

CITY OF BURTON
LEGISLATIVE COMMITTEE MEETING MINUTES
JULY 16, 2012, 5:00 P.M., COUNCIL CHAMBERS
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The Legislative Meeting was called to order by Councilwoman Ellenburg at 5:05 p.m.

MEMBERS PRESENT: Ellenburg, O'Keefe and Wells.

MEMBERS ABSENT: None.

OTHERS PRESENT: Attorney R. Austin, Fire Chief D. Halstead, Police Chief T. Osterholzer, Deputy Fire Chief K. Gould and M. Snow, Clerk's Office.

PURPOSE OF THE MEETING: Discussion and possible recommendations concerning the following:

1. Firework Ordinance

PRESENTATION:

Attorney Austin said this Ordinance was started in Lansing to encourage tourism. The Fire Chief's Association worked with Legislature on this for a year and in the end Lansing passed the current ordinance, which is creating more problems than it solves. He said we cannot solve most of these locally since we cannot change the State statute. He said the current statute allows the residents to shoot off consumer fireworks 365 days a year, all day long. The ordinances he has prepared for consideration would restrict the use of these consumer fireworks to only the day before, the day of and the day after the 10 Federal holidays that are set in the State legislation. We are prohibited from regulating the use of fireworks on these 10 Federal holidays. He said the civil infraction ordinance was prepared at the Fire Chief's request and has several advantages over the criminal ordinance, which has penalty provisions that upon conviction could carry up to 90 days in jail and up to a \$500 fine for violations. The civil infraction treats regulation of these fireworks as a violation under our ordinances and allows for fines and confiscation, etc. The Fire Chief is partial to this ordinance primarily since the Fire Department could issue citations. He said the criminal ordinance allows for a free, court appointed lawyer and jury.

Mrs. Ellenburg asked how Mr. Threet would fall into this.

Mr. Austin replied he had a display of even larger fireworks than consumer, which is allowed with a permit issued by Council.

AUDIENCE PARTICIPATION:

John Stapish, P.O. Box 190134, said he thinks the concern on this matter only seems to be coming from the media and Fire Chiefs and that this is much to do about nothing.

Jim Craig, 6295 Hidden Trails, said he has fireworks going on in his neighborhood at all hours of the morning keeping people awake. He hears complaints from the neighbors constantly.

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COMMITTEE DISCUSSION:

Chief Halstead said in 2010 there were 15,500 reported fires from fireworks causing at least 8 deaths.

Chief Osterholzer said in the last 16 days, the Police Department has had hundreds of calls regarding fireworks. He said the Noise Ordinance probably won't be allowed to supercede the State law.

Mr. O'Keefe said we are in one of the worst droughts. He asked if it is known how many fires have been started by fireworks this year.

Chief Halstead said it is often difficult to determine the spot of origin. He does know 3 bottle rockets started 3 fires in other areas.

Mr. O'Keefe asked if the Fire Chief is in favor of Mr. Threet's firework application on tonight's agenda.

Chief Halstead said he is in support of the application.

Mr. Wells said safety must be paramount. He thinks any money made from infractions should go towards having more officers for enforcement.

Chief Halstead said the State designed this law to bring in money for fire services.

Mr. O'Keefe said the Fire Chief and his staff should be writing the civil infractions rather than the Police Department.

COMMITTEE RECOMMENDATIONS:

O'Keefe moved and Wells seconded the following motion:

1. The Legislative Committee recommends sending the Fireworks Ordinance to City Council for an Introduction of an Ordinance.

Motion carried 3-0.

Meeting adjourned at 5:45 p.m.

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