



CITY OF BURTON

BURTON LEGISLATIVE COMMITTEE MEETING

SEPTEMBER 8, 2020

MINUTES

Council Chambers

Regular Meeting

6:00 PM

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

This meeting was opened by Chair Gregory Fenner at 6:00 PM.

A. MEETING INFORMATION

Legislative Committee Meeting
Hosted by Racheal Boggs

Tuesday, Sep 8, 2020 6:00 pm | 1 hour | (UTC-04:00) Eastern Time (US & Canada)

Meeting number: 126 533 6302

Password: LC2020 (522020 from phones and video systems)

<https://cityofburton.my.webex.com/cityofburton.my/j.php?MTID=mcafe0d94225018ee04f49ed4cf99dcdc>

Join by video system

Dial 1265336302@webex.com

You can also dial 173.243.2.68 and enter your meeting number.

Join by phone

+1-415-655-0001 US Toll

Access code: 126 533 6302

B. CALL TO ORDER

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

C. STAFF PRESENT

Charles Abbey, DPW Director/HR

Racheal Boggs, City Clerk

Amanda Doyle, City Attorney

D. APPROVAL OF MINUTES

Mr. Fenner asked for a consent agenda for approval of all meeting minutes.

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

1. Legislative Committee - Regular Meeting - Feb 3, 2020 6:00 PM
2. Legislative Committee - Regular Meeting - Jul 6, 2020 6:00 PM
3. Legislative Committee - Regular Meeting - Jul 20, 2020 5:30 PM

E. AUDIENCE PARTICIPATION

Public Comment may be sent to publiccomment@burtonmi.gov
Comments received prior to the meeting will be read into the record.

F. AGENDA ITEMS

1. Amendment to Firearms Ordinance 139.02

Mr. Martinbianco stated the only issue he has is with pneumatic guns. Are they included in the ordinance?

Attorney Doyle stated I suppose technically, they would. That is not the way it is intended. It is a projectile. Refer to section (F) the wording here covers a nail gun. The equipment and devices used in the construction industry are allowed under this section.

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

2. Amendment to Weeds, Grasses and Brush Ordinance 91.01

Mr. Fenner stated this was brought to us from a citizen who was concerned about grass clippings being discharged into the road causing it to be unsafe for motorcycles and damaging our sewer system. It is intended to prevent people from discharging grass, leaves and vegetation into the road.

Mr. Martinbianco asked who is responsible in the case where there is a lawn care company hired to do the work. Is the property owner held responsible? What are the penalties for violation?

Attorney Doyle stated it is a civil infraction pursuant to Chapter 131 of the City Code of Ordinances. It is included in the last part of this ordinance.

Mr. Fenner stated as I am reading it, it says no person shall operate equipment in a manner as to cause the discharge. If the homeowner hired someone, they wouldn't be the one operating the equipment.

Attorney Doyle stated I agree with you however, you could also argue that if you hired them and they did the work and left and you did not clean up after them, you allowed it to remain in the roadway which is also prohibited. With the way the ordinance is constructed, you could site either the company or the homeowner. For instance, if you find a company who habitually employs this behavior, that might be something you could consider. Generally, I would say that it is the homeowner's responsibility.

Mr. Martinbianco stated ultimately, the responsibility falls on the homeowner. They should preempt the lawn care service by telling them they can't blow it in the road. Once this is published, everybody will understand what it is all about. Too many of our storm drains get filled and compacted with this stuff and the roads can't drain as they properly should. This will do a lot for our storm drain management especially in the paved areas. Relative to the non-curb and gutter streets, are they allowed to blow it in the road? One of the issues is there are some ditches that are un-navigable. They will shoot it into the ditch area and the culverts will be clogged and the city will have to clean them out.

Attorney Doyle stated the ordinance states adjacent to a public street so, as long as it is not a private road, the property owner is required to keep the clippings from the public road.

Mr. Martinbianco stated we have many heavily forested areas such as Lapeer Heights. Leaves fall in the road and it is the city's responsibility there. As long as we have that differentiation made, I don't have a problem with that.

Mr. Fenner stated the clear point is not to let it remain in the road. In my case, I have a bagger and some clippings will inadvertently fall down into the road. I use my leaf blower to blow it off the curb and back into the grass before I am done mowing.

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

Meeting was adjourned at 6:24 PM.



CITY OF BURTON
BURTON LEGISLATIVE COMMITTEE MEETING
FEBRUARY 3, 2020
MINUTES

Council Chambers

Regular Meeting

6:00 PM

4303 S. CENTER ROAD
BURTON, MI 48519

This meeting was opened by Chair Gregory Fenner at 6:00 PM.

A. CALL TO ORDER

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

B. STAFF PRESENT

Amber Abbey, Planning/Zoning Superintendent
 Racheal Boggs, City Clerk

C. AUDIENCE PARTICIPATION

None.

D. DISCUSSION AND OR RECOMMENDATION ON THE FOLLOWING ITEMS:

A. Marijuana Ordinance

Mr. Fenner asked about distances between properties that are already zoned.

Mrs. Abbey stated we don't change zoning ordinances for specific cases. That is what the Zoning Board of Appeals is there for.

Attorney Doyle stated there is a lawsuit pending.

Mrs. Conley asked, is it 1,000 feet between churches and schools?

Mrs. Abbey said, yes and daycare centers as well.

Mr. Fenner stated one complaint he is receiving is for the property on Dort Highway. It is a race to get zoned. The 10 properties that are licensed have to apply for a variance.

Mrs. Abbey stated this is the cleanest way to handle this. I think we are doing it right. Do you want every property in Burton to be able to do it? It limits them without picking a number.

Mr. Fenner stated the other issue is when a residential property is in a commercial zone and a marijuana facility cannot be within 200 feet of them.

Mrs. Abbey stated the Zoning Board of Appeals can listen to these individual cases as they come up.

B. Antidiscrimination Ordinance

Mr Fenner asked for Attorney opinion on whether or not the city should have this ordinance.

Attorney Doyle stated I cannot tell you whether to do it or not but I can make it happen if you want it done.

Mrs. Conley asked if this will be expensive for the city.

Attorney Doyle stated there would need to be a person in charge of this, a complaint process, a complaint form, etc. This may be costly.

Mr. Martinbianco stated as a businessman in the community, I have never had an issue. I don't discriminate. I don't think it is appropriate for the city to take that advantage. I don't think it is up to the people to decide either. People of that persuasion can do whatever they want to do. As you can see from the lack of people here tonight, it is not an important issue.

Mr. Fenner stated he would like to table it until after the state acts on it.

Mr. Martinbianco would like to drop it from the agenda so we don't have to table it and act on it at the next meeting.

1. Motion to remove Antidiscrimination Ordinance from the agenda.

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

C. Roadside Stand Ordinance and Vendor Permit Review

Mrs. Abbey stated we have never had much of a need to refine the ordinance. We mainly only dealt with fireworks stands and an occasional food truck. Now there is a need to update the ordinance. The majority of communities keep this under the zoning ordinance probably for enforcement reasons. My recommendation would be to write this for the Planning Commission and let them act on it then send it to council and make this a part of the zoning ordinance. I would like to deal with temporary uses, seasonal sales, outdoor dining, food trucks, etc. We need exclusions for events such as Back to the Bricks and time limits on these. They do need a \$500.00 clean-up bond. We could make it a little more substantial for the stands that could get out of control. We could keep it to new items and don't allow used items at all. I also don't want to take away from an agricultural farm stand. We need to leave room for those.

Mr. Fenner stated he would like to address the food truck. There was a 1972 orange rambler that sat all summer and someone would show up on weekends and barbecue. If code enforcement hadn't gone out, it would still be there all winter. Do we require applicants provide a certificate of health before they operate in our city?

Mrs. Abbey said we don't because the ordinance didn't require it. It is something we can add to the new one. The county enforces this pretty well. For the firework tents, there is a fire inspection that is done.

Mr. Martinbianco stated they already have a state license so they wouldn't be permitted on our property without it.

Mrs. Abbey stated we require they get a roadside stand permit. Just because they are licensed to sell fireworks doesn't mean they get to stick a stand up anywhere. The Fire Marshall does an inspection there and we should absolutely add this to the ordinance.

Discussion ensued regarding licensing requirements.

Attorney Doyle stated she has spoken with Amber about this at lengths and she agrees this belongs in the zoning ordinance.

Mr. Martinbianco said so what you're saying Amber is that any roadside stand of any fashion has to have a permit. What about automobile being sold on the side of the road?

Mrs. Abbey stated this is not allowed. The Code Enforcement Officer will go out. You will see orange stickers on them all the time.

Mr. Martinbianco asked, have you had any violations that have been forwarded to the attorney?

Attorney Doyle stated they are only brought to me if it is a perpetual violation or one that doesn't get resolved. At that point, they request a formal hearing. Otherwise, a lot of times these tickets are just paid. They are a civil infraction and they go to the court to pay it so I don't see it.

Mr. Fenner asked, do they tow them if they are not moved after we have placed stickers on them?

Mrs. Abbey said, yes.

Discussion ensued regarding the enforcement of car sales on the side of the road.

Mr. Martinbianco stated my brother-in-law and I set up a tent on Saginaw Street at Back to the Bricks across from Trapper Joe's on our own property and give away free food. If we make this change to the ordinance, we wouldn't be able to do this anymore? Also, if people are trying to make a little money, we should allow it. I don't think this is fair.

Mrs. Abbey stated my guess is that the Planning Commission will make exceptions for certain events such as Back to the Bricks. We are not adding something we are just fixing the ordinance. There will be more requirements, more allowable uses and give specific time frames. The intent is not to hurt anyone.

Discussion ensued regarding what constitutes an event, guidelines and limitations for food trucks and roadside stands competing with businesses in Burton.

Attorney Doyle stated I think the intent here is that a roadside stand that is set up during an event such as Back to the Bricks will not be a violation.

Mrs. Abbey stated there is nobody during Back to the Bricks who is getting a permit. The way our ordinance reads right now, they should be. This is after 5:00 and on weekends so they are harder to police. The Planning Commission will probably require no permit but maybe some kind of registration so we know who you are, what you're doing and that you have Health Department approval. If you have ideas you would like to give me,

I can include it in the draft to the Planning Commission in March. It will then go to council the end of March or early April.

Mr. Fenner asked what if someone applies or tries to set a tent up during the time we are amending the ordinance.

Mrs. Abbey stated she would deny any events like that with the intention that we are proposing an ordinance that he would not comply with. It can then be appealed to the Zoning Board.

Meeting was adjourned at 6:40 PM.



CITY OF BURTON

BURTON LEGISLATIVE COMMITTEE MEETING

JULY 6, 2020

MINUTES

Council Chambers

Regular Meeting

6:00 PM

4303 S. CENTER ROAD
BURTON, MI 48519

This meeting was opened by Legislative Chair Gregory Fenner at 6:15 PM.

A. MEETING INFORMATION

Legislative Meeting

Hosted by Racheal Boggs

Monday, Jul 6, 2020 6:00 pm | 50 minutes | (UTC-04:00) Eastern Time (US & Canada)

Meeting number: 126 350 0220

Password: H3q3STBpRH8 (43737827 from phones and video systems)

<https://meetingsamer4.webex.com/meetingsamer4/j.php?MTID=m00f696502f60cf91e6a0b632bbc44992>

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You can also dial 173.243.2.68 and enter your meeting number.

Join by phone

+1-408-418-9388 United States Toll

Access code: 126 350 0220

PUBLIC COMMENT FOR THIS MEETING MAY BE SENT TO: publiccomment@burtonmi.gov

B. CALL TO ORDER

Attendee Name	Title	Status	Arrived
Tom Martinbianco	Council Member	Remote	
Gregory Fenner	Legislative Chair	Present	
Christina Conley	Council Member	Present	

C. STAFF PRESENT

Racheal Boggs, City Clerk

Charles Abbey, DPW Director

Amanda Doyle, City Attorney

D. AUDIENCE PARTICIPATION

PUBLIC COMMENTS FOR THIS MEETING MAY BE SENT TO: publiccomment@burtonmi.gov

Public Comments received prior to the meeting will be read into the public record.

Ms. Boggs read the following into the public record:

Minutes Acceptance: Minutes of Jul 6, 2020 6:00 PM (Approval of Minutes)

Kevin Burge 1415 S. Genevieve Street made a comment regarding the grass clippings in the road ways. I have had motorcycles in the past and wet roads are no fun but adding grass clippings to the mix makes it like ice. If we could get an ordinance for grass and debris it could help with the clogging of the drains. There is always the one house that blows their clippings in the roads making the neighborhoods look bad when everyone else is trying to make it look good. It might be hard to enforce but we could at least try. Right now we could rake leaves into the road with no way to stop it.

E. COUNCIL DISCUSSION ON THE FOLLOWING ITEMS.

A. Discussion on Police Policy

Mrs. Conley stated I don't think it is necessary what is going on in the department. It is my understanding that they are wanting to know if there is one officer that is continuously getting in trouble, we would like to be notified. We don't need to know what the police are doing all the time.

Mr. Fenner stated I am almost on the same page. I would like to be made aware if it was a really serious violation, but I don't need to know if a police officer didn't use his turn signal turning into McDonald's. We don't need to micro manage, I want the Police Chief to do his job. Which would be to sort through these, figure out which ones have merit, do an investigation and let us know that there is an investigation underway.

Mrs. Conley stated we don't want to micro manage either and I don't think the rest of the council does either. They are just saying if one officer has a lot of complaints on him, we would like to know about it.

Mr. Fenner asked if we want to put a number on the amount of complaints against a single officer before the council is notified. The merit of the complaint is more important to me than the number of them.

Mrs. Conley stated we are just discussing this today and I think if we take it to the council tonight we can open it up for more discussion.

Mr. Fenner stated it seems like it was discussed and then brought down here for our discussion and stamp of approval.

Mrs. Conley stated I think it was brought to us also because it was given to everyone that night and they didn't get to look at it. We did it this way so they have time to digest it and look over it. Then they can ask questions if they have any at the council meeting tonight if we choose to take it there.

Mr. Fenner asked how does this work with two people for a vote. Can we vote to take it to council or not to take it to council?

Mrs. Conley asked can we go over the firearms and the grass clippings and take them all over to council or do you want us to vote on each one separately?

Ms. Boggs stated the City Attorney is with us.

Attorney Doyle asked for the committee to repeat the question.

Mr. Abbey stated they have three issues they are going to bring up tonight to refer them to council. With only two or the three Legislative members here, does it constitute the quorum? Do they need to vote on them all individually or just report them all out in the

format if they want them to go to council?

Attorney Doyle stated she would take all three issues as individual votes.

Mr. Fenner asked Mr. Martinbianco if he has been present for the entire discussion. We have added a grass clippings motion to the agenda. Right now we are currently on the police policy and we are discussing whether we should forward this to council or not.

Mr. Martinbianco stated I just wonder if we are going to stir up a hornets nest with the unions. Some of these policies might be an invasion on their right to privacy although I do agree that if there are such things in the progression of discipline the council should have some basic knowledge of it. We will end up in executive session anyway if there is any type of litigation filed.

Mr. Abbey stated it makes sense to only be notified of serious discipline actions because there are residents that call and complain about an officers handling each and every day. We have to try to weed through them to see if there is merit or if we just have a disgruntled resident that is mad over an issue and think it got handled improperly. Some of that is really subjective and needs to be weighed on merit.

Mr. Martinbianco stated at that point we have to trust the value of judgment and who makes that call whether or not it is of such severity that the council should be made aware of it for the reason that we may have to go into executive session because maybe there is going to be a lawsuit filed. That makes sense to me. Going back to what Mr. Fenner stated, when does the micro-managing begin and how much of that should the council be informed about. I am not sure we can draw that line or whom is best equipped to make that call.

Mr. Fenner stated one example I used was that if an officer doesn't use his turn signal going into get lunch, we don't need to know that. We need to decide if there should be wording in there that we get notified if there are a certain number of violations or a certain standard of violations that should be reported.

Mr. Martinbianco stated that would make sense.

Attorney Doyle stated in light of some of the issues that Mr. Martinbianco and Mrs. Conley have brought up, wouldn't it make sense to trust that your Police Chief would only bring you the important complaints and not put another policy in place.

Mr. Fenner stated I completely agree with that. I just want to make sure we are all on the same page before we sign off on this. We have to trust our Police Chief. If anyone wanted to see how many complaints are logged every month they could just send a FOIA request. I am in favor of what we have here.

Mr. Martinbianco stated I am good with that.

Mr. Fenner asked if we need a motion to squash this?

Mr. Abbey stated I don't think you have to do that Mr. Chairman. If a motion doesn't go out of committee then it dies in committee.

F. COUNCIL ACTION

1. Motion to add Grass Clippings Ordinance to the agenda.

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

2. Motion to table Grass, Leaves, and Snow Removal Ordinance until the next Legislative Meeting in two weeks.

Mr. Fenner stated onto the grass clipping, leaves and snow in the roadways. As I read the ordinance it does tell you to have the sidewalks clear. It also states it is not to go into the road so there is an ordinance and it common sense not to do that. I have some pictures on my phone of some drains being clogged with grass and leaves. Then we are also talking about the bikers and the safety issues for them. There are a couple cities that have a hazard ordinance. Maybe this is another thing that we should wait the two weeks and then take another look at. Any other comments on that?

Mrs. Conley stated I agree with that.

Mr. Martinbianco expressed agreement.

Mr. Fenner stated the ordinance currently does not state to keep the sidewalks clear. It does state that it cannot go into the road. Drains are being clogged and this is unsafe for motorcycles and bikers. Other cities have hazard ordinances. Maybe we should also revisit this in two weeks.

Mrs. Conley and Mr. Martinbianco agreed.

RESULT:	CARRIED [UNANIMOUS]
MOVER:	Christina Conley, Council Member
SECONDER:	Tom Martinbianco, Council Member
AYES:	Martinbianco, Fenner, Conley

3. Motion to table Firearms Ordinance until the next Legislative Meeting in two weeks.

Mr. Fenner stated my understanding is that our current firearm ordinance is you can fire any type of gun in the City of Burton as long as it is 450 feet from any structure. In today's world, we have many rifles that hold up to a mile. When this was put in place, we probably didn't have a subdivision within every mile. But, I also understand that some residents like to go do some skeet shooting on 10 acres which wouldn't be harmful and they should be allowed to do that. So, any suggestions to shotgun usage?

Mr. Martinbianco stated I will point out one instance, I am not sure if he is still there because I have not heard him shoot in a while, but there was a firearms instructor that was primarily for 9mm and 45cal that lived on Belsay Road who has 10 acres and was conducting classes there. I can not attest to if he is licensed or not. As you pointed out, there is a subdivision on almost every corner now. The 450 set back will be almost impossible in most areas of the city. There are some areas where a

shotgun might be okay. Back in the day, I think it might have been 20 gauge and smaller. Everybody was shooting a 12 gauge. If we did craft something we would have to be very careful on what it would include and where we would put it.

Mrs. Conley stated I have had a lot of complaints about gun firing in our area. Where I live, there are woods nearby. To say people can shoot guns there, I am totally against it because kids are always curious. There may be a no trespassing sign but its always cool to make a camp somewhere. I have a gentleman who walks on my property in the woods, he is 90 years old. To have somebody shooting a gun and have someone else in the woods, you are going to have to live with it. I am totally against it in residential areas. We have gun clubs and other areas available. I have spoke to other people and it worries them also.

Mr. Fenner asked for the attorney to weigh in on how other municipalities handle this.

Attorney Doyle stated it varies, obviously. Many of them around here have the 450 feet requirement. Some in Livingston county, you cannot do them anywhere within the city limits. Others have more specific, more detailed ordinances. It depends on the make-up of your city. You can pretty much do whatever you would like from allowing it to completely banning it.

Mr. Abbey stated the 450 feet is a state law.

Mr. Fenner stated I can't imagine, for example, in the City of Flint, Where are you going to get any firearm practice?

Attorney Doyle stated you are correct, and Mr. Abbey is actually correct. I don't mean anywhere and everywhere. The minimum is 450 feet. I do know you can't just go shoot a gun anywhere. However, when you get up into communities like Montrose and Flushing, Goodrich, places with bigger properties, you can.

Mr. Fenner stated I agree with you, when we talk about those municipalities what are their ordinances? I can't imagine they are allowing within 450 feet in the City of Grand Blanc but maybe the Township.

Attorney Doyle said, absolutely. Here is the problem, Burton was initially a Township so we have a lot of those characteristics. Not many anymore but there are still some. Like you were all eluding to, there are properties that have 10 acres. For purposes of this ordinance, I don't know if we can treat Burton as a city like Grand Blanc or a city like Flint versus a township like Montrose or Flushing. That is your call.

Mr. Fenner stated I am open to suggestions here as to where we want to go. I am assuming we need to take something very specific to council as opposed to just saying we want to change the ordinance. We have to come up with a plan.

Mr. Conley stated I think having a discussion with council on this topic would help us too. They may have incidents to discuss that we are not aware of. I just do not think guns should go off by neighborhoods at all.

Mr. Martinbianco stated it sounds like we need some more input and I don't know if the MML can provide any kind of guidance one way or the other. At this point, I think we should take a couple of weeks to take a look at some different options and then come back to the Legislative Committee to see if we can put something together that will make sense and not discriminate against anybody. I understand Tina's concern. This is a big thing and it will get misconstrued in a lot of cases.

Mr. Fenner stated we want to keep people safe and I know that times have changed from the time when we were a township to now being a city. We have a different make-up. I am at least in favor of having time restrictions.

Mr. Martinbianco expressed agreement. I would like to table this Item to our next Legislative Committee meeting, at least two weeks.

Mrs. Conley stated I am not against guns, I just don't want them shot in residential areas.

RESULT:	CARRIED [UNANIMOUS]
MOVER:	Tom Martinbianco, Council Member
SECONDER:	Christina Conley, Council Member
AYES:	Martinbianco, Fenner, Conley

Meeting was adjourned at 6:45 PM.



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.

Minutes Acceptance: Minutes of Jul 20, 2020 5:30 PM (Approval of Minutes)

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.



ADOPTED

AGENDA ITEM (ID # 4872)

DOC ID: 4872

Amendment to Firearms Ordinance 139.02

COMMENTS - Current Meeting:

Mr. Martinbianco stated the only issue he has is with pneumatic guns. Are they included in the ordinance?

Attorney Doyle stated I suppose technically, they would. That is not the way it is intended. It is a projectile. Refer to section (F) the wording here covers a nail gun. The equipment and devices used in the construction industry are allowed under this section.

ATTACHMENTS:

- DRAFT 1 Firearms Ordinance Amendment (002) (DOCX)

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

**CITY OF BURTON
COUNTY OF GENESEE, MICHIGAN**

ORDINANCE 2020 – - 139.02

AN ORDINANCE AMENDING THE BURTON CITY CODE OF ORDINANCES, § 139.02, DISCHARGE OF FIREARMS AND PNEUMATIC GUNS, BY PROHIBITING THE DRAWING, FLOURISHING, FIRING OR DISCHARGING OF A FIREARM OR PNEUMATIC GUN AND PROVIDING FOR EXCEPTIONS THERETO; AND TO PROVIDE THE PENALTY FOR THE VIOLATION THEREOF.

THE CITY OF BURTON HEREBY ORDAINS:

SECTION I

Chapter 139, section 02 is hereby amended as follows:

§ 139.02. Discharge of firearms and pneumatic guns.

(A) *Purpose.* The purpose of this section is to secure and maintain the public peace, health, safety, welfare and convenience of the residents and property owners of the city by the regulation of the use of pneumatic guns, pistols, firearms, bows and arrows, cross bows, and other devices capable of expelling a projectile in the city and the approval of pistol and other firearms ranges.

(B) *Definitions.* As used in this section:

- (1) Building, structure and edifice mean a space within walls and usually, but not necessarily, covered with a roof.
- (2) Firearm means any weapon which will, is designed to, or may readily be converted to expel a projectile by action of an explosive.
- (3) Pistol means that term as defined in section 222 of the Michigan penal code, 1931 PA 328, MCL 750.222.
- (4) Pneumatic gun means any implement, designed as a gun, that will expel a BB or pellet by spring, gas, or air. Pneumatic gun includes a paintball gun that expels by pneumatic pressure plastic balls filled with paint for the purpose of marking the point of impact.

- (5) Bow means a device for propelling an arrow from a string drawn, held, and released by hand if the force used to hold the string in the drawn position is provided by the archer's muscles.
 - (6) Crossbow means a weapon consisting of a bow, with a draw weight of 100 pounds or more, mounted transversely on a stock or frame and designed to fire an arrow, bolt, or quarrel by the release of a bow string controlled by a mechanical or electric trigger with a working safety.
 - (7) Other device capable of expelling a projectile means a device other than a firearm, pistol, or pneumatic gun from which is propelled a missile, projectile, pellet or other mass by means of springs, rubber, elastic strip, levers or other mechanical devices.
- (C) *Discharge of pistols and other firearms prohibited; exceptions.* No person shall draw, flourish or fire a pistol or other firearm in or into the city except as follows:
- (1) An authorized officer of the law may draw, flourish or fire a pistol or other firearm in the performance of his official duties.
 - (2) When permitted by law, a person may discharge a pistol or other firearm for the protection of a human life.
 - (3) A person may discharge a shotgun at any time for the purpose of preventing depredation to property by birds or other animals in accordance with the provisions of the Natural Resources and Environmental Protection Act (MCL 324.101 et seq., MSA 13A.101 et seq.).
- (D) *Minors.* No person under the age of 17 years shall discharge a pistol or other firearm in the city unless under the direct supervision and control of and accompanied by a parent, legal guardian or other adult person authorized by such parent or legal guardian to have direct supervision of the person under the age of 17 years. However, every parent, guardian or other person having the physical custody or charge of a minor under the age of 17 years shall control such minor and prevent him from violating or attempting to violate any of the provisions of this section.
- (E) *Possession of pneumatic gun, bow, crossbow, or, other device capable of expelling a projectile by individual below the age of 16.* An individual below the age of 16 may not possess a pneumatic gun bow, crossbow, or, other device capable of expelling a projectile unless he or she is under the supervision of a parent, a guardian, or an individual 18 years of age or older, except that an individual below the age of 16 may possess a pneumatic gun on or within private property within the city if the individual below the age of 16 is authorized to possess the pneumatic gun by a parent or guardian and the property owner or legal possessor of the property.

- (F) *Discharge of pneumatic guns, bows, crossbows, or, other devices capable of expelling a projectile prohibited; exceptions.* The discharge of pneumatic guns, bows, crossbows, or, other devices capable of expelling a projectile is prohibited in any area within the city that is so heavily populated as to make that conduct dangerous to the inhabitants of that area, except that the discharge of pneumatic guns, bows, crossbows, or, other devices capable of expelling a projectile is not prohibited within the city at authorized target ranges, on other property where firearms may be discharged, or on or within private property with the permission of the owner or possessor of that property if conducted with reasonable care to prevent a projectile from crossing the bounds of the property.
- (G) Nothing herein shall prohibit the drawing, flourishing, or firing of firearms at a duly licensed fire range or shooting gallery.
- (H) No person may point, wave about, or display a pneumatic gun, bow and arrow, crossbow, or other device capable of expelling a projectile in a threatening manner with the intent to induce fear in another individual 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 as a criminal misdemeanor and shall carry a maximum sentence of 90 days in jail and/or a \$500 fine.

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: DUANE HASKINS, MAYOR

By: RACHEL BOGGS, CLERK

Ordinance introduced on:

Second Reading:

Publication date:

Effective date:



ADOPTED

AGENDA ITEM (ID # 4873)

DOC ID: 4873

Amendment to Weeds, Grasses and Brush Ordinance 91.01

COMMENTS - Current Meeting:

Mr. Fenner stated this was brought to us from a citizen who was concerned about grass clippings being discharged into the road causing it to be unsafe for motorcycles and damaging our sewer system. It is intended to prevent people from discharging grass, leaves and vegetation into the road.

Mr. Martinbianco asked who is responsible in the case where there is a lawn care company hired to do the work. Is the property owner held responsible? What are the penalties for violation?

Attorney Doyle stated it is a civil infraction pursuant to Chapter 131 of the City Code of Ordinances. It is included in the last part of this ordinance.

Mr. Fenner stated as I am reading it, it says no person shall operate equipment in a manner as to cause the discharge. If the homeowner hired someone, they wouldn't be the one operating the equipment.

Attorney Doyle stated I agree with you however, you could also argue that if you hired them and they did the work and left and you did not clean up after them, you allowed it to remain in the roadway which is also prohibited. With the way the ordinance is constructed, you could site either the company or the homeowner. For instance, if you find a company who habitually employs this behavior, that might be something you could consider. Generally, I would say that it is the homeowner's responsibility.

Mr. Martinbianco stated ultimately, the responsibility falls on the homeowner. They should preempt the lawn care service by telling them they can't blow it in the road. Once this is published, everybody will understand what it is all about. Too many of our storm drains get filled and compacted with this stuff and the roads can't drain as they properly should. This will do a lot for our storm drain management especially in the paved areas. Relative to the non-curb and gutter streets, are they allowed to blow it in the road? One of the issues is there are some ditches that are un-navigable. They will shoot it into the ditch area and the culverts will be clogged and the city will have to clean them out.

Attorney Doyle stated the ordinance states adjacent to a public street so, as long as it is not a private road, the property owner is required to keep the clippings from the public road.

Mr. Martinbianco stated we have many heavily forested areas such as Lapeer Heights. Leaves fall in the road and it is the city's responsibility there. As long as we have that differentiation made, I don't have a problem with that.

Mr. Fenner stated the clear point is not to let it remain in the road. In my case, I have a bagger and some clippings will inadvertently fall down into the road. I use my leaf blower to blow it off the curb and back into the grass before I am done mowing.

ATTACHMENTS:

- burton grass clippings in street (002) (DOCX)

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

**CITY OF BURTON
COUNTY OF GENESEE, MICHIGAN**

ORDINANCE 2020 – - 91.01

AN ORDINANCE AMENDING THE BURTON CITY CODE OF ORDINANCES, § 91.01 WEEDS, GRASSES, AND BRUSH; REMOVAL; COSTS BY THE ADDITION OF A NEW SUBSECTION (E) PROHIBITING GRASS CLIPPINGS AND OTHER LITTER FROM BEING DISPERSED ONTO THE ROADWAY; AND TO PROVIDE THE PENALTY FOR THE VIOLATION THEREOF.

THE CITY OF BURTON HEREBY ORDAINS:

SECTION I

Chapter 91, section 01 is hereby amended as follows:

- (E) No person shall operate mowing equipment adjacent to a public street, in such a manner as to cause the discharge of grass clippings, vegetative material or other litter, to be disbursed or remain in the public street.
- (F) The penalty for violation of this section shall be deemed a municipal civil infraction and upon a finding of responsibility shall be subject to the penalties set forth herein.

Sections (A) – (D) remain unchanged.

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 as a municipal civil infraction pursuant to Chapter 131 of the City's Code of Ordinances.

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: DUANE HASKINS, MAYOR

By: RACHEL BOGGS, CLERK

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