

CITY OF OWOSSO
REGULAR MEETING OF THE CITY COUNCIL
MONDAY, AUGUST 05, 2013
7:30 P.M.

Meeting to be held at City Hall
301 West Main Street

AGENDA

OPENING PRAYER:

PLEDGE OF ALLEGIANCE:

ROLL CALL:

APPROVAL OF THE AGENDA:

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

ADDRESSING THE CITY COUNCIL

1. Your comments shall be made during times set aside for that purpose.
2. Stand or raise a hand to indicate that you wish to speak.
3. When recognized, give your name and address and direct your comments and/or questions to any City official in attendance.
4. Each person wishing to address the City Council and/or attending officials shall be afforded one opportunity of up to four (4) minutes duration during the first occasion for citizen comments and questions. Each person shall also be afforded one opportunity of up to three (3) minutes duration during the last occasion provided for citizen comments and questions and one opportunity of up to three (3) minutes duration during each public hearing. Comments made during public hearings shall be relevant to the subject for which the public hearings are held.
5. In addition to the opportunities described above, a citizen may respond to questions posed to him or her by the Mayor or members of the Council, provided members have been granted the floor to pose such questions.

PROCLAMATIONS / SPECIAL PRESENTATIONS

None.

PUBLIC HEARINGS

None.

CITIZEN COMMENTS AND QUESTIONS

CITY MANAGER REPORT

Project status report

CONSENT AGENDA

1. 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.

2. 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.

3. 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

4. Antique Bike Show Permission. Consider authorization of the application from House of Wheels and the Westtown 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.
5. 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.
6. 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.
7. 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.
8. 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.
9. 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.
10. Bid Award – Gould Street Bridge Engineering. Approve contract with Fishbeck, Thompson, Car & Huber, Inc. for full design engineering and construction administration services for preventative maintenance on the Gould Street bBridgein the amount of \$39,577.
11. 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.

12. 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.
13. 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.
14. 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
15. Lot Split Approval Approve the split of 501 S. Shiawassee into two parcels.
16. 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

ITEMS OF BUSINESS

1. 911 Presentation by Lt. Barbara L. Paine, director of Shiawassee County Central Dispatch. 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.
2. Funding for the Owosso Historical Commission and the Shiawassee County Economic Development Partnership. Allocates \$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.
3. Fee Schedule. Adopt the 2013 Fee Schedule setting various fees and charges for city services.

COMMUNICATIONS

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

CITIZEN COMMENTS AND QUESTIONS

NEXT MEETING

Monday, August 19, 2013

BOARDS AND COMMISSIONS OPENINGS

Historical Commission – term expires 12-31-14

ADJOURNMENT

The City of Owosso will provide necessary reasonable auxiliary aids and services, such as signers for the hearing impaired and audio tapes of printed materials being considered at the meeting, to individuals with disabilities at the meeting/hearing upon seventy-two (72) hours notice to the City of Owosso. Individuals with disabilities requiring auxiliary aids or services should contact the City of Owosso by writing or calling the following: Amy K. Kirkland, City Clerk, 301 West Main Street, Owosso, MI 48867 or at (989) 725-0500. The City of Owosso Website address is www.ci.owosso.mi.us.

OWOSSO CITY COUNCIL

JULY 15, 2013

7:30 P.M.

PRESIDING OFFICER: MAYOR BENJAMIN R. FREDERICK

OPENING PRAYER: REVEREND PEG FAULMANN
ST. JOHN'S UNITED CHURCH OF CHRIST

PLEDGE OF ALLEGIANCE: DIANNE ACTON

PRESENT: Mayor Benjamin R. Frederick, Mayor Pro-Tem Cindy S. Popovitch,
Councilpersons Loreen F. Bailey, Thomas B. Cook, Michael J. Erfourth,
Christopher T. Eveleth and Burton D. Fox.

ABSENT: None.

APPROVE AGENDA

Motion by Councilperson Eveleth to approve the agenda with the addition of Item of Business 3. SEDP Funding and the move of current Item of Business 3. 5th Monday Meeting Agenda to Item of Business 4.

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

APPROVAL OF THE MINUTES OF REGULAR MEETING OF JULY 1, 2013

Motion by Councilperson Eveleth to approve the Minutes of the Regular Meeting of July 1, 2013 as presented.

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

PROCLAMATIONS / SPECIAL PRESENTATIONS

None.

PUBLIC HEARINGS

OBSOLETE PROPERTY REHABILITATION EXEMPTION - WESENER, LLC

City Assessor Larry D. Cook walked the Council through the schedule of abatements indicating how he had calculated the number of years they were eligible for.

A Public Hearing was conducted to receive citizen comments regarding application from Wesener, LLC for an Obsolete Property Rehabilitation Exemption Certificate for their property at 104-108 North Washington Street.

There were no citizen comments.

Councilperson Cook voiced his support for the project and the perseverance of the developer.

Motion by Councilperson Eveleth to authorize the following resolution approving an Obsolete Property Rehabilitation Exemption Certificate for Wesener, LLC for a period of 12 years:

RESOLUTION NO. 73-2013

A RESOLUTION TO APPROVE

**THE APPLICATION FOR AN
OBSOLETE PROPERTY REHABILITATION EXEMPTION CERTIFICATE
FROM DAVE ACTON OF WESENER, LLC
FOR PROPERTY LOCATED AT
104-108 N. WASHINGTON STREET**

WHEREAS, the City of Owosso is a Qualified Local Government Unit within the State of Michigan and is empowered to provide tax exemptions for increased value of rehabilitated facilities within the City; and

WHEREAS, after public notice and a public hearing on March 1, 2004, the City Council of the City of Owosso approved an Obsolete Property Rehabilitation District at 104-108 N. Washington Street in Owosso, Michigan. As provided by section 4(2) of Public Act 146 of 2000, said property more particularly described as:

S 2/3 OF LOT 5 & N 1/3 OF LOT 6 (EX E 22' OF LOT 6) BLK 21 ORIGINAL PLAT

WHEREAS, the City Clerk received an application on June 21, 2013 from Dave Acton, authorized agent for Wesener, LLC, owner of the property, for an Obsolete Property Rehabilitation Exemption Certificate; and

WHEREAS, notice of a public hearing concerning the application for an exemption certificate was provided to the Assessor of the City and the legislative body of each taxing unit that levies ad valorem property taxes in the City; and

WHEREAS, the City finds that the property meets the definition of an obsolete property as defined in section 2(h) of Public Act 146 of 2000 and the application for the exemption certificate is complete; and

WHEREAS, the City finds that the property relates to a rehabilitation program that when completed constitutes a "rehabilitated facility" within the meaning of P.A. 146 of 2000, and said property is located within an Obsolete Property Rehabilitation District established in a Qualified Local Governmental Unit eligible under Public Act 146 of 2000 to establish such a district; and

WHEREAS, the rehabilitation includes improvements aggregating 10% or more of the true cash value of the property at commencement of the rehabilitation as provided by section 2(l) of PA 146 of 2000; and

WHEREAS, it has been found that the rehabilitation of the obsolete property is calculated to, and will at the time of the issuance of the certificate, have the reasonable likelihood to increase commercial activity, retain and create employment, and revitalize the downtown; and

WHEREAS, the taxable value of the property proposed to be exempt plus the aggregate taxable value of the property already exempt under PA 146 of 2000 and under PA 198 of 1974 does not exceed 5% of the total taxable value of the unit; and

WHEREAS, the applicant is not delinquent in any taxes related to the facility; and

WHEREAS, the rehabilitation work described in the application did not commence prior to the establishment of the District.

NOW, THEREFORE, BE IT RESOLVED that, based on the findings above made at public hearing, the City Council of the City of Owosso authorizes the application for an Obsolete Property Rehabilitation Exemption Certificate at 104-108 N. Washington Street for a period of 12 years; and

ALSO, BE IT RESOLVED that the rehabilitation shall be completed within eighteen (18) months from the date of approval of said application, and

FURTHERMORE, BE IT RESOLVED that the application and resolution are authorized for submittal to the State Tax Commission for final review and authorization.

Motion supported by Councilperson Fox.

Roll Call Vote.

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

NAYS: None.

CITIZEN COMMENTS AND QUESTIONS

Greg Remington, Lytle Road, Lennon, member of the local electrical workers union, invited everyone to their labor event scheduled for August 14th at 6:00 p.m. at the Comstock Inn. He said that his local had gotten lots of attention from their recent protests of local construction projects that were using non-local labor. He said workers from the west side of the state were coming here for higher wages and putting local workers out of work. He asked that Council look at whether construction companies have a history of violating the prevailing wage laws when considering bids for construction projects.

Michael Cline, 621 Wright Avenue, noted that he had complained about signs in the right of way previously and wondered if it had been determined if tickets could be issued to violators. He said he continued to see signs in the right of way and felt that the Public Safety Department was not doing their job.

Eddie Urban, 601 Glenwood Avenue, noted that he had recently talked with a woman holding a garage sale about where she placed her signs.

Councilperson Bailey indicated she had made an unannounced tour of the City's historic properties recently and spoke with the docents present at the time. She said she came away with a much clearer understanding of their operation and the issues they face.

Councilperson Fox indicated that he had joined Ms. Bailey on her tour and was informed of some issues that he felt Council should be aware of. He also wanted to know the status of the proposed heavy equipment purchases.

Councilperson Cook thanked the City Manager and Councilpersons Fox and Erfourth for their assistance in cleaning up the flower beds in Fayette Square recently. He said he thought that such actions were indicative of how the City Manager is willing to get his hands dirty and do whatever it takes to get a job done.

Mayor Pro-Tem Popovitch said she had noticed the new bike route signs in her neighborhood and would like to do something to advertise their installation.

Councilperson Cook noted there were plans to install more signs in Owosso Charter Township in an effort to connect the CIS trail with the downtown.

CITY MANAGER REPORT

In response to Councilperson Fox's inquiry City Manager Crawford noted that bids had been received for one piece of heavy equipment and the other items slated for purchase were in various stages of the bidding process.

CONSENT AGENDA

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

First Reading and Set Public Hearing – Ordinance Amendment – Temporary Uses. Conduct First Reading and set a Public Hearing for Monday, August 19, 2013 to hear citizen comment regarding the proposed amendment to Chapter 38, Zoning, to clarify temporary uses, temporary structures, and outdoor displays as follows:

RESOLUTION NO. 74-2013

AN ORDINANCE AMENDING CHAPTER 38 ZONING OF THE CODE OF ORDINANCES TO PROVIDE FOR TEMPORARY USES, TEMPORARY STRUCTURES, AND OUTDOOR DISPLAYS

WHEREAS, the City of Owosso completed a master plan in 2012; and

WHEREAS, the master plan indicates that zoning changes should be pursued to modernize the city code; and

WHEREAS, the planning commission has held a public hearing on this proposed amendment and finds the changes to meet the guidelines of the master plan.

NOW THEREFORE, BE IT RESOLVED, THE CITY OF OWOSSO ORDAINS that Chapter 38, Zoning, of the City of Owosso city code be amended as follows:

SECTION 1. REPEAL. That a specific definition within Section 38-5 of the *Code of Ordinances*, which read as follows, shall be repealed:

~~*Temporary use or building.* A use or building permitted by the board of appeals to exist during periods of construction of the main building or use, or for special events.~~

SECTION 2. REPEAL. That Section 38-504(4)a of the *Code of Ordinances*, which read as follows, shall be repealed:

~~*Temporary permits.* For temporary structures for dwelling purposes, including trailer coaches, subject to the following procedures and limitations:~~

- ~~1. An application for a permit for the erection or movement of a temporary structure for dwelling purposes, including trailer coaches, shall be made to the board on a special form used exclusively for that purpose.~~
- ~~2. The board shall give due notice to the applicant and to all property owners within three hundred (300) feet of the property affected at least five (5) days before the hearing will be held on such application.~~
- ~~3. A temporary permit shall not be granted unless the board finds adequate evidence that the proposed location or use will not be detrimental to property in the immediate vicinity; and that the proposed water supply and sanitary facilities have been approved by the county health department or the city director of public services.~~
- ~~4. The board may impose any reasonable conditions, including setbacks, land coverage, off-street parking, landscaping, and other requirements deemed necessary to protect adjoining properties and the public welfare. The violation of any such condition shall automatically invalidate the permit.~~
- ~~5. The permit issued shall clearly set forth the conditions under which the permit is granted and shall state that the proposed temporary dwelling structure is to be vacated upon expiration of a specific~~

~~time limit not to exceed six (6) months. No permit shall be transferable to any other owner or occupant.~~

SECTION 3. NAME. The amended Ordinance shall be known and cited as the "City of Owosso Temporary Structures and Uses."

SECTION 4. ADDITION. That new definitions within Section 38-5 shall be added to read as follows, shall be adopted:

Temporary Structure. Any structure erected for the purpose of temporarily housing displaced persons or permitting occupancy for construction related functions related to an ongoing construction or building project.

Temporary Use. Any use, event, or display of a temporary, seasonal, or portable nature that is customary and incidental to the primary permitted use, providing that such use is not otherwise regulated or permitted by this ordinance or a valid site plan.

SECTION 5. ADDITION. That the new Section 38-399 which reads as follows, shall be adopted:

Section 38-399. Temporary structures and uses.

A. *Conditions applicable to all temporary structures, uses, and displays:* Unless otherwise noted, the following conditions shall apply to all temporary structures, uses, and displays.

1. All such uses and structures must first be reviewed and approved by the building official.
2. The use of any space or structure must be one permitted as-of-right within the applicable zoning district.
3. Adequate off-street parking, site ingress/egress, and adequate clear vision areas shall be provided.
4. The applicant shall specify the exact duration of the temporary use, and no permit for any temporary use, structure, or display shall be valid for more than one calendar year.
5. Approval of other applicable government agencies is required to ensure compliance with applicable health and safety regulations and standards.
6. The use must be carried out so as to meet all zoning and general ordinance provisions and shall not create or result in any Nuisance Factors.
7. Temporary structures shall comply with the setback standards for the district in which they are located.
8. The building official or his/her designee shall approve any and all plumbing, electrical, and mechanical connections to any temporary structure.
9. The building official or zoning administrator may require the applicant to furnish the city with a performance bond in accordance with Section 29-48 of the city ordinance to ensure removal of the temporary structure, use or display.

B. *Temporary structures used for residential purposes:* A building or structure may be approved for temporary residential use only while damage to the principal dwelling due to fire, flood, ice, wind, or other natural disaster is being repaired. Any such temporary building shall not be used as a residence without prior review and approval by the building official.

Also, a manufactured dwelling unit or other approved living quarters may be occupied as a residence on a temporary basis on sites for which a building permit has been issued for construction, major repair, or remodeling of a new dwelling unit, subject to the following:

1. An occupancy permit is issued by the building official for the temporary residence.
 2. Such permits may be issued by the building official for up to six months in duration and may be renewed for periods of up to six months, provided that work is proceeding in an expeditious manner.
 3. An approved temporary structure may be moved onto a site 14 days prior to commencement of construction and shall be removed within 14 days following issuance of a certificate of occupancy for the permanent dwelling.
- C. *Temporary structures used for nonresidential purposes:* Temporary buildings for nonresidential use, including semi-trucks/trailers and concrete batch plants, shall be permitted only when the intended use is by a contractor or builder in conjunction with a construction project.
1. Such temporary structures shall be removed immediately upon completion of the construction project and prior to a request for a certificate of occupancy for the project.
 2. Permits for the utilization of temporary structures shall be issued by the building official. The permit shall specify a date for the removal of the temporary structure. A certificate of occupancy shall be required for such structures.
- D. *Temporary uses in accessory structures:* A temporary building or structure may be used as an accessory building or structure if it meets all accessory structure requirements of this code.
- E. *Special purpose temporary uses:* The following conditions apply to specific temporary uses:
1. *Carnival, circus, festival, seasonal markets (public and/or private lands):*
 - a) *Operator, sponsor or beneficiary:* Government or not for profit entities only.
 - b) City council approval required.
 2. *Sidewalk uses including display, sales, and other features:*
 - a) *Time:* Operating hours only. The business must be open and staffed.
 - b) *Location:* In the B-3 zoning district only.
 - c) *Sidewalk coverage:* An area no less than four feet wide shall be maintained for passage of pedestrians at all times.
 - d) *Uses:* For portable signs, display, sale, and/or service of onsite products and activities only, including retail goods and food service. No off-premise advertising, sales, or services are permitted (i.e. vendors are not permitted).
 - e) *Exceptions:* Planters, bike racks, and decorative features may remain outside provided they adhere to all performance standards of the ordinance.
 - f) *Additional requirements:* The approval of the building official and street administrator is required; owner must provide liability insurance for activities in the right-of-way.
 3. *Christmas tree sales:*
 - a) *Maximum duration:* 45 days.
 - b) *Clean-up:* Stumps, branches, and other debris shall be completely removed from site.
 - c) Building official approval required.

4. *Roadside produce or farm stands:* Because roadside stands are seasonal in character and utilized on a temporary basis, roadside stands shall be allowed in Business Districts by the city for periods not to exceed six months provided a temporary permit is obtained from the city and provided the following provisions are met:
 - a) The sale of farm products in a roadside stand shall not take place within the dedicated right-of-way of any thoroughfare within the city, and assurances shall be made to the city that ample off-street parking has been provided, and adequate ingress and egress provided to the stand.
 - b) No permanent structure of any type shall be erected, and upon discontinuance of the temporary use, the temporary structures shall be removed from the roadside.

F. Outdoor sales and display in conjunction with an existing business (private lands only):

1. *Location:* In the B-1, B-2, & B-4 zoning districts only; front or side yards only; use cannot occur in areas dedicated to parking, storm water detention/collection, or areas required for emergency use or clear vision.
2. *Lot coverage:* An area no more than three hundred (300) square feet shall be used as outdoor sales and display area.
3. *Setbacks:* Setbacks from the right of way and all lot lines must be a minimum of 10 feet or that setback require by Article XVI, whichever is less.
4. *Uses:* For display, sale, and/or service of onsite products and activities only. No off-premise advertising, sales, or services are permitted (i.e. vendors and/or leased space are not permitted).
5. *Additional requirements:* Any loose debris, damaged products, unsecured materials, or products determined to be junk, waste, or scrap in nature shall be deemed a nuisance per se.

SECTION 6. 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 7. INCONSISTENT ORDINANCES. All ordinances or parts of ordinances inconsistent with the provisions of this Ordinance are repealed.

SECTION 8. EFFECTIVE DATE. This amendment shall become effective 20 days after passage.

SECTION 9. 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 10. PUBLIC HEARING. A public hearing is set for Monday, August 19th, 2013 at approximately 7:30 p.m. in the City Hall Council Chambers to hear citizen comment regarding the proposed amendment.

First Reading and Set Public Hearing – Ordinance Amendment – Design Standards. Conduct First Reading and set a Public Hearing for Monday, August 19, 2013 to hear citizen comment regarding the proposed amendment to Chapter 38, Zoning, to promote higher quality structures and higher standards for aesthetics in relation to fences, commercial development, and new residential development as follows:

RESOLUTION NO. 75-2013

AN ORDINANCE AMENDING CHAPTER 38 ZONING OF THE CODE OF ORDINANCES TO PROVIDE FOR DESIGN STANDARDS

WHEREAS, the City of Owosso completed a master plan in 2012; and

WHEREAS, the master plan indicates that zoning changes should be pursued to modernize the city code, specifically included new design standards; and

WHEREAS, the planning commission has held a public hearing on this proposed amendment and finds the changes to meet the guidelines of the master plan.

NOW THEREFORE, BE IT RESOLVED, THE CITY OF OWOSSO ORDAINS that Chapter 38, Zoning, of the City of Owosso city code be amended as follows:

SECTION 1. REPEAL. That Section 38-393 of the *Code of Ordinances*, which read as follows, shall be repealed:

~~Sec. 38-393. --Fences, walls, or screens.~~

~~(a) Definition. "Required yard" means that portion of any lot on which the erection of a main building is prohibited.~~

~~(b) Where permitted; height.~~

~~(1) In the residential districts; also the OS-1, B-1, B-2, B-3, B-4, C-OS, and P-1 districts: Fences, walls or screens are permitted on all lots of record within required side or rear yards, provided they do not exceed six (6) feet in height, measured from the surface of the ground, and are permitted in front required yards provided they do not exceed three (3) feet if of such a nature to obstruct vision; where fencing is open weave or chain link and does not obstruct vision, the permitted height shall be four (4) feet, measured from the ground surface except as otherwise provided in this chapter.~~

~~(2) In the I-1 and I-2 districts:~~

~~a. Fences, walls and screens are permitted in the required front, side and rear lots provided they do not exceed six (6) feet in the front yard and eight (8) feet in the side and rear lots. To preserve open space character in the front yard, fences higher than four (4) feet must be setback two (2) feet for each additional foot above four (4) feet.~~

~~b. Except as provided below, barbed wire strands are permitted on fences six (6) feet or higher on industrial parcels with the barbed wire tilted in toward the fenced parcel. Barbed wire is not permitted in the front yard on major streets.~~

~~(c) Visibility at street intersections. On any corner lot, no fence, wall or screen, whether structural or botanical, shall be more than thirty (30) inches above the curb or the centerline of the street pavement, or within twenty-five (25) feet of the intersection of the two (2) right-of-way lines, so as to interfere with motorists' vision across the corner.~~

~~(d) Visibility at intersections of driveways or alleys with streets. No fence, wall or screen, whether structural or botanical, may obstruct vision within twenty (20) feet in any direction of the intersection of the edge of a driveway with the right-of-way line. The area of non-obstructed vision shall be between the heights of three (3) feet and ten (10) feet measured from the centerline of the street pavement.~~

~~(e) Prohibited fences. Except for the provisions of (b)(2)b. above and (f) below, fences, walls or structural screens may not contain barbed wire, electric current, charges of electricity or any wire fence other than a~~

chain-link fence.

~~(f) Essential services and school off-campus facilities and bus garages. For essential services and off-campus school facilities and bus garages, the use of barbed wire atop fences six (6) feet in height is permitted in all zoning districts with the barbed wire tilted in toward the fenced parcel.~~

~~(g) Installation. Any fence with an unfinished side, e.g. stockade fence, shall be installed along or about a lot line so that the finished side of the fence faces the exterior of the lot.~~

~~(h) Permit fee. A permit shall be required with a fee to be prescribed by resolution of the council and paid to the city treasurer.~~

SECTION 2. NAME. The amended Ordinance shall be known and cited under the existing section of "General Provisions."

SECTION 3. REPLACE. That the new Section 38-393, which reads as follows, shall replace the previously repealed section:

Section 38-393. - Fences and hedges.

- (a) A fence is defined as any partition, structure or gate that is erected as a dividing marker, barrier or enclosure (excluding hedges as defined below).
- (b) A hedge is defined as any bush, shrub or any living green screen of any nature that serves as a dividing marker, barrier or enclosure.
- (c) Regulations applicable to R-1, R-2, RM-1, RM-2, OS-1, B-1, B-2, B-3, B-4, C-OS, and P-1.
 - (1) A fence shall not exceed six (6) feet in height in the rear or side lot of any parcel;
 - (2) Front yard fences or hedges must be less than fifty percent (50%) solid, impervious, or of an obscuring nature above a height of 30" above the curb or centerline of the street, and not exceed four (4) feet in total height;
 - (3) Fences and hedges in front yards that function as exterior side yards must follow front yard restrictions unless the fence or hedge is installed or planted at least 19 feet back from the right-of-way line or follows the building line of the nearest legal structure. All such fences and hedges must meet clear vision requirements for streets, driveways, and sidewalks.
 - (4) No fence or hedge shall extend across property lines;
 - (5) The finished side of any fence shall face away from the property on which the fence is located;
 - (6) No portion of any fence shall be constructed with or contain barbed wire, electric current or charge of electricity, glass, spikes or other sharp protruding objects;
 - (7) Fences must be maintained so as not to endanger life or property. Any fence which, through lack of maintenance or type of construction which will obstruct vision so to create a hazard to vehicular traffic or pedestrians upon the public streets and/or sidewalks shall be deemed a nuisance.
 - (8) Fences shall not be constructed, in whole or in part, with any of the following materials:
 - a. junk or other debris
 - b. scrap building materials or metals
 - c. organic materials known to be poisonous or hazardous to human or animal life
 - d. other materials which may be deemed unsafe to person or property by the Zoning Administrator or Building Official.

(9) No hedge shall be constructed with noxious weeds or grasses, as defined by PA 359 of 1941, being MCL 247.62.

(10) Screening walls are required as prescribed in section 38-389.

(d) Regulations applicable to industrial districts.

(1) Fences, walls and screens are permitted in the required front, side and rear lots provided they do not exceed six (6) feet in the front yard and eight (8) feet in the side and rear lots. To preserve open space and aesthetic character in the front yard, fences higher than four (4) feet must be setback two (2) feet for each additional foot above four (4) feet and all front yard fences must be black vinyl chain link or decorative in nature.

(2) Except as provided below, barbed wire strands and non-coated or decorative chain link are permitted on fences six (6) feet or higher on industrial parcels with the barbed wire tilted in toward the fenced parcel. Barbed wire is not permitted in the front yard except for those located on McMillan Ave, Industrial Drive, South Street, and Aiken Road.

(3) On any corner lot, no fence, wall or screen, whether structural or botanical, shall be more than thirty (30) inches above the curb or the centerline of the street pavement, or within twenty-five (25) feet of the intersection of the two (2) right-of-way lines, so as to interfere with motorists' vision across the corner.

(4) Screening walls are required as prescribed in section 38-389.

(e) The Zoning Administrator or Building Official may require removal, reconstruction, or repair of any fence or wall which, in their judgment is dilapidated, unsafe, or a threat to the health, safety and welfare of the residents of the City of Owosso.

(f) A permit shall be required for new fence construction, with a fee to be prescribed by resolution of the council.

SECTION 4. ADDITIONS. That Sections 38-396 through 38-398 which read as follows, shall be added:

Sec. 38-396. - Mechanical equipment and utilities.

The following requirements shall apply to all site plans and new installations, not including replacement equipment and wind energy systems, for uses in the RM-1, RM-2, OS-1, B-1, B-2, B-3, B-4, and PUD zoning districts.

(a) Ground mounted mechanical equipment, such as blowers, ventilating fans, and air conditioning units, are permitted only in non-required side yards and in any rear yard, as determined by the Building Official/Zoning Administrator.

(b) Mechanical equipment shall be placed no closer than three (3) feet to any lot line in the B-3 zoning district.

(c) Any ground, building, or roof mounted mechanical equipment or utilities, including water and gas meters or related devices, utility boxes, transformers, elevator housings, stairways, tanks, heating, ventilation and air condition equipment (HVAC), and other similar equipment, shall comply with the following standards.

(1) All such equipment shall be screened by a solid wall, fence, landscaping, and/or architectural features that are compatible in appearances with the principal building.

- (2) Roof mounted equipment shall not exceed a height of ten (10) feet above the surrounding roof surface, and shall occupy no more than fifteen percent (15%) of the total roof area. All roof mounted mechanical units must be screened at a height equal to or greater than equipment being screened or otherwise be demonstrated to not be visible from all properties located within a distance of 300 feet.

Section 38-397. - Commercial design requirements.

The following design requirements for commercial buildings shall be applied during site plan review to development within the RM-1, RM-2, OS-1, B-1, B-2, B-3, B-4, and PUD zoning districts. These standards shall also apply to those elevations and parking areas that face a state highway and are within 200 feet of the right-of-way.

(a) *Exterior building design.*

- (1) Buildings shall possess architectural variety, but enhance the overall cohesive community character. All buildings shall provide architectural features, details, and ornaments such as archways, colonnades, cornices, recesses, projections, wall insets, arcades, window display areas, peaked roof lines, or towers.
- (2) Building walls and roofs over 50 feet in length shall be broken up with varying building lines, windows, gables, and/or architectural accents such as pilasters, columns, dormers, or awnings.
- (3) Window area or spandrel glass shall make up at least 20 percent or more of the exterior wall area facing the principal street(s).
- (4) In addition, a portion of the on-site landscaping shall abut the walls so that the vegetation combined with the architectural features significantly reduce the visual impact of the building mass as viewed from the street. Additional landscaping requirements of this ordinance must also be satisfied.
- (5) Overhead doors shall not face a public street or residential district. The Planning Commission can modify this requirement upon a determination that there is good or necessary cause and the visual impact will be moderated through use of building materials, architectural features and landscaping beyond that required by the ordinance.
- (6) Additions to existing buildings must complement the current building design with regard to height, proportions, scale, materials, and spacing of openings.

(b) *Building materials.*

- (1) Durable building materials which provide an attractive, quality appearance must be utilized.
- (2) The predominant building materials (50% or more of the face) should be quality materials such as earth-toned brick, native stone, and tinted/textured concrete masonry units and/or glass products.
- (3) Other materials such as smooth-faced concrete block, EIFS panels, or pre-fabricated corrugated steel panels should only be used as accents and not dominate the building exterior of the structure.

(c) *Building colors.*

- (1) High intensity colors such as neon, metallic, or fluorescent for the facade and/or roof of the building are prohibited except as approved by the Planning Commission.

- (2) Mechanical and service features such as gutters, ductwork, service doors, etc. that cannot be screened must be of a color that blends in or compliments the color of the building.

(d) *Roof design.*

- (1) Roofs should be designed to reduce the apparent exterior mass of a building, add visual interest, and be appropriate to the architectural style of the building.
- (2) Roofs shall have no less than two (2) of the following features:
 - a. Parapets concealing flat roofs and rooftop equipment, such as HVAC units from public view. The average height of such parapets shall not exceed fifteen (15) percent of the height of the supporting wall and such parapets shall not at any point exceed one-third (1/3) of the height of the supporting wall. Such parapets shall feature three-dimensional cornice treatment;
 - b. Overhanging eaves, extending no less than one (1) foot past the support walls;
 - c. Sloping roofs that do not exceed the average height of the supporting walls, with an average slope greater than or equal to one (1) foot of vertical rise for every three (3) feet of horizontal run and less than or equal to one (1) foot of vertical rise for every one (1) foot of horizontal run;
 - d. Three (3) or more roof slope planes.
 - e. A specific architectural element proposed by the applicant's architect that is acceptable to the building official or Planning Commission, depending upon the reviewing entity.

(e) *Customer entrances.*

- (1) Each large retail establishment (12,500 square feet or more) on a site shall have clearly defined, highly visible customer entrances featuring no less than five (5) of the following:
 - a. canopies or porticos;
 - b. overhangs;
 - c. recesses/projections;
 - d. arcades;
 - e. raised corniced parapets over the door;
 - f. peaked roof forms;
 - g. arches;
 - h. outdoor patios;
 - i. display windows;
 - j. architectural details such as tile work and moldings which are integrated into the building structure and design;
 - k. integral planters or wing walls that incorporate landscaped areas and/or places for sitting.

- I. a specific architectural element proposed by the applicant's architect that is acceptable to the building official or Planning Commission, depending upon the reviewing entity.
- (2) Where additional units will be located in the large retail establishment, each such store may have at least one (1) exterior customer entrance, which shall conform to the above requirements.
- (3) A bike rack or other acceptable form of bike parking or storage shall be provided near the primary entrance of all commercial structures. This shall not apply to structures in the B-3 zoning district.
- (f) *Community amenities.* Community amenities such as patio/seating areas, water features, art work or sculpture, clock towers, pedestrian plazas with park benches, or other features located adjacent to the primary entrance to the building(s) are highly encouraged and may be calculated as part of the landscaping requirement.
- (g) *Signs.* Signs shall be in accordance with the city's sign ordinance. All sign bases shall be constructed of materials compatible with the architecture of the building(s) located on the premises.
- (h) *Natural features.* When feasible and not in direct conflict with site needs, buildings shall be sited to protect existing natural areas such as steep natural grades, trees, significant groupings of healthy vegetation (shrubs and trees), and rock outcroppings. To the extent practical, these areas shall be incorporated into the overall site plan.
- (i) *Building location and orientation.* New buildings shall have at least one principal building entrance oriented toward the front lot line.
- (j) *Sidewalks.* All development shall include a provision for sidewalks within the site and within the right-of-way to provide connectivity between adjacent sites, the public realm, parking areas, primary structures, and any other on-site amenities.

Section 38-398. – Residential dwelling design standards.

- (a) *Intent.* This Section is intended to establish regulations for the construction of new residential dwellings zoned R-1 and R-2, including reconstructed and in-fill housing. The standards herein are intended to:
 - (1) Prevent grossly dissimilar dwellings which would adversely affect the value and character of dwellings in the surrounding area.
 - (2) Prevent adverse effects on the desirability of an area to existing or prospective homeowners.
 - (3) Ensure the stability of the environment.
 - (4) Promote the most appropriate use of real estate.
 - (5) Increase the opportunity to realize the development pattern envisioned in the Owosso Master Plan.

These regulations are based on the finding that the cohesiveness and character of the city's neighborhoods are significant factors in the city's quality of life, contribute to the distinct character in the various neighborhoods and help retain property values. These regulations further ensure new housing units are harmonious with the general character of the adjacent houses and the city overall and ensure a stable housing stock. While some level of diversity is desirable, these regulations are intended to ensure the design variation of new homes is similar to the level of variation in existing homes in the immediate area, or surrounding neighborhoods with similar densities for new residential projects. The standards shall not be construed to prohibit innovative design concepts involving such matters as solar home.

- (b) *Applicability.* The regulations of this Section shall apply to all new single family home construction zoned R-1 and R-2. Major home expansions where the homeowner is expanding the footprint of the home by greater than either twenty-five percent (25%) or 500 square feet, whichever is greater, shall comply with subsections 38.398.D.8, 38.398.D.9, and 38.398.D.10, in addition to required building codes, to ensure the resulting home continues to maintain the character of the neighborhood. The standards shall not apply to minor home expansions, interior remodeling, or to residences outside of the one and two family zoning districts.
- (c) *Approval.* Compliance with these regulations shall be determined by the Building and Zoning Administrator at the time the building permit is reviewed and shall be based on the standards of subsection D below.
- (d) *Standards.*
- (1) Each such dwelling unit shall comply with all pertinent building and fire codes. Additionally, all dwellings shall meet or exceed all applicable roof snow load and strength requirements. Where there are conflicting applicable regulations, the more stringent shall apply.
 - (2) All construction required herein shall be commenced only after a building permit has been obtained in accordance with applicable building codes.
 - (3) Each such dwelling unit shall comply with the minimum standards listed throughout the zoning code for the Zoning District in which it is located, including minimum lot area, minimum lot width, minimum floor area, required setbacks and maximum building height.
 - (4) Each dwelling unit shall be firmly attached to a permanent basement or crawl space foundation constructed on the site in accordance with the city's adopted building code.

OR

The dwelling shall have an attached or detached structure of equal workmanship as the dwelling unit, designed for the parking and storage of vehicles. Said structure shall be functionally and aesthetically compatible in design and appearance with other residences in the surrounding area as defined in subsection 12 below. When attached to a mobile home, modular home, pre-fabricated home or pre-constructed home, said structure shall comply with all requirements of the city's building code relative to grade separation and fire restrictive requirements.

- (5) Each such dwelling unit shall contain a storage area equal to or greater than ten percent (10%) of the square footage of the dwelling or one hundred (100) square feet, whichever shall be less. This storage area shall consist of a basement, attic or in a separate detached accessory structure that complies with the standards of this Section regarding accessory buildings and structures. The intent of these standards is to limit the extent of outdoor storage.
- (6) A roof overhang of not less than six (6) inches on all sides shall be provided, or alternatively with window sills or roof drainage systems concentrating roof drainage at collection points along the sides of the dwelling.
- (7) A minimum of two (2) exterior doors shall be provided with the second one being in either the rear or side of the dwelling. All dwelling units shall be oriented toward the public right-of-way such that the façade that faces the street contains a door, windows, and other architectural features customary to the front facade of a residence.
- (8) In-fill housing or development on vacant lots in an existing platted subdivision shall consider the gross floor area and lot coverage of surrounding homes to ensure compatibility. The gross floor area and lot coverage of the proposed dwelling shall be at least seventy-five percent (75%) and

no more than one-hundred and thirty-five percent (135%) of the average square footage of constructed single family dwellings within five hundred (500) feet, up to the boundary of the existing neighborhood, of the subject dwelling unit, with measurements made from the edge of the street. The planning commission may approve any proposals that are not able to meet this standard if the commission makes findings that the apparent deviations are not contrary to 38-398.A.1-5.

- (9) In-fill housing or development on vacant lots in an existing platted subdivision shall maintain a consistent front building line along the street. The front yard setback of the proposed dwelling shall be no less than seventy-five percent (75%) and no more than one-hundred and thirty-five percent (135%) of the average established front yard setback of other single family dwelling unit within five hundred (500) feet, up to the boundary of the existing neighborhood, of the subject dwelling unit, with measurements made from the edge of the street. The planning commission may approve any proposals that are not able to meet this standard if the commission makes findings that the apparent deviations are not contrary to 38-398.A.1-5.
- (10) Building appearance for all new single family dwelling unit construction shall be aesthetically compatible in design and appearance with other residences in the surrounding area.

Definitions for what constitutes the surrounding area are as follows:

- i. For new single family neighborhood development (in the form of a new subdivision plat or new site condominium project), the surrounding area is defined as the nearest existing neighborhoods with similar densities.
- ii. For in-fill housing development where there are one (1) or a few isolated sites being developed within the existing neighborhood (in the form of an existing lot of record or recent land division), surrounding area shall be defined as within five hundred (500) feet, up to the boundary of the existing neighborhood, of the subject dwelling unit; with measurements made from the edge of the lot in each direction, including the opposite side of the street.

The determination shall be made by the Building Official. In considering similarity and compatibility with the surrounding area the following features must be considered in order to meet this requirement:

- a. Exterior building material used on the proposed dwelling should match or be similar to that used on a preponderance of homes in the surrounding area.
- b. Roof style
- c. The design and position of windows (total area, size, number etc.)
- d. Front entry design (presence of porches, front door location, etc.)
- e. Garage style and design

If the Building Official cannot reach a determination on architectural compatibility or the petitioner disputes the findings, the application shall be forwarded to the Planning Commission for review and final action.

- (e) *Exceptions.* The foregoing standards shall not apply to a mobile home located in a licensed mobile home park except to the extent required by state or federal law or otherwise specifically required in this ordinance and pertaining to such parks.

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 September 8, 2013.

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 Monday, August 19th, 2013 at approximately 7:30 p.m. in the City Hall Council Chambers to hear citizen comment regarding the proposed amendment.

Boards and Commissions Appointment. Consider the following Mayoral boards and commissions appointment:

Name	Board/Commission	Term Expires
Meredith Landino	Downtown Development Authority/ Main Street Board (To fill the unexpired term of B. Bucsi)	06-30-2014
Craig Weaver	Planning Commission (Term effective starting 08-01-2013)	06-30-2016
Andrew Riley	Building Board of Appeals – Alternate	06-30-2015
Sean Grey	Shiawassee Area Transportation Agency (Term effective starting 10-01-2013)	10-01-2016

Amphitheater Fundraiser Permission. Consider application of Jondel Anderson on behalf of Kim's Pizza for use of North Ball Street from Main Street to the alley from 7:30pm to 10:30pm on Saturday, July 20, 2013 for a fundraiser for the Amphitheater, waive the insurance requirement, and authorize Traffic Control Order No. 1297 formalizing the request.

Professional Services Agreement. Approve agreement with Land Use / USA, LLC for the provision of a housing study of the downtown and Westown areas as an addition to the agreement with Owosso Main Street for the conduct of a marketing study and further approve payment in the amount of \$2,000 from the general fund as follows:

RESOLUTION NO. 76-2013

A RESOLUTION TO APPROVE THE PROFESSIONAL RESIDENTIAL ANALYSIS FOR DOWNTOWN AND OTHER MIXED USE HOUSING IN OWOSSO

WHEREAS, the City of Owosso recognizes the importance of its downtown and other mixed use areas as it relates to the economic and cultural development of the community, as well as the overall quality of life; and

WHEREAS, the Owosso Master Plan indicates that investment in the downtown structures so that they can sustain modern economic and residential functions in the new economy is essential to the community's future; and

WHEREAS, many building owners are interested in converting or remodeling upper floor spaces in downtown and Westown for residential purposes; and

WHEREAS, lenders, speculators, and owners regularly inquire about the market conditions and general demand for such units; including the absorption, pricing, and characteristics of such potential units; and

WHEREAS, there is no current data to give such interests and this lack of information is slowing and/or arresting progress on the development of new residential units; and

WHEREAS, the city finds Sharon Woods and Land Use / USA to have the necessary qualifications to perform a housing and residential analysis in conjunction with an ongoing downtown retail market study; and

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 authorize city staff engage the services of Land Use / USA, LLC, in accordance with the pricing and scope of work that as attached, such services to be completed in accordance with a professional services agreement that will be approved as to form by the city manager and as to substance by the city attorney or otherwise as an addendum to the Owosso Main Street agreement.

SECOND: The same council hereby directs staff to allocate \$2,000 from the city's general fund, to be paid from existing community development account 101-728-818.000.

Change Order – Stump Removal Contract. Approve Change Order #1 to the 2012 Stump Removal contract with Wonsey Tree Service for the removal of additional tree stumps in the amount of \$795.00 as follows:

RESOLUTION NO. 77-2013

AUTHORIZING PAYMENT #4 TO WONSEY TREE SERVICE, INC. FOR WORK RELATED TO THE 2012 STUMP REMOVAL PROGRAM AS AMENDED BY CHANGE ORDER #1-FINAL

WHEREAS, the city of Owosso, Shiawassee County, Michigan, has entered into an agreement with Wonsey Tree Service, Inc. for the 2012 Stump Removal Program; and

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

WHEREAS, the city project manager recommends Pay Estimate #2 in the amount of \$10,443.50 for work completed through May 24, 2013 with said unit quantities and amounts having been agreed to by Wonsey Tree Service, Inc.

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

FIRST: The City of Owosso has heretofore determined that it is advisable, necessary and in the public interest to pay Wonsey Tree Service, Inc. for work completed on the 2012 Stump Removal Program.

SECOND: The accounts payable department is authorized to submit payment to Wonsey Tree Service, Inc. in the amount of \$10,443.50 as detailed on the attached Payment Estimate #2 as authorized by Council on July 15, 2013.

THIRD: The above expenses shall be paid from the 2012/2013 Major and Local Streets

Tree Trimming Fund.

Payment Authorization – Stump Removal Contract. Authorize Progress Payment #2 to Wonsey Tree Service in the amount of \$10,443.50 for work completed to May 24, 2013 on the 2012 Stump Removal Program as follows:

RESOLUTION NO. 78-2013

**AUTHORIZING A CHANGE ORDER
TO THE CONTRACT WITH
WONSEY TREE SERVICE, ALMA, MICHIGAN
FOR THE 2012 TREE AND STUMP REMOVAL PROJECT**

WHEREAS, the city of Owosso, Shiawassee County, Michigan, approved a contract with Wonsey Tree Service on November 5, 2012 for the stump removal portion of the 2012 Tree and Stump Removal bid; and

WHEREAS, more trees than anticipated were cut down during the winter, necessitating the removal of additional stumps.

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

FIRST: The City of Owosso amend the contract with Wonsey Tree Service to add additional work to their contract.

SECOND: The mayor and city clerk are instructed and authorized to sign the document substantially in form attached as Exhibit A, Amendment to the Contract for services between the City of Owosso and Wonsey Tree Service increasing the total amount by \$795.00.

THIRD: The above expense shall be paid from the Major and Local Street Tree Trimming Fund.

Warrant No. 466. Authorize Warrant No. 466 as follows:

Vendor	Description	Fund	Amount
Brown & Stewart, PC	Professional services June 11, 2013 – July 8, 2013	General	\$ 7,306.52
Logicalis, Inc.	Network engineering support- June 2103	General	\$ 7,616.00
Johnson Controls Inc.	Planned service agreement - August 1, 2013 – July 31, 2014	General	\$23,980.00

*Check Register – June 2013. Affirm check disbursements totaling \$2,688,014.25 for the month of June 2013.

Motion supported by Councilperson Bailey.

Roll Call Vote.

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

NAYS: None.

* Due to its length, full text of the Check Register is not included in the minutes. Copies of this item are on file in the Clerk's Office.

ITEMS OF BUSINESS

PUBLIC SAFETY RADIO SYSTEM COST PARTICIPATION AGREEMENT

City Manager Crawford introduced the topic saying the agreements before them deal with the microphone fees for the county-wide radio system utilized by emergency responders. Initially the County had tried to implement the fees without the direct approval of the jurisdictions, since then the County has put forward a formal agreement that stipulates the jurisdictions must accept the agreement within 60 days or risk losing radio service. He inquired how the Council would like to handle issue, suggesting possible options as accepting the agreement and paying the fees, denying the agreement and seeing what happens, or taking the County to court. He went on to note that audit information indicates 911 receives just under \$1 million each year through phone service fees, of which approximately \$200,000 is estimated to come from City residents.

There was discussion regarding the desire not to lose the radios, whether there was any chance for jurisdictions to review the agreement before it was approved by the County, the current cost of the mic fees, capital outlays planned for the 911 system, the City's lack of direct representation on the 911 Board, paying for the same service twice via phone bills and tax bills, and the lack of communication and collaboration on such issues.

County Commissioners Bartz and Horvath were present and encouraged the Council to find a way to cooperate and get the issue straightened out. They offered to ask the 911 Board to send a representative to a meeting to provide a budget and answers for Council's questions. Further discussion ensued regarding requesting input on the representation process, obtaining more detailed budget information, and concern that further confrontation may prove to be toxic to the relationship between the City and the County.

It was noted that Council had until August 18th to make a decision on the matter. The consensus was to discuss the item further at the July 29th meeting.

HISTORICAL COMMISSION BUDGET DISCUSSION

City Manager Crawford started out by detailing how the City's Historical Commission was different from other historical societies in other communities saying most were separate organizations that function out of city properties while Owosso's is established by the Charter and is delegated with a very specific set of responsibilities. Whereas most historical societies get their revenue from endowment funds the City's gets it's primarily from taxes, with some additional rental revenue. He said that the purpose of the Historical Commission needed to be revisited and some of the minutiae removed from their list of responsibilities so they could concentrate on programming. And as an extension of that discussion Council needed to determine whether the City could afford to designate funds for a position to oversee the development of programming.

Councilperson Erfourth indicated he felt the creation of the director position was critical for the success of the City's historic properties and any programming they might provide. He went on to say that the current members of the Historical Commission do not object to conducting outreach and fund raising drives but they cannot continue to raise the funds for all of the costs they currently cover.

There was discussion regarding the cost of a full time employee vs. a part time employee, whether the docents would remain on staff, the desire for a comprehensive Historical budget laying out the anticipated revenues and expenses for both maintenance and programming, how funds raised by the Historical Commission would be utilized, the importance of fostering the City's historic properties, and the desire to see the job description for the director position revised to better describe the job and accountability. The consensus among the group was to discuss the item further at the July 29th meeting.

A brief recess was held from 9:05 p.m. until 9:12 p.m.

SEDP FUNDING (Added to the agenda.)

Mayor Frederick reminded the Council they had held off on determining the funding level for the SEDP to allow the consideration of the Historic Director position. He indicated now was the time to offer input on funding for the SEDP so staff could draw up a budget amendment that would encompass all of Council's priorities.

Councilperson Bailey noted the significant emphasis that is placed on collaboration and cooperation and held up the SEDP as a prime example of the City collaborating with another organization for the betterment of the community saying they were in favor of continuing the current level of funding. Councilpersons Erfourth and Eveleth echoed her statement.

5TH MONDAY MEETING AGENDA

Mayor Frederick asked the City Manager what he had planned for this meeting. City Manager Crawford indicated he was prepared to talk about retirement issues, saying the Actuarial Report for 2012 was just received and he could present it to the Council to give them a more in depth understanding of how the City and the Retirement System interact.

Councilperson Bailey indicated that she would like to talk about succession planning for staff at some point in the near future. Mayor Frederick noted that the City now has the opportunity for key staff members to mentor those that will be taking their place.

Councilperson Erfourth inquired whether the meeting could be moved to Tuesday as he would be unavailable Monday the 29th.

Motion by Councilperson Erfourth to reschedule the 5th Monday meeting for Tuesday, July 30, 2013 at 7:00 p.m. and to discuss the following items:

- Retirement System presentation
- 911 presentation
- Historic Facilities Project Director position discussion
- Budget Amendment discussion

Motion supported by Councilperson Bailey.

Roll Call Vote.

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

NAYS: None.

It was noted the meeting would entail discussion only, decisions would be rendered at the next regular meeting.

COMMUNICATIONS

Charles P. Rau, Building Official. June 2013 Building Department Report.

Charles P. Rau, Building Official. June 2013 Code Violations Report.

Kevin D. Lenkart, Public Safety Director. June 2013 Police Report.

Kevin D. Lenkart, Public Safety Director. June 2013 Fire Report.

Zoning Board of Appeals. Minutes of June 18, 2013.

Parks & Recreation Commission. Minutes of June 24, 2013.
Planning Commission. Minutes of June 24, 2013.
Historical Commission. Minutes of July 8, 2013.

CITIZEN COMMENTS AND QUESTIONS

Don Bronson, Alger Avenue, inquired whether the construction standards suggested by the City's road advisor Dr. Abbas Butt had been written. City Manager Crawford indicated some have already been written and others are in development with consultation from Dr. Butt. He offered copies to anyone desiring one.

Michael Cline, 621 Wright Avenue, said he was on a sign kick because 6 years ago during a City Council election someone put a number of candidate signs at the polling locations the night before the election. He said that each candidate is given the rules regarding signs and as a candidate you are supposed to know and abide by those rules. He also noted that a number of years ago he had inquired about a vacancy on the 911 Board but was told he could not serve because the County Commission chooses who sits on the Board.

Eddie Urban, 601 Glenwood Avenue, apologized for his phone ringing during the meeting. He also said he was very happy with the new chairs as they are much more comfortable than the folding chairs.

City Clerk Amy K. Kirkland explained the rules for signs at polling locations on election day.

NEXT MEETING

5th Monday - Monday, July 29, 2013
Regular - Monday, August 05, 2013

BOARDS AND COMMISSIONS OPENINGS

Historical Commission – 2, terms expire 12-31-14 & 12-31-15

ADJOURNMENT

Motion by Councilperson Eveleth for adjournment at 9:40 p.m.

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

Benjamin R. Frederick, Mayor

Amy K. Kirkland, City Clerk



301 W. MAIN OWOSSO, MICHIGAN 48867-2958 • (989) 725-0599 • FAX 723-8854

MEMORANDUM

DATE: August 5th, 2013

TO: City Council

FROM: Mark Sedlak, Director of Public Services

RE: Special Assessment Roll for the 2013 Street Improvement Program

On July 16, 2013, the City received bids for the 2013 Street Improvement Program which includes one street that is specially assessed, Krust Drive from Dewey Street to North Street. City staff has reviewed the bids and determined the final numbers for the street project. We have attached a summary of cost estimates that include the Engineer's estimate and pricing from the confirmed low-bidder. Staff recommends acceptance of Resolution No. 4 which sets a public hearing for August 19, 2013. This public hearing is intended to provide affected residents with the opportunity to comment regarding their individual assessments. Our wish is to also seek City Council award of a contract to the confirmed low-bidder at the August 19, 2013 City Council meeting.

RESOLUTION NO. ____

**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.

2013 STREET SPECIAL ASSESSMENT SUMMARY-ESTIMATED

With Eng Cost

Maintenance for these three streets has been scaled back, negating the need for special assessments

SPECIAL ASSESSMENT DISTRICT			ESTIMATED	ASSESSABLE	FRONT FOOT	AMOUNT	PER CENT	CITY
Name	from	to	COST	FRONT FEET	RATE	ASSESSED	ASSESSED	SHARE
Brooks	Cleveland	North end	\$60,838.95	853.75	28.50	\$24,331.88	39.99%	\$36,507.07
Chipman	Stewart	R/R	\$186,884.81	2,250.93	33.21	\$74,753.24	40.00%	\$112,131.57
Cleveland	Chestnut	Carmody	\$199,242.92	1,913.13	41.66	\$79,700.79	40.00%	\$119,542.13
Krust	Dewey	North	\$271,675.52	4,136.80	26.27	\$108,673.81	40.00%	\$163,001.71
	TOTALS		\$718,642.20	9,154.61		\$287,459.72		\$431,182.48
								\$718,642.20

2013 STREET SPECIAL ASSESSMENT SUMMARY-POST BID

With Bid Price & Eng Cost

SPECIAL ASSESSMENT DISTRICT			ESTIMATED	ASSESSABLE	FRONT FOOT	AMOUNT	PER CENT	CITY
Name	from	to	COST	FRONT FEET	RATE	ASSESSED	ASSESSED	SHARE
Krust	Dewey	North	\$246,504.06	4,136.80	23.84	\$98,661.11	40.00%	\$147,902.44
	TOTALS		\$246,504.06	4,136.80		\$98,661.11		\$147,902.44



301 W. MAIN • OWOSSO, MICHIGAN 48867-2958 • (989) 725-0599

MEMORANDUM

DATE: August 1, 2013
TO: City council
FROM: City manager
RE: Motor carrier enforcement cost recovery

The city of Owosso has a problem with roadways being destroyed prematurely by overweight vehicles as well as unsafe commercial vehicles being driven over streets and highways.

The city has had no way to check vehicles as overweight until the city received two scales from the state of Michigan and having two officers trained in enforcement. The Michigan State Police are willing to work with the city in an enforcement program.

Currently, Owosso receives no money from the fines levied against the drivers and trucking companies found in violation when a ticket or tickets are issued. Approximately 70% of a fine goes to the state of Michigan, 30% to the library, a penal fine, and a small amount to the courts for administrative costs.

A city ordinance would permit tickets to be issued under the city ordinance which would allow 100% of any fines would come to the city. The proposed ordinance would allow the city to collect 70% with 30% still going to the library.

RESOLUTION NO.

**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. 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 within 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 Nol. 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; warrantless 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 66th 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 66th 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 66th 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 Monday, August 19, 2013 at approximately 7:30 p.m. in the City Hall Council Chambers to hear citizen comment regarding the proposed amendment.



301 W. MAIN • OWOSSO, MICHIGAN 48867-2958 • (989) 725-0599

MEMORANDUM

DATE: 7-18-2013

TO: City Council

FROM: Kevin Lenkart
Director of Public Safety

RE: Traffic Control Order # 1298

House of Wheels and the Westown Corridor Improvement Authority proposes the use of the parking lot in the 800 block of West Main between Lansing and Cedar from 8:00 am to 6:00 pm August 11, 2013 for an Antique Bike Show.

The Public Safety Department has issued Traffic Control Order No. 1298 in accordance with the Rules for the Issuance of Certain Traffic Control Orders. The applicant requests the insurance requirement be waived as this is sponsored by the Corridor Improvement Authority.

CITY OF OWOSSO

TRAFFIC CONTROL ORDER

(SECTION 2.53 UNIFORM TRAFFIC CODE)

ORDER NO.	DATE	TIME
1298	07/18/2013	2:11 pm

REQUESTED BY

Kevin Lenkart – Director of Public Safety

TYPE OF CONTROL

Use of the parking lot in the 800 block of West Main between Lansing and Cedar on August 11, 2013 between 8:00 am and 6:00 pm.

LOCATION OF CONTROL

Parking lot in the 800 block of West Main between Lansing and Cedar

APPROVED BY COUNCIL _____ 20 _____

REMARKS



APPLICATION FOR USE OF PARKING LOTS, PARADES, OR SIMILAR EVENTS

301 W. MAIN OWOSSO, MICHIGAN 48867-2958 • (989) 725-0550 • FAX 725-0526

The request for use of the parking lots, parade, or similar event shall be submitted to the Director of Public Safety not less than 14 days nor more than 120 days before the date for which the use is requested.

The submission of a request by an individual or organization for a traffic control order pursuant to these rules and regulations shall constitute an agreement to indemnify and hold the City and its officers and employees harmless from any and all liability arising from the event or activities for which the request is made.

Name of individual or group: House of Wheels - Corridor Improvement Authority Date: 7-18-13

Primary Contact Person

Name: Rick Morris

Title: Owner - House of wheels

Address: 1229 Willow Street - 814 W. Main Street

Owosso, MI 48867

Phone: 989-725-8373

Requested Date(s): 8-11-13 Requested Hours: 8:00am - 6:00pm

Area Requested (Parking Lot - Parade Route): 200 Block of West Main between Lansing and Cedar

Detailed description of the use for which the request is made: Antique Bike Show

- ☐ Attach copies of any rules or policies applicable to persons participating in the event.
- ☐ Evidence to the City of insurance coverage applicable to the event or activity naming the City as an additional insured in an amount of not less than \$500,000 combined single limit.
- or
- ☒ The City Council may waive such insurance requirement if it determines that insurance coverage is unavailable or cannot be obtained at a reasonable cost and the event or activity is in the public interest or fulfills a legitimate and recognized public purpose.

Do Not Write Below This Line - For Officials Use Only

Approved ☐ Not Approved ☐ Date: _____ Traffic Control Order Number _____

Cc: DDA - Director
WCIA - Chairperson



301 W. MAIN • OWOSSO, MICHIGAN 48867-2958 • (989) 725-0599

MEMORANDUM

DATE: July 23, 2013
TO: City Council
FROM: Kevin Lenkart
Director of Public Safety
RE: Traffic Control Order # 1299

Jaimi Redmond on behalf of the Gilbert Street block party group proposes the use of Gilbert Street between Oliver Street and Queen Street on August 25, 2013 from 2:00 PM to 7:00 PM. The use of the street is for a block party for the neighborhood residents.

There were no rules or policies submitted by the group. The group is also requesting the council waive the insurance requirements.

The Public Safety Department has issued Traffic Control Order No# 1299 in accordance with the Rules for the Issuance of Certain Traffic Control Orders for your consideration.

CITY OF OWOSSO

TRAFFIC CONTROL ORDER

(SECTION 2.53 UNIFORM TRAFFIC CODE)

ORDER NO.	DATE	TIME
1299	07/23/2013	2:43 PM

REQUESTED BY

Kevin Lenkart – Director of Public Safety

TYPE OF CONTROL

Traffic Control – Closing Gilbert Street between Oliver Street and Queen Street
on August 25, 2013 from 2:00 PM to 7:00 PM

LOCATION OF CONTROL

Gilbert Street between Oliver Street and Queen Street

APPROVED BY COUNCIL _____ 20 _____

REMARKS



APPLICATION FOR USE OF
PARKING LOTS, PARADES, OR SIMILAR EVENTS

301 W. MAIN OWOSSO, MICHIGAN 48867-2958 • (989) 725-0550 • FAX 725-0526

The request for use of the parking lots, parade, or similar event shall be submitted to the Director of Public Safety not less than 14 days nor more than 120 days before the date for which the use is requested.

The submission of a request by an individual or organization for a traffic control order pursuant to these rules and regulations shall constitute an agreement to indemnify and hold the City and its officers and employees harmless from any and all liability arising from the event or activities for which the request is made.

Name of individual or group: JAIMI Redmond Date: 7-2-13

Primary Contact Person
Name: JAIMI Redmond

Title: _____

Address: 701 E. Oliver St

OWOSSO, MI 48867

Phone: 989-666-6397 OR 989-725-9006

Requested Date(s): 8-25-13 Requested Hours: 2pm - 7pm

Area Requested (Parking Lot - Parade Route): corner of east oliver + gilbert st.
to north gilbert + queen st.

Detailed description of the use for which the request is made: 3rd Annual Block Party

- ☒ Attach copies of any rules or policies applicable to persons participating in the event.
- ☐ Evidence to the City of insurance coverage applicable to the event or activity naming the City as an additional insured in an amount of not less than \$500,000 combined single limit.
- or
- ☐ The City Council may waive such insurance requirement if it determines that insurance coverage is unavailable or cannot be obtained at a reasonable cost and the event or activity is in the public interest or fulfills a legitimate and recognized public purpose.

Do Not Write Below This Line - For Officials Use Only

Approved ☐ Not Approved ☐ Date: _____ Traffic Control Order Number _____

Cc: DDA - Director
WCIA - Chairperson

3rd Annual Neighborhood Block Party

Date: August 25, 2013

Time: 2:30 pm

Lunch served at 3:00 pm

Location: North Gilbert Street

**Please bring a passing dish, lawn chairs, &
BYOB.**

**Feel free to bring any kind of meat to grill out.
Hot dogs will be provided.**

**Any questions, please call Jaimi @
989-725-9006 and rsvp by Aug. 23**

Come and get to know the people you live next to.



301 W. MAIN • OWOSSO, MICHIGAN 48867-2958 • (989) 725-0599

MEMORANDUM

DATE: July 23, 2013

TO: City Council

FROM: Kevin Lenkart
Director of Public Safety

RE: Traffic Control Order # 1300

John Wracan is proposing to sponsor a Zombie Walk event to benefit the American Red Cross. The American Red Cross supports this event but is prevented from being a co-sponsor of an event conducted by a third party.

This proposed event would take place on October 26, 2013 from 2:00pm until 5:00pm. The event will begin at the corner of Washington and Water Street and proceed 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.

Mr. Wracan is requesting the city waive the insurance requirement for this event.

Request council consider approval of the application and waiver of insurance requirements.

The Public Safety Department has issued Traffic Control Order No. 1300 in accordance with the Rules for the Issuance of Certain Traffic Control Orders for your consideration.

CITY OF OWOSSO

TRAFFIC CONTROL ORDER

(SECTION 2.53 UNIFORM TRAFFIC CODE)

ORDER NO.	DATE	TIME
1300	07/23/2013	3:22 PM

REQUESTED BY

Kevin Lenkart – Director of Public Safety

TYPE OF CONTROL

Traffic Control – Use of the sidewalk from the corner of Washington and Water. North on Washington to M-21. M-21 to M52. M-52 to Curwood Castle Drive.
Go across the bridge to Exchange Street. Exchange Street to Washington, then back to the corner of Washington and Water on 10/26/2013 from 2:00 PM to 5:00 PM

LOCATION OF CONTROL

The sidewalk from the corner of Washington and Water. North on Washington to M-21. M-21 to M-52. M-52 to Curwood Castle Drive.
Go across the bridge to Exchange Street. Exchange Street to Washington, then back to the corner of Washington and Water.

APPROVED BY COUNCIL _____ 20 _____

REMARKS



APPLICATION FOR USE OF
PARKING LOTS, PARADES, OR SIMILAR EVENTS

301 W. MAIN OWOSSO, MICHIGAN 48867-2958 • (989) 725-0550 • FAX 725-0526

The request for use of the parking lots, parade, or similar event shall be submitted to the Director of Public Safety not less than 14 days nor more than 120 days before the date for which the use is requested.

The submission of a request by an individual or organization for a traffic control order pursuant to these rules and regulations shall constitute an agreement to indemnify and hold the City and its officers and employees harmless from any and all liability arising from the event or activities for which the request is made.

Name of individual or group: American Red Cross Zombie Walk Date: 6-21-13

Primary Contact Person

Name: John Wracan

Title: Event Coordinator

Address: 260 Sunnysbrooke dr.

P.O. Box 236 vernon MI 48976

Phone: 810-624-1602

Requested Date(s): 10/19/13 10-26-13 Requested Hours: 2pm - 5pm

Area Requested (Parking Lot - Parade Route): Start off in the parking lot at ^{corner of Washington - Capital} Capital bowl. We are going north on Washington to M-21. Take M-21 to M-52. Then M-52 to Curwood Castle dr. Go across the bridge to exchange St. Then exchange St to Washington, then back to the parking lot ^{corner of Washington - Capital} Capital.

Detailed description of the use for which the request is made: This is a fundraiser for ^{county} American Red Cross Heroes Campaign. All money raised stays in Shiawassee

☒ Attach copies of any rules or policies applicable to persons participating in the event.

☐ Evidence to the City of insurance coverage applicable to the event or activity naming the City as an additional insured in an amount of not less than \$500,000 combined single limit.

or

☒ The City Council may waive such insurance requirement if it determines that insurance coverage is unavailable or cannot be obtained at a reasonable cost and the event or activity is in the public interest or fulfills a legitimate and recognized public purpose.

Do Not Write Below This Line - For Officials Use Only

Approved ☐ Not Approved ☐

Date: _____

Traffic Control Order Number _____

Cc: DDA - Director
WCIA - Chairperson

Zombie Walk Rules

1. Never, ever touch, bother or scare anyone during the walk
2. Please do not touch anything! Do not touch cars, buildings, windows, store fronts, etc.
Please stay in character at all times, but keeps your hands to yourself.
3. We must always walk on the sidewalk and never in the street. Please be safe and follow all laws and signs posted along the walk just like any pedestrian would do. Common life rules apply to the living dead too. Again, we are a type of performing art and not a parade.
4. To take part in the walk, you must come dressed as a zombie.

Insurance and Liability

Neither the American Red Cross, The City of Owosso, nor their representatives will be responsible for any injury, loss or damage that may occur to the Exhibitor or to the exhibitors property from any causes whatsoever, prior, during, or subsequent to the event.

The exhibitor upon signing these rules expressly releases the above corporations, individuals or municipalities from any and all claims for any loss, damage or injury whatsoever.

Name: _____

Address: _____



301 W. MAIN • OWOSSO, MICHIGAN 48867-2958 • (989) 725-0599

MEMORANDUM

DATE: For August 5, 2013 City Council Meeting (Consent Agenda)

TO: Owosso City Council

FROM: Gary Burk, Utilities Director

RE: Contract with Consumers Energy for new electric rate for the WWTP
"Primary Time-of-use Pilot Rate GPTU"

Staff recommends Council approval for the Mayor and Clerk to execute the attached contract with Consumers Energy.

The contract is for a pilot primary electric service rate being recently offered to a limited number of customers with primary (high voltage) electric service with time of day metering. The electric service at the Wastewater Treatment Plant qualifies for this pilot rate. The pilot rate structure provides more detailed time of use charges with "low" and "mid" peak rates in addition to "high" and "off" peak time of day rates. There is no guaranteed savings, but analysis of last year's usage indicates we would have saved 7.5%, or about \$17,000, if we had been on this rate in 2012.

The initial term of the contract is 1 year, with an annual review and option to renew for another year or change to a different rate if that would be in our best interest.

Enc.

RESOLUTION NO.

**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 # 100000180248) 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.



**CONTRACT FOR GENERAL SERVICE
PRIMARY TIME-OF-USE PILOT RATE GPTU
PART I**

Effective Date of Agreement: _____
(Month/Day/Year)

Company:
CONSUMERS ENERGY COMPANY
a Michigan Corporation

Customer:
City of Owosso
(Legal Name)

- | | |
|--|--|
| <input type="checkbox"/> Corporation | <input type="checkbox"/> Sole Proprietorship |
| <input type="checkbox"/> General Partnership | <input type="checkbox"/> Limited Partnership |
| <input type="checkbox"/> Limited Liability Company | <input type="checkbox"/> Education* |
| <input type="checkbox"/> Other (Specify) _____ | <input checked="" type="checkbox"/> Government** |

ONE ENERGY PLAZA
JACKSON MI 49201-2357

301 W. Main Street
(Street & Number)

Owosso, MI 48867
(City, State & Zip Code)

Service Location: Acct 100000180248

Service Address: 1412 Chippewa Trail

Service Address City: Owosso

Service Address Township: Owosso

Service Address County: Shiawassee

Service Characteristics:

Three (3) Phase: 60 Hertz; 3 Voltage Level (CVL 1, 2, 3); 550 Capacity Reserved (kW)

INITIAL TERM: 1 YEAR beginning with the Effective Date of the Agreement stated above.

PART II, TERMS AND CONDITIONS, is attached hereto and is a part of this Agreement. CUSTOMER ACKNOWLEDGES HAVING READ SAID TERMS AND CONDITIONS.

CONSUMERS ENERGY COMPANY City of Owosso
(Customer)

By: _____
(Signature)

By: _____
(Signature)

(Print or Type Name)

(Print or Type Name)

Title: _____

Title: _____

*Education customers may also require resolution Form 1509.

**Government customers may also require resolution Form 1502.

CONTRACT FOR GENERAL SERVICE PRIMARY TIME-OF-USE PILOT RATE GPTU TERMS AND CONDITIONS

PART II

1. The Company agrees to supply, and the Customer agrees to purchase hereunder, all the electric energy for the operation of the Customer's Facility described in Part I but not in excess of the capacity reserved amount identified in Part I according to the General Service Primary Time-of-Use Pilot Rate GPTU (GPTU) as specified in the Company's Electric Rate Book. A location for the metering equipment, suitable to the Company, shall be provided by the Customer and adequate protection afforded to avoid damage thereto, tampering or interference with such metering equipment. The Company shall make periodic tests of its meters and keep them within accepted standards of accuracy.
2. Service under this rate shall be alternating current, 60-Hertz, single-phase or three-phase (at the Company's option) Primary Voltage service. The Company will determine the particular nature of the voltage in each case. Where service is supplied at a nominal voltage of 25,000 Volts or less, the customer shall furnish, install and maintain all necessary transforming, controlling and protective equipment. Where the Company elects to measure the service at a nominal voltage above 25,000 Volts, 1% shall be deducted for billing purposes, from the demand and energy measurements thus made. Where the Company elects to measure the service at a nominal voltage of less than 2,400 Volts, 3% shall be added for billing purposes, to the demand and energy measurements thus made. Interval Data Meters are required for service under this rate. Meter reading will be accomplished electronically through telecommunication links or other electronic measuring equipment available to provide the Company with the metering data necessary for billing purposes.
3. The Company and Customer shall annually review the use of the GPTU for the account specified in Part I. If either party wishes to terminate the GPTU service at that time, that party must provide written notice a minimum of 60 days prior to the anniversary date of the Effective Date of Agreement in Part I. If the Company does not receive notice prior to that time and has not issued a notice of termination on its own initiative, the Customer's participation in the GPTU shall be renewed for a minimum of the following 12-month period from the anniversary date of the Effective Date of Agreement in Part I. Notice of termination of this use of the GPTU by the Customer to the Company or vice versa shall be mailed using the United States Post Office first-class mail. Notice to the Company for termination of this Agreement should be sent to Consumers Energy Company, Attention: Business Center Operations, 4000 Clay Avenue SW, Grand Rapids, MI 49548-3017. Creation of a Maximum Demand in excess of the 5 MW limitation for GPTU service shall be considered cause for termination of service under this rate.
4. The Customer shall pay for such energy in accordance with Company's GPTU tariff and applicable provisions identified in Part I, a copy of which is attached hereto and made a part hereof, and in accordance with such amendments thereto as may be filed with and approved by the Michigan Public Service Commission (Commission) during the term of this Agreement. Unless otherwise specified, rate change becomes effective with the beginning of the customer's next full month's billing cycle.
5. **Schedule of Hours:**
The following schedule shall apply Monday through Friday (except holidays designated by the Company):

Summer:

Off-Peak Hours: 12:00 AM to 6:00 AM and 11:00 PM to 12:00 AM
Low-Peak Hours: 6:00 AM to 2:00 PM and 6:00 PM to 11:00 PM
Mid-Peak Hours: 2:00 PM to 3:00 PM and 5:00 PM to 6:00 PM
High-Peak Hours: 3:00 PM to 5:00 PM

Winter:

Off-Peak Hours: 12:00 AM to 4:00 PM and 8:00 PM to 12:00 AM
Mid-Peak Hours: 4:00 PM to 5:00 PM and 7:00 PM to 8:00 PM
High-Peak Hours: 5:00 PM to 7:00 PM

Weekends and holidays are off-peak. Designated Company holidays are: New Year's Day – January 1; Memorial Day – Last Monday in May; Independence Day – July 4; Labor Day – First Monday in September; Thanksgiving Day – Fourth Thursday in November; and Christmas Day – December 25. Whenever January 1, July 4 or December 25 fall on Sunday, extended holiday periods such as Monday, January 2, Monday, July 5 and Monday, December 26 shall not be considered as holidays for application of off-peak hours.

6. It is further agreed that:

- (a) Such service is for the sole use of the Customer, for the purpose aforesaid, and shall not be transmitted elsewhere, or shared or resold, or used as auxiliary or standby as to any other source of power supply, except as may be herein provided.
- (b) Except as to the capacity and minimum charges payable by the Customer, prescribed in said rate, neither party shall be liable to the other for damages for any act, omission or circumstance occasioned by or in consequence of any act of God, labor disturbance, act of the public enemy, war, insurrection, riot, fire, storm or flood, explosion, breakage or accident to machinery or equipment, or by any other cause or causes beyond such party's control, including any curtailment, order, regulation or restriction imposed by governmental, military or lawfully established civilian authorities, or by the making of necessary repairs upon the property or equipment of either party hereto; provided, however, that the Company's responsibility for interruptions in service, phase failure or reversal, or variations in the service characteristics shall be as provided in said Rate Book.
- (c) This Agreement inures to and binds the heirs, administrators, successors and assigns of the respective parties hereto. There are no understandings or agreements between them in relation to electric service at the location stated in Part I except as contained herein. This Agreement shall not be transferred by the Customer or otherwise alienated without the Company's written consent.
- (d) The Customer shall furnish, without cost to the Company, a suitable site on its premises at each plant location listed in Part I for transmission lines, substations, and/or distribution facilities as may be required to provide such service to said premises. If, during the term hereof, the Customer's use of said premises makes necessary the relocation of Company-owned facilities, from the site presently furnished, to another site on said premises, the Company shall relocate the same at the Customer's request, and the Customer shall reimburse the Company for the cost thereby incurred. The Company, its agents, employees, and authorized contractors shall have full right and authority of ingress and egress at all times on and across said premises of the Customer, for the purpose of constructing, operating, maintaining, replacing, repairing, moving and removing its said facilities. Said right of ingress and egress, however, shall not unreasonably interfere with the use of the Customer's said premises.
- (e) This Agreement may be executed and delivered in counterparts, including by a facsimile or an electronic transmission thereof, each of which shall be deemed an original. Any document generated by the parties with respect to this Agreement, including this Agreement, may be imaged and stored electronically and introduced as evidence in any proceeding as if original business records. Neither party will object to the admissibility of such images as evidence in any proceeding on account of having been stored electronically.

7. Additional Items:



301 W. MAIN • OWOSSO, MICHIGAN 48867-2958 • (989) 725-0599

MEMORANDUM

DATE: August 5, 2013

TO: OWOSSO CITY COUNCIL

FROM: Mark A. Sedlak, Director of Public Services/Street Administrator

RE: Rescind Resolution #61-2013 for 2013 Sidewalk Replacement Program

On July 22, 2013, the city received a letter from West Branch Greenhouse withdrawing their bid for the 2013 Sidewalk Replacement Program.

We are therefore requesting Council rescind Resolution No. 61-2013 approving the contract with West Branch Greenhouse.

Mark A. Sedlak

W. Branch Greenhouse Lawn Srv
166 N. Fifth Street
West Branch, MI 48661
1(989) 709-6615

July 22 2013

Marlene
City of Owosso
301 West Main Street
Owosso, MI 48867



m.g.

It is with great regret that we are withdrawing our bid for the sidewalk program. Thank you for your understanding in this matter.

Sincerely,

A handwritten signature in cursive script, appearing to read "Toby Evergreen".

Toby Evergreen



301 W. MAIN OWOSSO, MICHIGAN 48867-2958 • (989) 725-0599 • FAX 723-8854

MEMORANDUM

DATE: August 5, 2013

TO: City Council

FROM: Mark A. Sedlak, Director of Public Services/Street Administrator

RE: 2013 Sidewalk Program Bid Award to Seifert Construction & Masonry

On May 7, 2013 the city received bids for the 2013 Sidewalk Program. West Branch Greenhouse & Flowershop, LLC of West Branch, Michigan was the low bidder at \$33,105.

They have, however, withdrawn their bid. Seifert Construction & Masonry was the next low bidder at \$36,100. We have made contact with Seifert Construction & Masonry and they have agreed to honor the prices in their submitted bid and guaranteed the work will be finished by October 1, 2013. This work will be paid from the Major and Local Street Maintenance Fund.

We recommend Council approve the 2013 Sidewalk Program contract to Seifert Construction & Masonry in the amount of \$36,100 and approve payment up to the contract amount.

MS/mmj

RESOLUTION NO.

**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.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF OWOSSO,
SHIAWASSEE COUNTY, MICHIGAN THIS 5th DAY OF AUGUST, 2013.

AYES:
NAYS:
ABSTENTIONS:
ABSENT:

CITY OF OWOSSO

ATTEST:

Benjamin R. Frederick, Mayor

Amy K. Kirkland, City Clerk

CITY OF OWOSSO BID TABULATION SHEET

DATE 5/7/2013

DEPT. Public Works

Page 1 of 3

SUBJECT: 2013 Sidewalk Program

ITEM #	DESCRIPTION	EST. QTY	UNIT	West Branch Greenhouse West Branch		Seifeert Construction Ashley		Sumbera Excavating Owosso	
				UNIT PRICE	TOTAL	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL
1	4" Sidewalk Removal & Replacement	9,000	SFT	\$ 3.10	\$ 27,900.00	\$ 3.250	\$ 29,250.00	\$ 3.85	\$ 34,650.00
2	6" Sidewalk Removal & Replacement	800	SFT	\$ 3.60	\$ 2,880.00	\$ 3.75	\$ 3,000.00	\$ 4.35	\$ 3,480.00
3	Lawn Restoration	3500	SFT	\$ 0.45	\$ 1,575.00	\$ 0.80	\$ 2,800.00	\$ 1.15	\$ 4,025.00
4	Saw Cut	600	LFT	\$ 1.25	\$ 750.00	\$ 1.75	\$ 1,050.00	\$ 2.25	\$ 1,350.00
TOTAL BID				\$ 33,105.00		\$ 36,100.00		\$ 43,505.00	

TOTAL BID PRICING ADJUSTED FOR LOCAL PURCHASING PREFERENCE:

DEPT. HEAD: MARIL A. SEOWIK

GENERAL LIABILITY INSURANCE Seifert 7-14-13
EXPIRATION DATE: 11/15/2013AWARDED: West Branch Greenhouse & Floor
Shop, LLC

PURCH. AGENT: [Signature]

WORKERS COMPENSATION INSURANCE Seifert 7-14-13
EXPIRATION DATE: 11/15/2013

COUNCIL APPROVED: 6-17-13

STAFF REC.: Seifert Concrete & Masonry
West Branch Greenhouse (withdrawn)SOLE PROPRIETORSHIP
EXPIRATION DATE:

PO NUMBER:



301 W. MAIN • OWOSSO, MICHIGAN 48867-2958 • (989) 725-0599 • FAX (989) 723-8854

MEMORANDUM

DATE: August 5, 2013

TO: OWOSSO CITY COUNCIL

FROM: Randy Chesney, Project Engineer

RE: Contract Award for Engineering Services for the Gould Street Bridge
Over the Shiawassee River

Bids for Engineering Services for the Gould Street Bridge over Shiawassee River were opened on Tuesday, July 16, 2013. City staff reviewed proposals of four (4) engineering firms using a quality-based selection process. The proposals were evaluated according to the firm's reputation, staffing, ability to meet schedule and pricing. Fishbeck, Thompson, Carr & Huber, Inc. is the top-ranked firm. This work includes the full design engineering and construction administration services for bridge preventative maintenance. This work is necessary to fulfill the city's obligation to receive Critical Bridge Funding through MDOT.

We recommend Council award the Engineering Services for the Gould Street Bridge over Shiawassee Bid to Fishbeck, Thompson, Carr & Huber, Inc. in the amount of \$39,557, and approve payment up to the contract amount.

RESOLUTION 2013-__

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

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 _____ Fund in an amount to not exceed \$39,557.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF OWOSSO, COUNTY OF SHIAWASSEE, MICHIGAN THIS 5th DAY OF AUGUST, 2013.

EXHIBIT A TO RESOLUTION ____-2013

AGREEMENT FOR PROFESSIONAL ENGINEERING SERVICES WITH FISHBECK, THOMPSON, CARR & HUBER, INC.

THIS IS AN AGREEMENT made on August 5, 2013 between the city of Owosso, hereinafter referred to as the "owner," and Fishbeck, Thompson, Carr & Huber, Inc. with its principal place of business at 39500 MacKenzie Drive, Suite 100, Novi, Michigan, hereinafter referred to as the "engineer."

WHEREAS, the owner intends to accomplish a bridge preventative maintenance project, hereinafter referred to as the "project"; and

WHEREAS, the engineer has the necessary personnel and facilities to provide the professional services described; and

WHEREAS, the engineer desires to contract with the owner for rendering professional services for the project;

NOW, THEREFORE, for and in consideration of the mutual covenants hereinafter contained, the owner and the engineer do hereby covenant and agree as follows:

SECTION I - DESCRIPTION OF SERVICES STATEMENT OF UNDERSTANDING

1.1 General

1.1.1 The engineer agrees to provide all professional services within a reasonable period of time following the date of authorization to proceed by the owner. A detailed description of services will be specifically set forth by addenda to this agreement.

1.2 Pertaining to the Engineer's Services

1.2.1 The engineer agrees to perform all services in a thorough and professional manner and to hold the owner harmless from any liens for materials and labor furnished by the engineer in connection with the engineer's work.

1.2.2 The engineer agrees to maintain insurance as specified in EXHIBIT A -- INSURANCE COVERAGES.

1.2.3 The engineer intends to render services under this agreement in accordance with generally accepted professional practices for the intended use of the project and makes no warranty either express or implied.

1.2.4 The engineer reserves the right to enter into agreements with other design professionals for portions of the work included under this agreement. Where this subagreement would represent a major portion of the design work, the engineer shall receive approval of the owner for this subagreement.

1.2.5 All documents, including drawings and specifications, furnished by the engineer pursuant to this agreement are the instruments of the engineer's services in respect to the project. The engineer grants to the owner a nonexclusive license for the owner's use of the documents on the project. They are not intended or represented to be suitable for reuse by others on extensions of the project or on any other project. Any reuse without the specific written verification or adaptation by the engineer will be at the owner's sole risk, and without liability or legal exposure to the engineer from all claims, damages, losses and expenses, including attorneys' fees, arising out of or resulting therefrom.

1.2.6 All work product shall become the product of the owner and shall not be made available to any third party by the engineer without the consent of the owner. The engineer shall provide copies of all work product in printed format and computerized format.

1.2.7 Original documents, notes and the like, except those furnished to the engineer by the owner, represent the engineer's cumulative knowledge and are, and shall remain, the property of the engineer and shall not constitute the work product of this agreement. The owner shall have access to these materials and the engineer shall provide a copy upon written request at cost for reproduction.

1.2.8 Whenever the owner elects to enter into any contract or agreement with any person or entity other than the engineer for the performance of services on the project, the engineer will not be responsible for the acts or omissions of said persons or entity at the site or otherwise performing such services. This includes those parties for whom the engineer is providing coordination. Neither the engineer's authority to act under the contract documents or under this agreement, nor any decision made by the engineer in good faith either to exercise or not exercise such authority, shall give rise to any duty or responsibility of the engineer to the above, or any of their agents, or employees, or any other person performing any services for the owner.

1.2.9 The engineer has not been retained or compensated to provide design and construction review services relating to safety precautions, or to means, methods, techniques, sequences, or procedures, all as may be required for any person or entity other than the engineer to perform their work, including but not limited to shoring, scaffolding, underpinning, temporary retainment of excavations, and any erection methods or temporary bracing methods.

1.2.10 The engineer in no way undertakes to be responsible for any personal injury or property damage occurring to any person or entity arising out of the construction or subsequent operation of this project by any person or entity unless same shall be found to be the result of a design error. In spite of this, if any claims shall be brought against the engineer of that nature, the owner agrees to defend, indemnify and hold harmless the engineer from all claims, damages and expenses including attorneys' fees arising out of such claim, which claim, damages and expenses are the result or attributable to the acts or omissions in whole or in part of any person or entity other than the engineer.

1.2.11 The engineer and the owner hereby agree that the engineer services under this contract do not include the investigation, detection, abatement, materials, or processes containing asbestos. All responsibility with asbestos detection and abatement shall remain with the owner.

The engineer and the owner also agree that the engineer's services under this contract do not include responsibility for mine subsidence, ground water contamination or legal proceedings related to loss of real estate values.

1.3 Pertaining to the Owner

1.3.1 The owner shall provide at the owner's expense (unless the engineer has specifically included them in addenda to this agreement), and in such manner that the engineer may rely upon them in the performance of services under this agreement, all criteria, design, and construction standards including full information as to the owner's requirements for the project insofar as such documents are available to the owner, or in the owner's possession. Such information may include but not be limited to:

- a. a complete survey of the project site, which shall include but not be limited to easements, rights-of-way, encroachments, zoning and deed restrictions, existing buildings and improvements, roads and streets;
- b. soils data, laboratory tests, reports and inspections of samples, materials or other items, with appropriate professional interpretations;
- c. legal, accounting, financial and insurance counseling services necessary for the project, including legal review of the construction contract documents; and
- d. permits and approvals from any authorities having jurisdiction over the project.

1.3.2 The owner shall designate a person authorized to act as the owner's representative. The owner or the owner's representative shall receive and examine documents submitted by the engineer, and shall be empowered to interpret and define the owner's policies and render decisions and authorizations in writing promptly to prevent unreasonable delay in the progress of the engineer's services.

1.3.3 The owner shall guarantee full and free access for the engineer to enter upon all property required for the performance of the engineer's services under this agreement.

1.3.4 The owner shall give prompt written notice to the engineer whenever the owner observes or otherwise becomes aware of any defect in the project or other event which may substantially affect the engineer's performance of services under this agreement.

SECTION II - COMPENSATION FOR SERVICES

2.1 General

2.1.1 The owner shall compensate the engineer for services rendered under this agreement. The method of compensation for said services shall be as set forth in addenda to this agreement.

2.1.2 Payments for services are due 30 days after their invoiced date, based on actual engineering services furnished, unless another schedule of payments is agreed upon by addenda.

2.1.3 Where the owner disputes some portion of the charges contained in the engineer's bill for services, it shall make payment of that portion of the bill which is undisputed and shall notify the engineer in writing of the reason for the dispute. In no case may the owner elect to withhold payment to the engineer of the entire amount due. This would constitute a failure to make payment.

SECTION III - GENERAL PROVISIONS

3.1 General

3.1.1 This agreement is the result of final negotiations between the owner and the engineer and

represents the entire and integrated agreement between the owner and the engineer for the project and supersedes all prior negotiations, representations or agreements, either written or oral. This agreement may be amended only by written instrument signed by both the owner and the engineer.

3.1.2 Neither party shall hold the other responsible for damages or delay in performance by acts of God, strikes, lockouts, accidents, or other events beyond the control of the other or the other's agents. However, when these delays require additional work to be performed by the engineer, the engineer shall be entitled to additional compensation at the prevailing per diem rates or as otherwise agreed to between the owner and the engineer.

3.1.3 This agreement may be terminated by either party if the other party substantially fails to fulfill its obligations under this agreement through no fault of the terminating party. No such termination may be effected unless the other party is given not less than ten (10) calendar days written notice of intent to terminate and an opportunity for correcting the default, and for consultation with the terminating party before termination. In addition, the owner may terminate this agreement, in whole or in part, for cause (such as for legal or financial reasons, or major changes in the work or program requirements), and the engineer is given not less than ten (10) calendar days written notice and an opportunity for consultation before termination. If the owner terminates as a result of the engineer's default, any payment due the engineer at the time of termination may be adjusted to the extent of any additional cost the owner incurs due to the engineer's default. If the engineer terminates as a result of the owner's default or the owner terminates for cause, the engineer shall be paid for services performed to the termination date, including reimbursable expenses due. Upon receipt of the terminating action, the engineer shall promptly discontinue all services unless the notice directs otherwise, and upon receipt of final compensation make available to the owner all appropriate documents prepared under the agreement, whether completed or in process.

3.1.4 Unless otherwise specified within this agreement, this agreement shall be governed by the laws the state of Michigan.

3.1.5 In the event any provisions of this agreement or any subsequent Addendum shall be held to be invalid and unenforceable, the remaining provisions shall be valid and binding upon the parties. One or more waivers by either party of any provision, term, condition, or covenant shall not be construed by the other party as a waiver of a subsequent breach of the same by the other party.

IN WITNESS WHEREOF the parties hereto have hereunto set their hands and seals the day and date first above written.

Approved August 5, 2013

For the engineer:
Fishbeck, Thompson, Carr & Huber, Inc.

By: _____
Kamran Qadeer, P.E.
Vice President

By: _____
Secretary

Executed: _____, 2013
For the owner
City of Owosso, Michigan

By: _____
Benjamin R. Frederick
Mayor

Countersigned: (SEAL)

By: _____
Amy Kirkland
City Clerk

Executed: _____, 2013

Fishback master agreement 7-22-2013 and addendum 1.wpd

EXHIBIT A
INSURANCE COVERAGES

A. The engineer shall purchase from and maintain in a company or companies lawfully authorized to do business in the state of Michigan such insurance as will protect the owner, its officers, directors, employees, agents, consultants, and volunteers from claims involving the engineer's contractual obligations under this agreement including, but not limited to, the following hold-harmless agreement:

The engineer herein agrees to indemnify, defend and hold harmless the owner, its officers, directors, employees, agents, consultants and volunteers from all losses, claims, liabilities, injuries, damages and expenses, including attorneys' fees, that the owner, its officers, directors, employees, agents, consultants and volunteers may incur by reason of any injury or damage sustained to any person or property (including loss of use) arising out of or occurring in connection with the negligent performance by the engineer of engineer's duties and obligations.

B. The engineer shall obtain and maintain, at the engineer's own expense, engineer's professional liability insurance in the amount of one million dollars (\$1,000,000.00) (including a broad form contractual liability coverage with all coverage retroactive to the earlier date of this agreement or the commencement of the engineer's services in relation to the project) covering personal injury, bodily injury and property damages, said coverage to be maintained for three (3) years after the date of final payment hereunder.

C. The engineer shall maintain at the engineer's own expense comprehensive general liability insurance (including broad-form contractual liability and completed operations, explosions, collapse and underground hazards) in the amount of one million dollars (\$1,000,000.00) covering personal injury, bodily injury and property damage.

D. The engineer shall maintain at the engineer's own expense comprehensive automobile liability insurance, including hired and non-owned vehicles, if any, in the amount of one million dollars (\$1,000,000.00) covering personal injury, bodily injury and property damage.

E. The engineer shall maintain at the engineer's own expense workers' compensation insurance in the amount of the statutory maximum with an employer's liability coverage of at least five hundred thousand dollars (\$500,000.00).

F. The owner and its officers and employees shall be named as additional insured on the engineer's comprehensive general liability and automobile insurance policies.

G. All insurance required by the engineer shall be maintained at the engineer's own expense, from a company or companies lawfully authorized to do business in Michigan and rated at least A by Best's Key Rating Guide. All insurance obtained by the engineer shall incorporate a provision requiring the giving of written notice to the owner at least thirty (30) days prior to the cancellation, renewal or material modification of any such policies by return receipt of United States certified mail. All insurance required by the engineer shall also state that the coverage afforded under the policy or policies shall be primary insurance. Any insurance carried independently by the owner shall be secondary insurance which operates on only an excess or contingent basis.

H. All insurance required of the engineer shall provide that any failure to comply with reporting provisions of the policy shall not affect coverage provided to the owner, its directors, officials, employees, agents, consultants or volunteers.

I. The engineer shall submit valid certificates in form and substance satisfactory to the owner evidencing the effectiveness of the foregoing insurance policies and the required amendatory requirements to each such policy to the owner for the owner's approval before the engineer commences the rendition of any

services hereunder.

J. Under no circumstances shall the owner be deemed to have waived any of the insurance requirements of this contract by any action or omission, including but not limited to:

- (1) allowing any work to commence by the engineer before receipt of certificates of insurance;
- (2) failing to review any certificates of insurance received from the engineer; or
- (3) failing to advise the engineer that any certificate of insurance fails to contain all the required insurance provisions, or is otherwise deficient in any manner.

The engineer agrees that the obligation to provide the insurance required by these documents is solely the engineer's responsibility and that this is a requirement which cannot be waived by any conduct, action, inaction or omission by the owner.

K. Nothing contained in this contract is to be construed as limiting the liability of the engineer. The owner does not, in any way, represent that the coverages or limits of insurance specified is sufficient or adequate in each addendum for specific projects to protect the owner, or the engineer, but are merely minimums. The obligations of the engineer to purchase insurance shall not, in any way, limit its obligations to the owner in the event that the owner should suffer an injury or loss in excess of the amount recoverable through insurance, or any loss or portion of a loss which is not covered by the engineer's insurance.

L. In the event the engineer fails to furnish and maintain the insurance required by this contract, the owner may purchase such insurance on behalf of the engineer, and the engineer shall pay the cost thereof to the owner upon demand or shall have such cost deducted from any payments due the engineer. The engineer agrees to furnish to the owner the information needed to obtain such insurance.

**ADDENDUM 1 TO AN AGREEMENT
FOR
PROFESSIONAL ENGINEERING SERVICES
WITH
FISHBECK, THOMPSON, CARR & HUBER, INC.**

This addendum is attached and made part of the agreement for professional engineering services dated August 5, 2013 between the city of Owosso, Michigan (owner) and Fishbeck, Thompson, Carr & Huber, Inc. (Engineer) providing for professional services.

GOULD STREET BRIDGE OVER SHIAWASSEE RIVER

PROJECT SCOPE OF WORK

The project scope of work is attached as Section 1: Statement of Understanding and Addenda.

SCHEDULE

The schedule for the project is attached as Addenda: Schedule and Budget Control shown begin by August 14, 2013 and be completed by December 31, 2014.

COMPENSATION

The cost proposal of the engineer for the project is attached as Addenda: Design Engineering which totals \$17,322 and Construction Administration \$22,235. The engineer shall submit for payment based on monthly progress of the work.

IN WITNESS WHEREOF the parties hereto have hereunto set their hands and seals the day and date first above written.

Approved August 5, 2013

For ENGINEER:
Fishbeck, Thompson, Carr & Huber, Inc.

By: _____
Kamran Qadeer, P.E.
Vice President

By: _____

Secretary

Executed: _____, 2013
Fishback master agreement 7-22-2013 and addendum 1.wpd

OWNER
City of Owosso, Michigan

By: _____
Benjamin R. Frederick
Mayor
Countersigned: (SEAL)

By: _____
Amy Kirkland
City Clerk

Executed: August 5, 2013



301 W. MAIN • OWOSSO, MICHIGAN 48867-2958 • (989) 725-0599 • FAX (989) 723-8854

MEMORANDUM

DATE: August 5, 2013

TO: City Council

FROM: Donald D. Crawford
City Manager

RE: 2013 Trailer Mounted Spray Injection Road Patching Machine

Two companies submitted bids for the trailer mounted spray injection road patching machine: Alta Equipment of Grand Rapids, MI in the amount of \$58,000.00 for a 2013 Durapatcher 125DJT and National Highway Maintenance System (NHMS) LTD., L.L.C of Akron, Ohio in the amount of \$55,945.00 for a 2013 Crafcro Magnum Patcher.

Reasons why the city should not accept what appears to be the low bid:

1. NHMS failed to meet initial bid specifications as describe in bid package, which is substantial enough for rejection of bid.
2. Alta Equipment provides service and maintenance in Michigan. It is unclear whether NHMS has local service and maintenance available in Michigan.
3. Research did not yield any current sales information for the Crafcro Magnum Patcher.

At this time it is recommended to council to award the bid to Alta Equipment for no more than \$58,000.00 even though they are the higher bidder.

DC/skm

RESOLUTION _____

**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.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF OWOSSO, SHIAWASSEE COUNTY, MICHIGAN THIS 5th DAY OF AUGUST, 2013.

AYES:

NAYS:

ABSTENTIONS:

ABSENT:

CITY OF OWOSSO

ATTEST:

Benjamin R. Frederick, Mayor

Amy K. Kirkland, City Clerk

From: Don Crawford

To: City Council

Date: July 31, 2013

Re: Spray injection patching machine

The purchase of a spray injection patching machine will allow the city to take the next step in road maintenance, replacing cold patching techniques. Ultimately, this will reduce the number of crew and employee hours needed to complete the job, resulting in cost savings for the City of Owosso. The attached Technical Assistance Report gives an in-depth analysis on the benefits of using spray patching.

A demonstration of the Durapatcher 125DJT was given to members of the Department of Public Works. A key factor in the award is that the city asked for 16 hours of training to be provided free of charge. Alta Equipment has agreed to provide training on the exact equipment.

If you would like to discuss anything or learn more about the Durapatcher 125DJT, please feel free to contact me at 725-0569 or by email at donald.crawford@ci.mi.us



301 W. MAIN OWOSSO, MICHIGAN 48867-2958 • (989) 725-0599 • FAX 723-8854

MEMORANDUM

DATE: August 5, 2013

TO: Owosso City Council

FROM: Mark A. Sedlak, Director of Public Services

RE: Change Order #1-Final 2013 Misc. Curb Replacement Program

Sumbera Excavating, Inc. has completed the 2013 Misc. Curb Replacement Program. This program addresses portions of the curb on various streets in the city that have become misaligned and have deteriorated. This will be paid from Major and Local Street Maintenance Fund.

Change Order #1-Final reflects a decrease in the materials needed to complete the project. We recommend Council accept Change Order #1-Final in the amount of (\$1,554.59), decreasing the original contract price from \$10,237.25 to \$8,682.66.

RESOLUTION NO.

**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.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF OWOSSO, SHIAWASSEE COUNTY, MICHIGAN THIS 5th DAY OF AUGUST, 2013.

CITY OF OWOSSO

ATTEST:

Benjamin R. Frederick, Mayor

Amy K. Kirkland, City Clerk

**CITY OF OWOSSO
CONTRACT CHANGE ORDER NO. 1-FINAL**

Page 1 of 1

TO: Sumbera Excavating

Date: 7/30/2013

CONTRACT: 2013 MISC. CURB REPLACEMENT

PROJECT NO.: _____

You are hereby requested to comply with the following changes from the contract plans and specifications:

1 Item No.	2 Description of Changes - Quantities, Units, Unit Prices, Change in Completion Schedule, Etc.	3 Decrease Contract Price	4 Increase Contract Price
1	(+3.2 LFT of Curb & Gutter Removal & Replace @ \$19.40/LFT)		\$62.08
2	(-94 LFT of Sawcut @ \$2.50/LFT)	(\$235.00)	
3	(-684.34 SFT of Lawn Resotation @ \$1.15/ SFT)	(\$786.99)	
4	(-80.3 LFT of Clod Patching @ \$2.25/ LFT)	(\$180.68)	
5	No Change		
6	(-90 SFT of 6" Concrete Removal & Replacement @ \$4.60/ SFT)	(\$414.00)	
Change in contract price due to this Change Order			
Total Decrease		(\$1,616.67)	
Total Increase		XXXXXXXXXXXXX	\$62.08
Difference between Co. 3 & 4			
Net DECREASED contract price			(\$1,554.59)

Original Contract Price:	\$ 10,237.25
Total Net Addition or Deduction by previous C.O. No.	\$ -
Total Amount of Contract Prior to this Change Order:	\$ 10,237.25
Net Addition or Deduction this Change Order No.:	\$ (1,554.59)
Net Amount of Contract to date:	\$ 8,682.66

This time provided for completion in contract is (unchanged) ~~(increased)~~ ~~(decreased)~~ by 0 calendar days. This document shall become an amendment to the contract and all provisions of the contract will apply hereto.

Recommended by: _____

Approved by: _____

Accepted by: _____



301 W. MAIN OWOSSO, MICHIGAN 48867-2958 • (989) 725-0599 • FAX 723-8854

MEMORANDUM

DATE: August 5, 2013

TO: Owosso City Council

FROM: Mark A. Sedlak, Director of Public Works

RE: Approval of Pay Estimate #1-Final for the 2013 Misc. Curb Replacement Program as modified by Change Order #1-Final.

Staff recommends Council approve the attached Pay Estimate #1-Final in the amount of \$8,682.66 (with \$250 being retained to cover any potential landscape problems) to Sumbera Excavating, Inc. for work completed on the 2013 Misc. Curb Replacement Program, as amended by Change Order #1-Final.

The work completed in Change Order #1-Final includes a decrease in materials needed for the project after it was approved by council on June 3, 2013. This project is funded by the Major and Local Street Maintenance Fund.

RESOLUTION NO.

**AUTHORIZING PAYMENT TO
SUMBERA EXCAVATING, INC.
FOR WORK COMPLETED ON THE
2013 MISCELLANEOUS CURB REPLACEMENT PROGRAM
AS AMENDED BY CHANGE ORDER #1-FINAL**

WHEREAS, the city of Owosso, Shiawassee County, Michigan, entered into a unit price contract with Sumbera Excavating, Inc. for the 2013 Miscellaneous Curb Replacement Program, and found it necessary and beneficial amend the original contract as detailed in Change Order #1-Final; and

WHEREAS, the work is complete and is now eligible for payment; and

WHEREAS, the City project manager recommends Pay Estimate #1-Final in the amount of \$8,682.66 for work completed through July 22, 2013, and said unit quantities and amounts agreed to by Sumbera Excavating, Inc.

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

FIRST: The City of Owosso has hereto determined that it is advisable, necessary and in the public interest to pay Sumbera Excavating, Inc. for work completed on the 2013 Miscellaneous Curb Replacement Program as amended by Change Order #1-Final.

SECOND: The accounts payable department is authorized to submit payment to Sumbera Excavating, Inc. the amount of \$8,682.66 as detailed on the attached Payment Estimate #1-Final.

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

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF OWOSSO, SHIAWASSEE COUNTY, MICHIGAN THIS 5th DAY OF AUGUST, 2013.

CITY OF OWOSSO

ATTEST:

Benjamin R. Frederick, Mayor

Amy K. Kirkland, City Clerk

PERIODIC COST ESTIMATE CITY OF OWOSSO 301 W. MAIN OWOSSO, MI 48867						Page 1 of 2 Pages			
						1. Estimate No.: <div style="text-align: center;">1</div>			
						4. Date Prepared 7/23/2013		5. Period Ending 7/22/2013	
2. Sponsor's Name CITY OF OWOSSO			3. Sponsor's Address 301 W. MAIN OWOSSO, MI 48867			6. Project No.			
7. Name of Project 2013 MISC. CURB REPLACEMENT			8. Location of Project Various Streets			9. State:			
10. Name of Contractor SUMBERA EXCAVATING			11. Address of Contractor 6490 MC BRIDE RD. OWOSSO, MI 48867			12. Work Performed Under: Lump Sum Contract: <input type="checkbox"/> Unit Price Contract: <input checked="" type="checkbox"/> Force Account: <input type="checkbox"/>			
13. Description of Work						14. Sponsor's Contract No.			
						15. Original Estimated Cost this Contract or Force Account \$10,237.25			
						16. Completion Time:			
						17. Percent Physical Completion			
18. Dates						19. No of Days Contractor is			
a. Notice to Proceed		b. Work to Commence		c. Completion Date		d. Est. or Actual Completion 85%		a. Ahead	b. In Arrears
20 Item No.	21. Description of Item			22. LATEST REVISED DETAILED ESTIMATE				23. WORK PERFORMED TO DATE	
		a. Quantity	b. Unit	c. Unit Price	d. Amount	a. Quantity	b. Amount	c. %	
1	Curb & Gutter Removal & Replacement	355	LFT	\$ 19.40	\$ 6,887.00	358.2	\$ 6,949.08	101%	
2	Sawcut	100	LFT	\$ 2.50	\$ 250.00	6	\$ 15.00	6%	
3	Lawn Restoration	1100	SFT	\$ 1.15	\$ 1,265.00	415.66	\$ 478.01	38%	
4	Cold Patching	365	LFT	\$ 2.25	\$ 821.25	284.7	\$ 640.58	78%	
5	Catch Basin Adjustment	2	EA	\$ 300.00	\$ 600.00	2	\$ 600.00	100%	
6	6" Concrete Removal & Replacement	90	SFT	\$ 4.60	\$ 414.00		\$ -	0%	
7									
8					TOTAL		\$ 8,682.66		
9					LESS RETAINAGE		\$ 250.00		
10					SUB-TOTAL		\$ 8,432.66		
11					LESS PREVIOUS PAYMENT		\$ -		
					TOTAL DUE		\$ 8,432.66		
24. CERTIFICATION OF CONTRACTOR									
I hereby certify that the work performed and materials supplied to date, as shown on this periodic cost estimate, represent the actual value of accomplishment under the terms of this contract in conformity with approved plans and specification; that the quantities shown were properly determined and are correct; and that there has been full compliance with all labor provisions included in the contract identified above.									
BY: _____ <div style="display: flex; justify-content: space-between;"> Date Name of Contractor Signature Title </div>									
25. ACKNOWLEDGMENT AND CONCURRENCE OF PROJECT ENGINEER									
I have examined this periodic cost estimate and concur in the certificate of the contractor.									
_____ <div style="display: flex; justify-content: space-between;"> Date Signature, Director of Public Services </div>									



301 W. MAIN OWOSSO, MICHIGAN 48867-2958 • (989) 725-0599 • FAX 723-8854

MEMORANDUM

DATE: August 5, 2013

TO: Owosso City Council

FROM: Mark A. Sedlak, Director of Public Works

RE: Progress Payment #5-Final for the 2012 Street Paving Program

Attached is a progress payment #5-Final in the amount of \$10,000 to Michigan Paving & Materials Company for work completed up to November 21, 2012 on the 2012 Street Paving Program. This payment represents the amount held in reserve to ensure lawn restoration work was performed according to the contract.

We recommend council approve payment of progress payment #5-Final to Michigan Paving & Materials in the amount of \$10,000. This project is funded through the proceeds of the 2010 General Obligation Unlimited Tax Bonds.

RESOLUTION NO.

**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.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF OWOSSO,
SHIAWASSEE COUNTY, MICHIGAN THIS 5th DAY OF AUGUST, 2013.

Benjamin R. Frederick, Mayor

Amy K. Kirkland, City Clerk

PERIODIC COST ESTIMATE CITY OF OWOSSO 301 W. MAIN OWOSSO, MI 48867						Page 1 of 3 Pages			
						1. Estimate No.: <div style="text-align: right;">5 Final</div>			
						4. Date Prepared 1/22/2013		5. Period Ending 11/21/2012	
2. Sponsor's Name CITY OF OWOSSO			3. Sponsor's Address 301 W. MAIN OWOSSO, MI 48867			6. Project No.			
7. Name of Project 2012 STREET IMPROVEMENT PROGRAM			8. Location of Project: N Chipman, S Chipman, Grace, Grand Hickory & State			9. State: Michigan			
10. Name of Contractor Michigan Paving & Materials Company			11. Address of Contractor 16777 Wood St. Lansing, MI 48906			12. Work Performed Under: Lump Sum Contract: <input type="checkbox"/> Unit Price Contract: <input checked="" type="checkbox"/> Force Account: <input type="checkbox"/>			
13. Description of Work Curb & Gutter, and Sidewalk with Milling and Paving						14. Sponsor's Contract No.			
						15. Original Estimated Cost this Contract or Force Account \$543,208.90			
						16. Completion Time:			
						17. Percent Physical Completion			
18. Dates						19. No of Days Contractor is			
a. Notice to Proceed		b. Work to Commence		c. Completion Date		d. Est. or Actual Completion 111%		a. Ahead	b. In Arrears
20 Item No.	21. Description of Item			22. LATEST REVISED DETAILED ESTIMATE				23. WORK PERFORMED TO DATE	
				a. Quantity	b. Unit	c. Unit Price	d. Amount	a. Quantity	b. Amount
	#1 CURB & GUTTER AND SIDEWALK WORK								
1	Earth Excavation	1170	CYD LM	\$ 13.00	\$ 15,210.00	1125	\$ 14,625.00	96%	
2	Gravel Drive Removal	660	SYD	\$ 2.90	\$ 1,914.00	359.81	\$ 1,043.45	55%	
3	Hard Surface Removal	11650	SFT	\$ 0.85	\$ 9,902.50	11221.21	\$ 9,538.03	96%	
4	Curb & Gutter Removal	6250	LFT	\$ 3.75	\$ 23,437.50	6593.4	\$ 24,725.25	105%	
5	Class III Fill Sand	1050	TON	\$ 13.00	\$ 13,650.00	650.63	\$ 8,458.19	62%	
6	Curb & Gutter, Conc. Det 4 Mod.	7350	LFT	\$ 8.48	\$ 62,328.00	7624.8	\$ 64,658.30	104%	
7	Mics. Curb & Gutter, Removal & Replacement	320	LFT	\$ 20.95	\$ 6,704.00	367	\$ 7,688.65	115%	
8	4" Concrete Replacement	1470	SFT	\$ 2.65	\$ 3,895.50	1245.72	\$ 3,301.16	85%	
9	4" Concrete Sidewalk Ramp	1000	SFT	\$ 7.65	\$ 7,650.00	758.31	\$ 5,801.07	76%	
10	6" Concrete	14400	EACH	\$ 2.95	\$ 42,480.00	14192.17	\$ 41,866.90	99%	
24. CERTIFICATION OF CONTRACTOR									
I hereby certify that the work performed and materials supplied to date, as shown on this periodic cost estimate, represent the actual value of accomplishment under the terms of this contract in conformity with approved plans and specification; that the quantities shown were properly determined and are correct; and that there has been full compliance with all labor provisions included in the contract identified above.									
BY: _____ <div style="display: flex; justify-content: space-between;"> Date Name of Contractor Signature Title </div>									
25. ACKNOWLEDGMENT AND CONCURRENCE OF PROJECT ENGINEER									
I have examined this periodic cost estimate and concur in the certificate of the contractor.									
_____ <div style="display: flex; justify-content: space-between;"> Date Signature, Director of Public Services </div>									

PERIODIC COST ESTIMATE						Page 2 of 3 Pages			
CITY OF OWOSSO 301 W. MAIN OWOSSO, MI 48867									
						1. Estimate No.: 5 Final			
Items and Column are numbered to correspond to those on Page 1 of this form.						6. Project No.			
7. Name of Project 2012 STREET IMPROVEMENT PROGRAM			8. Location of Project: N. Chipman, S. Chipman, Grace, Grand, Hickory & State			14. Sponsor's Contract No.			
20 Item	21. Description of Item		22. LATEST REVISED DETAILED ESTIMATE				23. WORK PERFORMED TO DATE		
No.			a. Quantity	b. Unit	c. Unit Price	d. Amount	a. Quantity	b. A mount	c. %
11	Catch Basin Filter	45	EACH	\$ 100.00	\$ 4,500.00	5	\$ 500.00	11%	
12	Catch Basin Adjustment	11	EACH	\$ 200.00	\$ 2,200.00	11	\$ 2,200.00	100%	
13	Water Valve Adjustment	5	EACH	\$ 120.00	\$ 600.00		\$ -	0%	
14	Provide, Install and Adjust E.J. 7000 casting	5	EACH	\$ 925.00	\$ 4,625.00	5	\$ 4,625.00	100%	
15	Temporary Lowing of Drainage Casting	7	EACH	\$ 400.00	\$ 2,800.00	5	\$ 2,000.00	71%	
16	Catch Basin Reconstruction	2	VFT	\$ 200.00	\$ 400.00	3.3	\$ 660.00	165%	
17	4' Dia. Drainage Structure w/ Casting	3	EACH	\$ 3,200.00	\$ 9,600.00	4	\$ 12,800.00	133%	
18	Sewer Tap	4	EACH	\$ 400.00	\$ 1,600.00	7	\$ 2,800.00	175%	
19	10" Sch. 26 Sewer Pipe TD. DT. B	330	LFT	\$ 29.00	\$ 9,570.00	389	\$ 11,281.00	118%	
20	12" RCP w/ "O" Ring Joint TR. DT. B	370	LFT	\$ 31.00	\$ 11,470.00	309.5	\$ 9,594.50	84%	
21	10" Storm sewer Connection	2	Each	\$ 150.00	\$ 300.00	2	\$ 300.00	100%	
22	Restoration	4400	SYD	\$ 2.75	\$ 12,100.00	2497.58	\$ 6,868.35	57%	
23	Gravel Trench Infill	5230	LFT	\$ 1.50	\$ 7,845.00	371.6	\$ 557.40	7%	
24	Traffic Control	1	L SUM	\$ 7,203.75	\$ 7,203.75	1	\$ 7,203.75	100%	
#2 MILLING & PAVING WORK									
1	Butt Joint Cold Milling	1500	SYD	\$ 5.27	\$ 7,905.00	552.94	\$ 2,913.99	37%	
2	Cold Milling	7750	SYD	\$ 2.35	\$ 18,212.50	16249.97	\$ 38,187.43	210%	
3	Fine Grading	15	EACH	\$ 275.00	\$ 4,125.00	18.1	\$ 4,977.50	121%	
4	Manhole Adjustment	18	EACH	\$ 200.00	\$ 3,600.00	7	\$ 1,400.00	39%	
5	Water Valve Adjustment	17	EACH	\$ 120.00	\$ 2,040.00	7	\$ 840.00	41%	
6	Provide, Adjust and Install E.J. 1120 casting with gasket seal cover	9	EACH	\$ 850.00	\$ 7,650.00	9	\$ 7,650.00	100%	
7	Residential Street Paving	2550	TON	\$ 72.82	\$ 185,691.00	3573.04	\$ 260,188.77	140%	
8	Bituminous Wedging	250	TON	\$ 67.76	\$ 16,940.00		\$ -	0%	
9	Gould & Oliver Street intersection paving	50	TON	\$ 121.56	\$ 6,078.00	67	\$ 8,144.52	134%	
10	Parking lot Paving	130	TON	\$ 109.38	\$ 14,219.40	133	\$ 14,547.54	102%	
11	Bond Coat	2200	GAL	2.25	\$ 4,950.00	1390	\$ 3,127.50	63%	
12	Monument Adjustment	5	EACH	100	\$ 500.00		\$ -	0%	
13	Parking Lot Grading	1	L SUM	850	\$ 850.00	1	\$ 850.00	100%	

<div> <div>PERIODIC COST ESTIMATE</div> <div> CITY OF OWOSSO 301 W. MAIN OWOSSO, MI 48867 </div> </div>						Page 3 of 3 Pages		
						1. Estimate No.:		
						5 Final		
Items and Column are numbered to correspond to those on Page 1 of this form.						6. Project No.		
7. Name of Project				8. Location of Project: N. Chipman, S. Chipman Grace, Grand, Hickory and State		14. Sponsor's Contract No.		
2012 STREET IMPROVEMENT PROGRAM								
20				22. LATEST REVISED DETAILED ESTIMATE		23. WORK PERFORMED TO DATE		
Item No.	21. Description of Item	a. Quantity	b. Unit	c. Unit Price	d. Amount	a. Quantity	b. Amount	c. %
14	Drainage Structure Reconstruction	4	VFT	\$ 200.00	\$ 800.00		\$ -	0%
15	Traffic Control	1	L SUM	\$ 7,662.75	\$ 7,662.75	1	\$ 7,662.75	100%
	Addition Work Item							
	Sewer Repair on Grand		L SUM	\$1,000.00		1	\$ 1,000.00	
	Crushed Concrete Fill		Ton	\$ 24.00		185.22	\$ 4,445.28	
	Trucking & Milling Joint Repair on Oliver		L SUM	\$ 3,000.00		1	\$ 3,000.00	
	Bituminous Mix Cost		Ton	\$ 48.93		14.06	\$ 687.96	
					TOTAL		\$ 602,719.24	
					SUB TOTAL		\$ 602,719.24	
					LESS PREVIOUSLY APPROVED PAYMENT		\$ 592,719.24	
					TOTAL DUE		\$ 10,000.00	



MEMORANDUM

301 WEST MAIN STREET • OWOSSO, MICHIGAN 48867-2958

DATE: AUGUST 2, 2013
TO: CITY COUNCIL MEMBERS
FROM: CHARLES P RAU, BUILDING OFFICIAL
SUBJECT: LOT SPLIT APPLICATION
501 S. SHIAWASSEE STREET

LEGAL DESCRIPTION:

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)

PARCEL ID # 050-651-000-022-00

The attached lot split request, received on 7-29-2013 from Randy Woodworth, representative for Fishwood REI Group, has been reviewed by several department heads within the City of Owosso. The proposed split will conform to present city ordinances.

Therefore, approval by City Council for this lot split is recommended.

LOT SPLIT AUTHORIZATION – 501 S. SHIAWASSEE STREET

Motion by Councilperson _____ to authorize the division of a City lot under the Michigan Subdivision Control Act for platted lot commonly known as 501 S. Shiawassee Street, parcel # 050-651-000-022-00 as follows:

RESOLUTION NO. _____

**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 _____ parcel having street access on _____ Street.

Motion supported by Councilperson _____.

Roll Call Vote.

AYES:

NAYS:

ABSENT:

CITY OF OWOSSO
APPLICATION TO DIVIDE
PLATTED CITY LOTS

The State of Michigan Land Division Act and City of Owosso Subdivision Regulations prohibit the division of platted City lots without prior approval of the City Council. Attached to this application you should find a copy of Section 30-5 of the Owosso City Code describing the conditions that must be met to have division of platted lots permitted. If a copy of the Section 30-5 does not accompany this application, please request one from the office of the City Clerk or Building Department, phone 989-725-0540.

INSTRUCTIONS

PLEASE FILL OUT THIS APPLICATION COMPLETELY (EXCEPT FOR CITY STAFF PORTION AT BOTTOM) AND ATTACH ALL DOCUMENTATION REQUESTED ON THIS APPLICATION TO AVOID DELAY IN HAVING THE CITY COUNCIL REVIEW YOUR REQUEST.

ATTACH THE RESULTING DESCRIPTIONS OF ALL PROPERTIES AFFECTED BY THIS DIVISION.

ATTACH THE RESULTING PLOT PLAN OF ALL PROPERTIES AFFECTED BY THIS DIVISION. INCLUDE DIMENSIONS OF RESULTING LOTS, LOCATION OF ALL PUBLIC RIGHT-OF-WAYS, LOCATION OF ALL EASEMENTS, LOCATION OF ALL BUILDINGS ON THE PROPERTIES AND THE BUILDING DISTANCES FROM PROPERTY LINES. YOU MAY BE REQUIRED TO PROVIDE A PROFESSIONAL SURVEY OF THE RESULTING LOTS IF DEEMED NECESSARY BY THE ZONING ADMINISTRATOR.

ALL DELINQUENT TAXES MUST BE PAID ON ANY PARCEL BEFORE
THE DESCRIPTION OF THE PARCEL CAN BE CHANGED.

Address of lot to be split 501 S. Shawasssee Date 7/29/13
Name of applicant FISHWOOD REI GROUP / RANDY WOODWORTH Phone (989) 277-2815
Address of applicant 655 WABASSEE DR OWOSSO
Applicant's relationship to property: ☒ Buyer ☐ Seller ☐ Representing buyer or seller
☐ Other (explain) _____

I (We) hereby request that the Owosso City Council approve the division of the platted lot(s) as specified in the description(s) attached hereto. The division of this lot(s) is proposed for the following reasons:

TO SPLIT CONCRETE STRUCTURE FROM STORAGE UNITS
IN ORDER FOR A SEPARATE DEVELOPER TO PURCHASE
AND REDEVELOP THE CONCRETE BUILDING

Signed _____

CITY STAFF TO COMPLETE BELOW

ZONING REVIEW: ZONING _____ ☐ RECOMMEND APPROVAL ☐ RECOMMEND DENIAL

EXPLANATION OF RECOMMENDATION _____

DATE SET FOR CITY COUNCIL REVIEW _____ NOTICE SENT TO APPLICANT _____

CITY COUNCIL ACTION: ☐ APPROVED AS SUBMITTED ☐ DENIED ☐ APPROVED WITH ATTACHED CONDITIONS

RESULTS SENT TO APPLICANT _____

**CITY OF OWOSSO
LOT SPLIT ORDINANCE**

Sec. 30-5. Article I, Chapter 30 of the Code of the City of Owosso states...

The division of a lot in a recorded plat is prohibited, unless approved following application to the city council. The application shall be filed with the city clerk and shall state the reasons for the proposed division. The city council may request review and comment by the city planning commission. The division to be approved by the city council shall have the suitability of the land for building purposes approved by the city zoning administrator, who may require submission of a professionally prepared boundary survey report. No building permit shall be issued, nor any building construction commenced, prior to the city council's approval. No lot in a recorded plat shall be divided into more than four (4) parts, and the resulting lots shall be not less in area than permitted by the city zoning ordinance. The division of a lot resulting in a smaller area than prescribed herein may be permitted but only for the purpose of adding to the existing building site or sites. The application shall so state and shall be in affidavit form.

City Ordinance. No. 456, of 12-19-88

NEW DESCRIPTION:

ASSESSOR'S DESCRIPTION:

989-666-8206 - Gary Burk
by message
12:29
8-1-13

7-31-13
LM for Ready
+ Division Jersey

CITY OF OWOSSO
DIVISION OF PLATTED CITY LOTS
DEPARTMENTAL REVIEW

PLEASE ROUTE THIS APPLICATION IN THE FOLLOWING SEQUENCE AND RETURN TO THE BUILDING DEPARTMENT AS SOON AS POSSIBLE.

INITIAL REVIEW BY BUILDING OFFICIAL CHARLES P. RAU

COMMENTS There now is a problem with the concrete bld being 1' from the new property line. That wall needs a 2 hour fire rating with no openings. There are several windows & a door in that wall.

***ASSESSING: LARRY COOK

RECOMMEND APPROVAL ☒ DENIAL ☐
WRITE NEW DESCRIPTIONS
AT THE END OF YEAR, CHECK WITH COUNTY FOR
DELINQUENT TAXES: PAID ☐ UNPAID ☐

COMMENTS "See Attached Descriptions"

8-2-13
OK now with
5 foot setback
CPL

***COMMUNITY DEVELOPMENT

RECOMMEND APPROVAL ☒ DENIAL ☐

COMMENTS

***PUBLIC UTILITIES: GARY BURK

RECOMMEND APPROVAL ☒ DENIAL ☐

COMMENTS

***ENGINEERING:

RECOMMEND APPROVAL ☒ DENIAL ☐

COMMENTS

RETURN TO BUILDING OFFICIAL FOR WRITTEN RECOMMENDATION OR DENIAL

RETURN ALL MATERIALS TO MARTY STINSON

SEND COPY OF APPLICATION TO APPLICANT WITH DATE OF COUNCIL MEETING

PREPARE MEMO AND COPY (15) FOR COUNCIL MEETING; SUBMIT TO CLERK'S OFFICE

AFTER COUNCIL APPROVAL OR DENIAL, NOTIFY APPLICANT WITH COPY OF COMPLETED APPLICATION.

AFTER COUNCIL APPROVAL OR DENIAL, NOTIFY ASSESSOR WITH ORIGINAL OF COMPLETED APPLICATION.

AFTER COUNCIL APPROVAL OR DENIAL, COPY TO BLDG FILE

Land Division of Platted Lots

Owosso M52 501 Properties, LLC

501 S. Shiawassee Street
050-651-000-022-00

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.

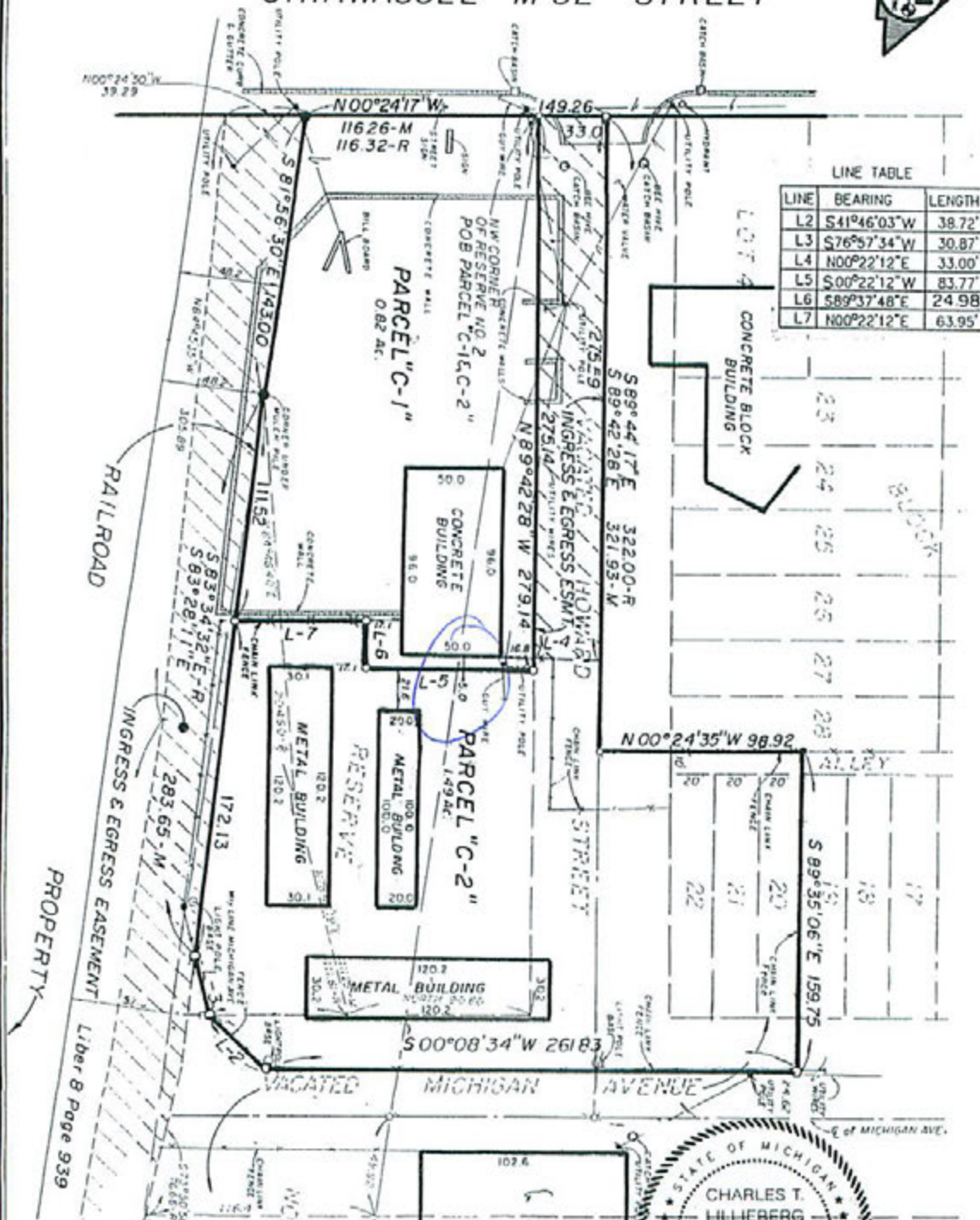
PROPOSED PARCEL SPLIT/SITE PLAN

FOR: FISHWOOD REI GROUP
655 WABASSEE DRIVE
OWOSSO, MI 48467

JOB No. 13-092

New
8-2-13

SHIAWASSEE M-52 STREET



LINE TABLE

LINE	BEARING	LENGTH
L2	S41°46'03\"W	38.72'
L3	S76°57'34\"W	30.87'
L4	N00°22'12\"E	33.00'
L5	S00°22'12\"W	83.77'
L6	S89°37'48\"E	24.98'
L7	N00°22'12\"E	63.95'

DAVISON LAND SURVEYING INC.

1063 S. State, Suite 9 Davison, MI 48423
Phone: 810-653-5969 Fax: 810-658-9388



CHARLES T. LILLIEBERG P.S. No. 40162

LEGEND: ○ = IRON SET, ● = IRON FOUND, □ = MONUMENT FOUND, -x-x- = FENCE, (R) = RECORDED, (M) = MEASURED

DATE: 8-1-13 SCALE: NTS DRAWN BY: WPM CREW CHIEF: CTL CHECKED BY: CTL SHEET: 1 OF 2

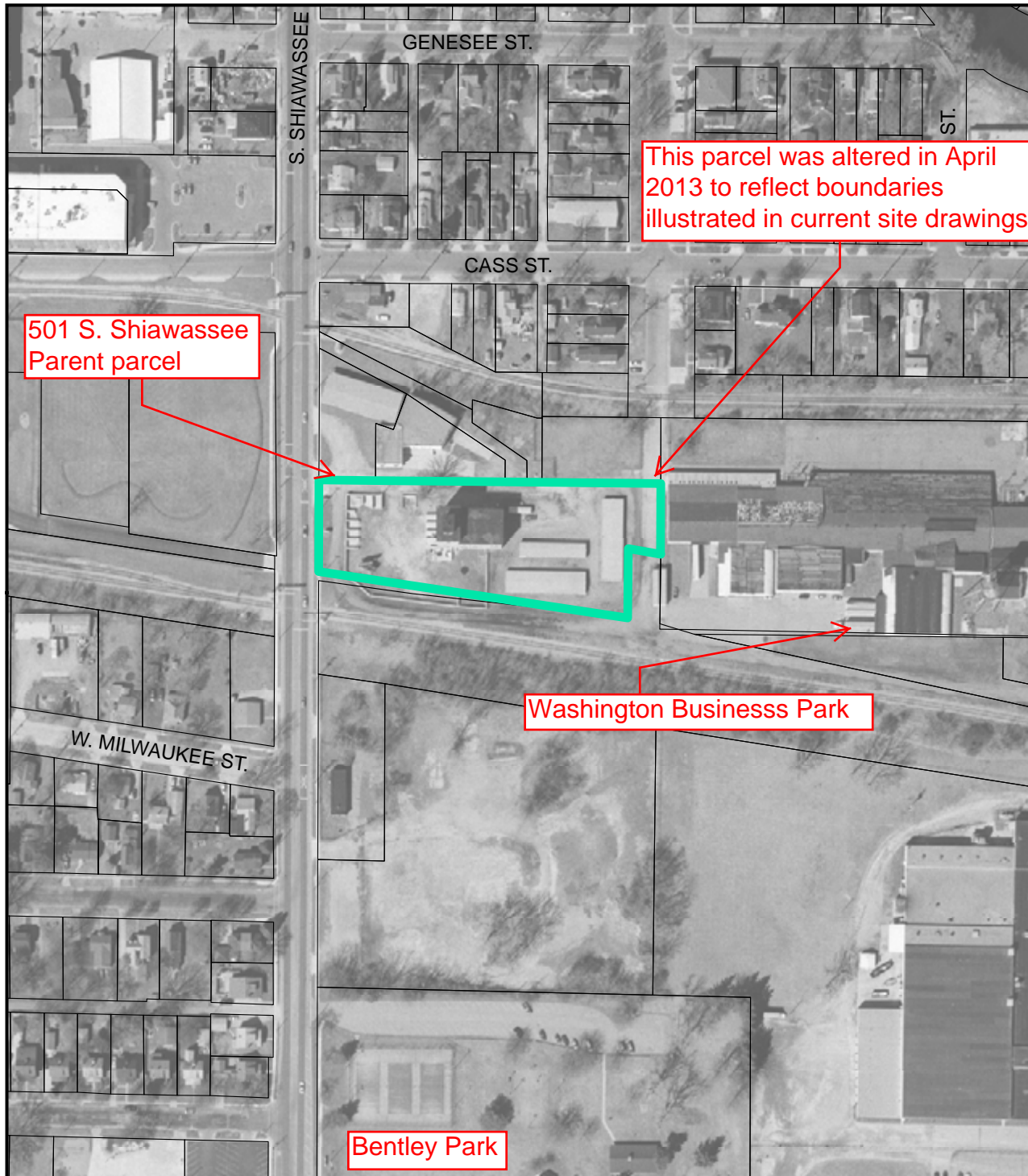
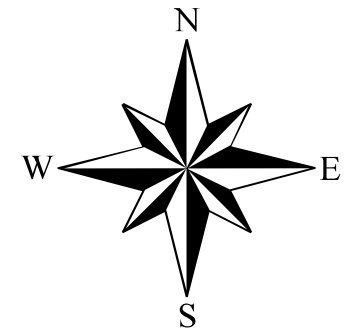
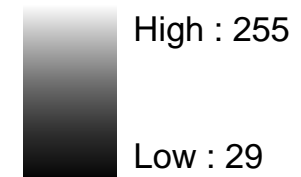
City of Owosso

501 S. Shiawassee Split Application

August 2, 2013

Aerial 2013

Value





WARRANT 467

July 30, 2013

Vendor	Description	Fund	Amount
B S & A Software	Annual updates-assessing-special	General	\$ 8,172.00
	assessment-general	Water	\$ 1,880.00
	ledger/budgeting-accounts	Sewer	\$ 1,253.00
	payable-purchase order-		
	miscellaneous receivables-cash		
Owosso Charter Township	receipting-payroll-fixed assets-		
	utility billing		
	Owosso Charter Township water	Water	\$ 8,874.83
Caledonia Charter Township	sales payment covering the		
	quarter ending June 30, 2013		
	Caledonia Utility fund payment	Water	\$16,702.62
	covering the quarter ending June		
	30, 2013		
Total			\$36,882.45

RESOLUTION NO.
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.

RESOLUTION ADOPTING 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.

PASSED AND APPROVED BY THE CITY COUNCIL, CITY OF OWOSSO, SHIAWASSEE COUNTY, MICHIGAN THIS ____ DAY OF AUGUST 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 (per page).....	\$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

Electrical

Electric baseboard heater	\$15.00
Electrical inspections/each.....	\$50.00
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
Modular.....	\$100.00

Motors

Over 20 KVA or HP, 1-25 units (each additional unit after 25).....	\$7.00
Over 20 KVA or HP, 1-25 units (each)	\$15.00
Up to 20 KVA or HP, 1-25 units (each additional unit after 25).....	\$5.00
Up to 20 KVA or HP, 1-25 units (each)	\$15.00
Permit base fee/minimum (no inspections included).....	\$30.00

Permit for

0-200 AMPS service.....	\$25.00
0-200 AMPS sub panel.....	\$25.00
201-600 AMPS service.....	\$30.00
201-600 AMPS sub panel.....	\$30.00
601-800 AMPS service.....	\$35.00
601-800 AMPS sub panel.....	\$35.00
801-1200 AMPS service.....	\$40.00
801-1200 AMPS sub panel.....	\$40.00
Over 1200 AMP service	\$45.00
Over 1200 AMP sub panel	\$45.00

Permit for

Air conditioner power outlet.....	\$15.00
Dishwasher power outlet	\$15.00
Dryer power outlet	\$15.00
Each branch circuit	\$15.00
Electrical range power outlet	\$15.00
Garbage disposal power outlet.....	\$15.00
Power outlets-fixture (per 25 or fraction thereof).....	\$10.00
Power outlets-other (per 25 or fraction thereof)	\$10.00
Power outlets-receptacle (per 25 or fraction thereof)	\$10.00
Signs	\$75.00
Whole house permit.....	\$150.00

Building

Additional reviews – (where plans are returned to applicant for modifications and re-submittal)	\$50.00 for each review
Application fee (non-refundable)	\$30.00
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
Charge for overtime inspections	\$75.00 per hour
Charge for special inspections	
Commercial.....	\$50.00 per hour
Residential	\$50.00 per hour
Fire inspections.....	\$150.00
Home occupation-Type B home permit	\$50.00
Miscellaneous reviews (concrete, antennas, sheds, gazebos, decks, porches)	\$50.00
Penalty for work prior to obtaining permit	
Less than \$10,000	\$100.00
Greater than \$10,000	\$250.00
Permit (misc. building improvements)	
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
Permit for building demolition	
Based on size of building.....	\$180 +\$1 per 100 sq. feet over 2,000 sq. feet
Garage.....	\$30.00
House	\$100.00
Permit for	
Building moving	\$200.00
Commercial fences	
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
Fence - residential.....	\$50.00
Siding.....	\$50.00
Sign	
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
Tank removal	\$100.00
Temporary sign.....	\$50 for 90 days
Window(s)	
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
Plan review	55% of building permit fee
Plan review special – (where plans must be submitted to an outside reviewer)...	\$100 plus cost
Quarterly inspection fees under derelict building provision.....	\$50.00
Re-inspection fee under derelict building provision (each visit).....	\$50.00

Roofing permit--residential up to \$10,000	\$50.00
Roofing permit—nonresidential and residential over \$10,000	
\$10,000 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
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	
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
Temporary Structures – tents, trailers and other temporary structures per six months	\$70.00

Mechanical-nonresidential

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;	
Over 10,000 CFM.....	\$100.00
1,500 to 10,000 CFM	\$45.00
Under 1,500 CFM (piping fee included)	\$35.00
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 over 500 gal.	\$85.00
Capacity under 500 gal.	\$50.00
Crematories.....	\$50.00
Ducts, insulation & fire suppression systems - duct system based on bid price	
\$3,000 to \$6,999	\$50.00
\$7,000 to \$14,999	\$85.00
Over \$15,000	\$10 fee per each \$3000 in addition to above rate + \$85.00
Under \$3,000	\$40.00
Electronic air cleaner with washer.....	\$50.00

Evaporator coils	
180,000 BTU's	\$40.00
180,000 BTU's and under	\$45.00
Fire suppression systems - based on bid price;	
\$2,000 to \$7,999	\$90.00
Over \$8,000	\$15 fee per each \$3,000 in addition to above rate + \$90.00
Under \$2,000	\$75.00
Gas burning equipment - new and/or conversion,	
Over 400,000 BTU's (piping fee included)	\$60.00
400,000 BTU's and under (piping fee included)	\$50.00
Humidifiers	\$25.00
Insulation: duct, piping and/or tanks - based on bid price;	
\$2,000 to \$7,999	\$50.00
Over \$8,000	\$15 fee per each \$3,000 + \$50.00
Under \$2,000	\$40.00
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
Mechanical application fee (commercial/industrial)	\$30.00
Mechanical inspections/each	
Hourly rate	\$50.00
Additional and final	\$50.00
Mechanical permit (commercial/industrial) base fee (no inspections included)	\$30.00
Mechanical re-inspection	\$50.00
Misc. incinerators/each	\$40.00
Oil burner	
New and/or conversion, over 5 gal/hr. (piping fee included)	\$90.00
New and/or conversion, under 5 gal/hr. (piping fee included)	\$60.00
Refrigeration systems	
5HP to 50 HP (split system)	\$45.00
Over 50 HP (split system)	\$75.00
Self-contained units	\$50.00
Under 5 HP (split system)	\$35.00
Solar equipment/each panel (piping fee included)	\$100.00
Special mechanical inspection pertaining to sale of building (including permit fee, VA, FHA)	
.....	\$60.00
Unit Heaters - hot water, gas, or steam;	
Over 200,000 BTU's (piping fee included)	\$40.00
200,000 BTU's and under (piping fee included)	\$30.00

Mechanical-residential

All mechanical inspections/each	\$50.00
Boiler: Over 200,000 BTU's (piping fee included)	\$55.00
Boiler: 200,000 BTU's and under (piping fee included)	\$40.00
Central air	\$35.00
Dampers (all kinds)	\$15.00

Duct system	
\$3,000 to \$6,000	\$35.00
\$7,000 to \$15,000	\$40.00
Over \$15,000 (per \$1,000).....	\$7.00
Under \$3,000	\$30.00
Exhaust fan	\$15.00
Gas burning equipment - new and/or conversion,	
Over 400,000 BTU's (piping fee included)	\$55.00
400,000 BTU's and under (piping fee included).....	\$40.00
Gas piping/each outlet	\$15.00
Hotel or motel/per unit.....	\$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
Mechanical permit (residential) base fee (no inspections included)	\$30.00
Modular home.....	\$150.00
Oil burner - new and/or conversion (piping fee included)	\$45.00
Other buildings/per hour or parts thereof	\$50.00
Plan review	\$100.00
Safety or evaluation inspections - single family dwellings	\$75.00
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

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

Plumbing

Application fee – no inspection included (non-refundable)	\$30.00
Connection building drain-building sewer	\$15.00
Fixtures, floor drains, water connected appliances.....	\$15.00
Hotel, motel/per unit.....	\$45.00
Manholes – catch basins/each.....	\$15.00
Modular home.....	\$150.00
Plumber's license/registration fee	None
Plumbing inspections/each	\$50.00

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
Special/safety inspection (includes certification fee)	\$75.00
Stacks (soil, waste, vent and conductor).....	\$10.00
Sub-soil drains	\$15.00
Two-family/per unit.....	\$90.00
Water distributing pipe: 1 1/2"	\$30.00
Water distributing pipe: 1 1/4"	\$20.00
Water distributing pipe: 1"	\$15.00
Water distributing pipe: 3/4"	\$15.00
Water distributing pipe-over 2"	\$45.00
Water service-2" to 6"	\$25.00
Water service-less than 2"	\$15.00
Water service-over 6"	\$30.00
Whole house permit.....	\$120.00

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 + 0.25 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 balance3% 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/mailed	\$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

MINUTES FOR THE REGULAR MEETING
DOWNTOWN HISTORIC DISTRICT COMMISSION
JULY 17, 2013 at 6:00 p.m.
COUNCIL CHAMBERS / CITY HALL

MEETING WAS CALLED TO ORDER at 6:00 p.m. by Vice-Chairperson Gonyou.

ROLL CALL was taken by Recording Secretary Marty Stinson

MEMBERS PRESENT: Vice-Chairperson Vincent Gonyou; Secretary Philip Hathaway; Commissioners Lance Omer; Matthew Van Epps; and Gary Wilson.

MEMBERS ABSENT: Chairperson Scott Newman; and Commissioner James Eaton.

OTHERS PRESENT: Ms. Sarah Warren-Riley, Housing Program Manager; Mr. Adam Zettel, Assistant City Manager and Director of Community Development; Mr. David Dann, Family Life Services, 224 N. Ball Street; Ms. Heather Rivard, Director of Owosso Main Street; and Ms. Sara Rice, Cook Scholar who is interning with the city.

AGENDA APPROVAL: Motion by Commissioner Van Epps, supported by Commissioner Hathaway to approve the agenda for July 17, 2013.

Yeas: All. Motion was passed.

MINUTES APPROVAL: Motion by Commissioner Omer, supported by Commissioner Wilson to approve the minutes for the meeting of May 22, 2013.

Yeas: All. Motion was passed.

COMMUNICATIONS:

- 1) Staff Memorandum
- 2) Meeting minutes of May 22, 2013

PUBLIC COMMENTS:

Ms. Heather Rivard, Director of Owosso Main Street, invited the Downtown Historic District Commissioners to attend a meeting on July 31st at the Baker College Owosso where the national and state consultants are doing a complete review with economic development groups in Owosso. This is a great opportunity to work together as the Main Street moves into a new phase with a new manager. Mr. Adam Zettel encouraged everyone to attend because of the importance of the downtown historic preservation with the Main Street. Please treat this as a regular Historic District Commissioner meeting.

PUBLIC HEARINGS: None.

ITEMS OF BUSINESS:

- 1) 224 N. Ball Street – Door replacement application

David Dann, Family Life Services, 224 N. Ball Street commented on their desire to purchase a less expensive steel door rather than a wood historically accurate door. He stated that he needed to be responsible to the donors and still secure the building; that the commission's higher standard is a burden; that he sees 31 doors from his property which only five doors or 16% are wood. Eleven are steel or glass and 14 are metal. The worst looking doors are wood because they aren't holding the paint. Money that doesn't have to be spent is difficult to explain to others. Please give us a variance instead of us spending so much more. Help us find a way so we don't betray our donors. Mr. Dann listed many other repair projects that the structure needed.

Comments from the board were they need to find a way to accommodate the regulations such as repairing the current door for security; finding used wood doors; searching other wood door sources; talking to city

Draft

staff members for alternative wood door sources. Discussion involved if the board let this standard be reduced, the organization will constantly request reductions of standards in the future.

STAFF COMMENTS:

Ms. Sarah Warren-Riley introduced. Sara Rice. She has been working on certified local government application as well as educational materials for the historic district. She is from the Cook Foundation Scholar program.

ADJOURNMENT:

Motion by Commissioner Hathaway, supported by Commissioner Omer to adjourn the meeting at 6:44 p.m. until August 21, 2013.

Yeas all. Motion carried.

Phil Hathaway, Secretary

mms

**Minutes
Regular Meeting of the Parks & Recreation Commission
Council Chambers, City Hall
July 22, 2013 – 6 p.m.**

The meeting was called to order at 6:02 p.m. by Chairman Espich.

Pledge of Allegiance: The Pledge of Allegiance was recited by all in attendance.

Roll Call was taken by Recording Secretary Marty Stinson.

Members Present: Chairman Michael Espich; Vice-Chair Jeff Selbig; Commissioner Nikki Hathaway.

Members Absent: Commissioner Tim Alderman and vacancy.

Others Present: Adam Zettel, Assistant City Manager and Director of Community Development; John Beebe and Ian Granger for the Disc Golf; Heather Pilot and Ned Bromley from RESD for the Splash Pad / Bentley Park.

Approve Agenda for July 22, 2013:

A motion to approve the agenda with the postponement of Business Item # 3 - Collamer Park/Hopkins Lake track concept was made by Commissioner Selbig and supported by Commissioner Hathaway.

Ayes: all. Motion carried.

Approve Minutes from June 24, 2013 meeting:

A motion to approve the minutes from the June 24, 2013 meeting was made by Commissioner Hathaway and supported by Commissioner Selbig.

Ayes: all. Motion carried.

Public Comments:

Mr. John Beebe, advocate for disc golf in and near Rosevear Park, delivered donation envelopes to process funds. Commissioner Hathaway will be working on a spreadsheet of expenses and donations. She collected e-mails for Ian Granger and others working on the disc golf project for information for the spreadsheet.

Communications:

1. Staff memorandum
2. June 24, 2013 minutes
3. Overflow parking map

Business:

1. **Spray Pad & Bentley Park Improvements and**
2. **Regional Inclusive Community Coalition**

Mr. Adam Zettel said that both the Spray Pad and the Bentley Park improvements are underway. The underground for the spray pad is ready for the concrete pour. Staff is working on sidewalks and the bandstand. There are plans for the Labor Day Dedication. Arrangements have been made with Rugged Liner and we have a rider on our insurance for a parking area on their parking lot on Stewart Street. We

have some signage to be installed in the park and there will be painting done in the parking lot at the designated area. Busses will be directed to this area also.

There was discussion about a sidewalk to the playscape. Ms. Heather Pilot noted that the Splash Pad is not useable with crutches or power wheel chairs. The water will ruin electric powered chairs and crutches cannot be used on the splash pad. It was promoted as accessible.

Ned Bromley from RESD also said that it is not barrier free. Discussion of barrier free terminology followed including reference to RICC (Regional Inclusive Community Coalition). Ms. Pilot suggested a swing for wheel chairs and a bench for observers for handicapped children's caregivers. Mr. Zettel said there will be bench(es). Ms. Pilot mentioned accessible bathrooms. Mr. Zettel said they are in the process of being overhauled right now. Chairman Espich told Ms. Pilot the commission was open to more accessible designs. She suggested the Michigan Protection & Advocacy Service.

4. Skate Park Update

Mr. Zettel and Mark Sedlak, Director of Public Works, went to the skate park and went over some figures for removing the asphalt and installing concrete at the BMX Park. At the last meeting there was discussion with Rick Morris about the Iron Wheels Motorcycle Club gifting money for the improvement. Discussion about the city clearing the area and the improvements being done next year or the year after. The tall grass has been trimmed down.

Public / Board Comments:

Commissioner Hathaway said that when she gets the spreadsheet ready regarding the disc golf she will e-mail it to the board and Mr. Zettel before the next meeting to keep that project moving.

Heather Pilot wants to be kept informed about the Parks and Recreation meetings. She was informed about the website notices, agenda and packets.

Adjournment:

A motion to adjourn the meeting was made by Commissioner Selbig and was supported by Commissioner Hathaway. The meeting adjourned at 6:52 p.m.

Ayes: all. Motion carried.

Adam Zettel, Secretary

mms