



**CITY OF OAK PARK, MICHIGAN
REGULAR COUNCIL MEETING OF THE
38th OAK PARK CITY COUNCIL
September 8, 2020
7:00 PM**

MINUTES

Mayor McClellan called the virtual meeting to order at 7:00 p.m. Oak Park City Hall, 14000 Oak Park Boulevard, Oak Park, MI 48237. (248) 691-7544.

PRESENT: Mayor McClellan, Mayor Pro Tem Burns, Council Member Radner,
Council Member Weiss, Council Member Edgar

ABSENT: None

OTHERS

PRESENT: City Manager Tungate, City Clerk Norris, City Attorney Krause,
City Attorney Duff

APPROVAL OF AGENDA:

**CM-09-252-20 (AGENDA ITEM #3) ADOPTION OF THE AGENDA AS
AMENDED – APPROVED**

Motion by Weiss, seconded by Radner, CARRIED UNANIMOUSLY, to approve the agenda with the following changes:

- Item #5F – Consent agenda item requested separate consideration by Mayor McClellan
- Item #5H – Removed from the agenda

Voice Vote:	Yes:	McClellan, Burns, Weiss, Radner, Edgar
	No:	None
	Absent:	None

MOTION DECLARED ADOPTED

CONSENT AGENDA:

CM-09-253-20 (AGENDA ITEM #5A-K) CONSENT AGENDA - APPROVED

Motion by Weiss, seconded by Burns, CARRIED UNANIMOUSLY, to approve the Consent Agenda consisting of the following items:

- A. Regular Council Meeting Minutes of August 17, 2020 **CM-09-254-20**
- B. Request to approve the Calendar Year 2021 Free Garage Sale dates **CM-09-255-20**
- C. Arts and Cultural Diversity Commission Meeting Minutes of July 9, 2020 **CM-09-256-20**
- D. Traffic Safety Commission Meeting Minutes of December 4, 2019, January 8, 2020, February 12, 2020, March 11, 2020, July 9, 2020 and August 13, 2020 **CM-09-257-20**
- E. Library Board Meeting Minutes of August 18, 2020 **CM-09-258-20**
- F. **Item considered separately**

- G. Request to approve proposed Change Order No. 1 in the amount of (\$6,221.00) and Payment Application in the amount of \$88,173.83 to Doetsch Environmental Services of Warren, MI for the 2019 Sewer & Catch Basin Cleaning & TV Inspection Project, M-700 **CM-09-259-20**
- H. Request to approve Payment Application No. 1 in the amount of \$131,306.46 to Michigan Joint Sealing, Inc. of Farmington Hills, MI for the 2020 Joint and Crack Sealing Project, M-698 **Removed from the Agenda**
- I. Request to approve an agreement with the Road Commission for Oakland County for winter maintenance on Greenfield Road from Eight to Eleven Mile Roads and on Ten Mile Road from Greenfield to Woodward **CM-09-260-20**
- J. Parks and Recreation Commission Meeting Minutes of July 15, 2020 **CM-09-261-20**
- K. Licenses New and Renewals submitted for September 8, 2020 **CM-09-262-20**

Roll Call Vote:	Yes:	McClellan, Burns, Weiss, Radner, Edgar
	No:	None
	Absent:	None

MOTION DECLARED ADOPTED

CM-09-263-20 (AGENDA ITEM #5F) REQUEST TO APPROVE PROPOSED CHANGE ORDERS NO. 6, 7, & 8 IN THE AMOUNT OF (\$53,141.60) AND PAYMENT APPLICATION NO. 10 (FINAL) FOR \$83,445.13 TO FRANK REWOLD & SONS, INC FOR THE 2018 45TH DISTRICT COURT RENOVATION PROJECT, M-684 - APPROVED

Motion by Burns seconded by Radner, CARRIED UNANIMOUSLY, to approve proposed Change Orders No. 6, 7, & 8 in the amount of (\$53,141.60) and Payment Application No. 10 (final) for \$83,445.13 to Frank Rewold & Sons, Inc for the 2018 45th District Court Renovation Project, M-684.

Roll Call Vote:	Yes:	McClellan, Burns, Weiss, Radner, Edgar
	No:	None
	Absent:	None

MOTION DECLARED ADOPTED

RECOGNITION OF VISITING ELECTED OFFICIALS: None

SPECIAL RECOGNITION/PRESENTATIONS: None

PUBLIC HEARINGS: None

COMMUNICATIONS: None

SPECIAL LICENSES: None

ACCOUNTING REPORTS:

CM-09-264-20 (AGENDA ITEM #10A) APPROVAL FOR PAYMENT OF INVOICES SUBMITTED BY GARAN, LUCOW, MILLER, P.C. FOR LEGAL SERVICES IN THE TOTAL AMOUNT OF \$14,089.31 - APPROVED

Motion by Radner seconded by Burns, CARRIED UNANIMOUSLY, to approve payment of invoices #544698, #544699 and #544700 by Garan, Lucow, Miller P.C., for legal services rendered through August 31, 2020 in the total amount of \$14,089.31.

Roll Call Vote:	Yes:	McClellan, Burns, Weiss, Radner, Edgar
	No:	None
	Absent:	None

MOTION DECLARED ADOPTED

BIDS: None

ORDINANCES:

CM-09-265-20 (AGENDA ITEM #12A) SECOND READING AND ADOPTION OF AN ORDINANCE TO AMEND SECTION 14-2, CHARGE OR CUSTODY OF ANIMALS, AND ADD SECTION 14-6, HUMANE ACQUISITION, OF CHAPTER 14, ARTICLE I, OF THE CODE OF ORDINANCES, CITY OF OAK PARK - APPROVED

Motion by Weiss, seconded by Radner, CARRIED UNANIMOUSLY, to approve the second reading and adopt the following ordinance to amend Section 14-2, Charge or Custody of Animals, and add Section 14-6, Humane Acquisition, of Chapter 14, Article I, of the Code of Ordinances, City of Oak Park:

ORDINANCE NO. O-20-699

AN ORDINANCE TO AMEND SECTION 14-2, CHARGE OR CUSTODY OF ANIMALS, AND ADD SECTION 14-6, HUMANE ACQUISITION, OF CHAPTER 14, ARTICLE I, OF THE CODE OF ORDINANCES, CITY OF OAK PARK.

ARTICLE I. - In General
Division 1. – Generally

Sec. 14-2.- Charge or custody of animals; prohibited conduct

(a) An owner, possessor, or person having the charge or custody of an animal shall not do any of the following:

(1) Fail to provide an animal with adequate care and shelter. Shelter means adequate protection from the elements and weather conditions suitable for the age, species and physical condition of the animal so as to maintain the animal in a state of good health. Shelter for a dog shall include one or more of the following:

(i) The residence of the dog's owner or other individual.

(ii) A doghouse that is an enclosed structure with a roof of appropriate dimensions for the breed and size of the dog and large enough for a dog to stand, turn around, and lie comfortably. The doghouse shall have dry bedding when the outdoor temperature is or is predicted to drop below freezing. Housing a dog inside a garage or shed is not considered adequate shelter and is banned within the city.

(2) Cruelly drive, work, or beat an animal, or cause an animal to be cruelly driven, worked, or beaten.

(3) Carry or cause to be carried in or upon a vehicle or otherwise any live animal having the feet or legs tied together, other than an animal being transported for medical care, or a horse whose feet are hobbled to protect the horse during transport or in any other cruel and inhumane manner.

(4) Carry or cause to be carried a live animal in or upon a vehicle or otherwise without providing a secure space, rack, car, crate, or cage, in which livestock may stand, and in which all other animals may stand, turn around, and lie down during transportation, or while awaiting slaughter. As used in this subdivision, for purposes of transportation of sled dogs, "stand" means sufficient vertical distance to allow the animal to stand without its shoulders touching the top of the crate or transportation vehicle.

(5) Abandon an animal or cause an animal to be abandoned, in any place, without making provisions for the animal's adequate care, unless premises are temporarily vacated for the protection of human life during a disaster. An animal that is lost by an owner or custodian while traveling, walking, hiking or hunting shall not be regarded as abandoned under this section when the owner or custodian has made a reasonable effort to locate the animal.

(6) Willfully or negligently allow any animal, including one who is aged, diseased, maimed, hopelessly sick, disabled, or nonambulatory to suffer unnecessary neglect, torture, or pain.

(7) Tether a dog unless the tether meets the following requirements:

(i) The tether is at least three times the length of the dog as measured from the tip of its nose to the base of its tail, but not less than ten feet in length, and is attached to a harness or nonchoke collar designed for tethering.

(ii) The tether and collar, harness, or other type of collaring device when taken together, do not weigh more than one-eighth of the dog's body weight and do not, due to weight, inhibit the free movement of the dog;

(iii) The manner of tethering prevents injury, strangulation, or entanglement on fences, trees, or other manmade or natural obstacles or objects;

(iv) The collar, harness or any other type of collaring device being used is designed for that purpose and made from material that prevents injury to the dog.

(8) Leaving a dog of any breed or size unattended outdoors between the hours of 12:00 a.m. and 7:00 a.m.

(9) Housing or leaving a dog of any breed or size outdoors at any time when the National Weather Service has issued any weather related warning including, but not limited to, severe weather warning, a heat advisory, wind chill warning, and winter storm warning.

(b) A person who violates subsection (a) is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than \$500.00, or community service for not more than 200 hours, or any combination of these penalties and the cost of prosecution.

Sec. 14-6 Humane Acquisition Ordinance

(a) For purposes of this section, the following definitions shall control:

Animal control shelter means a facility operated by a municipality for the impoundment and care of animals that are found in the streets or at large animals that are otherwise held due to violations of a municipal ordinance or state law, or animals that are surrendered to the animal control shelter.

Animal Protection Shelter means a facility operated by a person, humane society, a society for the prevention of cruelty to animals, or another nonprofit organization for the care of homeless animals.

Cat means an animal of the Felidae family or the order Carnivora.

Certificate of origin means a document declaring the source of the animal sold or transferred by the retail seller. The certificate shall include the name and premises address of the source of the animal.

Dog means an animal of the Canidae family of the order Carnivora.

Existing pet store means any pet store or pet store operator that displayed, sold, delivered, offered for sale, offered for adoption, bartered, auctioned, gave away, or otherwise transferred live animals in the City of Oak Park on the effective date of this article and complied with all applicable provisions of the Code of Ordinances, City of Oak Park.

Ferret means a domesticated animal of any age of the species *Mustela furo*.

Large reptiles mean members of the class reptilian including, but not limited to, monitor lizards, alligators, pythons, boa constrictors, venomous reptiles and constrictor snakes that grow to more than 72 inches long.

Long-lived birds mean any bird whose life expectancy is expected to exceed 25 years, including, but not limited to, cockatoos, macaws and amazons.

Off-site retail sale means the exchange of consideration for an animal, regardless of age of the animal at a location other than where the animal was bred.

Pet store means a place where animals are sold or offered for sale, exchanged or transferred.

Pet store operator means a person, sole proprietorship, limited liability company, or other corporate entity who owns or operates a pet store, or both.

Rabbit means a long-eared short-tailed lagomorph mammal with long hind legs of the Leporidae family.

Retail sale means an offer for sale, offer for adoption, barter, auction, give away, display for commercial purposes or otherwise transfer of any animal that is not bred on the premises.

Zoological Park means any facility, other than a pet shop or kennel, displaying or exhibiting one or more species of non-domesticated animal operated by a person, sole proprietorship, limited liability company, or other corporate entity or government agency and certified by the Association of Zoos and Aquariums.

(b) Prohibitions.

1. No pet store shall offer for sale, offer for adoption trade, barter, auction, give away or otherwise transfer dogs, cats, ferrets, or rabbits.
2. No person or business entity shall offer for sale, offer for adoption trade, barter, auction, give away, or otherwise transfer dogs, cats, ferrets, or rabbits on a roadside, public right-of-way, commercial parking lot, outdoor special sale, swap meet, plea market, or other similar event.
3. No person or business entity shall hold off-site retail sales of animals at a location other than where dogs, cats, ferrets, or rabbits were bred.
4. An pet store shall not sell or transfer any live animal without providing disclosure through a certificate of origin prior to the sale or transfer.

(c) Exceptions. This article shall not apply to the following:

1. A person or business entity that sells, offers for sale, offers for adoption, barter, gives away, delivers or otherwise transfers or disposes of dogs, cats, ferrets, rabbits, long-lived birds, or large reptiles that were bred and reared on the premises of the person or business entity.
2. A publicly operated animal control shelter, animal protection shelter or zoological park.
3. A private, charitable, nonprofit humane society or animal rescue organization
4. A publicly operated animal control agency, nonprofit humane society, or nonprofit animal rescue organization that operates out of or in connection with a pet store.

(d) Existing pet store. An existing pet store may continue to display, offer for sale, offer for adoption, barter, auction, give away or otherwise transfer dogs, cats, ferrets, rabbits, long-lived birds, or large reptiles until January 1, 2021.

(e) Adoption of shelter and rescue animals. Nothing in this article shall prevent a pet store or its owner, operator or employees from providing space and appropriate care for animals owned by an animal control shelter, animal protection shelter, nonprofit humane society, or nonprofit animal rescue agency and maintained at the pet store for the purpose of adopting those animals to the public.

(f) Severability. If any section, subsection, clause, phrase or portion of this article is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent portion of this article, and such holding shall not affect the validity of the remaining portions of this section.

- (g) **Enforcement.** A violation of any provision of this section by any person shall be a misdemeanor which, upon conviction, shall be punished by a fine not to exceed \$500.00 or imprisonment for a term not to exceed 90 days in jail, or both, plus costs of prosecution, and remediation, if required, for each violation.

Effective Date

This Ordinance shall become effective ten (10) days from the date of its passage and shall be published as required by the Charter of the City of Oak Park.

Roll Call Vote:	Yes:	McClellan, Burns, Weiss, Radner, Edgar
	No:	None
	Absent:	None

MOTION DECLARED ADOPTED

CM-09-266-20 (AGENDA ITEM #12B) SECOND READING AND ADOPTION OF AN ORDINANCE TO AMEND SECTION 14-5, AND ADD SECTIONS 14-7, CHAPTER 14, ARTICLE I, DOMESTIC CHICKENS PILOT PROGRAM, OF THE CODE OF ORDINANCES, CITY OF OAK PARK - APPROVED

Motion by Edgar, seconded by Weiss, CARRIED, to approve the second reading and adopt the following ordinance to amend Section 14-5, and add Sections 14-7, Chapter 14, Article I, Domestic Chickens Pilot Program, of the Code of Ordinances, City of Oak Park:

ORDINANCE NO. O-20-700

AN ORDINANCE TO AMEND SECTION 14-5, AND ADD SECTIONS 14-7, CHAPTER 14, ARTICLE I, DOMESTIC CHICKENS PILOT PROGRAM, OF THE CODE OF ORDINANCES, CITY OF OAK PARK.

ARTICLE I.- In General
Division 1. – Generally

Sec. 14-5. - Keeping of animals and fowl.

The keeping of household pets, including dogs, cats, rabbits, fish, birds, hamsters, certain reptiles, and other animals generally regarding as household pets is permitted as an accessory use in any Residential District. The keeping of animals not normally considered domesticated including, but not limited to, pigs, horses, sheep, cattle and wild, vicious, and exotic animals, is prohibited in all zoning districts, except the temporary keeping of live poultry by any lawfully established live poultry market incidental to the normal course of business, or as permitted by Sec. 14-7 of the Code of Ordinances.

Sec. 14-7- Domestic Chickens

- (a) Definitions.
- (1). “Owner”- A person or a group of persons that owns, controls, harbors, keeps, or has a property interest in any animal.
 - (2). “Person”- An individual, employee, corporation, partnership or association.

- (3). “Chickens”- Common domestic fowl (*Gallus gallus domesticus*) including all hens/ egg-laying hens.
- (4). “Rooster”- An adult male domestic chicken.
- (5). “Fowl”- A bird of any kind.
- (6). “Backyard”- means that portion of a lot enclosed by the property’s rear lot line and the side lot lines to the points where the side lot lines intersect with an imaginary line established by the rear of the single family structure and extending to the side lot lines.
- (b) Generally. Any person residing in a single-family detached dwelling on residential zoned one family dwelling district property (R-1), after obtaining an annual permit from the city, may keep, per household, not more than three hen (female) chickens for personal use only and not for any business or commercial use. Chickens may be kept as family pets or to lay eggs for personal consumption only. Slaughtering of any chickens on the property is prohibited.
- (c) Licensing and Inspections.
 - (1). Completed permit applications shall be submitted to the Department of Technical and Planning along with the fee which shall be established by city council resolution. The application shall include any drawings or other information required by the department. Approved permit holders shall schedule an inspection within 30 days of permit issuance. Failure to schedule an inspection shall result in an automatic suspension of the permit. If an inspection identifies noncompliance with any of the requirements set forth in this article, the permit holder shall have 14 days after being served with written notice of non-compliance to achieve compliance with the requirements, or the department of technical and planning may revoke the permit or cite the violation as a municipal civil infraction.
 - (2). No permit shall be issued to a person unless the owners of all residentially zoned adjacent properties consent in writing to the permit.
 - (3). Permits shall be valid for up to one year, shall be non-transferable, site-specific and shall expire on December 31 of the next calendar year. A person who wants to continue keeping chickens must obtain a new permit prior to expiration of the previous permit. Application for a new permit shall be pursuant to the procedures and requirements applicable at the time a person applies for a new permit.
 - (4). After an initial inspection, permitted coops shall be inspected at least one additional time during the permit term.
- (d). Notwithstanding this section, private restrictions on the use of property shall remain enforceable. Private restrictions include but are not limited to deed restrictions, leases, neighborhood association by-laws, and covenant deeds. A permit issued to a person whose property is subject to private restrictions that prohibit the keeping of chickens is void. The interpretation and enforcement of the private restrictions is the sole responsibility of the private parties involved.
- (e). A person who keeps chickens shall comply with the following requirements:
 - (1). Keep no more than three hen chickens at any time; and
 - (2). Roosters or male chickens or any other type or class of fowl or poultry are prohibited.
 - (3). Slaughtering of any chickens at the property is prohibited.
 - (4). Chickens shall be maintained in a fully enclosed structure or a fenced enclosure at all times. Fully enclosed and fenced enclosures are subject to all fence provisions and restrictions contained in Section 1703, Appendix A-Zoning, in the Oak Park Code of Ordinances. Enclosed structures shall be constructed of permanent materials and shall be properly maintained in accordance with the International Property Maintenance Code most recently adopted by the city. Fenced enclosures may be wire mesh with openings no larger than ¼ inch.
 - (5). No enclosed structure or fenced enclosure shall be located within any front yard, side yard, and must comply with Sec. 1600.- Height, bulk, density, area, setback

and lot coverage by district and Sec. 1703.- Accessory buildings and structures. An enclosed structure or fenced enclosure shall not be located closer than thirty feet to any residential structure on adjacent property.

- (6). All structures and enclosures for the keeping of chickens shall be constructed and maintained to prevent rats, mice, or other rodents or vermin from being harbored underneath or within the walls of the structure or enclosure. A zoning or building permit will be required.
- (7). All feed and other items associated with the keeping of chickens likely to attract rats, mice, or other rodents or vermin shall be secured and protected in sealed containers.
- (8). Chickens shall be kept in compliance with the Michigan Department of Agriculture Generally Accepted Agricultural and Management Practices for the Care of Farm Animals, as it relates to egg laying chickens, as amended, except as otherwise provided in this section.
- (f). Any violation of any of these provisions may be prosecuted as provided in Section 14-55 of the Oak Park Code of Ordinances.
- (g). Limitation on permits.
The City will limit the number of annual permits issued and outstanding to a maximum of five, and permits will be available on a first-come-first-served basis.
- (h). Domestic Chicken Pilot program.
A pilot program is hereby established which shall continue for a pilot period of one year from the effective date of this section. Unless the city council takes legislative action to amend or extend this article before the end of the pilot period, the provisions of this article shall be automatically repealed on August 3, 2021.

Secs. 14-8—14-25. - Reserved.

Effective Date

This Ordinance shall become effective ten (10) days from the date of its passage and shall be published as required by the Charter of the City of Oak Park.

Roll Call Vote:	Yes:	McClellan, Weiss, Radner, Edgar
	No:	Burns
	Absent:	None

MOTION DECLARED ADOPTED

CM-09-267-20 (AGENDA ITEM #12C) SECOND READING AND ADOPTION OF AN ORDINANCE TO AMEND SECTION 14-26 AND SECTION 14-29, AND ADD SECTIONS 14-33 AND 14-34, CHAPTER 14, ARTICLE II, DANGEROUS ANIMALS, OF THE CODE OF ORDINANCES, CITY OF OAK PARK - APPROVED

Motion by Weiss, seconded by Edgar, CARRIED UNANIMOUSLY, to approve the second reading and adopt the following ordinance to amend Section 14-26 and Section 14-29, and add Sections 14-33 and 14-34, Chapter 14, Article II, Dangerous Animals, of the Code of Ordinances, City of Oak Park:

AN ORDINANCE TO AMEND SECTION 14-26 AND SECTION 14-29, AND ADD SECTIONS 14-33 AND 14-34, CHAPTER 14, ARTICLE II, DANGEROUS ANIMALS, OF THE CODE OF ORDINANCES, CITY OF OAK PARK.

ARTICLE II - Dogs and Cats

Sec. 14-26. - Definitions.

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

- (1) **Dangerous dog** shall mean and include: (a) any dog that bites or attacks a person or domestic animal without provocation; (b) any dog that bites or attacks and causes serious injury or death to another domestic animal while the domestic animal is on the property or under the control of its owner, (c) any dog with a known propensity, tendency, or disposition to attack or to otherwise endanger the safety of people or other domestic animals; or (d) any dog deemed a dangerous dog by a court of law. An animal shall not be considered dangerous solely because it has bitten or attacked a person or any animal attacking its owner or its owner's family nor shall an animal be considered dangerous if it bites or injures a person who has, without justification, provoked it or its young, or a person who is trespassing on the property of the dog's owner.
- (2) **Foster dog.** A dog that has come from an organization such as an animal shelter, humane society, animal protection shelter or other such facility for the purpose of being temporarily housed in a residence or dwelling unit until a permanent placement can be found for a period not to exceed one hundred eighty (180) days.
- (3) **Noise nuisance.** Barking, howling, meowing, squawking or making other sounds, frequently or for a continued duration, which annoys, endangers, injures or disturbs a person of normal sensitivities on premises other than that occupied by the owner of the animal. After 10:00 p.m. and before 7:00 a.m., animal noises audible beyond the property line of the property where the animal is located are presumed to be an annoyance and disturbance and are presumed to constitute a nuisance.
- (4) **Owner** means every person, firm or corporation having a right of property in a dog or cat, and anyone who keeps, harbors or has such dog or cat in their care, and anyone who permits such dog or cat to remain on or about any premises occupied by them for a period of five (5) days or more.
- (5) **Provoke and Provocation** means to perform a willful act or omission that an ordinary and reasonable person would conclude is likely to precipitate the bite or attack by an ordinary dog or other animal.
- (6) **Reasonable control** means keeping a dog on a suitable leash and keeping a cat on a suitable leash or harness while off the premises of the owner or custodian, unless the dog or cat is confined in a closed vehicle or shipping receptacle.
- (7) **Running at Large** shall mean and include: permitting any dog to leave the premises of its owner without being on a leash and under the control of a person physically able to control the dog or any dog on private property not enclosed, restrained, or kept in such a manner so as to prevent such dog from entering upon a street, public place or premises of another.
- (8) **Sanitation nuisance** means unsanitary conditions resulting from animal droppings, food waste, debris, or any other thing to cause vermin infestation, odors, or disease hazards.

(9) *Serious injury* shall mean and include any physical injury that results in broken bones or lacerations that require sutures, cosmetic surgery, or other medical care and treatment.

(10) *Vicious animal* means an animal which meets any of the following criteria:

- a. Has killed a person or caused a person serious bodily injury, including, but not limited to, injuries resulting in hospital confinement or reconstructive surgery.
- b. Is owned, possessed, harbored or trained for the purpose of animal fighting.
- c. Repeatedly bites or in any way injures people.

Sec. 14-29. - Offenses.

The owner of any dog or other animal shall be guilty of a violation of this Chapter if the owner does any of the following:

- (1). Harbors and/or owns a vicious or dangerous dog as defined within this Article.
- (2). Permits a dog to run at large as defined within this Article.
- (3) Harbors or keeps any dog that is not licensed pursuant to the requirements of this Chapter.
- (4) The dog is at any time not under reasonable control.
- (5) The animal causes a sanitation nuisance.
- (6) The dog (except for leader dogs for the blind) discharges its feces on property other than that of its owners and the owner does not immediately remove such feces.
- (7) The animal is vicious.
- (8). The dog is at a location other than as specified in a confinement order issued pursuant to this Chapter.
- (9) The animal has symptoms of rabies or has bitten or been bitten by another animal showing symptoms of rabies and the owner fails to notify an Animal Control Officer of that fact.
- (10) The owner fails to comply with all of the terms of a confinement order.
- (11) The owner fails to provide the animal with proper food, drink, or shelter from the weather.
- (12) The owner fails to provide the animal with medical attention necessary to prevent the animal from suffering.

Unless otherwise provided in MCL 287.323, a person who violates this Article is guilty of a civil infraction punishable by a fine of not more than \$500.00, or imprisonment for not more than 30 days, and costs of prosecution, plus any cost to abate, or by both such fine, costs and imprisonment in the discretion of the court.

Sec. 14-33- Judicial Proceedings regarding dangerous dogs.

- (a) Upon a sworn complaint that a dog is a dangerous animal and the dog has caused serious injury or death to a person or has caused serious injury or death to a domestic animal, a district court magistrate, district court, or other municipal court shall issue a summons to the owner ordering him or her to appear to show cause why the animal should not be destroyed.
- (b) Upon the filing of a sworn complaint as provided in section (a), the court or magistrate shall order the owner to immediately turn the dog over to a proper animal control authority, an incorporated humane society, a licensed veterinarian, or a boarding kennel, at the owner's option, to be retained by them until a hearing is held under this section of the complaint and

order. The expense of the boarding and retention of the dog is to be borne solely by the owner. The dog shall not be returned to the owner until it has a current rabies vaccination and a license as required by law.

- (c) After a hearing, the magistrate or court shall order the destruction of the dog, at the expense of the owner, if the dog is found to be a dangerous dog that caused serious injury or death to a person or a domestic animal. After a hearing, the court may order the destruction of the dog, at the expense of the owner, if the court finds that the dog is a dangerous dog that did not cause serious injury or death to a person but is likely in the future to cause serious injury or death to a person or in the past has been adjudicated to be a dangerous dog.
- (d) If the court or magistrate finds that a dog is a dangerous animal but has not caused serious injury or death to a person, the court or magistrate shall notify the animal control authority for the county in which the complaint was filed of the finding of the court, the name of the owner of the dangerous dog, and the address at which the dog is kept at the time of the finding of the court. In addition, the court or magistrate shall order the owner of that dog to do one or more of the following:
 - 1. If the dog that has been found to be a dangerous dog is of the canis familiaris species, have an identification number tattooed upon the dog at the owner's expense, by or under the supervision of a licensed veterinarian. The identification number shall be assigned to the dog by the Michigan Department of Agriculture and shall be noted in its records pursuant to Act No. 309 of the Public Acts of 1939, being sections 287.301 to 287.308 of the Michigan Compiled Laws. The identification number shall be tattooed on the upper inner left rear thigh of the dog by the means of indelible or permanent ink.
 - 2. Take specific steps, such as escape proof fencing or enclosure, including a top or roof, to ensure that the dog cannot escape or unauthorized individuals cannot enter the premises.
 - 3. Have the dog sterilized.
 - 4. Obtain and maintain liability insurance coverage sufficient to protect the public from any damage or harm caused by the dog.
 - 5. Take any other action appropriate to protect the public.

14-34.- Ordinance Supplementary to state law.

It is not the intention that this article supersede the provisions of Public Act No. 339 of 1919 (MCL 287.261 et seq.), but shall be construed to be supplementary thereto.

Secs. 14-35—14-45. - Reserved.

Effective Date

This Ordinance shall become effective ten (10) days from the date of its passage and shall be published as required by the Charter of the City of Oak Park.

Roll Call Vote:	Yes:	McClellan, Burns, Weiss, Radner, Edgar
	No:	None
	Absent:	None

MOTION DECLARED ADOPTED

CM-09-268-20 (AGENDA ITEM #12D) SECOND READING AND ADOPTION OF AN ORDINANCE TO AMEND SECTION 14-49, FEES, CHAPTER 14, ARTICLE II, DIVISION 2, LICENSE, OF THE CODE OF ORDINANCES, CITY OF OAK PARK - APPROVED

Motion by Burns, seconded by Weiss, to approve the second reading and adopt the following ordinance to amend Section 14-49, Fees, Chapter 14, Article II, Division 2, License, of the Code of Ordinances, City Of Oak Park:

ORDINANCE NO. O-20-701

AN ORDINANCE TO AMEND SECTION 14-49, FEES, CHAPTER 14, ARTICLE II, DIVISION 2, LICENSE, OF THE CODE OF ORDINANCES, CITY OF OAK PARK.

ARTICLE II. - Dogs and Cats
DIVISION 2. - LICENSE

Sec. 14-49. - Fees. The fees which shall be charged and collected for licenses required by the provisions of this article shall be as determined by the city council by resolution.

(a) A dog or cat is not subject to any fee for licensing if any of the following apply:

1. The dog is used as a guide or leader dog for a blind person, a hearing dog for a deaf or audibly impaired person, or a service dog for a physically limited person.
2. The dog is owned by a partnership, corporation, or other legal entity who trains dogs for use as a guide or leader dog for blind persons, hearing dogs for deaf or audibly impaired persons, or service dogs for physically limited persons.
3. The dog is owned and/or used by a law enforcement officer to carry out the law enforcement officer's official duties.
4. Any foster dog or cat for a period not to exceed 180 days.

(b) Any dog or cat that meets the above criteria shall be counted against the maximum of three (3) animals permitted per section Sec. 14-54. - Kennel licenses

(c) As used in this section:

1. Audibly means audibly impaired as defined in section 1 of Public Acts No. 82 of 1982 (MCL 752.61).
2. Blind person means a blind person as defined in section 1 of Public Act No. 260 of 1978 (MCL 393.351).
3. Deaf person means a deaf person as defined in section 1 of Public Act No. 82 of 1971 (MCL 752.61).
4. Person with disabilities means a person who is audibly impaired, blind, deaf, or otherwise physically limited.

Effective Date

This Ordinance shall become effective ten (10) days from the date of its passage and shall be published as required by the Charter of the City of Oak Park.

Roll Call Vote:	Yes:	McClellan, Burns, Weiss, Edgar, Radner
	No:	None
	Absent:	None

MOTION DECLARED ADOPTED

CM-09-269-20 (AGENDA ITEM #12E) SECOND READING AND ADOPTION OF AN ORDINANCE TO AMEND SECTION 14-54, KENNEL LICENSES, AND ADD SECTION 14-55, VIOLATIONS, CHAPTER 14, ARTICLE II, DIVISION 2, LICENSE, OF THE CODE OF ORDINANCES, CITY OF OAK PARK - APPROVED

Motion by Burns, seconded by Edgar, CARRIED UNANIMOUSLY to approve the second reading and adopt the following ordinance to amend Section 14-54, Kennel Licenses, and add Section 14-55, Violations, Chapter 14, Article II, Division 2, License, of the Code of Ordinances, City of Oak Park:

ORDINANCE NO. O-20-703

AN ORDINANCE TO AMEND SECTION 14-54, KENNEL LICENSES, AND ADD SECTION 14-55, VIOLATIONS, CHAPTER 14, ARTICLE II, DIVISION 2, LICENSE, OF THE CODE OF ORDINANCES, CITY OF OAK PARK.

ARTICLE II.- Dogs and Cats
DIVISION 2. - LICENSE

Sec. 14-54. - Kennel licenses.

No person shall keep more than three dogs or three cats, or any combination thereof of six months of age or over without first obtaining a kennel license from the county Treasurer as provided in 1972 PA 349, as amended, being MCL 287.270, provided that any person who runs a lawfully established dog kennel, licensed by the county Treasurer, need not apply for individual dog licenses under this article. For

purposes of this section, where more than one (1) owner or person shall reside at any one (1) address or premises, it shall be lawful for such owners or persons to have more than three dogs or three cats, or any combination thereof six months of age or over at any such address or premises.

The keeping of more than three (3) dogs on one premises shall be deemed to be a kennel and must follow the regulations set forth in Article 5, Division 3 Special Land Use.

Sec. 14-55. - Violations

Unless stated otherwise within a section, violation of any provision of this chapter shall be a civil infraction punishable by a fine of not more than \$500.00, or imprisonment for not more than 30 days, or by both such fine and imprisonment, plus costs of prosecution and remediation, if applicable. For convenience of the public and economic in enforcement, public safety is hereby authorized to issue violation tickets to offenders hereunder. The form of such tickets shall be approved by the district judge and the chief of public safety. On the basis of the issued violation ticket, a complaint shall be filed and the alleged violator shall be duly tried therein in the District Court.

Effective Date

This Ordinance shall become effective ten (10) days from the date of its passage and shall be published as required by the Charter of the City of Oak Park.

Roll Call Vote:	Yes:	McClellan, Burns, Weiss, Radner, Edgar
	No:	None
	Absent:	None

MOTION DECLARED ADOPTED

CITY ATTORNEY: No report

CITY MANAGER:

City Clerk

CM-09-270-20 (AGENDA ITEM #14A) RESOLUTION SCHEDULING THE 2021 REGULAR CITY COUNCIL MEETING DATES - APPROVED

Motion by Burns, seconded by Radner, CARRIED UNANIMOUSLY, to approve the following resolution scheduling the 2021 Regular City Council Meeting dates:

A RESOLUTION ADOPTING THE 2021 REGULAR MEETING SCHEDULE OF THE OAK PARK CITY COUNCIL

WHEREAS, the Home Rule Charter for the City of Oak Park, Michigan in Chapter 7 captioned The Council: Procedure and Miscellaneous Powers and Duties in Section 7.1 entitled Regular meetings, specifies that the council shall provide by resolution for the time and place of its regular meetings and shall hold at least two regular meetings each month.

WHEREAS, the City of Oak Park City Council Rules of Procedure, in Section 2 captioned City Council Meetings, Subsection A entitled Regular Meetings specifies that the Regular meetings of the City Council will be held on the first and third Mondays of each month, unless that day is a holiday or holiday eve.

WHEREAS, the City of Oak Park City Council Rules of Procedure, in Section 2 captioned City Council Meetings, Subsection A entitled Regular Meetings further specifies that before the end of the year, the Council will approve by resolution the Regular meeting schedule for the following calendar year, including exceptions to the first and third Monday meetings.

WHEREAS, the Michigan “Open Meetings Act” (MCL 15.261 et. seq.) in Section 5, Subsection (2) provides that for regular meetings of a public body, there shall be posted within 10 days after the first meeting of the public body in each calendar or fiscal year a public notice stating the dates, times, and places of its regular meetings.

NOW, THEREFORE, BE IT RESOLVED that the regular meetings of the Oak Park City Council for calendar year 2021 shall be held in the Council Chambers at the Oak Park City Hall, 14000 Oak Park Boulevard, Oak Park, Michigan, telephone number (248) 691-7544, at 7:00 P.M. on the following dates:

January 4 and 19 (On Monday, January 18, 2021 City Offices are closed in observance of Martin Luther King Jr. Day)
February 1 and 15
March 1 and 15
April 5 and 19
May 3 and 19 (Religious Holiday on Monday May 17, 2021)
June 7 and 21
July 6 (On Monday, July 5, 2021 City Offices are closed in observance of the 4th of July) July 19
August 2 and 16
September 7 (On Monday, September 6, 2021 City Offices are closed in observance of Labor Day) and 20
October 4 and 18
November 1
November 8 (Organizational Meeting)
November 15
December 6 and 20

NOW, THEREFORE, BE IT FURTHER RESOLVED that the City Clerk be and is hereby directed to give public notice of the forgoing regular dates and times for City Council meetings and the place at which meetings are to be held consistent with the requirements of Section 5, Subsection (2) of the “Open Meetings Act”.

Roll Call Vote:	Yes:	McClellan, Burns, Weiss, Radner, Edgar
	No:	None
	Absent:	None

MOTION DECLARED ADOPTED

Department of Public Works

CM-09-271-20 (AGENDA ITEM #14B) REQUEST TO APPROVE A PROPOSED ADJUSTMENT FROM OHM ADVISORS IN THE AMOUNT OF \$17,520.00 AND INVOICES FROM OHM ADVISORS FOR BRIDGE ENHANCEMENTS AND SAFE ROUTES TO SCHOOL PRELIMINARY ENGINEERING FOR THE TOTAL AMOUNT OF \$17,680.00 - APPROVED

Motion by Weiss, seconded by Edgar, CARRIED UNANIMOUSLY, to authorize the Public Works Department to participate in the State of Michigan (MiDeal) and Macomb County pre-bid contracts for the purchase of the following vehicles totaling \$271,341.28:

Roll Call Vote:	Yes:	McClellan, Burns, Weiss, Edgar, Radner
	No:	None
	Absent:	None

MOTION DECLARED ADOPTED

CM-09-272-20 (AGENDA ITEM #14C) REQUEST TO AUTHORIZE THE PUBLIC WORKS DEPARTMENT TO PARTICIPATE IN THE OMNIA PARTNERS PRE-BID CONTRACT FOR THE PURCHASE OF SOLID WASTE CARTS AND COMMUNICATIONS THROUGH THE REHRIG PACIFIC COMPANY FOR THE NOT TO EXCEED AMOUNT OF \$512,325.00 - APPROVED

Motion by Burns, seconded by Edgar, CARRIED UNANIMOUSLY, to authorize the Public Works Department to participate in the Omnia Partners pre-bid contract for the purchase of solid waste carts and communications through the Rehrig Pacific Company for the not to exceed amount of \$512,325.00.

Roll Call Vote:	Yes:	McClellan, Burns, Weiss, Edgar, Radner
	No:	None
	Absent:	None

MOTION DECLARED ADOPTED

(AGENDA ITEM #14D) Business Showcase at the Farmers Market. Recreation Director Stasiak and Economic Development Director Marrone discussed plans for a program that features Oak Park businesses at the Farmer's Market.

CALL TO THE AUDIENCE:

Sherry Wells discussed her candidacy for State Representative.

Kenneth Sherman, expressed concerns about transparency regarding attorney bills for the city.

CLOSED SESSION

CM-09-273-20 (AGENDA ITEM #17) REQUEST TO CONVENE A CLOSED SESSION TO DISCUSS ATTORNEY-CLIENT PRIVILEGED COMMUNICATION AND PENDING LITIGATION REGARDING OAK PARK CROWN POINTE, LLC V CITY OF OAK PARK AND BONFIRE NORTHEAST VENTURES LLC V. CITY OF OAK PARK - APPROVED

Motion by Burns, seconded by Weiss, CARRIED UNANIMOUSLY, to convene a Closed Session to discuss attorney-client privileged communication and pending litigation regarding Oak Park Crown Pointe, LLC v City of Oak Park and Bonfire Northeast Ventures LLC v. City of Oak Park.

Roll Call Vote:	Yes:	McClellan, Burns, Weiss, Edgar, Radner
	No:	None
	Absent:	None

MOTION DECLARED ADOPTED

The Closed session convened at 8:07 p.m. and the regular meeting reconvened at 8:37 p.m.

APPROVAL OF CLOSED SESSION MINUTES

**CM-09-274-20 REQUEST TO APPROVE THE CLOSED SESSION MINUTES OF
SEPTEMBER 8, 2020 - APPROVED**

Motion by Burns, seconded by Weiss, CARRIED UNANIMOUSLY, to approve the Closed Session minutes of September 8, 2020.

Roll Call Vote:	Yes:	McClellan, Burns, Weiss, Edgar, Radner
	No:	None
	Absent:	None

MOTION DECLARED ADOPTED

ADDITIONAL CITY COUNCIL BUSINESS IF NEEDED

**CM-09-275-20 RESOLUTION REJECTING OFFER OF SETTLEMENT
AND APPROVING COSTS FOR APPRAISAL
MICHIGAN TAX TRIBUNAL DOCKET NO. 19-002261
- APPROVED**

Motion by Burns, seconded by Edgar, CARRIED UNANIMOUSLY, to approve the following resolution rejecting offer of settlement and approving costs for appraisal Michigan Tax Tribunal Docket No. 19-002261:

**CITY OF OAK PARK
RESOLUTION REJECTING OFFER OF SETTLEMENT
AND APPROVING COSTS FOR APPRAISAL
MICHIGAN TAX TRIBUNAL DOCKET NO. 19-002261**

WHEREAS, Oak Park Crown Pointe, LLC, the owner of property parcel no. 52-25-19-301-014 filed Petitions before the Michigan Tax Tribunal for tax years 2018, 2019 and 2020 disputing the true cash value of the parcel and has submitted an offer of settlement to the City;

WHEREAS, the City of Oak Park desires reject the offer of settlement proposed by Oak Park Crown Pointe, LLC and proceed with a Trial before the entire Tribunal, allowing the Tribunal to determine the true cash value of the property for tax years 2018, 2019 and 2020.

NOW, THEREFORE, BE IT RESOLVED, by the City Council for the City of Oak Park, Oakland County, Michigan, that:

1. Counsel for the City of Oak Park is authorized to reject the settlement offer proposed by Oak Park Crown Pointe, LLC for the 2018, 2019 and 2020 tax years.

2. Counsel for the City of Oak Park is further authorized to proceed with an appraisal of parcel no. 52-25-19-301-014 required for a trial at an estimated cost of \$9,000.00.

Roll Call Vote:	Yes:	McClellan, Burns, Weiss, Edgar, Radner
	No:	None
	Absent:	None

MOTION DECLARED ADOPTED

**CM-09-276-20 RESOLUTION APPROVING SETTLEMENT
MICHIGAN TAX TRIBUNAL DOCKET NO. 20-002291
- APPROVED**

Motion by Burns, seconded by Weiss, CARRIED UNANIMOUSLY, to approve the following resolution approving the settlement of Michigan Tax Tribunal Docket No. 20-002291:

**CITY OF OAK PARK
RESOLUTION APPROVING SETTLEMENT
MICHIGAN TAX TRIBUNAL DOCKET NO. 20-002291**

WHEREAS, Bonfire Northend Ventures LLC, the owner of property parcel no. 52-25-32-301-012 filed a Petition before the Michigan Tax Tribunal that is currently pending as MTT Docket No. 20-002291 disputing the true cash value of the parcel after a structure previously located on the property was destroyed by fire on or about May 28, 2019;

WHEREAS, the City of Oak Park desires to resolve the dispute with an agreement that the true cash value of the property for tax year 2020 is \$158,200.00, and the taxable value/state equalized value is \$79,100.00.

NOW, THEREFORE, BE IT RESOLVED, by the City Council for the City of Oak Park, Oakland County, Michigan, that:

1. Counsel for the City of Oak Park is authorized to resolve Michigan Tax Tribunal Docket No. 20-002291 with an agreement that the true cash value of property parcel no. 52-25-32-301-012 is \$158,200.00 and the state equalized value/taxable

Roll Call Vote:	Yes:	McClellan, Burns Weiss, Edgar, Radner
	No:	None
	Absent:	None

MOTION DECLARED ADOPTED

ADJOURNMENT:

There being no further business to come before the City Council, Mayor McClellan adjourned the meeting at 8:40 P.M.

T. Edwin Norris, City Clerk

Marian McClellan, Mayor