

Fraser City Council - Regular Meeting
Thursday – July 11, 2013 - 7:00 P.M.
Municipal Building

A Regular Meeting of the Fraser City Council was conducted on the above date at the City Municipal Building, located at 33000 Garfield Road, Fraser, County of Macomb, Michigan.

Present: Mayor Hagerty and Council Members Accavitti, Blanke, Carnagie, Cilluffo, Jennings and Morelli
Absent: None
Also Present: Richard E. Haberman, City Manager
Kathy Kacanowski, City Clerk
Jack Dolan, City Attorney

1. **Call Meeting to Order** - Mayor Hagerty called the regular meeting to order at 7:00 p.m.
2. **Pledge of Allegiance**
3. **Approval of Agenda**

Mayor Hagerty requested moving item 5b before 5a under Presentations.
Member Carnagie requested adding item 8d to request Council consideration to allow a vendor to sell cotton candy during the city parade as a fundraiser for the volunteer firefighters.

Member Carnagie moved, seconded by Member Morelli, to APPROVE THE AGENDA AS AMENDED.

The motion carried unanimously.

4. **Citizen Participation on Agenda Items** - none
5. **Presentations**

b. Judge Linda Davis and Andrew Fortunato came forward to speak regarding the upcoming F.A.N. (Families Against Narcotics) Run/Walk.

a. City Manager Haberman provided a summary of the water and sewer costs and billing. He noted the power point presentation from the last meeting is available on the city's website. He further advised the fixed costs will now be adjusted every 12 months (June to June) instead of quarterly,

After the City Manager's presentation, Mayor Hagerty spoke advising he was contacted by several residents who were concerned about their water bills and noted the process of calculating the Ready to Serve fee is unique in comparison to other communities. He recommended that Council consider refiguring the hard costs, approximately 18 million dollars, and dividing them by the number of households, approximately 6300. This figure could then be bonded for 20 years. He suggested a consultant review this recommendation for feasibility.

Manager Haberman noted this idea mirrors bonding a pension obligation but cautions the possibility of potential costs coming later.

Member Jennings voiced her concern that Council was not informed of this recommendation prior to tonight's meeting and preferred this be placed on a future agenda.

Discussion ensued relative to water bills and whether a proposal regarding fees for service should be placed on a ballot for this November election.

Mayor summarized his proposal that water, sewer, recycling and meter charges are pass through costs. Ready to Serve fees only would be bonded.

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The following residents spoke on this issue:
Vincent Calabrese, 17926 Breezeway
Mike Lesich, 15201 Fairview
Anna Cameron, 34273 Garfield Circle
Dave Stouder, Linden Street

6. Public Hearings - none

7. Consent Agenda

Member Accavitti moved, seconded by Member Carnagie, to APPROVE THE CONSENT AGENDA ITEMS AS PRESENTED.

- a. Approval of Minutes of the Regular Council Meeting of 6/13/13.
- b. Approval of Bills for the Month of June 2013 in the amount of \$471,630.58.
- c. Receive and file Minutes of the 4/9/13 Parks and Recreation Commission meeting.
- d. Receive and file Minutes of the 5/7/13 Parks and Recreation Commission meeting.
- e. Receive and file Minutes of the 3/20/13 Planning Commission meeting.
- f. Receive and File Minutes of the 5/13/13 Library Board meeting.
- g. Reappointment of Delores Laramie to the Library Commission with term to expire June 30, 2018.
- h. Appointment of Vincent Calabrese to the Historical Commission with term to expire June 30, 2017.

The motion carried unanimously.

8. Requests For Council Action

a. Request Council adopts amendments to the City of Fraser's fireworks ordinance.

Attorney Dolan explained the amendments to the fireworks ordinance noting the only changes are regarding time and enforcement.

Mike Lesich, 15201 Fairview, spoke regarding this item.

Member Carnagie moved, seconded by Member Blanke, TO APPROVE ADOPTION OF AMENDMENTS TO THE CITY OF FRASER'S FIREWORKS ORDINANCE.

ORDINANCE NO. 363

TO AMEND THE CITY OF FRASER CODE OF ORDINANCES, CHAPTER 10, BY REPEALING THE CURRENT PROVISIONS OF THE CODE REGULATING FIREWORKS AND ADOPTING REVISIONS REGULATING THE IGNITION DISCHARGE OF USE OF FIREWORKS, DEFINITIONS, PENALTIES, REPEALER, SEVERABILITY, AND EFFECTIVE DATE.

THE CITY OF FRASER ORDAINS:

Section 1. Preamble.

WHEREAS, an ordinance to amend the City of Fraser's Code of Ordinances, Chapter 10, by repealing certain provisions of the chapter and replacing them with provisions regulating the ignition discharge and use of consumer fireworks, in order to promote, preserve and protect public health, safety and welfare of the residents of the City of Fraser and persons situated within the City, to protect and promote the peaceful enjoyment of property, to prevent disturbances of the peace, injury to persons, injury to property, fire hazards and litter.

Section 2. Chapter 10, Article II of the Fraser Code of Ordinances is amended and revised as follows:

ARTICLE II. FIREWORKS

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§ 10-10 Definitions.

For the purposes of this Chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ACT. The Michigan Fireworks Safety Act, MCL 28.451 et seq.

APA STANDARD 87-1. APA standard 87-1, standard for construction and approval for transportation of fireworks, novelties, and theatrical pyrotechnics, published by the American pyrotechnics association of Bethesda, Maryland.

ARTICLES PYROTECHNIC. Pyrotechnic devices for professional use that are similar to consumer fireworks in chemical composition and construction but not intended for consumer use, that meet the weight limits for consumer fireworks but are not labeled as such, and that are classified as UN0431 or UN0432 under 49 CFR 172.101.

BUREAU. The Department of Licensing and Regulatory Affairs' Bureau of Fire Services.

CITY. The City of Fraser.

CONSUMER FIREWORKS. Firework devices that are designed to produce visible and audible effects by combustion, that are required to comply with the construction, chemical composition, and labeling regulations promulgated by the United States consumer product safety commission under 16 CFR parts 1500 and 1507, and that are listed in APA standard 87-1, 3.1.2, 3.1.3, or 3.5. Consumer fireworks are often commonly known as, but not limited to, sky rockets, bottle rockets, missile-type rockets, helicopters, aerial spinners, roman candles, mine and shell devices, aerial shell kits, firecrackers, chasers, and certain multiple tube fireworks devices. Consumer fireworks does not include low-impact fireworks.

CONSUMER FIREWORKS CERTIFICATE. The certificate issued by the Department which allows a person to sell consumer fireworks in accordance with the Act.

DEPARTMENT. The Michigan Department of Licensing and Regulatory Affairs.

DISPLAY FIREWORKS. Large fireworks devices that are explosive materials intended for use in fireworks displays and designed to produce visible or audible effects by combustion, deflagration, or detonation, as provided in 27 CFR 555.11, 49 CFR 172, and APA standard 87-1, 4.1.

FIRE MARSHAL. The Fire Marshal of the City of Fraser or his or her designee.

FIREWORKS. Any composition or device, except for a starting pistol, a flare gun, or a flare, designed for the purpose of producing a visible or audible effect by combustion, deflagration, or detonation. Fireworks consist of consumer fireworks, low-impact fireworks, articles pyrotechnic, display fireworks, and special effects.

LOW-IMPACT FIREWORKS. Ground and handheld sparkling devices as that phrase is defined in APA standard 87-1, 3.1, 3.1.1.1 to 3.1.1.8, and 3.5. Low impact fireworks are often commonly known as, but not limited to, sparklers, cylindrical fountains, cone fountains, illuminating torches, wheels, ground spinners, flitter sparklers, certain toy smoke devices, certain wire sparklers/dipped sticks, and certain multiple tube fireworks devices.

NATIONAL HOLIDAY. As used in this Article, a national holiday is any of the following: New Years Day (January 1); Birthday of Martin Luther King Jr. (third Monday in January); Washington's Birthday (third Monday in February); Memorial Day (last Monday in May); Independence Day (July 4); Labor Day (first Monday in September); Columbus Day (second Monday in October); Veterans Day (November 11); Thanksgiving Day (fourth Thursday in November); and Christmas Day (December 25).

NFPA. The National Fire Protection Association headquartered at 1 Batterymarch Park, Quincy, Massachusetts.

NOVELTIES. The term "novelties" shall have the same meaning as set forth in APA Standard 87-1, 3.2, 3.2.1, 3.2.2, 3.2.3, 3.2.4, and 3.2.5, often commonly known as, but not limited to, party poppers, snappers, toy smoke devices containing not more than 5g of pyrotechnic composition, snakes, glow worms, wire sparklers/dip sticks containing not

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more than 100g of pyrotechnic composition, and all of the following:

(1) Toy plastic or paper caps for toy pistols in sheets, strips, rolls, or individual caps containing not more than .25 of a grain of explosive content per cap, in packages labeled to indicate the maximum explosive content per cap.

(2) Toy pistols, toy cannons, toy canes, toy trick noisemakers, and toy guns in which toy caps as described in subparagraph (i) are used, that are constructed so that the hand cannot come in contact with the cap when in place for the explosion, and that are not designed to break apart or be separated so as to form a missile by the explosion.

(3) Flitter sparklers in paper tubes not exceeding 1/8 inch in diameter.

(4) Toy snakes not containing mercury, if packed in cardboard boxes with not more than 12 pieces per box for retail sale and if the manufacturer's name and the quantity contained in each box are printed on the box; and toy smoke devices.

PERMANENT BUILDING or PERMANENT STRUCTURE. Any building or structure that is affixed to a foundation on a site that has fixed utility connections and that is intended to remain on the site for more than 180 consecutive calendar days, including stores and Consumer Fireworks Retail Sales Area (CFRSA) facilities, as defined by NFPA 1124 (2006 edition).

PERSON. An individual, agent, association, charitable organization, company, limited liability company, corporation, labor organization, legal representative, partnership, unincorporated organization, or any other legal or commercial entity.

RETAILER. A person who sells consumer fireworks or low-impact fireworks for resale to an individual for ultimate use.

RETAIL LOCATION. A facility listed under NFPA 1124, 7.1.2.

SPECIAL EFFECTS. A combination of chemical elements or chemical compounds capable of burning independently of the oxygen of the atmosphere and designed and intended to produce an audible, visual, mechanical, or thermal effect as an integral part of a motion picture, radio, television, theatrical, or opera production or live entertainment.

TEMPORARY FACILITIES. A building or structure not meeting the definition of Permanent Building or Structure, at which consumer and low-impact fireworks are sold, including the following: consumer fireworks retail stands, tents, canopies, trailers, storage units, and membrane structures.

WAREHOUSE. A permanent building or structure used primarily for the storage of consumer fireworks or low-impact fireworks.

WHOLESALE. Any person who sells consumer fireworks or low-impact fireworks to a retailer or any other person for resale. Wholesaler does not include a person who sells only display fireworks or special effects.

§ 10-11 INSPECTION SALES AND STORAGE AREAS

The Fire Marshal may, at any time, undertake a review of any fireworks sales or storage area for which a consumer fireworks certificate has been issued or is required, or any discharge of fireworks, to determine whether any violations of state law or local ordinance are occurring which might endanger the public health, safety, and welfare, or which might warrant revocation of the certificate or permit. Should any person fail or refuse access, the Fire Marshall may apply and obtain a search warrant as allowed under applicable law.

§ 10-12 – 10-19. Reserved.

MANUFACTURE AND STORAGE OF FIREWORKS

§ 10-20. Prohibition.

No person shall manufacture any fireworks within the City.

§ 10-21 – 10-23. Reserved.

FIREWORKS AND PYROTECHNIC DISPLAYS

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§ 10-24. Ignition, Discharge, and Use of Consumer Fireworks.

(A) A person shall not ignite, discharge, or use, or permit, allow or aid and abet in the ignition discharge, or use of consumer fireworks except during permitted hours on the date preceding the day of, or the day after a national holiday.

(B) No person shall ignite, discharge, or use consumer fireworks, or aid or abet in, permit, or allow the ignition discharge or use of consumer fireworks between the hours of 12:00 a.m. and 8:00 a.m. on the day preceding, the day of, or the day after a national holiday, except that on News Year day, no person shall ignite, discharge, or use consumer fireworks between the hours of 1:00 a.m. and 8:00 a.m.

(C) No person shall ignite, discharge, or use consumer fireworks on public property, school property, church property, or the property of another person without that persons expressed permission to use consumer fireworks on those premises.

(D) Consumer fireworks shall not be furnished or sold to a minor.

(E) Any person who violates subsection A or B, is guilty of a misdemeanor punishable by imprisonment of not more than 93 days, or a fine of \$500.00, or both, plus costs.

(F) Any person who violates subsection C or E, is guilty of a civil infraction punishable by a fine of up to \$500.00 plus any other remedies as allowed for a municipal civil infraction under applicable law.

§ 10-25. Display Fireworks and Pyrotechnic Special Effects; Permit Required.

No person shall discharge any Display Fireworks without a permit issued by the City Council. Pyrotechnic special effects shall not be discharged or displayed without a permit issued by the Fire Marshal. Permit applicants shall follow the procedures set forth in §§20-21 through 20-125 of this article. Permits are not transferable and shall not be issued to a minor.

§ 10-26. Responsibility Display Fireworks.

(A) An owner, occupant, or other person with control of real property shall not allow, permit, or otherwise assent to the possession or display of Display Fireworks on the property or an adjacent public way if such possession or display is in violation of this subdivision.

(B) An owner, occupant, or other person with control of real property shall be presumed to have assented to the possession or display of Display Fireworks on the property or adjacent public way in violation of this subdivision if law enforcement or fire officials observe and document the existence of unlawful fireworks on the premises or the adjoining public way, or the existence of the remnants of unlawful fireworks on the premises or adjoining public way indicative of the use or display of such fireworks.

(C) A person who pleads to or is found responsible for a violation of subsection (A) shall clean up any fireworks remnants on or adjoining the person's property, or pay the City's costs for such clean up, and reimburse the City's actual costs for destruction of any unlawful fireworks and materials impounded by law enforcement or fire officials during investigation of the unlawful activity under subsection (A).

(D) A violation of subsections (A) or (C) is a municipal civil infraction. If the unlawful activity does not cease after issuance of a municipal civil infraction citation, the owner, occupant, or other person with control of the real property shall be guilty of a misdemeanor.

§ 10-27 – 10-29. Reserved.

PERMIT PROCEDURES DISPLAY FIREWORKS AND SPECIAL EFFECTS

§ 10-30. Application; Renewal.

(A) Every applicant for a permit to use or discharge Display Fireworks and/or pyrotechnic special effects shall submit to the Fire Department, with a nonrefundable application fee, current and fully completed application on a form provided by the Fire Department.

(B) The fees shall be set by the City's fee Resolution in an amount to cover the cost of investigation, review, and inspection by the City of the premises which will be used for the

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use or discharge of Display Fireworks and/or pyrotechnic special effects.

(C) A permit shall not be issued to a nonresident person, firm, or corporation for ignition of articles pyrotechnic or Display Fireworks until the person, firm, or corporation has appointed in writing a resident member of the bar of this state or a resident agent to be the legal representative upon whom all process in an action or proceeding against the person, firm, or corporation may be served.

(D) All applications shall contain the following information:

(1) The name, residence address, and telephone number of a resident agent who is a natural person (no post office boxes will be accepted as legal addresses);

(2) The name, residence address, and telephone number of the applicant:

(a) If the applicant is a corporation, the name, residence address, and telephone number of each of the officers and directors of the corporation and of each stockholder owning more than 10% of the stock of the corporation if that individual is or will be involved in the management and/or operation of the business. The applicant shall also provide the name, residence address, and telephone number of each individual who will be involved in the management and/or operation of the business, as well as documentation that the corporation is in good standing in the state of incorporation;

(b) If the applicant is a partnership, the name of the partnership and the name, residence address, and telephone number of each of the partners having at least a 10% ownership interest, as well as any individual who is or will be involved in the management and/or operation of the business;

(c) If the applicant owns stock or has a financial interest in any other business which sells or manufactures fireworks, the name, address, and telephone number of the corporation and the name, address, and telephone number of each such business;

(3) The address and legal description of the property where the fireworks will be displayed, or where pyrotechnic special effects will be displayed;

(4) Authorization for the City, its agents and employees to seek information and conduct a safety inspection of the premises where fireworks will be displayed, or where pyrotechnic special effects will be displayed. The applicant shall give such additional information and identification necessary to discover the truth of the matters required to be set forth in the application; and

(5) The application shall be signed and sworn to by the applicant.

(E) Permits. In addition to the other conditions set forth in this section, permit applications shall be subject to background investigations to determine whether the applicant has ever been involved in criminal or fraudulent activities, or has ever had a license or permit suspended or revoked for cause.

(1) If, as a result of the investigation, the Fire Marshal or Public Works Director has reasonable cause to believe that the applicant may cause or present a danger to public safety if granted a fireworks display permit, the City Council may deny the application.

(2) If, as a result of the investigation, the Fire Marshal or Public Works Director has reasonable cause to believe that the applicant may cause or present a danger to public safety if granted a pyrotechnic special effects display permit, the Fire Marshal may deny the application.

(F) Applicants for a permit to use, discharge, or display fireworks or pyrotechnic special effects must demonstrate financial responsibility in the form of a bond or insurance policy in an amount, character, and form deemed necessary by the City Council for the protection of the public.

(G) Before granting a permit to use, discharge, or display fireworks, the City Council shall rule on the competency and qualifications of the operator of the display as required under NFPA 1123, and the time, place, and safety aspects of the display.

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(H) Cost of policing. Fireworks displays vary in size and scope, and displays of large magnitude cause the City to incur significant additional expenses for police, fire, and emergency services. Therefore, in addition to the nonrefundable application fee, an applicant for a permit to use, discharge, or display fireworks shall deposit with the City, as a condition of enjoying the privileges inherent in receipt of a permit, an amount reasonably calculated to reimburse the City for the cost of additional police and emergency services. The City shall hold such amount, to be determined by the City Council at the time the permit application is considered, in escrow until after the fireworks display. In determining the amount, the City Council may utilize its past experiences and the experiences of other communities. The City shall itemize its additional police and emergency services expenses incurred as a result of the fireworks display and may draw from the escrowed funds to achieve full reimbursement. Remaining funds shall be returned to the permit applicant. In the event that the escrowed funds are insufficient to cover the City's actual costs under this division (H), the City shall serve an invoice upon the permit applicant with a demand for payment. Failure of a permit applicant to comply with any of the provisions of this division (H) shall be a misdemeanor.

(I) Term. Permits for the use or discharge of Display Fireworks or pyrotechnic special effects are valid only for the date(s) and time(s) stated on the permit itself. Each subsequent use or discharge of Display Fireworks or pyrotechnic special effects shall require a new permit, and the applicant shall follow the application process set forth in this article.

(J) Display permit conditions. The issuance of a permit for the use or discharge of Display Fireworks or pyrotechnic special effects shall be conditioned upon compliance with all of the terms and conditions of this article, as well as the provisions of Chapter 33 of the International Fire Code. In addition, the issuance of such a permit shall be conditioned upon the following:

(1) The applicant and property owner must execute a written agreement, in a form approved by the City Attorney, to allow police, fire, and emergency personnel designated by the City to be present on the premises before, during, and after the fireworks or pyrotechnic special effects display for purposes of supervising and inspecting the display and surrounding conditions for public safety hazards and violations of City codes and ordinances; and

(2) The applicant and property owner must execute an indemnification agreement, in a form approved by the City Attorney, to indemnify the City for any and all liability or damages incurred by any person or entity as a result of the fireworks or pyrotechnic special effects display.

§ 10-31. Investigation.

(A) Upon receipt of the fully completed application, fees, and such other information as may be required or requested by the Fire Department, the Fire Marshal shall schedule a safety inspection to examine the premises where fireworks will be displayed, or where pyrotechnic special effects will be displayed.

(B) If the Fire Marshal finds reasonable cause to believe that other code violations exist which are not fire safety related, the Fire Marshal may refer the application to the Building Official, or his or her designated representative, who shall cause a thorough inspection of the premises to be made to ensure that the premises are in compliance with all pertinent provisions of state law and local ordinances. The results of such inspections shall be returned to the Fire Marshal within 30 days of the date the application was referred.

(C) For fireworks display permits, the Fire Marshal shall forward his or her recommendation to the City Council for consideration of the permit application within 120 days of receipt of the properly completed application. For pyrotechnic special effects display permits, the Fire Marshal shall issue a decision to grant or deny the permit within 60 days of receipt of the properly completed application.

§ 10-32. Certificate or Permit; Refusal, Suspension, Revocation, or Nonrenewal.

A permit issued under this article may be refused by the Fire Marshal or suspended, revoked, or not renewed by the City Council for cause. The term CAUSE as used in this Article, shall include the doing or omitting of any act or permitting any condition to exist on the premises for which a permit is issued, which act, omission, or condition is contrary to the health, safety, and welfare of the public, is unlawful, irregular, or fraudulent in nature, is unauthorized or beyond the scope of the permit issued, or is forbidden by this Article or any applicable law. Cause shall include but not be limited to:

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- (A) Fraud or material misrepresentation in the application;
- (B) Fraud or material misrepresentation in the operation of the business or during a safety inspection;
- (C) Any material violation of this article or of the regulations authorized herein;
- (D) Any violation of federal or state law or local ordinance which creates a risk to the health, safety, or welfare of the community;
- (E) Conducting the business in an unlawful manner or in such a manner as to constitute a maintenance of a nuisance upon or in connection with the premises for which a permit is issued. For purposes of this Article, NUISANCE shall be given its normal and customary meaning and shall include the nuisances found within Chapter 203 of this code as well as, but not be limited to, the following:
 - (1) Existing violations of building, electrical, mechanical, plumbing, zoning, health, fire, or other applicable regulatory codes;
 - (2) A pattern or practice of patron conduct which is in violation of the law and/or interferes with the health, safety, and welfare of the properties in the area.
- (F) Failure by the owner or operator to permit inspection of the premises by the City's agents or employees in connection with the enforcement of this Article;
- (G) Failure to pay personal property taxes, other City obligations and real property taxes by February 14 of each year.

§ 10-33. Procedure for Nonrenewal, Revocation, or Suspension.

- (A) Before any action is taken concerning revocation or suspension of a permit, the City shall serve the holder of the permit by personal service or first class mail, served or mailed at least ten days prior to a hearing, with notice of hearing before the City Council or a hearing panel designated by the City Council to conduct a hearing and forward a recommendation to the City Council, which notice shall contain the following:
 - (1) Date, time, and place of the hearing;
 - (2) Notice of the proposed action;
 - (3) Reasons for the proposed action;
 - (4) Names of witnesses known at the time who will testify;
 - (5) A statement that the holder of the permit may be represented by legal counsel, present evidence and testimony, and confront and cross-examine adverse witnesses;
 - (6) A statement requiring the holder of the permit to notify the City Attorney's office at least three days prior to the hearing date if he, she, or it intends to contest the proposed action and to provide the names of witnesses known at that time who will testify on his, her, or its behalf.
- (B) Upon completion of the hearing, and after a decision by the City Council, the City shall submit to the holder of a permit a written statement of the findings and determination of the City Council within 30 days.
- (C) Revocation may occur prior to hearing if there is an immediate and significant risk of harm to persons or property as determined by the Fire Marshal, or his or her designee.

§ 10-34. Denial; Hearing.

- (A) Any person whose initial request for a pyrotechnic special effects display permit, is denied by the Fire Marshal shall have a right to a hearing before the City Council, provided a written request for such a hearing is filed with the City Manager within ten days following such denial. The City Council shall have the right to affirm and sustain any refusal to issue a permit or the City Council may grant any such permit.
- (B) In addition to the information required in this article, an applicant whose permit under this article was denied by the Fire Marshal should be prepared to submit and discuss any

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additional information required by the City Council for the appeal hearing.

§ 10-35 - 1039 Reserved.

PENALTIES

§ 10-36. Violations and Penalties.

(A) Unless otherwise provided in this Chapter, if a person knowingly, intentionally, or recklessly violates this Chapter, the person is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than \$500.00, or both.

(B) In addition to any other penalty imposed for the violation of the Act or this Article, a person who tenders a plea of guilty, no contest, or responsible to a violation of this Article shall be required to reimburse the City for the costs of storing and disposing of seized fireworks that the City confiscated for a violation of the Act or this Article.

Section 3. Repealer. All ordinances or parts of ordinances including, but not limited to parts of §10-3 in conflict herewith are repealed only to the extent necessary to give this ordinance full force and effect.

Section 4. Severability. If any article, section, subsection, sentence, clause, phrase, or portion of this ordinance is held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of remaining portions of the ordinance, being the intent of the City that this ordinance shall be fully severable.

Section 5. Effective Date. Provisions of this Ordinance shall become effective twenty (20) days following adoption.

The motion carried unanimously.

b. Request Council authorize the purchase of two 2014 Ford Taurus SEL at 421,658 for use in the Police with money to come from the Gambling Fund.

Mayor Hagerty suggested looking into propane fuel in the future; however, Members Carnagie and Cilluffo voiced their concerns with that option.

Member Blanke moved, seconded by Member Carnagie, to AUTHORIZE THE PURCHASE OF TWO 2014 FORD TAURUS SEL VEHICLES AT \$21,658 FOR USE BY THE POLICE WITH MONEY TO COME FROM THE GAMBLING FUND.

The motion carried unanimously.

c. Request Council appoint a member of the Council not running for office in November to the Election Commission.

Member Accavitti moved, seconded by Member Jennings, to APPOINT COUNCILMAN PAUL CILLUFFO TO THE ELECTION COMMISSION AND ACCEPT THE RECUSAL OF MEMBER MORELLI.

The motion carried unanimously.

d. Request Council consideration to allow a vendor to sell cotton candy during the city parade as a fundraiser for the volunteer firefighters.

Member Carnagie advised Council that a vendor, Gloworks, requested approval to sell cotton candy along the parade route during the City Picnic. They will donate of a portion of their proceeds to the Volunteer Firefighters.

Member Blanke moved, seconded by Member Jennings, to ALLOW GLOWORKS TO SELL COTTON CANDY ALONG THE CITY PARADE ROUTE AS A FUNDRAISER FOR THE VOLUNTEER FIREFIGHTERS.

The motion carried unanimously.

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9. Report of City Administration/Pending Items

Manager Haberman advised he will be out of town on vacation for two weeks. He will provide options relative to the water and sewer charges upon his return. He provided a brief update on the Flamingo Motel repairs as well as the request for proposal advertisement for the 14 Mile and Groesbeck property.

Member Blanke inquired about a contract between the Lions Club and the Liquor Control Commission which will not allow alcohol in Steffens Park during the Carnival and City Picnic. A lengthy discussion followed with Attorney Dolan and Lt. Kolke providing an explanation of the Michigan Liquor Control Commission regulations and noting the Lions Club is providing their own security company for enforcement. There was further discussion regarding the city's ordinance on alcohol in the parks and it was suggested that strategic policies and direction be discussed and brought forth at a future council meeting.

Four members of the Lions Club arrived and Chairman, Dale Moase, spoke relative to this issue. He noted that the Lions Club pays a portion of the cost of the fireworks display, Public Works and Public Safety expenses, along with making donations to city departments and events. Their concern is with liability as they could be held responsible for any liquor related incidents.

10. Report of Mayor and City Council/New Business

Mayor and Council discussed various topics.

11. Citizen Participation

Terry DeFauw, 33855 Garfield

12. Adjournment

Member Accavitti moved, seconded by Member Morelli, to ADJOURN THE REGULAR COUNCIL MEETING OF THURSDAY, JULY 11, 2013 AT 10:07 P.M.

The motion carried unanimously.

Respectfully submitted,

Kathy Kacanowski, City Clerk

Doug Hagerty, Mayor

/kk