

**OWOSSO CITY COUNCIL**

**AUGUST 5, 2013**

**7:30 P.M.**

- PRESIDING OFFICER:** MAYOR BENJAMIN R. FREDERICK
- OPENING PRAYER:** REVEREND PEG FAULMANN  
ST. JOHNS UNITED CHURCH OF CHRIST
- PLEDGE OF ALLEGIANCE:** DANNY MILLER  
OWOSSO CHARTER TOWNSHIP SUPERVISOR
- PRESENT:** Mayor Benjamin R. Frederick, Mayor Pro-Tem Cindy S. Popovitch, Councilpersons Loreen F. Bailey, Michael J. Erfourth, and Christopher T. Eveleth.
- ABSENT:** Councilpersons Thomas B. Cook and Burton D. Fox

**APPROVE AGENDA**

Motion by Councilperson Eveleth to approve the agenda as presented.

Motion supported by Mayor Pro-Tem Popovitch and concurred in by unanimous vote.

**APPROVAL OF THE MINUTES OF REGULAR MEETING OF JULY 15, 2013**

Motion by Councilperson Bailey to approve the Minutes of the Regular Meeting of July 15, 2013 as presented.

Motion supported by Mayor Pro-Tem Popovitch and concurred in by unanimous vote.

**PROCLAMATIONS / SPECIAL PRESENTATIONS**

None.

**PUBLIC HEARINGS**

None.

**CITIZEN COMMENTS AND QUESTIONS**

There were no citizen comments.

**CITY MANAGER REPORT**

City Manager Crawford distributed and briefly detailed the Project Status Report. As a part of his report he mentioned that the City was in receipt of some complaints about parking spots in the downtown being too narrow. He said they were looking into increasing the size of the spots though this adjustment would cause a small loss in the number of spots.

Councilperson Bailey inquired about a timeline for the completion of the splash pad saying people were anxious to use it. It was noted there is no timeline as the work is being completed by volunteers.

Mayor Frederick recognized Baker College for their initiative and effort in assisting the Helping Hands organization revitalize the home of an elderly couple on South Cedar Street. He also thanked Kevin Jones Masonry for their work on the chimney of Comstock Cabin.

**CONSENT AGENDA**

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

Special Assessment District No. 2013-04. Consider authorizing Resolution No. 4 setting a public hearing for Monday, August 19, 2013 to receive citizen comment regarding Special Assessment District No. 2013-04, Krust Drive from Dewey Street to North Street for street reconstruction as follows:

**RESOLUTION NO. 79-2013**  
**SETTING A PUBLIC HEARING**  
**TO HEAR COMMENT REGARDING**  
**SPECIAL ASSESSMENT DISTRICT NO. 2013-04**  
**KRUST DRIVE FROM DEWEY STREET TO NORTH STREET**

WHEREAS, the Assessor has prepared a special assessment roll for the purpose of specially assessing that portion of the cost of the public improvements, more particularly hereinafter described, to the properties specially benefited by said public improvement, and the same has been presented to the Council by the City Clerk.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. Said special assessment roll is hereby accepted and shall be filed in the office of the City Clerk for public examination.
2. The Council shall meet at the Owosso City Hall, Owosso, Michigan at 7:30 o'clock p.m., on Monday, August 19, 2013 for the purpose of hearing all persons interested in said special assessment roll and reviewing the same.
3. The City Clerk is directed to publish the notice of said hearings once in the *Argus Press*, the official newspaper of the City of Owosso, not less than ten (10) days prior to said hearing and shall further cause notice of said hearing to be sent by first class mail to each owner of the property subject to assessment, as indicated by the records in the City Assessor's office as shown on the general tax rolls of the City, at least ten (10) days before the time of said hearing, said notice to be mailed to the addresses shown on said general tax rolls of the City.
4. The notice of said hearing to be published and mailed shall be in substantially the following form:

**NOTICE OF HEARING  
TO REVIEW SPECIAL ASSESSMENT ROLL  
CITY OF OWOSSO, COUNTY OF SHIAWASSEE, MICHIGAN**

TO THE OWNERS OF THE OF THE FOLLOWING DESCRIBED PROPERTY:

Krust Drive from Dewey Street to North Street

TAKE NOTICE that a Special Assessment roll has been prepared for the purpose of defraying the Special Assessment district's share of the cost of the following described public improvements:

Street Reconstruction

The said Special Assessment roll is on file for public examination with the City Clerk and any objections to said Special Assessment roll must be filed in writing with the City Clerk prior to the close of the hearing to review said Special Assessment roll.

TAKE FURTHER NOTICE that appearance and protest at this hearing is required in order to appeal the amount of the special assessment to the State Tax Tribunal if an appeal should be desired. A property owner or party in interest, his or her agent, may appear in person at the hearing to protest the special assessment or may file his or her appearance by letter and his or her personal appearance shall not be required. The property owner or any person having an interest in the property subject to the proposed special assessments may file a written appeal of the special assessment with the State Tax Tribunal within thirty days after confirmation of the special assessment roll if that special assessment was protested at this hearing.

TAKE FURTHER NOTICE that the City Council will meet at the Owosso City Hall, Owosso, Michigan at 7:30 p.m. on Monday, August 19, 2013 for the purpose of reviewing said special assessment roll and for the purpose of considering all objections to said roll submitted in writing.

First Reading and Set Public Hearing – Ordinance Amending Traffic and Motor Vehicle Code.  
Conduct first reading and set a public hearing for Tuesday, September 3, 2013 at 7:30 p.m. to receive citizen comment regarding the proposal to amend Chapter 33, Traffic and Motor Vehicles, of the Code of Ordinances of the City of Owosso to regulate motor vehicle size, weight, and loads and motor carrier safety as follows:

**RESOLUTION NO. 80-2013**

**TO CONDUCT THE FIRST READING AND SET A PUBLIC HEARING FOR  
AN ORDINANCE TO AMEND  
CHAPTER 33, TRAFFIC AND MOTOR VEHICLES,  
ARTICLE VII, MOTOR CARRIER SAFETY  
OF THE CODE OF THE CITY OF OWOSSO**

WHEREAS, the City of Owosso struggles with the premature destruction of roadways due to overweight vehicle traffic; and

WHEREAS, the City also sees unsafe commercial vehicles driven over its streets and highways; and

WHEREAS, the State is currently responsible for enforcement of the laws governing commercial vehicles because the City does not have a commercial vehicle ordinance on its books; and

WHEREAS, the City currently receives no revenues from any enforcement of commercial vehicle laws; and

WHEREAS, the City sees a benefit in establishing its own commercial vehicle enforcement program in order to increase safety and maintain the condition of our roadways; and

WHEREAS, the City has obtained the necessary equipment and officer training to begin a commercial vehicle enforcement program; and

WHEREAS, it is required the City have an ordinance on its books governing commercial traffic to receive any fees and penalties generated by such an enforcement program.

NOW, THEREFORE BE IT RESOLVED, THE CITY OF OWOSSO ORDAINS that Chapter 33, Traffic and Motor Vehicles, of the Code of the City of Owosso be amended as follows:

SECTION 1. REPEAL. That Chapter 33, Traffic and Motor Vehicle, Article VII, Motor Carrier Safety, of the *City of Owosso Code of Ordinances*, which reads as follows, shall be repealed:

~~**Sec. 33-150. - Short title.**~~

~~This article shall be known and may be cited as the "Motor Carrier Safety Act."~~

~~**Sec. 33-151. - Adoption of state law.**~~

~~MCL sections 480.11 et seq., (Motor Carrier Safety Act of 1963, as amended) and any rules promulgated pursuant thereto, are hereby adopted and incorporated herein by reference.~~

~~**Sec. 33-152. - Severability.**~~

~~The provisions of this article are hereby declared to be severable. If any clause, sentence, paragraph, section, or subsection is declared void or inoperable for any reason by any court of competent jurisdiction, it shall not affect any other part or portion thereof other than the part declared void or inoperable.~~

~~**Sec. 33-153. - Conflicting ordinances repealed.**~~

~~Any ordinance or part of an ordinance in conflict herewith is hereby repealed.~~

SECTION 3. REPLACE. That a new Article VII, which reads as follows, shall be adopted:

**Sec. 33-150. - Short title.**

This article shall be known and may be cited as the "Motor Vehicle Size, Weight and Load Restrictions Ordinance."

**Sec. 33-150.1. - Size, weight and load restrictions.**

(a) Unless specifically declared to be a civil infraction, it is a misdemeanor for a person to drive or move or for the owner to cause or permit to be driven or moved on a highway a vehicle of a size and weight exceeding the limitations stated in this ordinance or otherwise in violation of this ordinance.

(b) The provisions of this ordinance governing size, weight, and load do not apply to a fire apparatus; to an implement of husbandry; to a boat lift or oversized hydraulic boat trailer owned and operated by a marina or watercraft dealer and used exclusively in a commercial boat storage operation which is incidentally moved upon a highway; or to a vehicle operated under the terms of a special permit issued as provided in this ordinance.

(c) The Michigan Department of Transportation, under the Administrative Procedures Act of 1969, 1969 PA 306 ( MCL 24.201 to MCL 24.328), may promulgate rules permitting and regulating the operation of a vehicle or vehicles of a size or weight that exceeds the size or weight limitations of this ordinance. The City may enforce those rules under this ordinance, but can take no actions in conflict with Federal, State, or local law.

(d) A wrecker and a disabled vehicle, or a wrecker and a combination of a disabled vehicle and one trailer that exceeds the size and weight limitations in this ordinance may be operated upon the highways of the City under the following conditions:

(1) The wrecker is specifically designed for such towing operations; is equipped with flashing, oscillating, or rotating amber or red lights as permitted under MCL 257.698; and is capable of utilizing the lighting and braking systems of the disabled vehicle or combination of disabled vehicles if those systems are operational.

(2) For a combination of disabled vehicles, the wrecker is issued a special permit under section under MCL 257.725 by the Michigan Department of Transportation or the Road Commission for Shiawassee County if each trip beginning from the place of original disablement is 25 miles or less. The special permit is valid for the entire 25 mile towing distance, and the operator of that wrecker may remove the disabled vehicles from the roadway at any lawful point of his or her choosing within that distance.

(3) For a single disabled vehicle, the wrecker is issued a special permit under MCL 257.725 by the Michigan Department of Transportation or the Road Commission for Shiawassee County for the transport of the disabled vehicle. A wrecker operator is not subject to mileage limitations under such a special permit.

(4) The wrecker does not operate on any highway, road, street or structure that is included on a list provided by the State Transportation Department that prohibits wreckers unless the disabled vehicle or combination of vehicles is actually located on one of those roads or structures.

(e) The owner or operator of a wrecker that does not comply with Section 33-150.1 (d) is responsible for a civil infraction and shall pay a civil fine of not less than \$250.00 or more than \$500.00. The civil fine imposed under this subsection is in addition to any fine that may be imposed under Section 33-150.3 or 33-150.15.

**Sec. 33-150.2. - Maximum outside width of vehicles or loads; operation or movement of boat lifts and trailers.**

(a) The total outside width of a vehicle or the load on a vehicle that is operated on the highways, streets, and roadways in the City shall not exceed 96 inches, except as otherwise provided in this section.

(b) A person may operate or move an implement of husbandry of any width on a highway as required, designed, and intended for farming operations, including the movement of implements of husbandry being driven or towed and not hauled on a trailer, without obtaining a special permit by the Michigan Department of Transportation or the Road Commission for Shiawassee County for an excessively wide vehicle or load under MCL 257.725. The operation or movement of the implement of husbandry shall be in a manner so as to minimize the interruption of traffic flow. A person shall not operate or move an implement of husbandry to the left of center of the roadway from a half hour after sunset or a half hour before sunrise or at any other time where visibility is substantially diminished due to weather conditions. A person operating or moving an implement of husbandry shall follow all traffic regulations.

(c) The total outside width of the load of a vehicle hauling concrete pipe; agricultural products; or unprocessed logs, pulpwood, or wood bolts shall not exceed 108 inches.

(d) Except as provided in subsections (b) and (e), if a vehicle that is equipped with pneumatic tires is operated on a highway, the maximum width from the outside of one wheel and tire to the outside of the opposite wheel and tire shall not exceed 102 inches, and the outside width of the body of the vehicle or the load on the vehicle shall not exceed 96 inches. However, a truck or trailer or a tractor and semitrailer combination hauling pulpwood or unprocessed logs may operate with a maximum width of up to 108 inches, in accordance with a special permit issued under MCL 257.725.

(e) The total outside body width of a bus, a trailer coach, a trailer, a semitrailer, a truck camper, or a motor home shall not exceed 102 inches. However, an appurtenance of a trailer coach, a truck camper, or a motor home that extends not more than six inches beyond the total outside body width is not a violation of this Section.

(f) A vehicle shall not extend beyond the center line of a state trunk highway except when authorized by law. Except as provided in subsection (b) above, if the width of the vehicle makes it impossible to stay away from the center line, a permit shall be obtained under MCL 257.725.

(g) The City may designate a highway under its jurisdiction as a highway on which a person may operate a vehicle or vehicle combination that is not more than 102 inches in width, including load, the operation of which would otherwise be prohibited by this Section. The City may require that the owner or lessee of the vehicle or of each vehicle in the vehicle combination secure a permit before operating the vehicle or vehicle combination. This Section does not permit the operation of a vehicle or vehicle combination described in Section 33-150.11 if the operation would otherwise result in a violation of that Section.

(h) The Michigan Department of Transportation or the Road Commission of Shiawassee County may issue a special permit under MCL 257.725 to a person operating a vehicle or vehicle combination if all of the following are met:

(1) The vehicle or vehicle combination, including load, is not more than 106 inches in width.

(2) The vehicle or vehicle combination is used solely to move new motor vehicles or parts or components of new motor vehicles between facilities that meet all of the following:

- a. New motor vehicles or parts or components of new motor vehicles are manufactured or assembled in the facilities.
- b. The facilities are located within 10 miles of each other.
- c. The facilities are located with the Owosso city limits.
- d. The special permit and any renewals are each issued for a term of one year or less.
  - (i) A person who violates this Section is responsible for a civil infraction. The operator or the owner of the vehicle may be charged with a violation of this Section.

**Sec. 33-150.3 - Passenger-type vehicles; projected load.**

(a) A passenger type vehicle shall not be operated on a highway with a load carried on the vehicle extending beyond the line of the fenders on the left side of the vehicle nor extending more than six inches beyond the line of the fenders on the right side of the vehicle.

(b) A person who violates this section is responsible for a civil infraction.

**Sec. 33-150.4. - Height, length; combinations; connecting assemblies, lighting devices; weight; violations.**

(a) A vehicle either unloaded or with load, shall not exceed a height of 13 feet six inches. The owner of a vehicle that collides with a lawfully established bridge or viaduct is liable for all damage and injury resulting from a collision caused by the height of the vehicle, whether the clearance of the bridge or viaduct is posted or not.

(b) Lengths described in this Section shall be known as the normal length maximum. Except as provided in Section (c) below, the following vehicles and combinations of vehicles shall not be operated on a highway in this City in excess of these lengths:

(1) Subject to Section (h) below, any single vehicle – 40 feet; a crib vehicle on which logs are loaded lengthwise of the vehicle – 42.5 feet; any single bus or motor home – 45 feet.

(2) Articulated buses – 65 feet.

(3) Notwithstanding any other provision of this Section, a combination of a truck and semitrailer or trailer, or a truck tractor, semitrailer, and trailer, or truck tractor and semitrailer or trailer, designated and used exclusively to transport assembled motor vehicles or bodies, recreational vehicles, or boats – 65 feet. Stinger-steered combinations – 75 feet. The load on the combinations of vehicles described in this Section may extend an additional three feet beyond the front and four feet beyond the rear of the combinations of vehicles. Retractable extensions used to support and secure the load that do not extend beyond the allowable overhang for the front and rear shall not be included in determining length of a loaded vehicle or vehicle combination.

(4) Truck tractor and semitrailer combinations – no overall length, but the semitrailer shall not exceed 50 feet.

(5) Truck and semitrailer or trailer – 59 feet.

(6) Except as provided in Section (7) below, a combination of a truck tractor, semitrailer, and trailer, or truck tractor and two semitrailers – 59 feet.

(7) A truck tractor, semitrailer, and trailer, or a truck tractor and 2 semitrailers, in which no semitrailer or trailer is more than 28 ½ feet long – 65 feet. This Section only applies while the vehicle is being used for a business purpose that is reasonably related to picking up or delivering a load and only if each semitrailer or trailer is equipped with a device or system capable of mechanically dumping construction materials or dumping construction materials by force of gravity.

(8) More than one motor vehicle, wholly or partially assembled, in combination, utilizing one tow bar or three saddle mounts with full mount mechanisms and utilizing the motive power of one of the vehicles in combination – 55 feet.

(c) The normal length maximums, as set forth in Section (b) above, may be exceeded for the following vehicles and combinations of vehicles, but they shall comply with the following:

(1) Truck tractor and semitrailer combinations – no overall length limit, but the semitrailer shall not exceed 53 feet. All semitrailers longer than 50 feet shall have a wheelbase of 37.5 to 40.5 feet, plus or minus 0.5 feet, measured from the kingpin coupling to the center of the rear axle or the center of the rear axle assembly. A semitrailer with a length longer than 50 feet shall not operate with more than three axles on the semitrailer. Vehicles with a

semitrailer longer than 50 feet may be prohibited from stopping in the City unless the stop occurs along appropriately designated routes, or is necessary for emergency purposes or to reach shippers, receivers, warehouses, and terminals along designated routes.

(2) Truck and semitrailer or trailer combinations – 65 feet, except that a person may operate a truck and semitrailer or trailer designed and used to transport saw logs, pulpwood, and tree length poles that does not exceed an overall length of 70 feet or a crib vehicle and semitrailer or trailer designated and used to transport saw logs that does not exceed an overall length of 75 feet. A crib vehicle and semitrailer or trailer designed for and used to transport saw logs shall not exceed a gross vehicle weight of 164,000 pounds. A person may operate a truck tractor and semitrailer designed for and used to transport saw logs, pulpwood, and tree length wooden poles with a load overhang to the rear of the semitrailer which does not exceed six feet if the semitrailer does not exceed 50 feet in length.

(3) Notwithstanding Section 33-150.4 (d) (4), a truck tractor with a log slasher unit and a log saw unit- no maximum length limit if the length of each unit does not exceed 28 ½ feet, or the overall length of the log slasher unit and the log saw unit, as measured from the front of the first towed unit to the rear of the second towed unit while the units are coupled together, does not exceed 58 feet. The coupling devices of the truck tractor and units set forth in this Section shall meet the requirements established under the Motor Carrier Safety Act of 1963, 1963 PA 181, MCL 480.11 to MCL 480.25.

(4) Truck tractor and two semitrailers, or truck tractor, semitrailer, and trailer combinations- no overall length limit, as long as the length of each semitrailer or trailer does not exceed 28 ½ feet each, or the overall length of the semitrailer and trailer, or two semitrailers, as measured from the front of the first towed unit to the rear of the second towed unit while the units are coupled together, does not exceed 58 feet.

(5) More than one motor vehicle, wholly or partially assembled, in combination, utilizing one tow bar or three saddle mounts with full mount mechanisms and utilizing the motive power of one of the vehicles in combination- maximum 75 feet.

(d) The following combinations and movements are prohibited:

(1) A truck shall not haul more than one trailer or semitrailer, and a truck tractor shall not haul more than two semitrailers or one semitrailer and one trailer in combination at any one time, except that a farm tractor may haul two wagons or trailers, or garbage and refuse haulers may, during daylight hours, haul up to four trailers for garbage and refuse collection purposes, as long as the total length of any combination does not exceed 55 feet and the vehicles are operated at a speed limit of 15 miles per hour or less.

(2) A combination of vehicles or a vehicle shall not have more than 11 axles, except when operating under a valid permit issued by the Michigan Department of Transportation or the Road Commission of Shiawassee County under MCL 257.725 on highways under its jurisdiction.

(3) Any combination of vehicles not specifically authorized under this Section is prohibited.

(4) Except as provided in Section 33-150.4 (c)(3) a combination of two semitrailers pulled by a truck tractor, unless each semitrailer uses a fifth wheel connection assembly that conforms to the requirements of the Motor Carrier Safety Act of 1963, 1963 PA 181, MCL 480.11 to MCL 480.25.

(5) A vehicle or combination of vehicles shall not carry a load extending more than three feet beyond the front of the lead vehicle.

(6) A vehicle described in Section 33-150.4 (b) (5) and (c) (5) employing triple saddle mounts, unless all wheels that are in contact with the roadway have operating brakes.

(e) All combinations of vehicles under this Section shall employ connecting assemblies and lighting devices that are in compliance with the Motor Carrier Safety Act of 1963, 1963 PA 181, MCL 480.11 to MCL 480.25.

(f) The total gross weight of a truck tractor, semitrailer, and trailer combination or a truck tractor and two semitrailers combination that exceeds 59 feet in length shall not exceed a ratio of 400 pounds per engine net horsepower delivered to clutch or its equivalent, as specified in the handbook published by the Society of Automotive Engineers, Inc. (SAE), 1977 edition.

(g) A person who violates this section is responsible for a civil infraction. The owner of the vehicle may be charged with a violation of this section.

(h) The provisions in Sections 33.150.4 (b) (1) and (c) (2) prescribing the length of a crib vehicle on which logs are loaded lengthwise do not apply unless section 127(d) of Title 23 of the United States Code, 23 USC 127, is amended to allow crib vehicles carrying logs to be loaded as described in this section.

(i) As used in this Section:

(1) "Designated highway" means a highway under the jurisdiction of the City of Owosso and approved by the State of Michigan as a highway.

(2) "Length" means the total length of a vehicle, or combination of vehicles, including any load the vehicle is carrying. Length does not include devices described in 23 CFR 658.16 and 23 CFR part 658, appendix D, 23 CFR 658.16 and 23 CFR part 658, appendix D, as on file with the Michigan Secretary of State and as adopted by reference. A safety or energy conservation device shall be excluded from a determination of length only if it is not designed or used for the carrying of cargo, freight, or equipment. Semitrailers and trailers shall be measured from the front vertical plane of the foremost transverse load supporting the structure to the rear-most transverse load supporting the structure. Vehicle components not excluded by law shall be included in the measurement of the length, height, and width of the vehicle.

(3) "Stinger-steered combinations" means a truck tractor and semitrailer combination in which the fifth wheel is located on a drop frame located behind and below the rear-most axle of the power unit.

**Sec 33-150.5. - Towing vehicle with mobile home attached; operating restrictions; permits; transport requirements; violations; definitions.**

(a) Notwithstanding any other provisions of this ordinance, a person shall not operate on a highway of this City a towing vehicle to which a mobile home is attached, if that mobile home is more than 45 feet in length or more than 60 feet in length when combined with the towing vehicle; or is more than 12 ½ feet in height; or has an actual body width of more than 102 inches at base rail, unless that person possesses either of the following:

(1) A permit issued by the Michigan Department of Transportation or the Road Commission of Shiawassee County pursuant to MCL 257.725.

(2) A special permit issued by the Michigan Department of Transportation or the Road Commission of Shiawassee County pursuant to MCL 257.725.

(b) Pursuant to MCL 257.725, the Michigan Department of Transportation or the Road Commission of Shiawassee County may issue an annual permit to a mobile home transport company; a mobile home manufacturer; or a mobile home dealer to move a mobile home over a highway under the jurisdiction of the City, in the ordinary course of that company's, manufacturer's, or dealer's business, as long as the mobile home conforms to each of the following:

(1) The mobile home is not more than 12 feet wide.

(2) The actual body length of the mobile home is not more than 80 feet and the combined length of the mobile home and towing vehicle is not more than 105 feet; or the total length of a combination of mobile homes is not more than 80 feet and the total length of a combination of mobile homes and towing is not more than 105 feet.

(c) Pursuant to M.C.L. 257.725, the Michigan Department of Transportation or the Road Commission of Shiawassee County may issue a special permit for the movement of a mobile home over a highway within its jurisdiction if the width of that mobile home conforms to both of the following:

(1) The mobile home is not more than 16 feet wide plus normal appurtenances or eaves that extend not more than six inches from any side of the mobile home.

(2) The length of the mobile home complies with Section 33-150.5 (b) (2).

(d) A person operating a towing vehicle under Section 33-150.5 (c) shall transport a mobile home only on the lane farthest to the right of that person. When the wind velocity exceeds 25 miles per hour, a person shall not move a mobile home that is 14 or more feet in width.

(e) Pursuant to M.C.L. 257.725, the Michigan Department of Transportation or the Road Commission of Shiawassee County shall not issue a permit for the transportation of a mobile home on a Saturday, Sunday, legal holiday (from noon the day before until the noon the day after a holiday), or during the hours between sunset and sunrise.

(f) Persons operating a vehicle towing a mobile home shall comply with all of the conditions of a permit issued by Michigan Department of Transportation or the Road Commission of Shiawassee County pursuant to M.C.L. 257.725. A permit issued under M.C.L. 257.725 includes all of the following:

(1) The date, day, and time period during which a mobile home may be moved on a highway, subject to the permit.

(2) Notice that the permit is conditioned upon its holders compliance with all of the permit's terms and with the law.

(3) Notice that the operator of a towing vehicle transporting the mobile home shall operate the towing vehicle on a highway as follows:

- a. At a safe speed and in a safe manner that will not impede motor traffic.
- b. Only when the surface condition of the highway is not slippery.
- c. In accordance with seasonal load restrictions.

(4) For a mobile home or park model trailer and towing vehicle, when combined, are more than 80 feet in length or more than 12 feet wide, all of the following:

- a. Notice that the mobile home or park model trailer shall be equipped with two flashing amber lights on the rear of the mobile home or park model trailer and one flashing amber light on the top of the towing vehicle.
- b. Notice that the mobile home or park model trailer shall be equipped with stop lights and directional lights on the rear of the mobile home or park model trailer.
- c. Notice that the signs with the words "oversize load" shall be displayed on the front bumper of the towing vehicle and the back of the mobile home or park model trailer, or in the case of mobile homes or park model trailers that are 16 feet wide, notice that signs with the words "16-ft wide load" shall be displayed on the front bumper of the towing vehicle and the back of the mobile home or park model trailer.
- d. Notice that the signs identified in paragraph (c) above shall be of durable material, in good condition, with black lettering on interstate yellow background, and that each letter shall be of block lettering that is not less than 12 inches high at the front and not less than 16 inches high at the rear of the unit.
- e. Notice that a vehicle escort is required on those roads where the Michigan State Police and the Owosso Police Department considers escort vehicles necessary for highway safety.

(g) Signs and other special identification for escort vehicles shall conform to Michigan Transportation Department's requirements for all escort vehicles for oversized loads.

(h) For a mobile home or park model trailer being moved pursuant to this Section or MCL 257.725, the distance between mobile home or park model trailer axle centers shall not be less than 34 inches. The axle and tires shall meet standards established by the Michigan Transportation Department.

(i) This section does not grant or give authority to the Michigan Department of Transportation, the Road Commission of Shiawassee County or the Owosso Police Department that did not exist on May 1, 1982 in accordance with 23 USC 127.

(j) A person who violates this section is responsible for a civil infraction and may be assessed a civil fine of not more than \$500.00. The operator or the owner of the towing vehicle may be charged with a violation of this section.

(k) As used in this section:

(1) "Jurisdictional authority" means the Michigan Transportation Department, the Road Commission of Shiawassee County or the City of Owosso.

(2) "Mobile home" means any of the following:

- a. A pre-built housing module.
- b. That term, as defined in section 2 of the Mobile Home Commission Act, Act No. 96 of the Public Acts of 1987, being section 125.2302 of the Michigan Compiled Laws.
- c. Section of a mobile home as that term is defined under this Ordinance.

### **Sec. 33-150.6. - Mobile homes; additional requirements for transporting.**

All mobile homes transported on the highways of the City that are more than 14 1/3 feet wide (plus normal appurtenances that expand no more than six inches, and an eave that extends no more than two feet from the width of the mobile home), are subject to the following requirements in addition to the requirements of Section 33-150.4:

(a) Two escort vehicles shall escort the towing vehicle and mobile home on all two lane roads and on those roads where the Owosso Police Department considers two escort vehicles necessary for highway safety.



(b) Each towing vehicle shall be equipped with a radio or other device that allows for continuous communication between the towing vehicle and each escort vehicle.

(c) The person transporting the mobile home shall have in effect a liability insurance policy covering personal injury and property damage and having a policy limit of not less than \$1,000,000.00.

(d) The towing vehicle and mobile home shall not exceed a speed of 45 miles per hour or 10 miles per hour below the posted speed limit, whichever is lower.

**Sec. 33-150.7. - Trucks hauling semitrailers, transportation of passengers for sightseeing purposes; approval of city; speed limitation; safety equipment; inspection.**

(a) Notwithstanding Section 33-150.4, the Owosso Police Department may give approval for a truck to be used to haul up to four semitrailers for the purpose of transporting passengers for sightseeing purposes, as long as the truck does not travel more than three miles beyond the City boundaries and does not exceed a speed limit of 25 miles per hours.

(b) A truck and a semitrailer, as described in this Section, shall meet the following requirements:

(1) Be equipped with hazard warning lights, and slow-moving vehicle emblems, as described in MCL 257.688.

(2) Be equipped with safety belts, as described in MCL 257.710e, for each individual seat.

(3) Be compliant with any applicable federal safety standards.

(c) Before operating a truck regulated by this Section, the operator of the truck shall secure the proper group vehicle designation and any required endorsement required on his or her operator's or chauffeur's license.

(d) A truck and semitrailer used as described in this Section shall be inspected annually by the Michigan Department of State Police.

**Sec. 33-150.8. - Construction or loading of vehicle to prevent spillage on highway or roadway; loading of vehicle which is not completely enclosed; operation of vehicle equipped with front end loading device with protruding tine: offenses and penalties.**

(a) A person shall not drive or move a vehicle on a highway unless the vehicle is so constructed or loaded as to prevent its contents from dropping, sifting, leaking, blowing off, or otherwise escaping from the vehicle. This requirement does not apply to a vehicle transporting agricultural or horticultural products, such as hay, straw, silage, or residue from a product (but not including the product itself), or when materials such as water that is used to preserve and handle agricultural or horticultural products while in transportation, escape from the vehicle in an amount that does not interfere with other traffic on the highway. The tailgate, faucets, and taps on a vehicle shall be securely closed to prevent spillage during transportation, whether the vehicle is loaded or empty, and the vehicle shall not have any holes or cracks through which material can escape. Any highway maintenance vehicle engaged in either ice or snow removal shall be exempt from this Section.

(b) Actual spillage of material on the highway or proof of that spillage is not necessary to prove a violation of this Section.

(c) Except as provided in this Section, a vehicle carrying a load, (other than logs or tubular products), which is not completely enclosed shall meet either of the following requirements:

(1) The load shall be covered with firmly secured canvas or a similar type of covering. A device used to comply with the requirement of this Section shall not exceed a width of 108 inches nor by design or use have the capability to carry cargo by itself.

(2) The load shall be securely fastened to the body or the frame of the vehicle with binders of an adequate number and of adequate breaking strength to prevent the dropping off or shifting of the load.

(d) A company or individual who loads or unloads a vehicle or causes it to be loaded or unloaded, with the knowledge that it is to be driven on a public highway, and the loading or unloading is done in a manner so as to cause a violation of Section 33-150.8 (a) shall be prima facie liable for a violation of this Section.

(e) Section 33-150.8 (c) does not apply to a person operating a vehicle to transport agricultural commodities or to a person operating a farm truck or implement of husbandry that is transporting sand, gravel, and dirt which is necessary in the normal operation of a farm. However, if such person violates subsections 33.150.8 (a) or (d), the person is guilty of a misdemeanor and is subject to the penalties prescribed in section 33-150.8 (i).

(f) Section 33-150.8 (c) (1) does not apply to a motor vehicle transporting items in a load that, because of their weight, will not fall off the moving vehicle and that have their center of gravity located at least 6 inches below the top of the enclosure. Similarly, Section 33-150.8 (c) does not apply to a motor vehicle carrying metal that, because of its weight and density, is so loaded as to prevent it from dropping or falling off the moving vehicle.

(g) Section 33-150.8 (c) (1) does not apply to motor vehicles and other equipment that is engaged in work upon the surface of a highway or street in a designated work area.

(h) A person shall not drive or move on a highway a vehicle equipped with a front end loading device with a tine protruding parallel to the highway beyond the front bumper of the vehicle unless the tine is carrying a load designed to be carried by the front end loading device. This Section does not apply to a vehicle designed to be used or being used to transport agricultural commodities; to a vehicle en route to a repair facility; or to a vehicle engaged in construction activity. As used in this Section, "agricultural commodities" means that term as defined in section 33-150.10.

(i) A person who violates this section is guilty of a misdemeanor, punishable by a fine of not more than \$500.00 or imprisonment for not more than 90 days, or both.

(j) As used in this section, "logs" means saw-logs, pulpwood, or tree length poles.

**Sec. 33-150.9. - Trailers towed by passenger vehicle, attachment.**

(a) Except as otherwise provided in Section 33-150.9 (e), a passenger vehicle or a pickup truck shall not be driven upon a highway drawing or having attached to the passenger vehicle or pickup truck more than one vehicle or trailer.

(b) The drawbar or other connection between two vehicles, one of which is towing or drawing the other on a highway, shall not exceed 15 feet in length from one vehicle to the other. If the connection consists of a chain, rope, or cable, there shall be a red flag or other signal or cloth on the connection that is at least 12 inches both in length and width.

(c) A vehicle or trailer towed or drawn by a vehicle shall be attached to the vehicle with coupling devices in a manner so that when the combination is operated in a linear alignment on a level, smooth, paved surface, the movement of the towed or drawn vehicle or trailer does not deviate more than three inches to either side of the path of the towing vehicle that tows or draws it. The vehicle or trailer shall also be connected to the towing vehicle by suitable safety chains or devices, one on each side of the coupling and at the extreme outer edge of the vehicle or trailer. Each chain or device and connection used shall be of sufficient strength to haul the vehicle or trailer when loaded. In the case of an implement of husbandry with a gross vehicle weight rating or gross combination weight rating of 10,000 pounds or less, the safety chains or devices required under this subsection shall conform to the federal motor carrier safety regulations requirements, which are currently provided in 49 C.F.R. 393.70(d)(5).

(d) A pickup truck with a fifth wheel assembly shall not tow a semitrailer unless the fifth wheel assembly conforms to the standards prescribed in the Motor Carrier Safety Act of 1963, 1963 PA 181, MCL 480.11 to MCL 480.22 and Section 33-151.1 to Section 33-151.19 of this ordinance.

(e) Notwithstanding Section 33-150.9 (a), a pickup truck with a towing rating equal to or greater than the weight being towed, that is equipped with a fifth wheel assembly that conforms with the standards prescribed in the Motor Carrier Safety Act of 1963, 1963 PA 181, MCL 480.11 to MCL 480.22, which is towing a semitrailer that is designated for recreational living purposes, may tow an additional trailer or semitrailer under the following conditions:

(1) The additional trailer or semitrailer shall be attached as set forth in Section 33-150.9 (c). The safety chains described in Section 33-150.9 (c) shall be securely attached at the extreme outer edge of the attached trailer or semitrailer with a locking mechanism. The towing vehicle hitch shall be of substantial material and shall be attached in a proper and skillful manner to the frame of the towing vehicle.

(2) The total length of the pickup truck, plus the semitrailer that is designed for recreational living purposes, and the additional trailer or semitrailer, and the load of the vehicle, shall not exceed 65 feet while on any highway in the City.

(3) The gross weight of the additional trailer or semitrailer towed or drawn shall not exceed the empty weight of the pickup truck or the empty weight of the semitrailer.

(f) For the purpose of this Section, a pickup truck towing a semitrailer and an additional trailer shall be considered a passenger vehicle and shall comply with the speed limit requirements of MCL 257.627 (5).

(g) A person who violates this section is responsible for a civil infraction.

**Sec. 33-150.10. - Wheel and axle loads; seasonal weight restrictions, exceptions.**

(a) The maximum axle load shall not exceed the number of pounds, as designated in the following provisions which prescribe the distance between axles:

- (1) If the axle spacing is nine feet or more between axles, the maximum axle load shall not exceed 18,000 pounds for vehicles equipped with high pressure pneumatic or balloon tires.
- (2) If the axle spacing between two axles is less than nine feet but more than three and one half feet, the maximum axle load shall not exceed 13,000 pounds for vehicles equipped with high pressure pneumatic or balloon tires.
- (3) If the axles are spaced less than three and one half feet apart, the maximum axle load shall not exceed 9,000 pounds per axle.
- (4) Sections 33.150.10 (1), (2) and (3) shall be known as the normal loading maximum.

(b) When normal loading is in effect, the Owosso Police Department may designate certain highways, or sections of those highways under its jurisdiction, where bridges and road surfaces are adequate for heavier loading, and may also revise a designation to allow the maximum tandem axle assembly loading of up to 16,000 pounds for any axle of the assembly, as long as there is no other axle within nine feet of any axle of the assembly.

(c) On a legal combination of vehicles, only one tandem axle assembly shall be permitted on the designated highways at the gross permissible weight of 16,000 pounds per axle, but only if there is no other axle within nine feet of any axle of the assembly, and if no other tandem axle assembly in the combination of vehicles exceeds a gross weight of 13,000 pounds per axle. On a combination of truck tractor and semitrailer having up to five axles, two consecutive tandem axle assemblies shall be permitted on the designated highways at a gross permissible weight of 16,000 pounds per axle, if there is no other axle within nine feet of any axle of the assembly.

(d) Notwithstanding Section 33-150.10 (c), on a combination of truck tractor and semitrailer having up to 5 axles, two consecutive sets of tandem axles may carry a gross permissible weight of up to 17,000 pounds on any of the tandem axles if there is no other axle within nine feet of any axle of the tandem axle and if the first and last axle of the consecutive sets of tandem axles are at least 36 feet apart and the gross vehicle weight does not exceed 80,000 pounds, to pick up and deliver agricultural commodities between the national truck network or special designated highways and any other highway. This Section is not subject to the maximum axle loads of Sections 33-150.10 (a), (b) and (c). For purposes of this Section, a "tandem axle" means two axles spaced more than 40 inches but not more than 96 inches apart or two axles spaced more than three and one half feet but less than nine feet apart. This Section does not apply during that period when reduced maximum loads are in effect, pursuant to Section 33-150.10 (h).

(e) In order to be exempt from the loading maximums and gross vehicle weight requirements, the person hauling agricultural commodities, who picks up or delivers either from a farm or to a farm, shall notify the Road Commission for Shiawassee County at least 48 hours before the pickup or delivery, indicating the time and location of the pickup or delivery. Pursuant to MCL 257.722 (5) the Shiawassee County Road Commission shall issue a permit to such a person and charge a fee that does not exceed the administrative costs incurred. The permit shall contain the all of the following:

- (1) The designated route or routes of travel for the load.
- (2) The date and time period requested by the person who picks up or delivers the agricultural commodities during which the load may be delivered or picked up.
- (3) A maximum speed limit of travel, if necessary.
- (4) Any other specific conditions agreed to between the parties.

(f) In order to be exempt from the loading maximums and gross vehicle weight requirements, public utility vehicles that are owned or operated by public utilities under the jurisdiction of the Michigan Public Service Commission, or are subcontracted by public utilities under the jurisdiction of the Michigan Public Service Commission, when performing electrical emergency public utility work, must meet the following circumstances:

- (1) For emergency public utility work on restricted roads, as follows:
  - a. If required by the Road Commission for Shiawassee County, the public utility shall notify the Road Commission for Shiawassee County, as soon as practical, of the location of the emergency public utility work and provide a statement that the vehicles that were used to perform the emergency utility work may have exceeded the loading maximums and gross vehicle weight requirements of this Ordinance. The notification may be made via facsimile or electronically.
  - b. The public utility vehicle travels to and from the site of the emergency public utility work while on a restricted road at a speed not greater than 35 miles per hour.

(2) For non emergency public utility work on restricted roads, as follows:

a. If the Road Commission for Shiawassee County requires, the public utility shall apply to the Road Commission for Shiawassee County annually for a seasonal truck permit for roads under its authority before seasonal weight restrictions are effective. Pursuant to MCL 257.722(6), the Road Commission for Shiawassee County shall issue a seasonal truck permit for each vehicle or vehicle configuration the public utility anticipates will be utilized for non emergency public utility work. Pursuant to MCL 257.722 (6), the Road Commission for Shiawassee County may charge a fee for a permit that does not exceed the administrative costs incurred for the permit. The seasonal truck permit shall contain all of the following:

1. The seasonal period requested by the public utility, during which the permit is valid.
2. A unique identification number for the vehicle and any vehicle configuration to be covered on the seasonal truck permit that is requested by the public utility.
3. A requirement that travel on restricted roads during weight restriction periods will be minimized and only utilized when necessary to perform work using the public utility vehicle or vehicle configuration and that non-restricted roads shall be used for travel when available and for routine travel.

b. Pursuant to MCL 257.722 (6), if the Road Commission for Shiawassee County requires notification, the Road Commission of Shiawassee County shall provide a notification application for the public utility to use when requesting access to operate on restricted roads and the public utility shall provide notification to the Road Commission of Shiawassee County, via facsimile or electronically, not later than 24 hours before the time of the intended travel. Notwithstanding this Section or an agreement under this Section, if the Road Commission for Shiawassee County determines that the condition of a particular road under its jurisdiction makes it unusable, the Road Commission for Shiawassee County may deny access to all or any part of that road. The denial shall be made and communicated via facsimile or electronically to the public utility within 24 hours after receiving notification that the public utility intends to perform non-emergency work that requires use of that road. Any notification that is not disapproved within 24 hours after the notice is received by the Road Commission of Shiawassee County is considered approved. The notification application, as required under MCL 257.722 (6), may include all of the following information:

1. The address or location of the non emergency work.
2. The date or dates of the non emergency work.
3. The route to be taken to the non emergency work.
4. The restricted road or roads intended to be traveled upon to the non-emergency work site or sites.

(g) The normal size of tires shall be the rated size, as published by the manufacturers, and the maximum wheel load permissible for any wheel shall not exceed 700 pounds per inch of width of tire.

(h) Except as provided in this Section and Section 33-150.10 (i), during the months of March, April, and May in each year, the maximum axle load allowable on concrete pavements or pavements with a concrete base is reduced by 25% from the maximum axle load as specified in this ordinance, and the maximum axle loads allowable on all other types of roads during these months are reduced by 35% from the maximum axle loads as specified. The maximum wheel load shall not exceed 525 pounds per inch of tire width on concrete and concrete base or 450 pounds per inch of tire width on all other roads during the time that the seasonal road restrictions are in effect. This Section does not apply to vehicles transporting agricultural commodities or public utility vehicles on a highway, road, or street under the jurisdiction of Owosso. For the highways, roads, or streets under Owosso's jurisdiction to which the seasonal restrictions prescribed under this Section apply, Owosso shall post all of the following information on the homepage of its website:

- (1) The dates when the seasonal restrictions are in effect.
- (2) The names of the highways and streets and portions of highways and streets to which seasonal restrictions apply.

(i) Pursuant to MCL 257.722 (9), the Michigan Department of Transportation (for roads under its jurisdiction) and the Road Commission for Shiawassee County (for roads under its jurisdiction) may grant exemptions from seasonal weight restrictions for the transport of milk on specific routes, when requested in writing. Approval or denial of a request for an exemption shall be given by written notification to the applicant within 30 days of submission of the application. If a

request is denied, the written notice shall state the reason for the denial and alternate routes for which the permit may be issued. The applicant may appeal to the Michigan Department of Transportation or the Road Commission for Shiawassee County. These exemptions do not apply on county roads in counties that have negotiated agreements with milk haulers or haulers of other commodities during periods of seasonal load limits before April 13, 1993. This subsection does not limit the ability of these counties to negotiate such agreements.

(j) The Owosso Police Department, with respect to highways under its jurisdiction, may suspend the restrictions imposed by this Section when and where conditions of the highways or the public health, safety, and welfare warrant suspension, and impose the restricted loading requirements of this Section on designated highways at any other time that the conditions of the highway require.

(k) For the purpose of enforcing this ordinance, the gross vehicle weight of a single vehicle and load or a combination of vehicles and loads shall be determined by weighing individual axles or groups of axles, and the total weight on all the axles shall be the gross vehicle weight. In addition, the gross axle weight shall be determined by weighing individual axles or by weighing a group of axles and dividing the gross weight of the group of axles by the number of axles in the group. The overall gross weight on a group of two or more axles shall be determined by weighing individual axles or several axles, and the total weight of all the axles in the group shall be the overall gross weight of the group.

(l) The loading maximum in this subsection applies to the highways under Owosso's jurisdiction. The Owosso Police Department may designate a highway, or a section of a highway for the operation of vehicles having a gross vehicle weight of up to 80,000 pounds, subject to the following load maximums:

(1) Twenty thousand pounds on any one axle, including all enforcement tolerances.

(2) A tandem axle weight of 34,000 pounds, including all enforcement tolerances.

(3) An overall gross weight of a group of two or more consecutive axles equaling:

$W=500/LN + 12N + 36 \sqrt{L-1}$  where W = overall gross weight on a group of two or more consecutive axles to the nearest 500 pounds, L = distance in feet between the extreme of a group of two or more consecutive axles, and N= number of axles in the group under consideration; except that two consecutive sets of tandem axles may carry a gross load of 34,000 pounds each if the first and last axles of the consecutive sets of tandem axles are not less than 36 feet apart. The gross vehicle weight shall not exceed 80,000 pounds, including all enforcement tolerances. Except for a five axle truck tractor; semitrailer combinations having two consecutive sets of tandem axles, vehicles having a gross weight in excess of 80,000 pounds or in excess of the vehicle gross weight determined by application of the formula in this subsection are subject to the maximum axle loads of Section 33-150.10 (a), (b), and (c). As used in this Section, "tandem axle weight" means the total weight transmitted to the road by two or more consecutive axles, the centers of which may be included between parallel transverse vertical planes spaced more than 40 inches but not more than 96 inches apart, extending across the full width of the vehicle. Except as otherwise provided in this section, vehicles transporting agricultural commodities shall have weight load maximums as set forth in this Section.

(m) As used in this section:

(1) "Agricultural commodities" means those plants and animals useful to human beings produced by agriculture and includes, but is not limited to, forages and sod crops, grains and feed crops, field crops, dairy and dairy products, poultry and poultry products, cervidae, livestock, including breeding and grazing, equine, fish, and other aquacultural products, bees and bee products, berries, herbs, fruits, vegetables, flowers, seeds, grasses, nursery stock, mushrooms, fertilizer, livestock bedding, farming equipment, and fuel for agricultural use. The term does not include trees or lumber.

(2) "Emergency public utility work" means work performed to restore public utility service or to eliminate a danger to the public due to a natural disaster, an act of God, or an emergency situation, whether or not a public official has declared an emergency.

**Sec. 33-150.11. - Restrictions on transportation of flammable liquids and gases; violations, penalties; enforcement.**

(a) A truck pulling a trailer, a truck tractor pulling a semitrailer and trailer combination, or a truck tractor pulling two semitrailers shall not transport within the City a flammable liquid, in bulk, with a flash point at or below 70 degrees Fahrenheit.

(b) A truck pulling a trailer, a truck tractor pulling a semitrailer and trailer combination, or a truck tractor pulling two semitrailers shall not transport within the City a flammable gas or a compressed flammable gas, in bulk, as defined by 49 C.F.R. parts 100 to 180.

(c) A truck or a truck tractor pulling a semitrailer shall not transport within the City a flammable liquid, in bulk, which has a flash point at or below 70 degrees Fahrenheit, unless the truck or the semitrailer has a water capacity of less than 13,800 gallons. This Section does not apply to those vehicles registered with the Motor Carrier Division of the Michigan Department of State Police on or before January 1, 1986.

(d) A truck or truck tractor pulling a semitrailer shall not transport within the City a flammable liquid, in bulk, which has a flash point at or below 70 degrees Fahrenheit in a quantity of more than 13,400 gallons.

(e) The owner or driver of a vehicle that transports, or a shipper who loads a vehicle with a flammable liquid, flammable gas, or compressed flammable gas in violation of this Section is guilty of a misdemeanor, punishable by a fine of not more than \$500.00, or imprisonment for not more than 90 days, or both.

(f) This section shall be enforced only by a police officer.

(g) For the purposes of this section, "in bulk" means an amount of product or material of 3,500 water gallons or more in a single containment system. Commercial motor vehicles transporting hazardous materials shall comply with the Motor Carrier Safety Act, Act No. 181 of the Public Acts of 1963, being sections MCL 480.11 to MCL 480.21 and section 12 of this ordinance.

**Sec. 33-150.12. - Information to be painted or permanently attached on certain commercial vehicles and towing or platform bed wrecker service vehicles; use of removable devices; effects of compliance with federal identification requirements; exemptions; penalties.**

(a) All commercial vehicles with a single or combination gross weight rating or total gross weight of more than 5,000 pounds and all towing or platform bed wrecker road service vehicles in operation upon the public highways of the City shall have the name, city, and state or the registered logo or emblem of the registered owner of the vehicle, (and lessee of the vehicle if the vehicle is being operated under lease), painted or permanently attached on each side of the vehicle in letters of not less than three inches in height, not lower than the bottom edge of the door. This information shall be in sharp color contrast to the background.

(b) Except for towing or platform bed wrecker road service vehicles, the identification requirement of Section 33-150.12 (a) may be met through the use of removable devices which meet the requirements. These devices shall be of durable construction and securely attached to each side of the motor truck or truck tractor. The removable devices shall be attached so that the identification is in a horizontal position.

(c) A vehicle in compliance with the identification requirements of the Federal Motor Carrier Safety Regulations, 49 C.F.R. 390-399, is considered to be in compliance with this Section.

(d) This Section does not apply to a truck eligible for and registered under a farm or manufacturer license plate, that has a gross vehicle weight of less than 10,000 pounds.

(e) A person who violates this section is responsible for a civil infraction.

**Sec. 33-150.13. - Stopping vehicles for weighing; offense and penalties.**

(a) A police officer, having reason to believe that the weight of a vehicle and load is unlawful, may require the driver to stop and submit to a weighing of the vehicle by either portable or stationary scales approved and sealed by the Department of Agriculture as a legal weighing device; and may require that the vehicle be driven to the nearest weigh station of the Michigan Department of Transportation for the purpose of allowing a police officer to determine whether the vehicle is loaded in conformity with this ordinance.

(b) When a police officer, upon weighing a vehicle and load, determines that the weight is unlawful, the officer may require the driver to stop the vehicle in a suitable place and remain standing until that portion of the load is shifted or removed as necessary to reduce the gross axle load weight of the vehicle to the limit permitted under this ordinance. All material unloaded as provided under this subsection shall be cared for by the owner or operator of the vehicle at the risk of the owner or operator. A judge or magistrate imposing a civil fine and costs under this Section that are not paid in full immediately or for which a bond is not immediately posted (in double the amount of the civil fine and costs) shall order the driver or owner to move the vehicle at the driver's own risk to a place of safekeeping, and keep the vehicle until the fine and costs are paid or sufficient bond is furnished or until the judge or magistrate is satisfied that the fine and costs will be paid. The officer, who determined, after weighing a vehicle and load, that the weight is unlawful, may require the driver to proceed to a judge or magistrate within the City. If the judge or magistrate is satisfied that the probable civil fine and costs will be paid by the owner or lessee, the judge or magistrate may allow the driver to proceed, after the load is made legal. If the judge or magistrate is not satisfied that the owner or lessee, after a notice and a right to be heard on the merits is given, will pay the amount of the probable civil fine and costs, the judge or magistrate may order the vehicle to be impounded until trial on the merits is completed under conditions set forth in this Section for the impounding of vehicles after the civil fine and costs have been

imposed. Removal of the vehicle, and forwarding, care or preservation of the load shall be under the control of and at the risk of the owner or driver. Vehicles impounded shall be subject to a lien, subject to a prior valid bona fide lien of prior record, in the amount of the civil fine and costs and if the civil fine and costs are not paid within 90 days after the seizure, the Court shall certify the unpaid judgment to the Owosso City Attorney, who may proceed to enforce the lien by foreclosure sale in accordance with procedure authorized in the case of chattel mortgage foreclosures.

(c) Subject to Section 33-150.13 (d), an owner of a vehicle, or a lessee of the vehicle, or other person, who causes or allows a vehicle to be loaded and driven or moved on a highway, when the weight of that vehicle violates Section 33-150.10, is responsible for a civil infraction and shall pay a civil fine in an amount equal to three cents per pound for each pound of excess load over 1,000 pounds when the excess is 2,000 pounds or less; six cents per pound of excess load when the excess is over 2,000 pounds but not over 3,000 pound; nine cents per pound for each pound in excess load when the excess if over 3,000 pounds but not over 4,000 pounds; 12 cents per pound for each pound of excess load when the excess is over 4,000 but not over 5,000 pounds; 15 cents per pound for each pound of excess load when the excess is over 5,000 pounds but not over 10,000 pounds; and 20 cents per pound for each pound of excess load when the excess if over 10,000 pounds.

(d) If the Court determines that the motor vehicle or the combination of vehicles was operated in violation of this Section, the court shall impose a fine as follows:

(1) If the Court determines that the motor vehicle or the combination of vehicles was operated in such a manner that the gross weight of the vehicle or the combination of vehicles would not be lawful by a proper distribution of the load upon all the axles of the vehicle or the combination of vehicles, the Court shall impose a fine for the violation according to the schedule provided for in Section 33-150.13 (c).

(2) If the Court determines that the motor vehicle or the combination of vehicles would be lawful by a proper distribution of the load upon all of the axles of the vehicle or the combination of the vehicles, but that one or more axles of the vehicle exceeded the maximum allowable axle weight by 4,000 pounds or less, the court shall impose a misload fine of \$200.00 per axle. Not more than three axles shall be used in calculating the fine to be imposed under this Section. This Section does not apply to vehicles subject to the maximum loading provisions of Section 33-1501.10 (k) or to a vehicle found to be in violation of a special permit issued under Section 33-150.15.

(3) If the Court determines that the motor vehicle or the combination of vehicles would be lawful by a proper distribution of the load upon all of the axles of the vehicle or the combination of vehicles, but that one or more axles of the vehicle exceeded the maximum allowable axle weight by more than 4,000 pounds, the court shall impose a fine for the violation according to the schedule provided in Section 33-150.12 (c).

(e) A driver or owner of a commercial vehicle with other vehicles or trailers in combination, a truck or truck tractor, a truck or truck tractor with other vehicles in combination, or any special mobile equipment, who fails to stop at or bypasses any scales or weighing station, is guilty of a misdemeanor.

(f) Reserved.

(g) A driver or owner of a vehicle who knowingly fails to stop when requested or ordered to do so, or who fails to submit to a weighing by a police officer authorized to require the driver to stop and submit to a weighing of the vehicle and load, is guilty of a misdemeanor punishable by imprisonment for not more than 90 days or a fine of not more than \$100.00, or both. A driver or person who dumps his or her load when ordered to submit to a weigh, or who otherwise attempts to commit or commits an act to avoid a vehicle weigh is in violation of this Section.

**Sec. 33-150.14. - Axle weight requirements; vehicles equipped with lift axles.**

(a) The axle weight requirements of this ordinance do not apply to a vehicle equipped with lift axles during the period in which axles are raised to negotiate an intersection, driveway, or other turn and until the lift axles are fully engaged after the period of time or the distance necessary to negotiate that intersection, driveway or other turn.

(b) This section does not exempt axle weight requirements due to a lift axle system that is not working properly or due to driver error or non-compliance.

(c) If a vehicle is to be weighed to determine whether the vehicle is being operated in violation of this ordinance or a rule promulgated under the Motor Carrier Safety Act, and the vehicle is equipped with lift axles that have been raised to allow the vehicle to negotiate an intersection, driveway, or other turn, the vehicle shall be weighed only after the lift axles have been fully lowered and are under operational pressure as provided in Section 33-150.14 (a). This section does not exempt axle weight requirements due to a lift axle system that is not working properly or due to driver error or non-compliance.

(d) As used in this section, "lift axle" means an axle on a vehicle that can be raised or lowered by mechanical means.

**Sec. 33-150.15. - Special permits for non-conforming vehicles; applications; farm machinery, telephone, telegraph, or electric poles, concrete pipes, mobile homes.**

(a) Pursuant to MCL 257.725, the Michigan Transportation Department or the Road Commission of Shiawassee County, upon receipt of a written application and upon good cause being shown, may issue a written special permit, authorizing an applicant to operate upon or remove from a highway maintained by the City, a vehicle or combination of vehicles that are any of the following:

- (1) Of a size, weight, or load exceeding the maximum specified in this ordinance.
- (2) Otherwise not in conformity with this ordinance.

(b) The special permit application shall be on a form prescribed by the Michigan Department of Transportation or the Road Commission of Shiawassee County and shall specifically describe the vehicle or vehicles and load to be operated or moved and the particular highways upon which the special permit to operate is requested.

(c) The Michigan Department of Transportation or the Road Commission of Shiawassee County may issue a special permit and charge a fee, which shall not exceed the administrative costs incurred. The special permit can authorize the operation of the following upon a highway:

- (1) Traction engines or tractors having movable tracks with transverse corrugations upon the periphery of those movable tracks on farm tractors.
- (2) Other farm machinery otherwise prohibited under this ordinance.

(d) A special permit shall specify the trip or trips and date or dates for which it is valid, and the Michigan Department of Transportation or the Road Commission of Shiawassee County may restrict or prescribe conditions of operation of a vehicle or vehicles, if necessary, to protect the safety of the public or to insure against undue damage to the road foundations, surfaces, structures, or installations, and may require a reasonable inspection fee and other security as set out in MCL 257.725 to compensate for damages caused by the movement. A special permit may be issued on an annual basis.

(e) A special permit issued under this section shall be carried in the vehicle or combination of vehicles to which it refers and shall be open to inspection by a police officer. A person shall not violate any of the terms or conditions of the special permit.

(f) A person who violates this Section is responsible for a civil infraction.

(g) A person who is issued a special permit to move a mobile home under this section is subject to Section 33-150.5.

**Sec. 33-150.16. - Regulation of highways by City; penalty for violations.**

(a) For highways under the City's jurisdiction, except state trunk line highways, the City may do any of the following:

- (1) Prohibit the operation of trucks or other commercial vehicles on designated highways or streets.
- (2) Impose limitations as to the weight of trucks or other commercial vehicles on designated highways or streets.
- (3) Provide that only certain highways or streets may be used by trucks or other commercial vehicles.

(b) Any prohibitions, limitations, or truck route designations established under Section 33-150.16 (a) shall be designated by appropriate signs placed on the highways or streets. The design and placement of the signs shall be consistent with the requirements of MCL 257.608.

(c) A person who violates a prohibition, limitation, or truck route designation established pursuant to Section 33-150.16 (a) is responsible for a civil infraction.

**Sec. 33-150.17. - Police officer's authority to enforce ordinance on boundary streets and highways.**

Pursuant to MCL 257.726a, a police officer of the City may exercise authority and powers outside his or her own City or County when enforcing this ordinance on a street or highway which is on the boundary of the City or County, the same as if the police officer were in his or her own City and County.



**Sec. 33-150.18. - Stopping motor vehicles for possible load, weight, or height violations; temporary detention; arrests.**

Any police officer having reason to believe that the load, weight, or height of a vehicle or load is in violation of Sections 33-150.4, 33-150.8, 33-150.11 or 33-150.13, and that violation is a misdemeanor, may require the driver of the vehicle to stop, and the officer may investigate, weigh, or measure the vehicle or load. If after personally investigating, weighing, or measuring the vehicle or load, the officer determines that the load, weight, or height of a vehicle or load are in violation of the requirements of Sections 33-150.4, 33-150.8, 33-150.11, or 33-150.13, the officer may temporarily detain the driver of the vehicle for purposes of making a record or vehicle check, and may make an arrest for the violation, and may proceed as otherwise provided in this Ordinance.

SECTION 4. ADDITION. That Article VIII, Motor carrier safety, shall be added as follows:

**Sec. 33-151.0. – Short title.** This article shall be known and may be cited as the “Motor Carrier Safety Ordinance.”

**Sec. 33-151.1. - Adoption of federal regulations; modifications of federal definitions; application of ordinance; definitions.**

(a) The City of Owosso adopts the following provisions of Title 49 of the Code of Federal Regulations, on file with the office of the Michigan Secretary of State and the Owosso City Clerk, except where modified by this ordinance:

(1) Hazardous materials regulations, being 49 CFR parts 100 through 180, except for the transportation of agricultural products (for which an exception from the application of 49 CFR subchapter C and 49 CFR subchapters G and H, part 172, is provided under 49 CFR 173.5), is specifically authorized if the transportation is in compliance with this ordinance and state law.

(2) Motor carrier safety regulations, being 49 CFR parts 40, 356, 365, 368, 371 through 373, 375, 376, 379, 382, 385, 387, 390 through 393, 395 through 399 including the appendices of each part except for the following:

a. Except as provided in this subparagraph, where the term “United States Department of Transportation”, “Federal Motor Carrier Safety Administration”, “Federal Motor Carrier Safety Administrator”, “Director”, “Bureau of Motor Carrier Safety”, Pipeline and Hazardous Materials Administration”, or “Associate Administrator for Hazardous Materials Safety” appears, it refers to the Michigan Department of State Police or the City of Owosso. If the term is being used for purposes of 49 CFR 397 as it relates to routing and movement of hazardous materials, it refers to the Michigan Department of Transportation or the City of Owosso.

b. Where “inter-state” appears, it shall mean intra-state or inter-state, or both, as applicable, except as specifically provided in this ordinance.

c. Where “Special Agent of the Federal Motor Carrier Safety Administration”, “Administration Personnel”, or “Hazardous Materials Enforcement Specialist” appears, it either means a police officer or an enforcement member of the Motor Carrier Division of the City.

d. Where MCS 63 appears, it means MC 9 and MC 9b.

e. Where MCS 64 appears, it means UD-70.

f. Exempt intra-City zones and the regulations applicable to exempt intra-City zones do not apply to this ordinance.

(b) This ordinance does not apply to a bus operated by a public transit agency operating under any of the following:

(1) A county, city, township, or village as provided by law or other authority incorporated under 1963 PA 55, MCL 124.351 to MCL 124.359. Each authority and governmental agency incorporated under 1963 PA 55, MCL 124.351 to MCL 124.359, has the exclusive jurisdiction to determine its own contemplated routes, hours of service, estimated transit vehicle miles, costs of public transportation services, and projected capital improvements or projects within its service area.

(2) An authority incorporated under the Metropolitan Transportation Authorities Act of 1967, 1967 PA 204, MCL 124.401 to MCL 124.426, or an authority that operates a transportation service pursuant to an inter-local agreement under the Urban Cooperation Act of 1967, (Ex Sess.) PA 7, MCL 124.501 to MCL 124.512.

(3) A contract entered into pursuant to 1967 (Ex Sess.) PA 8, MCL 124.531 to MCL 124.536 or 1951 PA 35, MCL 124.1 to MCL 124.13.

(4) An authority incorporated under the Public Transportation Authority Act, 1986 PA 196, MCL 124.451 to MCL 124.479, or a nonprofit corporation organized under the Nonprofit Corporation Act, 1982 PA 162, MCL 450.2101 to MCL 450.3192, that provides transportation services.

(5) An authority financing public improvements to transportation systems under the Revenue Bond Act of 1933, 1933 PA 94, MCL 141.101 to MCL 141.140.

(c) As used in this ordinance:

“Hazardous material vehicle inspection or repair facility” means a commercial enterprise that performs inspections, certification, testing, or repairs to commercial motor vehicles transporting hazardous materials as required by 49 CFR parts 100 to 180 and includes motor carriers that perform the inspections, certification, testing, or repairs to vehicles owned or leased by the motor carrier.

**Sec. 33-151.2. - Operation of commercial motor vehicle; requirements; qualifications for operation in intra-state transportation.**

(a) A person shall not drive a commercial motor vehicle unless he or she is qualified to drive that vehicle. A motor carrier shall not require or permit a person to drive a commercial motor vehicle unless that person is qualified to drive that vehicle.

(b) In the case of intra-state or intra-city transportation, a person is qualified to drive a commercial motor vehicle if he or she meets all the requirements of 49 CFR part 391, except the following provisions:

(1) Except as otherwise provided in section (2), the person is at least 18 years old when transporting intra-state or intra-city property or passengers.

(2) The person is at least 21 years old when transporting hazardous materials in a quantity that requires the vehicle to be marked or placarded under 49 CFR parts 100 to 180.

(3) The person is eligible for and displays a grandfather rights card issued in accordance with the Motor Carrier Safety Act, MCL 480.11, et. seq.

**Sec. 33-151.3. - Trailers; equipment with surge brakes.**

Trailers with a gross vehicle weight or gross vehicle weight rating of 15,000 pounds or less or trailer-vehicle combinations with an actual gross vehicle weight or a gross vehicle weight rating of 26,000 pounds or less may be equipped with surge brakes for intra-state and intra-city operations as allowed by section 705(1)(c) of the Michigan Vehicle Code, 1949 PA 300, MCL 257.705.

**Sec. 33-151.4. - Application of ordinance to drivers for intra-state or intra-city motor carriers regularly employed for period beginning on or before June 10, 1984; application of certain requirements of ordinance to all drivers granted grandfather rights; duration of grandfather rights; application of exemption.**

The provisions of this ordinance and 40 CFR 391.21, adopted by reference, relating to the applications for employment, 49 CFR 391.23, adopted by reference, relating to investigations and inquiries, and 49 CFR 391.31 and CFR 391.33 adopted by reference, relating to road tests, do not apply to a driver who has been a regularly employed driver of an intra-state or intra-city motor carrier of property for a continuous period which began on or before June 10, 1984, as long as he or she continues to be a regularly employed driver of that motor carrier or a driver who has been a regularly employed driver of an intra-state or intra-city motor carrier of passengers for a continuous period which began on or before March 3, 1991, as long as he or she continued to be a regularly employed driver of that motor carrier. Such a driver is qualified to drive a commercial motor vehicle if he or she fulfills the requirements of section 151. 2 (4) (b).

**Sec. 33-151.5. - Application of ordinance to operation of farm vehicles, implements of husbandry, public utility vehicles, government vehicles, combinations of vehicles, school buses, motor buses, and commercial vehicles engaged in seasonal construction related activities; definitions.**

(a) In the case of intra-state or intra-city transportation, the provisions of 49 CFR 391.21, adopted by reference, relating to application for employment, 49 CFR 391.23, adopted by reference, relating to investigations and inquires, 49 CFR 391.31, adopted by reference, relating to road tests, 49 CFR part 395, adopted by reference, relating to hours of service, 49 CFR 391.41 to 391.45, adopted by reference, to the extent that they require a driver to be medically qualified or examined and to have a medical examiner’s certificate on his or her person and the provisions of this ordinance relating to files and records do not apply to a farm vehicle driver as defined in 49 CFR 390.5, adopted by reference.

(b) For intra-state or intra-city transportation, the provisions of this ordinance do not apply to a self-propelled implement of husbandry or an implement of husbandry being drawn by a farm tractor or another implement of husbandry.

(c) The provision of this ordinance related to driver qualifications do not apply to public utility, telephone, and cable television company service employees if those employees are not otherwise being used as a regularly employed driver and are not operating a vehicle that meets the definition of a commercial motor vehicle in 49 CFR part 383.

(d) The requirements of 49 CFR part 395 do not apply to any driver of a public utility service vehicle when being used in cases of emergency. As used in this subsection, "emergency" means any instance of loss of public utility service due to an unforeseen circumstance, a natural disaster, or an act of God. A declaration of emergency by a public official is not required to constitute an emergency under this subsection.

(e) A commercial motor vehicle constructed and maintained so that the body chassis or other parts of the vehicle afford the rear end protection required by 49 CFR 393.86 is in compliance with that section.

(f) This ordinance and the rules promulgated under the federal regulations which are adopted by reference do not apply to a commercial motor vehicle owned and operated by a unit of government or its employees, except as otherwise provided by this ordinance, and except for all of the following parts of 49 CFR:

- (1) Part 382.
- (2) Part 391.
- (3) Part 392.
- (4) Part 393.

(g) A combination of vehicles with an actual combination gross vehicle weight or a gross combination weight rating of 26,000 pounds or less, provided the trailer or semitrailer has an actual gross vehicle or gross vehicle weight rating of 15,000 pounds or less, may be equipped with surge brakes for intra-state and intra-city operation as allowed by section 705 (1) (c) of the Michigan Vehicle Code, 1949 PA 300, MCL 257.705. Vehicles of any size that are transporting hazardous materials in an amount that requires placarding or vehicles that are designed to transport more than eight passengers, including the driver, are prohibited from being equipped with surge brakes for intra-state and intra-city operation.

(h) This ordinance and the rules promulgated under the federal regulations which are adopted by reference do not apply to a school bus as defined in the Pupil Transportation Act, 1990 PA 187, MCL 257.1801 to MCL 257.1877, or a bus defined and certified under the Motor Bus Transportation Act, 1982 PA 432, MCL 474.101 to MCL 474.141.

(i) As used in Section 33-151 (c) and (d), "public utility" means a person or corporation operating equipment or facilities for producing, generating, transmitting, delivering, or furnishing gas or electricity for the production of light, heat, or power for the public for compensation.

(j) As used in this section:

- (1) "Implement of husbandry" means that term as defined in section 21 of the Michigan Vehicle Code, 1949 PA 300, MCL 257.21.
- (2) "Farm tractor" means that term as defined in section 16 of the Michigan Vehicle Code, 1949 PA 300, MCL 257.16.

**Sec. 33-151.6. - Submission of transportation safety related documents by motor carriers and hazardous materials vehicle inspection and repair facilities to motor carrier officers; facsimile of motor carrier division identification card; inspection of cargo or vehicle without warrant by motor carrier officer.**

(a) Motor carriers shall submit, upon demand, all their transportation safety related documents, such as all records and information pertaining to any accident, drivers records of duty status, bills of lading, shipping records, driver time and payroll records, driver qualification records, vehicle maintenance records, and equipment for inspection or copying during regular business hours to any Owosso motor carrier enforcement police officer.

(b) Hazardous materials vehicle inspections and repair facilities shall submit, upon demand, all their transportation safety related documents as required by this ordinance, such as hazardous materials tank certification and repair documents, and annual inspection certification documents to any Owosso motor carrier enforcement police officer.

(c) A motor carrier or a hazardous material vehicle inspection or repair facility operating within the City with main offices in another city, state or province shall submit all transportation safety related documents as outlined in Section 33-151 (a) for inspection and copying within 10 working days after receiving formal notification requesting the documents.

(d) An Owosso motor carrier enforcement police officer, may without a warrant, require the cargo carrying portion of a vehicle to be opened for inspection of the cargo, any object within that portion of the vehicle, or the interior of the vehicle or any compartment within the interior of the

vehicle. If a commercial motor vehicle is inspected by breaking the load seal, then the police officer shall give to the driver a signed receipt of inspection and the police officer shall be responsible for applying a City of Owosso seal.

**Sec. 33-151.7. - Penalties for violations of ordinance or rules; warrantees stops and investigations of motor vehicles; issuance of citations; enforcement of federal or foreign out-of service orders; penalties for violations of out-of-service orders.**

(a) Except as provided in Sections 33.151.9, 33.151.10 and 33.151.11, any person, driver, or motor carrier, as defined by 49 CFR 390.5, who violates this ordinance or a rule adopted by reference under this ordinance, or permits or requires any person to violate this ordinance or a rule adopted by reference under this ordinance, is responsible for a civil infraction and may be ordered to pay a fine of not more than \$250.00 for each violation.

(b) A Owosso motor carrier enforcement police officer, with probable cause to believe that a motor vehicle is being operated in violation of this ordinance or a rule adopted by reference under this ordinance, may stop the motor vehicle and inspect the motor vehicle. If a violation is found, the officer may issue a notice to appear for that violation.

**Sec. 33-151.8. - Adoption by Reference of Rules Promulgated by the Michigan Department of State Police.**

Any rules promulgated by the Michigan Department of State Police necessary to the accomplishment of purposes of the Motor Carrier Safety Act, 1963 PA 181, MCL 480.11, et. seq. are hereby adopted by reference, as amended.

**Sec. 33-151.9. - Penalties; "serious safety defect" defined.**

(a) A driver, person, or motor carrier, as defined by 49 CFR 390.5, who operates or who requires or permits the driver to operate a commercial motor vehicle with a serious safety defect in violation of this ordinance or a rule adopted by reference under this ordinance, is responsible for a civil infraction and shall be assessed a fine of not more than \$500 for each violation. A fine ordered to be paid by the district court under this Section shall be paid to the Court and the Court shall apply the fines to the City and the State for library purposes, as provided by law.

(b) As used in this Section, "serious safety defect" means a violation of this ordinance or a rule adopted by reference under this ordinance relative to brakes, tires, steering, coupling devices, headlights, taillights, brake lights, and turn signals that results in the vehicle being placed out of service.

**Sec. 33-151.10. - Offenses relating to operating or requiring or permitting operation of commercial motor vehicle in violation of provisions of ordinance or rules related to transportation of hazardous materials; penalties.**

(a) A person who operates or who requires or permits a person to operate a commercial motor vehicle in violation of this ordinance or a rule adopted by reference under this ordinance related to the transportation of hazardous materials, if the vehicle is transporting a package required to be marked or labeled under 49 CFR parts 100 to 180, is responsible for a civil infraction and may be ordered to pay a fine of not more than \$500.00 for each violation.

(b) A person or entity identified in Section 33-151.10 (a) who knowingly or willfully violates this ordinance or a rule adopted by reference under this ordinance is, upon conviction, guilty of a misdemeanor punishable by imprisonment of not more than 90 days or a fine of not more than \$500.00, or both, for each violation.

(c) A person or entity identified in Section 33-151.9 (a), who causes injury or death during a violation of this ordinance, while a vehicle identified in subsection (a) that is transporting a package required to be marked or labeled under 49 CFR parts 100 to 180 is, upon conviction, guilty of a misdemeanor punishable by imprisonment of not more than 90 days or a fine of not more than \$500.00, or both, for each violation.

(d) An officer, employee, owner, or agent of an individual, partnership, corporation, or association, or their lessees or receiver appointed by a court that is the owner or user of any hazardous materials vehicle inspection or repair facility that violates a section of this ordinance, or a rule adopted by reference under this ordinance, related to the transportation of hazardous materials, is guilty of a misdemeanor punishable by imprisonment for not more than 90 days or a fine of not more than \$500.00, or both, for each violation.

**Sec. 33-151.11. - Issuance and contents of compliance and shut down orders; penalties for failure to comply with shut down orders.**

(a) As used in this section:

(1) "Immediate destination" means the next scheduled stop of a commercial vehicle already in motion where the cargo on board can be safely secured.

(2) "Motor carrier division" means the motor carrier division of the Michigan State Police and/or the City of Owosso.

(3) "Person" means an individual, driver, or employee or a firm, motor carrier, lessee, lesser, association, partnership, or corporation, and their affiliated or related successors, that undertakes to control, direct, conduct, or otherwise perform transportation by commercial motor vehicle upon the public highways of this city.

(4) "Shut down order" means a court order issued to the Owosso police department motor carrier enforcement division upon proof shown of unreasonable risk or an imminent hazard.

(5) "Unreasonable risk or an imminent hazard" shall be defined as any condition of commercial motor vehicle, employee, or commercial motor operation which creates, causes, or compounds the substantial likelihood that death, serious illness, or severe personal injury may occur if not discontinued immediately.

(6) Upon determination that the continued operation of commercial motor vehicles by a person upon the highways of this City and State poses an unreasonable risk or an imminent hazard to the public safety, the motor carrier division of the Owosso Police Department shall issue a compliance order. The order may direct a person to make certain changes, repairs, or alterations to the person's vehicles or operations, to comply with the laws of the City and the State of Michigan. In making an order, restrictions shall not be imposed on any employee or person beyond that required to abate the hazard. Any vehicle or driver operating during the specified time period of the order shall be in compliance with all applicable laws and rules.

(7) A compliance order shall include the name and address of the person and the chief operating officer of the person, the reason or reasons for the order, and the requirements or conditions that must be met for rescission of the order. The order shall also include a statement that the person has a set time limit to comply with the order. If the set time limit expires and the person is not in compliance with the order, the motor carrier division of the Owosso Police Department may seek a shut down order from the 66<sup>th</sup> Judicial District Court. The Motor Carrier Division of the Owosso Police Department shall set the time limit for compliance, with the compliance order to be not less than 30 days and not more than 180 days.

(8) Upon petition to the 66<sup>th</sup> Judicial District Court by the motor carrier division of the Owosso Police Department, the court may issue a shut down order. The order shall direct a vehicle or vehicles or employee or employees out of service from further operations, or shall direct a person to cease all or part of the person's commercial motor vehicle operation. In making such an order, restrictions shall not be imposed on any employee or person beyond that required to abate the hazard.

(9) A shut down order shall include the name and address of the person and the chief operating officer of the person, the reason or reasons for the order, the requirements or conditions that must be met for rescission of the order, and a statement of the right of appeal.

(10) An order to any person to cease all or part of its operation shall not prevent vehicles in transit at the time the order is served from proceeding to their immediate destinations, unless that vehicle or person is specifically ordered out of service. However, vehicles and drivers proceeding to their immediate destination shall be subject to compliance upon arrival.

(11) A person who fails to comply with a shut down order is guilty of a misdemeanor, punishable by a fine of not more than \$1,000.00 for each violation, or by imprisonment for not more than 90 days, or both. A person or vehicle found operating on the highway of this City while under a shut down order shall be immediately stopped, and impounded or arrested. The owner or lessee of the vehicle shall be responsible for any costs incurred during impoundment. The vehicle shall be released upon the Court's determination that there is compliance with the order.

**Sec. 33-151.12. - Venue of prosecutions under this ordinance.**

When this ordinance or a rule adopted by reference under this ordinance has been violated, the offense may be prosecuted in the 66<sup>th</sup> Judicial District Court if the motor vehicle, driver or operator implicated was situated in or passed through the City when the offense was committed.

**Sec. 33-151.13. - Incidents involving transportation of hazardous materials; notification of state police and fire department.**

Immediately following any of the following occurrences involving the transportation of hazardous materials, the owner, driver, or lessee, or representative of the owner, driver, or lessee, shall notify the motor carrier division of the Department of State Police, the motor carrier division of the Owosso Police Department and the Owosso Fire Department of the known details regarding the incident.

**Sec. 33-151.14. - Vehicle combination transporting combustible liquids; requirements; information required to be on file; retention and transfer of information; applicability of requirements in subsections (b) and (c); transport of flammable liquids, gases, or compressed gases by vehicle combinations, equipment requirements; retention of records regarding devices; compliance with other requirements by motor vehicles transporting flammable liquids or gases.**

(a) A truck tractor pulling a semitrailer and a trailer, or pulling two semitrailers, shall not transport a combustible liquid unless the vehicle combination meets the following requirements:

(1) Is equipped with a device that restricts the horizontal and vertical rotation of the dolly assemblage of the vehicle combination in a manner that maintains the longitudinal tracking of the dolly and semitrailer in a truck, tractor, semitrailer, and trailer combination, or the dolly and the truck in a truck and trailer combination. This device shall be welded to the vehicle in a workmanlike manner, and the efficiency of a weld shall not be less than 85% of the mechanical properties of the adjacent metal in the chassis.

(2) Is equipped with stops in the spring hangers of each semitrailer and trailer in the vehicle combination in a manner that improves the stability of the vehicle combination by reducing the free play of the leaf spring suspension to a maximum of  $\frac{3}{4}$  of an inch when the spring passes from tension to compression.

(b) The owner of the semitrailer or trailer to which the device described in Section 33-151.14(a) is attached shall keep on file in their principal place of business the following information:

(1) Specifications and plans of the device.

(2) Name of the manufacturer of the device.

(3) Date of installation of the device

(4) An individual manufacturer identification number which is stamped or permanently affixed to the device.

(c) The information required in subsection (b) shall be kept by the vehicle's owner and shall be transferred to the new owner if the vehicle is sold, or may be destroyed if the vehicle is retired from service or scrapped.

(d) The requirements specified in Section 33-151.14 (b) and (c) apply to devices affixed to vehicles on or after January 8, 1996.

(e) Commercial motor vehicles used to transport flammable liquids, flammable gases, or compressed flammable gases shall also comply with Section 33-150.11 of this ordinance.

**Sec. 33-151.15. - Adoption or enforcement of inconsistent ordinance or resolutions; disposition of fines for operation of vehicles with serious safety defects; issuance of multiple citations within 24 –hour period for violation of provisions substantially corresponding to MCL 257.683 to MCL 257.725a; dismissal of City citations upon production of proof of repair of equipment violations; requirements for classification as motor carrier enforcement officer.**

(a) This ordinance shall not be amended by the City of Owosso to adopt or enforce provisions which are inconsistent with the Motor Carrier Safety Act, being MCL 480.11, et. seq. As used in this section, "inconsistent means a provision or rule that is more permissive or more restrictive than the Motor Carrier Safety Act, or that would require more action, equipment, or permits than required by the Motor Carrier Safety Act, or that prevents or obstructs compliance with the Motor Carrier Safety Act.

(b) The fine for operating a vehicle with a serious safety defect, which is ordered to be paid under this ordinance or a resolution adopted by the City of Owosso that is consistent with Section 33-151.9, shall be paid as follows:

(1) Seventy percent to the City of Owosso.

(2) Thirty percent for library purposes, as provided by law.

(c) Section 33-151.14 (b) does not apply to a fine ordered to be paid for a case in which the citation is dismissed, as set forth below.

(d) The owner or operator of a commercial motor vehicle shall not be issued more than one citation for each violation of the provisions of this ordinance regulating the operation of a commercial motor vehicle and substantially corresponding to 683 to 725a of the Michigan Vehicle Code, 1949 PA 300, MCL 257.683 to MCL 257.725a, within a 24-hour period. If the owner or operator of a commercial motor vehicle is issued a citation by the City of Owosso for an equipment violation that does not result in the vehicle being placed out of service, the court shall

dismiss the citation if the owner or operator of that commercial motor vehicle provides written proof of the court within 14 days after the citation is issued showing that the defective equipment indicated in the citation has been repaired.

(e) In order to be classified as a motor carrier enforcement officer, an Owosso police officer must have training equal to the minimum training requirements, including any annual training updates, established by the Michigan Department of State Police for an officer of the motor carrier division of the Michigan Department of State Police. A police officer who has received training equal to these minimum training requirements before the effective date of this ordinance is considered a motor carrier enforcement officer for purposes of the Michigan Motor Carrier Safety Act and this ordinance.

**Sec. 33-151.16. - Transfer of hazardous materials on highways, roads, streets, or alleys; overfilling of containers during transfers; penalties.**

(a) Except as provided in Section 33-151.16 (b), a person, driver, owner, carrier, lessee, or lesser shall not transfer or allow to be transferred a hazardous material from a cargo tank, portable tank, or any other container to any cargo tank, portable tank, fuel tank, or any other container on a highway, road, street, or alley within the City.

(b) Section 33-151.16 (a) does not apply to the following transfer situations:

(1) Fueling machinery or equipment for construction, farm, and maintenance use.

(2) Fueling emergency vehicles.

(3) Under emergency conditions, a transfer may be made provided it is approved by the Owosso Fire Chief, or his/her designee and the Bureau of Fire Service created in section 1b of the Fire Prevention Code, 1941 PA 207, MCL 29.1b, or a hazardous materials investigator of the motor carrier division of the Michigan Department of State Police pursuant to their respective authority under the Fire Prevention Code, 1941 PA 207, MCL 29.1 to MCL 29.34.

(c) A person shall not overfill a container, including a storage tank, during a transfer of a hazardous material from or into a vehicle, so that hazardous material is released from the package or container.

(d) The penalty for violating this section is as prescribed in Section 33-151.10.

**Sec. 33-151.17. - Transportation or allowance of transportation of vehicle carrying hazardous materials on publicly maintained route.**

(a) A person, driver, owner, carrier, lessee, or lesser shall not transport or allow to be transported a vehicle carrying hazardous materials in an amount required to be placarded under title 49 of the Code of Federal Regulations on a publicly maintained route as identified on the national hazardous materials route registry as determined by the United States Department of Transportation under title 49 CFR.

(b) The penalty for violating this section shall be as prescribed in Section 33-151.10.

**Sec. 33-151.18. - Enforcement of civil infractions; procedure for provision of security and appearance by nonresidents stopped for civil infractions; disposition by police officers at end of tour of duty of certificates or deposits of money taken as security for appearance; entry of default judgment and forfeiture of posted certificate or deposit.**

(a) A civil infraction action shall be enforced in the manner provided for enforcement under this Chapter.

(b) When a person who is not a resident of the State of Michigan is stopped for a civil infraction in the City of Owosso, the police officer making the stop may take security for the non-residents appearance in court. The person stopped may recognize to the officer or to the court for his or her appearance by leaving with the officer or court a guaranteed appearance certificate or a sum of money not to exceed \$100.00.

(c) If a magistrate is available for an immediate appearance, upon demand of the person stopped, the officer immediately shall take the nonresident driver before the magistrate to answer to the civil infraction alleged. If the nonresident defendant requests a hearing, the hearing shall be scheduled and the defendant shall leave with the court the guaranteed appearance certificate or deposit as security for appearance at the scheduled informal or formal hearing.

(d) The officer receiving a guaranteed appearance certificate or deposit of money shall give a receipt to the person stopped for the guaranteed appearance certificate or the money deposited together with the written citation.

(e) At or before the completion of his or her tour of duty, a police officer taking a certificate or deposit of money shall deliver the certificate or deposit of money and the citation either to the

court named in the citation or to the police chief or person authorized by the police chief to receive certificates or deposits. The police chief or person authorized by the police chief shall deposit the certificate or the money deposited and the citation with the court. Failure to deliver the money deposited shall be embezzlement of public money.

(f) If the person who posts a certificate or deposit fails to appear as required in the citation or fails to appear for a scheduled informal or formal hearing, the district court shall enter a default judgment against the person, and the guaranteed appearance certificate or money deposit shall be forfeited and applied to any civil fine or costs ordered.

(g) For purposes of this Section, "guaranteed appearance certificate" means a card or certificate containing a printed statement that a surety company authorized to do business in Michigan guarantees the appearance of the person whose signature appears on the card or certificate and that the company, if the person fails to appear in court at the time of a scheduled informal or formal hearing or to pay any fine or costs imposed, will pay any fine, costs, or bond forfeiture imposed on the person in a total amount not to exceed \$200.00.

**Sec. 33-151.19. - Prevention of throwing of water or other road surface substances from rear wheels of vehicles or combinations; use of flaps.**

A truck, truck tractor, trailer, semitrailer, or any combination of these, when used on a highway, shall be constructed, equipped, or operated to prevent water or other road surface substances from being thrown from the rear wheels of the vehicle or combination at tangents exceeding 22 ½ degrees measured from the road surface. If a flap type device is used, it shall not have attached any type of lamp, breakable reflective material, or reflecting buttons nor may the device extend beyond the maximum width of the vehicle or combination

SECTION 5. SEVERABILITY. The various sections and provisions of this Ordinance shall be deemed to be severable, and should any section or provision of this Ordinance be declared by any court of competent jurisdiction to be unconstitutional or invalid the same shall not affect the validity of this Ordinance as a whole or any section or provision of this Ordinance other than the section or provision so declared to be unconstitutional or invalid.

SECTION 6. INCONSISTENT ORDINANCES. All ordinances or parts of ordinances inconsistent with the provisions of this Ordinance are repealed.

SECTION 7. EFFECTIVE DATE. This amendment shall become effective 20 days after passage.

SECTION 8. AVAILABILITY. 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.

SECTION 9. PUBLIC HEARING. A public hearing is set for Tuesday, September 3, 2013 at approximately 7:30 p.m. in the City Hall Council Chambers to hear citizen comment regarding the proposed amendment.

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

Name	Board/Commission	Term Expires
Kristen Woodbury	Parks & Recreation Commission	06-30-2015
Kerry Baker	Historical Commission (to fill the unexpired term of D. Schneider)	12-31-2015

Antique Bike Show Permission. Consider authorization of the application from House of Wheels and the Westown Corridor Improvement Authority to use the parking lot behind House of Wheels (Lot #11) for an Antique Bike Show on Sunday, August 11, 2013 from 8:00 a.m. to 6:00 p.m., waive the insurance requirement, and approve Traffic Control Order No. 1298 formalizing the action.

Gilbert Street Block Party Permission. Consider authorization of the application of Jaimi Redmond, on behalf of the Gilbert Street block party group, for use of Gilbert Street from Oliver Street to Queen Street on August 25, 2013 from 2:00 p.m. to 7:00 p.m. for a block party, waive the insurance requirement, and approve Traffic Control Order No. 1299 formalizing the action.

Zombie Walk Permission. Approve the application of John Wracan for use of City sidewalks for a fund raiser walk benefitting the American Red Cross on October 26, 2013 from 2:00 p.m. until 5:00 p.m. The planned walk would utilize the following route: beginning at the corner of Washington and Water Streets, proceeding on the sidewalk north on Washington Street to M-21, west to M-52, north to Curwood Castle Drive, then across the bridge to Exchange Street, east to Washington Street, and south on Washington to the corner of Washington and Water Streets. The applicant further requests waiver of the insurance requirement and authorization of Traffic Control Order No. 1300 formalizing the action.



Waste Water Treatment Plant Electric Rate Contract. Approve contract with Consumers Energy for electric service at the waste water treatment plant for a period of one year with annual review and option to renew as follows:

**RESOLUTION NO. 81-2013**

**RESOLUTION AUTHORIZING THE EXECUTION  
OF A CONTRACT WITH CONSUMERS ENERGY  
FOR A PRIMARY TIME-OF-USE PILOT RATE  
FOR THE ELECTRIC SERVICE  
AT THE WASTEWATER TREATMENT PLANT**

WHEREAS, Consumers Energy is offering a new pilot electric rate for a limited number of primary electric customers; and

WHEREAS, the electric service to the Owosso Wastewater Treatment Plant (Consumers Act # 10000180248) qualifies for this rate; and

WHEREAS, analysis indicates this rate structure will result in lower electric charges for usage at the plant,

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 and in the public interest to enter into the contract with Consumers Energy for the "Primary Time-of-use Pilot Rate GPTU",
- SECOND: The new rate shall become effective following execution of the contract with an initial term of one year and yearly extensions with option to cancel and elect a different rate if beneficial to the City,
- THIRD: The Mayor and Clerk are authorized to execute the contract for the City and monthly utility payments to Consumers will continue to be paid from the Wastewater Fund.

Rescind Resolution No. 61-2013 – Sidewalk Replacement Program. Rescind Resolution No. 61-2013 authorizing a contract with West Branch Greenhouse for the 2013 Sidewalk Replacement Bid. The bidder was unable to meet the requirements contained in the contract.

Bid Award – 2013 Sidewalk Replacement Program. Approve contract with Seifert Construction & Masonry for the 2013 Sidewalk Replacement Program in the amount of \$36,100.00 and authorize payment up to the contract amount, to replace West Branch Greenhouse as follows:

**RESOLUTION NO. 82-2013**

**AUTHORIZING THE EXECUTION OF A CONTRACT FOR  
THE 2013 SIDEWALK REPLACEMENT PROGRAM  
WITH SEIFERT CONSTRUCTION & MASONRY**

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 2013 Sidewalk Replacement Program; a bid was received from Seifert Concrete & Masonry; and it is hereby determined that Seifert Construction & Masonry is qualified to provide such services and that it has submitted the lowest responsible and responsive remaining 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 & Masonry for the replacement of sections of damaged or misaligned sidewalk as part of the 2013 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 & Masonry with a \$36,100.00 bid.
- THIRD: The above expenses shall be paid from the Major and Local Street Maintenance Fund.

Bid Award – Gould Street Bridge Engineering. Approve contract with Fishbeck, Thompson, Carr & Huber, Inc. for full design engineering and construction administration services for preventative maintenance on the Gould Street Bridge in the amount of \$39,577.00 as follows:

**RESOLUTION NO. 83-2013**

**AUTHORIZING THE EXECUTION OF AN AGREEMENT  
FOR PROFESSIONAL ENGINEERING SERVICES WITH  
FISHBECK, THOMPSON, CARR & HUBER, INC.  
FOR ENGINEERING SERVICES FOR THE GOULD STREET BRIDGE**

WHEREAS, the city of Owosso, Michigan, has determined that it is advisable, necessary and in the public interest to provide professional engineering services in connection with the Gould Street Bridge over Shiawassee River; and

WHEREAS, it is necessary to obtain professional engineering assistance and it is hereby determined that the firm of Fishbeck, Thompson, Carr & Huber, Inc. is qualified to provide such services;

NOW THEREFORE BE IT RESOLVED by the city of Owosso, county of Shiawassee, state of Michigan:

- FIRST: that the city of Owosso has heretofore determined that it is advisable, necessary and in the public interest to employ the firm of Fishbeck, Thompson, Carr & Huber, Inc. to provide professional engineering services for Gould Street Bridge over Shiawassee River.
- SECOND: that the city manager of the city of Owosso is hereby instructed and authorized to sign the document attached as Exhibit A, Agreement for Professional Engineering Services with Fishbeck, Thompson, Carr & Huber, Inc., on behalf of the city of Owosso; and
- THIRD: that the payment for the services shall come from the Major Street Fund in an amount to not exceed \$39,557.

Bid Award – Spray Patch Machine. Approve bid award to Alta Equipment for a 2013 Trailer Mounted Spray Injection Road Patching Machine in the amount of \$58,000.00 and further approve payment up to the bid amount as follows:

**RESOLUTION NO. 84-2013**

**RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT FOR  
PURCHASE OF TRAILER MOUNTED SPRAY INJECTION ROAD REPAIR  
MACHINE**

WHEREAS, the City of Owosso, Shiawassee County, Michigan, has public works department requiring the use of trailer mounted spray injection road repair machine; and

WHEREAS, the City of Owosso received the State of Michigan bid from Alta Equipment; and it is hereby determined that Atla Equipment is qualified to provide such equipment and that it has submitted the 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 theretofore determined that it is advisable, necessary and in the public interest to purchase a 2013 Trailer Mounted Spray Injection Road Repair Machine from Alta Equipment for a cost to the City of Owosso of \$58,000.00
- SECOND: The mayor and city clerk are instructed and authorized to sign the document substantially in the form attached, Contract for Services between the City of Owosso, Michigan and Alta Equipment up to the amount of \$58,000.00.
- THIRD: The above expenses shall be paid from the Fleet Maintenance Capital Outlay fund 661-901-979.000.

Change Order – 2013 Miscellaneous Curb Replacement Program. Authorize change to the contract with Sumbera Excavating, Inc. for the 2013 Miscellaneous Curb Replacement Program to reflect a decrease in the materials needed to complete the project, reducing the contract by \$1,554.59 as follows:

**RESOLUTION NO. 85-2013**

**AUTHORIZING A CHANGE ORDER  
TO THE CONTRACT WITH  
SUMBERA EXCAVATING, INC.  
FOR THE 2013 MISCELLANEOUS CURB REPLACEMENT PROGRAM**

WHEREAS, the city of Owosso, Shiawassee County, Michigan, approved a contract with Sumbera Excavating, Inc. on June 3, 2013 for the 2013 Miscellaneous Curb Replacement Program; and

WHEREAS, final documentation indicates a lower quantity of materials was required to replace portions of the curb on various streets in the city that have become misaligned and have deteriorated.

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

The City of Owosso amends the contract with Sumbera Excavating, Inc. to decrease amount of the contract in the amount of (\$1,554.59) to reflect the decrease in work and materials.

Progress Payment – 2013 Miscellaneous Curb Replacement Program. Authorize Progress Payment No. 1 – Final to Sumbera Excavating, Inc. for work completed on the 2013 Miscellaneous Curb Replacement Program in the amount of \$8,682.66 as follows:

**RESOLUTION NO. 86-2013**

**AUTHORIZING THE EXECUTION OF A CONTRACT FOR  
THE 2013 SIDEWALK REPLACEMENT PROGRAM  
WITH SEIFERT CONSTRUCTION & MASONRY**

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 2013 Sidewalk Replacement Program; a bid was received from Seifert Concrete & Masonry; and it is hereby determined that Seifert Construction & Masonry is qualified to provide such services and that it has submitted the lowest responsible and responsive remaining 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 & Masonry for the replacement of sections of damaged or misaligned sidewalk as part of the 2013 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 & Masonry with a \$36,100.00 bid.
- THIRD: The above expenses shall be paid from the Major and Local Street Maintenance Fund.

Progress Payment-2012 Street Paving Program. Authorize Progress Payment No. 5 – Final to Michigan Paving & Materials Company for work completed on the 2012 Street Paving Program in the amount of \$10,000.00 as follows:

**RESOLUTION NO. 87-2013**

**AUTHORIZING PAYMENT #5-FINAL TO  
MICHIGAN PAVING AND MATERIALS COMPANY  
FOR WORK RELATED TO  
THE 2012 STREET PAVING PROGRAM**

WHEREAS, the city of Owosso, Shiawassee County, Michigan, has entered into an agreement with Michigan Paving and Materials Company for the 2012 Street Paving Program; and

WHEREAS, the contractor has completed the project and is now eligible for final payment; and

WHEREAS, the city project manager recommends Pay Estimate #5-Final in the amount of \$10,000 for work completed through November 21, 2012, with said unit quantities and amounts having been agreed to by Michigan Paving and Materials Company.

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 pay Michigan Paving and Materials Company for work completed on the 2012 Street Paving Program.

SECOND: The accounts payable department is authorized to submit payment to the Michigan Paving and Materials Company in the amount of \$10,000 as detailed on the attached Payment Estimate #5-Final as authorized by Council on August 5, 2013.

THIRD: The above expenses shall be paid from the proceeds of the 2010 General Obligation Unlimited Tax Bonds.

Lot Split Approval Approve the split of 501 S. Shiawassee into two parcels as follows:

**RESOLUTION NO. 88-2013**

**LOT SPLIT  
501 S SHIAWASSEE STREET  
PARCEL #78-050-651-000-022-00**

WHEREAS, the City of Owosso received a petition from Randy Woodworth, on behalf of the Fishwood REI Group, for a lot split for their property at 501 S. Shiawassee Street, parcel number 78-050-651-000-022-00, complete with a professional survey and application; and

WHEREAS, Sec. 30-5. Article I, Chapter 30 of the Code of the City of Owosso requires such applications to be approved by the city council; and

WHEREAS, the city building official, assessor, community development director, utilities director, and engineer have all approved the application.

NOW THEREFORE BE IT RESOLVED that the City of Owosso City Council hereby approves the split as illustrated and described by the city assessor in the application dated July 29, 2013, resulting in the creation of a new 1.49 acre parcel having street access on South Shiawassee Street as described below:

**Current Description of Entire Parcel**

BEG AT NW COR RES 2 A L WILLIAMS ADD, TH S0°24'17"E 116.26 TO SW COR RES 2, TH S81°56'30"E ALONG S LN RES 2, 143', TH S83°28'11"E 313.90' TO WSTLY LN OF VACATED MICHIGAN AV, TH N00°07'15"E 106.36' ALONG SAID W LN TO N LN OF RES 2, TH S82°23'36"E ALONG SAID N LN OF RES 2, 50.01' TO CENTERLINE OF VACATED MICHIGAN AV, TH N0°19'37"E ALONG SAID CENTERLINE, 102.34' TO CENTERLINE OF VACATED HOWARD ST, TH N89°30'15"W ALONG SAID CENTERLINE, 183.08' & N89°42'28"W 321.93' TO E LN OF SHIAWASSEE ST, TH S0°24'17"E ALONG SAID E LN 33' TO POB. (1.96AC M/L)

**New Description After Split, (Westerly Parcel 501 S. Shiawassee St.)**

C-1  
PART OF RESERVE NO. 2 AND VACATED HOWARD STREET OF A.L. WILLIAMS ADDITION TO THE VILLAGE (NOW CITY) OF OWOSSO, ACCORDING TO THE PLAT THEREOF AS RECORDED IN LIBER L ON PAGE 800, SHIAWASSEE COUNTY, MICHIGAN RECORDS, MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHWEST CORNER OF SAID RESERVE NO. 2; THENCE S00°24'17"E ALONG THE EAST LINE OF SHIAWASSEE (M-52) STREET 116.26 FEET (PREVIOUSLY RECORDED 116.32 FEET) TO THE SOUTHWEST CORNER OF SAID RESERVE NO. 2; THENCE LEAVING SAID EAST LINE OF SHIAWASSEE (M-52) STREET S81°56'30"E ALONG THE SOUTH LINE OF SAID RESERVE NO. 2, 143.00 FEET; THENCE LEAVING SAID SOUTH LINE OF RESERVE NO. 2, S83°28'11"E ( PREVIOUSLY RECORDED S83°34'32"E) 111.52 FEET TO A POINT ON AN EXISTING CHAIN LINK FENCE; THENCE ALONG SAID EXISTING CHAIN LINK FENCE N00°22'12"E 63.95 FEET; THENCE LEAVING SAID CHAIN LINK FENCE S89°37'48"E 24.98 FEET; THENCE N00°22'12"E 83.77 FEET TO A POINT ON THE SOUTH LINE OF SAID VACATED HOWARD STREET; THENCE N89°42'28"W ALONG SAID SOUTH LINE OF HOWARD STREET 279.14 FEET TO THE POINT OF BEGINNING. CONTAINING 0.812 ACRES OF LAND MORE OR LESS AND BEING SUBJECT TO ANY EASEMENTS, RIGHT-OF-WAYS OR RESTRICTIONS OF RECORD. ALSO HAVING THE RIGHT OF INGRESS AND EGRESS ON OVER AND ACROSS A 33.0 FOOT WIDE INGRESS AND EGRESS EASEMENT DESCRIBED AS

FOLLOWS: BEGINNING AT THE NORTHWEST CORNER OF RESERVE NO. 2; THENCE N00°24'17"W ALONG THE EAST LINE OF SHIAWASSEE (M-52) STREET 33.00 FEET TO THE CENTERLINE OF SAID VACATED HOWARD STREET; THENCE LEAVING SAID EAST LINE OF SHIAWASSEE (M-52) STREET S89°42'28"E (PREVIOUSLY RECORDED S89°44'17"E) ALONG SAID CENTERLINE OF VACATED HOWARD STREET 275.59 FEET; THENCE LEAVING SAID CENTERLINE OF VACATED HOWARD STREET S00°22'12"W 33.00 FEET TO A POINT ON SAID SOUTH LINE OF VACATED HOWARD STREET; THENCE N89°42'28"W ALONG SAID SOUTH LINE VACATED HOWARD STREET 275.14 FEET TO THE POINT OF BEGINNING.

**New Description After Split. (Easterly Parcel – Storage Blds.)**

C-2

LOTS 20, 21 AND 22, BLOCK 9 AND PART OF RESERVE NO. 2 AND VACATED ALLEY, MICHIGAN AVENUE AND HOWARD STREET OF A.L. WILLIAMS ADDITION TO THE VILLAGE (NOW CITY) OF OWOSSO, ACCORDING TO THE PLAT THEREOF AS RECORDED IN LIBER L ON PAGE 800, SHIAWASSEE COUNTY, MICHIGAN RECORDS, MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHWEST CORNER OF SAID RESERVE NO. 2; THENCE N00°24'17"W ALONG THE EAST LINE OF SHIAWASSEE (M-52) STREET 33.00 FEET TO A POINT ON THE ENTERLINE OF SAID VACATED HOWARD STREET; THENCE LEAVING SAID EAST LINE OF SHIAWASSEE (M-52) STREET, ALONG SAID CENTERLINE OF VACATED HOWARD STREET S89°42'28"E 321.93 FEET (PREVIOUSLY RECORDED S89°44'17"E 322.00 FEET); THENCE LEAVING SAID CENTERLINE OF VACATED HOWARD STREET N00°24'35"W ALONG THE EAST LINE OF LOT 28, BLOCK 9 OF SAID PLAT EXTENDED SOUTHERLY 98.92 FEET; THENCE LEAVING SAID EAST LINE OF LOT 28, BLOCK 9 EXTENDED S89°35'06"E ALONG THE NORTH LINE OF SAID LOT 20, BLOCK 9 A DISTANCE OF 159.75 FEET TO A POINT ON THE CENTERLINE OF SAID VACATED MICHIGAN AVENUE; THENCE S00°08'34"W ALONG SAID CENTERLINE 261.83 FEET TO A POINT ON AN EXISTING CHAIN LINK FENCE; THENCE ALONG SAID EXISTING CHAIN LINK FENCE THE FOLLOWING TWO (2) COURSES, 1) S41°46'03"W 38.72 FEET AND 2) S76°57'34"W 30.87 FEET; THENCE LEAVING SAID EXISTING CHAIN LINK FENCE N83°28'11"W (PREVIOUSLY RECORDED N83°34'32"W) 172.13 FEET TO A POINT ON AN EXISTING CHAIN LINK FENCE; THENCE ALONG SAID EXISTING CHAIN LINK FENCE N00°22'12"E 63.95 FEET; THENCE LEAVING SAID CHAIN LINK FENCE S89°37'48"E 24.98 FEET; THENCE N00°22'12"E 83.77 FEET TO A POINT ON THE SOUTH LINE OF SAID VACATED HOWARD STREET; THENCE N89°42'28"W ALONG SAID SOUTH LINE OF HOWARD STREET 279.14 FEET TO THE POINT OF BEGINNING. CONTAINING 1.496 ACRES OF LAND MORE OR LESS AND BEING SUBJECT TO ANY EASEMENTS, RIGHT-OF-WAYS OR RESTRICTIONS OF RECORD. ALSO BEING SUBJECT TO AND HAVING THE RIGHT OF INGRESS AND EGRESS ON OVER AND ACROSS A 33.0 FOOT WIDE INGRESS AND EGRESS EASEMENT DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHWEST CORNER OF RESERVE NO. 2; THENCE N00°24'17"W ALONG THE EAST LINE OF SHIAWASSEE (M-52) STREET 33.00 FEET TO THE CENTERLINE OF SAID VACATED HOWARD STREET; THENCE LEAVING SAID EAST LINE OF SHIAWASSEE (M-52) STREET S89°42'28"E (PREVIOUSLY RECORDED S89°44'17"E) ALONG SAID CENTERLINE OF VACATED HOWARD STREET 275.59 FEET; THENCE LEAVING SAID CENTERLINE OF VACATED HOWARD STREET S00°22'12"W 33.00 FEET TO A POINT ON SAID SOUTH LINE OF VACATED HOWARD STREET; THENCE N89°42'28"W ALONG SAID SOUTH LINE VACATED HOWARD STREET 275.14 FEET TO THE POINT OF BEGINNING.

Warrant No. 467. Authorize Warrant No. 467 as follows:

Vendor	Description	Fund	Amount
B S & A Software	Annual updates-assessing-special assessment-general ledger/budgeting-accounts payable-purchase order-miscellaneous receivables-cash receipting-payroll-fixed assets-utility billing	General Water Sewer	\$ 8,172.00 \$ 1,880.00 \$ 1,253.00
Owosso Charter Township	Owosso Charter Township water sales payment covering the quarter ending June 30, 2013	Water	\$ 8,874.83
Caledonia Charter Township	Caledonia Utility fund payment covering the quarter ending June 30, 2013	Water	\$16,702.62

Motion supported by Mayor Pro-Tem Popovitch.

Roll Call Vote.

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

NAYS: None.

ABSENT: Councilpersons Cook and Fox.

## **ITEMS OF BUSINESS**

### **911 PRESENTATION**

Various members of the County Commission and County staff were in attendance to hear the presentation and answer questions.

Shiawassee County Central Dispatch Director Lt. Barbara L. Paine provided the Council with an explanation of the request for the city to approve cost participation agreements with the Shiawassee County Board of Commissioners and the Shiawassee County 911 Board for the county wide public safety radio system as well as information regarding anticipated expenditures for the next few years.

Lt. Paine read aloud the following statement:

Shiawassee County Central Dispatch Board  
201 E. McArthur Street  
Corunna, Michigan 48817

Over the past year there has been much discussion from the City of Owosso in reference to paying the state mandated mic fees.

It has been implied that the City of Owosso had no representation during this project and the 800MHz Radio System was forced on them. 9-1-1 meetings and minutes indicate otherwise. Minutes indicate the former Public Safety Director attended all meetings involving this project. He was also the Co-Chairman of the 9-1-1 Board as well as being on the Operations committee and helped design the template that would be used by all departments.

In August 2006 when discussions began about the 800 MHz project and the 25% match, Owosso City Mayor Linda Robertson and Public Safety Director Michael Compeau both served on the 911 board. In fact Motion by Compeau Second by Robertson to research information on the costs of issuing bonds for the 800 MHz for all departments. Motion was carried.

At the Oct. 19, 2006 Compeau renewed his interest in the 800 MHz Radio.

April 19, 2007 Owosso City Fire Chief Bradley gave a presentation on a safety grant that could be used towards the Radio Project. Motion was made to support the efforts to apply for the grant.

In 2008 Shiawassee County Central Dispatch was awarded a \$1.3 million grant to implement a new 800 MHz radio system.

The grant required a 25% match. Each municipality involved with this project would have to pay a portion of the match. At the time of this project Central Dispatch had in the fund balance in the investment account of \$740,656.35. Per the board minutes dated January 17, 2008, the Owosso Public Safety Director brought up for discussion that with the Monies in the reserve account, 9-1-1 pay the entire 25% match of \$330,000.00. A motion by Commissioner Dan Stewart was made with the understanding that each department would be responsible for all future maintenance and updates. Second by Doyle Roll Call: All Ayes: Motion Carried

February 14, 2008 at the regular meeting of the Shiawassee County Board of Commissioners meeting It was moved by Commissioner Pavlica, seconded by Commissioner Stewart to Authorize the payment of \$3330, 0007.00 of the 911 Reserve money to pay the 25% match for the grant Shiawassee County received from the Dept of Homeland Security for the purchase of radios and to provide the infrastructure for the State of Michigan Radio System. The Motion carried 7 yeas and no nays.

When the grant was awarded there were no limitations on the amount of radios each agency requested. Some agencies have 4 radios others have 42 with each agency having different talk group templates. There are 400 Radios under the Shiawassee County inventory. The fees are set by the Michigan Public Safety Communications System and are a mandated fee to use the radio system. Shiawassee County Central Dispatch acts as a pass thru for the fees to be paid. 100 % of collected funds

go to the MPSCS. 9-1-1 has never received any compensation nor have they received any financial gain for the collection of these fees. Owosso City has 58 Radios.

The next couple years 911 will be going thru a transformation to keep up with new unfunded mandates and technology. Several years ago it was called E911. The new terminology is NG911.

I attended the 911 technology forum in April....We are anticipating having to upgrade and or replace equipment. Our equipment is aging.

New phone system  
Voice Recorder  
Data Recorder  
Video to 911  
Storage of Data  
Servers  
Update EMD Protocol  
Redundancy at Back up Center

We have two major tower sites that we work off and maintain. Any damage or complete disaster to one of these sites is a major expense. These would have to be replaced. Last year we paid \$500 to a company to climb the tower and replace a burned out light bulb.

2014 the major phone companies will have Texting to 911. Video to 911 to follow shortly. We are working with our 911 service provider Frontier and are looking into a new phone system. It is estimated this may cost \$150,000.00. We will need a data package with this and also a way to store the information. We are currently replacing our network controller at the cost of \$15,000.00.

In 1989, Under the Emergency Telephone Service Enabling Act of 1986, Shiawassee County Board of Commissioners formed a Service plan to implement 911 Service for Shiawassee County.

This act states:

*To establish an emergency 9-1-1 district and to cause 9-1-1 service to be implemented within that emergency 9-1-1 district, the board of commissioners of a county shall first adopt a tentative 9-1-1 service plan by resolution.*

*The board of commissioners may also implement a 9-1-1 District Board. The membership of the board shall include a representative of the county sheriff or his or her designated representative, a representative of the Michigan state police designated by the director of the Michigan state police and a firefighter.*

In addition to the required positions, the Shiawassee County Board of Commissioners added additional members so all entities would be represented. This includes one locally elected official from a City, a Township, and a Village, two elected officials from within the county at large, one County Commissioner, one each from Shiawassee County Fire Association and Shiawassee Area Ambulance Association/Med Control, one law enforcement representative from a police agency within the County, and a citizen from the county at large.

There are 12 members of the Shiawassee County 9-1-1 Board.

I have been involved with Shiawassee County Central Dispatch for the past 28 years> I have dispatch Police, Fire and EMS and am very proud of the service each municipality provides to the area they service. I believe we are all in this for the same reason, we serve and protect and provide assistance under extreme circumstances. As the 911 Director for Shiawassee County and representing the 911 Board it is our recommendation that you participate and agree to the terms set before you by the Shiawassee County Board of Commissioners.

Lt. Barbara L. Paine  
911 Director of Shiawassee County

Councilperson Erfourth thanked Lt. Paine for her presentation indicating it answered a lot of questions as to the future of the system and why such a large budget surplus is being held.

Mayor Frederick expressed his appreciation for her taking the time to come to tonight's meeting.

**FUNDING FOR THE OWOSSO HISTORICAL COMMISSION AND THE SHIAWASSEE COUNTY ECONOMIC DEVELOPMENT PARTNERSHIP**

Motion by Mayor Pro-Tem Popovitch to allocate \$20,000 from the general fund balance for a part-time museum director and \$30,000 for the Shiawassee County Economic Development Partnership commitment as part of the FY 2013/14 as follows:

**RESOLUTION NO. 89-2013**

**AMENDING FY 2013-14 CITY OF OWOSSO BUDGET  
TO ALLOCATE FUNDING FOR  
THE HISTORICAL COMMISSION  
AND  
THE SHIAWASSEE COUNTY ECONOMIC DEVELOPMENT PARTNERSHIP**

Whereas, the city council postponed during budget considerations the allocation of funding for the Owosso Historical Commission and the Shiawassee County Economic Development Partnership;

Whereas, after careful study the city council has determined to allocate funding as follows:

- FIRST: Allocate \$20,000 from the general fund balance to GL account 297-798-702.400--Wages Temporary for the employment of a part-time museum director who will work no more than 30 hours a week and whose duties and responsibilities will among other things be to promote and oversee the museum collection.
- SECOND: Allocate \$30,000 from the general fund balance to GL account 101-299-858--Memberships and Dues for filling the 2013 commitment to the Shiawassee County Economic Development Partnership.

Motion supported by Councilperson Eveleth.

Roll Call Vote.

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

NAYS: None.

ABSENT: Councilpersons Cook and Fox.

**FEE SCHEDULE**

There was significant discussion regarding waiving fees for ADA modifications on private homes, instituting an income based scale for building fees, waiving the fee for the installation of new windows, and creating a general all-purpose permit or a multi permit discount. They expressed concern with the need to balance safety with the desire to keep government regulation at a minimum.

Motion by Councilperson Erfourth to adopt the 2013 Fee Schedule setting various fees and charges for city services with the following changes:

1. Creation of a needs based assessment policy based on MSHDA guidelines to potentially lower building fees for low income residents,
2. Waiving the fee for the installation of a wheelchair ramp at a private residence,
3. Lowering the fee for the installation of windows to \$20 for the installation of 3 or fewer windows by a homeowner on residential property.

**RESOLUTION NO. 90-2013**

**ADOPT A SCHEDULE FOR FEES, LICENSES, FINES AND CHARGES  
FOR THE CITY OF OWOSSO**

WHEREAS, the *City of Owosso Code of Ordinances* provides for the establishment of many fees, licenses, fines and charges to be established by resolution;

WHEREAS, the city of Owosso provides many services for which charges are made; and

WHEREAS, the city council has reviewed the current charges and determined that from September 1, 2013 fees, licenses, fines and charges shall be in accordance with this resolution and the attached schedule.

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

- FIRST: the attached schedule for fees, licenses, fines and charges is hereby adopted effective September 1, 2013.



- SECOND: any parts of resolutions and memoranda in conflict with this resolution are hereby repealed.
- THIRD: this resolution is intended to preserve all existing charges and fees set forth in any resolution, ordinance, or law which are not in conflict with this resolution and attached schedule and to fulfill the requirements of any ordinance authorizing the city council to establish fees by resolution.
- FOURTH: fees for public records not set forth in this resolution and attached schedule, or in any other resolution, ordinance, or law, shall be set by the city manager in accordance with Act 442 of the Public Acts of 1976, as amended.
- FIFTH: fees for public services not specifically set forth in this resolution and the attached schedule or in any other resolution, ordinance, or law may be established by the city manager, who shall promptly notify the city council in writing of each of them. The city manager shall establish fees for public services based upon the cost of providing the public service.

**CITY OF OWOSSO  
2013 FEE SCHEDULE**

**Effective September 1, 2013**

**ASSESSING**

Assessing, board of review, & sales information .....	\$2.00 + 0.25 per page
Copy resident field sheet.....	\$2.00 + 0.25 per page
Listing.....	\$2.00 + 0.25 per page
Processing labels (per page) .....	\$5.00
Application fee for	
Lot splits.....	\$25.00
Lot splits.....	\$25 + \$10 each additional
Application fee for IFEC extension.....	\$500.00
Application fee for IFT tax abatement – Not to exceed limits of Statute MCL 207.555(3) in which the lesser of the actual cost of processing the application or 2% of total property taxes abated during the term that the exemption certificate is in effect can be charged	
Establishing .....	\$1,500.00
Exemption certificate .....	\$1,500.00
Application fee for industrial development district.....	\$1,500.00
Application fee for industrial facilities	
Exemption certificate .....	\$1,500.00
Exemption certificate transfer .....	\$500.00
Application fee for project cost revision .....	\$500.00
Application fee for project extension .....	\$500.00

**BUILDING DEPARTMENT**

**Building permits include a base fee in addition to the following fees:**

**Income Limit Fee Waiver** - Building permits and inspections will be required, however, permit fees will be waived for owner occupied residential buildings for households that have annual incomes less than 30% of the Michigan State Housing and Development Authority (MSHDA) Area Minimum Income (AMI). The waiver will cover permits for bringing a structure into code compliance and for replacement of roofs, windows, and siding. To qualify, the applicant must submit Michigan or Federal 1040 tax returns for the last three years along with any other financial and ownership information required for determination.

**Building**

Base fee .....	\$30.00
Additional reviews – (where plans are returned to applicant for modifications and re-submittal) .....	\$50.00 for each review
Building Board of Appeals application fee .....	\$200.00
Building permit fee	
Up to \$2,000 .....	\$60.00
\$2,000 to \$50,000.....	\$60 plus \$10 per \$1,000 over \$2,000
\$50,000 to \$500,000.....	\$540 plus \$10 per \$1,000 over \$50,000
\$500,000 and above.....	\$5,000 plus \$6 per \$1,000 over \$500,000
Demolition	
Based on size of building.....	\$180 +\$1 per 100 sq. feet over 2,000 sq. feet
Garage.....	\$30.00
House .....	\$100.00
Fence .....	\$50.00
Fire inspections .....	\$150.00
Home occupation-Type B home permit .....	\$50.00

Inspections - overtime inspections .....	\$75 per hour
Special inspections	
Commercial.....	\$50 per hour
Residential.....	\$50 per hour
Re-inspection fee.....	\$50.00
Quarterly re-inspection fee under derelict building provision (each visit).....	\$50.00
License/registration fee.....	None
Miscellaneous reviews (concrete, antennas, sheds, gazebos, decks, porches) .....	\$50.00
Mobile / Modular Home (foundation or basement separate cost).....	\$250.00
Moving Building .....	\$200.00
Penalty for work prior to obtaining permit	
Less than \$10,000.....	\$100.00
Greater than \$10,000 .....	\$250.00
Permit (misc. building improvements) .....	same as building permit fees
Plan review.....	55% of building permit fee
Plan review special – (where plans must be submitted to an outside reviewer) .....	\$100 plus cost
Roofing permit residential up to \$10,000 .....	\$50.00
Roofing permit residential over \$10,000 .....	same as building permit fees
Roofing permit commercial .....	same as building permit fees
Siding .....	\$50.00
Sign .....	same as building permit fees
Temporary sign.....	\$50 for 90 days
Soil erosion/sedimentation control application fee	
Single family .....	\$35.00
Non single family .....	\$100 under 1 acre
Each additional acre .....	\$5.00
Soil erosion/sedimentation control permit fee	
Single family .....	\$75.00
Non single family .....	\$100 per acre
Soil erosion/sedimentation control plan review fee – non single family	
Initial and follow-up.....	\$250.00
Each additional .....	\$250.00
Soil erosion/sedimentation control inspection (under 5,000 square feet) .....	\$50.00
Swimming pool permit – above ground.....	\$20.00
Swimming pool permit – in ground .....	same as building permit fees
Tank removal .....	\$100.00
Wheel chair ramp & door modification – residential – permit required .....	no fee
Windows – residential – 3 or fewer by owner .....	\$20.00
Window(s) – residential - 4 or more / all commercial properties.....	same as building permit fees

**Electrical**

Base fee - no inspections included .....	\$30.00
Baseboard heater.....	\$15.00
Branch circuits.....	\$15.00
Feeders - bus duct (per 50 ft. or fraction thereof) .....	\$15.00
Fire alarm system .....	\$150.00
Fire alarm system - each additional pull station.....	\$15.00
Furnace - unit heater.....	\$15.00
Garage .....	\$50.00
Inspections/each .....	\$50.00
License/registration fee.....	None
Modular .....	\$100.00
Motors	
Up to 20 KVA or HP, 1-25 units (each) .....	\$15.00
Up to 20 KVA or HP, (each additional unit after 25).....	\$5.00
Over 20 KVA or HP, 1-25 units (each) .....	\$15.00
Over 20 KVA or HP, (each additional unit after 25).....	\$7.00
Outlets / Receptacles / Fixtures / Other (per 25 or fraction thereof).....	\$10.00
Penalty for work prior to obtaining permit	
Less than \$10,000.....	\$100.00
Greater than \$10,000 .....	\$250.00
Service	
0-200 AMPS service.....	\$25.00
201-600 AMPS service.....	\$30.00
601-800 AMPS service.....	\$35.00
801-1200 AMPS service.....	\$40.00
Over 1200 AMP service.....	\$45.00
Sub-panels	
0-200 AMPS sub-panel .....	\$25.00
201-600 AMPS sub-panel .....	\$30.00
601-800 AMPS sub-panel .....	\$35.00
801-1200 AMPS sub-panel .....	\$40.00
Over 1200 AMP sub-panel .....	\$45.00
Power outlets –Air Conditioner / Range / Dryer / Dishwasher / Garbage disposal.....	\$15.00
Signs .....	\$75.00
Whole house permit .....	\$150.00

**Mechanical-nonresidential**

Base Fee - no inspections included .....	\$30.00
Air conditioning & refrigeration –	
Absorption units/chiller .....	\$90.00
Centrifugal units/chiller .....	\$90.00
Compressor, 15 HP to 50 HP .....	\$45.00
Compressor, over 50 HP .....	\$70.00
Heat pumps, 1 1/2 HP - 15 HP .....	\$35.00
Air handlers self-contained units ventilation & exhaust fans;	
Under 1,500 CFM (piping fee included) .....	\$35.00
1,500 to 10,000 CFM .....	\$45.00
Over 10,000 CFM .....	\$100.00
Air handlers - through-the-wall fan coil vents.....	\$15.00
Breeching & combustion to appliance, when required .....	\$60.00
Chimney, factory built.....	\$60.00
Cooling towers with reservoirs	
Capacity under 500 gal.....	\$50.00
Capacity over 500 gal.....	\$85.00
Crematories.....	\$50.00
Ducts, insulation & fire suppression systems - duct system based on bid price	
Under \$3,000 .....	\$40.00
\$3,000 to \$6,999.....	\$50.00
\$7,000 to \$14,999.....	\$85.00
Over \$15,000 .....	\$10 fee per each \$3,000 in addition to above rate + \$85.00
Electronic air cleaner with washer .....	\$50.00
Evaporator coils	
180,000 BTU's and under.....	\$40.00
180,000 BTU's and over .....	\$45.00
Fire suppression systems - based on bid price;	
Under \$2,000 .....	\$75.00
\$2,000 to \$7,999.....	\$90.00
Over \$8,000 .....	\$15 fee per each \$3,000 in addition to above rate + \$90.00
Gas burning equipment - new and/or conversion,	
400,000 BTU's and under (piping fee included) .....	\$50.00
Over 400,000 BTU's (piping fee included).....	\$60.00
Humidifiers .....	\$25.00
Incinerators/each.....	\$40.00
Inspections/each .....	\$50.00
Hourly rate .....	\$50.00
Additional and final .....	\$50.00
Special inspection pertaining to sale of building including permit fee, VA, FHA .....	\$60.00
Insulation: duct, piping and/or tanks - based on bid price;	
Under \$2,000 .....	\$40.00
\$2,000 to \$7,999.....	\$50.00
Over \$8,000 .....	\$15 fee per each \$3,000 + \$50.00
License/registration fee .....	None
LPG & fuel oil tanks (underground add additional \$5) (piping fee included)	
276 – 550 gallon .....	\$60.00
551 – 2,000 gallon .....	\$100.00
Each additional rank .....	add 50% of associated fee based on largest rank size
Oil burner	
New and/or conversion, under 5 gal/hr. (piping fee included).....	\$60.00
New and/or conversion, over 5 gal/hr. (piping fee included) .....	\$90.00
Penalty for work prior to obtaining permit	
Less than \$10,000 .....	\$100.00
Greater than \$10,000 .....	\$250.00
Refrigeration systems	
Under 5 HP (split system).....	\$35.00
5HP to 50 HP (split system) .....	\$45.00
Over 50 HP (split system).....	\$75.00
Self-contained units .....	\$50.00
Solar equipment/each panel (piping fee included).....	\$100.00
Unit Heaters - hot water, gas, or steam;	
200,000 BTU's and under (piping fee included) .....	\$30.00
Over 200,000 BTU's (piping fee included).....	\$40.00

**Mechanical-residential**

Base fee – no inspection included .....	\$30.00
Boiler: 200,000 BTU's and under (piping fee included) .....	\$40.00
Boiler: Over 200,000 BTU's (piping fee included).....	\$55.00
Central air.....	\$35.00
Dampers (all kinds) .....	\$15.00
Duct system	
Under \$3,000 .....	\$30.00
\$3,000 to \$6,999.....	\$35.00
\$7,000 to \$15,000.....	\$40.00
Over \$15,000 (per \$1,000) .....	\$7.00

Exhaust fan .....	\$15.00
Gas burning equipment - new and/or conversion, 400,000 BTU's and under (piping fee included) .....	\$40.00
Over 400,000 BTU's (piping fee included).....	\$55.00
Gas piping/each outlet.....	\$15.00
Hotel or motel/per unit.....	\$50.00
Inspections .....	\$50.00
Safety or evaluation inspections - single family dwellings .....	\$75.00
Other buildings/per hour or parts thereof .....	\$50.00
Investigation fee (for work performed without a permit)/per hour or parts thereof.....	\$75.00
License/registration fee .....	None
LPG & fuel oil tanks (underground add additional \$10) (piping fee included) .....	\$30.00
Modular home .....	\$150.00
Oil burner - new and/or conversion (piping fee included) .....	\$45.00
Penalty for work prior to obtaining permit	
Less than \$10,000 .....	\$100.00
Greater than \$10,000 .....	\$250.00
Plan review.....	\$100.00
Solar equipment/each panel (piping fee included).....	\$100.00
Solid fuel equipment (complete) - wood stove, prefab fireplaces, stoves, and add-on Furnaces .....	\$45.00
Two-family dwelling.....	\$150.00
Water heater .....	\$15.00
Whole house permit .....	\$125.00

**Plumbing**

Base fee – no inspection included .....	\$30.00
Connection building drain-building sewer .....	\$15.00
Fixtures, floor drains, water connected appliances.....	\$15.00
Hotel, motel/per unit.....	\$45.00
Inspections .....	\$50.00
Special/safety inspection (includes certification fee).....	\$75.00
License/registration fee .....	None
Manholes – catch basins/each.....	\$15.00
Modular home .....	\$150.00
Penalty for work prior to obtaining permit	
Less than \$10,000 .....	\$100.00
Greater than \$10,000 .....	\$250.00
Reduced pressure zone back-flow preventer .....	\$15.00
Sewage ejectors, sumps.....	\$15.00
Sewers (sanitary, storm, or combined): 6 " and over.....	\$15.00
Sewers (sanitary, storm, or combined): less than 6" .....	\$15.00
Sewers (connection building drain-building sewer) .....	\$15.00
Stacks (soil, waste, vent and conductor) .....	\$10.00
Sub-soil drains .....	\$15.00
Two-family .....	per unit - \$90 - \$180.00
Water distributing pipe: 3/4" .....	\$15.00
Water distributing pipe: 1" .....	\$15.00
Water distributing pipe: 1 1/4" .....	\$20.00
Water distributing pipe: 1 1/2" .....	\$30.00
Water distributing pipe-over 2" .....	\$45.00
Water service-less than 2" .....	\$15.00
Water service-2" to 6" .....	\$25.00
Water service-over 6".....	\$30.00
Whole house permit .....	\$120.00

**Parking lease**

Parking lease 24-hour/monthly	
Any lot, residential .....	\$20.00
Parking lease daytime/month	
Ball & Comstock lot .....	\$15.00
Ball & Mason lot.....	\$25.00
Ball, Water, & Exchange lot.....	\$25.00
N. Cedar & N. Lansing lot.....	\$20.00
Park & Exchange lot.....	\$15.00
Park & Main lot .....	\$15.00
Parking lease duplicate hangers – one time fee .....	\$5.00
Parking lease nighttime only/monthly .....	\$10.00

**CITY CLERK**

Cable television franchise fee .....	3%
Copies/data - voter list .....	\$5.00
Marriage fee/presided by Mayor .....	\$10.00
Precinct maps – color 8 1/2 x 11 .....	\$5.00 + 1.00 per page

**CITY TREASURER**

Adult entertainment license fee:	
Note: If application denied, 1/2 fee returned. ....	\$1,500.00
Adult entertainment license renewal fee	
Note: a late penalty of \$100 if renewal filed less than 60 days before license exp. If application denied, 1/2 of total fees collected returned. ....	\$1,500.00
License renewal	
Late fee first 15 days .....	License Fee + 25%
Late fee beyond 15 days License Fee + 50%Adult entertainment penalties .....	\$500.00
Adult entertainment penalties .....	\$500.00
Collection fee tax – administrative fee	
..... 1% on all advalorem taxes (on the amounts collected for other units – not City) Potential to collect Admin. Fee on our own (City) taxes	
Park rental	
City resident – refundable/deposit only (unless damage) .....	\$50.00
Non-city resident.....	\$75.00
Property tax late collection fee	
Summer .....	2% Additional September
Summer .....	3% Additional October
Summer .....	4% Additional November
Winter & any Summer balance .....	3% Additional Feb 15th-28th
Return check – as allowed by MCL 600.2952	
First incident .....	\$25.00
Second Incident, etc. in 12 months time .....	\$35.00

**COMMUNITY DEVELOPMENT**

Application fee for	
PUD zoning district review.....	Cost + 25%
.....PUD site plan review and /or development agreement Note: The applicant shall reimburse the city for all fees for city legal counsel and consultant participation in the development agreement.....	\$500.00 + review fees
Rezoning request .....	\$300.00
Site plan review .....	\$150 + review fees
Special use conditions permit.....	\$300 + review fees
Zoning variance .....	\$300.00
Credit reports (if not partnered w/bank or finance group) .....	cost + 25%
Historic district permit application fee .....	None
Off-street parking facility/lot application permit (see ordinance/code) .....	\$150.00
Permits ("new use of land" and "new use of building(s))" mentioned specifically in code	
.....	\$30.00
Rental property registration/per unit.....	\$25.00
Rental registration	
Non-compliance fee, 1st occurrence.....	\$200.00
Non-compliance fee, each additional occurrence .....	\$400.00
Residential entranceway permit (see ordinance/code).....	\$150.00
Special exceptions application/permit, conditional use or temporary use permit by ZBA (see ordinance/code) .....	\$200.00
Temporary uses for administrative approval – forthcoming ordinance.....	\$75.00
Zoning board of appeals, appeal application fee. ....	\$200.00

**GENERAL**

Bid packet with plans .....	\$10 to \$50 depending on the project
Copies - labels/per sheet .....	\$5.00
Copy of aerial photos (each)	
8 1/2 x 11 .....	\$5.00 + 1.00 per page
11 x 17 .....	\$5.00 + 1.00 per page
18 x 24 .....	\$10.00 + 1.00 per page
24 x 36 .....	\$10.00 + 1.00 per page
Copies/data	
CD's .....	\$5.00
DVD's.....	\$5.00
Copy costs/page – black & white	
8 1/2 x 11 .....	\$2.00 + .25 per page
11 x 17 .....	\$3.00 + .25 per page
18 x 24 .....	\$4.00 + .25 per page
24 x 36.....	\$5.00 + .25 per page
Copy costs/page – color	
8 1/2 x 11 .....	\$5.00 + 1.00 per page
11 x 17 .....	\$5.00 + 1.00 per page
Data/emailed .....	\$5.00
Notary	
Non-resident .....	\$10.00
Resident.....	\$5.00
Rental conference room between 8:00 am to 5:00 pm	
½ day up to four hours .....	\$30.00
Full day .....	\$60.00
Organization of which the city is a member.....	None

Rental council chambers between 8:00 am to 5:00 pm	
½ day up to four hours.....	\$30.00
Full day .....	\$60.00
Organization of which the city is a member.....	None
Street map-small.....	\$5.00 + 1.00 per page
Zoning map-small.....	\$5.00 + 1.00 per page

**HISTORICAL COMMISSION** - Funds go to back to historical commission

Admission Curwood Castle	
Adult.....	Donation Request \$2.00
Child.....	Donation Request \$1.00
Rental Curwood Castle	
First hour (\$50.00 refundable).....	\$150.00
Each additional hour.....	\$25.00
Rental Gould House	
First hour (\$50.00 refundable).....	\$150.00
Each additional hour.....	\$25.00
Rental Gould House apartment #2	
Per month.....	\$750.00
Note: reduction in rate if long term .....	\$650.00
Rental Gould House apartment #3	
Per month.....	\$750.00
Note: reduction in rate if long term .....	\$650.00

**PUBLIC SAFETY**

Ambulance fees – adjusted to the screen rates approved by commercial insurance companies	
Dog license .....	see ordinance**none currently**
False alarm fee – fee may be waived by authority of Public Safety Director	
First call in 12 months.....	None
Second false alarm in 12 months.....	\$10.00
Each additional false alarm in calendar year.....	\$25.00
Late fee(s) (in excess of 10 days) .....	10% of fee + 6% interest
Fire house demonstrations .....	donation only
Fire run .....	\$500.00 to ins co
Gun registration.....	\$10.00
Liquor license application fee.....	\$10.00
Liquor license changes .....	\$50.00
Liquor license ownership transfer .....	\$150.00
Photo CD.....	\$25.00 for each 75 photos or fraction thereof
Portable breath test (PBT)	
1/2 month.....	\$15.00
Full month.....	\$30.00
Public Safety reports.....	\$10.00/10 pages then .25 per page after
Sex offender initial registration.....	\$35.00

**Parking fines** – defined in Section 33 of the Owosso Municipal Code

Abandoned car	
Paid after 72 hours .....	\$15.00
Paid within 72 hours .....	\$10.00
Across parking line	
Paid after 72 hours .....	\$10.00
Paid within 72 hours .....	\$10.00
Blocking alley	
Paid after 72 hours .....	\$15.00
Paid within 72 hours .....	\$10.00
Blocking driveway	
Paid after 72 hours .....	\$15.00
Paid within 72 hours .....	\$10.00
Blocking traffic	
Paid after 72 hours .....	\$15.00
Paid within 72 hours .....	\$10.00
Double parking	
Paid after 72 hours .....	\$15.00
Paid within 72 hours .....	\$10.00
Fifth violation of any above violation within a 30-day period	
Paid after 72 hours .....	\$100.00
Paid within 72 hours .....	\$100.00
Moving to evade time limitations	
Paid after 72 hours .....	\$10.00
Paid within 72 hours .....	\$10.00
Other parking violation	
Paid after 72 hours .....	\$15.00
Paid within 72 hours .....	\$10.00

Overtime parking in 3:00 a.m. to 6:00 a.m. zone	
Paid after 72 hours .....	\$10.00
Paid within 72 hours .....	\$10.00
Overtime parking in business district .....	\$10.00
Parked facing wrong way	
Paid after 72 hours .....	\$15.00
Parked facing wrong way	
Paid within 72 hours .....	\$10.00
Parking at yellow curb	
Paid after 72 hours .....	\$10.00
Paid within 72 hours .....	\$10.00
Parking in handicapped zone	
Paid after 72 hours .....	\$100.00
Paid within 72 hours .....	\$50.00
Parking in loading zone	
Paid after 72 hours .....	\$10.00
Parking in loading zone	
Paid within 72 hours .....	\$10.00
Parking in prohibited zone	
Paid after 72 hours .....	\$15.00
Paid within 72 hours .....	\$10.00
Parking of a truck or commercial vehicle – gross wt. in excess of 5 tons or in excess of 22 ft. in length in violation of Sec. 33-20.060 of the Owosso Municipal Code	
Paid after 72 hours .....	\$50.00
Paid within 72 hours .....	\$25.00
Parking on sidewalk or crosswalk	
Paid after 72 hours .....	\$15.00
Paid within 72 hours .....	\$10.00
Parking over 12 in. from curb	
Paid after 72 hours .....	\$15.00
Paid within 72 hours .....	\$10.00
Parking over legal limit in areas other than business districts	
Paid after 72 hours .....	\$15.00
Paid within 72 hours .....	\$10.00
Third and subsequent violations in each calendar year .....	\$50.00
Parking within 15 ft. of fire hydrant	
Paid after 72 hours .....	\$15.00
Paid within 72 hours .....	\$10.00

**Violations/fines**

Bonfire permit.....	None
Misdemeanor .....	**see ordinance/code under (b) \$500.00 + other stipulations**
Municipal civil infraction –	
First offense .....	\$75.00
Second offense.....	\$250.00
Third or subsequent repeat offenses.....	\$500.00
Municipal civil infraction - loose dogs	
"Code states: ""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.	
.....	\$25.00 + Pound Fees

**PUBLIC SERVICES**

Construction noise(s) permit .....	\$25.00
Flood plain development permit application.....	\$100.00
Mowing .....	Cost + \$100.00
Replacement line and grade stakes (see ordinance/code).....	Cost + \$100.00
Right of way permit	
Inspection fee .....	\$20.00
Security deposit.....	\$50.00
Snow removal .....	Cost + \$100.00
METRO Act Permit Application Fee.....	Per statute

Motion supported by Councilperson Bailey.

Roll Call Vote.

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

NAYS: None.

ABSENT: Councilpersons Cook and Fox.

**COMMUNICATIONS**

Downtown Historic District Commission. Minutes of July 17, 2013.  
Parks & Recreation Commission. Minutes of July 22, 2013.

**CITIZEN COMMENTS AND QUESTIONS**

There were no citizen comments.

Mayor Pro-Tem Popovitch inquired as to the next step with 911. City Manager Crawford indicated the City’s attorney was in communication with the County attorney to review the agreement and propose some changes to the language. Any changes to the language would be presented to Council for approval at a later time. In the meantime he said Council needed to determine whether they felt they had been approached in the appropriate manner to justify the collection of fees that are in addition to the phone fees already being collected.

Councilperson Erfourth again thanked Lt. Paine for speaking to the group and indicated that now that the issue at hand was cleared up he wanted to take the opportunity to talk about dog licenses. There was discussion among Council members as to whether this was still an on-going concern and whether the City should collect the dog license fees for City residents to fund efforts to deal with stray animals.

Councilperson Bailey noted that she had had the opportunity to attend a recent SEDP meeting and was impressed with the amount of interest and partnering they have generated within the community and she applauded the Council for following through with their \$2 per capita pledge to the organization.

**NEXT MEETING**

Monday, August 19, 2013

**BOARDS AND COMMISSIONS OPENINGS**

Historical Commission – term expires 12-31-14

**ADJOURNMENT**

Motion by Councilperson Eveleth for adjournment at 8:21 p.m.

Motion supported by Mayor Pro-Tem Popovitch and concurred in by unanimous vote.

\_\_\_\_\_  
Benjamin R. Frederick, Mayor

\_\_\_\_\_  
Amy K. Kirkland, City Clerk