



CITY OF GROSSE POINTE WOODS

20025 Mack Plaza Drive
Grosse Pointe Woods, Michigan 48236-2397

(313) 343-2440
Fax (313) 343-2785

NOTICE OF MEETING AND AGENDA

COMMITTEE-OF-THE-WHOLE

Mayor Robert E. Novitke has called a meeting of the City Council, meeting as a Committee-of-the-Whole, for **Monday, March 12, 2018, at 7:00 p.m.** The meeting will be held in the Conference Room of the Municipal Building, 20025 Mack Plaza, Grosse Pointe Woods, MI 48236 and is accessible through the Municipal Court doors. In accordance with Public Act 267, the meeting is open to the public and the agenda items are as follows:

1. Call to Order
2. Roll Call
3. Acceptance of Agenda
4. Fuel Tanks DPW Yard
 - A. Memo 02/26/18 – Director of Public Services
 - B. Memo 03/08/18 – Director of Public Services
5. Porta Potties – Lake Front Park
 - A. Memo 02/26/18 – Director of Public Services
 - B. Photos (3)
6. Property Transfer Affidavit Fines
 - A. Memo 03/12/18 – Treasurer/Comptroller
 - B. Proposed Resolution
7. Fiscal Forecasting
8. Headlee Override
 - A. Letter 02/23/18 – City Attorney
 - B. Email 03/02/18 – Lansing City Clerk
 - C. Email 03/06/18 – MML
 - D. Miscellaneous Totals/Statistics Report 02/22/18
 - E. Draft Information Sheet 03/08/18
9. Animal Ordinance
 - A. Ordinance No. 878 – An Ordinance to Amend Chapter 6 Animals, Division 2 License to Amend the Timing of License Renewal and To Clarify Expiration Dates
 - B. Chapter 6 - Animals

10. New Business/Public Comment
11. Adjournment

Bruce Smith
City Administrator

IN ACCORDANCE WITH PUBLIC ACT 267 (OPEN MEETINGS ACT)
POSTED AND COPIES GIVEN TO NEWSPAPERS

The City of Grosse Pointe Woods will provide necessary, reasonable auxiliary aids and services, such as signers for the hearing impaired, or audio tapes of printed materials being considered at the meeting to individuals with disabilities. All such requests must be made at least five days prior to a meeting. Individuals with disabilities requiring auxiliary aids or services should contact the City of Grosse Pointe Woods by writing or call the City Clerk's office, 20025 Mack Plaza, Grosse Pointe Woods, MI 48236 (313) 343-2440, Telecommunications Device for the Deaf (TDD) 313 343-9249, or e-mail the City Clerk at cityclk@gpwmi.us.

cc:

Council – 7
Berschback
Smith
Hathaway

Rec. Secretary
Email Group
Media - Email
Post -8

File

MEMO 18-15

TO: Bruce Smith, City Administrator *B.S.*
FROM: Frank Schulte, Director of Public Services *FS.*
DATE: February 26, 2018
SUBJECT: Fuel Tanks DPW yard

4
RECEIVED
FEB 27 2018
CITY OF GROSSE POINTE WOODS

Currently there are two underground 6,000-gallon fuel tanks in the DPW yard, one is diesel and the other is gas. These underground fuel tanks were installed in 1990 and are 28 years old. They are inspected by the State of Michigan hazard material storage division every three years. Part of this inspection includes pressurizing the fuel tanks to make sure the integrity of the tank walls are in good shape and have no cracks.

The recent testing revealed that the outside tank wall on the underground gas tank has two cracks, one on its side and one on the bottom. These cracks are allowing ground water to get into the interstitial space between the two tank walls. At this time there is no fuel leaking.

Once this information was given to the State of Michigan inspector for hazardous materials, Gary Miles, it was determined that the fuel tanks could be red-tagged. Once red-tagged the tank would be locked out and would not be able to be refilled. The tanks were not red-tagged because we are currently working on replacing them in a timely fashion. The State of Michigan inspector is working with the city until we can install new fuel tanks. If you expose one fuel tank you would have to replace both of them due to the age of the tanks.

My recommendation is to go with an aboveground fuel tank system that would be less costly to the city. The new aboveground fuel tanks would be located next to the bag barn in the DPW yard. This would be the one single 8,000-gallon dual wall tank. The one tank would be split in half to provide storage for 4,000 gallons of gasoline and 4,000 gallons of diesel fuel. Currently our monthly usage is approximately 3,500 gallons of gasoline and 1,500 gallons of diesel fuel. After reviewing with the DPW staff, we believe the single split 8,000-gallon tank would be the appropriate size and could handle the monthly needs for the City Of Grosse Pointe Woods vehicle fleet.

To expedite the needed fuel tank removal and replacement I am requesting city council give me permission to solicit quotes with a predetermined scope of work. Upon receipt of the quotes, I will have them reviewed by AEW to determine the best price and contractor. AEW will perform job oversight on the project at a cost of \$6,000.00. I believe this is the most cost-effective and quickest way to expedite the work needed for the fuel tank replacement. The estimated cost of this project is \$200,000.00 to \$300,000.00.

There is one unknown factor in this project. There could be additional environmental work and expense for remediation of contamination of the ground surrounding the tanks. At this time, this is an unknown cost and any contamination will not be discovered until removal of the existing underground fuel tanks and soil testing.

Please contact me if you have any questions concerning this matter.

FS/dm

MEMO 18-15 A

TO: Bruce Smith, City Administrator
FROM: Frank Schulte, Director of Public Services *FS*
DATE: March 8, 2018
SUBJECT: UPDATE Fuel Tanks DPW yard

RECEIVED
MAR -8 2018
DS

After investigation, I discovered the State of Michigan provides coverage for pollution control removal of underground and above ground fuel tanks for private vendors and local municipalities. This entity is called the *Michigan Underground Storage Tank Authority* (MUSTA).

Staff is in the process of submitting the required information to MUSTA. If the city is accepted by the MUSTA program, we will be able to cancel our third-party insurance coverage for fuel tanks.

The coverage provided by the MUSTA program is free and is subsidized by the recent one cent increase in the gasoline tax. The deductible for the MUSTA program coverage is only \$2,000.00

Currently, the city's vendor we utilize for the fuel tank pollution control coverage is *Berkeley Environmental* and the deductible is \$25,000.

In addition, I have found that regulations have been lowered by the State of Michigan when removing fuel tanks. Only the disturbed ground around the fuel tanks is tested for contaminants and if it is not disturbed there is no excessive excavation of ground material around fuel tanks for contaminants required.


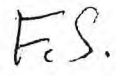
When the current underground tanks were installed there was only \$8,000 worth of contaminated soil removed from the area. Currently, the tanks are not leaking fuel. However, the outside walls of the tanks are cracked and allowing water to enter into the interstitial space between the tanks.

I do not believe there will be any excessive amounts of contaminant soil that will need to be removed with this project

Please contact me if you have any questions concerning this matter.

MEMO 18-14

5

TO: Bruce Smith, City Administrator 
FROM: Frank Schulte, Director of Public Services 
DATE: February 26, 2018
SUBJECT: Porta Potties – Lake Front Park

After reviewing the current restroom locations and park patrons' needs with Lake Front Park staff, we would like to suggest the following two locations for additional restrooms/porta potties. The first location is near Pavilion #1 located by the marina on the Ford estate side of the park. When large groups of people rent out this facility, they have to walk approximately a quarter mile to use the restroom. There have been many issues with residents using the Ford estate fence to relieve themselves. The second recommended location is near Pavilion #2 located behind the diving pool. This is another long stretch of park that has no nearby restroom facilities. The staff and I believe installing porta potties in these suggested areas would benefit Woods residents when using the park.

The porta potties would be enclosed inside shadowbox fencing and would have a cement base. DPW workers could easily build the enclosures and the estimated cost would not exceed \$2,000.00 for both. I have attached photos of a similar enclosure with porta potties taken at the St. Clair Michigan River Front Park located in the middle of downtown St. Clair Michigan on the river.

We received a quote from Jay's Septic Tank Service to provide two new porta potties. They would be serviced once a week at a cost of \$113 per unit, per month for an annual cost of \$2,712.00.

I recommend installing two porta potties with enclosures to help benefit the residents when they are using our Lake Front Park.

Please contact me if you have any questions concerning this matter.

FS/dm









CITY OF GROSSE POINTE WOODS
Office of the Treasurer/Comptroller



Memorandum

DATE: March 12, 2018
TO: Mayor Novitke and City Council
FROM: Cathrene Behrens, Treasurer/Comptroller
SUBJECT: Property Transfer Affidavit Fines

RECEIVED
FEB 28 2018
CITY OF GROSSE PTE. WOODS

MCL 211.27a, **Property tax assessment; determining taxable value; adjustment; exception; "transfer of ownership" defined; qualified agricultural property; notice of transfer of property; notification of recorded transaction; definitions**, mandates that the transfer of real property be filed with the local assessor within forty-five (45). Late filings with the local assessing office can result in a fine of \$200.00 being assessed for late filing. Municipalities who assess and collect these fines generally assess a penalty of \$5.00 per day (1st day after 45 days) up to a maximum of \$200.00. The City of Grosse Pointe Woods, at the present time, does not assess these fines to new homeowners or commercial property owners who file after the 45-day deadline. The State Tax Commission now mandates that communities who do not assess these property transfer affidavit fines have in place, a formal adopted resolution detailing this fact.

Attached is a resolution I received from WCA, used in other communities who have adopted this same waiver.

Recommendation

I am respectfully requesting City Council approve the attached resolution regarding the "Waiver of Penalties for Failure to File Property Transfer Affidavits" as attached.

**CITY OF GROSSE POINTE WOODS
WAYNE COUNTY, MICHIGAN**

**WAIVER OF PENALTIES FOR FAILURE TO FILE
PROPERTY TRANSFER AFFIDAVITS**

Whereas, the City of Grosse Pointe Woods is aware that Michigan statute, MCL 211.27a(10) requires the buyer, grantee or other transferee of a property to notify the appropriate assessing office within 45 days when a transfer of ownership occurs, and

Whereas, MCL 211.27a(10) further requires that such notification be made on a form prescribed by the State Tax Commission, commonly known as a Property Transfer Affidavit (form 2766 or L-4260), and

Whereas, the City is aware that MCL 211.27b(1)(c) and (d) provides for specific penalties to be levied if the appropriate assessing office is not notified within 45 days, and

Whereas, MCL 211.27b(5) allows the governing body to waive, by resolution, the penalty levied under subsection (1)(c) or (d), and

Whereas, the City of Grosse Pointe Woods Assessing Office has procedures in place to notify the buyer, grantee or transferee of a property when the Property Transfer Affidavit has not been filed, and

Whereas, the City of Grosse Pointe Woods has determined the cost to administer and collect the penalty, then share collected penalties with other taxing jurisdictions outweighs the benefit, and

Whereas, the City finds the collection of penalties is unnecessary.

Now Therefore Be it Resolved the City Council of the City of Grosse Pointe, as provided in MCL 211.27b(5), waives the collection of penalties under subsections (1)(c) or (d), and

Also Therefore be it Resolved that any resolution, policy or directive in conflict with this Resolution is hereby repealed.

Moved: _____ Seconded: _____

Ayes: _____

Nays: _____

Absent and Excused: _____

RESOLUTION DECLARED ADOPTED.

By: _____
Lisa K. Hathaway, City Clerk
City of Grosse Pointe Woods, Michigan

CERTIFICATE

I, Lisa Kay Hathaway, City Clerk of the City of Grosse Pointe Woods, do hereby certify that the above is a true and correct copy of a Resolution which was adopted by the City of Grosse Pointe Woods City Council on the _____ day of _____ March, 2018.

Dated: _____

Lisa K. Hathaway, City Clerk

DON R. BERSCHBACK
ATTORNEY AND COUNSELOR AT LAW
24053 JEFFERSON AVENUE
ST. CLAIR SHORES, MICHIGAN 48080-1530

(586) 777-0400
FAX (586) 777-0430
E-MAIL donberschback@yahoo.com

OF COUNSEL
CHARLES T. BERSCHBACK

February 23, 2018

The Honorable Mayor and City Council
City of Grosse Pointe Woods
20025 Mack Plaza
Grosse Pointe Woods, MI 48236

RE. November Millage Proposal

Dear Mayor and Council:

Over the past several weeks there have been discussions on varying options to improve the financial strength of the City. Recent Committee of the Whole meetings were held on January 29, 2018 and February 5, 2018. Based on the consensus of the Committee of the Whole determinations were made to develop language for a November Millage Ballot Proposal (in effect a Headlee Amendment override).

The City Charter has a maximum levy of 20 mills. Under the Headlee Amendment and other statutes there is a formula to roll back the millage rate within the authorized amount. Several statutes are involved including the Property Tax Act (MCLA 211 et seq). specifically, 211.24f is controlling:

211.24f. Proposals for authorization of issuance of bonds, imposing new or increasing or renewing existing millage; ballots; maximum number of elections; form of question for requests for renewal of voter authorized millage and authorization of new additional millage.

While other statutes are involved this is the most significant language for our consideration.

Our office has had extensive communication with Patrick F. McGow from the law firm of Miller Canfield – the City's bond counsel and an attorney most knowledgeable in this area of the law. There is no question that under the law the requested millage proposal is an increase.

Any ballot language must contain, among other things, the following:

- The rate – 4 mills.
- The term – 10 years from 2019 to 2028.
- The purpose of the millage – funds for municipal purposes including police and fire services, parks and recreation and other public services.

The Honorable Mayor and City Council
February 23, 2018
RE: November Millage Proposal
Page 2

- The amount of funds that the millage would raise in the first year - \$2,656,656.00 in 2019.

Additionally, the language must be in a "neutral tone". The proposed language discussed at the February 5, 2018 Committee of the Whole meeting centered around the possibility of including actual language similar to "partially restored" or "reduced" from prior amounts, etc. This is not possible under the statute and could conceivably bring about extensive litigation prior to November.

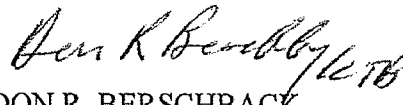
In lieu of the above the following language is the most acceptable ballot language for the November election:

Millage Proposal

Shall the limitation on the amount of taxes which may be imposed on taxable property in the City of Grosse Pointe Woods be increased by 4 mills (\$4.00 per \$1,000 of taxable value) for ten (10) years, 2019 to 2028 inclusive, in excess of the limitation imposed by the Headlee Amendment to the Michigan Constitution and Michigan Compiled Laws section 211.34d, to provide funds for municipal purposes, including police and fire services, parks and recreation, and other public services? If approved and levied in its entirety, this new additional millage would raise approximately \$2,656,656 in 2019.

Further discussion on this issue will take place at the Committee of the Whole on March 12, 2018.

Very truly yours,



DON R. BERSCHACK

DRB:gmr

cc: Pat McGow
Bruce Smith
Cathy Behrens
Lisa Hathaway
Charles T. Berschack

Lisa Hathaway

From: Swope, Chris <Chris.Swope@lansingmi.gov>
Sent: Friday, March 02, 2018 2:16 PM
To: Lisa Hathaway
Subject: Headlee
Attachments: Lansing Votes Newsletter.pdf

This passed in 2011 and was renewed in 2016. Attached is a newsletter I did in 2011.

2011

MILLAGE RESTORATION PROPOSAL

Shall the City restore its property taxing capacity to 20 mills as originally approved by the electors and reduced by operation of the Headlee Amendment for the next 5 years (from January 1, 2012 through December 31, 2016, inclusive), which is an increase of 0.8308 mills as new additional millage in excess of the current limit, and within which the City may raise the current levy of 15.44 mills by 4 mills to 19.44 mills, with 1.5 mills to be dedicated to police protection, 1.5 mills to be dedicated to fire protection, and 1 mill to be dedicated to local road maintenance and other essential services?

For the Fiscal Year beginning July 1, 2012, the 4 mills of new additional millage to be levied is estimated to result in an additional \$7.6 million of revenue to be disbursed to the City of Lansing. If approved, and the City levied an additional .8308 mills in excess of the Headlee Cap of 19.1692 mills to the maximum amount of 20 mills, this would result in \$1.58 Million in estimated revenue to be disbursed to the City.

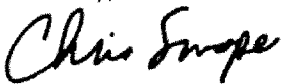
2016

ESSENTIAL SERVICES MILLAGE RENEWAL PROPOSAL

Shall the City maintain its property taxing capacity at 20 mills for the next five (5) years (from January 1, 2017 through December 31, 2022 inclusive), which is .8308 mills in excess of the current Headlee Amendment limit, and allow the City to renew the current levy of 19.44 mills for the purpose of funding essential services, including police protection, fire protection, local road and sidewalk maintenance?

For the fiscal year beginning July 1, 2017, the continuation of the additional millage levied is estimated to result in \$8 million of revenue to be disbursed to the City of Lansing. The City of Lansing currently levies 19.44 mills. While there are no current plans to do so, if this measure is approved, and the City were to levy the additional .56 mills in excess of 19.44 mills to the maximum amount of 20 mills, it would result in an additional \$1.12 million in estimated revenue to be disbursed to the City.

Sincerely,



Chris Swope, CMMC/MMC
Lansing City Clerk
124 W. Michigan Ave, 9th Floor
Lansing, MI 48933-1695

Main: (517) 483-4131
Direct: (517) 483-4130



LANSING VOTES!

2011 Election Newsletter

SAMPLE BALLOT

November 8, 2011

CANDIDATES

Council Member At-Large (elect 2)

- ☐ Rory Lorraine Neuner
- ☐ Derreck Quinney
- ☐ Tom Stewart
- ☐ Carol Wood

Council Member Ward 1 (elect 1)

- ☐ Lynne Martinez
- ☐ Jody Washington

Council Member Ward 3 (elect 1)

- ☐ A'Lynne Robinson
- ☐ Jason Wilkes

Lansing School District

Board of Education (elect 3)

- ☐ Nicole Armbruster
- ☐ Jeffrey Croff
- ☐ Mark Eagle
- ☐ Rachel R. Lewis
- ☐ Stephen Manchester
- ☐ Andy Mutavdzija
- ☐ Peter Spadafore
- ☐ Karen Truskowski
- ☐ B. Michael Williams

NOTE: Some Lansing residents live in Holt, East Lansing or Waverly school district.

PROPOSALS

LANSING CITY CHARTER GENERAL REVISION

Shall there be a general revision of the Lansing City Charter?

YES ____ NO ____

AUTHORIZE SALE OF A PORTION OF THE RED CEDAR GOLF COURSE

SHALL THE CITY OF LANSING, FOR REDEVELOPMENT PURPOSES, BE AUTHORIZED TO SELL OR OTHERWISE DISPOSE OF THAT PORTION OF RED CEDAR GOLF COURSE, A/K/A RED CEDAR PARK, DESCRIBED AS: A parcel of land in the Southeast 1/4 of Section 14, T.4 N.- R.2 W., City of Lansing, Ingham County, Michigan, described as follows: Beginning at a point on the East line of said Section which is 119.50 feet, S.00°-33'-40"W., of the East 1/4 corner of said Section; thence continuing S.00°-33'-40"W., on the East line of said Section, 540.50 feet; thence N.89°-37'-22"W., 1020.84 feet to a line common with a deed recorded in Liber 575, Page 438, Ingham County Records; thence N.00°-22'-38"E., on said common line, 540.50 feet to the South right of way line of Michigan Avenue (so-called); thence S.89°-37'-22"E., on said South right of way line, 1022.58 feet to the point of beginning, containing 12.68 acres of land and subject to any easements of record.

YES ____ NO ____

MILLAGE RESTORATION PROPOSAL

Shall the City restore its property taxing capacity to 20 mills as originally approved by the electors and reduced by operation of the Headlee Amendment for the next 5 years (from January 1, 2012 through December 31, 2016, inclusive), which is an increase of 0.8308 mills as new additional millage in excess of the current limit, and within which the City may raise the current levy of 15.44 mills by 4 mills to 19.44 mills, with 1.5 mills to be dedicated to police protection, 1.5 mills to be dedicated to fire protection, and 1 mill to be dedicated to local road maintenance and other essential services?

For the Fiscal Year beginning July 1, 2012, the 4 mills of new additional millage to be levied is estimated to result in an additional \$7.6 million of revenue to be disbursed to the City of Lansing. If approved, and the City levied an additional .8308 mills in excess of the Headlee Cap of 19.1692 mills to the maximum amount of 20 mills, this would result in \$1.58 Million in estimated revenue to be disbursed to the City.

YES ____ NO ____

ABSENT VOTER INFORMATION

If you need an Absentee Ballot for this election, please contact the Clerk's Office at (517) 483-4133, download an application from www.lansingmi.gov/clerk, or you may pick up your ballot in person at the Clerk's Office.

ABOUT THE BALLOT PROPOSALS

CITY CHARTER GENERAL REVISION

If the ballot proposal is approved:

- Would require the election of a 9 member Charter Commission at a special election to review and propose changes to current City Charter.
- Charter Commission would operate until revision is adopted or a maximum of 3 years.
- Proposed changes would have to be approved by voters, possibly requiring a special election; if rejected, changes can be proposed up to 2 additional times, potentially requiring 2 additional special elections. The cost of a citywide election is approximately \$60,000.
- Pay of the Charter Commission would have to be determined by City Council. Staffing would have to be provided by the City Clerk's Office; in addition legal advice would likely be needed.

AUTHORIZATION TO SELL A PORTION OF THE RED CEDAR GOLF COURSE

If the ballot proposal is approved:

- The City would be authorized to sell 12 of the 61 acres at the former Red Cedar Golf Course, which was closed four years ago due to the city's budget shortfalls. The 12-acre parcel along Michigan Avenue was recently appraised at an estimated \$5 million.
- The City would issue a Request for Proposals (RFP) to potential buyers for the construction of new buildings and other improvements on the 12-acre parcel. The remaining 49 acres at Red Cedar would remain as a public park owned by the city. New development on the 12-acre site could include residential, retail and commercial office space.
- Net proceeds from the sale of the property would be used to: 1) rehabilitate and reopen the Red Cedar property as a public recreation area, 2) improve and maintain other parks and recreation facilities across the City of Lansing, and 3) offset some of the costs of a proposed environmental project on the Red Cedar property that would create a series of ponds and waterways to filter pollution from stormwater before it enters the Red Cedar river.

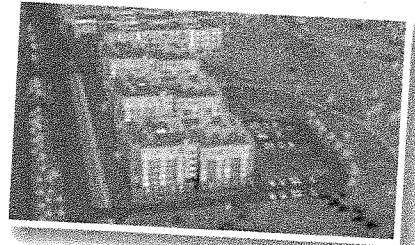
SPECIAL MILLAGE FOR POLICE, FIRE AND ROADS

If the ballot proposal is approved:

- The City Council would be authorized to increase the City's property tax millage rate from the current rate of 15.44 mills to a new rate of 19.44 mills - an increase of 4 mills. The proposal would also reset the city's maximum millage rate to 20 mills under the Headlee Amendment.
- The millage would generate an estimated \$7.6 million for the city's General Fund next year, of which \$2.85 million (1.5 mills) would be dedicated to police protection, \$2.85 million (1.5 mills) to fire protection, and \$1.9 million (1 mill) to improving neighborhood streets and other essential services.
- For a residential homestead property valued at \$100,000, the 4-mill increase would cost the homeowner less than

\$200 per year. However, due to declining real estate values, most Lansing homeowners would still pay less property taxes than last year, even if the 4-mill increase is approved.

- The City is projecting another \$12 to \$15 million budget deficit for Fiscal Year 2012-13 (starting July 1, 2012). If the special millage for police, fire and roads is not approved, additional cuts will be necessary in all city departments, including the police and fire departments, and funding for repairs to local streets will be reduced or eliminated.



Dear Lansing Resident,

I am pleased to present you with the Lansing Votes 2011 Newsletter. This newsletter serves as a sample ballot for the November 8 City General Election. Please take time to study the information carefully. You may want to take this guide to the polls with you on Election Day.

**The polls are open from 7 a.m. to 8 p.m.
on Tuesday, November 8.**

If you need to confirm where you vote, please use the link at www.lansingmi.gov/clerk or contact my office at (517) 483-4133.

I hope you find this newsletter helpful and informative. If you would like additional copies or have other questions, please don't hesitate to contact me.



Sincerely,

Chris Swope

Chris Swope, CMC
City Clerk

Chris Swope, City Clerk
Lansing City Clerk's Office
124 W. Michigan Ave., 9th Floor
Lansing MI 48933



Lisa Hathaway

From: Kim Cekola <kcekola@mml.org>
Sent: Tuesday, March 06, 2018 10:48 AM
To: Lisa Hathaway
Subject: Headlee override ballot language
Attachments: ballot prop - headlee override - charlotte.pdf; ballot prop - headlee override - lansing.pdf

Hi Lisa,

I just saw your post on the MAMC forum re Headlee override ballot language. We had these two samples in our files—but no educational materials. I hope you were able to get some from somewhere.

Kim

Kim Cekola
Research Specialist/Editor
Legal Affairs Department
Ph: 734-669-6321 | Fax: 734-663-4496
1675 Green Road, Ann Arbor MI 48105
www.mml.org



The information contained in this email is provided solely for general informational purposes and should not be interpreted as legal advice. The League encourages municipal officials to consult with their legal counsel on questions of law.

**CITY OF CHARLOTTE
HEADLEE OVERRIDE BALLOT PROPOSAL**

Shall the authorized charter millage for the City of Charlotte, established at 15 mills (\$15.00 per \$1,000 of taxable value) and reduced to 14.2913 mills (\$14.2913 per \$1,000 of taxable value), by the required millage rollbacks, be increased in an amount not to exceed .7087 mills (\$.7087 per \$1,000 of taxable value) to restore the full amount of the original authorized charter rate for each year for three (3) years, 2012 to 2014, inclusive, for all City and municipal purposes authorized by law; and shall the City levy such new additional millage? The estimate of the revenue the City will collect if the millage is authorized and levied by the City in the 2012 calendar year is approximately \$159,800, a portion of which (\$2,000) will be disbursed to the Charlotte Downtown Development Authority and a portion (\$2,300) which will be disbursed to the Charlotte Local Development Finance Authority.

Population: All Records

<<<< S.E.V., Taxable and Capped Values >>>>

698,045,827

Grosse Pointe Woods Public Safety and Public Services Millage

Insert public safety and public works collage photos

August 7, 2018 Election

Council and administration have heard the concerns of the residents of Grosse Pointe Woods. The concerns raised have included additional public safety services being provided to the community and the poor condition of the City roadways. Adding strength in numbers to the Department of Public Safety and repair or replacement of streets requires equipment to support and maintain these efforts. The Departments of Public Safety and Public Works are using equipment in excess of thirty years old that can no longer be repaired or parts are no longer available. The equipment requires replacement in order to continue providing the services that Grosse Pointe Woods residents have come to count on and expect.

City Council and administration have felt the brunt of declining revenues over the past fifteen years, yet have produced annual budgets that have garnered consistently positive ratings from City auditors. These ratings have been supported by receiving the Excellence in Financial Reporting Award from the Government Finance Officers Association for 48 years running, as well as the Outstanding Achievement in Popular Annual Financial Reporting Award for 4 consecutive years, 2013-2016. Although city budgets have withstood a loss in revenue sharing since 2003 and the recession of 2008, some of the city's assets and infrastructure have not. When necessary, funds have been diverted from the general fund into Public Safety and other accounts to maintain sustainability.

In the wake of these setbacks, the City has, and continues, to take action to provide the services Grosse Pointe Woods residents deserve. The effects of Proposal A on the Headlee Amendment have reduced city revenue sharing by \$6.091 million from 2003 – 2016 with no solution on the immediate horizon. In an effort to rectify those losses, the City has entered into a class action lawsuit together with other Michigan municipalities to recapture revenue sharing funds from the state as formulated in the Headlee Amendment and as passed by the voters. Additionally, a budgetary status quo has been maintained but consequently has included an inability to replace or resurface roads, maintain municipal buildings and other facilities, or replace aging vehicles and equipment. The city has offset budget losses in revenue through cost containment measures such as reducing the number of full and part-time employees, eliminating or reducing benefits, contracting ambulance and assessing services, and implementing unpaid furlough days.

If this millage is approved, it will provide the funding to achieve goals that include adding officers to the Department of Public Safety, reconstructing roadways, and updating equipment to maintain the City in a manner the residents have come to expect and enjoy. In turn, these improvements will reflect positively on the quality of life and the home values the residents of Grosse Pointe Woods have invested in for many generations.

City of Grosse Pointe Woods Headlee Override Millage Proposal for Public Safety and Public Services

Shall the limitation on the amount of taxes which may be imposed on taxable property in the City of Grosse Pointe Woods be increased by 4 mills (\$4.00 per \$1,000 of taxable value) for ten years, 2019 to 2028 inclusive, in excess of the limitation imposed by the Headlee Amendment to the Michigan Constitution and Michigan Compiled Laws section 211.34d, to provide funds for municipal purposes, including public safety services, public works, and other public services? If approved and levied in its entirety, this new additional millage would raise approximately \$2,792,822 in 2019.

What are the facts?

What would this millage accomplish?

- 1. Hiring of two (2) additional full-time Public Safety Officers.***
- 2. Local Road Improvements: A 10-year plan for local road improvements has a total estimated cost of \$12,947,645.86 including resurfacing or reconstruction of 6.01 miles of roadway encompassing 27 streets.***
- 3. Public Safety Equipment and Technology: A 10-year plan for the Public Safety Department details over \$3.1 million in equipment needs replacing a 28-year old 100' Ladder Truck, patrol vehicles, and providing technology updates.***
- 4. Public Works Equipment: A 5-year plan for the Department of Public Works details over \$2 million in equipment needs that require replacing due to the age and "wear and tear" on the current fleet. Equipment includes Vac-All sweepers, multi-use utility vehicles, a municipal tractor, and a backhoe.***

What Is The Millage Going To Cost Me?

A home with a 2018 ***taxable value*** of \$75,000 will pay an additional:

- \$300 per year;
- \$25 per month;
- \$.83 per day.

To calculate:

Taxable value x millage rate (4) ÷ 1,000

What will happen if the millage doesn't pass?

- Public Safety and other services will be negatively impacted given an expected further decline in personnel and aging equipment.
- Roads and infrastructure will continue to deteriorate.
- Deteriorating infrastructure will negatively impact home values and quality of life.
- Public Works services will be negatively impacted if having to continue using failing and aged equipment.

What is the Department of Public Safety?

The Grosse Pointe Woods Department of Public Safety provides police and fire services, and officers that are certified medical first responders. The department is comprised of 30 sworn officers, 7 dispatchers, 4 civilian support staff, 1 animal/code enforcement officer, 2 parking enforcement officers, and 1 Chaplain. They are dedicated to providing safety on the streets, to your schools, homes and property, and during city events. The department is involved in community events and programs including teaching fire and crime prevention to children, CPR training to the community and city employees, provides oversight to 18 crossing guards, and supervises 14 Public Safety auxiliary officers.

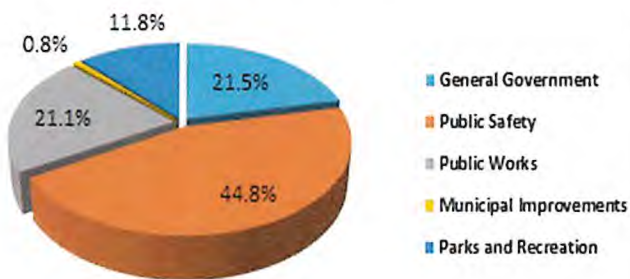
What is the Department of Public Works?

The Grosse Pointe Woods Department of Public Works is comprised of 24 full-time and 5 part-time employees who maintain 41.75 miles of local roads, 68.5 miles of water mains, 95 miles of sewer, 1,571 catch basins, 1,297 sewer manholes, and 90.75 acres of park lands. This includes snow removal on streets and sidewalks and leaf street-sweeping.

Cost Containment Measures Implemented since 2009:

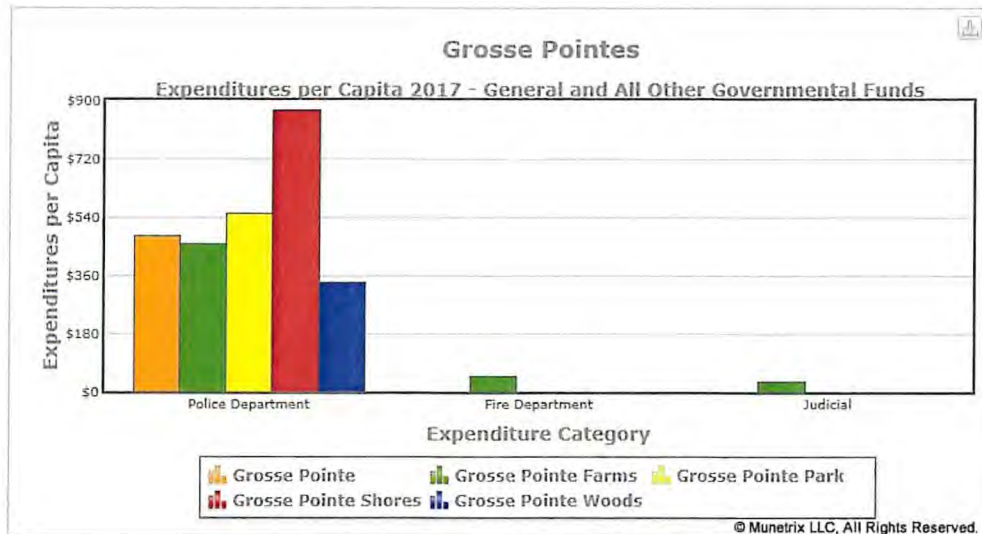
- Eliminated 12 full-time positions in the City for total savings of \$9.1 million since 2006.
- In 2014 contracted EMS Services eliminating 5 full-time positions, ambulance, and vehicle maintenance reducing costs over \$400,000.
- In 2016 WCA Assessing was contracted to perform city assessing services saving the city \$258,000.
- Implemented high deductible health care plans for active employees with increased deductibles, co-insurance and co-pays resulting in total savings since January 2017 of approximately \$435,000 to date.
- Elimination of retiree health care for new employees (post 2011).
- Reduction of City of Grosse Pointe Woods Pension multiplier from 2.00 to 1.75 for new employees. General employees contribute 5% of their salary and Public Safety contributes 6% of their annual salary.
- Implemented five (5) unpaid furlough days for all City employees resulting in net savings to the City of \$169,000 since 2014.
- All City employees made concessions and went without wage increases from 2009 – 2015, an estimated \$1,022,975 savings.
- The four (4) labor union contracts were negotiated and in 2012, and a 9% decrease in concessions were ratified.

**2017 General Fund Expenditures
Where the Money Goes**



**2017 General Fund Revenue
Where the Money Comes From**





Public Safety:

- The Department of Public Safety was staffed at the lowest per capita in all the Grosse Pointes in 2016 and 2017.
- Overall crime increased 20% in 2016.
- Index crimes reported to public safety were 236, a 22% increase over 2015 including aggravated assault, arson, auto theft, burglary, criminal homicide, criminal sexual conduct, larceny, and robbery.
- Public Safety responded to 10,964 calls for service in 2016.
- Officers responded to five incidents of armed and unarmed robberies in 2016, a slight decrease from the six reported in 2015.

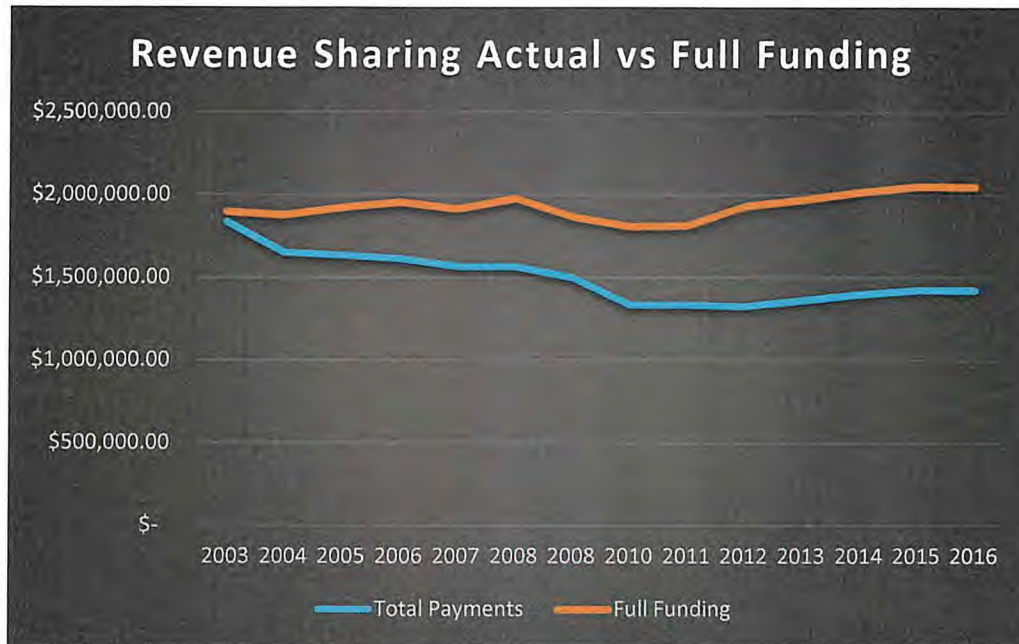
Public Services:

- _____ miles of roads were repaved or resurfaced in 2017. In 2015 voters approved a \$10 million road bond and the project has come to a close. Rising costs in road construction did not allow for the repair and replacement of as many streets as planned.
- 6.01 miles of roads remain in immediate need of repaving or resurfacing. There is a 10-year plan for future road projects encompassing 27 streets in the City with an estimated \$12,947,645.86 in construction costs.
- Tractors and street sweepers dating back 30 continues to depreciate.

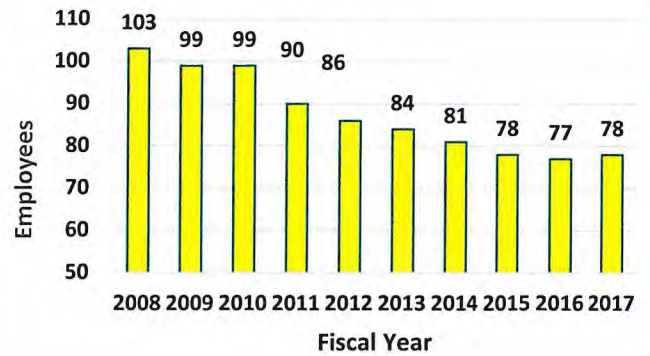
SaveMICity.org

\$6.091 Million Loss in Cumulative Revenue Sharing

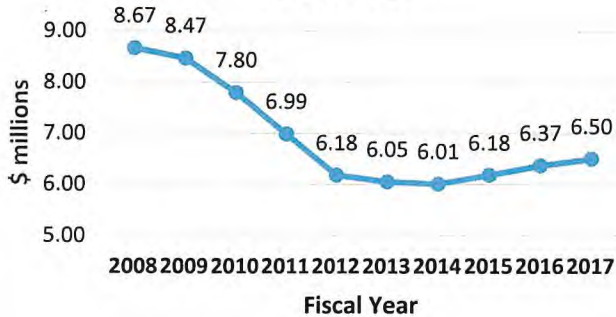
2003-2016



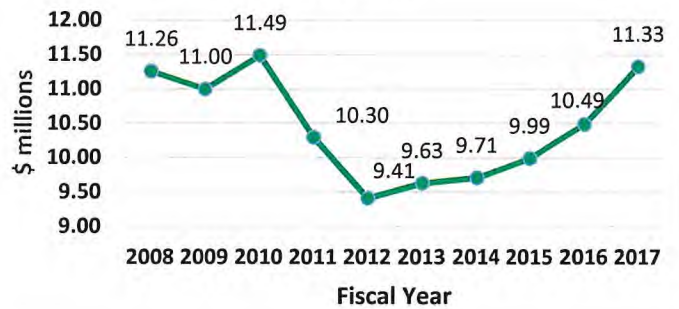
24% Decrease in Full Time Employees FY 2008-2017



Taxable Value FY 2008-2017



Tax Revenue FY 2008-2017



Visit www.gpwmi.us for more information including
the 2017 Popular Annual Financial Report and Annual Financial Report.

ORDINANCE NO. 878**AN ORDINANCE TO AMEND CHAPTER 6 ANIMALS,
DIVISION 2 LICENSE TO AMEND THE TIMING OF LICENSE RENEWAL
AND TO CLARIFY EXPIRATION DATES**

The City of Grosse Pointe Woods Ordains:

Sec. 6.69. Application.

It shall be the duty of any person owning, possessing or harboring a dog, cat or wild animal to first obtain a license for that purpose, which license shall be obtainable from the city clerk upon application in writing. The application shall state the full name and address of the applicant, and shall contain a statement indicating the breed, sex, age, color and markings of such animal.

Sec. 6.70. Rabies vaccination required.

It shall be the duty of any person owning, possessing or harboring a dog, cat or wild animal of the age of four months or older to have such animal immunized against rabies. Each application for a license shall be accompanied by proof of vaccination of the dog, cat or wild animal for rabies with a vaccine licensed by the United States Department of Agriculture, signed by an accredited veterinarian.

Sec. 6.72. Expiration.

All licenses issued under the provisions of this article shall either expire on March 1 of each year, or upon expiration of the rabies vaccination certificate, whichever occurs first.

First reading: 2-5-18

Second reading: 2-26-18

Published in GPN: 2-15-18

Adopted: 2-26-18

Effective: 3-18-18

Date Posted: 2-28-18

Chapter 6 - ANIMALS^[1]

ARTICLE I. - IN GENERAL

Sec. 6-1. - Nuisances committed by animals.

- (a) It shall be unlawful for the owner or person having charge, custody or control of any dog or other animal to permit, either willfully or through failure to control such animal, any such dog or other animal to commit any nuisance by defecating and to then allow such nuisance to thereafter remain on public sidewalks, public parks or any other public property or upon any private property other than that of the owner or person who has custody or control of such dog or other animal. It shall be unlawful for any owner or person having charge, custody or control of any dog or other animal to accompany such dog or other animal upon the public streets, sidewalks or other public property or upon private property not owned or under such person's control unless such owner or person in charge, custody or control of such animal shall have possession of a trowel, shovel or other similar device and a bag or box or other similar container for the purpose of removing any nuisance committed by such dog or other animal.
- (b) This section shall not apply to leader, guide, hearing and service animals while in service.

(Code 1975, § 8-11-23; Code 1997, § 6-1)

State Law reference— Common law liability for dogs, MCL 287.288.

Sec. 6-2. - Feeding wild animals.

No person shall keep, feed or encourage the presence within the city of any wild animals, rodents or vermin, including, but not limited to, an excessive number of birds, to the extent that the presence of such wild animals creates a public or private nuisance. An example of a public or private nuisance under this section may be, but is not limited to, the excessive deposit of fecal matter on public or private property. Encouraging or feeding of wild animals under this section shall include, but is not limited to:

- (1) The placing, either directly or indirectly, of animal or bird feed on the ground which encourages the lingering or congregation of wild animals, rodents or vermin (other than birds); or

- (2) The placing, either directly or indirectly, of animal or bird feed on the ground which results in an excessive amount of birds which constitute a public or private nuisance.

(Code 1997, § 6-2; Ord. No. 794, § 1, 6-21-2004)

Sec. 6-3. - Livestock.

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

Livestock means horses, cows, calves, swine, sheep, goats, rabbits, chickens, geese, ducks, pigeons or other like or similar animals or fowl.

- (b) *Harboring.* It shall be unlawful for any person to keep livestock in the city with the exception of the Grosse Pointe Woods Hunt Club.

(Code 1975, § 8-13-2; Code 1997, § 6-157)

Sec. 6-4. - Violations.

Any person who shall violate any provision of this chapter, except for article II, division 3 of this chapter, shall be responsible for a municipal civil infraction.

Secs. 6-5—6-26. - Reserved.

ARTICLE II. - DOGS, CATS AND WILD ANIMALS

DIVISION 1. - GENERALLY

Sec. 6-27. - Scope.

For the purpose of this article, any person who shall allow a dog, cat or wild animal to habitually remain or to be lodged within the store, building, enclosure or premises of such person shall be considered as possessing or harboring a dog, cat or wild animal within the meaning of this article. The term "wild animal," as used in this article, shall not include animals kept in cages and housed within a building, such as hamsters, rabbits, white mice and other similar pets.

(Code 1975, § 8-11-2; Code 1997, § 6-31)

Sec. 6-28. - Compliance.

It shall be unlawful for any person to own, possess, harbor, keep, shelter or have custody of a dog, cat or wild animal within the corporate limits of the city contrary to the provisions of this article. Wild animals are prohibited, and are defined to mean any live animal which is generally not bred by humans except in zoological, laboratory or similar settings including the following: Any non-human primate, including but not limited to, animals commonly known as monkeys, chimpanzees, orangutans, gorillas, gibbons, apes and baboon, alligator, alligator (family), crocodiles, badger, bear, bison, cat (wild family) including but not limited to, cougars, cheetahs, jaguars and tigers, coyote, deer, dog (wild family), dog-wolf, elephant, insects of the venomous type, lizard (poisonous), martin, opossum (family), ostrich, raccoon, skunk, snakes of the venomous or dangerous type, weasel (family), any other animal which a person is prohibited from possessing by state or federal law.

(Code 1975, § 8-11-1; Code 1997, § 6-32; Ord. No. 864, 7-13-2015)

Sec. 6-29. - Barking or howling dogs.

No person shall own, harbor or keep any dog that by loud, frequent or habitual barking, yelping or howling shall cause serious annoyance to the neighborhood or to pedestrians upon the public highway.

(Code 1975, § 8-11-8; Code 1997, § 6-33)

Sec. 6-30. - Animals exposed to rabies.

Any person owning, possessing or harboring any animal which has been afflicted with rabies, or has bitten or attacked or been bitten or attacked by any animal known to have been afflicted with rabies, or that has the symptoms of rabies, shall immediately notify the public safety department that they have such an animal and shall deliver up to the public safety department the animal for impounding and observation.

(Code 1975, § 8-11-10; Code 1997, § 6-34)

State Law reference— Rules for control of rabies, MCL 333.5111.

Sec. 6-31. - Owner to pay costs of impoundment, boarding or destruction.

All costs of impounding, boarding or destroying any animal shall be borne by the owner of such animal. Any person found guilty of violating section 6-94(a) shall pay all expenses, including shelter, food, veterinary or other expenses, for identification or certification of the breed of the animal or boarding and veterinary expenses necessitated by the seizure of any dog for the protection of the public, and such other expenses as may be required for the destruction of any such dog. Payment of charges shall be made within ten days after written notice of such charges, and failure to make such payment shall be a violation of this article and shall be so punishable.

(Code 1975, § 8-11-17; Code 1997, § 6-35)

Sec. 6-32. - Destruction or sale of impounded animals.

- (a) If any animal is impounded for observation and it shall develop that such animal is afflicted with rabies or the animal is not picked up by its rightful owner within three days after the expiration of the observation period, it shall be destroyed.
- (b) Any animal impounded, the owner of which can be ascertained, shall be destroyed if the owner fails to pick up such animal within three days after written notice instructing the owner to do so has been given.
- (c) Any animal impounded, the owner of which cannot be ascertained, shall be destroyed if not claimed or picked up within five days after impounding.
- (d) All animals impounded, if not picked up within the time limits stated in this section and not afflicted with rabies, shall be destroyed unless such animal is worthy and valuable, in which event such animal shall be sold at the pound by public auction to the highest bidder at the hour of 12:00 noon next succeeding the period of retention specified in this section.

(Code 1975, § 8-11-18; Code 1997, § 6-36)

Sec. 6-33. - Administrative fee and boarding charge for impounded animals.

Under the provisions of this article, the administrative fee to be charged prior to the release of any impounded animal is to be as currently established or as hereafter adopted by resolution of the city council from time to time, plus the boarding charges by the impoundment facility.

(Code 1975, § 8-11-19; Code 1997, § 6-37)

Sec. 6-34. - Control of female dogs in heat.

It shall be unlawful for any owner of a female dog in heat to permit the dog to be upon the streets or highways and in other public places unless the female dog is properly restrained as set forth in section 6-36.

(Code 1975, § 8-11-20; Code 1997, § 6-38)

Sec. 6-35. - Animals subject to impoundment.

Any person who shall have in their possession any animal as set forth in section 6-30 or any animal which has attacked or bitten any person or other animal shall notify the public safety department of such fact, and produce and surrender such animal to the public safety department for impounding and observation. Any animal found running at large contrary to the provisions of this article shall be subject to impounding.

(Code 1975, § 8-11-11; Code 1997, § 6-39)

Sec. 6-36. - Dog leash required.

No person owning, possessing or harboring any dog shall permit such dog to be upon the streets, highways and other public places unless such dog shall be attached to a substantial leash, which leash shall be under the control of a person capable of restraining the actions of such dog.

(Code 1975, § 8-11-12; Code 1997, § 6-40)

Sec. 6-37. - Owner responsible for animal.

Any person owning, possessing or harboring any dog or being with a dog or other animal shall be responsible for and shall be held accountable for any and all acts or actions of such dog or other animal and shall not allow or permit such dog to enter upon, be upon or trespass upon the property of any other person without such person's express consent, nor shall any such person permit or allow any such dog to enter upon or be upon any public parks, playgrounds or recreational facilities, or any of the school grounds, where one or more signs, warning that no animals are allowed upon such premises, have been posted or placed in a conspicuous place thereon.

(Code 1975, § 8-11-13; Code 1997, § 6-41)

Sec. 6-38. - Maximum number of animals.

- (a) It shall be unlawful for any person to own, possess, harbor, keep, shelter or have custody of more than three dogs, or more than four cats, or a combination of dogs and cats greater than four, any of which are over four months old, on the same premises or property; except in any commercial animal establishment, animal shelter, or veterinary hospital or clinic.
- (b) Any appeal relating to the permissible number of cats and dogs provided for immediately above, or appeals relating to wild animals, shall be heard by the city council. The applicant shall be a resident of the property where the animal(s) is proposed to be kept. The animal control officer shall investigate the application and make a written report and recommendation to the council. Adjoining property owners will be notified of the hearing date before the council. The council shall set a hearing fee by resolution. The council in its sole discretion may deny or grant the applicant's request after consideration of the following criteria: (i) the reasons or the circumstances surrounding the request; (ii) the risk of disturbing the peace and quiet of the neighborhood if the request is granted; (iii) any prior violations or complaints relating to this chapter; and (iv) the total number of animals allowed by this chapter which are presently kept or will be kept on the property.

(Code 1975, § 8-11-14; Code 1997, § 6-42; Ord. No. 864, 7-13-2015)

Sec. 6-39. - Abandoning animals.

It shall be unlawful for any person to deposit or release any animal for the purpose of abandoning the animal.

(Code 1975, § 8-11-15; Code 1997, § 6-43)

Sec. 6-40. - Animals running at large.

Any animal found at large contrary to the provisions of this article shall be seized, impounded and disposed of as provided in this article; provided, however, that if such animal shall be elusive and incapable of being seized, the department of public safety shall have the authority to destroy such animal forthwith.

(Code 1975, § 8-11-16; Code 1997, § 6-44)

Secs. 6-41—6-68. - Reserved.

DIVISION 2. - LICENSE^[2]

Sec. 6-69. - Application.

It shall be the duty of any person owning, possessing or harboring a dog, cat or wild animal to first obtain a license for that purpose, which license shall be obtainable from the city clerk upon application in writing. The application shall state the full name and address of the applicant, and shall contain a statement indicating the breed, sex, age, color and markings of such animal, and the name and address of the last previous owner.

(Code 1975, § 8-11-3; Code 1997, § 6-71)

Sec. 6-70. - Rabies vaccination required.

It shall be the duty of any person owning, possessing or harboring a dog, cat or wild animal of the age of four months or older to have such animal immunized against rabies. Each application for a license shall be accompanied by proof of vaccination of the dog, cat or wild animal for rabies with a vaccine licensed by the United States Department of Agriculture, signed by an accredited veterinarian. The expiration of the certificate of vaccination shall not be earlier than six months from the date of application for license for which the dog, cat or wild animal license is issued.

(Code 1975, § 8-11-4; Code 1997, § 6-72)

Sec. 6-71. - Issuance of license and tag; fee.

- (a) Upon receipt of an application for an animal license, the city clerk shall issue to the applicant a license permitting the applicant to own, harbor or possess an animal.
- (b) In addition, the city clerk shall issue a check or tag containing the license number, together with a suitable inscription indicating that the license has been issued under the provisions of this article for the animal for which application for license has been made.
- (c) Prior to the issuance of such license, the applicant shall pay to the clerk a license fee for each animal license as currently established or as hereafter adopted by resolution of the city council from time to time, whether the animal is male, female or unsexed. A fee as currently established or as hereafter adopted by resolution of

the city council from time to time shall be charged for each duplicate license issued. All license fees so received shall be deposited by the clerk into the treasury of the city.

(Code 1975, § 8-11-5; Code 1997, § 6-73)

Sec. 6-72. - Expiration.

All licenses issued under the provisions of this article shall expire on March 1 of each year.

(Code 1975, § 8-11-6; Code 1997, § 6-74)

Sec. 6-73. - Animals to wear collar and tag.

Any person owning, possessing or harboring any animal shall provide such animal with a substantial collar of leather, iron, copper, brass or other durable material, which may be elasticized, to which shall be securely attached the license check or tag issued under the provisions of this article, and it shall be unlawful for any person to remove such collar or the check or tag attached thereto from any animal without the consent of the licensee.

(Code 1975, § 8-11-7; Code 1997, § 6-75)

State Law reference— Similar provisions, MCL 287.262.

Sec. 6-74. - Time for licensing.

The provisions of this article relative to the licensing and vaccinating of animals shall apply with like effect to persons acquiring possession of dogs, cats and wild animals after the date specified, except that such application for license shall be made and such vaccination shall be performed within 48 hours after such dogs, cats or wild animals over four months of age have been acquired.

(Code 1975, § 8-11-21; Code 1997, § 6-76)

Sec. 6-75. - Notification of sale of animal.

It shall be the duty of a licensee who shall sell or dispose of any animal licensed under the provisions of this article to notify the clerk of such fact within 48 hours after sale or disposition of such animal, and to furnish information as to the new owner thereof and such owner's address.

(Code 1975, § 8-11-22; Code 1997, § 6-77)

Secs. 6-76—6-93. - Reserved.

DIVISION 3. - VICIOUS DOGS AND OTHER VICIOUS ANIMALS^[3]

Sec. 6-94. - Vicious dogs and other vicious animals prohibited.

(a) *Keeping pit bull terriers prohibited.* Because of the great inherent danger to the public health, welfare and safety, no person shall own, harbor or keep any dog commonly described as a pit bull terrier within the city. The term "pit bull terrier," as used in this section, shall be defined as any of the following:

- (1) A bull terrier breed of dog.
- (2) A Staffordshire bull terrier breed of dog.
- (3) An American Staffordshire bull terrier breed of dog.
- (4) An American pit bull terrier breed of dog.
- (5) A dog of mixed breed or of other breed than the breeds listed in this subsection, which breed or mixed breed is known as a pit bull dog or pit bull terrier and has the appearance and characteristics of being predominantly of any of the breeds listed in this subsection or any combination thereof.

Any such dog shall be impounded by an animal warden and held until a determination is made by a court of competent jurisdiction that the animal is a pit bull terrier. The court shall order that any dog determined to be a pit bull terrier shall be destroyed or removed from the city.

(b) *Keeping vicious animal prohibited; exception.* No person shall own, harbor or keep a vicious dog or vicious animal. This subsection shall not apply to guard dogs maintained for security purposes, provided that such guard dog has been professionally trained for that purpose and the nature of the dog is noted upon the license application at the time such license is issued. As used in this subsection, the term "vicious dog" means:

- (1) Any dog with a known propensity, tendency or disposition to attack unprovoked, or to cause injury to or otherwise threaten the safety of human beings or domestic animals;
- (2) Any dog which, without provocation, attacks or bites or has attacked or bitten

a human being; or

- (3) Any dog which, without provocation, seriously injures or kills another dog or domestic animal.

(Code 1975, § 8-11-9; Code 1997, § 6-101)

Sec. 6-95. - Administrative hearings concerning vicious dogs.

- (a) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, unless the context clearly indicates a different meaning.

Administrative hearing officer means the city administrator or the acting city administrator.

Vicious dog means:

- (1) Any dog with a known propensity, tendency or disposition to attack unprovoked, or to cause injury to or otherwise threaten the safety of human beings or domestic animals; or
 - (2) Any dog which, without provocation, attacks or bites or has attacked or bitten a human being.
- (b) *Hearing required.* Whenever a violation ticket is issued by a member of the department of public safety or the animal warden of the city which complaint alleges that a person is in possession of or is harboring a vicious dog, such person shall also be given a notice of administrative hearing, which notice shall contain a date and time for an administrative hearing whereat the administrative hearing officer will make a determination whether such animal meets the definition of a vicious dog and whether or not the animal shall be removed from the city pending the adjudication of the complaint by the court. The notice of hearing shall establish a hearing date not later than three working days from and after the date of the issuance of the complaint alleging the harboring or possession of a vicious dog and notify the person of the administrative hearing fee as set by council resolution from time to time. The fee shall be paid to the municipal court as court costs. The hearing date may be adjourned by the administrative hearing officer at the request of the party to whom the violation ticket was issued, but such adjournment shall not be for a period longer than five working days.
 - (c) *Hearing procedure.*

- (1) At the administrative hearing, the administrative hearing officer shall receive and review any reports of the public safety department concerning the events preceding the issuance of the complaint of possessing or harboring a vicious dog, and shall hear and consider any statement of the complainant in such matter or any witnesses to such events and any comments or statement of the owner or person alleged to be in possession or harboring the dog involved in the complaint.
- (2) The administrative hearing officer shall determine, based upon information received at the administrative hearing, the following:
 - a. The name of the owner or person in possession of or harboring the alleged vicious dog.
 - b. Whether such dog did or does meet the provisions of the definition of vicious dog contained in subsection (a) of this section.
- (d) *Determination.* After conducting the hearing provided for in subsection (b) of this section, the hearing officer shall prepare a written report of his findings of fact and conclusions as to whether the dog involved does in fact meet the definition of a vicious dog.
- (e) *Order to remove dog from city.* If the conclusion of the administrative hearing officer is that the dog is a vicious dog as defined in subsection (a) of this section, the administrative hearing officer may order that the owner or person harboring such dog shall cause such dog to be removed from the city and remain outside of the city until the original vicious dog complaint is adjudicated by the municipal court. A copy of the administrative hearing officer's order that the dog shall be removed from the city and remain outside of the city pending the adjudication of the court complaint shall be personally delivered and served upon the person found to be the owner of the dog or person in possession or harboring such dog. The order shall provide that the owner or person in possession of or harboring such dog shall have the dog removed from the city within 24 hours of receipt of such notice.
- (f) *Failure to abide by order of hearing officer.* Should the owner or person in possession or harboring such dog determined to be a vicious dog, after receiving the order of the administrative hearing officer directing that such dog be removed from the city and remain outside of the city until the court has adjudicated the

original complaint that such dog is a vicious dog, fail to abide by such order, such person shall be deemed to be in violation of the provisions of this Code and may be proceeded against for such violation.

- (g) *Violation.* Each day that the owner or person in possession of or harboring such vicious dog which has been ordered to be removed from the city fails to remove such dog from the city shall be deemed to be a separate violation of this Code, and upon conviction thereof such person shall be found guilty of a misdemeanor.

(Code 1975, §§ 8-21-1—8-21-6; Code 1997, § 6-102)

Sec. 6-96. - State law.

Nothing in this division prevents the city from pursuing dangerous animal proceedings under state law.

Secs. 6-97—6-118. - Reserved.

DIVISION 4. - ANIMAL CONTROL OFFICER

Sec. 6-119. - Office created.

The position of the animal control officer is hereby created in the city.

(Code 1975, § 8-11-24; Code 1997, § 6-131)

Sec. 6-120. - Appointment.

The city administrator may designate one of the employees of the city as the animal control officer.

(Code 1975, § 8-11-25; Code 1997, § 6-132)

Sec. 6-121. - Equipment.

The animal control officer shall be issued equipment for the performance of the duties of animal control officer but shall not be permitted to carry a pistol or revolver, handcuffs or a blackjack while on duty.

(Code 1975, § 8-11-27; Code 1997, § 6-134)

Sec. 6-122. - Duties.

The animal control officer shall be charged with the duty of enforcing the provisions of this article pertaining to the owning, possessing or harboring of dogs, and the licensing and immunization of dogs in the city.

(Code 1975, § 8-11-28; Code 1997, § 6-135)

Sec. 6-123. - Authority to impound or destroy dogs running at large.

The animal control officer shall have the power to seize, impound and dispose of dogs found at large in the city in violation of this article, in the manner provided by this article. If such dog is incapable of being seized, the animal control officer shall have the power and authority to destroy such dog forthwith.

(Code 1975, § 8-11-29; Code 1997, § 6-136)

Sec. 6-124. - Enforcement powers.

The animal control officer shall not have the authority to make an arrest, but may issue ordinance violation tickets or sign ordinance violation complaints and prosecute such tickets and complaints.

(Code 1975, § 8-11-30; Code 1997, § 6-137)

Sec. 6-125. - Animal control officer to be under jurisdiction of department of public safety.

The animal control officer, when acting as such, shall be under the jurisdiction of the department of public safety, but shall not be considered a member of such department.

(Code 1975, § 8-11-31; Code 1997, § 6-138)

Sec. 6-126. - Office to be part-time position.

The performance of the duties of the animal control officer shall be considered as part of the duties of the employee so designated as an employee of the city, and such position shall not be considered a full-time position or office.

(Code 1975, § 8-11-32; Code 1997, § 6-139)

Sec. 6-127. - Care of impounded animals.

All impounded animals, whether impounded for observation or otherwise, shall be delivered to a veterinarian for safekeeping and destruction if necessary.

(Code 1975, § 8-11-33; Code 1997, § 6-140)

Secs. 6-128—6-152. - Reserved.

ARTICLE III. - RODENT CONTROL

Sec. 6-153. - Definitions.

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

Accessory structure means any building which is accessory to the main building.

Occupant means the individual, partnership or corporation that has the use of or occupies any building, structure or vacant land.

Owner means the individual, partnership or corporation that is listed on the last tax assessment records of the building, structure or vacant land.

Rodent means any variety of species of rats.

Rodent extermination means the elimination of rats from a building, structure or vacant land by any or all of the accepted measures, such as poisoning, fumigation, trapping, clubbing or similar means, so that there is no evidence of rat infestation remaining.

Rodent harborage means any condition which provides food, water, shelter or protection for rodents, thus favoring their multiplication or continued existence in, under or outside of a building, structure, yard, alleyway or vacant land.

(Code 1997, § 6-166; Ord. No. 795, § 1, 6-21-2004)

Sec. 6-154. - Conditions permitting rodent harborage prohibited.

It shall be unlawful for the owner or occupant to permit a condition of rodent harborage to

exist in any building or structure or on any occupied or vacant land.

(Code 1997, § 6-167; Ord. No. 795, § 1, 6-21-2004)

Sec. 6-155. - Requirements for prevention of rodent harborage.

All owners and/or occupants in the city, in order to prevent rodent harborage, shall comply with the following requirements:

- (1) Stored material, such as firewood as defined in section 8-403, coal, pipe, boxes, wood, building materials and similar materials shall be neatly stored up off the ground at least eight inches, shall be piled no higher than four feet above ground level and shall not be stored in any front yard or required side yard. In addition to these requirements, storage of firewood will also be subject to chapter 8, article XIII.
- (2) All garbage and debris, not including properly composted material, shall be stored inside unless kept in metal or ratproof containers with tightfitting lids and shall be placed at the curb on the day before collection, as prescribed by ordinance.
- (3) All lots, vacant or occupied, and all buildings and structures shall be kept free of all litter, garbage and debris at all times.
- (4) No person shall feed wild birds or animals with other than commercially available bird food, including seed, suet and other commercially available feed in a suitable container for the distribution of such birdseed. Such container shall be elevated at least 48 inches above ground level. In the event the city, through one of its designated departments, inspectors or employees, determines that the feeding of wild birds or animals is a cause or a contributing factor to rodent harborage, the city, through its building official, shall declare that the lot from which feeding is occurring is a no-feeding zone for a period of no less than 60 days and no more than 180 days.

(Code 1997, § 6-168; Ord. No. 795, § 1, 6-21-2004)

Sec. 6-156. - Inspections.

The city, through one of its designated departments, inspectors or employees, has the option to and shall be authorized to inspect every reported rodent-infested building, structure or vacant land and to make a determination of whether there is rodent harborage or infestation.

(Code 1997, § 6-169; Ord. No. 795, § 1, 6-21-2004)

Sec. 6-157. - Notice of violations.

When any structure, building, yard, alleyway or vacant land is found to be in violation of this article, the owner and/or occupant shall be notified in writing of such violation and corrective measures that are to be taken to eliminate such violation and that said notice shall be complied with within a specified period of time, being no less than ten days. Such notice is sufficient if sent by first class mail, certified mail and posted in a conspicuous part of the building, structure or vacant land.

- (1) When any structure, building or vacant land is found to have unlawful accumulations of any materials, debris or garbage which may constitute a cause or a contributing factor of rat harborage, the owner and/or occupant shall be notified to store such accumulations as required by this article or to remove such accumulations from the property.
- (2) When any structure, building or vacant land is found to be rodent-infested, the owner and/or occupant shall be notified to take immediate rodent extermination measures and to continue same until all evidence of rodent-infestation is eliminated.

(Code 1997, § 6-170; Ord. No. 795, § 1, 6-21-2004)

Sec. 6-158. - Failure to comply; extermination by city; costs.

Upon the failure of any owner and/or occupant to comply with the directives of any notice issued by the city pursuant to this article, the city has the option to and shall be authorized to take reasonable and appropriate measures that are necessary to remove unlawful accumulations and to exterminate for rodents, and the costs thereof shall be collected in the manner hereinafter provided.

(Code 1997, § 6-171; Ord. No. 795, § 1, 6-21-2004)

Sec. 6-159. - Collection of costs as taxes.

The owner of such property shall be notified of the amount for such costs as incurred by the city, by first class mail, certified mail and posting at the address shown on the records. Upon failure of the owner to pay same within 30 days after mailing of the notice of the amount, the city shall add same to the next city tax roll, and it shall be collected in the same manner as provided by law as a single lot assessment.

(Code 1997, § 6-172; Ord. No. 795, § 1, 6-21-2004)