

## COUNCIL ORDINANCE COMMITTEE MEETING MINUTES OF FEBRUARY 14, 2019

A meeting of the Manistee City Council Ordinance Committee was called to order by the Chair at 4:30 p.m. on Thursday, February 14, 2019 in the Second Floor Conference Room, City Hall, 70 Maple Street, Manistee, Michigan 49660.

MEMBERS PRESENT: Lynda Beaton, Dale Cooper, Chip Goodspeed

MEMBERS ABSENT: None

OTHERS PRESENT: Jim Grabowski, City Manager Thad Taylor, City Attorney George Saylor, Finance Director Ed Bradford, Public Safety Director Tim Kozal

*Public Comments* – None

***Discussion on Repealing Retirement Ordinances, Chapter 292 Employee Savings Plan and Chapter 294 Employees Retirement System.*** Finance Director Ed Bradford reviewed the current ordinances. The City has moved to a MERS retirement system. These two ordinances are no longer needed and staff recommends that they be repealed.

CONSENSUS: The Ordinance Committee recommends that the City Attorney prepare an ordinance to repeal Chapter 292 and Chapter 294 and take this to full Council at a future date.

***Discussion on Amending Chapter 663 Fireworks.*** City Attorney George Saylor reviewed the recent changes by the state legislature to the Fireworks Safety Act. This ordinance has been the subject of discussion by Council for several years. City Attorney recommends that at a minimum the City ordinance be amended to reflect the change in state law regarding fines and increase the amount from \$500 to \$1,000. City Ordinances cannot be more restrictive than state law.

CONSENSUS: The Ordinance Committee recommends taking Chapter 663 Fireworks amendments to full Council for consideration at a future date. City Attorney will prepare an ordinance amendment to reflect the increase in fines from \$500 to \$1,000 and follow state regulations to limit discharge to:

- a.) December 31 to January 1 at 1:00 a.m.;
- b.) Saturday and Sunday immediately preceding Memorial Day (until 11:45 p.m. those days);
- c.) June 29 to July 4 until 11:45 p.m. those days;
- d.) July 5, if a Friday or Saturday, until 11:45 p.m.; and
- e.) Saturday and Sunday immediately preceding Labor Day until 11:45 p.m. those days.

***Discussion on Chapter 606 Animals.*** City Council has discussed this ordinance several times in the past. Discussed allowing dogs on a portion of the Riverwalk from the east end to the west end of the marina; and restricting them along the narrower, wooden portion west of the marina. Discussed dogs in park areas, the leash requirement already in place, enforcement, cleanup, and

allowing dogs in certain beach areas. In the Parks Guidelines brochure dogs are not allowed where posted. Police would require similar language in an ordinance in order to enforce and write citations.

CONSENSUS: The Ordinance Committee recommends the City Attorney and City Manager prepare ordinance amendments for Chapter 606 to include language to restrict dogs where posted; allow dogs on the beach between the pier heads; and allow dogs on the public beach north of Man-Made Lake.

**Discussion on Chapter 1482 Residential Rental Properties.** City Manager and City Attorney discussed amending Chapter 1482 to address areas in the ordinance regarding transient facilities like VRBO and AirBNB. Transient rentals, including B&Bs could be required to register in the City's rental inspection program. We need to clean up and clarify the current ordinance language. Discussed requiring re-registration and re-inspection of rental properties when sold during an inspection cycle; should be a transfer of warranty and inspected in regular cycle. Discussed vacation tax on rental properties similar to what the CVB collects for hotels and motels (City Attorney will research the legality).

CONSENSUS: The Ordinance Committee recommends that the City Attorney and City Manager prepare amendments for clarification in Chapter 1482 and bring them to full Council at a future date.

**Discussion on Chapter 674 Safety Sanitation & Health (Open Burning).** Public Safety Director Tim Kozal reviewed recent discussions to amend Chapter 674 and the need for clarification for enforcement. Open burning and fire pits are covered in the International Fire Code which has been adopted by the City. Concerned with the closeness of some fire pits to structures and neighbors or being located in the front yard of a residence.

CONSENSUS: The Ordinance Committee recommends the City Attorney prepare amendments for clarification in Chapter 674 and bring them to full Council at a future date.

**Discussion on Chapter 662 Peace Disturbances.** City Attorney noted recent enforcement concerns regarding drunk and disorderly. The Attorney would also like to include language regarding consumption of marijuana in a public place.

CONSENSUS: The Ordinance Committee recommends the City Attorney prepare amendments for clarification in Chapter 662 and bring them to full Council at a future date.

**Public Comments.** - None

MOTION by Chip Goodspeed, second by Dale Cooper to adjourn at 5:25 p.m.

Respectfully submitted,

Cynthia J. Lokovich, CAP OM  
Executive Secretary