



CITY OF BURTON

BURTON LEGISLATIVE COMMITTEE MEETING

MAY 1, 2017

MINUTES

Council Chambers

Regular Meeting

6:00 PM

**4303 S. CENTER ROAD
BURTON, MI 48519**

This meeting was opened by Chairman Duane Haskins at 6:00 PM.

A. CALL TO ORDER

Attendee Name	Title	Status	Arrived
Tom Martinbianco	Councilman	Present	
Duane Haskins	Chairman	Present	
Dennis O'Keefe	Councilman	Present	

B. STAFF PRESENT

Paula Zelenko, Mayor	Rik Hayman, Chief of Staff
Bob Slattery, DPW Director	Marvin Epperson, Fire Chief
Teresa Karsney, Clerk	Michael Odette, Lieutenant

C. AUDIENCE PARTICIPATION

The Committee received comments from the following citizens:

Deb Walton of Burton - Problem with panhandlers at S. Grand Traverser and I-475. They are drunk, using restroom in public.

Lisa Williams of Burton - Panhandlers walk down their street and vomit in our lawns, passout on our porches and are approaching residents in their driveways.

D. COUNCIL DISCUSSION ON THE FOLLOWING ITEMS.

Mr. Haskins stated the first six are ordinances we already have, these are just updates to them.

1. Discussion and possible action on Minor in Possession Ordinance Amendment.

Attorney Doyle stated that the ordinance amendment is necessary because as of January 1, 2018, the act of being a minor in possession of alcohol will no longer be a misdemeanor. The legislature has passed a law making that activity a civil infraction. We will be able to enforce the criminal ordinance until that time.

Mr. Haskins asked why we would be reducing this from a misdemeanor to a civil infraction.

Attorney Doyle stated because the State of Michigan has changed the law and it will take effect on January 1, 2018

Motion to recommend to full council at the next City Council meeting on May 15, 2017.

RESULT:	RECOMMENDED [UNANIMOUS]	Next: 5/15/2017 7:00 PM
MOVER:	Dennis O'Keefe, Councilman	
SECONDER:	Tom Martinbianco, Councilman	
AYES:	Martinbianco, Haskins, O'Keefe	

2. Discussion and possible action on Contributing to Delinquency of a Minor Ordinance Amendment.

Attorney Doyle stated that after prosecuting this offense for a few years, my office and the police department have determined that it will be more effective if amended to encompass the crimes and offenders we are intending. Currently, a person is only in violation of Section (A) of the ordinance if the juvenile because "delinquent so as to come or tend to come under the jurisdiction of the family division of the Circuit Court."

Mr. Martinbianco asked how many have you prosecuted in the last year.

Attorney Doyle stated two or three. It adds a definition for delinquent minor.

Motion to recommend to the full council at the next City Council meeting on May 15, 2017.

RESULT:	RECOMMENDED [2 TO 1]	Next: 5/15/2017 7:00 PM
MOVER:	Dennis O'Keefe, Councilman	
SECONDER:	Duane Haskins, Chairman	
AYES:	Haskins, O'Keefe	
NAYS:	Martinbianco	

3. Discussion and possible action on Criminal Penalties Ordinance Amendment.

Attorney Doyle stated that the Home Rule City act allows for departure from Charter, which mandates a 90 day jail cap to a 93 day penalty where a corresponding state statute exists. The clerks of the courts have also requested this change to help simplify the process and to be sure the court can properly order fingerprints. Additionally, retail frauds in particular were being written as both 90 and 93 day misdemeanors. The court was having difficulty processing these as the City does not have a 93 day retail fraud ordinance. The amendment provides some uniformity to the process.

Mr. O'Keefe stated he likes the addition of the fingerprint process. He feels this will bring real value to help cut down on crimes in the City of Burton.

Mr. Martinbianco said he does not agree with going to a 93 day and them getting fingerprinted.

Mr. Haskins said that the harder we make it on criminals in Burton the more the business will like it. he feels businesses would like this. Criminals are not that honest, when they have no ID on them this is a good way to identify them.

Motion to recommend to full council at the next City Council meeting on May 15,

2017.

RESULT:	RECOMMENDED [UNANIMOUS]	Next: 5/15/2017 7:00 PM
MOVER:	Dennis O'Keefe, Councilman	
SECONDER:	Tom Martinbianco, Councilman	
AYES:	Martinbianco, Haskins, O'Keefe	

4. Discussion and possible action on Drug Paraphernalia Ordinance Amendment.

Attorney Doyle said this came to my attention when prosecuting a possession of drug paraphernalia matter. The City's current ordinance defines drug paraphernalia but does not prohibit the possession of the same. The ordinance prohibits the sale, display for sale or marketing of drug paraphernalia but stops there. The proposed amendment simply amends section (A) to state that possession and use are unlawful.

Mr. Martinbianco is opposed to it. This is going to cut down on sales from a lot of party stores in Burton.

Attorney Doyle stated it is when used unlawfully.

Motion to recommend to full council at the next City Council meeting on May 15, 2017.

RESULT:	RECOMMENDED [UNANIMOUS]	Next: 5/15/2017 7:00 PM
MOVER:	Dennis O'Keefe, Councilman	
SECONDER:	Tom Martinbianco, Councilman	
AYES:	Martinbianco, Haskins, O'Keefe	

5. Discussion and possible action on Sign Ordinance.

Amanda Doyle stated that Amber Abbey and I have prepared a draft of the Sign Ordinance in an attempt to create a content neutral sign ordinance conforming with Reed v Arizona, a US Supreme Court opinion.

Motion to table the Sign Ordinance until they can get some more information.

RESULT:	TABLED [UNANIMOUS]
MOVER:	Tom Martinbianco, Dennis O'Keefe
AYES:	Martinbianco, Haskins, O'Keefe

6. Discussion and possible action on Deposits Ordinance.

Attorney Doyle stated that when we got the new audit firm they were questioning this fund was going and what is the mechanism to return these funds. A written procedure has accomplished how to refund the deposits but your ordinances are necessary to finalize this issue.

Before passing the ordinance council needs to determine who the designee is. The Mayor suggested the Treasurer.

Motion to recommend to full council at the next City Council meeting on May 15, 2017 and let the full council determine who the designee will be.

RESULT:	RECOMMENDED [UNANIMOUS] Next: 5/15/2017 7:00 PM
MOVER:	Dennis O'Keefe, Councilman
SECONDER:	Tom Martinbianco, Councilman
AYES:	Martinbianco, Haskins, O'Keefe

7. Discussion and possible action on Panhandling Ordinance (enforcement of current disorderly ordinance v. solicitation ordinance).

Attorney Doyle stated at the instruction of Council and because of the concern of residents of the City and Council, I have prepared three versions of a panhandling ordinance for your review.

Version 1 simply prohibits panhandling and any form of solicitation in the City of Burton. As you know, this would not only include the panhandlers but also any other charitable organization.

Version 2 permits begging or soliciting money except in certain locations and manners. This does not resolve the issue of the panhandlers on the exit/entrance ramps unless they are acting in a manner prohibited under section (C) or (D) of this version.

Version 3 requires a permit to solicit donations of any kind. It will be up to the City to determine the requirements necessary to secure a permit and the details of same.

Attorney Doyle read aloud the definition of Disorderly person.

Mr. Haskins stated that after listening to the disorderly person definition that it does address the panhandling issue in Burton and our attorney has no problem prosecuting if this is violated.

Attorney Doyle stated we cannot have selective enforcement of this ordinance.

Council discussed that there are two types of panhandler; the ones that do this for a living and the one that are really in need.

Lieutenant Odette stated the Police Department is willing to do whatever the Council decides. He has concerns about the current Ordinance Section 10 A & B. Many times these people are not on the sidewalks or on the roadway. They are standing between the sidewalks and curb. They have paths wore in the grass. It stated that the person has to be obstructing traffic in the road way. The police department thinks there should be permits that these people can apply for.

Mr. O'Keefe gave the history and how we came up the with disorderly person ordinance. He feels the permit way may be the best way.

Mr. Haskins agrees with Mr. O'Keefe that the permit system might be best.

Motion to table the Panhandling Ordinance until they can get some more information.

RESULT:	TABLED [UNANIMOUS]
MOVER:	Tom Martinbianco, Councilman
SECONDER:	Dennis O'Keefe, Councilman
AYES:	Martinbianco, Haskins, O'Keefe

8. Discussion and possible action on Fire Department Policy/Promotion of City Businesses.

Motion to recommend to full council at the next City Council meeting on May 15, 2017.

RESULT:	RECOMMENDED [UNANIMOUS] Next: 5/15/2017 7:00 PM
MOVER:	Tom Martinbianco, Councilman
SECONDER:	Dennis O'Keefe, Councilman
AYES:	Martinbianco, Haskins, O'Keefe

Meeting was adjourned at 7:17 PM.



SCHEDULED

AGENDA ITEM (ID # 2996)

DOC ID: 2996

Discussion and possible action on Minor in Possession Ordinance Amendment.

COMMENTS - Current Meeting:

Attorney Doyle stated that the ordinance amendment is necessary because as of January 1, 2018, the act of being a minor in possession of alcohol will no longer be a misdemeanor. The legislature has passed a law making that activity a civil infraction. We will be able to enforce the criminal ordinance until that time.

Mr. Haskins asked why we would be reducing this from a misdemeanor to a civil infraction.

Attorney Doyle stated because the State of Michigan has changed the law and it will take effect on January 1, 2018

Motion to recommend to full council at the next City Council meeting on May 15, 2017.

ATTACHMENTS:

- Minor in Possession (PDF)

RESULT:	RECOMMENDED [UNANIMOUS]	Next: 5/15/2017 7:00 PM
MOVER:	Dennis O'Keefe, Councilman	
SECONDER:	Tom Martinbianco, Councilman	
AYES:	Tom Martinbianco, Duane Haskins, Dennis O'Keefe	

MINOR IN POSSESSION OF ALCOHOLIC BEVERAGES

This ordinance amendment is necessary because as of January 1, 2018, the act of being a minor in possession of alcohol will no longer be a misdemeanor. The legislature has passed a law making that activity a civil infraction. We will be able to enforce the criminal ordinance until that time.

ORIGINAL Criminal:

Burton MI, Code of Ordinances

§ 132.02 MINOR IN POSSESSION OF ALCOHOLIC BEVERAGES.

- (A) A person less than 21 years of age shall not purchase or attempt to purchase alcoholic liquor, consume or attempt to consume alcoholic liquor, or possess or attempt to possess alcoholic liquor within the jurisdictional boundaries of the city.

EDITED:

Burton MI, Code of Ordinances

§ 132.02 MINOR IN POSSESSION OF ALCOHOLIC BEVERAGES.

- (A) Any person less than 21 years of age who ~~shall not~~ purchases or attempts to purchase alcoholic liquor, consumes or attempts to consume alcoholic liquor, or possesses or attempts to possess alcoholic liquor within the jurisdictional boundaries of the city shall be responsible for a civil infraction.

NEW CIVIL:

Burton MI, Code of Ordinances

§ 132.02 MINOR IN POSSESSION OF ALCOHOLIC BEVERAGES.

- (A) Any person less than 21 years of age who purchases or attempts to purchase alcoholic liquor, consumes or attempts to consume alcoholic liquor, or possesses or attempts to possess alcoholic liquor within the jurisdictional boundaries of the city shall be responsible for a civil infraction.

CITY OF BURTON
GENESEE COUNTY, MICHIGAN

ORDINANCE NO. 2017- - 132.02

AN ORDINANCE AMENDING CHAPTER 132, SECTION 02 OF THE
CITY OF BURTON CODE OF ORDINANCES TO PROVIDE FOR THE
PENALTY FOR A MINOR IN POSSESSION OF ALCOHOLIC BEVERAGES
VIOLATION AS A CIVIL INFRACTION PURSUANT TO STATE LAW.

THE CITY OF BURTON ORDAINS:

SECTION I

Chapter 132 of the Code of Ordinances of the City of Burton is hereby amended by the
modification of Section 132.02(A) which shall provide the following:

SECTION 132.02 MINOR IN POSSESSION OF ALCOHOLIC BEVERAGES

- (A) Any person less than 21 years of age who purchases or attempts to purchase
alcoholic liquor, consumes or attempts to consume alcoholic liquor, or
possesses or attempts to possess alcoholic liquor within the jurisdictional
boundaries of the city shall be responsible for a civil infraction.

SECTION II

All other provisions of Chapter 130 inconsistent with the provisions of this Ordinance are
hereby repealed. All other provisions of Chapter 130 shall be and are hereby ratified.

SECTION III

This Ordinance shall be published in a newspaper of general circulation within the City of
Burton, Genesee County, Michigan and shall become effective January 1, 2018.

SECTION IV

A copy of this Ordinance may be inspected at the City Clerk's office at the Burton City Hall, 4303 S. Center Road, Burton, Michigan, during regular business hours.

CITY OF BURTON,

By: PAULA ZELENKO, MAYOR

By: TERESA KARSNEY, CLERK

Ordinance introduced on:
Second Reading:
Publication date:
Effective date: January 1, 2018



SCHEDULED

AGENDA ITEM (ID # 3000)

DOC ID: 3000

Discussion and possible action on Contributing to Delinquency of a Minor Ordinance Amendment.

COMMENTS - Current Meeting:

Attorney Doyle stated that after prosecuting this offense for a few years, my office and the police department have determined that it will be more effective if amended to encompass the crimes and offenders we are intending. Currently, a person is only in violation of Section (A) of the ordinance if the juvenile because "delinquent so as to come or tend to come under the jurisdiction of the family division of the Circuit Court."

Mr. Martinbianco asked how many have you prosecuted in the last year.

Attorney Doyle stated two or three. It adds a definition for delinquent minor.

Motion to recommend to the full council at the next City Council meeting on May 15, 2017.

ATTACHMENTS:

- Contributing to a Minor (PDF)

RESULT:	RECOMMENDED [2 TO 1]	Next: 5/15/2017 7:00 PM
MOVER:	Dennis O'Keefe, Councilman	
SECONDER:	Duane Haskins, Chairman	
AYES:	Duane Haskins, Dennis O'Keefe	
NAYS:	Tom Martinbianco	

CONTRIBUTING TO THE DELINQUENCY OF A MINOR

After prosecuting this offense for a few years, my office and the police department have determined that it will be more effective if amended to encompass the crimes and offenders we are intending. Currently, a person is only in violation of section (A) of the ordinance if the juvenile becomes "delinquent so as to come or tend to come under the jurisdiction of the family division of the Circuit Court..." Further, "delinquent" is not defined within our ordinance.

3/27/2017

CHAPTER 143: MINORS



Burton MI, Code of Ordinances

§ 143.01 CONTRIBUTING TO DELINQUENCY OF A MINOR.

(A) No person shall by act, or by any word, encourage, contribute toward, cause or tend to cause any minor child under the age of 17 years to become neglected or delinquent so as to come or tend to come under the jurisdiction of the family division of the Circuit Court, whether or not such child shall in fact be adjudicated a ward of the Court.

(B) No person shall knowingly and willfully aid or abet a child under the age of 17 years to violate an order of a juvenile court or knowingly and willfully conceal or harbor juvenile runaways who have taken flight from the custody of the court, their parents, or legal guardian.

Attachment: Contributing to a Minor (3000 : Contributing to Delinquency of a Minor Ordinance Amendment)

Proposed revisions to Contributing to Delinquency of Minor Ordinance

§ 143.01 CONTRIBUTING TO DELINQUENCY OF A MINOR.

(A) No person shall by and act, or by any word, encourage, contribute toward, cause or tend to cause any minor child under the age of 17 years to become neglected or a delinquent minor. Delinquent minor means any of the following:

- (1) A minor who comes or tends to come under the jurisdiction of the family division of the Circuit Court, whether or not such child shall in fact be adjudicated a ward of the Court.
- (2) A minor who has violated or attempted to violate any state, county, or local law or ordinance constituting a criminal misdemeanor.

(B) No person shall knowingly and willfully aid, abet, or conspire with a child under the age of 17 years to violate an order of a juvenile court, encourage a minor to violate any state, county, or local law or ordinance constituting a criminal misdemeanor, or knowingly and willfully conceal or harbor a juvenile who has taken flight from the custody of the court, their parents, or legal guardian.



SCHEDULED

AGENDA ITEM (ID # 3001)

DOC ID: 3001

Discussion and possible action on Criminal Penalties Ordinance Amendment.

COMMENTS - Current Meeting:

Attorney Doyle stated that the Home Rule City act allows for departure from Charter, which mandates a 90 day jail cap to a 93 day penalty where a corresponding state statute exists. The clerks of the courts have also requested this change to help simplify the process and to be sure the court can properly order fingerprints. Additionally, retail frauds in particular were being written as both 90 and 93 day misdemeanors. The court was having difficulty processing these as the City does not have a 93 day retail fraud ordinance. The amendment provides some uniformity to the process.

Mr. O'Keefe stated he likes the addition of the fingerprint process. He feels this will bring real value to help cut down on crimes in the City of Burton.

Mr. Martinbianco said he does not agree with going to a 93 day and them getting fingerprinted.

Mr. Haskins said that the harder we make it on criminals in Burton the more the business will like it. he feels businesses would like this. Criminals are not that honest, when they have no ID on them this is a good way to identify them.

Motion to recommend to full council at the next City Council meeting on May 15, 2017.

ATTACHMENTS:

- Criminal Penalty (PDF)

RESULT:	RECOMMENDED [UNANIMOUS]	Next: 5/15/2017 7:00 PM
MOVER:	Dennis O'Keefe, Councilman	
SECONDER:	Tom Martinbianco, Councilman	
AYES:	Tom Martinbianco, Duane Haskins, Dennis O'Keefe	

CRIMINAL PENALTY ORDINANCE

90 v. 93 DAY PENALTY

The Home Rule City Act allows for a departure from Charter, which mandates a 90 day jail cap, to a 93 day penalty where a corresponding state statute exists.

The clerks have also requested this change to help simplify the process and to be sure the court can properly order fingerprints. Additionally, retail frauds in particular were being written as both 90 and 93 day misdemeanors. The court was having difficulty processing these as the City does not have a 93 day retail fraud ordinance. This amendment provides some uniformity to the process.

CITY OF BURTON
GENESEE COUNTY, MICHIGAN

ORDINANCE NO. 2017- - 130.02

AN ORDINANCE AMENDING CHAPTER 130, SECTION 02 OF THE CITY OF BURTON CODE OF ORDINANCES TO PROVIDE FOR A 93-DAY PENALTY FOR ORDINANCE VIOLATIONS WHICH SUBSTANTIALLY CORRESPOND TO VIOLATIONS OF STATE LAW.

THE CITY OF BURTON ORDAINS:

SECTION I

Chapter 130 of the Code of Ordinances of the City of Burton is hereby amended by the modification of Section 130.02(A) which shall provide the following:

SECTION 130.02 Criminal Penalties

- (A) Whenever any act is prohibited or is made or declared to be unlawful, or the doing of an act is required, or the failure to do an act is declared to be unlawful where the violation substantially corresponds to a violation of state law that is a misdemeanor for which the maximum period of imprisonment is 93 days, the violation shall be punishable by a fine not to exceed \$500 or by imprisonment in the Genesee County Jail for a term not exceeding 93 days, or both. Where there is no violation of state law that substantially corresponds to the City criminal ordinance provision, ~~no specific penalty is provided therefore,~~ the violation of such provision shall be punishable by a fine not to exceed \$500 or by imprisonment in the Genesee County Jail for a term not exceeding 90 days, or by both the fine and imprisonment.

SECTION II

All other provisions of Chapter 130 inconsistent with the provisions of this Ordinance are hereby repealed. All other provisions of Chapter 130 shall be and are hereby ratified.

SECTION III

This Ordinance shall be published in a newspaper of general circulation within the City of Burton, Genesee County, Michigan and shall become effective 30 after publication.

SECTION IV

A copy of this Ordinance may be inspected at the City Clerk's office at the Burton City Hall, 4303 S. Center Road, Burton, Michigan, during regular business hours.

CITY OF BURTON,

By: PAULA ZELENKO, MAYOR

By: TERESA KARSNEY, CLERK

Ordinance introduced on:
Second Reading:
Publication date:
Effective date:

§ 130.02 CRIMINAL PENALTIES.

(A) Whenever any act is prohibited or is made or declared to be unlawful, or the doing of an act is required, or the failure to do an act is declared to be unlawful where the violation substantially corresponds to a violation of state law that is a misdemeanor for which the maximum period of imprisonment is 93 days, the violation shall be punishable by a fine not to exceed \$500 or by imprisonment in the Genesee County Jail for a term not exceeding 93 days, or both. Where there is no violation of state law that substantially corresponds to the City criminal ordinance provision, ~~no specific penalty is provided therefore,~~ the violation of such provision shall be punishable by a fine not to exceed \$500 or by imprisonment in the Genesee County Jail for a term not exceeding 90 days, or by both the fine and imprisonment.

(B) Wherever in the code any act which is prohibited or required and that act or the failure to act is designated as a municipal civil infraction, it shall be punishable as provided in Chapter 131.

(C) Any person who shall attempt to commit an offense prohibited by the terms of this title, not specifically designated as a municipal civil infraction, and in the attempt shall do any act towards the commission of the offense, but shall fail in the perpetration, or shall be intercepted or prevented in the execution of the same, shall upon conviction be punished by imprisonment in the Genesee County Jail for a term not exceeding 45 days, or by a fine not exceeding \$250, or by both the fine and imprisonment.

(D) No person shall combine, conspire or agree with another or other persons to commit any act outlawed by this title, or to commit any act which is innocent in itself, but which becomes unlawful when done by the concerted action of the conspirators.

Home rule city act: MCL 117.3(k)

A charter provision to the contrary notwithstanding, a city may adopt an ordinance punishable by imprisonment for not more than 93 days or a fine of not more than \$500.00, or both, if the violation substantially corresponds to a violation of state law that is a misdemeanor for which the maximum period of imprisonment is 93 days. Whether or not provided in its charter, a city may adopt a provision of a state statute for which the maximum period of imprisonment is 93 days or the Michigan vehicle code, 1949 PA 300, MCL 257.1 to 257.923.

§ 130.02 CRIMINAL PENALTIES.

(A) Whenever any act is prohibited or is made or declared to be unlawful, or the doing of an act is required, or the failure to do an act is declared to be unlawful where no specific penalty is provided therefore, the violation of such provision shall be punishable by a fine not to exceed \$500 or by imprisonment in the Genesee County Jail for a term not exceeding 90 days, or by both the fine and imprisonment.

(B) Wherever in the code any act which is prohibited or required and that act or the failure to act is designated as a municipal civil infraction, it shall be punishable as provided in Chapter 131.

(C) Any person who shall attempt to commit an offense prohibited by the terms of this title, not specifically designated as a municipal civil infraction, and in the attempt shall do any act towards the commission of the offense, but shall fail in the perpetration, or shall be intercepted or prevented in the execution of the same, shall upon conviction be punished by imprisonment in the Genesee County Jail for a term not exceeding 45 days, or by a fine not exceeding \$250, or by both the fine and imprisonment.

(D) No person shall combine, conspire or agree with another or other persons to commit any act outlawed by this title, or to commit any act which is innocent in itself, but which becomes unlawful when done by the concerted action of the conspirators.



SCHEDULED

AGENDA ITEM (ID # 3002)

DOC ID: 3002

Discussion and possible action on Drug Paraphernalia Ordinance Amendment.

COMMENTS - Current Meeting:

Attorney Doyle said this came to my attention when prosecuting a possession of drug paraphernalia matter. The City's current ordinance defines drug paraphernalia but does not prohibit the possession of the same. The ordinance prohibits the sale, display for sale or marketing of drug paraphernalia but stops there. The proposed amendment simply amends section (A) to state that possession and use are unlawful.

Mr. Martinbianco is opposed to it. This is going to cut down on sales from a lot of party stores in Burton.

Attorney Doyle stated it is when used unlawfully.

Motion to recommend to full council at the next City Council meeting on May 15, 2017.

ATTACHMENTS:

- Drug Par (PDF)

RESULT:	RECOMMENDED [UNANIMOUS]	Next: 5/15/2017 7:00 PM
MOVER:	Dennis O'Keefe, Councilman	
SECONDER:	Tom Martinbianco, Councilman	
AYES:	Tom Martinbianco, Duane Haskins, Dennis O'Keefe	

DRUG TOOLS AND PARAPHERNALIA

This came to my attention when prosecuting a possession of drug paraphernalia matter. The City's current ordinance defines drug paraphernalia but does not prohibit the possession of same. The ordinance prohibits the sale, display for sale or marketing of drug paraphernalia but stops there.

The proposed amendment simply amends section (A) to state that possession and use are unlawful.

CITY OF BURTON
GENESEE COUNTY, MICHIGAN

ORDINANCE NO. 2017- ____ - 137.03

AN ORDINANCE AMENDING CHAPTER 137 OF
THE CITY OF BURTON CODE OF ORDINANCES
BY THE ADDITION OF LANGUAGE PROHIBITING
DRUG TOOLS AND PARAPHERNALIA AND BY
PROVIDING THE PENTALTY FOR THE VIOLATION
THEREOF

THE CITY OF BURTON ORDAINS:

SECTION I

Section 03 of Chapter 137 of the City of Burton Code of Ordinances is hereby amended by the addition of the language in subsection (A) only, and by the renumbering of subsections (B) and (C):

SECTION 137.03 – DRUG TOOLS AND PARAPHERNALIA

(A) It shall be unlawful for any person to possess, use, attempt to possess, or attempt to use drug tools or paraphernalia.

(B) Definitions. For the purpose of this ordinance, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

COCAINE SPOON. A spoon with a bowl so small that the primary use for which it is designed is to hold or administer cocaine, and which is so small as to be unsuited for the typical and customary use of a spoon or baby spoon.

CONTROLLED SUBSTANCE. Any drug enumerated in Public Act 368 of 1978, §§ 7210 - 7220, as amended (commonly known as the Public Health Code).

DRUG TOOL. Includes cocaine spoons, marijuana pipes, hashish pipes, roach clips, or other implements or devices primarily designed or adopted for the illegal administration or use of controlled substances.

MARIJUANA OR HASHISH PIPE. A pipe with a tool so small that the primary use for which it is designed is to facilitate the smoking of marijuana or hashish, rather than the lawful smoking of tobacco products. The term shall also specifically include water pipes, with 1 or more mouthpieces, designed to facilitate the smoking of marijuana or hashish.

PERSON. Any individual, corporation, partnership, or association, but shall not be defined to include any government, governmental subdivision, or agency. The term **PERSON** shall also not include licensed medical technicians, technologists,

hospitals, clinical laboratories, or public officers or employees engaged in the performance of their official duties.

ROACH CLIP. A device used to facilitate the smoking of a marijuana cigarette by attachment to the butt of such a cigarette.

(C) No person shall sell, display for sale, or market drug tools within the city.

SECTION II

All other provisions of this Chapter shall be and are hereby ratified.

SECTION III

The violation of the terms of this Ordinance shall be punishable by up to 93 days in the county jail, a fine of not more than \$500.00, or both.

SECTION IV

This Ordinance shall be published in a newspaper of general circulation within the City of Burton, Genesee County, Michigan, and shall become effective 30 days after publication.

SECTION V

A copy of this Ordinance may be inspected at the City Hall, 4303 S. Center Road, Burton, Michigan, during regular business hours.

CITY OF BURTON,

By: PAULA ZELENKO, MAYOR

By: TERESA KARSNEY, CLERK

Ordinance introduced on:
Second Reading:
Publication date:
Effective date:



TABLED

AGENDA ITEM (ID # 3003)

DOC ID: 3003

Discussion and possible action on Sign Ordinance.

COMMENTS - Current Meeting:

Amanda Doyle stated that Amber Abbey and I have prepared a draft of the Sign Ordinance in an attempt to create a content neutral sign ordinance conforming with Reed v Arizona, a US Supreme Court opinion.

Motion to table the Sign Ordinance until they can get some more information.

ATTACHMENTS:

- Sign Ord (PDF)

RESULT:	TABLED [UNANIMOUS]
MOVER:	Tom Martinbianco, Dennis O'Keefe
AYES:	Tom Martinbianco, Duane Haskins, Dennis O'Keefe

SIGN ORDINANCE

Amber Abbey and I have prepared a draft of the Sign Ordinance in an attempt to create a content neutral sign ordinance conforming with Reed v Arizona, a US Supreme Court opinion.

CITY OF BURTON
GENESEE COUNTY, MICHIGAN

ORDINANCE NO. 2017- -153

AN ORDINANCE TO AMEND CHAPTER 153, the
COMPILED ORDINANCE, OF THE CODE OF
ORDINANCES OF THE CITY OF BURTON TO
REGULATE SIGNS

THE CITY OF BURTON ORDAINS:

SECTION I

Chapter 153 of the Code of ordinances of the City of Burton shall be amended by the removal and addition of the following:

§ 153.01 PURPOSE.

This Chapter is intended to:

- (1) Enhance and protect the physical appearance of the City of Burton.
- (3) Promote and maintain visually attractive, residential, commercial and industrial areas.
- (4) Promote the economic well-being of the community by creating a favorable physical image.
- (5) Ensure that signs are located and designed to:
 - a. Provide an effective means of way-finding in the community.
 - b. Afford the community an equal and fair way to advertise and promote its products and services.
 - c. Reduce sign clutter and the distractions and confusion that may be contributing factors in traffic congestion and accidents, and maintain a safe and orderly pedestrian and vehicular environment.
 - d. Minimize the disruption of the scenic views which when maintained protect important community values.
 - e. Afford businesses, individuals and institutions a reasonable opportunity to use signs as an effective means of communication.
- (6) Provide review procedures that assure that signs are consistent with the City's objectives and within the City's capacity to efficiently administer the regulations.
- (7) Prohibit all signs not expressly permitted by this Chapter.

§ 153.02 SUBSTITUTION CLAUSE.

A protected noncommercial message of any type may be substituted, in whole or in part, for the message displayed on any sign for which the sign structure or mounting device is legal without

consideration of message content. This provision applies to all signs, including outdoor general advertising devices (billboards), allowed under this ordinance. Such substitution of message may be made without any additional approval, permitting, registration or notice to the City.

§ 153.03 DEFINITIONS.

BANNER. Sign intended to be hung, displayed, or mounted in the ground either with or without frames, possessing characters, letters, illustrations or ornamentations applied to paper, plastic, vinyl or fabric of any kind. Banners shall be considered to be temporary signs under the terms of this Chapter and, where applicable, subject to the regulations thereof.

BILLBOARD. A sign advertising products not made, sold, used, or served on the premise displaying the sign or that conveys an informational or noncommercial message.

COMMERCIAL SIGN. A sign which identifies, advertises, or directs attention to a business or is intended to induce a purchase of a good, property, or service, including, without limitation, any sign naming a brand of good or service and any sign which is not a noncommercial sign.

ELECTRONIC SIGN. A sign that is capable of displaying words, symbols, figures or images and that can be electronically or mechanically changed by remote or automatic means.

NAME PLATE. A building sign not exceeding two (2) square feet indicating the street number, name of the person, business, profession or activity occupying the lot, building or part thereof; or other information pertaining to the use on the lot.

NONCOMMERCIAL SIGN. A sign which in no way identifies, advertises, or directs attention to a business or is intended to induce a purchase of a good, property, or service, or portrays or symbolizes a good, property, or service, especially, but, without limitation, a brand or trade name, an identifiable container shape, or a trademark.

SIGN. A visual communication display, object, device, graphic, structure or part, situated outdoors, or attached to, painted on or displayed from a building or structure, in order to direct or attract attention to, or to announce or promote, an object, product, place, activity, person, institution, organization or business or the like, by means of letters, words, model, banner, flag, pennant, insignia, device, designs, colors, symbols, fixtures, images, illuminations or representation used as, or which is in the nature of, an announcement, direction or advertisement.

SIGN, BUILDING. A sign, or any portion thereof, erected, constructed or affixed to the roof, wall of building, awning or window, whether the principal support for the sign is on the roof, wall, window, or any other structural element of the building.

SIGN, FREESTANDING. A sign, or any portion thereof, erected, constructed or projecting upon a parcel of land which includes a sign structure permanently installed in the ground.

SIGN, INFLATABLE. An inflatable shape or figure designed or used to attract attention to a business event or location. Inflatable promotional devices shall be considered to be

temporary signs under the terms of this Chapter and, where applicable, subject to the regulations thereof.

SIGN, TEMPORARY. A sign that is designed to be used only temporarily and is not intended to be permanently attached to a building wall or sign structure or permanently installed in the ground.

§ 153.04 EXEMPTIONS FROM REGULATIONS.

The following signs are permitted in all zoning districts and are exempt from regulations:

- (1) Signs placed, constructed, erected or displayed by any entity of federal, state, or local government, or signs required to be placed, constructed, erected or displayed by such entity(ies), including but not limited to public notice signs and any sign which conforms or is required by law to conform to the Manual of Uniform Traffic Control Devices.
- (2) Signs placed, constructed or erected on any parcel of property or right-of way owned or maintained by any entity of federal, state, or local government.
- (3) Traffic control signs and other signs related to public safety that the City installs or requires to be installed.

§ 153.05 EXEMPTIONS FROM PERMITS.

The following signs are permitted in all zoning districts and are exempt from the permit requirements of this section, but shall in all other respects comply with the requirements of this code unless expressed below:

- (1) A sign not exceeding sixteen square feet on property in which construction work is being done to warn of danger or hazardous conditions. Such sign is also exempt from the setback, limitation on number of freestanding signs, and total sign area regulations of this section.
- (2) A work of art that in no way identifies or advertises a product, service, or business or impedes traffic safety.
- (3) A private traffic directional signs within a property that does not exceed three square feet per face in area and six feet in height, does not contain any advertising or trade name identification, and is not illuminated, internally illuminated, or indirectly illuminated.
- (4) Signs that are not visible from abutting property or public rights of way;

§ 153.06 GENERAL RESTRICTIONS AND REQUIREMENTS.

- (1) No sign shall be erected, constructed, or maintained within the City without obtaining the prior permission of the owner or the person in possession of the property upon which it is placed.

(2) A sign permit shall be required for the erection, construction, or alteration of any sign, except as provided in 153.05, and all such signs shall be approved by the Zoning Administrator or their designee as to compliance with the requirements of the zoning district wherein the sign or signs are to be located and the requirements of this section.

(3) No sign shall be erected at the intersection of any streets in such a manner as to obstruct free and clear vision or at any location where, by reason of the position, shape, or color, it may interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal, or device or in such a manner as to interfere with, mislead, or confuse traffic. Nor shall any sign, signal, marking, or device be placed, erected, or operated in such a manner as to interfere with the necessary free and unobstructed view of vehicular or pedestrian traffic.

(4) Unless otherwise specifically provided in this ordinance, no sign, except those placed and maintained by the City, County, or State, shall be erected or placed in the public right-of-way, nor be allowed to project further than 15 inches into the public right-of-way without special approval from the DPW Director or his designee based on the following conditions:

- (a) The lower edge thereof is 10 feet or more above the ground level
- (b) That a sign shall not extend over any part of the public right-of-way used for vehicular traffic.
- (c) Existing utilities and/or existing structures
- (d) Setback or lot line requirements

(5) No light pole, utility pole, telephone pole or other similar type structure shall be used for the placement of any sign.

(6) Signs must be maintained so as not to endanger life, property, or be in a state of disrepair in the opinion of the Code Enforcement Officer or Building Inspector. Any sign which, through lack of maintenance or type of construction or otherwise, imperils life or property, or leaves any portion of the sign exposed to weather when typically would be covered, shall be deemed a nuisance.

§ 153.07 COMMERCIAL SIGNS.

(A) General Provisions in all Commercial and Industrial Districts

(1) Not more than 1 freestanding sign may be erected accessory to any single building, structure, or shopping center regardless of the number of separate parties, tenants, or uses contained therein; provided, however, when any single building, structure, or shopping center is located on a parcel of land that abuts on 2 or more streets, it may have 2 freestanding signs.

(2) No freestanding accessory signs shall have a surface area exceeding 0.5 square foot for each lineal foot of street frontage. No freestanding accessory sign shall exceed 300 square feet total surface area. No business shall be required by this ordinance to have an accessory sign smaller than 100 square feet. All freestanding signs shall be placed on the same

parcel of property as the building or use to which they are accessory; except that billboard freestanding signs shall be permitted only in the industrial districts as noted in subsection (B)(2) of this section.

(3) The total surface area of all signs erected on any single building or structure shall not exceed 2 square feet for each lineal foot of building frontage, with a maximum permitted surface area of 200 square feet. Building frontage is defined as the front of the principal structure of the building only, and does not include any side walls, roof lines, or other measurements. For uses located in an approved multiple tenant space, the frontage shall be that as defined as the frontage of the unit in which is intended to occupy.

(4) There shall be no flashing, electronic, oscillating, or intermittent type of illuminated sign or display within 100 feet of any residential district or use, except that those signs shall be permitted adjacent to a residential district when mounted along the face of a building which does not face the residential district, or when the signs face is perpendicular to the residential district or use.

(5) All illuminated signs shall be so arranged to prevent glare into residential districts.

(6) All spotlights shall be diffused or shielded to not shine on other properties.

(7) No sign, unless otherwise permitted, shall exceed the maximum height limitations of the zoning district in which it is located.

(8) No ground-mounted or free standing sign above a height of 2 feet from the established street grade shall be permitted within the triangular area formed at the intersection of any street right-of-way lines by a straight line drawn between the right-of-way lines at a distance along each line of 25 feet from their point of intersection.

(9) One "A" frame or sandwich board type sign not exceeding 42 inches in height may be placed in front of a business, provided that such sign shall be set back not closer than 10 feet from any public road, street or right-of-way, and further provided that the sign shall be removed during non-business hours.

(1) Unless otherwise approved by the Zoning Board of Appeals, temporary signs, banners, or inflatable signs shall not be allowed.

(B) Industrial Districts are permitted as follows:

(1) No sign so permitted shall be located nearer to the front lot line than $\frac{1}{2}$ the required front setback nor nearer the side lot line than the required side yard setback; and

- (2) Billboard type freestanding signs (off-site advertising), provided that:
- (a) Maximum size be 300 square feet per face, with a limit of 2 faces;
 - (b) Maximum height be 25 feet;

- (c) Located not closer than 50 feet of any public right-of-way or nearer than 660 feet to any interstate freeway;
- (d) Have a 10-foot unobstructed clearance from surrounding grade of land and bottom of sign;
- (e) Be not closer than 500 feet to any other non-accessory sign on either side of the street or freeway;
- (f) Not be located on any residentially used or zoned parcel or nearer than 200 feet to any residence even if zoned M-1 or M-2 or 200 feet from any residentially zoned district;
- (g) Must not obstruct view of other existing signs nearby;
- (h) A drawing with specifications approved by a state registered engineer or architect is filed with the Building Inspector for review and approval prior to any construction;
- (i) The despoiling of natural features, including trees, vegetation, water, land forms, and scenic views be avoided whenever possible;
- (j) All non-accessory signs be approved by the Board of Zoning Appeals in an M-1 or M-2 district after public hearing and determination that the above provisions in subsections(B)(2)(a) - (B)(2)(i) have been met; and
- (k) An administrative approval subject to § 157.092, site plan review

§ 153.08 NONCOMMERCIAL SIGNS.

(A) Residential Districts. Noncommercial signs in residential districts are permitted as follows:

- (1) No temporary sign shall be erected, constructed, or maintained for more than 90 days within the City which is larger than 16 square feet or which shall exceed a height of 6 feet above the grade at the base of the sign, on private property immediately adjacent to a state highway or a city major street.
- (3) No temporary sign shall be erected, constructed, or maintained for more than 90 days within the City which is larger than 6 square feet or which shall exceed a height of 3 feet above the grade at the base of the sign, on a City local street, or private drive as designated for the purposes of Act 51 of the state.
- (4) For each dwelling unit, 1 name plate sign displaying the street name and number and name of occupant, not exceeding 2 square foot in area.
- (5) For permitted principal uses other than dwellings (home occupations approved in 157.100) and for permitted uses after special approval, 1 bulletin or announcement board not exceeding 32 square feet in area.
- (6) In the multiple-family districts, 1 ground or wall sign indicating the name of the multiple housing development in addition to individual dwelling name plates. These signs shall not exceed 64 square feet in area; and
- (7) No sign shall be illuminated by other than continuous indirect white light nor shall contain any visible moving parts.

(B) Commercial and Industrial Districts. Noncommercial signs in commercial and industrial districts are permitted as follows:

(1) No temporary sign shall be erected, constructed, or maintained for more than 90 days within the city which is larger than 16 square feet or which shall exceed a height of 6 feet above the grade at the base of the sign, on private property immediately adjacent to a state highway, a city major street.

(2) For each unit, 1 name plate sign displaying the street name and number and name of occupant, not exceeding 2 square foot in area;

(3) No sign shall be illuminated by other than continuous indirect white light nor shall contain any visible moving parts.

§ 153.09 VIOLATIONS.

(1) Any sign that is found to be in violation of 153.06 (5), 153.07 (9), and 153.07 (10) shall be subject to the immediate confiscation, removal and destruction by the City of Burton. In the case of commercial advertising signs found to violate 153.06 (5), 153.07 (9), and 153.07 (10), rather than immediately confiscating, removing and destroying a non-conforming sign, the city may, at its option, elect to notify the individual, corporation or other entity advertising its goods or services by first class mail at any address displayed on the sign that the sign is in violation of this ordinance and that in the event the sign is not removed within 5 business days of the date of the mailing of the notice, the individual, corporation or other entity shall be charged with a municipal civil infraction and shall be subject to such fines and costs as set forth in the City of Burton Code of Ordinances, § 131.05, Civil Infraction Penalties. Further, that in the event a sign found to be in violation of 153.06 (5), 153.07 (9), and 153.07 (10) shall not set forth the address or any business or individual, but shall display a telephone number, the city may elect to place a telephone call to the number displayed and notify any individual who answers such a telephone call, or leave a recording on any recording device, that the sign must be removed within 5 business days of the telephone notification, and that the failure to remove the sign within that time shall result in the issuance of a civil infraction citation.

(2) Any other section of this ordinance violated the City shall notify the individual, corporation or other entity owning the property at which the sign is placed by first class mail, at the address on record with the Assessors office, that the sign is in violation of this ordinance and that in the event the sign is not removed, repaired, or brought into compliance of this ordinance within 10 business days of the date of the mailing of the notice, the individual, corporation or other entity shall be charged with a municipal civil infraction and shall be subject to such fines and costs as set forth in the City of Burton Code of Ordinances, § 131.05, Civil Infraction Penalties and/or subject to immediate confiscation, removal and destruction by the City of Burton, in which all costs will be charged to the property owner.

§ 153.10 APPEALS.

Any appeal to this Ordinance shall be heard and action taken by the Zoning Board of Appeals as outlined in 157.151 through 157.155

§ 153.11 SEVERABILITY

If any section, sentence, clause, or phrase of the Ordinance is for any reason held to be invalid or unconstitutional by a decision of any Court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

SECTION II

All other provisions of this Chapter shall be and are hereby ratified.

SECTION III

The violation of the terms of this Ordinance shall be a municipal civil infraction.

SECTION IV

This Ordinance, or a synopsis thereof, shall be published in a newspaper of general circulation within the City of Burton, Genesee County, Michigan, and shall become effective 30 days after publication.

SECTION V

A copy of this Ordinance may be inspected at the City Hall, 4303 S. Center Road, Burton, Michigan, during regular business hours.

CITY OF BURTON,

By: PAULA ZELENKO, MAYOR

By: TERESA KARSNEY, CLERK

Ordinance introduced on:
Second Reading:
Publication date:
Effective date:

Attachment: Sign Ord (3003 : Sign Ordinance)



SCHEDULED

AGENDA ITEM (ID # 3004)

DOC ID: 3004

Discussion and possible action on Deposits Ordinance.

COMMENTS - Current Meeting:

Attorney Doyle stated that when we got the new audit firm they were questioning this fund was going and what is the mechanism to return these funds. A written procedure has accomplished how to refund the deposits but your ordinances are necessary to finalize this issue.

Before passing the ordinance council needs to determine who the designee is. The Mayor suggested the Treasurer.

Motion to recommend to full council at the next City Council meeting on May 15, 2017 and let the full council determine who the designee will be.

ATTACHMENTS:

- Deposit (PDF)

RESULT:	RECOMMENDED [UNANIMOUS]	Next: 5/15/2017 7:00 PM
MOVER:	Dennis O'Keefe, Councilman	
SECONDER:	Tom Martinbianco, Councilman	
AYES:	Tom Martinbianco, Duane Haskins, Dennis O'Keefe	

INTEROFFICE MEMORANDUM

TO: CITY ATTORNEY AMANDA DOYLE
FROM: CONTROLLER GINGER BURKE-MILLER
SUBJECT: SITE PERMIT DEPOSITS
DATE: MARCH 21, 2017

Prior to three years ago, City of Burton lacked a formal procedure for dealing with site permit deposits. This issue came to our attention when we switched auditing firms. The prior firm would just check the balance on the books with the backup information and never questioned a continually growing balance. However, with fresh eyes, a young auditor approached me about this balance sheet account and asked, "What is the mechanism to return these funds?" "Is there a procedure?" "Is it documented?" All very good questions because this is a fee that is collected by our DPW department and upon our internal questioning, we determined that someone from DPW needed to be following up to ensure that the work had been completed and then issuing a check back to the depositor. The balance kept growing which meant that many of our residents/customers were seeing the deposit less as a deposit and more as a cost of doing business with the city. The resident/customer was responsible for coming to us to ask for the deposit back. Many were not doing so. The City however had it on the books as money due out to the depositors. If it was abandoned, it would be considered eligible to be escheated to the state. Thus began a project of having DPW review all deposits and determine what could be returned immediately and what were open items needing further action at a later date. Also, we implemented a process whereby on a monthly basis the Controller's Office sends a spreadsheet of all deposit amounts, name of depositor and the date back to DPW for them to follow up on and keep up to date on the account. This was needed to satisfy Rehmann, our audit firm. A written procedure has accomplished that task however, your ordinances are necessary to finalize this issue.

Attachment: Deposit (3004 : Deposits Ordinance)

CITY OF BURTON
GENESEE COUNTY, MICHIGAN

ORDINANCE NO. 2017- - 115.02

AN ORDINANCE AMENDING CHAPTER 115 OF
THE CITY OF BURTON CODE OF ORDINANCES
TO REQUIRE CASH DEPOSITS FOR NEW
CONSTRUCTIONS, CONSTRUCTIONS IN THE
RIGHT-OF-WAY AND ANY OTHER CONSTRUCTION

THE CITY OF BURTON ORDAINS:

SECTION I

Chapter 115 of the Code of Ordinances of the City of Burton is hereby amended by the addition of Section 115.02 which provides the following:

SECTION 115.02 DEPOSITS REQUIRED

- (A) Upon the application for site improvements of private property or public right-of-way, including new construction, the City of Burton, its Planning Commission, Zoning Board of Appeals, or other authority, may require the property owner or his or her contractor or other designee to provide a cash deposit in an amount to be determined by_____.
- (B) This deposit shall ensure the depositor's compliance with all relevant permits, ordinances, and regulations, including, but not limited to, those of the City of Burton and State of Michigan.
- (C) Upon the City's determination of construction completion and compliance with the applicable permits, ordinances, and regulations, the required deposit shall be returned to the depositor in accordance with Section 115.03.

SECTION II

All other provisions of Chapter 115 inconsistent with the provisions of this Ordinance are hereby repealed. All other provisions of Chapter 115 shall be and are hereby ratified.

SECTION III

This Ordinance shall be published in a newspaper of general circulation within the City of Burton, Genesee County, Michigan and shall become effective immediately upon publication.

SECTION IV

A copy of this Ordinance may be inspected at the City Clerk's office at the Burton City Hall, 4303 S. Center Road, Burton, Michigan, during regular business hours.

CITY OF BURTON,

By: PAULA ZELENKO, MAYOR

By: TERESA KARSNEY, CLERK

Ordinance introduced on:
Second Reading:
Publication date:
Effective date:

Attachment: Deposit (3004 : Deposits Ordinance)

CITY OF BURTON
GENESEE COUNTY, MICHIGAN

ORDINANCE NO. 2017- - 115.03

AN ORDINANCE AMENDING CHAPTER 115 OF
THE CITY OF BURTON CODE OF ORDINANCES
TO PROVIDE FOR THE RECEIPT, USE, AND
RETURN OF DEPOSITS MADE WITH THE CITY.

THE CITY OF BURTON ORDAINS:

SECTION I

Chapter 115 of the Code of Ordinances of the City of Burton is hereby amended by the addition of Section 115.03 which provides the following:

SECTION 115.03 DEPOSITS

- (A) Any permit deposit placed with the City of Burton including, but not limited to, deposits pursuant to Section 111.54, and deposits required by the City of Burton Planning Commission or Zoning Board of Appeals shall be governed by this section, except as otherwise explicitly indicated.
- (1) Deposits shall be received by the City Treasurer and in accordance with the terms set forth in this ordinance. The depositor shall receive a receipt of the making of the deposit and shall be advised of the terms of the City's use or return of the deposit.
 - (2) The deposits shall be placed and kept in a non-interest bearing account and, if necessary, shall be used in accordance with the terms of the ordinance.
 - (3) The deposit shall insure completion of all improvements underground or on-surface (including, but not limited to, paving, concrete curbs or walk, pavement markings, landscaping, fencing, signs, storm or sanitary sewer, watermain, catch basins or manholes,

light and culvers), and all site work exclusive of habitable structures.

(4) The deposit shall be returned as follows:

- a. Upon City's satisfaction of compliance with subsection (3) above, a certified letter shall be mailed to the original depositor advising depositor that the funds are available for return.
- b. Any funds not collected by the depositor within 90 days of the mailing of the certified letter shall be forfeited to the City and shall be placed in the City's General Fund.

SECTION II

All other provisions of Chapter 115 inconsistent with the provisions of this Ordinance are hereby repealed. All other provisions of Chapter 115 shall be and are hereby ratified.

SECTION III

This Ordinance shall be published in a newspaper of general circulation within the City of Burton, Genesee County, Michigan and shall become effective immediately upon publication.

SECTION IV

A copy of this Ordinance may be inspected at the City Clerk's office at the Burton City Hall, 4303 S. Center Road, Burton, Michigan, during regular business hours.

CITY OF BURTON,

By: PAULA ZELENKO, MAYOR

Attachment: Deposit (3004 : Deposits Ordinance)

By: TERESA KARSNEY, CLERK

Ordinance introduced on:
Second Reading:
Publication date:
Effective date:

Attachment: Deposit (3004 : Deposits Ordinance)



TABLED

AGENDA ITEM (ID # 3005)

DOC ID: 3005

Discussion and possible action on Panhandling Ordinance (enforcement of current disorderly ordinance v. solicitation ordinance).

COMMENTS - Current Meeting:

Attorney Doyle stated at the instruction of Council and because of the concern of residents of the City and Council, I have prepared three versions of a panhandling ordinance for your review.

Version 1 simply prohibits panhandling and any form of solicitation in the City of Burton. As you know, this would not only include the panhandlers but also any other charitable organization.

Version 2 permits begging or soliciting money except in certain locations and manners. This does not resolve the issue of the panhandlers on the exit/entrance ramps unless they are acting in a manner prohibited under section (C) or (D) of this version.

Version 3 requires a permit to solicit donations of any kind. It will be up to the City to determine the requirements necessary to secure a permit and the details of same.

Attorney Doyle read aloud the definition of Disorderly person.

Mr. Haskins stated that after listening to the disorderly person definition that it does address the panhandling issue in Burton and our attorney has no problem prosecuting if this is violated.

Attorney Doyle stated we cannot have selective enforcement of this ordinance.

Council discussed that there are two types of panhandler; the ones that do this for a living and the one that are really in need.

Lieutenant Odette stated the Police Department is willing to do whatever the Council decides. He has concerns about the current Ordinance Section 10 A & B. Many times these people are not on the sidewalks or on the roadway. They are standing between the sidewalks and curb. They have paths wore in the grass. It stated that the person has to be obstructing traffic in the road way. The police department thinks there should be permits that these people can apply for.

Mr. O'Keefe gave the history and how we came up the with disorderly person ordinance. He feels the permit way may be the best way.

D.7

Mr. Haskins agrees with Mr. O'Keefe that the permit system might be best.

Motion to table the Panhandling Ordinance until they can get some more information.

ATTACHMENTS:

- Panhandling (PDF)
- Panhandling 1 (PDF)

RESULT:	TABLED [UNANIMOUS]
MOVER:	Tom Martinbianco, Councilman
SECONDER:	Dennis O'Keefe, Councilman
AYES:	Tom Martinbianco, Duane Haskins, Dennis O'Keefe

VERSION 2: PERMITTED EXCEPT IN SPECIFIC MANNERS AND AT CERTAIN LOCATIONS

SECTION 144.09 Begging or soliciting money, food, or other donations permitted except in specific manners and at certain locations.

(A) *Definitions.* For purposes of this section, the following words terms and phrases shall have the meanings respectively ascribed to them by this subsection:

(1) *Accosting* means:

- a. Approaching or speaking to a person in such a manner as would cause a reasonable person to fear imminent bodily harm or the commission of a criminal act upon the person or the property in such person's immediate possession; or
- b. Touching the object person without his or her consent.

(2) *Beg or solicit* means, without limitation, the spoken, written or printed word or such other acts as are conducted in furtherance of the purpose of obtaining money, food, or other donations.

(3) *Forcing oneself upon the company of another* when begging or soliciting means:

- a. Continuing to beg or solicit money, food, or other donations from a person after that person has made a negative response;
- b. Blocking the passage of the individual addressed;
- c. Following behind, ahead or alongside a person who walks away after being solicited; or
- d. Otherwise engaging in conduct which could reasonably be construed as attempting to compel or force a person to agree to demands.

(4) *Mobile food service establishment* means a unit that operates from a vehicle which, while making sales, remains stationary at one, specific location approved by the buildings, safety engineering, and environmental department business license center and is only moved for purposes of returning to the commissary, but does not mean common carriers regulated by the federal government or delivery vehicles used only for transporting food prepared in licensed food service establishments.

(B) *Generally.* It shall be lawful to beg or solicit money, food, or other donations, except when performed in the manner set forth in subsection (c) of this section or at the locations set forth in subsection (d) of this section.

(C) *Manner.* It shall be unlawful for any person to solicit money, food, or other donations on public property by:

(1) *Accosting* another; or

(2) Forcing oneself upon the company of another.

(D) *Location.* It shall be unlawful for any person to beg or solicit money, food, or other donations:

- (1) On private property where the owner, tenant or lawful occupant has requested that the person not solicit on the property or has posted a sign clearly indicating that solicitations are not welcome on the property;
- (2) Within fifteen (15) feet of an entrance or exit of any public toilet facility;
- (3) Within fifteen (15) feet of an automatic teller machine, provided, that when an automated teller machine is located within an automated teller machine facility, such distance shall be measured from the entrance to, or exit from, the automated teller machine facility;
- (4) Within fifteen (15) feet of an entrance or exit of any bus station, train station, or taxistand;
- (5) In any bus or train, or in any bus station or train station;
- (6) Within fifteen (15) feet of the entrance or exit, or pick-up window, of a business or entertainment facility, or an outside seating area of such business or entertainment facility;
- (7) From any person who is waiting in line for entry into any business or entertainment facility; or
- (8) Within fifteen (15) feet of any mobile food service establishment.

VERSION 3 - CHARITABLE SOLICITATIONS BY PERMIT

SECTION 144.09 CHARITABLE SOLICITATIONS BY PERMIT

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

- (1) *Person* means any individual, partnership, corporation, company, organization, league or similar entity.
- (2) *Solicit* and *solicitation* means the request, directly or indirectly, of money, property, financial assistance or other thing of value.
- (3) *Tag day* means a day on which sales and solicitations referred to in section (B) are made.
- (4) *Tag day permit* means a permit issued under this ordinance authorizing such sales and solicitations.

(B) Permit required. No person shall solicit contributions or sell or offer any tags, poppies, buttons, forget-me-nots, flags, ribbons or other like tokens for any charitable, patriotic or other purpose on the streets, sidewalks or in any public place in the city without obtaining a permit for conducting the solicitation or sale involved.

(C) Permitted hours. Tag day solicitations and sales shall be conducted between the hours of 7:00 a.m. and sunset.

(D) Solicitor's and salesman's identification card. All tag day solicitors and salesmen shall be furnished an identification card. It shall be unlawful for any person to engage in an activity mentioned in this ordinance unless he has such identification card in his possession. Such identification card shall be shown upon request of any person solicited or upon request of any police officer of the city.

(E) Limitation on number of solicitors or salesmen per block. No more than four tag day solicitors or salesmen shall be allowed to operate in any one city block, measured from the center of an intersection to the center of the next intersection on both sides of a single street.

(F) Solicitors and salesmen not to obstruct passage of vehicles or persons. No tag day solicitor or salesman shall obstruct or impede the passage of persons or vehicles on any street or sidewalk or at the entrance of any building. Any tag day solicitor or salesmen entering upon the public street for the purpose of making a solicitation or sale shall wear an orange safety vest designed to be clearly visible to passing motorists.

(G) Report of amount collected and disposition of same. Every person issued a permit under this ordinance shall file a report of the amount collected and the disposition of the same with the city clerk within 15 days of the final date of the tag day.

(H) Filing and contents of application. An application for a permit required by this ordinance shall be addressed to the city clerk and filed with the city clerk on or before 60 days prior to the proposed solicitation or sale. For good cause shown, the city clerk may receive applications after such date. The applications shall contain the following information, or a statement as to why it cannot be furnished:

- (1) The name and address of the applicant.
 - (2) If the applicant is not an individual, the formal name of the organization, the address of its headquarters, the names and addresses of the applicant's principal officers and managers and a statement as to whether the organization is part of an international, national or state agency or organization or is entirely local.
 - (3) The length of time the applicant has been in continuous existence in the city.
 - (4) If the applicant is a new organization, a detailed statement of the type and kind of organization, its objectives and the services it will render in the city.
 - (5) The name and address of the person who will be in direct charge of conducting the solicitation or sale.
 - (6) The purpose for which the solicitation is to be made.
 - (7) An outline of the method to be used in conducting the solicitation or sale and a description of any device, token or article to be given away or sold.
 - (8) The time when it is desired to make such solicitation or sale, giving preferred dates therefore, and the area within the city in which the solicitation or sale shall be confined.
 - (9) A statement of the character and extent of the charitable or patriotic work being done by the applicant within the city and elsewhere.
 - (10) A statement to the effect that, if a permit is granted, it will not be used or represented in any way as an endorsement by the city.
 - (11) ~~Such other information as may be reasonably required by the city clerk to determine the kind and character of the proposed solicitation or sale and whether such solicitation or sale is in the interest of, and not contrary to, the public interest and welfare.~~
 - (12) A statement by the applicant that it will indemnify, protect, defend, and save the city, its officers and employees harmless from any claim, action or suit for any loss, liability or damage that may be asserted or levied against the city, its officers or employees by reason of applicant's acts or omissions, or by its use or occupancy of any public property.
- (I) Investigation of application. The city clerk shall make an investigation of the truth of the statements set forth in the application. The city clerk may refer such application to the chief of police or any other appropriate city official for assistance in the investigation. If such application is so referred for investigation, such investigation shall be made and the report filed within 20 days thereafter.
- (J) Issuance generally. Subject to the other provisions of this section, the city clerk may issue a permit applied for under this ordinance, when the clerk shall find the following facts to exist:
- (1) That all of the statements made in the application are true.
 - (2) That the applicant has a good reputation for honesty and integrity, or if the applicant is not an individual, that the organization or entity has a good reputation for honesty and integrity.
 - (3) That the control and supervision of the solicitation or sale will be under the direction of responsible and reliable persons.

(4) That the applicant, its officers, managers or agents have not engaged in any fraudulent transaction or enterprise.

(5) That the applicant has delivered a certificate or other evidence of comprehensive general liability insurance, through companies licensed and admitted to do business in Michigan, covering both personal injury and property damage in an amount not less than \$300,000.00 per occurrence. The city, its officers and employees shall be named an additional insured on the certificate and policy.

(K) Limitations on issuance.

(1) The total number of permits issued under this section shall not exceed 12 in one year nor five in any one month.

(2) Only one permit shall be issued under this section for any one day. Separate organizations may co-sponsor a tag day having a unified theme.

(3) Only one permit shall be issued under this section to the same applicant in any one calendar year.

(L) Preference in issuance. Organizations actively based in the city and traditionally conducting tag day solicitations or sales in the city shall be given preferred consideration in the issuance of permits under this section.

(M) Alternation of information given in application. If, while any application for a permit under this section is pending or during the term of any such permit granted, there is any change in fact, policy or method that would alter the information given in the application, the applicant shall immediately notify the city clerk in writing.

(N) Effect. A permit issued under this section shall be a license to the applicant therefore to conduct such sale or solicitation only on the date(s) therein specified.

(O) Fee. The fees for a permit required under this section shall be set at \$_____, which fee may be amended from time to time by Resolution of the City Council.

(P) Suspension of permit.

(1) Upon complaint filed with the Clerk/Mayor/Council/Police Chief by any person or upon his own action, the _____ may suspend a permit granted under this section for good cause shown. Good cause shall include:

(a) Any material misrepresentation in the application for the permit or any fraud in the procurement, or failure to carry out any commitment or representation contained within the application or in this section.

(b) Any cause which would have prevented the granting of the permit in the first place.

(c) Misconduct of any permittee, its agents or representatives, such as a violation of the requirements of this ordinance, the commission of any unlawful act prohibited by this ordinance, an ordinance of the city or any other law, or any other conduct involving dishonesty or fraudulent misrepresentation.

(2) After the _____ has made findings and suspended a permit, the holder of the permit shall have the right to appeal to the Mayor/Council, within ten days after receiving notice of such suspension, and such appeal shall be made in writing and filing

it with the city clerk stating that an appeal from the ruling of the _____ is desired to the Mayor/Council. If an appeal is not made within ten days, the permit shall be revoked.

- (3) The chief of police shall be notified forthwith by the city clerk of the suspension or revocation of any permit issued under this article.

VERSION 3 - CHARITABLE SOLICITATIONS BY PERMIT

SECTION 144.09 CHARITABLE SOLICITATIONS BY PERMIT

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

- (1) *Person* means any individual, partnership, corporation, company, organization, league or similar entity.
- (2) *Solicit* and *solicitation* means the request, directly or indirectly, of money, property, financial assistance or other thing of value.
- (3) *Tag day* means a day on which sales and solicitations referred to in section (B) are made.
- (4) *Tag day permit* means a permit issued under this ordinance authorizing such sales and solicitations.

(B) Permit required. No person shall solicit contributions or sell or offer any tags, poppies, buttons, forget-me-nots, flags, ribbons or other like tokens for any charitable, patriotic or other purpose on the streets, sidewalks or in any public place in the city without obtaining a permit for conducting the solicitation or sale involved.

(C) Permitted hours. Tag day solicitations and sales shall be conducted between the hours of 7:00 a.m. and sunset.

(D) Solicitor's and salesman's identification card. All tag day solicitors and salesmen shall be furnished an identification card. It shall be unlawful for any person to engage in an activity mentioned in this ordinance unless he has such identification card in his possession. Such identification card shall be shown upon request of any person solicited or upon request of any police officer of the city.

(E) Limitation on number of solicitors or salesmen per block. No more than four tag day solicitors or salesmen shall be allowed to operate in any one city block, measured from the center of an intersection to the center of the next intersection on both sides of a single street.

(F) Solicitors and salesmen not to obstruct passage of vehicles or persons. No tag day solicitor or salesman shall obstruct or impede the passage of persons or vehicles on any street or sidewalk or at the entrance of any building.

(G) Report of amount collected and disposition of same. Every person issued a permit under this ordinance shall file a report of the amount collected and the disposition of the same with the city clerk within 15 days of the final date of the tag day.

(H) Filing and contents of application. An application for a permit required by this ordinance shall be addressed to the city clerk and filed with the city clerk on or before 60 days prior to the proposed solicitation or sale. For good cause shown, the city clerk may receive applications after such date. The applications shall contain the following information, or a statement as to why it cannot be furnished:

- (1) The name and address of the applicant.

- (2) If the applicant is not an individual, the formal name of the organization [REDACTED]
[REDACTED]
[REDACTED]
 - (3) The length of time the applicant has been in continuous existence in the city.
 - (4) If the applicant is a new organization, a detailed statement of the type and kind of organization, its objectives and the services it will render in the city.
 - (5) The name and address of the person who will be in direct charge of conducting the solicitation or sale.
 - (6) The purpose for which the solicitation is to be made.
 - (7) An outline of the method to be used in conducting the solicitation or sale and a description of any device, token or article to be given away or sold.
 - (8) The time when it is desired to make such solicitation or sale, giving preferred dates therefore, and the area within the city in which the solicitation or sale shall be confined.
 - (9) A statement of the character and extent of the charitable or patriotic work being done by the applicant within the city and elsewhere.
 - (10) A statement to the effect that, if a permit is granted, it will not be used or represented in any way as an endorsement by the city.
 - (11) Such other information as may be reasonably required by the city clerk to determine the kind and character of the proposed solicitation or sale and whether such solicitation or sale is in the interest of, and not contrary to, the public interest and welfare.
 - (12) A statement made by the applicant that it will indemnify, protect, defend, and save the city, its officers and employees harmless from any claim, action or suit for any loss, liability or damage that may be asserted or levied against the city, its officers or employees by reason of applicant's acts or omissions, or by its use or occupancy of any public property.
- (I) Investigation of application. The city clerk shall make an investigation of the truth of the statements set forth in the application. The city clerk may refer such application to the chief of police or any other appropriate city official for assistance in the investigation. If such application is so referred for investigation, such investigation shall be made and the report filed within 20 days thereafter.
- (J) Issuance generally. Subject to the other provisions of this section, the city clerk may issue a permit applied for under this ordinance, when the clerk shall find the following facts to exist:
- (1) That all of the statements made in the application are true.
 - (2) That the applicant has a good reputation for honesty and integrity, or if the applicant is not an individual, that the organization or entity has a good reputation for honesty and integrity.
 - (3) That the control and supervision of the solicitation or sale will be under the direction of responsible and reliable persons [REDACTED].
 - (4) That the applicant, its officers, managers or agents have not engaged in any fraudulent transaction or enterprise.

(5) [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

- (M) Alternation of information given in application. If, while any application for a permit under this section is pending or during the term of any such permit granted, there is any change in fact, policy or method that would alter the information given in the application, the applicant shall immediately notify the city clerk in writing.
- (N) Effect. A permit issued under this section shall be a license to the applicant therefore to conduct such sale or solicitation only on the date(s) therein specified.
- (O) Fee. The fees for a permit required under this section shall be set at \$ [REDACTED], which fee may be amended from time to time by Resolution of the City Council.
- (P) Suspension of permit.
- (1) Upon complaint filed with the Clerk/Mayor/Council/Police Chief by any person or upon his own action, the _____ may suspend a permit granted under this section for good cause shown. Good cause shall include:
 - (a) Any material misrepresentation in the application for the permit or any fraud in the procurement, or failure to carry out any commitment or representation contained within the application or in this section.
 - (b) Any cause which would have prevented the granting of the permit in the first place.
 - (c) Misconduct of any permittee, its agents or representatives, such as a violation of the requirements of this ordinance, the commission of any unlawful act prohibited by this ordinance, an ordinance of the city or any other law, or any other conduct involving dishonesty or fraudulent misrepresentation.
 - (2) After the _____ has made findings and suspended a permit, the holder of the permit shall have the right to appeal to the Mayor/Council, within ten days after receiving notice of such suspension, and such appeal shall be made in writing and filing it with the city clerk stating that an appeal from the ruling of the _____ is

VERSION 1

CITY OF BURTON
GENESEE COUNTY, MICHIGAN

ORDINANCE NO. 2017- - 144.09

AN ORDINANCE AMENDING CHAPTER 144 OF THE
CITY OF BURTON CODE OF ORDINANCES TO DEFINE
AND PROHIBIT SOLICITATION AND BEGGING AND TO
PROVIDE PENALTIES FOR THE VIOLATION THEREOF

THE CITY OF BURTON ORDAINS:

SECTION I

Chapter 144 of the Code of Ordinances of the City of Burton
is hereby amended by the addition of Section 144.09 which
provides as follows:

SECTION 144.09 BEGGING AND SOLICITING

(A) The following words, terms and phrases, when used in
this section, shall have the meanings provided in
this subsection, except where the context clearly
indicates a different meaning:

- (1) *Accosting* means approaching or speaking to a
person in such a manner as would cause a
reasonable person to fear imminent bodily harm
or the commission of a criminal act upon his
person, or upon property in his immediate
possession.
- (2) *Ask, beg or solicit* mean and include, without
limitation, the spoken, written or printed word
or such other acts as are conducted in
furtherance of the purpose of obtaining
donations.
- (3) *Forcing oneself upon the company of
another* means continuing to ask, beg or solicit
from a person after that person has made a

VERSION 1

negative response, blocking the passage of the individual addressed, or otherwise engaging in conduct which could reasonably be construed as intended to compel or force a person to accede to demands.

(B) It shall be unlawful for any person to solicit money or other things of value:

- (1) On private property if the owner, tenant or lawful occupant has asked the person not to solicit on the property or has posted a sign clearly indicating that solicitations are not welcome on the property;
- (2) Within 15 feet of the entrance to or exit from any public toilet facility;
- (3) Within 15 feet of an automated teller machine, provided that when an automated teller machine is located within an automated teller machine facility, such distance shall be measured from the entrance or exit of the automated teller machine facility;
- (4) Within 15 feet of any pay telephone, provided that when a pay telephone is located within a telephone booth or other facility, such distance shall be measured from the entrance or exit of the telephone booth or facility;
- (5) Within any public transportation vehicle, or within 15 feet of any bus stop, taxi stand or rapid transit stop;
- (6) From any operator of a motor vehicle that is in traffic on a public street; provided, however, that this subsection shall not apply to services rendered in connection with emergency

VERSION 1

repairs requested by the owner or passengers of such vehicle;

- (7) From any person who is waiting in line for entry to any building, public or private, including, but not limited to, any residence, business or athletic facility; or
- (8) Within 15 feet of the entrance or exit from a building, public or private, including, but not limited to, any residence, business or athletic facility.

Notwithstanding the foregoing, nothing herein shall be interpreted to prohibit related parties from soliciting money or other things of value from one another.

- (C) It shall be unlawful for any person to solicit money or other things of value by:

- (1) Accosting another; or
- (2) Forcing oneself upon the company of another.

SECTION II

All other provisions of this Chapter shall be and are hereby ratified.

SECTION III

The violation of the terms of this Ordinance shall be punishable by up to 90 days in the county jail, a fine of not more than \$500.00, or both.

SECTION IV

This Ordinance shall be published in a newspaper of general circulation within the City of Burton, Genesee County, Michigan, and shall become effective 30 days after publication.

SECTION V

VERSION 1

A copy of this Ordinance may be inspected at the City Hall,
4303 S. Center Road, Burton, Michigan, during regular
business hours.

CITY OF BURTON,

By: PAULA ZELENKO, MAYOR

By: TERESA KARSNEY, CLERK

Ordinance introduced on:
Second Reading:
Publication date:
Effective date:

Attachment: Panhandling (3005 : Panhandling Ordinance)

AMANDA N. DOYLE, PLLC

Attorney at Law
702 Church Street
Flint, Michigan 48502
amandadoylelaw@gmail.com

Fax (810) 767-2817

(810) 767-6860

March 29, 2017

Via email & hand delivery to City Hall, City of Burton

City of Burton, Legislative Committee
Chairman Duane Haskins
Member Thomas Martinbianco
Member Dennis O'Keefe

RE: Material for consideration at Legislative Committee Meeting

Dear Legislative Committee Members:

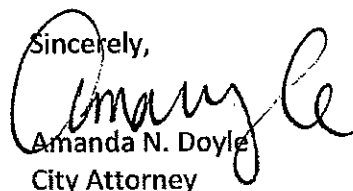
Attached you will find draft ordinances regarding eight matters for your review. Each is preceded by a short explanation of the ordinance and some information regarding the necessity of your consideration. The matters addressed by the draft ordinances are:

1. Panhandling
2. Minor in Possession
3. Contributing to the Delinquency of a Minor
4. Criminal Penalties
5. Drug Paraphernalia
6. Civil Rights
7. Signs
8. Deposits

Please be advised, these Ordinances are still in draft version as they await your comments, additions, deletions, or corrections, if any.

As always, please feel free to contact my office with any questions or concerns prior to the legislative committee meeting.

Sincerely,



Amanda N. Doyle
City Attorney

cc via email only: Mayor Paula Zelenko
Clerk Teresa Karsney

Attachment: Panhandling 1 (3005 : Panhandling Ordinance)

PANHANDLING

At the instruction of Council, and because of the concern of the residents of the City and of Council, I have prepared three versions of a panhandling ordinance for your review.

Version 1 simply prohibits panhandling and any form of solicitation in the City of Burton. As you know, this would not only include the panhandlers but also any other charitable organization.

Version 2 permits begging or soliciting money except in certain locations and manners. This does not resolve the issue of the panhandlers on the exit/entrance ramps unless they are acting in a manner prohibited under sections (C) or (D) of this version.

Version 3 requires a permit to solicit donations of any kind. It will be up to the City to determine the requirements necessary to secure a permit and the details of same.



SCHEDULED

AGENDA ITEM (ID # 3006)

DOC ID: 3006

Discussion and possible action on Fire Department Policy/Promotion of City Businesses.

COMMENTS - Current Meeting:

Motion to recommend to full council at the next City Council meeting on May 15, 2017.

ATTACHMENTS:

- Fire Dept Policy (PDF)

RESULT:	RECOMMENDED [UNANIMOUS]	Next: 5/15/2017 7:00 PM
MOVER:	Tom Martinbianco, Councilman	
SECONDER:	Dennis O'Keefe, Councilman	
AYES:	Tom Martinbianco, Duane Haskins, Dennis O'Keefe	

CITY OF BURTON
COUNTY OF GENESEE, MICHIGAN

**RESOLUTION INSTITUTING A POLICY
FOR THE DISTRIBUTION BY THE FIRE DEPARTMENT OF INFORMATION
REGARDING BUSINESSES THAT PERFORM FIRE RELATED PROPERTY REMEDIATION**

WHEREAS, City Council wishes to establish a policy favoring employing the use of local businesses; and

WHEREAS, while the City of Burton is not in the business of endorsing any particular business, the City Council reasonably believes this policy is in the best interest of the City and its residents because it helps to promote and sustain the hiring and utilization of businesses located within the City of Burton; and

WHEREAS, that promotion of utilization of local businesses can be advanced by distribution of local vendor information, particularly in the area of property remediation following a structure fire.

NOW THEREFORE BE IT RESOLVED on motion made by _____ and seconded by _____ that:

With regard to the City of Burton Fire Department's response and attention to a fire or to the results of a fire where there is structural damage within the city limits of the City of Burton:

At a scene where it becomes necessary to utilize the services of a construction company to stabilize and make safe a structure immediately after a fire or event, the fire department shall provide to the property owner or current resident a list of Burton businesses that offer the necessary service.

The fire department shall further indicate that the homeowner is not required to use of any of the businesses on the list and may choose whichever business he or she deems appropriate to accomplish the function.

RESOLUTION DECLARED ADOPTED:

AYES:

NAYS:

ABSENT: