



OFFICIAL PROCEEDINGS OF
THE CITY COUNCIL
CITY OF LANSING
CORRECTED PROCEEDINGS OF APRIL 21, 2008

City Council Chambers

Lansing, Michigan

The City Council of the City of Lansing met in regular session and was called to order at 7:00 p.m. by President Jeffries.

PRESENT: Councilmembers Allen, Dunbar, Hewitt, Jeffries, Kaltenbach, Robinson, Wood

ABSENT: Councilmember Quinney

The Council observed a moment of Meditation followed by the Pledge of Allegiance led by President Jeffries

APPROVAL OF PRINTED COUNCIL PROCEEDINGS

By Councilmember Wood

To approve the printed Council Proceedings of April 14, 2008

Motion carried

By Councilmember Hewitt

To recommit the resolution Setting a Public Hearing for May 5, 2008 in consideration of Special Assessment Roll No. 21-08 for Glenburne Commons Grass Cutting and Trash Clean-up

Motion Carried

SPECIAL CEREMONIES

- Special Ceremonies

1. Presentation; Arbor Day and Tree City USA Award and Declaration of Arbor Week in Lansing

Mayor Bernero read the following Proclamation:

WHEREAS: It is a great pleasure to join with the Greater Lansing Federated Garden Clubs and Cumberland Elementary School in celebration of Arbor Week. For nearly 50 years, the Garden Club of Greater Lansing has honored its commitment to the principles of Arbor Day and to the young people of Lansing by planting trees in parks and on school grounds with the help of children; and

WHEREAS: Trees enhance our quality of life and bring tremendous social, economic, and environmental benefits to our community. The first trees were planted in Lansing in the nineteenth century to beautify the countryside. These trees not only provide beautiful foliage in the fall, and wonderful shade in the summer but they help cleanse our air and keep it pure; and

WHEREAS: The first Arbor Day Celebration was held on April 10, 1872, through the efforts of J. Sterling Morton, a newspaper publisher, who realized the importance of tree planting and preservation for soil enrichment and to maintain the moisture level; and

WHEREAS: Individual states supported the National Arbor Day and took the appropriate action to observe Arbor Day at the State level; and

WHEREAS: The City of Lansing has maintained its commitment to

promote Arbor Day in an effort to educate the public on the importance of tree planting and preservation to enhance our parks and beautify our Capitol City; and

WHEREAS: The City of Lansing has been awarded the "Tree City USA" designation for twenty-three years, further demonstrating Lansing's commitment to environmental preservation.

NOW, THEREFORE, I, Virg Bernero, Mayor of the City of Lansing, by the power vested in me proclaimed April 20, 2008 through April 26, 2008 as

"Arbor Week"

in Lansing. Residents were encouraged to join me and take the appropriate action to preserve our environment and educate our children on the importance of tree preservation in order to ensure that their children enjoy the beauty of trees.

Mayor Bernero spoke about the importance of trees in general.

Murdock Jemerson, Directors of the Parks and Recreation Department, stated that he was proud of his department's service to urban forests and invited citizens to participate in Earth Day.

Paul Dykema of the Parks and Recreation Department stated that Lansing has been a Tree City for the past 23 years. He presented Mayor Bernero with this year's Arbor Day flag and thanked the Mayor and City Council for all of their support. He announced the Arbor Day celebration in Potter Park this Friday.

Council President Jeffries recognized the efforts of the Parks and Recreation Department.

COUNCILMEMBERS' COMMENTS

AND CITY CLERK'S ANNOUNCEMENTS:

Councilmember Kaltenbach congratulated the Fairview Elementary School winner of the Okemos chess tournament.

Councilmember Allen stated that she had just returned from vacation visiting her grandchildren and is glad to be back.

Councilmember Robinson announced the Coachlight Neighborhood Association and Averill Woods Neighborhood Association meetings.

Councilmember Hewitt thanked all volunteers of the Michigan Avenue clean-up project.

Councilmember Wood announced the Westside Spring Fiesta and recognized the passing of Shelly Foster, neighborhood watch coordinator.

Councilmember Dunbar thanked all those who participated in the vision meeting for Benjamin Davis Park trail. She announced upcoming budget hearing meetings and Michigan Women's Historical Society and Michigan Women's Hall of Fame events.

Councilmember Robinson recognized Joan Jackson-Johnson, Director of the Human Relations and Community Services Department for her efforts involving the Mobil Food Pantry.

Councilmember Allen announced the Dancing with the Stars event for Care-Free Medical.

City Clerk Swope recognized the passing of election inspector Eileen Stevens and gave his condolences to her family and friends. He announced that the registration deadline for candidates, including candidates for Precinct Delegate, on the August 5, 2008 ballot is May 13, 2008 at 4:00 p.m. The deadline for court seats is April 29, 2008 at 4:00 p.m. He announced several events for the Tri-County Office on Aging, including a March for Meals and golf event.

SPEAKER REGISTRATION FOR PUBLIC COMMENT

City Clerk Swope spoke about accommodations for handicapped speakers at the podium.

By Councilmember Allen

To recommit the Show Cause Hearing for 429 Hylewood Ave.

Motion Carried

Clerk Swope announced that the public comment registration form(s) for those intending to address Council on legislative or City government matters will be collected and that only those persons who have fully completed the form(s) will be permitted to speak.

MAYOR'S COMMENTS

Mayor Bernero stated that last week he attended the Community Collaboration Luncheon, which was designed to bring the power of the faith community to bear on the problems of record mortgage foreclosures and rising homelessness. He also stated that this past Saturday it was a true pleasure to participate in the Annual Sikh Parade in downtown Lansing, as well as the third Mobile Food Pantry at Tabernacle of David Church. Also on Saturday night the annual Charity Hockey game between our Police and Fire Departments was held at The Summit. Saturday also was the day for the first-ever Document Destruction Day was held in conjunction with our Greater Lansing Go Green! Initiative. This afternoon, Mayor Bernero and others gathered at Reutter Park to unveil a new 12-story building will be constructed on the site of the defunct YMCA building. The new building will be known as The Lenawee. He spoke about several items on tonight's agenda, including the public hearings for the OPRA District and Brownfield Development Plan for AnnaBelle's Pet Station at 600 South Capitol Avenue in downtown Lansing and the Industrial Development District for Jackson National Life Insurance Company. He also spoke extensively about the Brownfield Redevelopment Plan for the historic transformation of the Ottawa Street Power Station into the new national headquarters of the Accident Fund Insurance Company of America, the Brownfield Redevelopment Plan for Frandorson Properties, the budget transfer for the South Side Community Center and the proposed ordinance to establish monitoring fees for tagged properties in our neighborhoods. He announced that tomorrow here at City Hall is our annual Earth Day Celebration, as well as the Third Annual Diversity Celebration. He spoke extensively about plans for Fenner Nature Center and addressed misinformation regarding the Administrations plans for the center.

SHOW CAUSE HEARINGS

- Comment on Scheduled Show Cause Hearings:

1. In consideration of the issuance of orders for Make Safe or Demolish to the owners of property located at 429 Hylewood Ave.

THIS ITEM WAS RETURNED TO THE COMMITTEE ON PUBLIC SAFETY

2. In consideration of the issuance of orders for Make Safe or Demolish to the owners of property located at 1507 Donora St.

There were no speakers for these Show Cause Hearings

REFERRAL OF SHOW CAUSE HEARINGS

2. In consideration of the issuance of orders for Make Safe or Demolish to the owners of property located at 1507 Donora St.

REFERRED TO THE COMMITTEE ON PUBLIC SAFETY

PUBLIC COMMENT

ON LEGISLATIVE MATTERS

- Public Comment on Legislative Matters:

Legislative Matters included the following public hearings:

1. In consideration of an Application for Obsolete Property Rehabilitation Act (OPRA) District filed by AnnaBelle & Associates, Inc. for property located at 600 S. Capitol Ave.
2. In consideration of Brownfield Redevelopment Plan #41; AnnaBelle's Pet Station located at 600 S. Capitol Ave.
3. In consideration of Industrial Development District IDD-1-08; Jackson National Life Expansion Project

Councilmember Wood gave a brief overview of all three Public Hearings.

Mary Emmons of 3011 Scarborough Pl. spoke in support of the proposed Ordinance to Amend Chapter 6, Section 696.01, of the Lansing Codified Ordinances by adding exceptions that allow the recreational shooting of certain weapons if properly supervised.

Thomas Ryan of 4336 Chadburne Dr. spoke about accommodations for handicapped speakers at the podium.

Thomas Ryan spoke on behalf of Celeste Ryan of 4336 Chadburne Dr. about accommodations for handicapped speakers at the podium.

Serene Poyer of 4223 Killarney Ct. spoke about the proposed Special Assessment Roll No. 21-08 for Glenburne Commons Grass Cutting and Trash Clean-up.

Ann Andrews of 1390 Haslett Rd., Williamston, spoke in support of AnnaBelle's Pet Station.

Kevin Green, Executive Director of the Principal Shopping District spoke in support of all three Public Hearings.

Frank S. Curtis X. of 1137 W. Allegan St. spoke about the Transfer of Funds for the South Side Community Center.

Lamar Wilson of 4014 Glenburne Blvd. spoke about the proposed Special Assessment Roll No. 21-08 for Glenburne Commons Grass Cutting and Trash Clean-up.

Brian Anderson of the Economic Development Corporation spoke in support of all three Public Hearings.

John Pollard of 1718 Blair St. spoke in opposition to everything on tonight's agenda.

Darnell E. Oldham, Sr. spoke in opposition to tax abatements.

Christine Timmon of 2519 S. Washington Ave. spoke in opposition to tax abatements.

Charlene Decker 2711 Pleasant Grove Rd. spoke in opposition to tax abatements.

David Pierson of 1305 S. Washington Ave. spoke in support of IDD-1-08; Jackson National Life Expansion Project

REFERRAL OF PUBLIC HEARINGS

1. In consideration of an Application for Obsolete Property Rehabilitation Act (OPRA) District filed by AnnaBelle & Associates, Inc. for property located at 600 S. Capitol Ave.

REFERRED TO THE COMMITTEE ON DEVELOPMENT AND PLANNING

2. In consideration of Brownfield Redevelopment Plan #41; AnnaBelle's Pet Station located at 600 S. Capitol Ave.

REFERRED TO THE COMMITTEE ON DEVELOPMENT AND PLANNING

3. In consideration of Industrial Development District IDD-1-08; Jackson National Life Expansion Project

REFERRED TO THE COMMITTEE ON DEVELOPMENT AND PLANNING

PUBLIC COMMENT

ON CITY GOVERNMENT RELATED MATTERS:

Sylvester Stewart of 3601 Berwick Dr. spoke about various city matters.

William Hubbell of 3916 Wedgewood Dr. spoke about Lansing as a Capital city.

Thomas Ryan of 4336 Chadburne Dr. spoke about accommodations for handicapped speakers at the podium.

Thomas Ryan spoke on behalf of Celeste Ryan of 4336 Chadburne Dr. spoke about accommodations for handicapped speakers at the podium.

Serene Poyer of 4223 Killarney Ct. spoke about the proposed Special Assessment Roll No. 21-08 for Glenburne Commons Grass Cutting and Trash Clean-up.

Jim Lovitt of 2214 Belaire Dr. spoke about golf courses.

Ted Boettcher of 320 W. Northrup St. spoke about the proposed public improvements to Northrup St.

Bob Gray of 422 Dadson Dr. spoke about various city matters.

John Brady of 614 W. Northrup St. spoke about the proposed public improvements to Northrup St.

Russell Terry of 121 E. Mount Hope St. spoke about General Motors.

Frank S. Curtis X. of 1137 W. Allegan St. spoke about various city matters.

John Pollard of 1718 Blair St. spoke about various city matters.

Darnell E. Oldham, Sr. of 3815 Berwick Dr. spoke about various city matters.

Christine Timmon of 2519 S. Washington Ave. spoke about various city matters.

Charlene Decker of 2711 Pleasant Grove Rd. spoke about various city matters.

Lynn Parks of 607 N. Sycamore St. spoke about code enforcement issues.

Walter Brown of 1310 Knollwood Ave. spoke about surveillance cameras.

Adam Hussain of 3814 Calvin Dr. spoke about development in the city

and about the conduct of Council meetings.

Samara Washington of 2312 Bernard St. spoke about the conduct of Council meetings.

LEGISLATIVE MATTERS

RESOLUTIONS

RESOLUTION#174

BY THE COMMITTEE ON DEVELOPMENT AND PLANNING

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

Obsolete Property Rehabilitation Act

3215 S. Pennsylvania Ave.

Establishment of OPRA District

WHEREAS, the intending purchaser of property located at 3215 S. Pennsylvania Ave. in the City of Lansing, Michigan ("the Property") has requested in writing that the City of Lansing establish an Obsolete Property Rehabilitation District ("the District") as enabled by Public Act 146 of 2000, the Obsolete Property Rehabilitation Act ("the Act"), and

WHEREAS, the intending owner is 3215 S. Penn LLC, hereinafter called the Developer, and

WHEREAS, the Developer is the intending owner of greater than fifty percent (50%) of all taxable value of the property located within the proposed District, and

WHEREAS, the Developer has, in writing, requested the District for the Property and for the City of Lansing to take all necessary steps and actions to establish the District on their behalf, and

WHEREAS, the property in question and the proposed boundary of the District is legally described as: LOTS 3, 4 & 5, ALSO A STRIP OF LAND 50 FT WIDE ACROSS SE ¼ OF SW ¼ SEC 27 T4N R2W LYING W OF & ADJ CON RAIL R/W & LYING N'LY OF S LINE LOT 7 & S'LY OF N LINE LOT 3 AS EXT'D E, ALSO UND 3/8 INT IN PRIVATE PARKING AREA A & B; WALTER NELLER CO'S PROFESSIONAL & BUSINESS MART SUB; and,

WHEREAS, the Act requires that before establishing the District the Lansing City Council hold a public hearing in order to provide an opportunity for owners, residents or other taxpayers of the City of Lansing to appear and be heard regarding the establishment of the District and that said public hearing was held on April 7, 2008;

NOW THEREFORE BE IT RESOLVED that the following property is hereby approved and established as an Obsolete Property Rehabilitation District as provided by Public Act 146 of 2000: LOTS 3, 4 & 5, ALSO A STRIP OF LAND 50 FT WIDE ACROSS SE ¼ OF SW ¼ SEC 27 T4N R2W LYING W OF & ADJ CON RAIL R/W & LYING N'LY OF S LINE LOT 7 & S'LY OF N LINE LOT 3 AS EXT'D E, ALSO UND 3/8 INT IN PRIVATE PARKING AREA A & B; WALTER NELLER CO'S PROFESSIONAL & BUSINESS MART SUB, and

BE IT FINALLY RESOLVED that this resolution shall not be construed as the City Council's approval of any future application for an Obsolete Properties Rehabilitation Exemption Certificate for the Developer or any other applicant.

By Councilmember Wood

Motion Carried

RESOLUTION#175

BY THE PLANNING AND DEVELOPMENT COMMITTEE

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

BROWNFIELD PLAN #39

FORMER OTTAWA POWER STATION

WHEREAS, the Brownfield Redevelopment Authority (the Authority) of the City of Lansing, pursuant to and in accordance with the provisions of the Brownfield Redevelopment Financing Act, Public Act, Public Act 381 of 1996, as amended, (the Act) has prepared a Brownfield Plan, submitted to Council and placed on file in the office of City Clerk, LBRA Brownfield Plan #39 – Former Ottawa Power Station (the Plan); and

WHEREAS, a public hearing was held by the Lansing City Council, and at least 10 days before the public hearing the taxing jurisdictions were provided notice to be fully informed about the fiscal and economic implications of the proposed Plan, and given a reasonable opportunity to express their views and recommendations regarding the Plan in accordance with Section 13 (10) and 14(1) of the Act; and

WHEREAS, the Lansing City Council, after its public hearing on April 14, 2008, reviewed testimony and evidence regarding the Plan, and found that:

1. the project property was historically used as a coal burning electric power plant,
2. the Plan provides for the reimbursement of costs attributable to eligible activities to the developer and the Authority,
3. the Project includes, in addition to the eligible activities identified in the Plan, the redevelopment of the property,
4. the project may result in new private investment of approximately \$128,900,000,
5. the Plan provides for the capture of property tax increment revenues,

WHEREAS, the Authority Board of Directors, at its meeting on March 4, 2008, unanimously recommended approval of the Plan, for this Project;

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council, after having duly considered the Plan, finds it is in compliance with the provisions of the Act and further finds:

1. The Plan constitutes a public purpose under the Act;
2. The Plan meets all of the requirements for a Brownfield Plan set forth in Section 13 of the Act;
3. The proposed method of financing the costs of the eligible activities, as described in the Plan, is feasible and the Authority has the ability to arrange the financing;
4. The costs of the Eligible Activities proposed in the Plan are reasonable and necessary to carry out the purposes of the Act; and
5. The amount of the captured taxable value estimated to result from the adoption of the Plan is reasonable.

IT IS FINALLY RESOLVED that the Lansing City Council hereby approves the LBRA Brownfield Plan #39 – Former Ottawa Power Station.

By Councilmember Wood

Motion Carried

RESOLUTION#176

BY THE DEVELOPMENT AND PLANNING COMMITTEE

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

RESOLUTION APPROVING

BROWNFIELD PLAN #40 – POINTE NORTH BUILDING

WHEREAS, the Brownfield Redevelopment Authority (the "Authority") of the City of Lansing, pursuant to and in accordance with the provisions of the Brownfield Redevelopment Financing Act, Public Act, Public Act 381 of 1996, as amended, (the "Act") has prepared a Brownfield Plan, submitted to Council and placed on file in the office of City Clerk, LBRA Brownfield Plan #40 – Pointe North Building (the "Plan"); and

WHEREAS, a public hearing was held by the Lansing City Council and at least 10 days before the public hearing the taxing jurisdictions were provided notice to be fully informed about the fiscal and economic implications of the proposed Plan and given a reasonable opportunity to express their views and recommendations regarding the Plan in accordance with Section 13 (10) and 14(1) of the Act; and

WHEREAS, the Lansing City Council, after its public hearing on April 7, 2008, reviewed testimony and evidence regarding the Plan, and found that:

1. the Project Property was historically used for manufacturing and dry cleaners,
2. the Plan provides for the reimbursement of costs attributable to eligible activities to the developer and the Authority,
3. the Project includes, in addition to the eligible activities identified in the Plan, the redevelopment of the property,
4. the Project may result in new private investment of approximately \$3,700,000,
5. the Plan provides for the capture of property tax increment revenues due to the private investment on the site, and devotes them to repaying the Authority for its costs associated with eligible activities it performs, and to repaying the developer for their costs associated with eligible activities they perform, in accordance with the Plan,

WHEREAS, the Authority Board of Directors, at its meeting of March 4, 2008, unanimously recommended approval of the Plan, for this Project;

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council, after having duly considered the Plan, finds it is in compliance with the provisions of the Act and further finds:

1. The Plan constitutes a public purpose under the Act;
2. The Plan meets all of the requirements for a Brownfield Plan set forth in Section 13 of the Act;
3. The proposed method of financing the costs of the eligible activities, as described in the Plan, is feasible and the Authority has the ability to arrange the financing;
4. The costs of the eligible activities proposed in the Plan are reasonable and necessary to carry out the purposes of the Act; and
5. The amount of the captured taxable value estimated to result from the adoption of the Plan is reasonable.

IT IS FINALLY RESOLVED that the Lansing City Council hereby approves the LBRA Brownfield Plan #40 – Pointe North Building.

By Councilmember Wood

Motion Carried

THIS ITEM WAS RETURNED TO THE COMMITTEE ON PUBLIC SERVICES

Setting a Public Hearing for May 5, 2008 in consideration of Special Assessment Roll No. 21-08 for Glenburne Commons Grass Cutting and Trash Clean-up

RESOLUTION#177

BY THE COMMITTEE ON PUBLIC SERVICES

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Mayor made the reappointment of Shirley Rodgers, 131 E. Jolly Road, Lansing, Michigan 48910, to the At Large seat on the Public Service Board for a term to expire June 30, 2011; and

WHEREAS, the Committee on Public Services met on April 16, 2008, and took affirmative action on the reappointment of Shirley Rodgers;

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council, hereby, confirms the reappointment of Shirley Rodgers, 131 E. Jolly Road, Lansing, Michigan 48910, to the At Large seat on the Public Service Board for a term to expire June 30, 2011.

By Councilmember Hewitt

Motion Carried

RESOLUTION#178

BY THE COMMITTEE OF THE WHOLE

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

That the following FY 2008 transfer be approved;

AMOUNT TO TRANSFER	TRANSFER FROM ACCOUNT #	TRANSFER TO ACCOUNT #
\$80,066.00	Parking System Interest 585.000000.670516.00000	
\$2,287,181.00	Parking System Fund Balance 585.000000.679100.00000	
\$1,263,374.00		Prkg Sys tr to Cap Imp Fund 585.453641.991410.00000
\$851,999.00		Prkg Sys tr to Prk Mil Fund 585.453641.991412.00000
\$251,874.00		Prkg Sys tr to Sew Sys Fund 585.453641.991590.00000

AMOUNT TO TRANSFER	TRANSFER FROM ACCOUNT #	TRANSFER TO ACCOUNT #
\$1,263,374.00	Cap Imp Fund - Op Tr In from 585 410.000000.696585.00000	
\$1,263,374.00		Cap Imp Fund – SS Comm Center 410.933890.970000.46078

AMOUNT TO TRANSFER	TRANSFER FROM ACCOUNT #	TRANSFER TO ACCOUNT #
\$851,999.00	Park Millage Fund - Op Tr In from Prkg Sys 412.000000.696585.00000	
\$851,999.00		Park Millage Fund – Op Tr Out to Cap Imp Fund 412.933890.991410.00000

AMOUNT TO TRANSFER	TRANSFER FROM ACCOUNT #	TRANSFER TO ACCOUNT #
\$251,874.00	Sewage Sys Fund - Op Tr In from Prkg Sys 590.000000.696585.00000	
\$251,874.00		Sewage Sys Fund – Op Tr Out to Cap Imp Fund 590.453680.991410.00000

AMOUNT TO TRANSFER	TRANSFER FROM ACCOUNT #	TRANSFER TO ACCOUNT #
\$851,999.00	Cap Imp Fund - Op Tr In from Prk Millage 410.000000.696412.00000	
\$251,874.00	Cap Imp Fund - Op Tr In from Sewage Sys 410.000000.696590.00000	
\$1,103,873.00		Cap Imp Fund – SS Comm Center Proj 410.933890.970000.46078

Transfer of Triangle property sale proceeds to reimburse the CIP, Parks Millage, and Sewage Disposal System funds for capital project costs incurred between 11/02/2006 and 5/02/2008 in accordance with IRS requirements for bonds that were issued related to that property. Also included above are transfers from the Parks Millage and Sewage Disposal System funds to the Capital Improvement fund. These transfers will consolidate the Triangle Property sale proceeds in the Capital Improvement fund project account for the South Side Community Center.

By Councilmember Allen

Motion Carried

REPORTS FROM COUNCIL COMMITTEES

RESOLUTION#179

REPORT OF COMMITTEE

COMMITTEE ON DEVELOPMENT AND PLANNING held a meeting on April 16, 2008, and reviewed the ordinance amendment of Chapter 12, Section 1248.02(e), of the Lansing Codified Ordinances by revising the definition of “home occupation” to prohibit the adverse impact upon the surrounding neighborhood of a home occupation.

The Committee recommends adoption of the ordinance amendment of Chapter 12, Section 1248.02(e), of the Lansing Codified Ordinances.

April 16, 2008

Signed: Carol Wood, Chairperson

Sandy Allen, Vice Chairperson

Brian Jeffries, Member

By Councilmember Wood

To receive this Committee Report

Motion Carried

RESOLUTION#180

REPORT OF COMMITTEE

COMMITTEE ON PUBLIC SAFETY held a meeting on April 15, 2008, and reviewed the ordinance amendment of Chapter 1460, Sections 1460.08, 1460.09, 1460.44, and 1460.46 to establish administrative fees for monitoring residential structures with "Substandard" and "Unsafe" placards affixed thereto; and to provide for the administration and enforcement of the administrative fees, including penalties.

The Committee recommends adoption of the ordinance amendment of Chapter 1460, Sections 1460.08, 1460.09, 1460.44, and 1460.46 of the Lansing Codified Ordinances.

April 16, 2008

Signed: Sandy Allen, Chairperson
Carol Wood, Vice Chairperson
A'Lynne Robinson, Member

By Councilmember Allen

To receive this Committee Report

Motion Carried

RESOLUTION#181

REPORT OF COMMITTEE

COMMITTEE ON PUBLIC SERVICES held a meeting on April 16, 2008, and reviewed the ordinance amendment of Chapter 6, Section 696.01, of the Lansing Codified Ordinances by adding exceptions that allow the recreational shooting of certain weapons if properly supervised.

The Committee recommends adoption of the ordinance amendment of Chapter 6, Section 696.01, of the Lansing Codified Ordinances.

April 16, 2008

Signed: Eric Hewitt, Chairperson
Kathie Dunbar, Vice Chairperson
Derrick Quinney, Member

By Councilmember Hewitt

To receive this Committee Report

Motion Carried

ORDINANCES FOR INTRODUCTION**INTRODUCTION OF ORDINANCES**

The following ordinance of the City of Lansing, Michigan, providing that the Code of Ordinances be amended by providing for the rezoning of property located in the City of Lansing, Michigan, and for the revision of the district maps adopted by Section 1246.02 of the Code for property located at:

Z-1-2008, 1038 E. Oakland Ave., from "C" Residential District to "E-2" Local Shopping District

was introduced by Councilmember Wood, read by its title and referred to the Committee on Development and Planning.

RESOLUTION#182

BY THE COMMITTEE ON DEVELOPMENT & PLANNING

RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

Resolved by the City Council of the City of Lansing that a public hearing be set for Monday, May 12, 2008, at 7 p.m. in City Council Chambers, Tenth Floor, Lansing City Hall, 124 West Michigan Avenue, Lansing, Michigan, for the purpose of approving and/or opposing the Ordinance for rezoning:

Z-1-2008, 1038 E. Oakland Ave., from "C" Residential District to "E-2" Local Shopping District

By Councilmember Wood

Motion Carried

ORDINANCES FOR PASSAGE

By Councilmember Wood

That we move to the passage of Ordinances

By Councilmember Wood

That the Ordinance when read by its title be considered as read in its entirety.

BY THE COMMITTEE ON DEVELOPMENT AND PLANNING

By Councilmember Wood

That:

An Ordinance of the City of Lansing, Michigan, to Amend Chapter 12, Section 1248.03(e), of the Lansing Codified Ordinances by revising the definition of "home occupation" to prohibit the adverse impact upon the surrounding neighborhood of a home occupation

be placed on order of immediate passage.

BY THE COMMITTEE ON DEVELOPMENT AND PLANNING

By Councilmember Wood

That:

An Ordinance of the City of Lansing,, Michigan, to Amend Chapter 12, Section 1248.03(e), of the Lansing Codified Ordinances by revising the definition of "home occupation" to prohibit the adverse impact upon the surrounding neighborhood of a home occupation

be now passed.

YEAS: Councilmembers Allen, Dunbar, Hewitt, Jeffries, Robinson and Wood

NAYS: Councilmember Kaltenbach

ABSENT: Councilmember Quinney

By Councilmember Wood

THAT THIS ORDINANCE, BEING NECESSARY FOR THE IMMEDIATE PRESERVATION OF THE PUBLIC, PEACE, HEALTH OR SAFETY SHALL TAKE EFFECT UPON ITS PASSAGE

Motion Carried

ORDINANCE #1131

AN ORDINANCE OF THE CITY OF LANSING, MICHIGAN, TO AMEND CHAPTER 12, SECTION 1248.03(e), OF THE LANSING

CODIFIED ORDINANCES BY REVISING THE DEFINITION OF "HOME OCCUPATION" TO PROHIBIT THE ADVERSE IMPACT UPON THE SURROUNDING NEIGHBORHOOD OF A HOME OCCUPATION.

THE CITY OF LANSING ORDAINS:

Section 1. That Chapter 12, Section 1248.03(e) of the Codified Ordinances of the City of Lansing, Michigan be and is hereby amended to contain additional language to take into account the impact upon the residential area the occupation may affect, to read as follows:

1248.03. Uses permitted subject to special conditions.

- (a) Conditional uses described in this section shall be permitted in an A, A-1 or B Residential District, if the dimensional requirements described in Sections 1248.05 to 1248.12, the landscaping, screening and buffering requirements described in Chapter 1290, the conditions imposed by this section and all local, State and Federal laws are met.
- (b) An accessory structure and/or an accessory use which meets all of the following floor area conditions shall be permitted in an A, A-1 or B Residential District, except as otherwise specifically provided in this section:

(1)

Lot Size (sq. ft.)	Maximum Square Footage of Detached Accessory Garages	Maximum Square Footage of All Accessory Buildings	Maximum Square Footage of Attached Garages
Less than 5,000	600	800	600
5,000--7,800	720	1,000	800
7,801--10,800	770	1,050	800
10,80--21,780	840	1,200	1,000
21,781--43,560	1,000	1,200	1,000
43,560+	1,200	1,400	1,200

- (2) The floor area of additions and structures attached to the private garage, including, but not limited to, covered patios, decks, storage areas and carports, shall be included in calculating the total allowable floor area of that garage.
- (3) The floor area of a garage or carport space in a planned residential development shall not exceed 770 square feet.
- (4) The floor area of an accessory building shall not exceed the ground floor area of the principal building.
- (5) A single family lot shall not have more than one storage shed and one garage or detached carport.
- (6) Each accessory structure shall not be located closer than 60 feet from the front lot line, nor closer

than three feet to a rear or side lot line, unless attached to the structure containing the principal use. Detached accessory structures of 1,000 square feet or more shall be setback not less than six (6) feet from a side lot line and a rear lot line. If an accessory structure is attached to a structure containing the principal use, it shall meet all dimensional requirements imposed upon the structure containing the principal use, except as provided in subsection (n) hereof.

- (7) Accessory structures for an approved nonresidential use shall comply with the setback requirements for the principal structures and shall provide landscaping, screening and buffering in accordance with Chapter 1290. These accessory structures are not subject to the size limitations of this section.
- (8) On through lots, an accessory structure located behind the principal structure shall conform to the front yard setback of the district in which it is located.
- (9) An attached garage with doors, that is designed for three or more vehicles, shall have at least one vehicle stall offset by not less than two feet from the front facade of the remaining vehicle stalls.
- (10) The accessory structure shall not involve the operation of a business.
- (11) An accessory structure shall not be used to service or repair a motor vehicle owned by a person other than a person having a legal or equitable interest in the lot on which the accessory structure is located.
- (12) No accessory structure may be a public garage.
- (13) An accessory use on a lot shall not include motor vehicle repair. "Motor vehicle repair" does not include minor motor vehicle service which is completed within a 24-hour period and is limited to:
 - A. Changing oil or other fluids;
 - B. Minor tune-up;
 - C. Tire rotation; and
 - D. Changing brake pads if the vehicle is supported in a safe manner.
- (14) An accessory use of a lot may include the parking of up to four operable vehicles or one operable vehicle for each licensed resident driver at the dwelling, whichever is greater. All vehicles must be incidental to the primary use and not be stored on the lot.
- (15) An accessory use on a lot shall not include junk storage.
- (c) A temporary structure or a temporary use which meets all of the following conditions shall be permitted in an A, A-1 or B Residential District:
 - (1) In the case of a temporary structure, a permit has been issued by the Building Safety Office authorizing the temporary structure.

- (2) In the case of a temporary use, a permit has been issued by the Planning Division. In determining whether to issue a permit, the Planning Division shall review a request in accordance with the standards outlined in Section 1282.02(f)(1) to (9) and shall approve the request, deny it or approve it with conditions.
- (3) The person issued a permit under paragraph (c)(1) or (2) hereof agrees in writing to remove the temporary structure or cease temporary use pursuant to the permit.
- (4) Permits issued under paragraph (c)(1) or (2) hereof shall be for a period not to exceed two weeks, and upon request may be extended twice for a period not to exceed two weeks for each extension.
- (d) The temporary use of a permanent structure as a real estate office for the purpose of marketing new residential development which meets all of the following conditions shall be permitted in an A, A-1 or B Residential District:
- (1) The temporary use of the permanent structure is located within the residential development.
- (2) The temporary use of the permanent structure shall be removed after three years, or after 90 percent of the residential development is sold, whichever comes first.
- (e) A home occupation which meets all of the following conditions shall be permitted in an A, A-1 or B Residential District:
- (1) No person, other than a member of the family residing in the dwelling unit, engages in the home occupation.
- (2) The use of the dwelling unit as a home occupation is clearly incidental and subordinate to its use for residential purposes.
- (3) Not more than 20 percent of the gross floor area of the dwelling unit is used in any way for the home occupation.
- (4) No change occurs in the outside appearance of the dwelling.
- (5) Not more than one sign exists, which sign does not exceed one square foot in area, is not illuminated and is mounted flat against the wall of the dwelling.
- (6) The sale of goods does not occur in the dwelling unit or on the lot on which the dwelling unit is located.
- (7) No equipment is used, except equipment which is normally used for purely domestic or household purposes. Equipment not normally used for purely domestic or household purposes may be installed if the Board of Zoning Appeals approves such use. The Board shall approve of such use if it is satisfied that the intensity of use will not be increased to a level that will adversely impact any lot within 300 feet of the lot seeking Board approval.
- (8) NO ACTIVITY RELATED TO THE OCCUPATION OCCURRING ON THE PREMISES INCLUDING CLIENTS, CUSTOMERS, OR PICK-UP AND DELIVERY VEHICLES SHALL ADVERSELY IMPACT THE SURROUNDING NEIGHBORHOOD OR THE RIGHT OF SURROUNDING RESIDENTS
- TO QUIET ENJOYMENT OF THEIR PROPERTY, INCLUDING BUT NOT LIMITED TO, THE CREATION OF NOISE, VIBRATIONS, ODORS, HEAT, GLARE, OR ELECTRICAL INTERFERENCE DETECTABLE BEYOND THE PROPERTY LINE; OR HAVE ANY PICK-UP OR DELIVERY BY MOTOR VEHICLE BEFORE 7:00 A.M. OR AFTER 7:00 P.M. AND NOT MORE THAN A TOTAL OF TEN (10) PICK-UPS OR DELIVERIES EACH DAY DURING THE PERMITTED TIME.
- (f) A temporary bulletin board or sign which meets all of the requirements of Chapter 1440 of Part Fourteen - the Building and Housing Code and does not exceed ten square feet in area shall be permitted in an A, A-1 or B Residential District, if the sign advertises the sale or lease of a structure or lot on which the sign is located.
- (g) An educational facility, except an educational facility or an agent thereof that is a high school, college, university, trade or vocational school or a community or junior college, shall be permitted in an A, A-1 or B Residential District.
- (h) A group day care home which meets all of the following conditions shall be permitted in an A, A-1 or B Residential District:
- (1) The facility provides and maintains on the lot not less than 900 square feet of outdoor play space.
- (2) The use of the structure as a group day care home shall be clearly incidental to the principal residential use.
- (3) One person, other than a member of the family residing in the dwelling, may be employed, so long as that person is not the primary caregiver.
- (4) No change occurs in the outside appearance of the dwelling.
- (5) No signs are permitted.
- (6) The outdoor play space shall be fenced. This requirement can be waived by approval of the Planning Division if the specified outdoor area is common open space shared with other dwelling units.
- (i) A golf course which meets all of the following conditions shall be permitted in an A, A-1 or B Residential District:
- (1) The lot on which the golf course is located has not less than one lot line abutting a principal or minor arterial, as defined in the Comprehensive Plan.
- (2) Each vehicular ingress or egress is directly onto a principal or minor arterial, except if approval is obtained from the Planning Board after a public hearing is held pursuant to the procedures described in Section 1282.02.
- (j) An outdoor swimming pool which is owned and operated by a governmental entity and which meets all of the following conditions shall be permitted in an A, A-1 or B Residential District:
- (1) Front, rear and side yards are not less than 80 feet, except as provided in paragraph (j)(2) hereof.

- (2) If a front, rear or side yard is abutting a D-1, E-1, E-2, F, G-1, G-2, H, I or J District, then the yard which abuts such District shall meet the dimensional requirements of the District which abuts such yard.
- (3) No parking exists in the front yard.
- (4) No accessory structure is located in the front yard.
- (k) An indoor swimming pool which is owned and operated by a governmental entity and which meets all of the following conditions shall be permitted in an A, A-1 or B Residential District:
 - (1) Front, rear and side yards are not less than 25 feet, except as provided in paragraph (k)(2) hereof.
 - (2) If a front, rear or side yard abuts a D-1, E-1, E-2, F, G-1, G-2, H, I or J District, then the yard which abuts such District shall meet the dimensional requirements of the District which abuts such front, rear or side yard.
- (l) A library or museum which is owned and operated by a governmental entity and which meets all of the following conditions shall be permitted in an A, A-1 or B Residential District:
 - (1) Front, rear and side yards are not less than 25 feet, except as provided in paragraph (l)(2) hereof.
 - (2) If a front, rear or side yard abuts a D-1, E-1, E-2, F, G-1, G-2, H, I or J District, then the yard which abuts such District shall meet the dimensional requirements of the District which abuts such front, rear or side yard.
 - (3) No parking exists in the front yard.
 - (4) No accessory structure is located in the front yard.
- (m) A functional family which meets all of the following conditions shall be permitted in an A, A-1 or B Residential District:
 - (1) Not more than three persons shall be allowed.
 - (2) The square footage of the bedroom area shall meet the minimum requirements of the Building Code.
 - (3) There is one off-street parking space for each vehicle associated with the members of the functional family, but not less than two off-street parking spaces altogether.
- (n) An attached open carport which meets all of the following conditions shall be permitted in an A, A-1 or B Residential District:
 - (1) The carport is attached to the principal structure.
 - (2) The carport is completely open on not less than two sides.
 - (3) The carport is at least three feet from the side lot line and six feet from the closest point that a structure could be or is built on an adjacent lot.

Section 2. All ordinances, resolutions or rules, parts of ordinances, resolutions or rules inconsistent with the provisions hereof are hereby repealed

Section 3. Should any section, clause or phrase of this ordinance be declared to be invalid, the same shall not affect the validity of the

ordinance as a whole, or any part thereof other than the part so declared to be invalid.

Section 4. This ordinance shall take effect on the 30th day after enactment unless given immediate effect by City Council.

By Councilmember Allen

That the Ordinance when read by its title be considered as read in its entirety.

BY THE COMMITTEE ON PUBLIC SAFETY

By Councilmember Allen

That:

An Ordinance of the City of Lansing, Michigan, to Amend Chapter 1460 of the Lansing Codified Ordinances by Amending Sections 1460.08, 1460.09, 1460.44, and 1460.46 to establish administrative fees for monitoring residential structures with "Substandard" and "Unsafe" placards affixed thereto; and to provide for the administration and enforcement of the administrative fees, including penalties

be placed on order of immediate passage.

BY THE COMMITTEE ON PUBLIC SAFETY

By Councilmember Allen

That:

An Ordinance of the City of Lansing, Michigan, to Amend Chapter 1460 of the Lansing Codified Ordinances by Amending Sections 1460.08, 1460.09, 1460.44, and 1460.46 to establish administrative fees for monitoring residential structures with "Substandard" and "Unsafe" placards affixed thereto; and to provide for the administration and enforcement of the administrative fees, including penalties

be now passed.

YEAS: Councilmembers Allen, Dunbar, Hewitt, Jeffries, Kaltenbach, Robinson and Wood

NAYS: None

ABSENT: Councilmember Quinney

By Councilmember Allen

THAT THIS ORDINANCE, BEING NECESSARY FOR THE IMMEDIATE PRESERVATION OF THE PUBLIC, PEACE, HEALTH OR SAFETY SHALL TAKE EFFECT UPON ITS PASSAGE

Motion Carried

ORDINANCE #1132

AN ORDINANCE OF THE CITY OF LANSING, MICHIGAN, TO AMEND CHAPTER 1460 OF THE CODIFIED ORDINANCES OF LANSING, MICHIGAN, BY AMENDING SECTIONS 1460.08, 1460.09, 1460.44, and 1460.46, OF THE LANSING CODIFIED ORDINANCES TO ESTABLISH ADMINISTRATIVE FEES FOR MONITORING RESIDENTIAL STRUCTURES WITH "SUBSTANDARD" AND "UNSAFE" PLACARDS AFFIXED THERETO; AND TO PROVIDE FOR THE ADMINISTRATION AND ENFORCEMENT OF THE ADMINISTRATIVE FEES, INCLUDING PENALTIES.

THE CITY OF LANSING ORDAINS:

Section 1. That Sections 1460.08, 1460.09, 1460.44, and 1460.46

of the Codified Ordinances of the City of Lansing, Michigan, be and are hereby amended to read as follows:

City of Lansing

ADMINISTRATION

SECTION 1460.08 SUBSTANDARD STRUCTURES OR PREMISES.

(a) *General.* When a structure or premises is deemed by the Manager of Code Compliance to be substandard and the required correction is not completed by the time established by the Manager of Code Compliance, or if the structure becomes vacant after any notice of violation is issued, such structure may be vacated and/or placarded or the violation may be abated pursuant to the provisions of this Code. A substandard structure or premises is one that does not meet the minimum requirements as set forth in this Code, such as, but not limited to,

- (1) Inadequate sanitation, hazardous or unsanitary premises,
- (2) Structural hazards, faulty materials of construction,
- (3) Faulty weather protection,
- (4) Hazardous electrical wiring,
- (5) Hazardous plumbing,
- (6) Hazardous mechanical equipment,
- (7) Fire hazard, inadequate exits,
- (8) Inadequate fire protection, warning devices, or fire-fighting equipment,
- (9) Improper occupancy or use,
- (10) Inadequate drainage, light and ventilation,
- (11) Unsafe structure,
- (12) Lack of valid Certificate of Compliance or unregistered rental dwelling.

Whenever a structure is determined to be substandard, it shall be deemed a nuisance and a violation of this Housing Code and the violation may be corrected by the City.

- (b) *Notice.* Whenever the Manager of Code Compliance determines the structure or premises or portion thereof is substandard, notice shall be served on the owner or the person or persons responsible for the structure or equipment in accordance with Section 1460.07(c) (Method of service). The notice shall be in the form prescribed in Section 1460.07(b).
- (c) *Placarding.* Upon failure of the owner or person responsible to comply with the correction notice requirements within the time given or if the structure and/or premises becomes vacant, the Manager of Code Compliance may order the structure and premises vacated, or to remain vacant, by posting on the front and back entrances of the structure or premises a placard in substantially the following form:

SUBSTANDARD
DO NOT OCCUPY

It is a misdemeanor to occupy this premises and/or structure.

\$500.00 fine for removing or defacing this notice.

Office of Code Compliance

No person shall occupy any premises and/or structure which has been posted as specified in this subsection. No person shall remove or deface any order so posted until the repairs directed by the Manager of Code Compliance have been completed, inspected and approved by the Manager of Code Compliance.

- (d) *Prohibited Occupancy.* Any person who occupies a placarded structure and/or premises or portion thereof and any owner or person responsible for the premises who lets a person or pet occupy a placarded structure and/or premises shall be guilty of a misdemeanor.
- (e) *Removal of Placard.* The Manager of Code Compliance shall remove the substandard placard when the conditions upon which the order to vacate action were based have been corrected, inspected and approved by the Manager of Code Compliance. Any person who defaces or removes a substandard placard without the approval of the Manager of Code Compliance shall be guilty of a misdemeanor.

(F) ADMINISTRATIVE FEE.

(1) THE OWNER OF ANY STRUCTURE OR PREMISES WITH A SUBSTANDARD PLACARD AFFIXED TO THEIR PROPERTY UNDER THIS SECTION SHALL PAY A MONTHLY NON-REFUNDABLE ADMINISTRATIVE FEE, AS ESTABLISHED BY CITY COUNCIL RESOLUTION, UNTIL THE SUBSTANDARD PLACARD IS REMOVED BY THE OFFICE OF CODE COMPLIANCE. THE FEE SHALL OFFSET THE COSTS INCURRED BY THE OFFICE OF CODE COMPLIANCE IN MONITORING THE STRUCTURE OR PREMISES WITH PLACARDS AFFIXED THERETO UNDER THIS SECTION.

(2) "MONITORING" SHALL MEAN:

- (A) REINSPECT TO ESTABLISH THAT A STRUCTURE OR PREMISES IS SECURED AGAINST THE ELEMENTS, ACCESS BY TRESPASSERS, AND/OR UNAUTHORIZED ENTRY;
- (B) REINSPECT TO ESTABLISH THAT THE EXTERIOR PROPERTY AREAS OF A STRUCTURE OR PREMISES ARE IN COMPLIANCE WITH THIS CODE;
- (C) REINSPECT TO ESTABLISH THAT A STRUCTURE OR PREMISES DOES NOT FURTHER DETERIORATE OR ACQUIRE ADDITIONAL CODE VIOLATIONS.

(3) "OWNER" SHALL MEAN THE PARTY IN INTEREST WHOSE NAME APPEARS ON THE CITY'S REAL PROPERTY TAX ASSESSMENT RECORDS.

(4) ANY UNPAID FEES UNDER THIS SECTION SHALL BE A LIEN AGAINST THE REAL PROPERTY AND SHALL BE REPORTED TO THE CITY'S ASSESSOR FOR PLACEMENT ON THE REAL PROPERTY TAX ASSESSMENT RECORDS. UNPAID FEES AND COSTS SHALL BE COLLECTED AS

ALLOWED BY LAW.

- (5) THE OWNER SHALL BE NOTIFIED OF THE AMOUNT OF UNPAID FEES BY FIRST CLASS MAIL AT THE ADDRESS SHOWN ON THE CITY ASSESSOR'S RECORDS. IF THE OWNER FAILS TO PAY THE FEES OWED WITHIN THIRTY DAYS AFTER MAILING OF THE NOTICE, THE CITY ASSESSOR SHALL ADD THE AMOUNT OF THE UNPAID FEES PLUS A 5% LATE PENALTY ON THE OUTSTANDING BALANCE TO THE CITY'S NEXT TAX ROLL AND IT SHALL BE COLLECTED AS PROVIDED BY LAW FOR THE COLLECTION OF CITY TAXES.

SECTION 1460.09 UNSAFE STRUCTURES OR PREMISES

(a) *General.* When a structure, and/or premises is determined by the Manager of Code Compliance to be unsafe, it shall be declared unsafe an unsafe structure includes but is not limited to:

- (1) Any door, passageway, stairway or other means of exit which does not conform to the Fire Code and the Building Code,
- (2) The structure contains unsafe equipment, or lacks sanitary or heating facilities or other essential equipment, electrical wiring or device, other equipment on the premises or within the structure which is in such disrepair or condition that such equipment is a hazard to life, health, property or safety of the public or occupants of the premises or structure,
- (3) The structure or premises is so damaged, decayed, dilapidated, structurally unsafe, or of such faulty construction or unstable foundation, that partial or complete collapse is possible or is likely to cause sickness or disease when so determined by the County Health Office or the Manager of Code Compliance,
- (4) The premises lacks the required utilities,
- (5) There is infestation of insects, vermin or rodents,
- (6) The lack of adequate garbage and rubbish storage and removal,
- (7) Contains flammable liquid containers or accumulation of combustibles,
- (8) The structure or premises is one found in whole or in part to be occupied by more persons than permitted under this Code, or was erected, altered or occupied contrary to law,
- (9) Whenever, for any reason whatsoever, the structure or premises, or any portion thereof is manifestly unsafe for the purpose for which it is used,
- (10) Any structure which is open at the door or window, leaving the interior exposed to the elements or accessible to entrance by trespassers,
- (11) Any structure defined as unsafe or dangerous pursuant to the Housing Law of Michigan (MCL 125.538 et seq.).

(b) *Securing of Vacant Structures.* If the structure is vacant and unsafe, the Manager of Code Compliance is authorized to post an UNSAFE placard of unsafe on the premises and

order the structure closed up so as not to be an attractive nuisance. Upon failure of the owner to secure the premises within the time specified in the correction notice, the Manager of Code Compliance shall cause the premises to be closed and secured.

- (c) *Notice.* Whenever the Manager of Code Compliance deems the premises unsafe, under the provisions of this section, notice shall served on the owner or the person or persons responsible for the structure or equipment in accordance with Section 1460.07(c) (Method of service). The notice shall be in the form prescribed in Section 1460.07(b) (Form).
- (d) *Placarding.* Upon failure of the owner or person responsible to comply with the correction notice requirements within the time given, the Manager of Code Compliance may order the structure and/or premises or portion thereof be vacated or to remain vacant by posting on the front and back entrances to the premises a placard in substantially the following form:

UNSAFE

DO NOT ENTER

It is a misdemeanor to occupy this premises and/or structure.

\$500.00 fine for removing or defacing this notice.

Office of Code Compliance

City of Lansing

No person shall occupy or enter any premises or structure which has been posted as unsafe as specified in this subsection, except that entry may be made to repair, demolish or remove such structure under permit. No person shall remove or deface any order so posted until the repairs directed by the Manager of Code Compliance have been completed, inspected and approved by the Manager of Code Compliance.

- (e) *Prohibited Occupancy.* Any person who occupies a placarded structure and/or premises or portion thereof, and any owner or person responsible for the premises who lets a person or pet occupy a placarded structure and/or premises shall be guilty of a misdemeanor.
- (f) *Removal of Placard.* The Manager of Code Compliance shall remove the unsafe placard when the conditions upon which the order to vacate or placarding action were based have been corrected, AND THE PROPERTY HAS BEEN inspected and approved by the Office of Code Compliance. Any person who defaces or removes an unsafe placard without the approval of the Manager of Code Compliance shall be guilty of a misdemeanor.

G) ADMINISTRATIVE FEE.

(1) THE OWNER OF ANY STRUCTURE OR PREMISES WITH AN UNSAFE OR SUBSTANDARD PLACARD AFFIXED TO THEIR PROPERTY SHALL PAY A MONTHLY NON-REFUNDABLE ADMINISTRATIVE FEE, AS ESTABLISHED BY CITY COUNCIL RESOLUTION, UNTIL THE UNSAFE OR SUBSTANDARD PLACARD IS REMOVED BY THE OFFICE OF CODE COMPLIANCE. THE FEE SHALL OFFSET THE COSTS INCURRED BY THE OFFICE OF CODE COMPLIANCE IN MONITORING THE STRUCTURE OR PREMISES WITH PLACARDS AFFIXED THERETO UNDER THIS SECTION.

(2) "MONITORING" SHALL MEAN:

- (A) REINSPECT TO ESTABLISH THAT A STRUCTURE OR PREMISES IS SECURED AGAINST THE ELEMENTS, ACCESS BY TRESPASSERS, AND/OR UNAUTHORIZED ENTRY;
- (B) REINSPECT TO ESTABLISH THAT THE EXTERIOR PROPERTY AREAS OF A STRUCTURE OR PREMISES ARE IN COMPLIANCE WITH THIS CODE;
- (C) REINSPECT TO ESTABLISH THAT A STRUCTURE OR PREMISES DOES NOT FURTHER DETERIORATE OR ACQUIRE
- (D) ADDITIONAL CODE VIOLATIONS.
- (3) "OWNER" SHALL MEAN THE PARTY IN INTEREST WHOSE NAME APPEARS ON THE CITY'S REAL PROPERTY TAX ASSESSMENT RECORDS.
- (4) ANY UNPAID FEES UNDER THIS SECTION SHALL BE A LIEN AGAINST THE REAL PROPERTY AND SHALL BE REPORTED TO THE CITY'S ASSESSOR FOR PLACEMENT ON THE REAL PROPERTY TAX ASSESSMENT RECORDS. UNPAID FEES AND COSTS SHALL BE COLLECTED AS ALLOWED BY LAW.
- (5) THE OWNER SHALL BE NOTIFIED OF THE AMOUNT OF UNPAID FEES BY FIRST CLASS MAIL AT THE ADDRESS SHOWN ON THE CITY ASSESSOR'S RECORDS. IF THE OWNER FAILS TO PAY THE AMOUNT OWED WITHIN THIRTY DAYS AFTER MAILING OF THE NOTICE, THE CITY ASSESSOR SHALL ADD THE AMOUNT OF THE UNPAID FEES PLUS A 5% LATE PENALTY ON THE UNPAID BALANCE TO THE CITY'S NEXT TAX ROLL AND IT SHALL BE COLLECTED AS PROVIDED BY LAW FOR THE COLLECTION OF CITY TAXES.
- (d) *Change of Owner or Agent's Address or Phone.* After registration, if the registered owner or registered agent changes residence or his or her usual place of business or his or her telephone number(s). The registered owner or agent shall provide, in writing, the new address(es) and/or telephone number(s) to the Office of Code Compliance within 15 days of such change. If there is a new agent or there is no longer an agent, the registered owner shall provide, in writing, the required information to the Office of Code Compliance within 15 days of such change.
- (e) *Transfer of Ownership.* If there is a transfer of ownership for any rental dwelling or unit required to be registered under this section, the registered owner or agent shall, within 15 days of such transfer or change, notify, in writing, the Office of Code Compliance thereof and provide the name(s) and address of the new owner(s). If the registered owner or agent sells the property on a land contract, the registered owner or agent shall provide a copy of that land contract which has been recorded with the County Register of Deeds or a property transfer affidavit, to the Office of Code Compliance AND THE CITY ASSESSOR'S OFFICE within 15 days of such change. The registered owner or agent shall provide such information as may be required by the Office of Code Compliance.
- (f) *Application for Certificate of Compliance.* An owner or agent shall apply for a Certificate of Compliance. Inspection and issuance of certificates shall comply with the requirements of this Code and with the procedures established by the Office of Code Compliance. If any owner or agent fails to make an application for a Certificate of Compliance, the occupant of the dwelling may apply for a certificate.

RENTAL PROPERTIES

SECTION 1460.44 REGISTRY

- (a) *General.* All rental properties in the City of Lansing, except owner-occupied single-family dwellings, are subject to Sections 1460.44 through 1460.51 of this Code. Owners and agents of rentals subject to this Code shall register their names, telephone numbers and place of residence or usual places of business, and the location of the premises regulated by this Code, with the Office of Code Compliance, all absentee landlords shall have a registered agent in Lansing. An absentee landlord is the owner of property that is leased, assigned or rented to another and who lives more than 40 miles from the Lansing City Limits.
- (b) *Identification Required.* The owner of any rental properties shall provide proof or verification of his or her driver's license or State of Michigan Personal Identification Card to the Office of Code Compliance. A corporation, limited liability company, trust, partnership, or D.B.A. registered with the State of Michigan or county shall provide such other information as may be required by the Office of Code Compliance. If the premises are managed or operated by an agent, the owners shall provide proof or verification of the agent's driver's license or State of Michigan Personal Identification Card to the Office of Code Compliance which shall be placed with the owner's name in the registry.
- (c) *Time Allowed to Register Rental Property.* The owner(s) shall be responsible for registering a rental property within 30 days following the day on which the owner offers the premises, dwelling or unit for occupancy. If there is a transfer or change
- (g) *Certificate of Compliance Withheld.* When a certificate is withheld pending compliance or the rental dwelling is not registered, or premises is not occupied for dwelling purposes, the premises shall not be occupied until a Certificate of Compliance is obtained. Those premises which are occupied for dwelling purposes may be ordered vacated until reinspection and proof of compliance has been obtained.
- (h) *Lack of Certificate of Compliance.* If a rental dwelling unit lacks a current Certificate of Compliance or is not registered within the required time stated in subsections (c) and (d) hereof, the dwelling may be ordered vacated and the occupants may pay the rent into an escrow account until a Certificate of Compliance is issued. The Office of Code Compliance may notify occupants when the Certificate of Compliance is issued. A NONREFUNDABLE ADMINISTRATIVE SERVICE FEE AS ESTABLISHED BY CITY COUNCIL RESOLUTION SHALL BE ASSESSED IN INSTANCES WHERE THE LACK OF A CURRENT CERTIFICATE OF COMPLIANCE NECESSITATES INVESTIGATION BY THE OFFICE OF CODE COMPLIANCE AND NONCOMPLIANCE IS FOUND TO EXIST.
- (i) *Certificate Issued on Condition.* A Certificate of Compliance shall be issued on the condition that the premises remain in a safe, healthful and fit condition for occupancy. If, upon reinspection, the Manager of Code Compliance determines that conditions exist which are in

violation of this Code. The certificate shall be immediately revoked and the premises may be vacated as provided in Section 1460.08 (Substandard structures, or premises) and/or Section 1460.09 (Unsafe premises or structure).

SECTION 1460.46 FEES

- (a) *General.* The City shall charge nonrefundable fees for inspection and/or registration. Inspection and reinspection fees shall be set by resolution of City Council and shall be paid at the time of registration and in advance of inspection. The fee for inspection covers the initial inspection and one complete reinspection. If any subsequent reinspections are required, City Council shall establish by resolution a reinspection fee that shall increase at a progressively higher rate for each reinspection. FAILURE ON THE PART OF THE OWNER, OWNER'S AGENT, OR PROPERTY MANAGER TO PROVIDE A 48 HOUR NOTICE OF INSPECTION CANCELLATION AND/OR FAILURE TO KEEP A SCHEDULED INSPECTION TIME MAY RESULT IN THE ASSESSMENT BY THE MANAGER OF CODE COMPLIANCE OF A NONREFUNDABLE LATE FEE, AS ESTABLISHED BY CITY COUNCIL RESOLUTION.
- (b) *Certificate Expires.* If the ~~registered~~ owner or registered agent fails to schedule a certification inspection before the expiration of the existing Certificate of Compliance, the fee for the certification inspection will be doubled.
- (c) *Administrative Fee Added.* If any registered owner or registered agent fails to pay any fees required by this Code within 60 days after the Certificate of Compliance has expired, an administrative service fee as established by City Council resolution shall be assessed.
- (d) *Payment.* Any fee for required inspections or reinspections, including the administrative service fee, shall be paid by the owner ~~or party in interest~~ whose name appears on the City's real property tax assessment records.
- (e) *Lien on Property.* Any unpaid fees or costs assessed under this Code shall be a lien against the real property and shall be reported to the City's Assessor for placement on the real property tax assessment records. Unpaid fees and costs shall be collected as allowed by law.
- (f) *Notification to Add to Tax Roll.* The ~~taxpayer of record~~ OWNER shall be notified of the amount of unpaid fees by first class mail at the address shown on the City Assessor's records. ~~If he or she~~ THE OWNER fails to pay the amount owed within 30 days after mailing of the notice, the City Assessor shall add the amount to the next tax roll of the City and it shall be collected as provided by law for the collection of City taxes.

Section 2. All ordinances, resolutions or rules, parts of ordinances, resolutions or rules inconsistent with the provisions hereof are hereby repealed.

Section 3. Should any section, clause or phrase of this ordinance be declared to be invalid, the same shall not affect the validity of the ordinance as a whole, or any part thereof other than the part so declared to be invalid.

Section 4. This ordinance shall take effect on the 30th day after enactment unless given immediate effect by City Council.

By Councilmember Hewitt

That the Ordinance when read by its title be considered as read in its entirety.

BY THE COMMITTEE ON PUBLIC SERVICES

By Councilmember Hewitt

That:

An Ordinance of the City of Lansing, Michigan, to Amend Chapter 6, Section 696.01, of the Lansing Codified Ordinances by adding exceptions that allow the recreational shooting of certain weapons if properly supervised

be placed on order of immediate passage.

BY THE COMMITTEE ON PUBLIC SERVICES

By Councilmember Hewitt

That:

An Ordinance of the City of Lansing, Michigan, to Amend Chapter 6, Section 696.01, of the Lansing Codified Ordinances by adding exceptions that allow the recreational shooting of certain weapons if properly supervised

be now passed.

YEAS: Councilmembers Allen, Dunbar, Hewitt, Jeffries, Kaltenbach, Robinson and Wood

NAYS: None

ABSENT: Councilmember Quinney

By Councilmember Hewitt

THAT THIS ORDINANCE, BEING NECESSARY FOR THE IMMEDIATE PRESERVATION OF THE PUBLIC, PEACE, HEALTH OR SAFETY SHALL TAKE EFFECT UPON ITS PASSAGE

Motion Carried

ORDINANCE #1133

AN ORDINANCE OF THE CITY OF LANSING, MICHIGAN, TO AMEND CHAPTER 6, SECTION 696.01, OF THE LANSING CODIFIED ORDINANCES BY ADDING EXCEPTIONS THAT ALLOW THE RECREATIONAL SHOOTING OF CERTAIN WEAPONS IF PROPERLY SUPERVISED.

THE CITY OF LANSING ORDAINS:

Section 1. That Chapter 6, Section 696.01, of the Codified Ordinances of the City of Lansing, Michigan, be and is hereby amended by adding new sections two through six and providing for recreational shooting as an exception to the ordinance prohibiting discharge of weapons, to read as follows:

696.01. Discharging weapons.

1. No person shall fire or shoot any firearm, air gun, spring gun, bow and arrow, slingshot, crossbow or other dangerous weapon in any street or public place, or fire or shoot such a weapon in any place in a manner that would endanger, or be likely to endanger, any person or property, ~~provided that this section shall not apply to law enforcement or security personnel~~ SUBJECT TO THE FOLLOWING EXCEPTION(S):

A PERSON WHO IS AN AUTHORIZED PARTICIPANT IN AN APPROVED RECREATIONAL SHOOTING PROGRAM UNDER THE AUTHORITY OF THE LANSING POLICE DEPARTMENT OR DEPARTMENT OF PARKS AND RECREATION MAY USE ANY OF THE FOLLOWING:

- (a) BOWS & ARROWS, AND
- (b) CROSSBOWS.
2. "RECREATIONAL SHOOTING PROGRAM" MEANS A PROGRAM THAT MEETS STATE OR NATIONALLY RECOGNIZED STANDARDS AND IS UNDER THE DIRECT SUPERVISION OF A CERTIFIED RANGE MASTER WHO HAS SUCCESSFULLY COMPLETED A NATIONALLY RECOGNIZED TRAINING PROGRAM.
3. THE DEPARTMENT OF PARKS AND RECREATION SHALL IDENTIFY STATE OR NATIONALLY RECOGNIZED RECREATIONAL SHOOTING SAFETY AND PROGRAM STANDARDS AND SHALL PROMULGATE OR ADOPT RULES FOR THE SAFE AND ORDERLY ADMINISTRATION OF RECREATIONAL SHOOTING PROGRAMS.

Section 2. All ordinances, resolutions or rules, parts of ordinances, resolutions or rules inconsistent with the provisions hereof are hereby repealed.

Section 3. Should any section, clause or phrase of this ordinance be declared to be invalid, the same shall not affect the validity of the ordinance as a whole, or any part thereof other than the part so declared to be invalid.

Section 4. This ordinance shall take effect on the 30th day after enactment unless given immediate effect by City Council.

**REPORTS FROM CITY OFFICERS, BOARDS, AND
COMMISSIONS;
COMMUNICATIONS AND PETITIONS;
AND OTHER CITY RELATED MATTERS**

By Councilmember Allen that all items be considered as being read in full and that President Jeffries make the appropriate referrals

Motion Carried

- Reports from City Officers, Boards and Commissions:
 - a. Letters from the City Clerk:
 - i. Submitting minutes of Boards and Authorities placed on file in the City Clerk's Office

RECEIVED AND PLACED ON FILE

- ii. Submitting Licenses and Bonds for Approval; Application for Fireworks Display Permits filed by Lansing Lugnuts & Roger Bonney of Night Magic for May 2, 3, and 9, 2008 with a rain date of August 22, 2008

REFERRED TO THE COMMITTEE ON GENERAL SERVICES

- b. Letter from Kevin Green, Executive Director of Principal Shopping District encouraging the approval of Brownfield Redevelopment Plan #39; Former Ottawa Power Station

RECEIVED AND PLACED ON FILE

- c. Letters from the Mayor re:
 - i. Application for Exemption of New Personal Property filed by AquaBioChip LLC for property located at 1012 N. Walnut St.

REFERRED TO THE COMMITTEE ON DEVELOPMENT AND

PLANNING

- ii. Requests for Waivers of the Provisions of the Noise Ordinance contained in Chapter 654 of the Code of Ordinances and Requests for Public Hearings for:
 - Kamminga & Roodvoets, Inc. to work on Saturdays from 8:00 a.m. to 8:00 p.m. for construction activities in the CSO 018 Southeast Project Area
 - Six-S, Inc. to work on Saturdays from 8:00 AM to 5:00 PM for construction activities in the CSO 013 Northwest Project Area

REFERRED TO THE COMMITTEE ON GENERAL SERVICES

- iii. Transfer of Funds; Infrastructure Fund – Red Cedar Bicycle Link/River Trail

REFERRED TO THE COMMITTEE ON WAYS AND MEANS AND INTERNAL AUDIT

- Communications and Petitions, and Other City Related Matters:
 - a. Contract between the State of Michigan Department of Transportation and the City of Lansing for:

Part A — Federal Participation

Hot mix asphalt paving work along Moores River Drive from Mount Hope Avenue to Francis Park; including pavement removal, concrete curb and gutter, retaining walls, river bank erosion protection, and storm sewer improvement work; and all together with necessary related work.

Part B — No Federal Participation

Audiovisual taping work along Moores River Drive from Mt. Hope Avenue to Francis Park; and all together with necessary related work.

REFERRED TO THE CITY ATTORNEY AND REFERRED TO THE COMMITTEE ON PUBLIC SERVICES

- b. Letter from the State of Michigan Department of State providing notice of the receipt of Conditional Transfer of Property – Parcels 2008-A through 2008-E, Act 425 Agreement; Alaiedon Township for Jackson National Life Expansion Project

REFERRED TO THE COMMITTEE ON DEVELOPMENT AND PLANNING AND REFERRED TO THE PLANNING AND DEVELOPMENT DEPARTMENT

- c. Notice from the Michigan Department of Environmental Quality of the issuance of Permit No. 08-33-0016-P to Virginia Cannell of 1650 Lindbergh Dr. to remove existing masonry front porch and construct a new wood front porch on post footings.

REFERRED TO THE COMMITTEE ON DEVELOPMENT AND PLANNING AND REFERRED TO THE PLANNING AND DEVELOPMENT DEPARTMENT

- d. Letter from John Dunn of 1129 S. Genesee Dr. in support of road changes for Saginaw St. and Oakland Ave.

REFERRED TO THE COMMITTEE ON PUBLIC SERVICES AND REFERRED TO THE PUBLIC SERVICE DEPARTMENT AND

REFERRED TO THE TRANSPORTATION DIVISION

- e. Letter from Ann McCall of 232 Lexington Ave. regarding the naturalist position at Fenner Nature Center

REFERRED TO THE COMMITTEE OF THE WHOLE/BUDGET

- f. Letter from Joe DiSano of 530 W. Ionia St. regarding comments made by a Councilmember reported in the Lansing City Pulse

RECEIVED AND PLACED ON FILE

MOTION OF EXCUSED ABSENCE

By Councilmember Allen

To excuse Councilmember Quinney from tonight's proceedings

Motion Carried

REMARKS BY COUNCILMEMBERS

Councilmember Allen announced the South Side Community Coalition's Pet Fair.

Councilmember Robinson addressed comments made by speakers at the podium at tonight's meeting.

Councilmember Dunbar addressed concerns regarding sidewalks and CATA routes for the South Side Community Center. She also spoke about the special assessment for Glenburne Commons, CDBG eligibility and plans for Fenner Nature Center.

Councilmember Kaltenbach spoke about the Naturalist position at Fenner Nature Center.

Councilmember Allen spoke about the Naturalist position at Fenner Nature Center.

Councilmember Dunbar stated that the city is committed to continued programs at Fenner Nature Center.

REMARKS BY THE MAYOR

OR EXECUTIVE ASSISTANT

Jerry Ambrose, Executive Assistant to Mayor Bernero, address concerns about Fenner Nature Center. He thanked the City Council for the passage of tonight's Resolutions and Ordinances. He spoke about budget concerns and congratulated Chief Deputy City Clerk Reeves for being a winner in the Board of Water and Light's amateur Chili Cook-Off competition.

Councilmember Wood announced that Shelly Foster's Memorial Service will be Saturday from 11:00 a.m. to 2:00 p.m. There will be a short Memorial Service and luncheon to follow at Frances Park in the pavilion. This is an opportunity to celebrate her life.

ADJOURNED TIME 10:35 P.M.

CHRIS SWOPE, CITY CLERK