

**OWOSSO CITY COUNCIL**

**JULY 2, 2012**

**7:30 P.M.**

**PRESIDING OFFICER:** MAYOR BENJAMIN R. FREDERICK  
**OPENING PRAYER:** REVEREND SUSAN KINGSLEY  
TRINITY UNITED METHODIST CHURCH  
**PLEDGE OF ALLEGIANCE:** DAVID GREEN  
**PRESENT:** Mayor Benjamin R. Frederick, Councilpersons Loreen F. Bailey,  
Thomas B. Cook, Michael J. Erfourth, Christopher T. Eveleth and  
Burton D. Fox.  
**ABSENT:** Mayor Pro-Tem Cindy S. Popovitch.

**APPROVE AGENDA**

Motion by Councilperson Eveleth to approve the agenda as presented.

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

**APPROVAL OF THE MINUTES OF REGULAR MEETING OF JUNE 18, 2012**

Motion by Councilperson Cook to approve the Minutes of the Regular Meeting of June 18, 2012 as presented.

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

**PROCLAMATIONS / SPECIAL PRESENTATIONS**

None.

**PUBLIC HEARINGS**

**ORDINANCE AMENDMENT - PROPERTY MAINTENANCE CODE**

A Public Hearing was conducted to receive citizen comment regarding the proposed amendment to Chapter 8, Buildings, Article VI, Property Maintenance Code, Sections 8-141 & 8-142 to adopt the *2009 International Property Maintenance Code* with amendments.

City Manager Donald D. Crawford noted this action was being taken to update the code used by the City, changes to the code apply primarily to the manner in which notices and hearings are handled.

There were no citizen comments.

Whereas, the Council, after due and legal notice, has met and there being no one to be heard, motion by Councilperson Eveleth that the following ordinance be adopted:

**ORDINANCE NO. 733**

**AN ORDINANCE ADOPTING  
THE INTERNATIONAL PROPERTY MAINTENANCE CODE (2009)**

WHEREAS the city of Owosso, Michigan (city) desires to enhance the protection of life and property in the City by regulating the condition and maintenance of properties within the city by providing the standards and requirements for utilities, facilities and physical conditions essential to ensure that such structures are safe, sanitary and fit for occupation, and by providing for issuance of permits and collection of fees and permits as may be required; and

WHEREAS the *International Property Maintenance Code* (2009) is a comprehensive uniform code that provides standards and requirements for safe and sanitary conditions of residential structures; and

WHEREAS the city finds that the standards and requirements of *International Property Maintenance Code* are suitable for properties in the city; and

WHEREAS the *International Property Maintenance Code* (2009) coordinates well with existing codes applicable to the city, including the *Michigan Residential, Building, Plumbing, and Mechanical Code*, the *State Electrical Code*, and the *International Fire Code*, and is intended to be consistent with existing ordinances; and

WHEREAS the city desires to repeal all other ordinances or parts of ordinances conflicting with this ordinance.

NOW, THEREFORE, BE IT RESOLVED, by the city council of the city of Owosso, Michigan that ordains that Chapter 8, Article VI. Property Maintenance Code be amended as follows:

SECTION 1: That Sec. 8-141 which reads as follows be deleted:

**~~Sec. 8-141. Adoption of BOCA National Property Maintenance Code.~~**

~~Pursuant to the provisions of Act 204 of the Public Acts of 1977, as amended, of the State of Michigan, the BOCA National Property Maintenance Code, 1990 Edition, as published by the Building Officials and Code Administrators International, Inc., be and is hereby adopted as the property maintenance code of the City of Owosso, for the control of buildings and structures as herein provided; and each and all of the regulations of the BOCA Property Maintenance Code, 1990 Edition, are hereby referred to, adopted and made a part hereof, as if fully set out in this article. Three (3) complete printed copies of the property maintenance code adopted by this section are available for the public use and inspection at the office of the city clerk.~~

SECTION 2: That Sec. 8-141 which reads as follows be added:

**Sec. 8-141. International Property Maintenance Code.**

The *International Property Maintenance Code, 2009 edition* as promulgated, published and approved by the International Code Council, Inc. is adopted as the property maintenance code: for the control of buildings and structures as herein provided: and each and all of the regulations, provisions, penalties, conditions and terms of said property maintenance code are hereby referred to, adopted, and made a part hereof, as is fully set out in this article, with the additions, insertions, deletions and changes, if any, prescribed in section 8-142. Three (3) printed copies of the law, code, or rule shall be kept in the office of the city clerk, available for purchase and/or inspection.

SECTION 3: That Sec. 8-142 which reads as follows be deleted:

**~~Sec. 8-142. Changes in Code.~~**

~~The following chapters, articles or sections of the BOCA Property Maintenance Code adopted by the provisions of this article are hereby added, amended or deleted as hereinafter set forth. Subsequent articles, divisions, and sections numbers used in this section shall refer to the like numbered articles, divisions, and sections of such property maintenance code unless specified otherwise.~~

~~Section PM-100.1 is hereby amended to read as follows:~~

~~"PM-100.1. Title. These regulations shall be known as the Property Maintenance Code of the City of Owosso, hereinafter referred to as this Code."~~

~~Section PM-109.2 is hereby amended to read as follows:~~

~~"PM-109.2. Penalty. Any person, firm or corporation, who shall violate any provision of this Code is responsible for a municipal civil infraction in section 1-8(c), plus costs and other sanctions, for each infraction. Repeat offenses shall be subject to increased fines as provided by section 1-8(c)(2) of the Owosso City Code. The building inspector, building official and code enforcement officer are hereby designated as the authorized city official to issue municipal civil infraction citations and municipal civil infraction violation notices pursuant to this section."~~

~~Section PM-111.2.1 is hereby amended to read as follows:~~

~~"PM-111.2.1. Membership. The Owosso Building Board of Appeals shall hear all appeals of this Ordinance."~~

~~Section PM-301.8 is hereby deleted from this Code.~~

~~Section PM-302.12 is hereby amended to read as follows:~~

~~"PM-302.12. Insect screens. During the period from April 15 to November 15, every door, window and other outside opening used or required for ventilation purposes serving any building containing habitable rooms, food preparation areas, food service areas, or any areas where products used in food for human consumption are processed, manufactured, packaged or stored, shall be supplied with approved, tightly fitting screens of not less than sixteen (16) mesh per inch and every swinging door shall have a self-closing device in good working condition."~~

~~Sections PM-601.1 and PM-601.2 are hereby amended to read as follows:~~

~~"PM-601.1. Residential buildings. Every dwelling shall be provided with heating facilities capable of maintaining a room temperature of sixty-five (65) degrees F. (18 degrees C) at a level of three (3) feet (914 mm) above the floor and a distance of three (3) feet (914 mm) from the exterior walls in all habitable rooms, bathrooms, and toilet rooms based on the outside design temperature required for the locality by the mechanical code listed in Appendix A."~~

Every owner and operator of any building who rents, leases or lets one (1) or more dwelling unit, rooming unit, dormitory or guest room on terms, either express or implied, to furnish heat to the occupants thereof shall supply sufficient heat during the period from September 1 to May 1 in all habitable rooms, bathrooms, and toilet rooms during the hours between 6:30 a.m. and 10:00 p.m. of each day and not less than sixty (60) degrees F. (sixteen (16) degrees C) during other hours. The temperature shall be measured at a point three (3) feet (914 mm) above the floor and three (3) feet (914 mm) from the exterior walls. When the outdoor temperature is below the outdoor design temperature required for the locality by the mechanical code listed in Appendix A, the owner or operator shall not be required to maintain the minimum room temperatures, provided the heating system is operating at full capacity, with supply valves and dampers in full open position."

~~"PM-601.2. Nonresidential structures. Every enclosed occupied work space shall be supplied with sufficient heat during the period from September 1 to May 1 to maintain a temperature of not less than sixty-five (65) degrees F. (eighteen (18) degrees C) during all working hours. The temperature shall be measured at a point three (3) feet (914 mm) above the floor and three (3) feet (914 mm) from the exterior walls."~~

~~Section PM-602.4 is hereby added and reads as follows:~~

~~"ES-602.4. Safety fuses. All existing electrical services using Edison Base or plug type fuses shall replace those fuses with Type S fuse adaptor and Type S fuses."~~

SECTION 4: That Sec. 8-142 which reads as follows be added:

#### **Sec. 8-142. - Changes in Code.**

The following chapters, articles or sections of the *International Property Maintenance Code (2009)* adopted by the provisions of this article are hereby added, amended or deleted as hereinafter set forth. Subsequent articles, divisions, and sections numbers used in this section shall refer to the like numbered articles, divisions, and sections of such property maintenance code unless specified otherwise.

Section 101.1: Insert for name of jurisdiction: City of Owosso, Michigan

Section 103.5: Insert for fee schedule: Fees shall be set by resolution of the Owosso city council.

*Section 106.4:* Inserting section establishing violation penalties:

*106.4 Violation penalties.* Any person, firm or corporation, who shall violate any provision of this code, is responsible for a municipal civil infraction in section 1-8(c), plus costs and other sanctions, for each infraction. Repeat offenses shall be subject to increased fines as provided by section 1-8(c)(2) of the *Code of Ordinances of the City of Owosso, Michigan*. The code official, building inspector, building official, code enforcement officer, police officer or firefighter are hereby designated and authorized to issue municipal civil infraction citations and municipal civil infraction violation notices pursuant to this section.

*Sections 111.2 through Section 111.2.5:* Delete Sections 111.2 through Section 111.2.5

Section 111.2: Insert the following wording:

*PM-111.2. Membership.* The Owosso Building Board of Appeals which serves as the construction board of appeals provided by the Michigan Uniform Construction Code Section 125.1514 (Act 230 Of 1972) shall hear all appeals of this ordinance.

Section 112.4: Insert amount of fine: \$50.00 and \$500.00

Section 302.4: Insert maximum height for weeds: Eight inches (8")

Section 304.14: Insert dates requiring window screens: April 15 and November 15

Section 602.3: Insert dates requiring heat: September 1 and May 1

Section 602.4: Insert dates requiring heat: September 1 and May 1

SECTION 5: 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 6: Effective Date.

This ordinance shall take effect July 22, 2012.

SECTION 7: 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.

Motion supported by Councilperson Fox.

AYES: Councilpersons Eveleth, Fox, Bailey, Cook, Erfourth, and Mayor Frederick.

NAYS: None.

ABSENT: Mayor Pro-Tem Popovitch.

**ORDINANCE AMENDMENT - HISTORICAL COMMISSION MAKE-UP**

A Public Hearing was conducted to receive citizen comment regarding the proposed amendment to Chapter 2, Administration, Article IV, *Boards and Commissions*, Division 2, Historical Commission, Section 2-228, *Members; appointment, terms, etc.*, to change the make-up of the Commission to 8 at-large members and one City Council representative.

There were no citizen comments.

Councilperson Fox noted the letter received by the Council from Don Schneider expressing interest in participating on the Historical Commission.

Whereas, the Council, after due and legal notice, has met and there being no one to be heard, motion by Councilperson Fox that the following ordinance be adopted:

**ORDINANCE NO. 734**

**AMENDING CHAPTER 2, ADMINISTRATION  
OF THE CODE OF ORDINANCES  
TO CHANGE THE MAKE-UP OF THE HISTORICAL COMMISSION**

AN ORDINANCE to amend Chapter 2, Administration, Article IV, *Boards and Commissions*, Division 2, Historical Commission, Section 2-228, *Members; appointment, terms, etc.*, of the Code of the City of Owosso, to change the make-up of the Historical Commission.

Whereas, the Historical Commission is currently made up of 9 members, some of which represent local organizations and may not be residents of the City; and

Whereas, it is the desire of the Historical Commission to require all members of the Commission be City residents, more specifically 8 at-large members and one member of City Council; and

Whereas, the Code requires a public hearing be set to gather citizen comment regarding the proposed changes.

Now, Therefore, Be It Resolved, by the Council of the City of Owosso, Michigan that the following amendments to Chapter 2, Administration, of the Code of the City of Owosso be recommended to change the membership of the Historical Commission to 8 at-large members and one City Council member and further set a public hearing for July 2, 2012 as follows:

THE CITY OF OWOSSO ORDAINS:

Section 1. That The Code of Ordinances of the City of Owosso, Michigan is hereby amended by amending Chapter 2, Administration, Article IV, *Boards and Commissions*, Division 2, Historical Commission, Section 2-228, *Members; appointment, terms, etc.*.

**Sec. 2-228. Members; appointment, terms, etc.**

The members of the historical commission shall be appointed by the council. Membership shall consist of one (1) member from the council, ~~one (1) member from the Shiawassee Arts Council appointed annually, one (1) member from the county historical society appointed annually,~~ and **six (6) eight (8) members at large appointed for three-year terms.** Qualifications for the ~~six (6) eight (8) members at large shall be the same as for the council.~~ The terms of ~~two (2) three (3) members at large shall expire as of December 31 of each year,~~ **2013 and December 31, 2014 respectively, and the terms for the remaining two (2) at large members shall expire as of December 31, 2015.** No member at large shall be appointed to the historical commission for more than two (2) successive terms unless one (1) year has elapsed after his or her second term expires.

Section 2. This amendment shall become effective July 22, 2012.

Section 3. This ordinance may be purchased or inspected in the city clerks' office, Monday through Friday between the hours of 9:00 a.m. and 5:00 p.m.

Motion supported by Councilperson Erfourth.

AYES: Councilpersons Bailey, Fox, Cook, Eveleth, Erfourth, and Mayor Frederick.

NAYS: None.

ABSENT: Mayor Pro-Tem Popovitch.

#### **CITIZEN COMMENTS AND QUESTIONS**

Bill Young, 13463 Pierce Rd, Byron, owner of B & C DJ in Byron, introduced himself saying he was working on putting together a Friday night car cruise in the downtown. He said he was a veteran organizer of such events and had a successful recipe that included getting the written commitment of downtown businesses. He indicated most participants of the current cruise held on Jerome Street feel it is too far away from the downtown for access to restaurants and other businesses. He said he had gathered signatures of approval from 17 of 21 downtown business owners he had spoken to and would be approaching the DDA to seek their approval for the event.

Jeff Peltier, 1888 Ketegawn, said events like car cruises were important to keeping the downtown vital. He went on to ask if funds would be available in the new budget year for improving the gateway signs on the edges of the city. He also pointed out the sad condition of some of the sidewalks in the downtown.

Tom Manke, owner of the business at 118 South Washington Street, said he would be happy to have a car cruise on the street in front of his business. He said he understood that some businesses need parking after 5:00 pm but they could utilize a parking lot or possibly offer valet. He said they needed all the traffic they can get downtown. He went on to say that the flower beds look great and he thanked the 90+ volunteers that planted and maintain them.

Michael Tillotson, 1299 South Shiawassee Street, thanked the city for repairing the trail and bridge at Hopkins Lake. He also detailed his recent trip to Indiana.

Brad Breiler, 950 West Stewart Street, member of the Michigan State Firemen's Association, was present on behalf of State Association President Daniel Pearsall to announce the coming of the Association's annual conference to Owosso the weekend of June 27-30, 2013, with more than 300 firefighters from all over the state are expected to attend. He went on to detail some of the events that will be held throughout the weekend including a parade of fire apparatus. He asked for Council's support in hosting the conference. Mayor Frederick extended the Council's pleasure in hosting the event.

Gary Ballenger, 806 South Saginaw Street, indicated he was very concerned with people running the stop sign and speeding near his home. He said there are many children that play in the area and he feared for their safety. He said police had stepped up their patrol of the area but people continue to be careless when police are not there.

David Green, 604 Ryan Street, said he was bitten by a dog approximately 10 days ago. He asked the city to adopt a zero tolerance policy with regard to dogs that bite a person. He also said he thought the downtown Farmers' Market was great.

David Acton, 4941 Chippewa Court, was present on behalf of the group planning the installation of a splash pad at Bentley Park. He thanked Daniel Vargas, Paul Early and Pam Early for their work in raising funds for the project via the Mr. Owosso contest. He went on to say that the first module of the splash pad will be purchased shortly and he planned to have a detailed proposal for Council approval at the next meeting. He described the modules in some detail indicating each module had a self-contained water supply and would have 16 nozzles that could accommodate 30 patrons at a time. He encouraged anyone with questions to contact him.

Mayor Frederick said he was excited to see the repairs/renovations to the American Legion Post. He encouraged everyone to attend the grand opening ceremony that would be up coming. He also indicated he had toured the Community Airport recently learning about the growth they've had in the past few years, saying it was a great asset to the community.

Councilperson Bailey inquired who is responsible for the flower baskets on the bridge as they were in need of maintenance.

Councilperson Fox noted the county's excellent Civil Air Patrol Program saying we should be proud of this well run organization. He went on to ask when the benches in the downtown will be anchored to the sidewalk saying one had recently been damaged because it had been picked up. He also asked when the City would be looking at budgeting for a new phone system in light of the recent phone problems at the Public Safety Department. He also asked if a sign could be placed on the proposed location for the firemen's memorial to help bring attention to the cause. Lastly

he proposed a discussion for a future meeting to debate agreements in lieu of taxes for the provision of police and fire protection for entities that do not pay property tax. It was indicated the Main Street design committee had determined final placement for the benches and was planning on permanently affixing them soon.

Councilperson Cook thanked all those involved in raising money for the splash pad and planning for its purchase and installation. He also reminded everyone of the Firecracker Parade in Corunna at 11:00 am on the 4<sup>th</sup>.

Councilperson Erfourth inquired whether a ticket is mandatory in cases of dog bite. It was noted ticketing is at the discretion of the responding officer, though a 10-day quarantine notice is always issued to ensure the animal is not diseased. It was further noted officers had had some difficulty dealing with dog bite scenarios because there is no longer anyplace to take an animal if it must be removed from the premise.

### **CITY MANAGER REPORT**

City Manager Crawford detailed some of the items on the Project Status Report, including the ongoing efforts to research and seek proposals for a new phone system. He went on to note the phone problems last week were not the result of our phone system but rather an issue with the incoming phone line.

Councilperson Erfourth inquired about progress on fixing the short in the lighting system downtown. Public Work Director Mark Sedlak noted the system is old and shorts seem to be occurring in multiple places. An electrician has been working on the problem but it is slow going because the problem is not consistent.

City Manager Crawford detailed the proposed fireworks ordinance saying the State had changed the law regarding fireworks to allow the sale and use of fireworks that had previously been prohibited. The new law seriously restricts the City's ability to regulate the use of fireworks the day before a holiday, the day of a holiday, and the day after a holiday but he felt it was still important for the City to enact an ordinance to regulate the use of fireworks on other days.

Public Works Director Sedlak indicated "Children at Play" signs could be placed near Mr. Ballenger's points of concern.

### **CONSENT AGENDA**

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

Ordinance Amendment – Chapter 19, Offenses. Conduct First Reading and set a Public Hearing for Monday, July 16, 2012 to gather citizen comment on the proposed amendment to Chapter 19, Offenses, Article VII, Offenses Against Public Safety, Section 19-127, Fireworks prohibited as follows:

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE TO AMEND  
SECTION 19-127 OF THE CODE OF ORDINANCES  
OF THE CITY OF OWOSSO, MICHIGAN  
REGULATING FIREWORKS**

WHEREAS, the state of Michigan has enacted Act 256 of 2011 amending the Michigan Fireworks Safety Act, MCL 28.451 et seq., as amended, which preempted the current provision in the city of Owosso *Code of Ordinances*;

WHEREAS, the *Michigan Fireworks Safety Act*, MCL 28.451 et seq., as amended allows local units of government to regulate the ignition, discharge and use of consumer fireworks according to the amended Act;

NOW, THEREFORE BE IT RESOLVED by the city council of the city of Owosso, Michigan, that the following amendments to Chapter 19, Offenses, of the Code of the City of Owosso be recommended to regulate the use of fireworks within the city limits:

THE CITY OF OWOSSO ORDAINS:

SECTION 1. REPEAL. That Sec. 19-127. Fireworks prohibited, of the *Code of Ordinances*, which reads as follows, shall be repealed:

**~~Sec. 19-127. – Fireworks prohibited.~~**

~~(a) Sale prohibited. Within the city limits, a person shall not sell at retail, offer for sale at retail, expose for sale at retail, keep with intent to sell at retail, give, furnish, transport, use, explode or cause to explode any firecrackers, torpedoes, sky rockets, Roman candles, day glow bombs or other fireworks of like construction containing more than .25 of a grain of explosive content per device, nor any fireworks containing an explosive or~~

~~inflammable compound or a tablet or other device commonly used and sold as fireworks containing nitrates, chlorates, oxalates, sulphides of lead, barium, antimony, arsenic, mercury, nitroglycerine, phosphorus, or a compound containing these or other modern explosives.~~

- ~~(b) *Discharge, possession.* It shall be unlawful for any person to fire, discharge, display, or possess any fireworks except of the type and under the conditions permitted by chapter 38 of the Penal Code of the State of Michigan (MCL 750.243 et seq., MSA 28.440(1) et seq.).~~

SECTION 2. ADDITION. That a new Section 19-127 shall be adopted, which reads as follows:

**Sec. 19-127. - Discharge of fireworks or explosives.**

(a) *Definitions.* In this section, the following terms shall be defined as follows:

- (1) *APA standard 87-1* means the 2001 APA Standard 87-1 standard for construction and approval for transportation of fireworks, novelties, and theatrical pyrotechnics, and theatrical pyrotechnics, published by the American Pyrotechnics Association of Bethesda, Maryland.
- (2) *Display fireworks* means large fireworks devices that are explosive materials intended for use in firework displays and designed to produce visible or audible effects by combustion, deflagration, or detonation, as provided in 27 CFR 555.11, 49 CFR 172, and APA standard 87-1, 4.1.
- (3) *Consumer fireworks* means fireworks devices designed to produce visible effects by combustion, that are required to comply with the construction, chemical composition, and labeling regulations promulgated by the United States consumer product safety commission under 16 CFR part 1500 and 1507, and are listed in APA standard 87-1.3.1.2, 3.1.3, or 3.5. Consumer fireworks do not include low-impact fireworks.
- (4) *Fireworks* means any composition or device, except for a starting pistol, a flare gun, or a flare, designed for producing a visible or audible effect by combustion, deflagration, or detonation to include display, consumer, low-impact and "novelties" as defined under Act 256 of 2011.
- (5) *Low-impact fireworks* means ground and handheld sparking devices as defined under APA standard 87-1, 3.1, 3.1.1.1 to 3.1.1.8, and 3.5
- (6) *Minor* means an individual who is less than 18 years of age.
- (7) *National holiday* means the following legal public holidays: New Year's day (January 1), Martin Luther King, Jr. birthday (third Monday in January), Presidents' Day (third Monday in February), Memorial Day (last Monday in May), Independence Day (July 4), Labor Day (first Monday in September), Columbus Day (second Monday in October), Veteran's Day, (November 11), Thanksgiving day (fourth Thursday in November), Christmas day (December 25).
- (8) *Novelties* means that term as defined under APA standard 87-1, 3.2 3.2.1, 3.2.2, 3.2.3, 3.2.4, and 3.2.5 and all of the following:
  - Toy plastic or paper caps for toy pistols in sheets, strips, rolls, or individual caps containing not more than .25 of a grain of explosive content per cap, in packages labeled to indicate the maximum explosive content per cap.
  - Toy pistols, toy cannons, toy canes, toy trick noisemakers, and toy guns in which toy caps as described in this section that are constructed so that the hand cannot come in contact with the cap when in-place for the explosion, and that are not designed to break apart or be separated to form a missile by the explosion.
  - Flitter sparklers in paper tubes not exceeding 1/8 inch in diameter.
  - Toy snakes and toy smoke devices not containing mercury, if packed in boxes with not more than 12 pieces per box for retail sale and if the manufacturer's name and the quantity contained in each box are printed on the box.
- (9) *Public land* means all property owned, leased or otherwise in the possession of the city or another governmental entity and shall include all parks, recreational fields, playgrounds, streets, alleys, trails and school grounds.

(b) *Ignition, discharge and use of fireworks.*

- (1) Display fireworks on public and private lands. No person(s) shall ignite, discharge or use display fireworks on any lands within the city without authorization and approval by the city council and subject to any fees, insurance coverage, licenses, forms, or applications required.
- (2) Consumer fireworks on public lands. No person(s) shall ignite, discharge or use

consumer fireworks on public lands within the city limits without authorization by the governing body of such public lands and subject to any fees, insurance coverage, licenses, forms, or applications required.

- (3) Consumer fireworks on private property. No person(s) shall ignite, discharge or use consumer fireworks on private property in the city except on the day preceding, the day of, or the day after a national holiday as so defined under (a)(9) of this section and subject to the approval of property owner.
- (4) Low-impact fireworks on private property. Under Public Act 256 of 2011, all person(s) shall have the right to ignite, discharge or use low-impact fireworks subject to approval by the property owner and not in violation of other city ordinances including nuisance and noise provisions.
- (5) Low-impact fireworks on public property. All person(s) shall have the right to ignite, discharge or use low-impact fireworks on public lands within the city upon approval of the city council and subject to any other ordinances in the city such as nuisance, or noise restrictions.
- (6) Novelties under Public Act 256, subsection 28.453. The local unit of government has no authority to enact or enforce an ordinance, code, or regulation pertaining to, or in any manner regulating, the sale, storage, display for sale, transportation, use, or distribution of novelties.

(c) *Possession of consumer or display fireworks by a minor.*

A minor shall not possess consumer or display fireworks.

(d) *Determination of violation; seizure.*

If a police officer determines that a violation of this section has occurred, the officer may seize the fireworks as evidence of the violation.

(e) *Penalty.*

A violation of this section shall constitute a misdemeanor. Following final disposition of a finding of responsibility for violating this ordinance, the city may dispose of or destroy any consumer fireworks retained as evidence in that prosecution. In addition to any other penalty, a person who is found responsible for a violation of this ordinance shall be required to reimburse the city for the costs of storing, disposing of, or destroying fireworks confiscated for a violation of this ordinance.

SECTION 3. SEVERABILITY. If any section, subdivision, sentence or attachment to this ordinance is for any reason held invalid or to be unconstitutional, such a decision shall not affect the validity of the remaining portion of this ordinance or attachment.

SECTION 4. CONFLICTING ORDINANCES. All existing ordinances inconsistent or in conflict with the provisions of this ordinance are, to the extent of such conflict or inconsistency, hereby expressly repealed.

SECTION 5. EFFECTIVE. This amendment shall become effective twenty days after passage.

SECTION 6. INSPECTION. This ordinance may be purchased or inspected in the city clerks' office, Monday through Friday between the hours of 9:00 a.m. and 5:00 p.m.

Bid Award. Approve the bid of Seifert Construction Co. for the 2012 Sidewalk Replacement Program in the amount of \$24,850.00 and further approve payment up to that amount as follows:

**RESOLUTION NO. 77-2012**

**AUTHORIZING THE EXECUTION OF A CONTRACT FOR  
THE 2012 SIDEWALK REPLACEMENT PROGRAM  
WITH SEIFERT CONSTRUCTION LLC**

WHEREAS, the city of Owosso, Shiawassee County, Michigan, has determined sections of the sidewalk on various streets in the City have become misaligned, deteriorated, or damaged and that replacement is advisable, necessary and in the public interest; and

WHEREAS, the city of Owosso sought bids for the replacement of these sections of sidewalk as part of the 2012 Sidewalk Replacement Program; a bid was received from Seifert Construction LLC; and it is hereby determined that Seifert Construction LLC is qualified to provide such services and that it has submitted the lowest responsible and responsive bid;

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



FIRST: The City of Owosso has heretofore determined that it is advisable, necessary and in the public interest to employ Seifert Construction LLC for the replacement of sections of damaged or misaligned sidewalk as part of the 2012 Sidewalk Replacement Program.

SECOND: The mayor and city clerk are instructed and authorized to sign the document substantially in the form attached as Exhibit A, Contract for Services Between the city of Owosso, Michigan and Seifert Construction LLC, with a \$24,850.00 bid.

THIRD: The above expenses shall be paid from the Major and Local Street Maintenance Fund.

Bid Award. Approve the high bid of Trumbull Auto Sales, Inc. for the sale of one 2004 Chevrolet Impala police vehicle, the last six digits of the VIN# reading: 380060 in the amount of \$3,537.00. (See the following item for the resolution detailing this sale.)

Bid Award. Approve the high bid of Trumbull Auto Sales for the sale of one 2005 Chevrolet Impala police vehicle the last six digits of the VIN# reading: 382750 in the amount of \$3,237.00 as follows:

**RESOLUTION NO. 78-2012**

**RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT FOR SALE OF RETIRED POLICE CARS WITH TRUMBULL AUTO SALES, INC.**

WHEREAS, the City of Owosso, Shiawassee County, Michigan, has established a purchasing cycle to maintain a healthy police vehicle fleet; and

WHEREAS, as a part of this purchasing cycle older vehicles are retired and sold to the highest bidder; and

WHEREAS, a bid solicitation was advertised and the most responsive bids were received from Trumbull Auto Sales, Inc.

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

FIRST: The City of Owosso has heretofore determined that it is advisable, necessary and in the public interest to sell one 2004 Chevrolet Impala police vehicle, the last six digits of the VIN# reading: 380060, in the amount of \$3,537.00 and one 2005 Chevrolet Impala police vehicle, the last six digits of the VIN# reading: 382750, in the amount of \$3,237.00.

SECOND: The mayor and city clerk are instructed and authorized to sign the document substantially in the form attached as Exhibit A, Contract for Sale between the City of Owosso, Michigan and Trumbull Auto Sales, Inc. in the amount of \$6,774.00.

Boards and Commissions Appointments. Consider the following Mayoral boards and commissions appointments:

Name	Board/Commission	Term Expires
Thomas Kurtz*	Planning Commission	06-30-2015
Frank Livingston*	Planning Commission	06-30-2015
William Wascher*	Planning Commission	06-30-2015
Ed VanStrate*	Building Board of Appeals	06-30-2015
Dan Stewart*	Brownfield Redevelopment Authority	06-30-2016
Richard Williams*	Brownfield Redevelopment Authority	06-30-2016
Larry Cook*	Building Authority	06-30-2015
Theresa Thiede*	Westown Corridor Improvement Authority	06-30-2016
Philip Hathaway*	Downtown Historic District Commission	06-30-2015
Gary Wilson*	Downtown Historic District Commission	06-30-2015
Daniel Jozwiak*	Zoning Board of Appeals	06-30-2015
William Wascher*	Zoning Board of Appeals	06-30-2015

\*indicates a reappointment

Motion supported by Councilperson Fox.

Roll Call Vote.

AYES: Councilpersons Fox, Erfourth, Bailey, Cook, Eveleth, and Mayor Frederick.

NAYS: None.

ABSENT: Mayor Pro-Tem Popovitch.

**ITEMS OF BUSINESS**

**PROPERTY SALE – 21 DAY POSTING**

Motion by Councilperson Eveleth to authorize the twenty-one (21) day posting period for sale of City-owned property located between 522 and 600 North Water Street to adjacent property owners in the amount of \$1,372.80 per the City's Policy for the Disposition of City-Owned Real Property as follows:

**RESOLUTION NO. 79-2012**

**AUTHORIZING 21-DAY POSTING OF  
PURCHASE AGREEMENT FOR THE SALE OF  
CITY-OWNED PROPERTY SOUTH OF 600 NORTH WATER STREET**

WHEREAS, the city was deeded a parcel of property approximately 13' wide and 132' deep, and described as follows, from the State of Michigan via the tax sale process;

PART OF BLK 34 ORIGINAL PLAT, BEG ON E R/W LN WATER ST 264' N OF SW COR  
BLK 34, N ALNG SD R/W 13', E 132', S 13', W 132' TO POB

and

WHEREAS, it has been determined the parcel in question encroaches on structures located on two adjacent properties; and

WHEREAS, it is the city's policy to rectify any encroachments on a property whenever possible; and

WHEREAS, the value of the land in question has been determined according to the city's Property Sale Policy; and

WHEREAS, the adjacent land owners have expressed a written interest in the property adjacent their respective parcels at the price determined by the Policy.

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

1. The purchase agreement for the property described above be posted for a 21-day period to allow for citizen comment.
2. The agreement be returned to council at the meeting of August 6, 2012 for potential final disposition.

Motion supported by Councilperson Bailey.

Roll Call Vote.

AYES: Councilpersons Erfourth, Bailey, Cook, Eveleth, Fox, and Mayor Frederick.

NAYS: None.

ABSENT: Mayor Pro-Tem Popovitch.

**COMMUNICATIONS**

Heather Rivard, DDA/Main Street Director. Changes to the DDA/MainStreet financial procurement policy.

Downtown Development Authority/Main Street. Minutes of June 6, 2012.

Historical Commission. Minutes of June 11, 2012.

Downtown Historic District Commission. Minutes of June 20, 2012.

**CITIZEN COMMENTS AND QUESTIONS**

Dave Acton, Main Street Wayfinding Committee member, pointed out the prototype sign in the back of the room that had been developed as the base for a wayfinding network in town and possibly surrounding communities. He said much work had been donated by local companies to make the prototype. The next step in the process would be to contact MDOT to seek their approval. Phase 1 of the plan would be to install 6 signs in and near the downtown.

Bill Young, downtown car cruise organizer, indicated he insisted on getting the signatures of downtown merchants because he felt it was beneficial to his efforts to speak directly with merchants about their concerns. He said he also had plans to offer door prizes to different groups of attendees to encourage family attendance at the event.

Gary Ballenger asked Council to consider fining the parents of children that run stop signs. He said he hoped the new street signs will have the intended effect.

Councilperson Fox inquired about the sanitization of the water supply for the splash pad and his concern that Bentley Park would be overloaded with attractions such as the splash pad while other parks would be neglected. It was noted the water would be chlorinated as well as scanned with ultraviolet light. He went on to ask if enforcement of traffic laws such as speeding and blowing stop signs could be stepped up. Public Safety Director Compeau noted that he would inform officers of Council's concerns but ticketing drivers would be up to the individual officers.

**NEXT MEETING**

Monday, July 16, 2012

**BOARDS AND COMMISSIONS OPENINGS**

Zoning Board of Appeals – Alternate, term expiring June 30, 2013  
Historical Commission, term expiring December 31, 2012  
Shiawassee District Library Board, term expiring June 30, 2016

**ADJOURNMENT**

Motion by Councilperson Eveleth for adjournment at 8:41 p.m.

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

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Benjamin R. Frederick, Mayor

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Amy K. Kirkland, City Clerk