CITY OF BURTON
LEGISLATIVE COMMITTEE MEETING MINUTES
SEPTEMBER 17, 2012, 6:30 P.M., COUNCIL CHAMBERS
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The Legislative Meeting was called to order by Councilwoman Ellenburg at 6:30 p.m.

MEMBERS PRESENT: Ellenburg and O'Keefe.

MEMBERS ABSENT: Wells.

OTHERS PRESENT: Attorney R. Austin and J. Adams, City Clerk.

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

1. **An Ordinance Amending Chapter 145 of the City of Burton Code of Ordinances to Outlaw Joyriding by Individuals Who Take or Use Another's Motor Vehicle Without Permission to do so Without Intent to Steal the Motor Vehicle, or Who is a Party to the Taking Within the City of Burton and to Provide Criminal Penalties for the Violation Thereof.**

PRESENTATION:

Mrs. Ellenburg read a letter submitted by Chief Osterholzer regarding the reasoning of the joyriding Ordinance. The letter indicated there are about 5 of these cases per year. She stated that having this Ordinance would allow the City to recover 1/3 of all fines and costs and the officers overtime for going to court would be drastically reduced.

Mrs. Ellenburg felt that anytime a Police Officer and the City Attorney are in favor of something, we need to take a good look at it.

Mr. Austin said under the current situation where joyriding is a low grade felony if it is charged as a felony, the first step is a preliminary exam. This ordinance would allow the officers to charge a case as a misdemeanor under local Ordinance rather than as a low grade felony. Secondly, if it is charged as a local Ordinance the resulting fines and costs upon conviction goes back to the City, whereas if it is charged as a felony under State law, that money goes to the County. He feels it is a good option for the Police Department to have at their disposal.

AUDIENCE PARTICIPATION:

John Stapish, P.O. Box 190134, asked if a vehicle is taken isn't that grand theft auto and with this ordinance change wouldn't the thief be liable for damages done to the vehicle.

COMMITTEE DISCUSSION:

Mr. O'Keefe said it states within the new Ordinance this is without permission or without intent to steal the vehicle.

Mr. Austin said the charged parties are typically youngsters who jump in a car where keys are left in the vehicle without intending to permanently deprive the owner of the car and take the car for a spin without permission from the owner. Typically the vehicles aren't damaged but if they are then upon conviction the cost for the damages is included.

Mr. O'Keefe said he sees no downside and is in favor of anything making the City's legal system easier.

COMMITTEE RECOMMENDATIONS:

O'Keefe moved and Ellenburg seconded the following motion:

1. The Legislative Committee recommends sending the Joyriding Ordinance to City Council for a First Reading of an Ordinance.

Motion carried 2-0.

Mrs. Ellenburg said the City of Flint has put together a Scrap Metal Ordinance and the City of Burton will be looking into this.

Mr. Austin said Flint has an 8 page Ordinance on this that requires licensing for an individual or entity that purchases scrap metal and requires licensing for anyone selling scrap metal. He said anyone selling scrap metal may purchase an annual or temporary permit and this would outlaw the sale and purchase of all aluminum siding. He said Mrs. Abbey in DPW thinks that with the City of Flint's adoption she believes there is potential for more scrap yards to open in Burton because if the City of Flint has more restrictions and if we have less restrictions than people are more apt to come to Burton. He said Mrs. Abbey's concern is if we license the scrap sellers, they would be forced to run their businesses out of their homes and she doesn't want home occupation scrap businesses. He said he just wanted to initiate this dialogue with the Legislative Committee.

Meeting adjourned at 6:55 p.m.

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