

# Oak Park

# City Council Agenda

August 17, 2020





**AGENDA**  
**REGULAR CITY COUNCIL MEETING**  
**38<sup>th</sup> CITY COUNCIL**  
**OAK PARK, MICHIGAN**  
**August 17, 2020**  
**7:00 PM**

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**1. CALL TO ORDER**

**2. ROLL CALL**

**3. APPROVAL OF AGENDA**

**4. CONSENT AGENDA**

The following routine items are presented for City Council approval without discussion, as a single agenda item. Should any Council Member wish to discuss or disapprove any item it must be dropped from the blanket motion of approval and considered as a separate item.

A. Regular Council Meeting Minutes of August 3, 2020

B. Special Council Meeting Minutes of August 3, 2020

C. Request to approve Change Order No. 1 for the amount of (\$32,909.54) and Payment Application No. 2 for the amount of \$98,070.97 to Z Contractors of Shelby Township, MI. for the 2019 Bridge Enhancement Project, M-670

D. Request to declare the listed vehicles surplus and sold by sealed bid, public auction, or disposal at the lowest expense to the City in accordance with City policy

E. Parks and Recreation Commission Meeting Minutes of June 17, 2020

F. Licenses New and Renewals submitted for August 17, 2020

**5. RECOGNITION OF VISITING ELECTED OFFICIALS**

**6. SPECIAL RECOGNITION/PRESENTATIONS:** None

**7. PUBLIC HEARINGS:** None

**8. COMMUNICATIONS:** None

**9. SPECIAL LICENSES:**

A. Request for a Special Event License and waiver of fee submitted by Shantal Hanna, 10450 Albany, for the Albany Street Block Party to be held August 30, 2020

B. Request for a Special Event License submitted by Street Corner Music, LTD, 26020 Greenfield Rd., for an outdoor phonograph record sale to be held August 29, 2020

**10. ACCOUNTING REPORTS:**

A. Approval for payment of invoices submitted by Garan, Lucow, Miller, P.C. for legal services in the total amount of \$12,667.04

**11. BIDS:** None

**12. ORDINANCES:**

A. First reading 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

- B. First reading 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
- C. First reading 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
- D. First reading 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
- E. First reading 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

**13. CITY ATTORNEY:**

**14. CITY MANAGER:**

**Administration**

- A. MoGo Update
- B. Request to approve a Retirement and Consulting agreement with Vicky Brooks

**City Clerk**

- C. Resolution scheduling the 2021 Regular City Council Meeting dates
- D. Request to reschedule the November 2, 2020 Regular City Council Meeting

**Public Safety**

- E. Request to allow Officer Donald Hoffman to participate as a member of the Oakland County Sheriff's SWAT Team

**Department of Public Works**

- F. Request to authorize the Public Works Department to participate in the State of Michigan (MiDeal) and Macomb County pre-bid contracts for the purchase of three vehicles totaling \$271,341.28

**Human Resources**

- G. Introduction of Human Resources Director Megan Burke

**15. CALL TO THE AUDIENCE**

Each speaker's remarks are a matter of public record; the speaker, alone, is responsible for his or her comments and the City of Oak Park does not, by permitting such remarks, support, endorse or accept the content, thereof, as being true or accurate. "Any person while being heard at a City Council Meeting may be called to order by the Chair, or any Council Member for failure to be germane to the business of the City, vulgarity, or personal attacks on persons or institutions." There is a three minute time limit per speaker.

**16. CALL TO THE COUNCIL**

**17. ADJOURNMENT**

The City of Oak Park will comply with the spirit and intent of the American with Disabilities Act. We will provide support and make reasonable accommodations to assist people with disabilities to access and participate in our programs, facilities and services. Accommodations to participate at a Council Meeting will be made with 7-day prior notice.



**CITY OF OAK PARK, MICHIGAN  
REGULAR COUNCIL MEETING OF THE  
38<sup>th</sup> OAK PARK CITY COUNCIL  
August 3, 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  
(Arrived at 7:10 pm), Council Member Weiss, Council Member Edgar

**ABSENT:** None

**OTHERS**

**PRESENT:** City Manager Tungate, Director VanVleck, City Attorney Krause,  
City Attorney Duff

**APPROVAL OF AGENDA:**

**CM-08-224-20 (AGENDA ITEM #3) ADOPTION OF THE AGENDA AS PRESENTED – APPROVED**

Motion by Burns, seconded by Weiss, CARRIED UNANIMOUSLY, to approve the agenda as presented.

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

**MOTION DECLARED ADOPTED**

**CONSENT AGENDA:**

**CM-08-225-20 (AGENDA ITEM #5A-D) CONSENT AGENDA - APPROVED**

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

- A. Regular Council Meeting Minutes of July 20, 2020 **CM-08-226-20**
- B. Arts and Cultural Diversity Commission Meeting Minutes of May 14, 2020 and June 11, 2020 **CM-08-227-20**
- C. Library Board Meeting Minutes of January 22, 2020, February 5, 2020, February 18, 2020, April 30, 2020 and June 3, 2020 **CM-08-228-20**
- D. Licenses New and Renewals submitted for August 3, 2020 **CM-08-229-20**

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

**MOTION DECLARED ADOPTED**

**RECOGNITION OF VISITING ELECTED OFFICIALS: None**

**SPECIAL RECOGNITION/PRESENTATIONS: None**

**PUBLIC HEARINGS: None**

**COMMUNICATIONS: None**

**SPECIAL LICENSES: None**

**ACCOUNTING REPORTS: None**

**BIDS: None**

**ORDINANCES:**

**CM-08-226-20 (AGENDA ITEM #12A) SECOND READING AND ADOPTION OF AN ORDINANCE TO AMEND THE CITY OF OAK PARK ZONING ORDINANCE, ARTICLE XVIII, SIGNS, SECTIONS 1805, 1807, AND 1814 THAT CORRECTS REFERENCE ERRORS AND ADDS REGULATIONS - APPROVED**

Motion by Burns, seconded by Weiss, CARRIED UNANIMOUSLY, to approve the second reading and adopt the following ordinance to amend the City of Oak Park Zoning Ordinance, Article XVIII, Signs, Sections 1805, 1807, and 1814 that corrects reference errors and adds regulations:

**CITY OF OAK PARK  
OAKLAND COUNTY, MICHIGAN**

**AN ORDINANCE TO AMEND ARTICLE XVIII - SIGNS, APPENDIX A, ZONING, OF THE CODE OF ORDINANCES OF THE CITY OF OAK PARK, MICHIGAN.**

**THE CITY OF OAK PARK, MICHIGAN ORDAINS:**

**SECTION 1.** Article XVIII, Appendix A, Zoning, of the Code of Ordinances of the City of Oak Park, is hereby amended to replace Article XVIII, Section 1805, A, 3, with the following:

3. Construction signs meeting the size requirements for temporary signs under subsection 1807. B.

**SECTION 2.** Article XVIII, Appendix A, Zoning, of the Code of Ordinances of the City of Oak Park, is hereby amended to replace Article XVIII, Section 1805, G, with the following:

- G. Real estate signs and real estate open house signs meeting the requirements for temporary signs of subsection 1807. B.

**SECTION 3.** Article XVIII, Appendix A, Zoning, of the Code of Ordinances of the City of Oak Park, is hereby amended to replace Article XVIII, Section 1805, H, with the following:

- H. Real estate development signs meeting the requirements of subsection 1807. B., conditioned upon removal when the building or development is completed.

SECTION 4. Article XVIII, Appendix A, Zoning, of the Code of Ordinances of the City of Oak Park, is hereby amended to replace Article XVIII, Section 1807, A, with the following:

- A. The number, display area, and height of signs within the various zoning districts are provided in the Sign Dimensional Standards and Regulations Table [below] and its accompanying footnotes. Additional standards for specific types of signs are given below.

Sign Dimensional Standards and Regulations

District	Wall, canopy, or awning		Freestanding sign			Temporary signs (B)	
	Number	Maximum size per sign	Number	Maximum size per sign	Maximum height	Maximum size per sign	Maximum height
R-1, R-2	1	15% of front façade, a maximum of 120 square feet for all uses other than single family residential units, duplexes, and attached condominiums.	1	Maximum of 30 square feet for all uses other than single family residential units, duplexes, and attached condominiums.	6 Feet	Maximum of 30 square feet for all uses other than single family residential units, duplexes, and attached condominiums.	Freestanding sign maximum height is 6 feet.
RM-1, RM-2, PMF	1	15% of front façade, a maximum of 120 square feet	1	30 square feet	6 feet	30 square feet	Freestanding sign maximum height is 6 feet.
B-1, B-2, LI, O, PTRED, PCD, PUD, MX-1	1 per business (1)	15% of front façade, a maximum of 120 square feet (3)	1 sign (3)	30 square feet for businesses fronting roadway of 35 m.p.h. or less (2), (4), (5)	6 feet (5)	30 square feet	Freestanding sign maximum height is 6 feet

SECTION 5. Article XVIII, Appendix A, Zoning, of the Code of Ordinances of the City of Oak Park, is hereby amended to replace Article XVIII, Section 1807, A, Footnote (1), with the following:

- (1) Businesses located on a corner lot shall be allowed up to one additional wall sign on the second front façade with an area not to exceed 30 square feet. As a substitution for a freestanding sign, one additional wall sign with an area not to exceed 30 square feet, may be displayed on one side of the building.

SECTION 6. Article XVIII, Appendix A, Zoning, of the Code of Ordinances of the City of Oak Park, is hereby amended to replace Article XVIII, Section 1807, B, 2. vii, with the following:

- vii. Notwithstanding any other provision of this article, each parcel of property shall be allowed, without a permit, temporary non-commercial signage, not to exceed four signs at any one time, no larger than six square feet each, for a period not to exceed 90 days per calendar year.

SECTION 7. Article XVIII, Appendix A, Zoning, of the Code of Ordinances of the City of Oak Park, is hereby amended to replace Article XVIII, Section 1814, B, with the following:

- B. Variances. The zoning board of appeals shall have the authority to grant variances from the requirements of this article according to the criteria in subsection 1814.C. In deciding on whether a practical difficulty exists, the board may also consider the following for sign variance requests.

SECTION 8. Conflicting Provisions Repealed

All ordinances in conflict with the provisions of this ordinance are repealed only to the extent necessary to give this ordinance full force and effect; provided that all other provisions of the Oak Park Code of Ordinances as heretofore amended shall remain in full force and effect.

SECTION 9. Severability

No other portion, paragraph or phrase of the Code of Ordinances of the City of Oak Park, Michigan shall be affected by this ordinance except as to the above sections, and in the event any portion, section or subsection of this ordinance shall be held invalid for any reason, such invalidation shall not be construed to affect the validity of any other part or portion of this ordinance or of the Code of Ordinances of the City of Oak Park, Michigan.

SECTION 10. Effective Date

This ordinance shall be published as required by the Charter of the City of Oak Park and shall become effective ten (10) days from the date of its passage or upon the expiration of seven (7) days after its publication, whichever is later.

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

**MOTION DECLARED ADOPTED**

**CM-08-227-20 (AGENDA ITEM #12B) SECOND READING AND ADOPTION OF AN ORDINANCE TO AMEND THE CITY OF OAK PARK ZONING ORDINANCE, ARTICLE XVII, GENERAL PROVISIONS, SECTIONS 1709 – OUTDOOR DINING, THAT WOULD ALLOW FOR DECORATIVE LIGHTING IN OUTDOOR DINING USES - APPROVED**

Motion by Burns, seconded by Edgar, CARRIED UNANIMOUSLY, to approve the second reading and adopt the following ordinance to amend the City of Oak Park Zoning Ordinance, Article XVII, General Provisions, Sections 1709 – Outdoor Dining, that would allow for decorative lighting in outdoor dining uses:

CITY OF OAK PARK  
OAKLAND COUNTY, MICHIGAN

AN ORDINANCE TO AMEND ARTICLE XVII, GENERAL PROVISIONS, SECTION 1709, OUTDOOR DINING, APPENDIX A, ZONING, OF THE CODE OF ORDINANCES OF THE CITY OF OAK PARK, MICHIGAN.

THE CITY OF OAK PARK, MICHIGAN ORDAINS:

SECTION 1. Article XVII, General Provisions, Section 1709, B, 6, Appendix "A", Zoning, of the Code of Ordinances of the City of Oak Park, is hereby amended to read as follows:

6. The Planning Commission may approve decorative or accent lighting as an alternative to shielded light fixtures when it can be demonstrated that there will be no off-site glare and the proposed lighting method is necessary to preserve the intended character of the site.

**SECTION 2. Conflicting Provisions Repealed**

All ordinances in conflict with the provisions of this ordinance are repealed only to the extent necessary to give this ordinance full force and effect; provided that all other provisions of the Oak Park Code of Ordinances as heretofore amended shall remain in full force and effect.

**SECTION 3. Severability**

No other portion, paragraph or phrase of the Code of Ordinances of the City of Oak Park, Michigan shall be affected by this ordinance except as to the above sections, and in the event any portion, section or subsection of this ordinance shall be held invalid for any reason, such invalidation shall not be construed to affect the validity of any other part or portion of this ordinance or of the Code of Ordinances of the City of Oak Park, Michigan.

**SECTION 4. Effective Date**

This ordinance shall be published as required by the Charter of the City of Oak Park and shall become effective ten (10) days from the date of its passage or upon the expiration of seven (7) days after its publication, whichever is later.

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

**MOTION DECLARED ADOPTED**

**CM-08-228-20 (AGENDA ITEM #12C) SECOND READING AND ADOPTION OF AN ORDINANCE TO AMEND THE CITY OF OAK PARK ZONING ORDINANCE, ARTICLE XVIII, SIGNS, SECTIONS 1805, 1807, AND 1814 THAT CORRECTS REFERENCE ERRORS AND ADDS REGULATIONS - APPROVED**

Motion by Burns, seconded by Weiss, CARRIED UNANIMOUSLY, to approve the second reading and adopt the following ordinance to amend the City of Oak Park Zoning Ordinance, R-1 One Family Dwelling District to address public and private recreation uses:

**CITY OF OAK PARK  
OAKLAND COUNTY, MICHIGAN**

**AN ORDINANCE TO AMEND ARTICLE IV, SECTIONS 401, PERMITTED USES, AND 402, SPECIAL LAND USES, AND ARTICLE XIX, SECTION 1915, SPECIAL LAND USES, APPENDIX A, ZONING, OF THE CODE OF ORDINANCES, CITY OF OAK PARK.**

**THE CITY OF OAK PARK, MICHIGAN ORDAINS:**

**SECTION 1. Article IV-R1 One Family Dwelling, Section 401, Appendix "A," Zoning, of the Code of Ordinances of the City of Oak Park, is hereby amended to add the following provision to allow publicly owned parks, parkways, and recreational facilities in R1 Districts:**

In a one-family dwelling district, no building or land shall be used and no building shall be erected except for one or more of the following uses:

C. Publicly owned and operated parks, parkways and recreational facilities.

SECTION 2. Article IV-R1 One Family Dwelling, Section 402, Appendix "A," Zoning, of the Code of Ordinances of the City of Oak Park, is hereby amended to delete the following provision:

D. Public recreation uses such as parks, playgrounds, golf courses, ball fields, athletic fields and stadiums, subject to the provisions in section 1915.

Section 402, Appendix "A," Zoning, of the Code of Ordinances of the City of Oak Park, shall be further amended to add the following provision:

D. Private noncommercial recreational areas; institutional or community recreation centers; a nonprofit swimming pool, all subject to the following restrictions:

(i) Any use permitted herein shall not be permitted on a lot or group of lots of record, except in those instances wherein 100 percent of the owners of property immediately abutting and 65 percent of the owners of property within 300 feet of any property line of the site herein proposed for development shall sign a petition indicating concurrence with said site. The petition shall be submitted to the board of appeals for its review.

(ii) The proposed site for any of the community-serving uses permitted herein (i.e., those which would attract persons from beyond the immediate neighborhood) shall have one property line abutting a major thoroughfare, and the site shall be so planned as to provide ingress and egress directly onto the said major thoroughfare.

(iii) Front, side and rear yards shall be at least 80 feet wide, and shall be landscaped in trees, shrubs and grass. All such landscaping and planting shall be maintained in a healthy growing condition, neat and orderly in appearance.

(iv) Buildings erected on the premises shall not exceed one story in height except where due to topography; a lower level shall be permitted when said lower level is entirely below the grade of the major thoroughfare abutting the parcel in question.

(v) Off-street parking shall be provided so as to accommodate at least one-half of the member families and/or individual members. Bylaws of the organization shall be provided in order to establish the membership involved for computing parking requirements.

(vi) Whenever a pool is involved, said pool area shall be provided with a protective fence six feet in height and entry shall be provided by means of a controlled gate or turn style.

- (vii) Where storm sewers are nonexistent or capacity is not ample, adequate on site take-off facilities shall be provided and shall be reviewed and approved by the city engineer as being adequate.

SECTION 3. Article XIX, Special Land Uses, Section 1915, Appendix “A,” Zoning, of the Code of Ordinances of the City of Oak Park is hereby amended to delete the following provision:

- A. No activities shall take place within 30 feet of an abutting residential use or district.

SECTION 4. Conflicting Provisions Repealed

All ordinances in conflict with the provisions of this ordinance are repealed only to the extent necessary to give this ordinance full force and effect; provided that all other provisions of the Oak Park Code of Ordinances as heretofore amended shall remain in full force and effect.

SECTION 5. Severability

No other portion, paragraph or phrase of the Code of Ordinances of the City of Oak Park, Michigan shall be affected by this ordinance except as to the above sections, and in the event any portion, section or subsection of this ordinance shall be held invalid for any reason, such invalidation shall not be construed to affect the validity of any other part or portion of this ordinance or of the Code of Ordinances of the City of Oak Park, Michigan.

SECTION 6. Effective Date

This ordinance shall be published as required by the Charter of the City of Oak Park and shall become effective ten (10) days from the date of its passage or upon the expiration of seven (7) days after its publication, whichever is later.

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

**MOTION DECLARED ADOPTED**

**CM-08-229-20 (AGENDA ITEM #12D) SECOND READING AND ADOPTION OF AN ORDINANCE TO AMEND SECTION 62-42, CHAPTER 62, ARTICLE II, DIVISION I, BURNING, OF THE CODE OF ORDINANCES, CITY OF OAK PARK THAT WOULD REMOVE THE BROAD PROHIBITION AGAINST OUTDOOR BURNING TO ALLOW PORTABLE OUTDOOR FIREPLACES USING CLEAN WOODS, AND TO REQUIRE ANNUAL PERMITS FOR CAMPFIRE, OPEN BURNING, OR RECREATIONAL FIRES AS DEFINED BY THE INTERNATIONAL FIRE PROTECTION CODE (2015)  
- APPROVED**

Motion by Burns, seconded by Radner, to approve the second reading and adopt the following ordinance to amend Section 62-42, Chapter 62, Article II, Division I, Burning, of

the Code of Ordinances, City of Oak Park that would remove the broad prohibition against outdoor burning to allow portable outdoor fireplaces using clean woods, and to require annual permits for campfires, open burning, or recreational fires as defined by the International Fire Protection Code (2015):

CITY OF OAK PARK  
OAKLAND COUNTY, MICHIGAN

AN ORDINANCE TO ADD SECTION 42-6, CHAPTER 42, ARTICLE I, OPEN BURNING, OF THE CODE OF ORDINANCES, CITY OF OAK PARK.

THE CITY OF OAK PARK, MICHIGAN ORDAINS:

Chapter 42- Fire Prevention and Protection

Article I - In General

Sec. 42-6- Open Burning

- (a) This section applies to all outdoor burning and open burning and is intended to promote and safeguard the public health, safety and welfare of the citizens of the City of Oak Park by regulating the air pollution and fire hazards of open burning and outdoor burning.
- (b) This section shall not apply to:
  - (1) Grilling or cooking food using charcoal cookers, propane or natural gas in cooking or filling appliances, braziers, hibachis, grills, outdoor fireplaces or gas-fired stoves and similar semi-enclosed devices on the premises of a one-family detached dwelling.
  - (2) Burning for the purpose of generating heat in a stove, furnace, fireplace or other heating device within a building used for human or animal habitation.
  - (3) The use of propane, acetylene, nature gas, gasoline or kerosene in a device intended for heating, construction or maintenance activities.
  - (4) The use of non-ash producing fuels not less than 15 feet from combustible materials, when used in metal containers for the heating of building materials or for the warmth of workers.
  - (5) This article does not apply to open burning being used by the fire department in connection with training and performance of its duties.
- (c) Definitions. The following definitions shall apply to this section:

*Campfire* means a small outdoor fire with a diameter of less than four feet enclosed by non-combustible materials intended for recreation or cooking but not including a fire intended for disposal of waste, wood or refuse.

*Clean wood* means natural wood which has not been painted, varnished or coated with a similar material; has not been pressure treated with preservatives; and does not contain resins or glues as in plywood or other composite wood products.

*Construction and demolition waste* means building waste materials, including but not limited to waste shingles, insulation, lumbar, treated wood, painted wood, wiring, plastics, packaging, and rubble that results from construction, remodeling, repair, and demolition operations on a house, commercial or industrial building, or other structure.

*Department* means the City of Oak Park Public Safety

*Open burning* means kindling or maintaining a fire where the products of combustion are omitted directly into the ambient air without passing through a stack or a chimney.

*Outdoor burning* means open burning or burning in a portable outdoor fireplace.

*Portable outdoor fireplace* means a solid-fuel-burning fireplace that may be constructed of steel, concrete, clay or other noncombustible material. A portable outdoor fireplace may be open in design, or may be equipped with a small hearth opening and a small chimney or chimney opening in the top.

*Recreational fire* means any outdoor fire burning materials other than rubbish where the fuel being burned is not contained in an incinerator, outdoor fireplace, portable outdoor fireplace, barbecue grill or barbecue pit and has a total fuel area of 3 feet (914 mm) or less in diameter and 2 feet (610 mm) or less in height for pleasure, religious, ceremonial, cooking, warmth, or similar purposes.

*Refuse* means putrescible and non-putrescible solid waste, including incinerator ash, incinerator residue, street cleanings and solid market and industrial wastes and including ashes, garbage, rubbish and yard wastes.

- (d) General prohibition on open burning. Open burning, outdoor burning, recreational fires and campfires are prohibited in the City of Oak Park unless the burning is specifically permitted by this section.
- (e) Portable outdoor fireplaces may be installed and used in the City of Oak Park without a permit on single family, residential lots only in accordance with all of the following provisions:
  - (1) The portable outdoor fireplace shall not be used to burn refuse.
  - (2) The portable outdoor fireplace shall burn only clean wood.
  - (3) The portable outdoor fireplace shall be located at least 25 feet from the nearest structure which is not on the same property as the portable outdoor fireplace and at least 15 feet from the nearest structure on the same property as the portable outdoor fireplace.
  - (4) The portable outdoor fireplace shall not cause a nuisance to neighbors.
  - (5) Operational hours for any portable outdoor fireplace shall be limited to the time between 11:00 a.m. and 1:00 a.m. Eastern Standard Time.
  - (6) The use of a portable outdoor fireplace shall be supervised by at least one person who is 18 years of age or older.
  - (7) There shall be at minimum a garden hose connected to a reliable water supply, or a 2a10BC rated fire extinguisher within 20 feet of any use of a portable outdoor fireplace.
- (f) Permits. No person shall maintain any campfire, open burning or recreational fire without a burning permit issued by the Department of Public Safety. The fee for the annual burning permit shall be an amount established by council by resolution, and shall be submitted to the department for issuance of a burning permit, along with an application on a form to be established and maintained by the department. An annual permit expires on December 31 of each year. Campfires, open burning or recreational fires under this section may be used on single family, residential lots in accordance with all of the following requirements:
  - (1) Open burning, campfires, and recreational fires shall burn only clean wood.
  - (2) All open burning, campfires, and recreational fires shall be located at least 20 feet from the nearest structure which is not on the same property as the portable

outdoor fireplace and at least 15 feet from the nearest structure on the same property as the portable outdoor fireplace.

(3) The open burning, campfire, and recreational fires shall not cause a nuisance to neighbors.

(4) Operational hours for any open burning, campfires, and recreational fires shall be limited to the time between 11:00 a.m. and 1:00 a.m. Eastern Standard Time.

(5) All burning shall be supervised by at least one person who is 18 years of age or older.

(6) There shall be at minimum a garden hose connected to a reliable water supply, or a 2a10BC rated fire extinguisher within 20 feet of any use of any open burning, campfire, and recreational fire.

- (g) All forms of open burning, including use portable outdoor fireplaces, are prohibited on days when the Southeast Michigan Council of Government (SEMCOG) has declared an air quality or ozone action day.
- (h) The fire inspector or any authorized officer, agent, employee or representative of the City of Oak Park that presents credentials may inspect any property for the purpose of ascertaining compliance with the provisions of this article.
- (i) Enforcement and penalties. The fire inspector and his or her public safety department designee, any City of Oak Park public safety officers, and any representative of the Department of Technical and Planning are authorized to enforce the provisions of this article. Failure to comply with this section shall constitute a nuisance in violation of Chapter 38, Article III of the Code of Ordinances. A violator shall pay costs which may include all expenses, direct and indirect, that the City has incurred in connection with the violation. In addition, the City shall have the right to proceed in any court of competent jurisdiction for the purpose of obtaining an injunction, restraining order, or other appropriate remedy to compel compliance with this section. Each day that a violation of this section exists shall constitute a separate violation of this section.

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:**

**Administration**

**CM-08-230-20 (AGENDA ITEM #14A) REQUEST TO APPOINT MAYOR PRO TEM BURNS AS THE COUNCIL REPRESENTATIVE TO THE LIBRARY BOARD - APPROVED**

Motion by Weiss, seconded by Edgar, CARRIED UNANIMOUSLY, to appoint Mayor Pro Tem Burns as the Council Representative to the Library Board.

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

**MOTION DECLARED ADOPTED**

**Economic Development and Communications**

**CM-08-231-20 (AGENDA ITEM #14B) OBSOLETE PROPERTY  
REHABILITATION ACT (OPRE) POLICY - APPROVED**

Motion by Burns, seconded by Radner, CARRIED UNANIMOUSLY, to approve the  
Obsolete Property Rehabilitation Act (OPRE) Policy:

**CITY OF OAK PARK  
Obsolete Property Rehabilitation Act Procedure  
and Guidelines for Tax Exemption Application**

***Section A - OPRA Tax Exemption Certificate Application Guidelines***

**Introduction**

The intent of this document is to outline the procedures and guidelines adopted by the City of Oak Park regarding the rehabilitation of properties considered obsolete through the Obsolete Property Rehabilitation Act (PA 146 of 2000).

The City of Oak Park's heritage and culture present the community with a unique opportunity to encourage and support sustainable economic development. The City is committed to working closely with entrepreneurs, business owners and developers to provide a business-friendly climate while meeting the needs of the Oak Park community.

***OPRA Facts***

This incentive is designed to assist in the redevelopment of older buildings in which the facility is contaminated, blighted, or functionally obsolete. Certificates may be given for eligible projects that take place on an obsolete property and result in a commercial or commercial housing building project.

The community freezes the existing taxable value on a designated facility no less than 1 year and no more than 12 years. This creates an incentive for the property owner which allows the rehabilitation to be property-tax free, with the exception of school taxes.

Through application materials, applicants must demonstrate that completion of the rehabilitation will lead to increased commercial activity, the creation or retention of jobs, or an increase in residency. It must also be demonstrated by the applicant that "but for" the exemption, the rehabilitation would not occur.

The City of Oak Park, in an ongoing spirit of cooperation and collaboration, expects all applicants to be current in their property tax payments, hold no liens against their property, have no outstanding fines, and be in compliance with all city codes.

The period of time for OPRA certificates is determined by City Council based upon the guidelines contained in this policy.

Oak Park City Council retains discretionary power for final determination and is not bound to using the information included in these Guidelines when acting on a request for OPRA Certificates.

The city will forward the application to the State Tax Commission for final approval or disapproval.

### ***Eligible Facilities***

A granted exemption covers only the specific project that is the subject of the application.

A facility eligible for OPRA must be a commercial property or a commercial housing property, located within the boundaries of the City of Oak Park, that meet the definition of "blighted" or "functionally obsolete" as defined by the Brownfield Redevelopment Financing Act of 1996.

"Blighted", as defined by the Brownfield Redevelopment Financing Act of 1996 means that the structure:

- 1) Has been declared a public nuisance in accordance with a local housing, building, plumbing, fire, or other related code or ordinance.
- 2) Is an attractive nuisance to children because of physical conditions, use, or occupancy.
- 3) Is a fire hazard or is otherwise dangerous to the safety of persons or property.
- 4) Has had the utilities, plumbing, heating, or sewerage permanently disconnected, destroyed, removed, or rendered ineffective so that the property is unfit for its intended use.
- 5) Is a tax reverted property owned by the City of Oak Park, Oakland County, or the State of Michigan.
- 6) The current state of the property makes it unfit for its intended use.
- 7) A building that is "functionally obsolete" is unable to be used for what it was originally intended due to a substantial loss in value. Factors responsible for the loss in value include overcapacity, changes in technology, deficiencies or superadequacies in design or other similar factors that affect the property itself or the property's relationship with other surrounding property.

### ***Application Process***

- 1) A written request is made from the applicant to the City regarding the creation of an OPRA District.
- 2) Creation of OPRA District by the City.
- 3) Notice is given by certified mail to property owners within the proposed district.
  - A public hearing is held regarding the proposed district.
  - A resolution to create the OPRA district is adopted by City Council.

- 4) Application, fee of \$650 or 2% of the total amount of taxes abated over the life of the certificate, whichever is lower; and supporting materials are submitted to the City Clerk's office.
  - City Council holds a public hearing for the exemption certificate application.
  - City Council takes action on the application within 60 days after receipt by the Clerk.
  - Once the application is approved, it is sent to the State True Commission, and is acted upon within 60 days (either approved or disapproved).

### ***Revocation***

If at any time during the abatement period the terms and conditions are violated, the exemption may be revoked. The abatement holder is required to keep all property truces current to receive true abatement. This shall include real and personal property assessed to the abatement holder at all locations within the City of Oak Park.

### ***Questions?***

Contact the Economic Development Department at (248) 691-7404 with further questions regarding OPRA certificates.

### ***Section B - Criteria for Granting OPRA Tax Exemption Certificates***

Priority will be given to applicants whose proposed projects can meet or exceed the City's criteria for granting tax abatements. Supporting evidence for any application must demonstrate that:

- 1) There are no outstanding back taxes, fines, or liens owed to the City.
- 2) Upon completion of the project, a Certificate of Occupancy has been obtained.
- 3) The applicant will offer employees a living wage who work on the improvement or expansion of the facility, and to other employees of the applicant working in the workplace or location receiving the abatement.
- 4) The applicant, contactors, sub-contractors and tenants will make a concerted effort to employ residents of the City of Oak Park.
- 5) The project will use context sensitive design in building development with special attention to storm water management and energy efficient design.
- 6) Preferably, new projects represent new economy businesses, green technologies, and/or innovative business models.
- 7) The implementation of a project has not begun prior to the establishment of the Obsolete Property Rehabilitation District and tax abatement approval.

- 8) The applicant is an equal opportunity employer.
- 9) The project is in compliance with the OPRA, City and State Law, as applicable.
- 10) The tax abatement is required for the success of the project. This evidence will be in the form of a written statement addressed to City Council as well as a site plan submitted with application materials.
- 11) Careful consideration will be taken in reviewing and approving tax abatement requests when the total of tax abatement granted in Oak Park reaches or exceeds 5% of taxable value.
- 12) Compliance of the applicant in meeting previous obsolete property rehabilitation requirement, and employment goals and investment projections (if relevant).
- 13) The impacts on public right of way and general circulation patterns.
- 14) General site improvements such as paving, parking areas, increases in landscaping ground vegetation, and signage improvements.
- 15) The value of the rehabilitation must include improvements aggregating 10% or more of the true cash value of the property at the commencement of the rehabilitation of the obsolete property. The impact on property values in the general area of the project.
- 16) In determining the number of years to grant an exemption, Council will consider the amount of the total investment in the project and the number of years to complete the project.
- 17) Other considerations considered unique or of benefit to the Oak Park community.

Applications will further be considered in light of the following general economic development/redevelopment goals of the City of Oak Park:

1. Promoting the growth and expansion of existing businesses and the growth and development of local entrepreneurs.
2. Encouraging the adaptive reuse of historic and underutilized buildings including properties that are currently tax exempt, and supporting Brownfield cleanup and redevelopment.
3. Attracting businesses that diversify the city's commercial and industrial base and contribute to the economic and social well-being of the community.
4. Supporting and attracting businesses that further develop the local workforce by increasing the personal income of residents, diversifying the job base, and creating new jobs.
5. Promoting energy efficiency in building renovations and rebuilds.

6. Continuously improving the quality of life in Oak Park.

### ***Section C - Duration of Obsolete Property Rehabilitation Exemption Certificate***

After review, the City shall determine the eligibility of the application. If the applicant is eligible, the City Assessor and/ Economic Development Director shall recommend to Council the duration of the Obsolete Property Rehabilitation Exemption Certificate based on the following:

#### ***Personal Property:***

1. The amount of investment and a thorough analysis of the life expectancy and/or the State Tax Commission's Standard Depreciation Schedule of the personal property.
2. An additional one (I) year may be granted for every five (5) years that the firm has been located within the City of Oak Park.
3. An additional one (J) year may be granted for every twenty-five (25) additional employees hired as a result of the project.

Certificates shall not be issued for a term longer than an existing lease on the real property. Certificates shall not be issued for a term longer than twelve (12) years.

#### ***Real Property:***

1. New real property investments may receive a (6) year certificate for an initial investment of \$1,000,000.
2. An additional one (1) year may be granted for every five (5) years that the firm has been located within the City of Oak Park.
3. An additional one (1) year may be granted for every twenty-five (25) employees hired as a result of the project.
4. An additional one (I) year may be granted for every \$500,000 of investment over the initial minimum investment of \$500,000.

Any portion of the procedures and guidelines outlined may be waived by the City Council if it is in the best interest of the City and in accordance with State law. The City of Oak Park also reserves the right to consider additional goals and criteria that are consistent with the interests of the City.

### ***Section D - OPRA Tax Exemption Certificates Applicant Checklist of Documents and Attachments***

Four copies of each of the following materials should be submitted to the City:

- I. Statement of interest regarding creation of an OPRA district.
2. Complete OPRA application submitted to City Clerk's Office with required filing fee.
3. A complete list of renovation or construction costs.

4. A detailed statement outlining why OPRA is needed for the project. The statement should address the project in relation to the City criteria for granting OPRA certificates and economic development goals (found in these Guidelines), as well as why you feel that the project is eligible for this exemption.
5. A site plan for the proposed project (if applicable).

It is the burden of the applicant to provide sufficient materials to support an application. The City of Oak Park holds no responsibility in the submission of an application or supporting materials. Incomplete applications will not be considered.

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

**MOTION DECLARED ADOPTED**

**CALL TO THE AUDIENCE:**

There were no members of the audience wishing to speak.

**ADJOURNMENT:**

There being no further business to come before the City Council, Mayor McClellan adjourned the meeting at 7:35 P.M.

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T. Edwin Norris, City Clerk

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Marian McClellan, Mayor



**CITY OF OAK PARK, MICHIGAN  
SPECIAL COUNCIL MEETING OF THE  
38<sup>th</sup> OAK PARK CITY COUNCIL  
August 3, 2020  
6:00 PM**

**MINUTES**

Mayor McClellan called the virtual special meeting to order at 5:30 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 Weiss,  
Council Member Edgar

**ABSENT:** Council Member Radner

**OTHERS**

**PRESENT:** City Manager Tungate, Director of Strategic Planning and Special Projects VanVleck,  
City Attorney Krause, City Attorney Duff, Technical and Planning Director Barrett

**SPECIAL BUSINESS:**

**(AGENDA ITEM A) Request to award the proposal from OLSHA for CDBG Senior Yard Contract Assistance for the 2019 Program Year Yard Services Program**

**SCM-08-222-20                    REQUEST TO AWARD THE PROPOSAL FROM OLSHA FOR  
CDBG SENIOR YARD CONTRACT ASSISTANCE FOR THE 2019  
PROGRAM YEAR YARD SERVICES PROGRAM - APPROVED**

Motion by Weiss, Seconded by Burns, CARRIED UNANIMOUSLY, to award the proposal from Oakland Livingston Human Services (OLSHA) for CDBG Senior Yard Contract Assistance for the 2019 Program Year Yard Services Program.

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

**MOTION DECLARED ADOPTED**

Director Barrett reported that at the June 15, 2020 regular meeting of the Oak Park City Council, the request to bid the 2019 Program Year Yard Services Contract, M-715 was approved. Unfortunately there were no bids received to administer the Program Year 2019 CDBG Yard Services contract.

Subsequently, a request for proposals and qualifications was prepared for the City to contract our own landscaping contractor to administer the Yard Services Program internally. Additionally, OLSHA has offered to provide CDBG enrollment assistance and qualification verification for our residents. The proposed offer, for \$3,500, will assist us immensely in expediting the return of lawn services to our qualified seniors. OLSHA has performed this service for the city in the past and has done a great job of servicing our residents and meeting the CDBG and HUD requirements.

**(AGENDA ITEM B) Request to award the bid for the 2019 Program Year Yard Services Request for Proposals and Qualifications, M-715 to Lawnclippers Landscaping of Warren, MI**

**SCM-08-223-20 MOTION TO AWARD THE BID FOR THE 2019 PROGRAM YEAR YARD SERVICES REQUEST FOR PROPOSALS AND QUALIFICATIONS, M-715 TO LAWNCLIPPERS LANDSCAPING OF WARREN, MI - APPROVED**

Motion by Burns, Seconded by Weiss, CARRIED UNANIMOUSLY, to award the bid for the 2019 Program Year Yard Services Request for Proposals and Qualifications, M-715 to Lawnclippers Landscaping of Warren, MI.

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

**MOTION DECLARED ADOPTED**

Mr. Barrett reported that the request to bid the 2019 Program Year Yard Services Contract, M-715 was approved at the June 15, 2020 regular meeting of the Oak Park City Council, Unfortunately, we did not receive any bids to administer our Program Year 2019 CDBG Yard Services contract. Subsequently, a request for proposals and qualifications was prepared for the City to contract our own landscaping contractor and we would administer the Yard Services Program internally. On July 24, 2020, three proposals were received. The low bidder, Lawnclippers Landscaping of Warren, MI submitted a bid totaling \$357.00 per price per service total. The total amount of services requested will not exceed \$24,000. Lawnclippers Landscaping has worked with OLSHA performing the City of Oak Park, Yard Services Program for our residents in the past and has performed great work.

**(AGENDA ITEM C) Mary Coleman-Burton donation**

Long-time Oak Park resident Mary Coleman-Burton has made arrangements to will her home to the City of Oak Park and Council discussed options for naming something in her honor for this significant donation. There was general agreement to have a group consisting of Council Member Edgar, Recreation Director Stasiak and a member of the Parks and Recreation Commission meet with Ms. Coleman Burton to discuss these options and report back to Council at a later date.

**(AGENDA ITEM D) Trash Receptacles**

Assistant City Manager Yee reported that \$600,000 has been budgeted for trash receptacles (carts) and Council discussed details regarding a program whereby residents would be provided an option to receive a new cart at no charge. It was agreed that this would be a one-time program and the following guidelines would be followed:

- There will be no ordinance change requiring residents to use a cart.
- There will be no rebate or credit offered to residents already having a cart.
- Size options will include a 95 gallon and a smaller 65 gallon cart.
- The cart should not be green in color.
- Replacement carts will not be provided to new residents.

**CALL TO THE AUDIENCE:**

There were no members of the audience wishing to speak.

**ADJOURNMENT:**

There being no further business to come before the City Council, Mayor McClellan adjourned the special meeting at 6:30 P.M.

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T. Edwin Norris, City Clerk

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Marian McClellan, Mayor



**BUSINESS OF THE CITY COUNCIL, OAK PARK, MICHIGAN**

**AGENDA OF:** August 17, 2020

**AGENDA#**

**SUBJECT:** Proposed Change Order no. 1 and Payment Application No. 2 for the 2019 Bridge Enhancement Project, M-670.

**DEPARTMENT:** Technical & Planning/DPW – Engineering *KJY*

**SUMMARY:** Attached are Proposed Change Order no. 1 and Payment Application No. 2 for the 2019 Bridge Enhancement Project, M-670. This project replaced the fencing and enhanced the bridge at Coolidge over I-696. The Proposed Change Order is a reduction due to the contractor exceeding the allotted time for the project (liquidated damages) and going over on inspection crew days (which we will owe to OHM for the extra time they spent on the project). This project is now 99% complete.

**FINANCIAL STATEMENT:**

Original Contract Amount:	\$595,598.47
Proposed Change Order no. 1	<u>(\$ 32,909.54)</u>
New Contract Amount:	\$562,688.93
Total Completed to Date:	\$562,688.93
Less Retainage:	\$ 20,000.00
Net Earned:	\$542,688.93
Deductions:	\$ 0.00
Balance:	\$542,688.93
Payments to Date:	<u>\$444,617.96</u>
Amount Due Z Contracting:	\$ 98,070.97

**RECOMMENDED ACTION:** It is recommended that Change Order No. 1 for the 2019 Bridge Enhancement Project, M-670 be approved to Z Contractors of Shelby Township, MI for the amount of (\$32,909.54). It is further recommended that Payment Application no. 2 be approved for the amount of \$98,070.97. Funding is available in the Major Street Fund 202-18-479-970 and the General Fund 101-18-444-970 for this expenditure.

**APPROVALS:**

City Manager: ET Department Director: KJY

Director of Finance: SC Legal: NA

Budgeted:

**EXHIBITS:** Proposed Change Order no. 1 and Payment Application No. 2

# CHANGE ORDER



**Project:** City of Oak Park - Bridge Enhancements I-696 & Coolidge Road Overpass, M-670

**Job Number:** 0037-16-0021

**Owner:** City of Oak Park  
14000 Oak Park Blvd.  
Oak Park, MI 48237

**Change Order Number:** 1  
**Date:** 5/6/2020  
**Print Date:** 7/20/2020

**Contractor:** Z Contractors  
50500 Design Lane  
Shelby Township, MI 48315  
(586) 625 8899

**Note:**

**TO THE CONTRACTOR:**

You are hereby directed to comply with the changes to the contract documents. This change order reflects work completed or anticipated.

OHM Advisors  
34000 Plymouth Road  
Livonia, MI 48150  
(734) 522-6711

CURRENT PROJECT PLANS AND SPECIFICATIONS WILL BE ADHERED TO UNLESS SPECIFICALLY CHANGED BY THIS CHANGE ORDER DOCUMENT.

THE CONTRACT AMOUNT WILL BE CHANGED BY THE SUM OF:	(\$32,909.54)
Original Contract Amount:	\$595,598.47
Contract Amount Including Previous Change Orders:	\$595,598.47
Amount of this Change Order:	(\$32,909.54)
<b>REVISED CONTRACT AMOUNT:</b>	<b>\$562,688.93</b>

**Accepted By**

Z Contractors

Michael Phelps

Michael Phelps  
Via PrintMail  
Jul 21, 2020 1:53 PM

Date \_\_\_\_\_

**Approved By**

Kevin Yee - Assistant City Manager - City  
of Oak Park

Date 7/28/20

**Recommended By**

Barry Gates, Client Representative

Barry Gates

Digitally signed by Barry Gates  
DN: c=US, E=barry.gates@ohm-advisors.com, O=OHM  
Advisors, CN=Barry Gates  
Date: 2020.07.21 09:44:00-0400

Date \_\_\_\_\_

**Items**

Item No.	Description	Previous Authorized Quantity	Quantity Change	New Authorized Quantity	Unit Price	Total Increase
<b>THE FOLLOWING ITEMS AND OR CONTRACT UNIT PRICES SHALL BE ADDED TO THE CONTRACT AMOUNT</b>						
<b>Division: A</b>						
16	Plastic Drum, High Intensity, Furn	120.00 Ea	60.00	180.00	\$18.00	\$1,080.00
17	Plastic Drum, High Intensity, Oper	120.00 Ea	60.00	180.00	\$0.01	\$0.60
27	Conduit, Galvanized Steel, 1 inch, Structure	315.00 Ft	71.00	386.00	\$29.00	\$2,059.00
31	Sidewalk, Conc, 4inch	72.00 Sft	100.27	172.27	\$30.00	\$3,008.10
32	Sidewalk, Rem	8.00 Syd	11.09	19.09	\$20.00	\$221.80
33	Crew Days	34.00 Day	8.25	42.25	\$0.00	\$0.00
<b>Additional Items to the Contract:</b>						
34	Alternate Bridge Dedges	0.00 Ea	2.00	2.00	\$581.67	\$1,163.34
35	Crew Day Deduction	0.00 Day	8.25	8.25	(\$960.00)	(\$7,920.00)
37	Open Cut and Exploratory to Locate Path to Bore under Coolidge	0.00 Ls	1.00	1.00	\$9,543.14	\$9,543.14
38	Liquidated Damages - 20 Days	0.00 Day	20.00	20.00	(\$1,000.00)	(\$20,000.00)
<b>SUB-TOTAL INCREASES DIVISION A:</b>						<b>(\$10,844.02)</b>

**THE FOLLOWING ITEMS AND OR CONTRACT UNIT PRICES SHALL BE SUBTRACTED FROM THE CONTRACT AMOUNT**

<b>Division: A</b>						
4	Bridge Sign Connection, Conc, Type A	2.00 Ea	-2.00	0.00	\$1,350.00	(\$2,700.00)
5	Bridge Sign Connection, Type A, Rem	2.00 Ea	-2.00	0.00	\$175.00	(\$350.00)
6	Sign, Typell, Firm	2.00 Ea	-2.00	0.00	\$25.00	(\$50.00)
7	Sign, TypellA	34.00 Sft	-34.00	0.00	\$16.50	(\$561.00)
9	Barricade, Type III, High Intensity, Double Sided, Lighted, FurF	10.00 Ea	-10.00	0.00	\$65.00	(\$650.00)
10	Barricade, Type II, High Intensity, Double Sided, Lighted, Ope	10.00 Ea	-10.00	0.00	\$0.01	(\$0.10)
18	SignCover	10.00 Ea	-10.00	0.00	\$25.00	(\$250.00)
19	Sign, Portable, Changeable Message, Furn	4.00 Ea	-4.00	0.00	\$3,000.00	(\$12,000.00)
20	Sign, Portable, Changeable Message, Oper	4.00 Ea	-4.00	0.00	\$0.01	(\$0.04)
21	Sign, Type B, Temp, Prismatic, Furn	1820.00 Sft	-1148.00	672.00	\$4.00	(\$4,592.00)
22	Sign, Type B, Temp, Prismatic, Oper	1820.00 Sft	-1148.00	672.00	\$0.01	(\$11.48)
23	Sign, Type B, Temp, Prismatic, Special, Furn	90.00 Sft	-90.00	0.00	\$10.00	(\$900.00)
24	Sign, Type B, Temp, Prismatic, Special, Oper	90.00 Sft	-90.00	0.00	\$0.01	(\$0.90)
<b>SUB-TOTAL DECREASES DIVISION A:</b>						<b>(\$22,065.52)</b>

**PAYMENT APPLICATION**



Project: City of Oak Park - Bridge Enhancements I-696 & Coolidge Road Overpass, M-670

Job Number: 0037-16-0021

OWNER: City of Oak Park  
14000 Oak Park Blvd.  
  
Oak Park, MI 48237

CONTRACTOR: Z Contractors  
50500 Design Lane  
  
Shelby Township, MI 48315  
(586) 625-8899

Number: 2  
Period End Date: 5/7/2020  
Status: Approved  
Contract Start Date: 3/29/2019  
Contract End Date: 12/19/2019  
Contract Duration: 265  
Print Date: 7/9/2020

SCHEDULE Behind  
STATUS:  
NOTE:

Original Contract Amount:	\$595,596.47	Change Order 1:	(\$32,909.54)
Change Orders Amount:	(\$32,909.54)		(\$32,909.54)
Current Contract Amount:	\$562,686.93		

Earnings This Period:	\$68,688.98
Earnings To Date:	\$562,688.93
Previous Retainage Amount:	\$49,402.00
Retainage This Period:	(\$29,402.00)
Less Total Retained To Date:	\$20,000.00
Net Earned:	\$542,686.93
Previous Earnings:	\$444,617.96
Amount Due Contractor:	\$98,070.98

Retainage: Lump Sum

Amount Due Contractor includes (\$29,402.00) of previously held retainage

Approved By

Kevin Yee - Assistant City Manager - City of Oak Park

Recommended By

Barry Gates, Client Representative

**Barry Gates**

Digitally signed by Barry Gates  
DN: cn=Barry Gates, o=OHM-Advisors, ou=OHM-Advisors, email=barry.gates@ohm-advisors.com, c=US  
Date: 2020.07.21 09:45:05-0400

Date

*7/28/20*

Date

**Items**

Item	Description	Original Quantity	Quantity Authorized	Unit Price	Quantity This Period	Quantity Held	Amount This Period	Quantity To Date	Amount To Date
<b>Division: A</b>									
1	Mobilization, Max.	1.00 Ls	1.00	\$31,250.00	0.00	0.00	\$0.00	1.00	\$31,250.00
2	Ornamental Railing	355000.00 Dlr	355000.00	\$1.00	71000.00	0.00	\$71,000.00	355000.00	\$355,000.00
3	Accent Lighting	1.00 Ls	1.00	\$56,860.00	0.20	0.00	\$11,372.00	1.00	\$56,860.00
4	Bridge Sign Connection, Conc, Type A	2.00 Ea	0.00	\$1,350.00	0.00	0.00	\$0.00	0.00	\$0.00
5	Bridge Sign Connection, Type A, Rem	2.00 Ea	0.00	\$175.00	0.00	0.00	\$0.00	0.00	\$0.00
6	Sign, Type II, Ftem	2.00 Ea	0.00	\$25.00	0.00	0.00	\$0.00	0.00	\$0.00
7	Sign, Type IA	34.00 Sft	0.00	\$16.50	0.00	0.00	\$0.00	0.00	\$0.00
8	Structures Rehabilitation, Rem Partions (518 of 63102)	1.00 Ls	1.00	\$86,500.00	0.00	0.00	\$0.00	1.00	\$86,500.00
9	Barricade, Type III, High Intensity, Double Sided, Lighted, FurF	10.00 Ea	0.00	\$65.00	0.00	0.00	\$0.00	0.00	\$0.00
10	Barricade, Type III, High Intensity, Double Sided, Lighted, Ope	10.00 Ea	0.00	\$0.01	0.00	0.00	\$0.00	0.00	\$0.00
11	Pedestrian Type II Barricade, Temp	2.00 Ea	2.00	\$200.00	0.00	0.00	\$0.00	2.00	\$400.00
12	Lighted Arrow, Type C, Furn	3.00 Ea	3.00	\$400.00	0.00	0.00	\$0.00	3.00	\$1,200.00
13	Lighted Arrow, Type C, Oper	3.00 Ea	3.00	\$0.01	0.00	0.00	\$0.00	3.00	\$0.03
14	Minor Traf Devices	1.00 Ls	1.00	\$6,500.00	0.00	0.00	\$0.00	1.00	\$6,500.00
15	Mobile Attenuator	2.00 Ea	2.00	\$1.00	1.00	0.00	\$1.00	2.00	\$2.00
16	Plastic Drum, High Intensity, Furn	120.00 Ea	180.00	\$18.00	60.00	0.00	\$1,080.00	180.00	\$3,240.00
17	Plastic Drum, High Intensity, Oper	120.00 Ea	180.00	\$0.01	60.00	0.00	\$0.60	180.00	\$1.80
18	Sign Cover	10.00 Ea	0.00	\$25.00	0.00	0.00	\$0.00	0.00	\$0.00
19	Sign, Portable, Changeable Message, Furn	4.00 Ea	0.00	\$3,000.00	0.00	0.00	\$0.00	0.00	\$0.00
20	Sign, Portable, Changeable Message, Oper	4.00 Ea	0.00	\$0.01	0.00	0.00	\$0.00	0.00	\$0.00
21	Sign, Type B, Temp, Prismatic, Furn	1620.00 Sft	672.00	\$4.00	490.00	0.00	\$1,960.00	672.00	\$2,688.00
22	Sign, Type B, Temp, Prismatic, Oper	1620.00 Sft	672.00	\$0.01	490.00	0.00	\$4.90	672.00	\$6.72
23	Sign, Type B, Temp, Prismatic, Special, Furn	90.00 Sft	0.00	\$10.00	0.00	0.00	\$0.00	0.00	\$0.00
24	Sign, Type B, Temp, Prismatic, Special, Oper	90.00 Sft	0.00	\$0.01	0.00	0.00	\$0.00	0.00	\$0.00
25	Conduit, DB, 1.2 inch	215.00 Ft	215.00	\$14.00	0.00	0.00	\$0.00	215.00	\$3,010.00
26	Conduit, Directional Bore, 13 inch	100.00 Ft	100.00	\$39.00	0.00	0.00	\$0.00	100.00	\$3,900.00
27	Conduit, Galvanized Steel, 1 inch, Structure	315.00 Ft	386.00	\$29.00	16.00	0.00	\$464.00	386.00	\$11,194.00
28	Hh. Polymer Conc	2.00 Ea	2.00	\$800.00	0.00	0.00	\$0.00	2.00	\$1,600.00
29	Metered Lighting Panel and Service Rack	1.00 Ea	1.00	\$7,500.00	0.00	0.00	\$0.00	1.00	\$7,500.00
30	Elec Grounding System	2.00 Ea	2.00	\$1,750.00	0.00	0.00	\$0.00	2.00	\$3,500.00
31	Sidewalk, Conc, 4inch	72.00 Sft	172.27	\$30.00	0.00	0.00	\$0.00	172.27	\$5,168.10
32	Sidewalk, Rem	8.00 Syd	19.09	\$20.00	0.00	0.00	\$0.00	19.09	\$381.80
33	Crew Days	34.00 Day	42.25	\$0.00	19.00	0.00	\$0.00	42.25	\$0.00
34	Alternate Bridge Badges	0.00 Ea	2.00	\$581.67	2.00	0.00	\$1,163.34	2.00	\$1,163.34

City of Oak Park - Bridge Enhancements I-696 & Coolidge Road Overpass, M-670

Item	Description	Original Quantity	Quantity Authorized	Unit Price	Quantity This Period	Quantity Held	Amount This Period	Quantity To Date	Amount To Date	
35	Crew Day Deduction	0.00 Day	8.25	(\$960.00)	8.25	0.00	(\$7,920.00)	8.25	(\$7,920.00)	
36	Liquidated Damages - 83 Days	0.00 Day	0.00	(\$1,000.00)	0.00	0.00	\$0.00	0.00	\$0.00	
37	Open Cut and Exploratory to Locate Path to Bore under Coolidge	0.00 Ls	1.00	\$9,543.14	1.00	0.00	\$9,543.14	1.00	\$9,543.14	
38	Liquidated Damages - 20 Days	0.00 Day	20.00	(\$1,000.00)	20.00	0.00	(\$20,000.00)	20.00	(\$20,000.00)	
<b>A Sub-Total:</b>							<b>\$68,663.98</b>		<b>\$62,698.93</b>	
<b>Retainage</b>							<b>(\$29,402.00)</b>			



**BUSINESS OF THE CITY COUNCIL, OAK PARK, MICHIGAN**

**AGENDA OF:** August 17, 2020                      **AGENDA #**

**SUBJECT:** Request authorization to dispose of a surplus vehicles / equipment.

**DEPARTMENT:** Public Works

**SUMMARY:** The Public Works Department is requesting authorization to have the following vehicles / equipment declared surplus and sold or disposed of in the best interest of the City.

Vehicle	Year	Description	VIN
#307	1999	John Deere 624H Wheel Loader	DW624HX570970

**FINANCIAL STATEMENT:** Any funds received would be deposited in account number 402-00.000-673.000 (Sale of Fixed Assets) of the 2020-2021 Budget.

**RECOMMENDED ACTION:** It is recommended that City Council declare the listed vehicles surplus and sold by sealed bid, public auction, or disposal at the lowest expense to the City in accordance with City policy.

**APPROVALS:**

City Manager: \_\_\_\_\_ *ET* \_\_\_\_\_

Department Director: \_\_\_\_\_ *KJY* \_\_\_\_\_

Finance Director: \_\_\_\_\_ *SC* \_\_\_\_\_

Legal: \_\_\_\_\_

Budgeted:

**EXHIBITS:** None



# CITY OF OAK PARK

## Department of Recreation

**Mayor**  
Marian McClellan  
**Mayor Pro Tem**  
Carolyn Burns  
**Council Members**  
Solomon Radner  
Regina Weiss  
Julie Edgar  
**City Manager**  
Erik Tungate

### Parks and Recreation Commission

## PARKS AND RECREATION COMMISSION REGULAR MEETING: June 17, 2020, Zoom Meeting

- I. Meeting called to order at 7:10 p.m. by Vice Chair – Andrew Cissell.
- II. Members present: Andrew Cissell, Juanita Bell, Mickey Alderman, Diane Spiller, and Theresa Henderson  
Members absent: Beverly Wiggins, Alexander Simpson, Dwight Thomas, Patrick North  
Staff members present: Laurie Stasiak  
Councilmembers present: None
- III. Approval of Agenda for June 17, 2020.  
Motion by Mickey Alderman to ACCEPT.  
Seconded by Diane Spiller.  
PASSED.
- IV. Approval of minutes of Parks and Recreation Commission Meeting of February 19, 2020.  
Motioned by Juanita Bell to ACCEPT.  
Seconded by Mickey Alderman.  
Passed
- V. Council updates - none
- VI. Recreation Updates – Laurie Stasiak, Recreation Director
  - a. Programs – and events for the summer have been cancelled due to COVID  
Forgotten Harvest – every Wednesday from 9 am – 1 pm, one of the biggest food distribution sites with 400 – 500 cars each week.  
OPEN – SMART Transportation pickups for essential trips – doctors, pharmacy and grocery store. Senior food pickup and drop offs Forgotten Harvest on Wednesdays  
Farmers Market returns on July 1 – Sept. 30, hours: 9 am – 2 pm Location: Oak Park HS parking lot – near track entrance HUMANA is back as signature sponsor  
Vendors are placed with extra space for proper social distancing, masks required and hand washing stations  
NEW PROGRAMS: Power of Produce - tracks for seniors and kids  
Project Play
  - b. Recreation Office/Community Center currently closed
  - c. Parks – shelters are open on a first come first serve basis unless rented (groups 100 or less) Bathrooms, play equipment and picnic areas are open. No Basketball

d. DNR Grants – Land and Water and Trust Fund Grant were submitted on April 1 for the 9 Mile Connector Park. Both grants are under review. Preliminary scores will be released in September and at that time we can respond to any comments in the Supplemental Period as well as submit supporting information.

e. Community Center Improvements – During the time the center has been closed due to COVID, it has given DPW time to make some improvements, painting room A, B, C, hallways, wainscoting (bead board) around all windows, new lighting in the Recreation Office hallway, and new flyer racks. Improvements are fabulous!

**VII. Old Business - none**

**VIII. New Business**

1. Dog Park – no update to report by commissioners
2. Other - none

**IX. Announcements - none**

- X. Motion to ADJOURN meeting by Theresa Henderson.  
Seconded by Diane Spiller  
Motion APPROVED.  
Meeting ADJOURNED at 7:44 p.m.

Respectfully submitted by Laurie Stasiak.

Next meeting: July 15, 2020, at 7 p.m.

**MERCHANT'S LICENSES - AUGUST 17TH, 2020**

(Subject to All Departmental Approvals)

<b>NEW MERCHANT</b>	<b>ADDRESS</b>	<b>FEEs</b>	<b>BUSINESS TYPE</b>
LAVISH AMOR LASHES	23300 GREENFIELD 102	\$ 150.00	LASH EXTENSIONS
SALON RENU	23300 GREENFIELD 207	\$ 150.00	HAIR SALON

<b>RENEWALS</b>	<b>ADDRESS</b>	<b>FEEs</b>	<b>BUSINESS TYPE</b>
E-ZEE SET WOOD PRODUCTS	21650 COOLIDGE	\$ 150.00	
SUNBELT RENTALS	12992 EIGHT MILE R	\$ 187.50	CONSTRUCTION EQUIPMENT RENTALS
LOCLIFE DREAD HOT	21700 GREENFIELD 131	\$ 187.50	NATURAL HAIR SALON
FALLOU'S AFRICAN HAIR BRAIDING	12716 NINE MILE	\$ 187.50	BRAIDING SALON
CSL PLASMA	13770 NINE MILE	\$ 187.50	MANUFACTURER OF HUMAN BLOOD PLASMA
HOOKAH 101	15401 NINE MILE	\$ 225.00	SMOKE SHOP, HOOKAH PRODUCTS, AND RETAIL

CITY OF OAK PARK  
MICHIGAN  
APPLICATION FOR SPECIAL EVENT LICENSE

Today's Date: 8-6-2020

Applicant Information

Applicant/Business Name: Shantal Hanna

Applicant/Business Address: 6450 Albany St Oak Park MI 48237

Phone number: (248) 892-8020 E-Mail Address: Shantal@officialdrivingschool.com

Relation of applicant to business: \_\_\_\_\_

Has applicant ever been convicted of a felony?  Yes  No

Owner Information

Owner or manager of site: Shantal Hanna Phone: 248-892-8020

Names and addresses of partners or officers of corporation:  
Debbie Ledbetter

Event Information

Proposed date(s) of event: 8/30/2020 Has this event been held previously?  Yes  No

Address or location of event: Albany Block Party (Mainstee to Scotia)

Is this a City owned park? NO

If this event is to take place in a City owned park, have you received and do you agree to abide by the City's Parks and Recreation rules and regulations?  Yes  No

Nature, purpose, and detailed description of event: Block party for the neighborhood. Children coming together and neighbors too.

Will the event be open to the public?  Yes  No (mainly neighbors)

If yes, please describe how so: \_\_\_\_\_

Estimated number of people attending event? 60-80 Hours of Event: 10am-8pm

Due to Covid-19, fee will be waived per City of Oak Park

Are you requesting to have a parade?  Yes  No **If yes, please attach a map of the parade route**

Where will the parade participants be walking?  Sidewalks  Streets

Will the parade require streets to be blocked off?  Yes  No

If yes, how many streets/intersections will need to be blocked : \_\_\_\_\_

Please attach a sign off from the residences located on the affected streets, indicating that they are aware of the event to take place, the date, times and location.

**Food Services**

Will food or beverages be sold at event?  Yes  No, if yes please list type(s) of food to be sold:

\_\_\_\_\_  
\_\_\_\_\_

Will the food be prepackaged or prepared on site: NO

**Please note:** *If your application is approved and you plan to prepare food on site, you will need to contact the Oakland County Health Department at 248-424-7000 for inspection. You will also need to provide temporary water services at the site where the food is prepared.*

**Mechanical Amusement**

Will there be any mechanical rides at event?  Yes  No, if yes, please provide the name and the address of amusement operators: \_\_\_\_\_

Will the event have a moonwalk?  Yes  No, if yes, please provide the name and address of Company/Entity providing moonwalk: Rochester Event and Equipment Rental  
1074 Rochester Industrial Dr. Rochester Hills, MI 48309

Will the event have video games, etc.? If so, please provide the names and address of company providing the Games: \_\_\_\_\_

**Please Note:** *You must provide proof of insurance for all mechanical rides, moonwalks, circus rides/games, etc. The City of Oak Park must be listed on the insurance certificate as "additionally insured." A copy of the City Ordinance with required liability insurance coverage for these events is attached. Also, certification by the State of Michigan Department of Labor is required for all mechanical amusement devices and rides.*

**Technical/Support**

Will the event require use of electrical supply source?  Yes  No, if yes, please describe:

\_\_\_\_\_

Will sanitary facilities be required at event?  Yes  No

Will tent(s) be used at the event?  Yes  No, if yes, please state size(s) of tent:

\_\_\_\_\_

Will the event have banners displayed?  Yes  No, if so, please provide the number of signs and dimension(s): \_\_\_\_\_

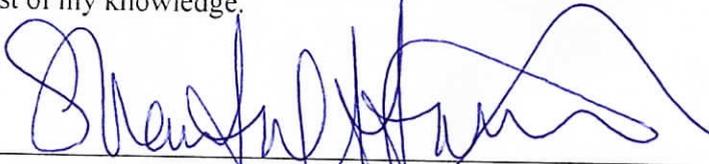
\_\_\_\_\_

**Please Note:** *If a temporary generator or electric supply source is provided, you must provide an Electrical permit by a licensed electrical contractor. Also, you will need certification of flame spread rates of all canvas and/or cloth enclosures.*

*Other possible Special Event requirements include: additional application, inspection and bond fees, temporary sign permit.*

The fee for a Special Event application is \$100: The fee is non-refundable. Once an application is received, the City Clerk's Office will send copies of the application to the following departments: City Manager, Public Safety, Public Works, and Recreation. Each department will review the application and provide a written estimate of services they will need to provide, along with man-hours and costs (if any). The City Clerks' office will contact the applicant to inform them of the additional costs involved. At that time the applicant can decide whether or not to proceed with the event. If so, the event will be placed on the City Council agenda for approval.

Should any of the above information prove to be inaccurate or untruthful, it will be grounds to deny the applicant's request or revoke any approvals. I hereby certify the above information to be true and accurate to the best of my knowledge.



Applicant's Signature

State of Michigan

County of <sup>SS</sup> Dakeland

Subscribed and sworn to before me, a Notary Public this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_, by  
\_\_\_\_\_.

My Commission expires: \_\_\_\_\_  
Notary Public

Date

Aug 30<sup>th</sup> 302

Name

Address

- Debbie Ledbetter 10421 Albany ~~Q. Ledbetter~~
- Kyle McInnis 10411 Albany ~~\_\_\_\_\_~~
- Josha Graham 10321 Albany ~~\_\_\_\_\_~~
- Farhan Alabdulkader 10311 Albany ~~\_\_\_\_\_~~
- MARLOW WALTER 10301 ALBANY ~~\_\_\_\_\_~~  
Marlow Walter
- Neelam Asmit 10221 Albany ~~\_\_\_\_\_~~ Park
- Chen Houge 10200 Albany St. ~~\_\_\_\_\_~~
- ANDREA BRASSER 10330 ALBANY ~~\_\_\_\_\_~~
- LAWRENCE LEWIS 10610 Albany ~~\_\_\_\_\_~~
- Steve Jaye 10621 Albany St. ~~\_\_\_\_\_~~ Steve Jaye
- Brian Lange 10701 Albany St ~~\_\_\_\_\_~~
- Matthew Womack 10730 ALBANY ST ~~\_\_\_\_\_~~
- Philip Murdoch 10740 Albany St ~~\_\_\_\_\_~~
- Uriah V. Montague 10441 Albany St. ~~\_\_\_\_\_~~
- SALAH AL-FAYZ 10750 ALBANY ST 5 ~~\_\_\_\_\_~~
- Mr & Mrs James ~~\_\_\_\_\_~~ 10800 Albany St. ~~\_\_\_\_\_~~
- BESSIE Houston 10820 Albany ~~\_\_\_\_\_~~
- RICHARD JOURNET JR 10830 ALBANY RD. ~~\_\_\_\_\_~~
- Erin McGowan 10840 Albany ~~\_\_\_\_\_~~
- KARON KUKLER 10811 ALBANY ~~\_\_\_\_\_~~
- SCOTT KUKLER 10811 ALBANY ~~\_\_\_\_\_~~ Scott Kukler
- Jen Morrissette 10811 Albany ~~\_\_\_\_\_~~ Jen Morrissette
- VANESSA 10600 ~~\_\_\_\_\_~~

1200 1800 1500 1000 500 0

1000 1500 2000

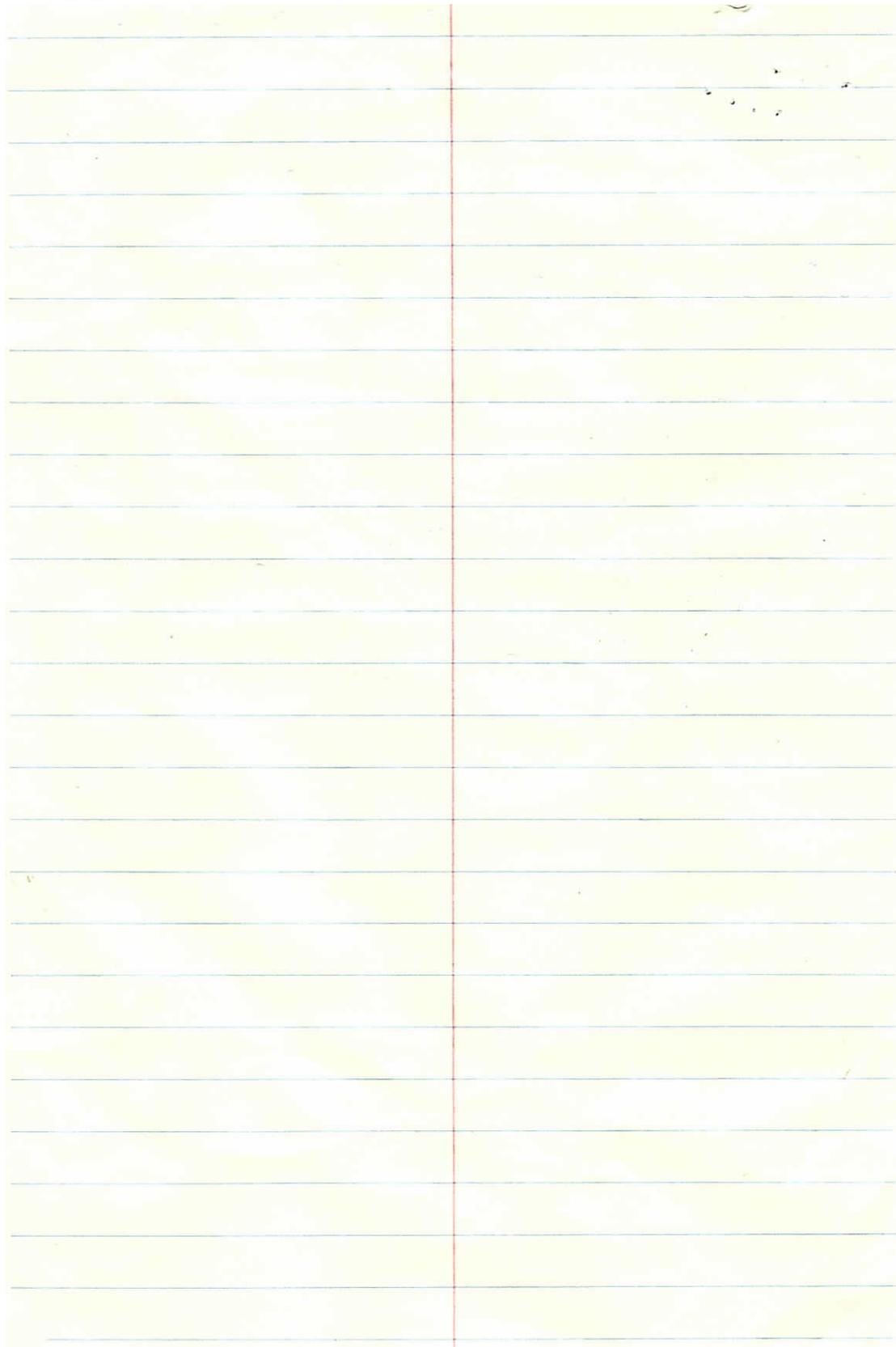
1000 1500 2000

1000 1500 2000

Date Aug 30<sup>th</sup>

Bridget	10410 ALBANY	ESM
Linda Cholak	10450 ALBANY	high school
MARK PARROTT	10630 ALBANY	child
Chris Crawford	10420 ALBANY	ex

BERNADET BASH	10401 Albany St.
Joshua Allen	10331 Albany St.
Nicole Green	10400 Albany St.
Prudence Beckford	10720 ALBANY
Bob B Beck	3150 CONCORD PR.
A. Turner	10720 Albany St.
April Lee	10661 Albany St.
Sean Jackson	10821 Albany St.
Whitley Hobbs	10821 Albany St.
Russell M. [unclear]	10660 ALBANY
[unclear]	10650 Albany



# SPECIAL EVENT LICENSE APPLICATION FEE ESTIMATION

## Albany Block Party

DATE: August 30, 2020 at 10:00 am – 8:00 pm

<u>DEPARTMENT</u>	<u>SERVICES</u>	<u>ESTIMATED HOURS</u>	<u>ESTIMATED COST</u>
<b>TECHNICAL AND PLANNING</b> <i>Rob Barrett</i> <i>*Daniel Fairless</i>	Inspections required after set-up (prior to start of event) and final site restoration (after event and clean-up). No signs permitted in the ROW or that create a clear vision obstruction. Bounce house must be property anchored to the ground. Electrical cords cannot create trip hazards	30 minutes	NA
<b>PUBLIC SAFETY</b> <i>Steve Cooper</i>	Routine Patrol	NA	NA
<b>RECREATION</b> <i>Laurie Stasiak</i>	N/A	N/A	N/A
<b>DPW</b> <i>Kevin Yee</i>	Drop off/pick up barricades	2	N/A
<b>ADDITIONAL</b> <i>Administration</i>	N/A	N/A	\$100 fee wavier requested

CITY OF OAK PARK  
MICHIGAN  
APPLICATION FOR SPECIAL EVENT LICENSE

Today's Date: JULY 30, 2020

Applicant Information

Applicant/Business Name: STREET CORNER MUSIC LTD

Applicant/Business Address: 26020 GREENFIELD OAK PARK, MI 48237

Phone number: 248-967-0777 E-Mail Address: 2CONTACTSCM@GMAIL.COM

Relation of applicant to business: OWNER

Has applicant ever been convicted of a felony?  Yes  No

Owner Information

Owner or manager of site: CHRIS FLANAGAN Phone: 248-259-7864

Names and addresses of partners or officers of corporation:  
CHRIS FLANAGAN 1150 WITHINGTON FERNDALE, MI 48220

Event Information

Proposed date(s) of event: AUGUST 29, 2020 Has this event been held previously?  Yes  No

Address or location of event: 26020 GREENFIELD OAK PARK, MI 48237

Is this a City owned park? NO

If this event is to take place in a City owned park, have you received and do you agree to abide by the City's Parks and Recreation rules and regulations?  Yes  No NOT USING A PARK.

Nature, purpose, and detailed description of event: TO SELL PHONOGRAPH RECORDS OUTSIDE IN A TENT IN THE PARKING LOT IN FRONT OF THE STORE

Will the event be open to the public?  Yes  No

If yes, please describe how so: PEOPLE WILL WALK INTO THE TENT TO PURCHASE RECORD ALBUMS. ONLY FIVE PEOPLE ALLOWED IN TENT AT A TIME.

Estimated number of people attending event? 25-100 Hours of Event: 9AM TO 7PM

Are you requesting to have a parade?  Yes  No **If yes, please attach a map of the parade route**

Where will the parade participants be walking?  Sidewalks  Streets

Will the parade require streets to be blocked off?  Yes  No

If yes, how many streets/intersections will need to be blocked : \_\_\_\_\_

Please attach a sign off from the residences located on the affected streets, indicating that they are aware of the event to take place, the date, times and location.

**Food Services**

Will food or beverages be sold at event?  Yes  No, if yes please list type(s) of food to be sold:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Will the food be prepackaged or prepared on site: \_\_\_\_\_

**Please note:** *If your application is approved and you plan to prepare food on site, you will need to contact the Oakland County Health Department at 248-424-7000 for inspection. You will also need to provide temporary water services at the site where the food is prepared.*

**Mechanical Amusement**

Will there be any mechanical rides at event?  Yes  No, if yes, please provide the name and the address of amusement operators: \_\_\_\_\_

Will the event have a moonwalk?  Yes  No, if yes, please provide the name and address of Company/Entity providing moonwalk: \_\_\_\_\_

Will the event have video games, etc.? If so, please provide the names and address of company providing the Games: NONE

**Please Note:** *You must provide proof of insurance for all mechanical rides, moonwalks, circus rides/games, etc. The City of Oak Park must be listed on the insurance certificate as "additionally insured." A copy of the City Ordinance with required liability insurance coverage for these events is attached. Also, certification by the State of Michigan Department of Labor is required for all mechanical amusement devices and rides.*

**Technical/Support**

Will the event require use of electrical supply source?  Yes  No, if yes, please describe:  
~~ONE EXTENSION CORD FOR CASH REGISTER~~  
NO ELECTRICAL SUPPLY NEEDED

Will sanitary facilities be required at event?  Yes  No

Will tent(s) be used at the event?  Yes  No, if yes, please state size(s) of tent:  
~~10' BY 12'~~ 20' X 20'

Will the event have banners displayed?  Yes  No, if so, please provide the number of signs and dimension(s):

**Please Note:** *If a temporary generator or electric supply source is provided, you must provide an Electrical permit by a licensed electrical contractor. Also, you will need certification of flame spread rates of all canvas and/or cloth enclosures.*

*Other possible Special Event requirements include: additional application, inspection and bond fees, temporary sign permit.*

The fee for a Special Event application is \$100: The fee is non-refundable. Once an application is received, the City Clerk's Office will send copies of the application to the following departments: City Manager, Public Safety, Public Works, and Recreation. Each department will review the application and provide a written estimate of services they will need to provide, along with man-hours and costs (if any). The City Clerks' office will contact the applicant to inform them of the additional costs involved. At that time the applicant can decide whether or not to proceed with the event. If so, the event will be placed on the City Council agenda for approval.

Should any of the above information prove to be inaccurate or untruthful, it will be grounds to deny the applicant's request or revoke any approvals. I hereby certify the above information to be true and accurate to the best of my knowledge.



\_\_\_\_\_  
Applicant's Signature

State of Michigan

ss

County of OAKLAND

Subscribed and sworn to before me, a Notary Public this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_, by

\_\_\_\_\_.

My Commission expires: \_\_\_\_\_  
\_\_\_\_\_  
Notary Public



# CITY OF OAK PARK

OFFICE OF THE CITY CLERK

NAME \_\_\_\_\_

DATE \_\_\_\_\_

ADDRESS \_\_\_\_\_

(Highlight fee to be charged)

Day Care Registration	\$ 25.00
FOIA Request	\$ _____
Garage Sale Permit	\$ 10.00
Handbill - 1 day	\$ 10.00
Handbill - 1 week	\$ 25.00
Handbill - 3 months	\$ 50.00
Handbill - 1 year	\$ 100.00
Handbill - name change	\$ 10.00
Mechanical Amusement Distributor License	\$ 250.00
Mechanical Amusement Device License	
1 Machine	\$ 250.00
2 machines - \$200 per machine	\$ 400.00
3-4 machines - \$175.00 per machine	\$ _____
5-6 machines - \$150.00 per machine	\$ _____
7-10 machines - \$125.00 per machine	\$ _____
Notary Fee	\$ 5.00
Pawnbroker License	\$ 400.00
Precious Metals License	\$ 50.00
Spewalk Sale	\$ 10.00
Special Event Fee	\$ 100.00
Liquor License -	
New On-Premises Consumption or transfer of owner	\$ 300.00
Adding additional owners (Per Owner)	\$ 200.00
Background Check (Per applicant)	\$ 75.00
Annual Renewal	\$ 250.00
Vendor License - Food	\$ 60.00
Vendor License Lawn Care - Snow Removal	\$ 60.00
Voter List	\$ _____
Other _____	\$ _____

**PAID**  
**AUG 03 2020**

City of Oak Park  
Treasury Office

**SPECIAL EVENT LICENSE APPLICATION FEE ESTIMATION**

**Street Corner Music  
26020 Greenfield**

**DATE: August 29, 2020 at 9:00 am – 7:00 pm**

<b><u>DEPARTMENT</u></b>	<b><u>SERVICES</u></b>	<b><u>ESTIMATED HOURS</u></b>	<b><u>ESTIMATED COST</u></b>
<b>TECHNICAL AND PLANNING</b> <i>Rob Barrett</i> <i>*Daniel Fairless</i>	Inspections required after set-up (prior to start of event) and final site restoration (after clean-up). No signs allowed in the ROW or that create a clear vision obstruction. Flame spread certificate required for tent.	30 minutes	NA
<b>PUBLIC SAFETY</b> <i>Steve Cooper</i>	Routine Patrol	NA	NA
<b>RECREATION</b> <i>Laurie Stasiak</i>	N/A	N/A	N/A
<b>DPW</b> <i>Kevin Yee</i>	None	N/A	N/A
<b>ADDITIONAL</b> <i>Administration</i>			\$100 fee paid



1155 Brewery Park Blvd, Ste 200  
Detroit, Michigan 48207  
313-446-1530  
Tax I.D. 38-1879991

**Invoice 543178**

**August 12, 2020**

Erik Tungate  
City of Oak Park  
14000 Oak Park Blvd.  
Oak Park, MI 48327

*Re: In Re: City of Oak Park*

*Client 7406  
Matter 1*

### Statement for City Attorney Legal Services

For Legal Services Rendered Through Friday, July 31, 2020

**\$12,083.34**

**Fee Total**

**Costs Advanced:**

<b>Date</b>	<b>Description</b>	<b>Amount</b>
07/02/20	Delinquent Tax Statement from Oakland County re Oak Park Crown Pointe 2018 Tax Appeal	2.00
07/07/20	Reproduction Charges 1 @ 0.15	0.15
07/29/20	Reproduction Charges 2 @ 0.15	0.30
07/29/20	Reproduction Charges 4 @ 0.15	0.60
07/29/20	Reproduction Charges 5 @ 0.15	0.75
07/29/20	Reproduction Charges 10 @ 0.15	1.50
07/29/20	Reproduction Charges 16 @ 0.15	2.40
07/29/20	Reproduction Charges 20 @ 0.15	3.00
07/29/20	Reproduction Charges 20 @ 0.15	3.00
	<b>Total Costs Advanced</b>	<b>\$ 13.70</b>

In Re: City of Oak Park  
08/12/20  
Page 2

**Total Fees and Disbursements: \$12,097.04**

*Invoices for legal services are due upon receipt. To ensure proper application of your payment,  
Please indicate our invoice number and client/matter number on your remittance.*



1155 Brewery Park Blvd, Ste 200  
Detroit, Michigan 48207  
313-446-1530  
Tax I.D. 38-1879991

**Invoice 543179**

**August 12, 2020**

Erik Tungate  
City of Oak Park  
14000 Oak Park Blvd.  
Oak Park, MI 48327

*Re: Oak Park Crown Pointe, LLC v City of Oak  
Park*

*Client 7406  
Matter 42*

**Statement for City Attorney Legal Services**

For Legal Services Rendered Through Friday, July 31, 2020

**\$ 240.00**

**Fee Total**

---

**Total Costs Advanced**

**\$ 0.00**

**Total Fees and Disbursements: \$ 240.00**

*Invoices for legal services are due upon receipt. To ensure proper application of your payment,  
Please indicate our invoice number and client/matter number on your remittance.*



1155 Brewery Park Blvd, Ste 200  
Detroit, Michigan 48207  
313-446-1530  
Tax I.D. 38-1879991

**Invoice 543180**

**August 12, 2020**

Erik Tungate  
City of Oak Park  
14000 Oak Park Blvd.  
Oak Park, MI 48327

*Re: Tina Polk and Richard Newton v City of Oak  
Park, County of Oakland, et al.*

*Client 7406  
Matter 24*

### **Statement for City Attorney Legal Services**

For Legal Services Rendered Through Friday, July 31, 2020

**\$ 330.00**

**Fee Total**

---

**Total Costs Advanced**

**\$ 0.00**

**Total Fees and Disbursements: \$ 330.00**

*Invoices for legal services are due upon receipt. To ensure proper application of your payment,  
Please indicate our invoice number and client/matter number on your remittance.*

[Proposed 8-17-2020]

**CITY OF OAK PARK  
RESOLUTION REGARDING FIRST READING OF PROPOSED  
AMENDMENT TO SECTION 14-2, AND ADDITION OF SECTION 14-6 TO CHAPTER 14,  
ARTICLE I, OF THE CODE OF ORDINANCES**

At a Regular Meeting of the City Council of the City of Oak Park, Oakland County, Michigan, held at Oak Park City Hall located at 14000 Oak Park Boulevard on Monday, August 17, 2020 at 7:00 pm.

Present:

Absent:

The following preamble and resolution was offered by \_\_\_\_\_ and seconded by \_\_\_\_\_.

WHEREAS, the City of Oak Park desires to add additional guidelines in Chapter 14 of the Code of Ordinances to ensure the humane treatment of dogs in the City of Oak Park by requiring adequate shelter, requiring tethers to be a minimum of 10 feet; and prohibiting unattended dogs outdoors between the hours of 12:00 am and 7 a.m., or during times when the National Weather Service has issued any weather related warning;

WHEREAS, the City of Oak Park is furthering its efforts towards the humane treatment of animals by adding Sec. 14-6, the Humane Acquisition Ordinance, providing for a broad prohibition against puppy mills and similar sales of dogs, cats, ferrets, and rabbits.

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

1. The first reading of the proposed amendment to Section 14-2 is hereby approved in substantially the form attached hereto.
2. The first reading of the proposed addition of Section 14-6 is hereby approved in substantially the form attached hereto.

Roll Call Vote:      Yes,  
                             No,  
                             Absent,

*RESOLUTION DECLARED ADOPTED*

\_\_\_\_\_  
Edwin T. Norris  
City Clerk  
Dated: August 17, 2020

## Proposed Revisions

### Chapter 14- Animal Ordinance

#### **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 collating device being used is designed for that purpose and made from material that prevents injury to the dog.

(8) Leaving a 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. 14-5. - Keeping of animals and fowl.**

The keeping of household pets, including dogs, cats, rabbits, fish, birds, hamsters, certain reptiles, and other animals generally regarded 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. No person shall keep or house any animals or domestic fowl within the city except dogs, cats, canaries or animals commonly classified as pets which are customarily kept or housed inside dwellings as household pets-, 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. 14-6 Humane Acquisition Ordinance [NEW SECTION]**

**(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.

## **Sec. 14-7- Domestic Chickens [NEW SECTION]**

- (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  $\frac{1}{4}$  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.

## ARTICLE II. - DOGS AND CATS

### DIVISION 1. - GENERALLY

#### 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. -Dangerous and rabid dogs and cats; confinement for observation; report of biting; destruction- Offenses.~~**

~~No person shall own or harbor a vicious dog or cat or a dog or cat that has been bitten by any animal known to be afflicted with rabies. Any person who shall have in their possession a dog or cat which has bitten any person or animal or which has or is suspected of having rabies, shall, upon demand of the health officer, or of any public safety officer or any code enforcement officer of the city produce and surrender the dog or cat to the health department or public safety department or community development department of the city to be held for such observation and/or treatment as the health department may deem necessary, provided that with the approval of the health department or any code enforcement officer or any public safety officer, any such dog or cat may be surrendered to a registered veterinarian or to any approved, nonprofit corporation organized for the purpose of sheltering dogs and/or cats, or may be confined for a period of ten days in custody of the owner. It shall be unlawful for any person to remove or allow the removal from their premises of a dog or cat so confined for observation without the written permission of the health officer or of either the department of public safety or community development. Any owner or person harboring any dog or cat which attacks or bites any person or animal, shall immediately report such fact to the public safety department or the code enforcement division of the department of community development. Any person bitten by any dog or cat and the parents or guardian of any minor under the age of 17 years bitten by any dog or cat shall immediately report such fact to the public safety department or the code enforcement division of the department of community development. Whenever a dog or cat is brought to the pound for having bitten a person, or whenever a dog is brought to the pound for having bitten or attacked and caused serious bodily injury or death to another dog while the other dog is on the property or under the control of its owner, the animal warden or other duly authorized officer may, if deemed necessary and advisable, and after holding such dog or cat a sufficient length of time to meet the requirements of the health department for investigation, cause such dog or cat to be destroyed as a vicious dog or cat.~~

~~A person who violates this section is guilty of a misdemeanor punishable by a fine of not more than \$500.00 and costs of prosecution, plus any cost to abate, if applicable or by imprisonment for not more than 90 days, or by both such fine, costs and imprisonment in the discretion of the court in accordance of section 1-25.~~

~~(Code 1973, § 6-21; Ord. No. 0-02-475, § 1, 10-21-02; Ord. No. 0-18-669, § 1, 3-19-18)~~

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. [NEW SECTION]**

- (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. [New Section]**

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. 14-3~~53~~—14-45. - Reserved.**

## 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 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.

## Sec. 14-54. - Kennel licenses.

No person shall keep more than three dogs ~~and/or~~ three cats, or any combination thereof of six months of age or over without first obtaining a kennel license from the ~~state, provided that any person who runs a lawfully established dog kennel, licensed by the state, need not apply for individual dog licenses under this article.~~ 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 [NEW SECTION]**

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.

**CITY OF OAK PARK  
OAKLAND COUNTY, MICHIGAN**

**ORDINANCE NO. O-14-**

**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 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 take effect on the \_\_\_\_\_ day of \_\_\_\_\_ 2020, in accordance with the provisions and requirements of the City of Oak Park

**MADE, PASSED AND ADOPTED** by the Council of the City of Oak Park on this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
**T. EDWIN NORRIS, City Clerk**

\_\_\_\_\_  
**MARIAN MCCLELLAN, Mayor**

**I, T.EDWIN NORRIS**, duly authorized Clerk of the City of Oak Park, Michigan do hereby certify that the foregoing Ordinance was adopted by the Council of the City of Oak Park at its regular meeting held on \_\_\_\_\_.

\_\_\_\_\_  
**T. EDWIN NORRIS, City Clerk**

[Proposed 8-17-2020]

**CITY OF OAK PARK  
RESOLUTION REGARDING FIRST READING OF PROPOSED  
AMENDMENT TO SECTION 14-5, AND ADDITION OF SECTION 14-7 TO CHAPTER 14,  
ARTICLE I, OF THE CODE OF ORDINANCES**

At a Regular Meeting of the City Council of the City of Oak Park, Oakland County, Michigan, held at Oak Park City Hall located at 14000 Oak Park Boulevard on Monday, August 17, 2020 at 7:00 pm.

Present:

Absent:

The following preamble and resolution was offered by \_\_\_\_\_ and seconded by \_\_\_\_\_.

WHEREAS, the City of Oak Park desires to remove the prohibition against the keeping of domesticated fowl codified in Sec. 14-5 and add Sec. 14-7 to implement a pilot program allowing residents to apply for a permit to obtain a maximum of three (3) hens, with a maximum of five annual permits to be issued by the City during the pilot program on a first come, first served basis;

WHEREAS, the pilot program allowing annual a maximum of three (3) hens per R-1 zoned residential lot will be automatically repealed on August 3, 2021 unless City Council takes legislative action to amend or extend this section of the Code of Ordinances.

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

1. The first reading of the proposed amendment to Section 14-5 is hereby approved in substantially the form attached hereto.
2. The first reading of the proposed addition of Section 14-7 is hereby approved in substantially the form attached hereto.

Roll Call Vote:       Yes,  
                              No,  
                              Absent,

*RESOLUTION DECLARED ADOPTED*

---

Edwin T. Norris  
City Clerk  
Dated: August 17, 2020

**CITY OF OAK PARK  
OAKLAND COUNTY, MICHIGAN**

**ORDINANCE NO. O-14-\_\_\_\_\_**

**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  $\frac{1}{4}$  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 take effect on the \_\_\_\_\_ day of \_\_\_\_\_ 2020, in accordance with the provisions and requirements of the City of Oak Park

**MADE, PASSED AND ADOPTED** by the Council of the City of Oak Park on this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
**T. EDWIN NORRIS, City Clerk**

\_\_\_\_\_  
**MARIAN MCCLELLAN, Mayor**

I, **T. EDWIN NORRIS**, duly authorized Clerk of the City of Oak Park, Michigan do hereby certify that the foregoing Ordinance was adopted by the Council of the City of Oak Park at its regular meeting held on \_\_\_\_\_.

\_\_\_\_\_  
**T. EDWIN NORRIS, City Clerk**

[Proposed 8-17-2020]

**CITY OF OAK PARK  
RESOLUTION REGARDING FIRST READING OF PROPOSED  
AMENDMENTS TO SECTIONS 14-26 AND 14-29, AND THE ADDITION OF SECTIONS 14-33  
AND 14-34 TO CHAPTER 14, ARTICLE II, OF THE CODE OF ORDINANCES**

At a Regular Meeting of the City Council of the City of Oak Park, Oakland County, Michigan, held at Oak Park City Hall located at 14000 Oak Park Boulevard on Monday, August 17, 2020 at 7:00 pm.

Present:

Absent:

The following preamble and resolution was offered by \_\_\_\_\_ and seconded by \_\_\_\_\_.

WHEREAS, the City of Oak Park desires to amend sections 14-26 and 14-29, while adding sections 14-33, and 14-34 to remove ambiguity in the ordinance concerning the adjudication of dangerous dogs, and ensure consistency with changes to state law requiring a Judge to make a determination following a hearing that a dog is dangerous as codified in MCL 287.321 et seq.

WHEREAS, the proposed additions and revisions to Chapter 14 of the Code of Ordinances conform to state law by incorporating a procedure for the adjudication of dangerous dogs whereby a Judge may order the removal of a dangerous dog, in addition to considering other mitigation options such as escape proof fencing, insurance requirements, and any other action appropriate to protect the public under the circumstances.

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

1. The first reading of the proposed amendments to Sections 14-26 and 14-29 are hereby approved in substantially the form attached hereto.
2. The first reading of the proposed additions of Sections 14-33 and 14-34 are hereby approved in substantially the form attached hereto.

Roll Call Vote:     Yes,  
                          No,  
                          Absent,

*RESOLUTION DECLARED ADOPTED*

---

Edwin T. Norris  
City Clerk  
Dated: August 17, 2020

**CITY OF OAK PARK  
OAKLAND COUNTY, MICHIGAN**

**ORDINANCE NO. O-14-**

**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 take effect on the \_\_\_\_\_ day of \_\_\_\_\_ 2020, in accordance with the provisions and requirements of the City of Oak Park

**MADE, PASSED AND ADOPTED** by the Council of the City of Oak Park on this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
**T. EDWIN NORRIS, City Clerk**

\_\_\_\_\_  
**MARIAN MCCLELLAN, Mayor**

I, **T. EDWIN NORRIS**, duly authorized Clerk of the City of Oak Park, Michigan do hereby certify that the foregoing Ordinance was adopted by the Council of the City of Oak Park at its regular meeting held on \_\_\_\_\_.

\_\_\_\_\_  
**T. EDWIN NORRIS, City Clerk**

[Proposed 8-17-2020]

**CITY OF OAK PARK  
RESOLUTION REGARDING FIRST READING OF PROPOSED  
AMENDMENT TO SECTION 14-49 TO CHAPTER 14, ARTICLE II, OF THE CODE OF  
ORDINANCES**

At a Regular Meeting of the City Council of the City of Oak Park, Oakland County, Michigan, held at Oak Park City Hall located at 14000 Oak Park Boulevard on Monday, August 17, 2020 at 7:00 pm.

Present:

Absent:

The following preamble and resolution was offered by \_\_\_\_\_ and seconded by \_\_\_\_\_.

WHEREAS, the City of Oak Park desires to amend section 14-49 of Chapter 14 of the Code of Ordinances to provide for a waiver of animal licensing fees for guide or leader dogs; dogs used by public law enforcement agencies; and temporary foster dogs for a period not to exceed 180 days.

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

1. The first reading of the proposed amendments to Section 14-49 is hereby approved in substantially the form attached hereto.

Roll Call Vote:      Yes,  
                             No,  
                             Absent,

*RESOLUTION DECLARED ADOPTED*

---

Edwin T. Norris  
City Clerk  
Dated: August 17, 2020

**CITY OF OAK PARK  
OAKLAND COUNTY, MICHIGAN**

**ORDINANCE NO. O-14-\_\_\_\_\_**

**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 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 take effect on the \_\_\_\_\_ day of \_\_\_\_\_ 2020, in accordance with the provisions and requirements of the City of Oak Park

**MADE, PASSED AND ADOPTED** by the Council of the City of Oak Park on this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
**T. EDWIN NORRIS, City Clerk**

\_\_\_\_\_  
**MARIAN MCCLELLAN, Mayor**

I, **T. EDWIN NORRIS**, duly authorized Clerk of the City of Oak Park, Michigan do hereby certify that the foregoing Ordinance was adopted by the Council of the City of Oak Park at its regular meeting held on \_\_\_\_\_.

\_\_\_\_\_  
**T. EDWIN NORRIS, City Clerk**

[Proposed 8-17-2020]

**CITY OF OAK PARK  
RESOLUTION REGARDING FIRST READING OF PROPOSED  
AMENDMENT TO SECTION 14-54, AND ADDITION OF SECTION 14-55 TO CHAPTER 14,  
ARTICLE II, OF THE CODE OF ORDINANCES**

At a Regular Meeting of the City Council of the City of Oak Park, Oakland County, Michigan, held at Oak Park City Hall located at 14000 Oak Park Boulevard on Monday, August 17, 2020 at 7:00 pm.

Present:

Absent:

The following preamble and resolution was offered by \_\_\_\_\_ and seconded by \_\_\_\_\_.

WHEREAS, the City of Oak Park desires to amend Sec. 14-54 of Chapter 14 of the Code of Ordinances to correct ambiguities in the ordinance and ensure consistency with state law limiting residents to three dogs or three cats, or any combination thereof at one premises. State law, MCL 287.270, requires a kennel license to maintain more than three dogs at a single residential home;

WHEREAS, the City of Oak Park desires to add Sec. 14-55 to Chapter 14 of the Code of Ordinances to provide for a uniform enforcement mechanism for all alleged violations of this Chapter.

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

1. The first reading of the proposed amendment to Section 14-54 is hereby approved in substantially the form attached hereto.
2. The first reading of the proposed addition of Section 14-55 is hereby approved in substantially the form attached hereto.

Roll Call Vote:      Yes,  
                             No,  
                             Absent,

*RESOLUTION DECLARED ADOPTED*

---

Edwin T. Norris  
City Clerk  
Dated: August 17, 2020

**CITY OF OAK PARK  
OAKLAND COUNTY, MICHIGAN**

**ORDINANCE NO. O-14-**

**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 take effect on the \_\_\_\_\_ day of \_\_\_\_\_ 2020, in accordance with the provisions and requirements of the City of Oak Park

**MADE, PASSED AND ADOPTED** by the Council of the City of Oak Park on this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
**T. EDWIN NORRIS, City Clerk**

\_\_\_\_\_  
**MARIAN MCCLELLAN, Mayor**

I, **T. EDWIN NORRIS**, duly authorized Clerk of the City of Oak Park, Michigan do hereby certify that the foregoing Ordinance was adopted by the Council of the City of Oak Park at its regular meeting held on \_\_\_\_\_.

\_\_\_\_\_  
**T. EDWIN NORRIS, City Clerk**

**RETIREMENT AND CONSULTING AGREEMENT**

This Retirement and Consulting Agreement is executed this \_\_\_ day of August 2020 between Vicky Brooks (hereinafter, “Employee”) and the City of Oak Park, (hereinafter, “Employer”). The intent and purpose of this Agreement is to resolve the Employment and Retirement status of the Employee, to provide for an orderly transition in the Human Resources Department and City Operations, to provide for the assistance and consulting services to the City in the transition and in matters occurring in the City and to resolve all matters relating to the Employee’s retirement from employment with the City and to settle and adjust any matters outstanding between any of the parties hereto.

**NOW, THEREFORE,** in consideration of the mutual promises and understandings of the parties below, the City and the Employee hereby agree as follows:

1. As used herein, the term “City” means Oak Park, it’s elected and appointed officials, including Council Members and the Mayor, other Elected Officials and other employees, agents, attorneys, officers, directors, successors and assigns.

2. As used herein, “Employee” means Vicky Brooks, her heirs, agents, representatives, successors and assigns.

3. The City agrees:

The Employee will retire with a regular pension effective August 27, 2020. The Employee agrees that she shall be available to assist in the transition of the Human Resources Department and City Operations, concluding on November 27, 2020.

In recognition of the Employees consulting services the City agrees to pay the Employee the sum of \$23,000 as follows: monthly payments in the amount of \$7,666.67 which shall not be wages, but 1099. This payment shall require the employee to return to the City not less than 30 hours a week in order to full fill her obligations herein. The City and the Employee agree that the parties shall have an option to renew this agreement for at least 2 subsequent three (3) month periods subject to their mutual agreement.

4. The Employee agrees to:

- a) Irrevocably retire and resign her employment with the City by signing this agreement and further agrees that she shall forever be estopped from denying same.
- b) Employee agrees to assist the City in the transition of the Human Resources Department. At the discretion of the City and Employee, the Employee also agrees to perform services desired by the City and assist and provide consulting services to them in carrying out their responsibilities through November 27, 2020. Further, the Employee agrees to assist, at the discretion of the City and Employer, on existing matters. Employee may also be requested to testify, provide expert advice, assist the and any other pending matters involving the City.
- c) Hereby releases and forever discharges the City and all of its elected officers, agents and employees from any and all claims, grievances, contracts, agreements, suits and causes of action, arising out of or touching upon, the course of his employment or separation of employment and retirement.
- d) The Employee shall as a condition of this agreement complete special projects as assigned by the City Manager which shall include, but not be limited to; the Wage and Classification review, the continued FFCRA benefit program and all other tasks assigned by the City Manager.

5. The Employee enters into this Agreement knowingly and voluntarily after full consultation with his representatives and/or counsel.

6. If any court or tribunal determines that any term or provision of this Agreement is unenforceable, Employee and the City agree that said term or provision shall be severable and that all remaining terms and provisions shall remain in full force and effect.

7. Vicky Brooks, acknowledges that she has read and understands the contents of this Agreement. Vicky Brooks agrees that she first received this Agreement to review and discuss with her attorney a minimum of twenty-one (21) calendar days before signing this agreement and was advised to consult an attorney before executing same. Vicky Brooks represents and acknowledges that she has fully discussed this Agreement with her attorney and/or had the opportunity of doing so and that she has been fully advised of and understands the legal consequences of the Agreement. Further, Vicky Brooks agrees that neither the Employer nor any other person or entity has made any representations to her which have not been expressly stated in this Agreement and there are no understandings or agreements with Vicky Brooks which are not included in said Agreement. Vicky Brooks further acknowledges that she is satisfied with the Agreement and has signed this Agreement voluntarily and of her own free will.

Vicky Brooks acknowledges that she has had an additional seven (7) calendar days after she has signed this Agreement to revoke it as a waiver and/or release any claims under the Federal Age Discrimination and Employment Act or the Older Workers Benefit Protection Act of 1990 by contacting in person or writing City Manager Erik Tungate.

This Agreement represents the complete understanding of the parties. No other promises or agreements shall be binding between the parties unless in writing and signed by all parties.

THE CITY OF OAK PARK

VICKY BROOKS

\_\_\_\_\_  
BY: DATE

\_\_\_\_\_  
BY: DATE

\_\_\_\_\_  
BY: DATE

**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 17**  
**June 7 and 21**  
**July 6** (On Monday, July 5, 2021 City Offices are closed in observance of the 4<sup>th</sup> 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”**.

I hereby certify that the forgoing constitutes a true and complete copy of a resolution adopted by the City Council of the City of Oak Park, County of Oakland, State of Michigan, at a regular meeting held on August 17, 2020, and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the **Open Meetings Act, being Act 267 of the Public Acts of 1976**, and that the minutes of said meeting were kept and will be or have been made available as required by said Act.

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T. Edwin Norris, City Clerk

**BUSINESS OF THE CITY COUNCIL, OAK PARK, MICHIGAN****AGENDA OF:** August 17, 2020**SUBJECT:** Agreement of Participation with the Oakland County Sheriff's Office Special Weapons and Tactics Team (SWAT)**DEPARTMENT:** Public Safety

**SUMMARY:** The Department of Public Safety is requesting to have Officer Donald Hoffman participate with the Oakland County Sheriff's Office as a member of their Special Weapons and Tactics Team (SWAT). The Oakland County Sheriff's Office select team of specially trained Officers respond to emergency and critical incidents including, but not limited to, barricaded gunmen, high-risk warrant arrests, drug raids, and civil disorder. The Oakland County SWAT Team supports the entire county of Oakland. On more than a few occasions throughout the years the Oak Park Department of Public Safety has relied upon the County SWAT Team for assistance with barricaded gunman, suicidal subjects, high-risk warrant arrests and within the past year a subject wanted for a homicide in the City of Oak Park where the subject had taken up refuge in a vacant home. The services provided by the County SWAT's Team are invaluable and benefit this department greatly.

Prior to 2008, the Oak Park Public Safety Department supported our own Special Response Team of which I participated as a member for 10 years. Due to budgetary restraints we were forced to disband. Having an opportunity to add a member to the County Team would serve as a huge advantage to the department. Currently several other departments have members who participate on the County Team (Huntington Woods, Beverly Hills, Berkley, Ferndale and Royal Oak to name a few).

The participating agency will be responsible for an annual fee of \$2,500. The participating agency may withdraw their Officer from the team without reason at any time (with a 30 day written notice). The Officer is required to maintain a high tactical aptitude, superior physical conditioning along with attending scheduled training.

Officer Hoffman will remain a fully sworn Oak Park Public Safety Officer and will continue performing his normal duties as a member of this department. In the event of an incident/callout, Officer Hoffman shall notify the on duty commander.

If the Officer is on duty, the department reserves the right to withhold permission for participation based on the immediate needs of the department.

Prior to bringing this item forward for Council's approval I have spoken with the City Manager at length about this matter. Funding has been allocated in the Public Safety Training budget to cover the costs of this expense. The Interlocal agreement is attached and a copy forwarded to the City Attorney for review.

**FINANCIAL STATEMENT:** See Interlocal Agreement

**RECOMMENDED ACTION:** It is recommended that City Council approve the request to allow Officer Donald Hoffman to participate as a member of the Oakland County Sheriff's SWAT Team.

**APPROVALS:**

City Manager: \_\_\_\_\_ *ET*  
Department Director: \_\_\_\_\_ *[Signature]*

Director of Finance: \_\_\_\_\_

Budgeted:

Legal: \_\_\_\_\_ *ED*

**EXHIBITS:** Interlocal Agreement

**AGREEMENT FOR PARTICIPATION WITH THE OAKLAND COUNTY  
SHERIFF'S OFFICE SWAT TEAM**

**BETWEEN**

**COUNTY OF OAKLAND, THE OAKLAND COUNTY SHERIFF,**

**AND**

**CITY OF OAK PARK**

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This Agreement ("Agreement") is made between OAKLAND COUNTY, a Michigan constitutional and municipal corporation, whose address is 1200 North Telegraph, Pontiac, Michigan 48341 ("County"), the OAKLAND COUNTY SHERIFF, a Michigan constitutional officer, whose address is 1200 North Telegraph Rd., Pontiac, Michigan 48341, Bldg. #38 East ("Sheriff"), and the CITY OF OAK PARK, a municipal corporation whose address is 14000 Oak Park Blvd. Oak Park, MI 48237 ("Municipality"). In this Agreement, the County, Sheriff, and the Municipality may also be referred to individually as "Party" or jointly as "Parties."

In consideration of the mutual promises, obligations, representations, and assurances in this Agreement, the Parties agree to the following:

1. **AUTHORITY.** Authority for the Parties to enter into this Agreement can be found at 1951 PA 35 (MCL 124.1 *et seq.*).
2. **PURPOSE.** The purpose of this Agreement is to delineate the responsibilities of the Parties associated with the Municipality's participation with the SWAT team. This Agreement is not intended, and should not be construed, to create any right or benefit enforceable by law or otherwise by any third party against the Parties or the officers, employees, agents, or other associated personnel thereof.
3. **DEFINITIONS.** The following words and expressions, whether used in the singular or plural, within or without quotation marks, or possessive or non-possessive, are defined as follows:
  - 3.1. **Oakland County Sheriff's Office (OCSO)** means the County and the Sheriff jointly.
  - 3.2. **Special Weapons and Tactics Team (SWAT team)** means OCSO's select team of specially trained Oakland County Sheriff's deputies who respond to emergency and critical incidents including, but not limited to, barricaded gunmen, high-risk warrant arrests, drug raids, and civil disorder.

#### **4. MUNICIPALITY'S RESPONSIBILITIES.**

- 4.1. The Municipality may designate one or more of its full-time employees with MCOLES certification to try out for the SWAT team. If OCSO selects a Municipality employee for the SWAT team, the Municipality may authorize that employee to participate on the SWAT team.
- 4.2. If the Municipality authorizes its employee to participate on the SWAT team:
  - 4.2.1. The Municipality will pay annually **\$2,500.00** to the County. Payment is due within 30 days of receipt of a written invoice from the County. This payment will be put toward costs associated with the Municipality-employee's training and participation on the SWAT team.
  - 4.2.2. The Municipality will allow its employee to attend all SWAT team training sessions.
  - 4.2.3. The Municipality will permit its employee to respond to SWAT team call-outs when requested by OCSO. The Municipality's permission may be granted on a case-by-case basis and will not be unreasonably withheld.
  - 4.2.4. The Municipality will promptly notify the OCSO of any personnel action involving a Municipality-employee SWAT team member, including but not limited to, any reprimand, suspension, discharge, resignation, or demotion. The Municipality also agrees that it will promptly notify the OCSO of any complaint, charge, or allegation of misconduct, whether civil or criminal in nature, that the Municipality becomes aware of regarding any Municipality-employee SWAT team member.
- 4.3. All employment-related costs of the Municipality-employee, including, but not limited to, wages, salary, overtime, benefits, local, state and federal taxes associated with employment, and worker's compensation, shall be the sole responsibility of the Municipality at all times.

#### **5. OCSO'S RESPONSIBILITIES.**

- 5.1. The OCSO will provide:
  - 5.1.1. Training for the Municipality-employee SWAT team member.
  - 5.1.2. Deputation of the Municipality-employee SWAT team member, as set forth in Section 6.
  - 5.1.3. Liability protection for the Municipality-employee SWAT team member as set forth in Section 9.
- 5.2. The OCSO will dispatch its SWAT team to provide aid to the Municipality on an as-needed and as-available basis, as solely determined by the Sheriff using generally accepted standards for police protection.

## **6. DEPUTATIONS**

- 6.1. Subject to a background inquiry, a Municipality-employee must be sworn as a special deputy of the Oakland County Sheriff before acting as a SWAT team member. The deputation must remain in effect throughout the tenure of each Municipality-employee's assignment to the SWAT team.
- 6.2. Administrative and personnel policies imposed by the Municipality will not be voided by deputation of its employee. However, deputized Municipality-employees must follow OCSO's orders, rules, regulations, policies, and procedures when acting as a member of the SWAT team under this Agreement.
- 6.3. This Agreement does not, in any manner, limit the unilateral and complete discretion of the Sheriff to deputize, refuse to deputize, or revoke the deputation of any Municipality-employee at any time and for any reason.
- 6.4. If a Municipality-employee's deputation is revoked, the Municipality-employee shall be considered immediately terminated from the SWAT team. The Municipality may designate another Municipality-employee to try out for the SWAT team.

## **7. DURATION**

- 7.1. Prior to its effectiveness, this Agreement and any amendments hereto must be:
  - 7.1.1. Signed by all Parties.
  - 7.1.2. Approved by the Parties' respective governing bodies. Such approval shall be entered in the official minutes of the governing body of each Party.
  - 7.1.3. Filed with the Oakland County Clerk and the Secretary of State, in compliance with MCL 124.510(4).
- 7.2. This Agreement becomes effective when the requirements in Section 7.1 are met and will remain in effect until terminated as set forth in 7.3.
- 7.3. Any Party may terminate this Agreement for any reason upon 30 days written notice. The effective date for termination or cancellation shall be clearly stated in the notice.

## **8. NOTICES.**

- 8.1. Notices given under this Agreement must be in writing and sent via certified mail or first-class U.S. mail as follows:
  - 8.1.1. **To the Sheriff:** Oakland County Sheriff, 1200 N. Telegraph, Building 38 East, Pontiac, MI 48341.
  - 8.1.2. **To the County:** Chairperson of the Oakland County Board of Commissioners, 1200 North Telegraph, Building 12 East, Pontiac, Michigan 48341.

8.1.3. **To the Municipality:** Director of Public Safety, 14000 Oak Park Blvd.  
Oak Park, MI 48237

**9. LIABILITY**

- 9.1. The Municipality shall immediately notify OCSO of any civil, administrative, or criminal claim, complaint, discovery request, or other request for information that the Municipality receives notice concerning or arising from the conduct of any Municipality-employee SWAT team member or otherwise relating to the SWAT team.
- 9.2. Except as provided in Section 9.3, each Party shall be responsible for its own acts and the acts of its employees, agents, and subcontractors, the costs associated with those acts, and the defense of those acts.
- 9.3. Whenever a claim is made or a civil action is commenced against a Municipality-employee arising from alleged negligent or wrongful conduct by the Municipality-employee while acting under the direction and control of OCSO and within the scope of his or her authority as a deputized member of the SWAT team pursuant to this Agreement, the Municipality may request that the County defend and indemnify the Municipality-employee. Under such circumstances, the Municipality-employee will be covered under the County Indemnification Policy (specifically, County Miscellaneous Resolutions 85339 and 86124 and any amendments thereto). Consistent with County Miscellaneous Resolutions 85339 and 86124, and as further described in such Resolutions, the County will select the attorney to represent the Municipality-employee and will have control and supervision over the claim or civil action including, but not limited to, settlement of the claim or lawsuit.
- 9.4. Notwithstanding the indemnification under Section 9.3, OCSO will not be responsible for the Municipality-employee's conduct that is not under the direction and control of the OCSO, authorized by OCSO, or undertaken outside the scope of a Municipality-employee's SWAT duties and assignments under this Agreement.

**10. DISCRIMINATION.** The Parties may not discriminate against their employees, agents, applicants for employment, or any other person or entity with respect to hire, tenure, terms, conditions, and privileges of employment, or any matter directly or indirectly related to employment in violation of any federal, state or local law.

**11. RESERVATION OF RIGHTS.** This Agreement does not and is not intended to impair, divest, delegate, or contravene any constitutional, statutory, or other legal right, privilege, power, obligation, duty, or immunity of the Parties.

**12. GOVERNING LAW/CONSENT TO JURISDICTION AND VENUE.** This Agreement shall be governed, interpreted, and enforced by the laws of the State of Michigan. Except as otherwise required by law or court rule, any action brought to enforce, interpret, or decide any Claim arising under or related to this Agreement shall be brought in the 6th Judicial Circuit Court of the State of Michigan, the 50th District Court of the State of Michigan, or the United States District Court for the

Eastern District of Michigan, Southern Division, as dictated by the applicable jurisdiction of the court. Except as otherwise required by law or court rule, venue is proper in the courts set forth above.

**13. MODIFICATIONS.**

13.1. This Agreement may be modified at any time by written consent of all Parties.

13.2. Modifications to this Agreement shall have no force and effect unless such modifications are in writing and the requirements in Section 7.1 are met.

**14. ENTIRE AGREEMENT.** This Agreement represents the entire Agreement and understanding between the Parties. This Agreement supersedes all other oral or written Agreements between the Parties.

The Parties have taken all actions and secured all approvals necessary to authorize and complete this Agreement. The persons signing this Agreement on behalf of each Party have legal authority to sign this Agreement and bind the Parties to the terms and conditions contained herein.

**THE COUNTY OF OAKLAND:**

BY: \_\_\_\_\_ DATE: \_\_\_\_\_  
David T. Woodward , Chairman, Oakland County Board of Commissioners

**OAKLAND COUNTY SHERIFF MICHAEL J. BOUCHARD:**

BY: \_\_\_\_\_ DATE: \_\_\_\_\_  
Oakland County Sheriff

**CITY OF OAK PARK:**

BY: \_\_\_\_\_  
Printed Name and Title Signature

DATE: \_\_\_\_\_

