



CITY OF BURTON

BURTON LEGISLATIVE COMMITTEE MEETING

JULY 20, 2020

MINUTES

Council Chambers

Regular Meeting

5:30 PM

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

This meeting was opened by Chair Gregory Fenner at 5:30 PM.

A. CALL TO ORDER

Attendee Name	Title	Status	Arrived
Tom Martinbianco	Councilman	Present	
Gregory Fenner	Chair	Present	
Christina Conley	Council	Present	

B. STAFF PRESENT

Racheal Boggs, City Clerk

C. AUDIENCE PARTICIPATION

No audience participation.

D. COUNCIL DISCUSSION ON THE FOLLOWING ITEMS.

Fire Arms Ordinance

Mr. Fenner stated he received example ordinances from the MML of cities with similar land size and population of our city.

Mr. Martinbianco stated I appreciate your leadership. The MML has always provided a wealth of information. The City of Portage has the most similar characteristics.

Mrs. Conley stated I do not want guns being fired in residential areas. I worry about kids being curious and wandering.

Mr. Fenner stated the only ordinance of the samples that does not ban them is the City of Portage. It allows for people to construct their own approved range. I don't know who they use to approve it. In Davison City, there is no discharge of firearms allowed. Grand Blanc Township, on the other hand, they have what we have currently. No restrictions. The City of Grand Blanc, I am sure has restrictions. It has been discussed that we are an anomaly for a city but just the same, we are a city.

Mr. Martinbianco stated we do bear some of the same characteristics as Grand Blanc Township. We are a city. There is not a lot of space for recreational firing.

Mr. Fenner stated as I further read the Portage Ordinance, they allow the firing of shotguns. Mr. O'Keefe, when he asked us to look at this alluded to allowing skeet shooting on properties that can accommodate it. However, if shooting a gun is annoying, shooting a shotgun will be just as annoying to neighborhoods even if it is 450 feet from a structure.

Mr. Martinbianco stated think about New Year's Eve and people shooting guns just to celebrate.

Mr. Fenner asked do we want to have the attorney draw up something to ban recreational shooting? Do we want to find a hybrid situation? That may be a big headache. Do we want to go along with what other cities are routinely doing? I would not want to be having a picnic on Sunday and hear someone on their 10 acres firing off rounds. This has to go to City Council. Do we want to make some sort of motion and see what council says? I am open to suggestions.

Mrs. Conley stated it is a hard call.

Mr. Martinbianco stated he will support the Chairman's position. The hybrid system is not going to work. Anyone who feels discriminated against can come in front of the Zoning Board of Appeals. It would be up to the City Attorney to say if what we did was illegal or if we violated the second amendment. We are talking about the random discharge of a weapon here.

Mr. Fenner stated we are not banning anyone from bearing arms or possessing them in the city. This is just for the recreational firing of a firearm in the city. There has to be a purpose.

Mr. Martinbianco would like to direct the City Attorney to draft the legislation in that fashion and refer back to the Legislative Chair. I trust your judgment. At that point, we can bring it to full council. I would like to use the Portage Ordinance as an example.

Mr. Fenner stated this will include air rifles, crossbows, sling shots, etc. Portage allows the firing of shotguns on 15 acres.

Mr. Martinbianco stated 20 gauge or less. There is nothing around here you're going to kill with a 12 gauge. People still like to pheasant hunt.

Mr. Fenner stated Portage allows the discharge of a shotgun for the hunting of game and birds, in season and prescribed by the Department of Natural Resources Environmental Protection Act or at anytime for the purpose of preventing depredation of property (protection). They also included firing a shotgun for skeet, trap or target practice in a safe manner upon a range approved by the council for such purpose. This allows for a person to do so If they want to go through the chore of making it an approved range. If someone wants to put a wall up and make it safe on their property, I am good with that.

Grass Clippings Ordinance

Mr. Fenner stated our Attorney sent out an addition to what we currently have which is our noxious weeds ordinance. She added paragraph (E.) which says no person shall operate mowing equipment adjacent to a public street in such a manner that causes the discharge of grass clippings, vegetable material or other litter to be disbursed or remain in the public street. In the samples from other cities, the ordinances are pretty simple. I have also sent you all pictures of our drains covered with grass. With a storm like we had yesterday, that amount of grass would easily flood our roads. This makes driving on the roads dangerous. The other concern is for motorcycles slipping on the grass in the street. What are the Committee's thoughts?

Mr. Martinbianco stated he would like to see the inclusion of grass clippings in ditches. We have some ditches out there that are not even mow-able by the residents. When I mow, if I do it correctly to keep clippings out of the street, the clippings end up in my ditch. Grass clippings tend to dry up or blow away. Leaves in a ditch are a problem.

Mr. Fenner stated I am not suggesting that grass clipping can't be blown into the road. What we are saying is before you go into the house for the day that you sweep or blow them out of the road. Adding this paragraph to what we already have allows our Code Enforcer to enforce this.

Mrs. Conley asked Ms. Boggs if we hired another Code Enforcer?

Ms. Boggs stated I do not know the answer to that.

1. Motion to have the City Attorney draft an ordinance 139.02 banning the discharge of any firearm in the City of Burton and to allow use at a duly authorized range or shooting gallery.

RESULT:	CARRIED [UNANIMOUS]
MOVER:	Tom Martinbianco, Councilman
SECONDER:	Gregory Fenner, Chair
AYES:	Martinbianco, Fenner, Conley

2. Motion to add paragraph (E.) to our current ordinance 91.01 prohibiting grass clippings in roadways.

Mr. Fenner stated the county has recently made ORV's and golf carts the responsibility of local jurisdictions. I have been trying to figure out if Burton is in a no-zone or if we have to come up with an ordinance to regulate that in our city. We may want to be aware of this and look into it over the next couple of weeks.

Mr. Martinbianco suggests calling Commissioner Ellenburg and the City Attorney.

Mr. Fenner will find out more information and report back if it is something we need to address.

RESULT:	CARRIED [UNANIMOUS]
MOVER:	Gregory Fenner, Chair
SECONDER:	Christina Conley, Council
AYES:	Martinbianco, Fenner, Conley

Meeting was adjourned at 6:05 PM.