



BURTON, MICHIGAN
BURTON LEGISLATIVE COMMITTEE MEETING
AUGUST 18, 2014
MINUTES

Council Chambers
Special Meeting
6:00 PM

4303 S. CENTER ROAD
BURTON, MI 48519

This meeting was opened by Chairwoman Ellen Ellenburg at 6:00 PM.

A. CALL TO ORDER

Attendee Name	Title	Status	Arrived
Dennis O'Keefe	Councilman	Present	
Steve Heffner	Councilman	Present	
Ellen Ellenburg	Chairwoman	Present	

B. STAFF PRESENT

T. Karsney, City Clerk
A. Doyle, City Attorney

R. Austin, City Attorney

C. APPROVAL OF MINUTES

- Legislative Committee - Special Meeting - Jul 22, 2014 6:00 PM

RESULT:	ACCEPTED [UNANIMOUS]
MOVER:	Dennis O'Keefe, Councilman
SECONDER:	Steve Heffner, Councilman
AYES:	O'Keefe, Heffner, Ellenburg

D. AUDIENCE PARTICIPATION

Jessica Earns of Burton told council about how the neighbor's dog attacked her dog and that she feels this ordinance is a good idea.

Judith Estes of Burton stated that her neighbor's pit bull came over her fence and now she is paying to put up a taller fence to keep their dog in. She wants to know if she can bungee cord the fence to their chain link fence.

E. COUNCIL DISCUSSION ON THE FOLLOWING ITEMS.

- Discussion on Vicious Dog Ordinance 2014-8-133.06

Mr. O'Keefe asked Mr. Austin to let Ms. Estes know if she could bungee cord the fence up.

Mr. Austin stated that he didn't think the City would allow that and that she would have to contact Amber Abbey in the Building Department.

Mr. O'Keefe stated he is a dog person. Dog owners in Burton need to be responsible for their dogs. He passed out the article about the jogger that was killed in Metamora. The City needs to get tuff on the matter. He felt that Mr. Austin did a great job on writing this ordinance.

Mr. Heffner also felt the ordinance was well written and not breed specific. Mr. Heffner would like to remove the words "or code enforcement officer" from paragraph D section 1 and 2. Everyone was in agreement with that amendment.

2. To approve Ordinance 2014-8-133.06 and refer it to City Council for First Reading on the August 18, 2014 meeting as amended.

RESULT:	CARRIED [UNANIMOUS]
MOVER:	Dennis O'Keefe, Councilman
SECONDER:	Steve Heffner, Councilman
AYES:	O'Keefe, Heffner, Ellenburg

3. Discussion on Panhandling Ordinance 144.09
4. Motion to table this item until a later date.

RESULT:	CARRIED [UNANIMOUS]
MOVER:	Steve Heffner, Councilman
SECONDER:	Dennis O'Keefe, Councilman
AYES:	O'Keefe, Heffner, Ellenburg

5. Discussion on Disorderly Ordinance 144.08

Mr. Austin described why this revision to this ordinance came about. He would like this new ordinance to replace the current one.

Mr. O'Keefe asked if we don't pass a Panhandling ordinance with Flint Township then can we use this Disorderly conduct ordinance if people are blocking traffic or knocking on your car window for money.

Mr. Austin stated yes, you could use this ordinance for the matter.

Mr. Heffner asked Mr. Austin to explain item B section 5. He asked if a person was just out for a late night walk would they be arrested for that. He stated that we don't want to be stepping on people's rights.

Mr. Austin stated no.

Mrs. Ellenburg stated that if someone in the Neighborhood Watch called the police at least the police could come out and check these people out if they were wandering around in the middle of the night.

6. Motion to refer this Disorderly Ordinance 144.08 to City Council for First Reading on September 2, 2014.

RESULT:	CARRIED [UNANIMOUS]
MOVER:	Dennis O'Keefe, Councilman
SECONDER:	Steve Heffner, Councilman
AYES:	O'Keefe, Heffner, Ellenburg

DRAFT

BURTON, MICHIGAN

BURTON LEGISLATIVE COMMITTEE MEETING

JULY 22, 2014

MINUTES

Council Chambers

Special Meeting

6:00 PM

4303 S. CENTER ROAD
BURTON, MI 48519

This meeting was opened by Chairwoman Ellen Ellenburg at 6:00 PM.

A. CALL TO ORDER

Attendee Name	Title	Status	Arrived
Dennis O'Keefe	Councilman	Present	
Steve Heffner	Councilman	Present	
Ellen Ellenburg	Chairwoman	Present	

B. STAFF PRESENT

Teresa Karsney, City Clerk

C. AUDIENCE PARTICIPAATION

Vicious Dog Discussion

Linda Hartman of Burton came before Council about a Pitbull that has attacked 4 people that she knows of. The City needs something in place because it goes back and forth that it's the City of Burton's problem to Animal Control. The Ordinance we have doesn't solve anything for the owner to just pay a ticket if a dog bites someone or something.

Judy Estes of Burton has a Pitbull in her back yard that came under her fence and attacked her Black Lab. She has offered to help put up a fence with that neighbor but to no avail. This dog is vicious and something needs to be done about it because the owners aren't doing anything.

Alissa Neilson of Burton said she came before the board 3 years ago expressing that dogs are not the problem, owners are. She was previously attacked by a vicious dog. She hopes the board does not put an ordinance in place that is breed specific.

Feral Cat Discussion

Chris Johns of Burton thanked the board for considering this matter and asked that they rely on local leaders who are experts in feline population containment. He would like Burton to be a leader in the humane treatment of animals in Genesee County.

Bill Heatley of Davison is very involved with animal advocacy within the County. He goes out many days and picks up Pitbulls. Right now there is a group of people working hard to get All About Animals in to the City of Flint. They have free spay/neuter clinics because they get sponsored. He said if All About Animals sees the need they will establish a clinic here. The volunteer base for animals in this County is huge. People want to make a difference and want things to change. He has been dealing with Stepheni Lazar, the Animal Control Director and her judgement with animal situations is very poor. When you have her making a decision to euthanize a cat or dog please take things into account. There a few colonies in Burton right now. One is behind Wendy's on Belsay Rd. The number of cats there has been diminished down to about 5 from over 20.

Sharon Swanson of Burton said she has taken in animals, fed them and had them fixed all of her life. She has several animals she is responsible for and she can't do this anymore. It would be nice if Burton could provide even a list of organizations that might help people like her who want these animals taken care of. She knows many people don't like animals but to her, they are alive and they are precious.

Pam Houston of Mt. Morris said people don't realize these cats keep down the rodent population. Even Disneyland has a TNR program to control the rodent population.

Jerry Kutcher of Burton has a really bad cat problem of about 15 cats in his neighborhood. They have ruined his property and sprayed his house. He attended this meeting to see what he can do to help this situation. He has called Animal Control and they said they would not come pick up these cats.

Holly Miller of Burton has been getting educated on the TNR program. Her idea of this program is to sterilize the cat and turn it back out. It is left homeless, fending for food and hunting in the wild. A cat should be treated like a dog. It should be with a loving family. When did a stray cat become part of our society of wild animals? She is not totally for this program. People feeding animals are compounding the problem. If you don't have food around your property you probably won't have rodents. How about an ordinance pertaining to cat owners having to be responsible for their animal?

John Stapish of Burton has rental properties in the south end of Burton and there are cats living a house over there. He doesn't like it.

D. COUNCIL DISCUSSION ON THE FOLLOWING ITEMS.

1. Discussion on Animal Ordinance regarding Vicious Dogs and Feral Cats with possible recommendations to the City Council.

Vicious Dog Discussion

Mrs. Ellenburg said she received ordinances from many other communities regarding dogs. She said the City of Flint one seems to fit our needs.

Attorney Austin referenced the dog who has attacked others. The dog is at Animal Control and will be kept there pending the appeal to Judge Neithercut at Circuit Court. He is not involved in those proceedings and unless someone calls him in, he will not be involved in the appeal. Many of the ordinances they were provided did not have vicious dog provisions. What they do have is not breed specific and he urged them not to go down that path again. Some provisions were to be on a leash, muzzled, properly secured, confined outside, putting up a sign, insurance, etc. He said if any vicious dog ordinance is adopted it needs to be very specific otherwise there is no purpose in adopting an ordinance. Almost all of these dog cases the dog is running at large.

Mr. Heffner asked if a dog bites someone who is trespassing in that yard or home would they be deemed a vicious dog.

Mr. Austin referred to the City of Flint ordinance where it says a definition of what a vicious dog shall not include.

Mr. O'Keefe said we need something putting liability on the owner. He said Animal Control rarely shows up and if they do come there is 1 person and he has been told a tranquilizer gun cannot be used unless there is 2 people. He feels there need to be

another provision for the police officers, who can deem what is necessary to take place.

Mrs. Ellenburg went over some fees that owners of vicious dogs could incur if the dog bites. She wondered what has happened to these dogs to make them vicious. Sometimes dogs become what their owners teach them.

Mr. O'Keefe feels there should be misdemeanor charges to go along with fees.

Mr. Austin said an ordinance would need to be consistent with our criminal code provisions. This would be punishable by a fine of up to \$500 or jail time of up to 90 days or both. That's the kind of ordinance he would draft for Burton. We can add that the police officers can take whatever action necessary.

Mrs. Ellenburg would like it expanded to our Fire Department staff, Public Safety, DPW staff so they can protect themselves.

Mr. Heffner would like it limited to the Police Officers.

Mrs. Ellenburg said if a City of Burton employee gets hurt by a dog then the City has to pay out Workman's Compensation.

Mr. Austin feels Mr. Worthing or firefighters would contact the police if they came across a vicious dog. He said Stepheni Lazar of Animal Control will be looking for certain provisions in the ordinance so the dog can be picked up and kept at Animal Control as a quarantine situation.

Feral Cat Discussion

Mrs. Ellenburg said there isn't anybody who has an ordinance for feral cats. She has been researching this and there are a lot of grants out there but there are no municipalities that front the money for it because that is taxpayer dollars. She asked Tammy Beal to speak on this.

Tammy Beal of Grand Blanc has been doing Trap Neuter Return for about 3 years. There is an estimation of about 70 million feral cats in the U.S. The cats belong to no one. And one cat can produce 3 litters in 1 year. She explained that TNR is when a colony of cats is humanely trapped, sterilized and vaccinated. The kittens are adopted into homes if possible. Adult feral cats are ear tipped for identification and returned to their outdoor homes and the numbers gradually go down over time. Trap Neuter Remove require continuous trapping and killing is an unending budget expense. This is normally not supported by the community. You can make a difference and save lives by doing TNR. It is not about rescuing cats but about population control or getting cats great homes but about lowering stray intake and lowering euthanasia rates, which reduces rates for animal control. In her experience the neighbors become relieved to know that something is being done to stabilize the cats population.

Mrs. Ellenburg said the residents need to understand that if you care enough to feed the cat then you should care enough to get it sterilized.

Mr. Austin doesn't see a place for a new City Ordinance. It probably wouldn't be productive.

Mr. O'Keefe said maybe the people that represent groups here can help us. Maybe Mrs. Ellenburg can get with these people and we can list on our website who

residents can call for assistance. We are a City that pays to a County for Animal Control and he would be interested to know what their stance is on this.

Mrs. Ellenburg said maybe we can work together and maybe everyone can help their own neighborhood.

Mr. Austin said recently the City of Burton arrested a man who was soliciting money on a public roadway. They arrested him based upon our Disorderly Person Ordinance, which outlaws this behavior. Lieutenant. Odette had him released based upon what the Supreme Court currently spoke upon with this issue. Our Ordinance is out of date, doesn't comply with recent Supreme Court Opinions and must be revised. Ms. Doyle has drafted 2 new proposed ordinances for this purpose for your consideration. We either outlaw all street solicitation's panhandler's, which would include the Burton Firemen, Old Newsboy's and Boy Scouts or we do not outlaw it.

2. To direct Attorney Austin to write an ordinance pertaining to vicious dogs to be reviewed on August 18th at 6:00 p.m. and if approved to be on the City Council agenda that same night.

RESULT:	CARRIED [UNANIMOUS]
MOVER:	Dennis O'Keefe, Councilman
SECONDER:	Steve Heffner, Councilman
AYES:	O'Keefe, Heffner, Ellenburg



Burton Legislative Committee
4303 S. Center Rd.
Burton, MI 48519

Meeting: 08/18/14 06:00 PM
Department: Clerk's Office
Category: Discussion
Prepared By: Teresa M. Karsney
Department Head: Teresa M. Karsney

E.1

SCHEDULED

AGENDA ITEM (ID # 1165)

DOC ID: 1165

Discussion on Vicious Dog Ordinance 2014-8-133.06

ATTACHMENTS:

- Vicious Dogs Ordinance 133.06(DOCX)

CITY OF BURTON
GENESEE COUNTY, MICHIGAN

ORDINANCE NO. 2014- 8 - 133.06

AN ORDINANCE AMENDING CHAPTER 134 OF THE CITY
OF BURTON CODE OF ORDINANCES TO DEFINE AND
REGULATE VICIOUS DOGS KEPT OR FOUND WITHIN THE
CITY OF BURTON AND TO PROVIDE CRIMINAL PENALTIES
FOR THE VIOLATION OF SUCH REGULATIONS

THE CITY OF BURTON ORDAINS:

SECTION I

Chapter 133 of the Code of Ordinances of the City of Burton is hereby amended to provide as follows:

Section 133.06 VICIOUS DOGS

(A) The following definitions shall apply to the regulations set forth in this Section:

- (1) The term "VICIOUS DOG" shall mean a dog that bites or attacks a person or a dog that bites and attacks and causes serious injury or death to another dog while the other dog is on the property or under the control of its owner. The term shall also include any dog that the owner knows has a tendency a propensity or disposition to attack.

The term "VICIOUS DOG" shall not include any of the following:

- (a) A dog that bites or attacks a person who is knowingly trespassing on the property of the dog's owner; or
- (b) A dog that bites or attacks a person who provokes or torments the dog; or
- (c) A dog that is responding in a manner that an ordinary and reasonable person would conclude was designed to protect a person if that person is engaged in a lawful activity or is the subject of an assault.

- (2) The term "OWNER" shall mean a person who owns keeps

or harbors a dog.

- (3) The term "PROVOKE" shall mean to perform a willful act or omission that an ordinary and reasonable person would conclude is likely to precipitate the bite or attack by an ordinary dog or animal.
 - (4) The term "SERIOUS INJURY" shall mean permanent, serious disfigurement, serious impairment of health, or serious impairment of a bodily function of a person.
 - (5) The term "TORMENT" shall mean an act or omission that causes unjustifiable pain, suffering, and distress to an animal, or causes mental and emotional anguish in the animal as evidenced by its altered behavior, for a purpose such as sadistic pleasure, coercion, or punishment that an ordinary and reasonable person would conclude is likely to precipitate the bite or attack.
- (B) Any person who shall keep or harbor a vicious dog shall comply with the following requirements:
- (1) Leash and muzzle. No person shall permit a vicious dog to go outside its kennel or pen unless such dog is securely leashed with a leash no longer than four feet in length. No person shall permit such a dog to be kept on chain, rope or other type of leash outside its kennel or pen unless a person is in physical control of the leash. Such dogs may not be leashed to inanimate objects such as trees, posts, buildings, etc. In addition, all such dogs on a leash outside of the animal's kennel must be muzzled by muzzling device sufficient to prevent such dog from biting persons or other animals.
 - (2) Confinement. All vicious dogs shall be securely confined indoors or in a securely enclosed and locked pen or kennel, except when leashed and muzzled as provided. Such pen, kennel, or structure must have secure sides and a secure top attached to sides. All structures used to confine such dogs must be locked with a key or combination lock when such animals are within the structure. The structure must have a secure bottom or floor attached to the sides of the pen or the sides of the pen must be embedded in ground to a depth no less than two (2) feet. All structures erected to house the dogs must comply with all zoning

and building regulations of the City. All such structures must be adequately lighted and ventilated and kept in a clean and sanitary condition.

- (3) Confinement indoors. No vicious dog may be kept on a porch, patio or in any part of a house or structure that would allow the dog to exit such building on its own volition. In addition, no such animal may be kept in a house or structure where window screens or screen doors are the only obstacle preventing the dog from exiting the structure.
 - (4) Signs. All owners or keepers of vicious dogs within the City shall within ten(10) days of the effective date of this ordinance display in a prominent place of their premises a sign easily readable by the public using the words "BEWARE OF DOG." In addition, a similar sign is required to be posted on the kennel or pen of the animal.
- (C) (1) It shall be unlawful for the owner or keeper of a vicious dog within the City of Burton to fail to comply with the requirements set forth in sub-section 133.06(B) above.
- (2) The owner or keeper of any vicious dog who bites or attacks a person, or, who bites or attacks another dog shall also be deemed in violation of the terms of this Section of the Code of Ordinances of the City of Burton.
- (D) (1) Herein after any sworn Burton police officer or code enforcement officer shall have the authority to seize and remove any vicious dog who the officer has probable cause to believe he's bitten or attacked another dog and who has caused serious injury or death to that dog.
- (2) Any vicious dog (owned to be kept or harbored in violation of the regulations set forth in sub-section (B) shall also be subject to immediate seizure and impoundment by any sworn Burton police officer or code enforcement officer.
- (3) Further, hereinafter any sworn Burton police officer shall be authorized to use such force, including the use of deadly force, if necessary, to subdue any vicious dog being seized and removed pursuant to his sub-sections.

- (E) Any vicious dog removed or seized by any City of Burton officer or official, or by any Genesee County Animal Control Officer in accordance with the terms of this Section shall be kept and remain at the Genesee County Animal Control facility until the final resolution of the show cause hearing as described in sub-section 133.06(F) below. The owner of the dog shall be responsible for the payment of all costs of the confinement and capture.
- (F) (1) Any officer or official who shall seize a vicious dog pursuant to this ordinance shall file a sworn complaint in the Burton District Court which shall include the facts to conclude that any of the following exits:
- (a) A dog, licensed or unlicensed has destroyed property or habitually caused damage by trespassing on the property of a person who is not the owner.
 - (b) A dog, licensed or unlicensed, has attacked or bitten a person.
 - (c) A dog, licensed or unlicensed, has run at large contrary to this code any other applicable City ordinance.
- (2) Upon receipt of such a sworn complaint, the District Court Judge or Magistrate shall issue a Summons to the dog's owner or keeper to appear and show cause why the dog should not be destroyed.
- (3) Subsequent to the show cause hearing the District Court Judge or Magistrate shall order the dog destroyed at the expense of the owner or keeper if it is determined that the dog bit or attacked a human being, or that the dog is a vicious dog as defined by Sub-section 133.06(A) (1). The District Court Judge or Magistrate shall also have the authority to order the dog confined to the premises of the owner upon a determination that the dog is not likely to escape from those premises.

SECTION II

Any violation of this Ordinance shall be punishable by up to ninety (90) days in the county jail, a fine of not more than Five Hundred

(\$500.00) Dollars, or both as provided by Section 130.02 of the City of Burton Code of Ordinances.

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 on the thirty-first(31st) day following publication.

SECTION IV

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

By: PAULA ZELENKO, MAYOR

By: TERESA KARNSEY, CLERK

Ordinance introduced on:

Second Reading:

Publication date:

Effective date:



Burton Legislative Committee
4303 S. Center Rd.
Burton, MI 48519

SCHEDULED

AGENDA ITEM (ID # 1166)

Meeting: 08/18/14 06:00 PM

Department: Clerk's Office

Category: Discussion

Prepared By: Teresa M. Karsney

Department Head: Teresa M. Karsney

E.3

DOC ID: 1166

Discussion on Panhandling Ordinance 144.09

ATTACHMENTS:

- panhandling ordinance burton 144.09 (DOCX)
- panhandling ordinance burton 144.09 permit (DOCX)
- panhandling ordinance motor vehicle allowed (DOCX)

CITY OF BURTON
GENESEE COUNTY, MICHIGAN

ORDINANCE NO. 2014- - 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
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 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

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 ordinance burton 144.09 (1166 : Discussion on Panhandling Ordinance 144.09)

CITY OF BURTON
GENESEE COUNTY, MICHIGAN

ORDINANCE NO. 2014- - 144.09

AN ORDINANCE AMENDING CHAPTER 144 OF THE
CITY OF BURTON CODE OF ORDINANCES TO DEFINE
AND PROHIBIT SOLICITATION AND BEGGING AND TO
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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
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) Except as provided for in (6) (a), (b), and (c) below, 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 repairs requested by the owner or passengers of such vehicle;

- a. A person or group may solicit money or other things of value from an operator of a vehicle on a public street only upon the application for and issuance by the City Clerk of a Permit to so solicit.
 - b. Said permit may be obtained for a period of not more than 3 days per month.
 - c. The fee for the permit may be established by resolution of City Council.
- (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

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 ordinance burton 144.09 permit (1166 : Discussion on Panhandling Ordinance 144.09)

CITY OF BURTON
GENESEE COUNTY, MICHIGAN

ORDINANCE NO. 2014- - 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

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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 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 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
 - (7) 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

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:



Burton Legislative Committee
4303 S. Center Rd.
Burton, MI 48519

Meeting: 08/18/14 06:00 PM
Department: Clerk's Office
Category: Discussion
Prepared By: Teresa M. Karsney
Department Head: Teresa M. Karsney

E.5

SCHEDULED

AGENDA ITEM (ID # 1167)

DOC ID: 1167

Discussion on Disorderly Ordinance 144.08

ATTACHMENTS:

- disorderly ordinance burton 144.08 (DOCX)

CITY OF BURTON
GENESEE COUNTY, MICHIGAN

ORDINANCE NO. 2014- - 144.08

AN ORDINANCE AMENDING CHAPTER 144 OF
THE CITY OF BURTON CODE OF ORDINANCES
TO DEFINE AND PROHIBIT THE ACT BEING
A DISORDERLY PERSON AND TO PROVIDE
PENALTIES FOR THE VIOLATION THEREOF

THE CITY OF BURTON ORDAINS:

SECTION I

Section 144.08 of Chapter 144 of the Code of Ordinances of
the City of Burton is hereby amended by the redaction of
Section 144.08 and replacement with the following:

SECTION 144.08 DISORDERLY PERSON

- (A) It shall be unlawful hereunder for a person to be a
disorderly person.
- (B) A person is a Disorderly Person if any of the
following:
 - (1) A person creates or unlawfully engages in any
disturbance, fight or quarrel in any public
place, except in reasonable self-defense when
attacked without reasonable provocation or in
reasonable defense of another who was so
attacked;
 - (2) A person disturbs the public peace and quiet by
loud, boisterous or vulgar conduct or language;
 - (3) A person disturbs or unreasonably interferes
with any service of worship or any other
assembly gathered for lawful purposes;
 - (4) A person, without proper authority, conducts
himself or herself in any public place so as to
obstruct the free and uninterrupted passage of
the public.

- (5) A person wanders about the streets, alleys, or other public ways or places, or who is found in those places at late or unusual hours in the night without any visible or lawful business and not giving a satisfactory account of himself or herself;
- (6) A person is intoxicated in a public place and is either directly endangering the safety of another person or persons, or who is acting in a manner that causes a public disturbance;
- (7) A person engages in obscene or indecent conduct;
- (8) A person loiters in or about a police station, police headquarters building, county jail, hospital, court building, or other public building or place for the purpose of soliciting employment of legal services or the services of sureties upon criminal recognizances; or
- (9) A person loiters, loafs, wanders, stands, or remains idle in a public place so as to do either of the following:
 - (a) Obstruct a public street, highway, sidewalk, place or building by hindering, impeding or threatening to hinder or impede the free and uninterrupted passage of vehicles, traffic or pedestrians therein or thereon.
 - (b) Obstruct or interfere with the free and uninterrupted use of property or business lawfully conducted by anyone in, upon, facing or fronting any such public street, highway, sidewalk, place or building as to prevent the free and uninterrupted ingress or egress thereto or therefrom; and who refuses or fails forthwith to obey an

order by a police officer to cease such conduct and to move and disperse.

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

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