

OWOSSO CITY COUNCIL

OCTOBER 7, 2013

7:30 P.M.

PRESIDING OFFICER: MAYOR BENJAMIN R. FREDERICK
OPENING PRAYER: REVEREND KENNETH HERBRUCK
OWOSSO ASSEMBLY OF GOD
PLEDGE OF ALLEGIANCE: MEMBERS OF THE AKTION CLUB
PRESENT: Mayor Benjamin R. Frederick, Mayor Pro-Tem Cindy S. Popovitch, Councilpersons Loreen F. Bailey, Thomas B. Cook, Michael J. Erfourth, Christopher T. Eveleth and Burton D. Fox.
ABSENT: None.

APPROVE AGENDA

Motion by Councilperson Eveleth to approve the agenda moving Consent Item 1. Ordinance Amendment First Reading and Set Public Hearing - Dog & Cat Ordinance. to Item of Business No. 2.

Motion supported by Councilperson Fox and concurred in by unanimous vote.

APPROVAL OF THE MINUTES OF REGULAR MEETING OF SEPTEMBER 16, 2013

Motion by Councilperson Bailey to approve the Minutes of the Regular Meeting of September 16, 2013 as presented.

Motion supported by Councilperson Erfourth and concurred in by unanimous vote.

PROCLAMATIONS / SPECIAL PRESENTATIONS

AKTION CLUB RESOLUTION OF APPRECIATION

Mayor Frederick read aloud the following Resolution of Appreciation commending the Aktion Club for their contributions to the community. Members of the Aktion Club gathered at the podium to receive the resolution.

RESOLUTION NO. 109-2013

**A RESOLUTION OF APPRECIATION
FROM THE MAYOR AND CITY COUNCIL OF THE CITY OF OWOSSO, MICHIGAN
TO THE SHIAWASSEE MENTAL HEALTH AKTION CLUB**

WHEREAS, the Shiawassee Mental Health Aktion Club is a bright spot in the community affording the opportunity for disabled adults to volunteer and engage in charitable activities; and

WHEREAS, having been established in the spring of 2008 through a partnership between Shiawassee County Community Mental Health and the Shiawassee-Owosso Kiwanis Club the Aktion Club has continually grown and expanded their services to the area through hard work, dedication, and resourcefulness; and

WHEREAS, the Aktion Club provides assistance with many local on-going projects including Toys for Tots, the YMCA – Strong Kids Campaign, numerous Salvation Army efforts, and the Bentley Park Playscape fundraising drive. The club also filled backpacks with school supplies in partnership with the Community Mental Health Children’s Program; and

WHEREAS, the group participates in state-wide and nation-wide events benefitting children struggling with hunger and providing beds for the needy; and

WHEREAS, the mission of the Aktion Club is to provide adults living with disabilities an opportunity to develop initiative, leadership skills, and to serve their community, improving the quality of life for both the volunteers and the recipients. This is a mission they seek to achieve on a daily basis.

NOW THEREFORE, BE IT RESOLVED, that I, Benjamin R. Frederick, Mayor of the City of Owosso, along with the City Council of the City of Owosso recognize the Shiawassee Mental Health Aktion Club for its dedicated service to the entire mid-county area.

FURTHERMORE, BE IT RESOLVED, that the Shiawassee Mental Health Aktion Club is conferred the Council's and Community's sincerest gratitude and commendation for this exemplary service to the community for the past 5 years.

Resolved this 7th Day of October, 2013.

PUBLIC HEARINGS

None.

CITIZEN COMMENTS AND QUESTIONS

There were no citizen comments.

Councilperson Bailey noted the new trees at Emerson School look beautiful especially now that the leaves are changing.

Mayor Pro-Tem Popovitch said she had received positive feedback from residents on Krust Drive about their newly reconstructed street.

Councilperson Cook invited all local leaders to the Shiawassee River Summit to be held October 17th at Baker College. The event will gather local elected and appointed officials to discuss the future of the river.

Councilperson Erfourth thanked all of the Historical Commission members and the volunteers that worked to put together a great Home Tour. He estimated the event had drawn in 900-1000 visitors and had even helped sell a historic home that was for sale.

Mayor Frederick said his experience as a homeowner on the tour was great. His kids really enjoyed hosting visitors and it was great to see so many visitors walking around town. He commended the group for putting together a wonderful event that can be built on in the future.

Councilperson Fox said he wanted Owosso to be thought of as the new Marshall. He went on to note the splash pad had been in operation over the weekend and, unfortunately, the conduct of some of the children there highlighted the need for the development of rules for the splash pad.

Councilperson Eveleth thanked all the volunteers that worked on the Home Tour. He said he had volunteered for a few hours and had the opportunity to talk to a number of people from the Detroit area who had learned about the event from press releases.

CITY MANAGER REPORT

City Manager Crawford noted that once again city residents were being targeted by insurance companies soliciting insurance coverage for water and sewer lines. He said that residents need to be very careful about any agreements they sign for such coverage to make sure they are paying for something worthwhile. He went on to say that the cost of replacing a water line in the city is relatively low in part because homes are so close to the street. He also noted that most lines last for 60-100 years with an estimated .2%-.3% failing each year.

City Manager Crawford then proceeded to detail the Project Status Report noting progress on various items and issues that had cropped up since last month's report.

Mayor Frederick inquired about the status of the run down house on Frederick Street. City Attorney Brown indicated the 30 day waiting period for the home was about to expire after which the City would be free to demolish the structure.

Mayor Frederick also inquired how the Council could ensure the sidewalk work proposed for the Lebowsky Center is constructed given the potential for significant changes in the make-up of the Council after the coming election. Councilperson Cook encouraged the city to take some sort of action to assure OCP the work will be done. Councilperson Fox suggested any work on the sidewalk be moved up to coincide with the opening of the theater in early spring. It was agreed a resolution would be drafted affirming the city's intention to carry out the improvements.

Councilperson Cook inquired when the sidewalk repair project around town would be completed. Public Works Director Sedlak indicated he hoped the project would be wrapped up later in the week.

CONSENT AGENDA

Motion by Councilperson Eveleth to approve the Consent Agenda as follows:

Ordinance Amendment First Reading and Set Public Hearing - Dog & Cat Ordinance. (moved to Items of Business No. 2)

Non-Profit Organization Recognition Request – Shiawassee Arts Council. Consider local governing body resolution recognizing the Shiawassee Arts Council as a non-profit organization operating in the City of Owosso for the purpose of obtaining a charitable gaming license from the State of Michigan Lottery as follows:

RESOLUTION NO. 110-2013

LOCAL GOVERNING BODY RESOLUTION FOR CHARITABLE GAMING LICENSE

The Owosso City Council hereby approves the request of the Shiawassee Arts Council asking they be recognized as a non-profit organization operating in the community for the purpose of obtaining a charitable gaming license from the State of Michigan Lottery.

Owossopalooza Permission. Approve the application of Baker College of Owosso for use of Main Street Plaza, Town Square Park, and Comstock Street from Washington Street to the entrance to the Gilbert's parking lot from 4:00 p.m. to 7:00 p.m. Thursday, October 10, 2013 for their annual Owossopalooza event, waive the insurance requirement, and authorize Traffic Control Order No. 1301 formalizing the action.

Owosso Public Schools 5K Run Permission. Approve the application of the Owosso Public Schools for use of Jerome Avenue from Washington Street to Oakwood Avenue from noon to 2:00 p.m. Sunday, October 13, 2013 for a 5K run, waive the insurance requirement, and authorize Traffic Control Order No. 1302 formalizing the action.

Change Order No. 1 – 2013 Street Paving Program. Authorize Change Order No. 1 to the contract with Michigan Paving and Materials Company for additional work performed on the 2013 Street Paving Program, including additional work on Krust Drive, Stewart Street, and Lafayette Boulevard in the amount of \$14,118.76 as follows:

RESOLUTION NO. 111-2013

**AUTHORIZING A CHANGE ORDER
TO THE CONTRACT WITH
MICHIGAN PAVING AND MATERIALS COMPANY
FOR THE 2013 STREET PAVING PROGRAM**

WHEREAS, the city of Owosso, Shiawassee County, Michigan, approved a contract Michigan Paving and Materials Company on August 19, 2013 for the 2013 Street Paving Program bid; and

WHEREAS, additional labor and materials were required for sidewalk and driveway removal and replacement on Krust Drive from Dewey Street to North Street, patch work on Stewart Street, and mill and fill work on Lafayette Boulevard.

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Owosso, Shiawassee County, Michigan that:

- FIRST: The City of Owosso amends the contract with Michigan Paving and Materials Company to add additional work to their contract.
- SECOND: The mayor and city clerk are instructed and authorized to sign the document substantially in form attached as Exhibit A, Amendment to the Contract for services between the City of Owosso and Michigan Paving and Materials Company increasing the total amount by \$14,118.76.
- THIRD: The above expenses shall be paid from the proceeds of the 2010 General Obligation Unlimited Tax Bonds.

Purchase Agreement – Multi-function Copiers. Authorize agreement with Ricoh, through the State of Michigan purchasing program, for the purchase of 3 Ricoh MPC 4503 multi-function copiers, supplies, and service with a 5 year payment period in the amount of \$25,062.69 as follows:

RESOLUTION NO. 112-2013

**RESOLUTION AUTHORIZING THE
PURCHASE OF THREE RICOH MPC 4503 MULTI-FUNCTION COPIERS**

WHEREAS, the City of Owosso, Shiawassee County, Michigan, has an organizational wide need to replace the current twelve year old copiers with new, current model copiers that print, copy and scan; and

WHEREAS, it has been determined that the best interest of the City would be served by purchasing directly from the manufacturer through a state of Michigan bid contract that has been extended to local units.

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Owosso, Shiawassee County, Michigan that:

- FIRST: The city of Owosso has theretofore determined that it is advisable, necessary and in the public interest to purchase three Ricoh MPC 4503 copiers.
- SECOND: the Finance Director and City Manager are authorized to sign a purchase order referencing state contract #071B9200190 to Ricoh USA in the amount of \$25,062.69.
- THIRD: The above expenses have been properly budgeted in the current year and shall be paid from the General Fund Information Technology and Public Safety departments, particularly 101-258-978, 101-300-978000 and 101-335-978000.
- FOURTH Staff is authorized to make payment in the amount of \$25,062.69 upon the delivery, installation, training and proper documentation of all three copiers.

*Check Register – August 2013. Affirm check disbursements totaling \$979,086.38 for the month of August 2013.

*Check Register –September 2013. Affirm check disbursements totaling \$2,154,060.54 for the month of September 2013.

Motion supported by Councilperson Erfourth.

Roll Call Vote.

AYES: Councilpersons Fox, Bailey, Erfourth, Cook, Eveleth, Mayor Pro-Tem Popovitch, and Mayor Frederick.

NAYS: None.

*Full text of these items is available in the Clerk's Office.

ITEMS OF BUSINESS

BOND MONEY TRANSFER – DDA WAYFINDING SIGN PROJECT

It was noted the metal structures had already constructed for 12 signs. The next step would be to bid out the work for the sign inserts. The initial 12 signs will be installed in the downtown but the design may be used in various other locations throughout town.

Motion by Councilperson Eveleth to approve the transfer of money from the 2009 LTGO bond fund to the DDA for reimbursement of costs associated with the wayfinding sign project in the amount of \$18,300.00 as follows:

RESOLUTION NO. 113-2013

RESOLUTION AUTHORIZING THE TRANSFER OF FUNDS FROM 2009 LTGO BOND ISSUE TO DOWNTOWN DEVELOPMENT AUTHORITY

WHEREAS, the city of Owosso, Shiawassee County, Michigan, issued a first series of Limited Tax General Obligation Bonds (LTGO) for \$950,000 in June 2009 for the purpose of matching a Vibrant Small Cities Initiative grant for capital improvements in the downtown, and

WHEREAS, at a regular meeting of the Downtown Development Authority (DDA) held on November 7, 2007 the board unanimously approved a resolution pledging tax increment revenues for the full payment of principal and interest on the 2009 LTGO Series I Bonds as they come due, and

WHEREAS, the remaining unspent 2009 UTGO bond proceeds on deposit with the City at this date amounts to \$67,755.54 and

WHEREAS, the DDA has submitted a request to the City to be reimbursed for capital improvements made for wayfinding in the amount of \$18,300.00.

NOW THEREFORE BE IT RESOLVED by the city council of the city of Owosso, Shiawassee County, Michigan that:

- FIRST: The city of Owosso, in reliance on paid invoices submitted and assurances given by the DDA, meet the definition of capital expenditures as defined in Treasury Regulation §1.150-1(b); are public improvements meeting the private activity tests as described in §1.141-12.

SECOND: The city of Owosso recognizes the DDA has pledged to pay the principal and interest on the bonds issued by the City and therefore should cooperatively direct public improvements in the downtown.

THIRD: The Finance Director is hereby authorized to transfer the amount of \$18,300.00 to the DDA from Downtown Capital Projects Fund 494.

Motion supported by Councilperson Cook.

Roll Call Vote.

AYES: Mayor Pro-Tem Popovitch, Councilpersons Eveleth, Erfourth, Bailey, Cook, Fox, and Mayor Frederick.

NAYS: None.

ORDINANCE AMENDMENT FIRST READING AND SET PUBLIC HEARING - DOG & CAT ORDINANCE

Councilperson Bailey indicated she had pulled the item from the consent agenda for discussion. She said feral cats and dogs had been a concern of hers for some time and she appreciated the efforts the proposed ordinance took to handle the situation. Ideally she would prefer a trap, neuter, and release program of some type, possibly working in conjunction with the Humane Society to help people spay and neuter their animals. She went on to say she had questions about the financial side of the proposed ordinance and suggested some changes to the ordinance to better reflect regulations that apply strictly to dogs, as well as a change to allow licenses to be issued at the time of rabies vaccination instead of January 1st, and the addition of a provision allowing citizens to temporarily foster animals.

There was discussion regarding recent issues with feral cats and dangerous animals, allowing indoor-only cats to remain unlicensed, adding a section to license foster families, where animals that are impounded would be housed, and potentially contracting out for administration of the licensing program.

Councilperson Cook asked for a cost analysis as well as reaching out to the County to potentially partner with them on the issue.

Motion by Councilperson Eveleth to conduct first reading and set a public hearing for Monday, October 21, 2013 to receive citizen comment regarding the proposal to amend Chapter 5, Animals, of the Code of Ordinances of the City of Owosso to establish regulations governing the licensing, confinement, sanitation, and impoundment of cats and dogs as follows:

RESOLUTION NO. 114-2013

AN ORDINANCE AMENDING CHAPTER 5 ANIMALS OF THE CODE OF ORDINANCES OF THE CITY OF OWOSSO, MICHIGAN PERTAINING TO DOGS AND CATS INCLUDING LICENSING, CONFINEMENT, SANITATION, AND IMPOUNDMENT

WHEREAS the city of Owosso, Michigan (city) desires to enhance the protection of life and property in the City by regulating animals, specifically dogs and cats and by providing for issuance of licenses; and

WHEREAS the *Code of Ordinances of the City of Owosso, Michigan* currently regulates animals and provides that Shiawassee County shall handle licensing and impoundment which is no longer the case; and

WHEREAS the city desires to repeal sections of the existing Chapter 5 of the *Code of Ordinances of the City of Owosso, Michigan* and replace with new sections.

NOW, THEREFORE BE IT RESOLVED, THE CITY OF OWOSSO ORDAINS that Chapter 5, Animals, of the Code of the City of Owosso be amended as follows:

SECTION 1: That Article II, *Dogs*, which reads as follows, be deleted:

~~ARTICLE II. DOGS*~~

~~Sec. 5-26. Definitions.~~

~~The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:~~

~~Dog pound or pound means any facility used by the county dog warden for the confinement or care of animals within the county.~~

~~Owner, when applied to the proprietorship of a dog, shall include every person having a right of property in such dog, and every person who keeps or harbors such dog or has it in his or her care, and every person who permits such dog to remain in or about any premises occupied by him or her.~~

~~Reasonable control shall mean keeping the dog on a leash other than while upon owner's property, unless the dog is confined in a closed automobile or shipping receptacle.~~

~~Sec. 5-27. Running at large.~~

~~No person owning any dog, four (4) months of age or over, shall permit such dog to be at large at any time in the city in violation of any of the following restrictions:~~

- ~~(1) No person shall permit any vicious dog of which he or she is the owner to be unconfined unless securely muzzled and led by a leash. Any dog shall be deemed vicious which has bitten a person or domestic animal without molestation, or, which, by its actions gives indication that it is liable to bite any person or domestic animal without molestation.~~
- ~~(2) No person who is in the ownership of any female dog shall permit or allow such female dog to go beyond the premises of such owner when the dog is in heat.~~
- ~~(3) No person who is the owner of any dog shall permit it to be unconfined unless under the reasonable control of some person.~~
- ~~(4) No person who is the owner of any dog shall permit it to be unconfined at any time unless licensed as required by law and unless wearing its license tag and evidence of rabies immunization.~~

~~Sec. 5-28. Noise restriction.~~

~~No person shall own any dog which by loud or frequent or habitual barking, yelping or howling, shall unreasonably annoy or disturb the quiet, comfort or repose of persons in the vicinity.~~

~~Sec. 5-29. Seizure, impoundment.~~

~~Any dog which is in violation of any section of this article may be seized and impounded by the dog warden or any police officer of the city, or authorized city employee.~~

~~Sec. 5-30. Rabies control.~~

- ~~(a) Surrender for observation. Any person who shall have in his or her possession a dog which has contracted rabies or which has been subjected to the same or which is suspected of having rabies or which has bitten any person, shall upon demand of the dog warden, the police department or the health officer, produce and surrender up such dog to be held for observation.~~
- ~~(b) Exposure to rabies; notice. It shall be the duty of any person owning or harboring a dog which has been attacked or bitten by another dog or other animal showing the symptoms of rabies, immediately to notify the police department of his or her possession of such dog.~~
- ~~(c) Quarantine order. Any dog that has bitten a person or animal will be quarantined for a period of ten (10) days. The owner, or his or her representative, will receive a quarantine order and such animal will be kept securely confined within a building or enclosure so as to prevent it from coming into contact with any other person or any other animal. It shall not be removed for any reason, during this period, without permission. Failure to comply with this order may result in immediate impoundment at the owner's expense.~~

~~Sec. 5-31. Released from pound.~~

~~No dog shall be released from the pound unless the owner or persons entitled to claim the same shall pay the fees established by the county dog department. If the dog was impounded by any police officer or other authorized employee of the city, the owner shall pay the additional sum to the city to reimburse for said expense as prescribed by resolution of the council.~~

~~Sec. 5-32. Responsibility for animal wastes.~~

~~No person shall keep a dog on leash or maintain a stationary dog house or kennel within sixty (60) feet of a neighboring residence. No person shall allow animal waste to accumulate for more than forty-eight (48) hours on the ground in the open air. No person walking a dog shall knowingly allow it to deposit its feces on property not belonging to that person, and shall clean up after said dog in case such incident does occur.~~

SECTION 2: That Article II, Dogs and Cats, which reads as follows, shall be added:

Chapter 5 Animals—Article II. DOGS AND CATS

Sec. 5-26. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Owner means a person as defined in section 2.1 of this Code and his or her or its agents, assigns, delegates or bailees.

Reasonable control means keeping:

- (1) An animal upon a leash not exceeding six (6) feet in length held by a person, or within a closed vehicle, or cage, or shipping container when located upon any property other than that owned or controlled by the owner of the animal.
- (2) An animal within an enclosed yard or within a side or rear yard as defined in Chapter 38, Zoning, of this Code, equipped with an operating electrified invisible fence designed to confine animals.

Sec. 5-27. - Duty to keep confined.

No owner shall take or permit an animal to leave his property or property under the owner's control unless the animal is under the owner's reasonable control.

Sec. 5-28. - Responsibility for damages.

Every owner of a dog or cat shall be liable for damages for any and all injuries to person or property caused by such dog or cat, to be determined and collected in appropriate civil proceedings, and nothing in this article shall be construed to impose any liability upon the city, its agents or employees, for damages caused by such dog or cat.

Sec. 5-29. - Barking, howling dog or cat.

No person shall harbor or keep any dog or cat which by loud, frequent or habitual barking, yelping or howling, shall cause a serious annoyance to the neighborhood or to people passing to and fro upon the street.

Sec. 5-30 - Vicious dog or cat.

No person shall own or harbor a fierce or vicious dog or cat, or a dog or cat that has been bitten by any animal known to have been afflicted with rabies. All dogs or cats found to be vicious, and all rabid dogs or cats, shall be destroyed, unless otherwise disposed of by the owner thereof.

Sec. 5-31 - Confining for observation.

- (a) Any person who shall have in his possession a dog or cat which has contracted rabies, which has been subjected to the same, or which is suspected of having rabies or which has bitten any person shall upon demand of the department of public safety or of the health officer, produce and surrender such dog or cat to the department of public safety or the health department, to be held in the city pound for treatment and observation for a period of at least ten (10) days.
- (b) In lieu of such delivering up of such dog or cat as aforesaid, such person shall have the option of delivering such dog or cat to an approved kennel, there to be held for treatment and observation for such ten-day period, and such person shall furnish to the department of public safety written evidence that the dog or cat has been so delivered, provided that if such dog or cat be confined in a private kennel, such confinement shall be at the sole expense of the owner of the dog or cat, and without expense or risk on the part of the city. If the dog or cat be kept in the city pound, the owner shall be liable for the board of his dog or cat as provided for impounded dogs or cats.
- (c) Any dog or cat or other animal that has bitten a person shall be held in confinement for a period of at least ten (10) days from the date the person was bitten. If the animal dies during the ten-day period of confinement, the head shall be sent to a laboratory for examination for evidence of rabies. Reports are to be made in triplicate, and a copy is to be sent to:
 - (1) The owner of the dog or cat;
 - (2) The department of public safety;
 - (3) The county board of health.

Forms are provided by the county health department.

State law reference— Persons bitten by dogs, MCL 287.351; rules for control of rabies and the disposition of nonhuman agents carrying disease, including rabid animals, MCL 333.5111.

Sec. 5-32 - When bitten by another dog or cat.

It shall be the duty of any person owning or harboring a dog or cat which has been attacked or bitten by another dog or cat or other animal showing symptoms of rabies to immediately notify the department of public safety or the county health department that such person has such dog or cat in his possession, and such person shall comply with all lawful orders and requirements of the department of public safety and the county health department.

Sec. 5-33. - Destruction of vicious dog or cat.

Whenever a dog or cat is brought to the pound for having bitten a person, the department of public safety may, if deemed necessary and advisable, after holding such dog or cat a sufficient length of time to meet the requirements of the county health department for investigation, cause such dog or cat to be destroyed as a vicious dog or cat. Unless waived in writing, notice of intent to so destroy such dog or cat shall be given to the owner, if known, and the owner shall have forty-eight (48) hours in which to seek a review by the district court of the order of the department of public safety for the destruction of such dog or cat.

Sec. 5-34. - Quarantine.

The county health department is hereby authorized to require that any dog or cat be quarantined, or that a quarantine be established in the city for any defined period, when in his opinion such measures are necessary in order to protect the health of the inhabitants of such city.

Sec. 5-35. - Violation notices.

All members of the department of public safety of the city and any person designated as an animal control officer for the enforcement of this article are hereby empowered and authorized, upon witnessing violations, where it is impractical or impossible to impound the dog or cat, to issue to the owner of the dog or cat a written notice of such violation. The owner of such dog or cat may, within seventy-two (72) hours, present such notice to the district court and there pay the penalties which would have been imposed had such dog or cat been impounded, with the exception that only the minimum charge for board of such dog or cat shall be made. If the owner of such dog or cat shall fail to appear within the seventy-two-hour period, the person issuing such notice shall forthwith file a complaint in the district court and secure a warrant for the arrest of the owner of such dog or cat, and all further proceedings shall be had in accordance with the rules and practice of the court. Payment of any penalty in accordance with the provisions of this section shall be deemed full satisfaction for such violation.

Sec. 5-36. - Repeated violations.

If any person shall have violated this article more than twice within any calendar year, it shall be the duty of the person witnessing any subsequent violation to file a complaint in the district court for the city and such owner shall not be permitted to settle subsequent violations by payment of impounding fees.

Sec. 5-37. - Sanitation.

No owner, as defined in this article, of any dog or cat shall cause, suffer, or allow such dog or cat to soil, defile, defecate or to commit any nuisance on any public thoroughfare, sidewalk, passageway, bypass, play area, park, or any place where people congregate or walk, or upon any public property whatsoever, or upon any private property without the permission of the owner of said property unless:

- (1) The owner of such dog or cat shall immediately remove all droppings deposited by such dog or cat by any sanitary method. The owner shall possess a container of sufficient size to collect and remove the above-mentioned droppings and exhibit the container, if requested, by any official empowered to enforce this article.
- (2) The droppings removed from the aforementioned areas shall be disposed of by the owner of such dog or cat in a sanitary method on the property of the owner of such dog or cat.

Secs. 5-38—5-39. - Reserved

Sec. 5-40. - License required.

It shall be unlawful for any person to own, possess or harbor any dog or cat six (6) months old or over in the city unless the dog or cat is licensed as provided in this division or to own, harbor or possess any dog or cat six (6) months old or over that does not at all times when outside of a confined structure wear a collar or harness with a suitable tag attached as provided in this division. The license shall be kept in the possession of the owner as defined in this article.

Sec. 5-41. - Rabies immunization prerequisite to issuance.

All dogs or cats shall be immunized against rabies before any license under this division is issued.

Sec. 5-42. - License application.

It shall be the duty of the owner of any dog or cat, on or before January first, to file with the city an application for a license, setting forth the full name and residence of the applicant, the breed, sex, age and color of the dog or cat, and such other information as is required. The applicant shall also present to the clerk proof of vaccination of the dog or cat against rabies by a certificate of vaccination for rabies with a vaccine licensed by the United States Department of Agriculture and signed by an accredited veterinarian.

Sec. 5-43. - License fees.

For each license applied for, the applicant shall at the time pay a license fee as prescribed by resolution of the council. In case of loss, duplicates of any tags shall be issued at the expense of the applicant.

Sec. 5-44. - Applications after first of January.

Any person becoming the owner after the first day of January of any year of any dog or cat six (6) months old or over which has not already been licensed by the city, or any person owning a dog or cat which becomes six (6) months old after the first day of January of any year hereafter, shall forthwith apply for and secure a license for such dog or cat, which license shall be issued without penalty, provided that the application be made within thirty (30) days after the applicant has acquired such dog or cat or after such dog or cat has reached the age of six (6) months. In case a dog or cat is acquired, or becomes six (6) months old, after the first day of July of any year, the license fee for such dog or cat shall be one-half the amount fixed for the annual fees in section 5-33.

Sec. 5-45. - Issuance of license and tag; conditions.

Upon receipt of such application, together with the certificate of immunization and the license fees above provided, the clerk shall issue to the applicant a license for such dog for the then calendar year, and at the same time he shall deliver to the applicant a suitable tag which shall be dated as to year, and bear a serial number, together with the words "License, City of Owosso" and such serial number shall be inscribed upon the license so issued. Such tag shall be attached to the collar harness upon the dog or cat for which the same is issued, and shall be worn by such dog or cat at all times, and no person shall remove any license tag from any dog or cat without the consent of the owner, or the person to whom the license was issued. Such tag shall be nontransferable, and shall not be used on the collar or harness of any dog or cat other than that of the dog or cat for which such tag was issued. Cats shall be similarly licensed but shall neither be required to wear a collar or harness when kept inside a structure. The license shall be kept in the possession of the owner as defined in this article.

Sec. 5-46. - Term.

All licenses issued under the terms of this division shall be valid and operative for a term beginning the first day of January, in the calendar year for which such license is issued, and terminating on the thirty-first day of December of that same year.

Secs. 5-47—5-49. - Reserved

Sec. 5-50. - Regulation of kennels.

Dogs or cats in kennels shall not be taken therefrom for any purpose, unless the same have been properly immunized as provided in this article. Where dogs or cats in kennels have been properly immunized, and a kennel license attached is to a collar or harness on such dog or cat, the same may be taken outside the limits of the kennel temporarily, and in leash, or such dog or cat may be transported in enclosed conveyances temporarily for purposes of breeding, trial, show or sale.

Sec. 5-51. - Required.

No person shall own or operate any dog or cat kennel in the city without having first secured a license therefor. For purposes of this article, any person who keeps more than three (3) dogs and/or (3) cats that are three (3) months old or over on any one (1) property in the city shall be deemed to be operating a dog or cat kennel. No such kennel shall be operated or maintained except in a district where permitted by Chapter 38.

Sec. 5-52. - Kennel application.

Any person who shall keep or operate a kennel shall, in lieu of the individual license required under this article, make application to the city clerk for a kennel license, which entitles the

applicant to keep or operate a kennel. Such application shall set forth the name and residence of the applicant, and the number of dogs or cats sought to be kept thereunder. The application shall also state the purpose for which the kennel is to be maintained, and such other information as may be requested.

Sec. 5-53. - Kennel fees.

The kennel license applicant shall pay to the city a license fee for such kennel license in the amounts as prescribed by resolution of the council. If such kennel was established prior to the first day of January of the year in which the license is sought, and application therefor is not made prior to the first day of January, fees for such kennel license shall be double the amounts set by the council. If the kennel is established after the first day of January, there shall be no added penalty if the application be filed within thirty (30) days after establishment of the kennel.

Sec. 5-54. -Kennel license issuance.

Upon receipt of a kennel license application, and the license fees provided in this division, the city clerk shall issue a kennel license, setting forth the maximum number of dogs or cats which may be kept thereunder, and at the same time he shall issue to the applicant a number of suitable tags equal to the number of dogs or cats authorized by such license, such tags to be the same as those provided in this division. All dogs or cats in such kennel shall at all times wear a collar or harness to which such tag shall be affixed, and such tags shall be used for no dogs or cats other than those in the kennel.

Sec. 5-55. - Term.

All licenses issued under the terms of this division shall be valid and operative for a term beginning the first day of January, in the calendar year for which such license is issued, and terminating on the thirty-first day of December of that same year.

Secs. 5-56—5-59. - Reserved

Sec. 5-60. - Shelter or pound.

There is hereby created a dog or cat shelter or pound for the city. The shelter or pound is to be located in suitable quarters, at such places and locations as shall be selected by the city manager.

Sec. 5-61. - Impounding.

It shall be the duty of the department of public safety of the city, and every person employed by the city manager for that purpose, to take up, seize and place in the pound all dogs and cats that may be found running at large or that are being kept or harbored in any place within the city contrary to the provisions of this article.

Sec. 5-62. - Release.

- (a) No dog or cat shall be released from the shelter or pound unless the owner or owner's authorized agent shall pay to the department of public safety a fee as prescribed by resolution of the council.
- (b) No dog or cat shall be released from the shelter or pound unless the same is properly immunized and licensed, and the cost of such immunization and licensing shall be paid by the owner in addition to the fees provided for in this article. The department of public safety shall keep a record of all seizures of dogs or cats and the collection of fees and other monies and shall make monthly reports thereof to the city manager, and shall deliver all fees collected.

Sec. 5-63. - Unclaimed dogs or cats.

All dogs or cats not claimed and released within the time limits prescribed by law (MCL 287.388) after being impounded shall be sold, made able for adoption or destroyed.

SECTION 3: That Article II **Sec. 5-33 Dog exercise area** shall be renumbered **Sec. 5-70 Dog exercise area**.

SECTION 4: Severability.

If any section, subsection, sentence, clause or phrase of this article is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this article. The city hereby declares that it would have passed this ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one (1) or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

SECTION 5: Effective Date.

This ordinance shall take effect twenty days after passage.

SECTION 6: Inspection.

This Ordinance may be purchased or inspected in the City Clerk's Office Monday through Friday between the hours of 9:00 a.m. and 5:00 p.m.

SECTION 7: Public Hearing.

A Public Hearing has been set for Monday, October 21, 2013 at 7:30 p.m. to hear citizen comment regarding the proposed ordinance.

Motion supported by Councilperson Fox.

Roll Call Vote.

AYES: Councilpersons Fox, Erfourth, Bailey, Cook, Eveleth, Mayor Pro-Tem Popovitch, and Mayor Frederick.

NAYS: None.

COMMUNICATIONS

- C. Popovitch, Planning Commission. Letter of Resignation.
- Richard C. Williams, Finance Director. August 2013 Revenue & Expenditure Report.
- Charles P. Rau, Building Official. August 2013 Building Department Report.
- Charles P. Rau, Building Official. August 2013 Code Violations Report.
- Historical Commission. Minutes of September 9, 2013.
- Downtown Development Authority/Main Street. Minutes of September 11, 2013 (Special).
- Historical Commission. Minutes of September 11, 2013 (Special).
- Zoning Board of Appeals. Minutes of September 17, 2013.
- Planning Commission. Minutes of September 23, 2013.
- Parks & Recreation Commission. Minutes of September 23, 2013.

CITIZEN COMMENTS AND QUESTIONS

There were no citizen comments.

Councilperson Erfourth indicated his run for the Ultimate Spartan would be ending on Wednesday, those interested in donating to Elle's Place can visit his website.

Councilperson Fox wanted to know the status of the heavy equipment purchase and the costs for broadcasting meetings. City Manager Crawford indicated a few items had already been purchased, others were in the works, and decisions needed to be made whether to refurbish old equipment or purchase new equipment. Councilperson Fox indicated he didn't want to fix old equipment as it was not cost effective. Mayor Frederick remembered talking about purchasing used equipment as long as it got the job done and was cost effective.

NEXT MEETING

Monday, October 21, 2013

BOARDS AND COMMISSIONS OPENINGS

Historical Commission – term expires 12-31-14

ADJOURNMENT

Motion by Councilperson Eveleth for adjournment at 8:37 p.m.

Motion supported by Councilperson Erfourth and concurred in by unanimous vote.

Benjamin R. Frederick, Mayor

Amy K. Kirkland, City Clerk