incurred~~\$500.00~~ be ordered. In addition, the Charter Township of Oshtemo shall have the right to proceed in any court of competent jurisdiction for the purpose of obtaining an injunction, restraining order, or other appropriate remedy to compel compliance with this Ordinance. Each day that a violation of this Ordinance exists shall constitute a separate violation of this Ordinance.

SECTION VIII. This Ordinance shall take effect after publication in accordance with State law. All Ordinances or part of Ordinances in conflict herewith are hereby repealed.

DUSTY FARMER, CLERK
OSHTEMO CHARTER TOWNSHIP

OSHTEMO CHARTER TOWNSHIP ORDINANCE NO. ____

ADOPTION OF NFPA 1 FIRE CODE

Adopted: _____, 2021

Effective: _____, 2021

This Ordinance amends Ordinance 594, being the Oshtemo Township Fire Code Ordinance, adopted March 13, 2018, to revise Section III, IV, V, VI, VII, and XI to remove references to the NATIONAL FIRE PROTECTION ASSOCIATION (“NFPA 1”) FIRE CODE, 2018 Edition, and replace them with references to the NATIONAL FIRE PROTECTION ASSOCIATION (“NFPA 1”) FIRE CODE 2021 Edition; to revise Section XII to agree with Ordinance No. 633, as amended; and to repeal existing Ordinances or parts of Ordinances in conflict herewith.

OSHTEMO CHARTER TOWNSHIP

KALAMAZOO COUNTY, MICHIGAN,

ORDAINS:

SECTION I. AMENDMENT OF SECTION III ADOPTION OF "NFPA 1 FIRE CODE, 2018 EDITION shall be amended to read as follows:

ADOPTION OF "NFPA 1 FIRE CODE, 2021 EDITION"

A certain document or booklet, which is marked and entitled as “NFPA 1 FIRE CODE, 2021 EDITION” and the annexes and index thereto, said Code being published by the National Fire Protection Association, except Annexes B, C and D which shall be excluded from adoption, official copies of which are on file in the office of the Township Clerk and which may be examined by the general public during regular business hours or by appointment, is hereby adopted by reference as if fully set forth herein. Each and all of the regulations, provisions, penalties, conditions and terms thereof, except as excluded herein or as they may hereafter be modified, shall be deemed adopted and made a part hereof by this reference as if fully set forth in this Ordinance.

SECTION II. AMENDMENT OF SECTION IV CONFLICTS shall be amended to read as follows:

Section 1.3.3 of the said NFPA 1 FIRE CODE, 2021 EDITION, regarding “Conflicts” is hereby amended to add Section 1.3.3.1 as follows:

1.3.3.1. Where a conflict between this document and the Michigan Construction Code occurs, the specific requirements of the Michigan Construction Code shall apply, except as otherwise provided herein.

SECTION III. AMENDMENT OF SECTION V BOARD OF APPEALS shall be amended to read as follows:

Section 1.10.1.1.2 of the said NFPA 1 FIRE CODE, 2021 EDITION, is hereby amended to read as follows:

1.10.1.1.2. A Board of Appeals shall be established consisting of five to seven members and alternate members who shall be appointed by the Charter Township of Oshtemo Board of Trustees by reason of education, experience, and knowledge and are deemed to be competent to sit in judgment on matters concerning this Code and its enforcement.

SECTION IV. AMENDMENT OF SECTION VI OPEN FIRES shall be amended to read as follows:

Sections 10.10.4 through 10.10.8 of the said NFPA 1 FIRE CODE, 2021 EDITION, is hereby amended by the deletion of subsections 10.10.4 through 10.10.8 thereunder and by the addition of the following language:

10.10.4 Open fires, incinerators and cooking equipment shall be regulated by a separate Township Ordinance.

SECTION V. AMENDMENT OF SECTION VII MONITORING FOR INTEGRITY shall be amended to read as follows:

Section 13.7.1.4.2 of said NFPA 1 Fire Code, 2021 Edition, is hereby amended to read as follows:

13.7.1.4.2 Fire alarm systems required by the Michigan or International Building Code shall be monitored by a listed central station as defined by NFPA 72. A Certificate or Placard shall be issued by a recognized listing organization that has listed the prime contractor for all newly installed fire alarm systems in commercial occupancies in accordance with NFPA 72. This regulation shall apply to all fire alarm systems that are newly installed in commercial occupancies for which permits are required by the Township of Oshtemo on or after May 1, 2018. Any existing fire alarm system in a commercial occupancy wherein the fire alarm control panel and/or alarm system components are to be replaced shall be considered newly installed for the purposes of this section. Also, where there is reasonable cause due to non-compliance or faulty conditions, the fire code official may require an existing fire alarm system meet the same requirement as a newly installed system. Central station service in full compliance with NFPA 72 shall be maintained at the protected property, so long as the requirement for the fire system exists.

SECTION VI. AMENDMENT OF SECTION XI MAINTAINING ACCESS TO FIRE HYDRANTS shall be amended to read as follows:

In accordance with the adopted NFPA1 Fire Code, 2021 Edition, it shall be unlawful to obscure from view, damage, deface, obstruct or restrict the access to any fire hydrant or any Fire Department connection for the pressurization of fire suppression systems, including fire hydrants and Fire Department connections that are located on public or private streets and access lanes, or on private property. In order to avoid the obscuring or obstruction of fire hydrants, there shall be a 3-foot (914 mm) clear space maintained around the circumference of all fire hydrants. If any fire hydrant is obscured from view or its use obstructed by an abutting property owner, the Fire Department shall give notice of the obstruction to the abutting property owner, requesting him/her to remove the obstruction in accordance with these provisions. The property owner shall be given ten (10) days in which to comply. Upon failure to comply, the Fire Chief, or his designated representative may cause the removal of such obstructions.

SECTION VII. AMENDMENT OF SECTION XII VIOLATIONS shall be amended to read as follows:

Any person, firm, association, partnership, corporation, or governmental entity that violates any of the provisions of this Ordinance or the Uniform Fire Code adopted hereunder

shall be deemed to be responsible for a municipal civil infraction as defined by Michigan Statute which shall be punishable by civil fine determined in accordance with the following schedule:

	Fine
1 st Offense within the calendar year*	\$75.00
2 nd Offense within the calendar year*	\$150.00
3 rd Offense within the calendar year*	\$325.00
4th or More Offense within the calendar year*	\$500.00

* Calendar year refers to January 1st through December 31st.

Additionally, the violator shall pay costs which may include all expenses, direct and indirect, to which the Charter Township of Oshtemo has incurred in connection with the municipal civil infraction. In no case, however, shall costs of less than \$9.00 nor more than the actual costs incurred be ordered. In addition, the Charter Township of Oshtemo shall have the right to proceed in any court of competent jurisdiction for the purpose of obtaining an injunction, restraining order, or other appropriate remedy to compel compliance with this Ordinance. Each day that a violation of this Ordinance exists shall constitute a separate violation of this Ordinance.

SECTION VIII. This Ordinance shall take effect after publication in accordance with State law. All Ordinances or part of Ordinances in conflict herewith are hereby repealed.

DUSTY FARMER, CLERK
OSHTEMO CHARTER TOWNSHIP

MEMORANDUM

To: Township Board

From: James Porter

Date: February 19, 2021

Subject: Resolution Requesting the Addition of Bow and Arrow to the Oshtemo Charter Township's Non-Discharge Area

OBJECTIVE:

To request that the Department of Natural Resources hold a public hearing on the addition of bow and arrow to the Township's Non-Discharge Area, and advise the Township regarding regulations to alleviate and correct the use of bow and arrow within the Township's Non-Discharge Area.

BACKGROUND:

The Board reviewed the history of the Township's Non-Discharge Area at its February 9, 2021 meeting and considered the options for a Resolution requesting a public hearing from the Department of Natural Resources. The Board determined that it would like to pursue a request to the Department of Natural Resources to add bow and arrow restrictions to the Township's existing Non-Discharge Area.

INFORMATION PROVIDED:

I have attached a copy of the Resolution Requesting the Addition of Bow and Arrow to the Oshtemo Charter Township's Non-Discharge Area for the Board's review and approval.

STATEMENT OF REQUESTED BOARD ACTION:

I recommend that the Board adopt Resolution Requesting the Addition of Bow and Arrow to the Oshtemo Charter Township's Non-Discharge Area.

**OSHTEMO CHARTER TOWNSHIP
COUNTY OF KALAMAZOO, MICHIGAN**

**RESOLUTION REQUESTING THE ADDITION OF BOW AND ARROW TO
OSHTEMO CHARTER TOWNSHIP'S NON-DISCHARGE AREA**

Adopted: February 23, 2021

Effective: _____

WHEREAS, Oshtemo Charter Township upon the recommendation of the Department of Natural Resources (DNR) enacted a Hunting Area and Non-Discharge of Firearms Ordinance in 1994, pursuant to Part 419 of the Michigan Natural Resources and Environmental Protection Act; and

WHEREAS, Part 419 of the Michigan Natural Resources and Environmental Protection Act was amended to permit the Department of Natural Resources to prohibit the discharge of bow and arrow within an established area under M.C.L. Section 324.41901 in the exercise of the DNR's authority; and

WHEREAS, Part 419 also grants the governing body of any political subdivision the ability to request by certified resolution that the Department of Natural Resources, for the safety and well-being of persons and property, recommend closure of an area to relieve any problems with bow and arrow; and

NOW, THEREFORE, the Oshtemo Charter Township Board hereby request that the Department of Natural Resources hold a public hearing pursuant to Part 419 of PA for 51 of 1999, and make recommendations to the Oshtemo Charter Township Board with regard to regulations which the Department of Natural Resources believes are necessary to alleviate and correct the use of bow and arrow within Oshtemo Charter Township's Non-Discharge Area.

Motion was made by _____ and seconded by _____, to adopt the foregoing Resolution.

Upon roll call vote the following voted "Aye":

The following voted "Nay":

The following were Absent: None

The following Abstained: None

The Supervisor declared the motion carried and the Resolution duly adopted.

Dusty Farmer, Clerk
Oshtemo Charter Township

CERTIFICATE

STATE OF MICHIGAN)
) ss.
COUNTY OF KALAMAZOO)

I, Dusty Farmer, the duly appointed and acting Clerk of the Township of Oshtemo, certify that the foregoing constitutes a true and complete copy of a Resolution adopted at a regular meeting of the Oshtemo Charter Township Board held, via permitted ZOOM video conference during COVID-19 public health crises as authorized by PA 228 of 2020, on February 23, 2021, which meeting was preceded by required notices under the Michigan Open Meetings Act, being 1976 PA 267; that a quorum of the Board was present and voted in favor of said Resolution; and that minutes of said meeting were kept and will be or have been made available as required by said Open Meetings Act.

IN WITNESS WHEREOF, I have hereto affixed my official signature on this ____ day of _____, 202_.

Dusty Farmer, Clerk
Oshtemo Charter Township