

COUNCIL AGENDA
February 17, 2014, 6:30 p.m.
Council Chamber

PRAYER AND PLEDGE OF ALLEGIANCE:

ROLL CALL:

ANNOUNCEMENTS:

1. Proclamation presented to Gabriel Christian Thomas in recognition of obtaining Eagle Scout.

PUBLIC HEARINGS:

1. 2014 Single Lot Special Assessment Tax Roll

PERSONAL APPEARANCES:

(A list will be provided following submittal deadline)

REMARKS OF COUNCIL:

REPORTS FROM MANAGER:

Management Update:

1. Update by Police Chief Brian Lipe on the Saginaw Public Safety Forum.

CONSENT AGENDA:

1. Approve minutes for the January 21, 2014 closed session and the February 3, 2014 regular Council meeting minutes.
2. Approve a Development Agreement with Great Lakes Crossroad, LLC.
3. Approve payment to BS&A Software for \$5,385 for the renewal of annual software maintenance/support for the Fiscal Services Department.
4. Approve the 2013-2014 General Fund Housing and Urban Development budget adjustment.
5. Accept the Saginaw County Department of Public Health Treatment and Preventive Services Grant for \$84,000 for the Police Department and approve a budget adjustment.
6. Accept the Alcona County Region 3 Homeland Security Grant for \$19,867.69 for the Police Department and approve a budget adjustment.
7. Approve a purchase order to iRobot for \$19,867.69 for the purchase of one iRobot 110 FirstLook Robotic System for the Police Department.

COUNCIL AGENDA

February 17, 2014, 6:30 p.m.
Council Chamber

8. Approve the Water Operations and Maintenance budget adjustment.
9. Approve a purchase order to Central Metallizing and Machine for \$2,875 for the repair of Aqua Station booster pump #3 for the Water Treatment Division.
10. Approve a \$2,000 increase to Alro Steel P.O. #048834 and a \$2,000 increase to McMaster Carr P.O. #048847 for additional stock steel products for the Wastewater Treatment Plant.
11. Approve a purchase order to 3M for \$11,665.55 for vinyl sheeting and sign faces for the Public Services Department, Right of Way Division.

REPORTS FROM BOARDS AND COMMISSIONS AND COMMITTEES AND APPOINTMENT OF BOARD AND COMMISSION MEMBERS:

INTRODUCTION OF ORDINANCES:

CONSIDERATION AND PASSING OF ORDINANCES:

1. An Ordinance to Repeal Chapter 110: "General Provisions," and Introduce a New Chapter 110: "General Provisions," of Title XI, "Business Regulations," of the City of Saginaw Code of Ordinances, O-1.

RESOLUTIONS:

1. Revoking Obsolete Properties Rehabilitation Certificate No. 3-02-0007 for Manhattan Catering, Inc.
2. Revoking Obsolete Properties Rehabilitation Certificate No. 3-03-0002 for Samurai Stirfry.
3. Approving the Automated Clearing House Policy.
4. Eliminating the Deficit Fund Balance in the Celebration Park Fund.

UNFINISHED BUSINESS:

MOTIONS AND MISCELLANEOUS BUSINESS:

ADJOURN:

Tim Morales
Interim City Manager

IF YOU ARE DISABLED AND NEED ACCOMMODATION TO PROVIDE YOU WITH AN OPPORTUNITY TO PARTICIPATE OR OBSERVE IN PROGRAMS, SERVICES, OR ACTIVITIES, PLEASE CALL THE SAGINAW CITY CLERK, 1315 S. WASHINGTON AVENUE, 989.759.1480.

PROCLAMATION

CITY OF SAGINAW

WHEREAS, a member of Boy Scout Troop 378, Gabriel Christian Thomas has earned the highest rank within the Boy Scouts of America; and

WHEREAS, we recognize the many hours Gabriel devoted to attaining the status of Eagle Scout, working with diligence and making sacrifices in order to achieve this highly coveted position; and

WHEREAS, the Scouting program's major objectives is to develop citizenship, active volunteerism and leadership skills. Gabriel has demonstrated one of these attributes by volunteering countless hours to recreate the landscaping around the flagpole at Morley Plaza for our many citizens to enjoy; and

WHEREAS, Gabriel has served the Boy Scouts in an exemplary manner and is deserving of the honor bestowed upon him. He serves as an example to youth through his high level of persona, achievement, leadership and community service, and we are proud that he is a member of our community; now

THEREFORE, I, Mayor Dennis D. Browning, on behalf of my fellow councilmembers, do hereby recognize and extend our sincere congratulations to Gabriel Christian Thomas for having achieved the status of Eagle Scout, an honor for both him and for those who have guided him.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the City of Saginaw to be affixed this 16th day of February in the year of our Lord two thousand fourteen.

Dennis D. Browning, Mayor

Councilpersons

Amos O'Neal, Mayor Pro tem
Michael D. Balls, Annie Boensch, Norman Braddock
Larry Coulouris, Dan Fitzpatrick,
Floyd Kloc, Brenda F. Moore

February 16, 2014

Timothy Morales, Interim City Manager

REGULAR MEETING OF THE COUNCIL OF THE CITY OF SAGINAW, MICHIGAN, HELD MONDAY, FEBRUARY 3, 2014, AT 6:30 P.M. IN THE COUNCIL CHAMBER OF CITY HALL.

PRAYER AND PLEDGE OF ALLEGIANCE

Pastor Larry Camel offered a prayer and led the pledge of allegiance.

ROLL CALL

Mayor Browning called the meeting to order. Council Members present: Norman Braddock, Annie Boensch, Mayor Pro Tem Amos O'Neal, Larry Coulouris, Brenda Moore, Michael Balls, Floyd Kloc and Mayor Dennis Browning - 8. Council Members absent: Daniel Fitzpatrick - 1.

ANNOUNCEMENTS

City Clerk Janet Santos made the announcement that the City's Waste Convenience Station is open to residents the second Saturday of the month to dispose of items curbside pickup does not accept and for recycling items.

Council Member Moore read a proclamation in recognition of Spicer Group's 70th Anniversary. Don Scherzer, President of Spicer Group, accepted the proclamation and commented on the community involvement and long-term commitment Spicer Group has with the City.

PUBLIC HEARINGS

Clerk Santos announced the public hearing for the 2014-2015 Community Development Block Grant Program, the Emergency Solutions Grant Program, and the HOME Investment Partnership Program. Mayor Browning called for comments. The following persons addressed the council in favor of the Parishioners on Patrol Program and/or the Women of Colors Program: Pastor Larry Camel, Minister Latrell Bailey, Willie Haynes, Rev. Steven Gaddy, Shan Austin, Omar Dillard, Eric Finnigan, Dennis Merrill, Sandra York, Tacara Goodwine, Mary Ellen Johnson, Evelyn McGovern, Chris Rosales, LaToi McCowin-Bruner, Patrice Boulware, Sandra Wooten, Beth Ernat, and Inez Williams. Mayor Browning called for comments two more times. There were no additional comments.

Moved by Council Member Coulouris, seconded by Council Member Boensch to close the public hearing. 8 ayes, 0 nays, 1 absent. Motion approved.

Council Member Kloc left the meeting at 7:24 p.m. and returned at 7:25 p.m. during personal appearances.

PERSONAL APPEARANCES

The following persons addressed the Council: Johnny Sanders and Debra Melkonian.

REMARKS OF COUNCIL

Remarks were heard from the following Council Members: Boensch, Braddock, Kloc, Balls, Moore, Coulouris, Mayor Pro-Tem O'Neal, and Mayor Browning.

REPORTS FROM CITY MANAGERManagement Update

Interim City Manager Tim Morales provided informative updates regarding meetings attended, the status of project activities and that the Strategic Planning Session report being compiled by Saginaw Valley State University staff will be shared at a future Council meeting. He encouraged all to attend the State of the City/County meeting Thursday, February 6, 2014 at the DOW Event Center at 7:30 a.m.

City Manager Morales introduced Bill Ernat of the Community Services Department. Mr. Ernat introduced Colleen Sproul, Chairperson of the Human Planning Commission (HPC). Ms. Sproul presented the HPC's recommendations for the 2014-2015 Community Development Block Grant funding for five categories as follows: Housing/Rehabilitation, Public Facilities, Economic Development, Public Service, and Administration. Discussion included the application process and review, Housing and Urban Development (HUD) requirements, and qualification criteria for consideration by the HPC and HUD.

Council Member Braddock left the meeting at 8:45 p.m. and returned at 8:46 p.m. and Council Member Kloc left the meeting at 8:57 p.m. and returned at 8:59 p.m.

City Manager Morales introduced City employee Kanah Franklin of the Community Development Block Grant (CDBG) Office and thanked her for providing details of the procedures and the specific HUD requirements.

Consent Agenda

1. Approve the January 21, 2014 regular Council minutes.
2. Approve the January 25, 2014 Strategic Planning Session minutes.
3. Approve the First Contract Amendment with the Saginaw County Community Action Center, Inc.
4. Approve the First Contract Amendment with Century 21.
5. Approve the proposal from Kiesler Police Supply for 65 new Glock pistols with trade-in for the police department, which resulted in a \$3,170 credit to the City.
6. Approve a purchase order to Michigan Taser Distributing for \$16,692.70 for the purchase of twelve Tasers, holsters, and a supply of air cartridges for the police department.
7. Approve a purchase order to Pro-Seal Service Group for \$2,410.45 for a 55-gallon drum of synthetic oil for the Water Treatment Division.
8. Approve a purchase order to Innovative Software Services, Inc., for \$7,813 for the renewal of annual software maintenance/support for the Fiscal Services Department, Income Tax Division.

9. Accept the Michigan Natural Resources Trust Fund Grant Agreement and approve a budget adjustment.
10. Approve purchase orders to O. P. Aquatics for \$493.15 for a chemical feed pump; and to Memphis Pool Supply for \$8,970 for a variable frequency drive pump and filter sand for the Public Services Department, Facilities Division.
11. Approve a \$2,000 increase to Clark Hardware, purchase order #48664, for ice melting products for the Maintenance and Service Division.
12. Approve a purchase order to Etna Supply for \$3,200 for one six-inch turbo water meter with strainer for the Public Services Department.
13. Approve an \$11,778 Purchase order increase to RMD Holdings, Ltd., d/b/a Nationwide Construction Group, for emergency repairs to the aluminum railing on the Center Street Bridge.
14. Approve a purchase order to Nozz-Teq for \$13,248.20 for replacement sewer root cutting tools for the Public Services Department.

Council Action:

Moved by Council Member Coulouris, seconded by Council Member Kloc to approve consent agenda items 1 through 4 and 7 through 14 as presented. 8 ayes, 0 nays, 1 absent. Motion approved.

Moved by Council Member Moore, seconded by Council Member Braddock to approve consent agenda item 5 as presented. 8 ayes, 0 nays, 1 absent. Motion approved.

Moved by Council Member Moore, seconded by Mayor Pro Tem O'Neal to approve consent agenda item 6 as presented. 8 ayes, 0 nays, 1 absent. Motion approved.

REPORTS FROM BOARDS; COMMISSIONS AND COMMITTEES, AND
APPOINTMENT OF BOARD AND COMMISSION MEMBERS

Council Member Braddock reported that the City/School Liaison Committee will meet in Council Chambers on February 20, 2014 at 5:30 p.m.

Council Member Moore reported that she attended the 9-1-1 Authority meeting.

Council Member Coulouris reported that the Planning Commission approved several projects during their January 28, 2014 regular meeting.

Mayor Pro Tem O'Neal reported the MML update regarding the State's surplus of funds and that local governmental units may see a 15% increase through the EVIP process.

INTRODUCTION OF ORDINANCES

Moved by Council Member Coulouris, seconded by Council Member Kloc to introduce an Ordinance to Repeal Chapter 110: "General Provisions," and Introduce a New Chapter 110: "General Provisions," of Title XI, "Business Regulations," of the City of Saginaw Code of Ordinances, O-1. 8 ayes, 0 nays, 1 absent. Motion approved. Mayor Browning announced that the ordinance is laid over under Charter provision.

RESOLUTIONS

Moved by Council Member Balls, seconded by Council Member Boensch to adopt a resolution to accept the Michigan Natural Resources Trust Fund Grant. 8 ayes, 0 nays, 1 absent. Motion approved.

Moved by Council Member Balls, seconded by Council Member Kloc to adopt a resolution authorizing sponsors of various community events to use amplifying equipment. 8 ayes, 0 nays, 1 absent. Motion approved.

Moved by Council Member Moore, seconded by Council Member Boensch to adopt a resolution approving the HOME Program Submission Program for 2014-2015. 8 ayes, 0 nays, 1 absent. Motion approved.

Moved by Council Member Balls, seconded by Council Member Moore to adopt a resolution approving the HOMELESS Assistance Program Emergency Solutions Grant Submission Program for 2014-2015. 8 ayes, 0 nays, 1 absent. Motion approved.

Moved by Council Member Coulouris, seconded by Council Member Braddock to adopt a resolution approving the Community Development Block Grant Program Submission Program Year 2014-2015. Discussion held.

Moved by Council Member Balls, seconded by Council Member Braddock to adopt a resolution approving the amended Community Development Block Grant Program Submission Program Year 2014-2015 to fund the Parishners on Patrol and the Women of Colors, contingent upon the HUD guidelines being met by the applicants. Discussion continued.

Moved by Council Member Kloc, seconded by Council Member Moore to adopt a resolution approving the amended Community Development Block Grant Program Submission Program Year 2014-2015 with the adjustment of reducing "Economic Development," "Demolition of Dangerous Buildings" line item by \$25,930 and increase "Public Services," line items "Parishioners on Patrol, Stop The Violence" by \$15,930, and "women of Colors, Youth Mentoring" by \$10,000.

Roll call vote:

Ayes: Braddock, Boensch, Mayor Pro Tem O'Neal, Moore, Balls, Kloc, Mayor
Browning
Nays: Coulouris
Absent: Fitzpatrick
Abstain: None

Motion approved.

Mayor Browning asked for the vote on the first amendment to adopt a resolution approving the amended Community Development Block Grant Program Submission Program Year 2014-2015 to fund the Parishners on Patrol and the Women of Colors, contingent upon the HUD guidelines being met by the applicants. 8 ayes, 0 nays, 1 absent. Motion approved.

Mayor Browning asked for the vote on the main motion to adopt the resolution approving the Community Development Block Grant Program Submission Program Year 2014-2015. 8 ayes, 0 nays, 1 absent. Motion approved.

ADJOURNMENT

Moved by Council Member Braddock, seconded by Council Member Kloc to adjourn the meeting at 10:32 p.m. 8 ayes, 0 nays, 1 absent. Motion approved.

Janet Santos, CMC/MMC
City Clerk

From: Tim Morales, Interim City Manager
Subject: Development Agreement – Great Lakes Crossroad, LLC
Prepared by: Tom Miller, Jr. – VP, Urban & Special Initiative Saginaw Future

Manager’s Recommendation:

I recommend that the Development Agreement (“Agreement”) between the City of Saginaw (“City”) and Great Lakes Crossroad LLC be approved and the documents be executed as necessary. I have approved the Agreement as to substance and the City Attorney has approved as to form.

Justification:

Great Lakes Crossroad, LLC (“Developer”) purchased the former armory building located at 234 South Water Street, Saginaw Michigan 48601. The Developer will redevelop a portion of the building into a conference center/assembly hall and entertainment venue. They are seeking exclusive rights to the possession and use of a portion of a City-owned lot located at 235 South Water Street to utilize for parking, utilities, ingress and egress.

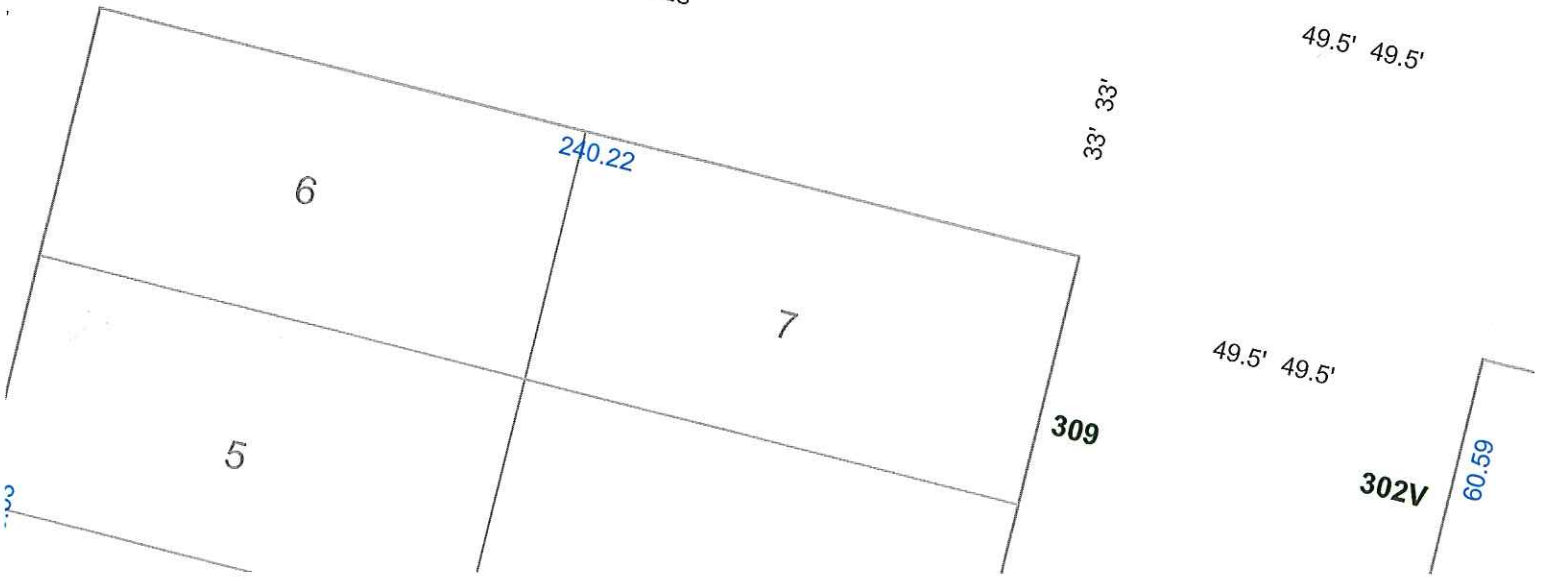
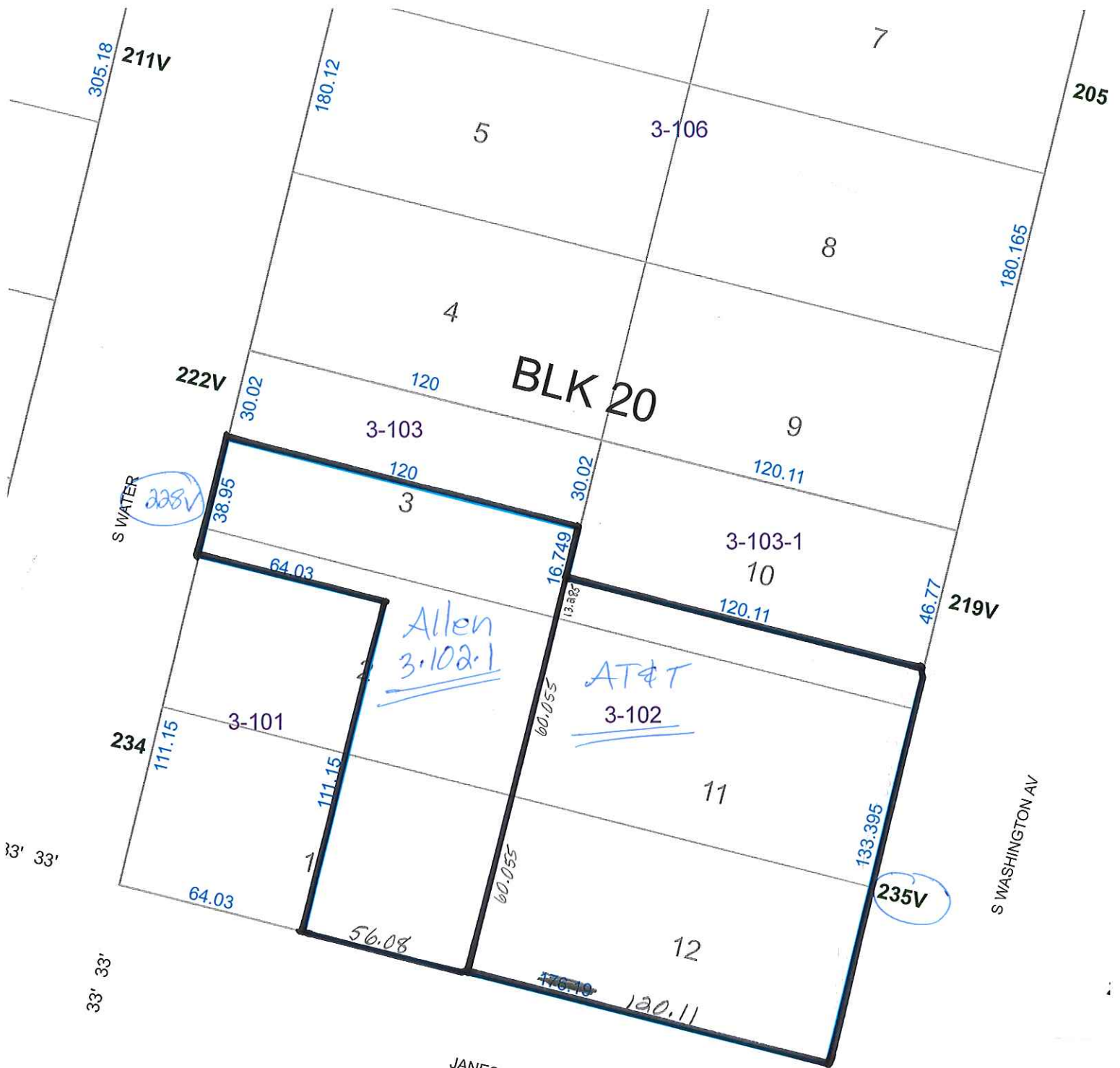
The Developer’s building is located at 234 South Water Street, adjacent to the City-owned lot, directly to the west. A map of the area is attached for your review with the above lots identified.

The City’s parcel is irregularly shaped and has an approximate area of 27,069 square feet. The City leased roughly half of that parcel to the Michigan Bell Telephone Company in 2012 for a term of 50 years. This development agreement represents the balance of that parcel which was not leased to the Michigan Bell Telephone Company.

Pursuant to the proposed Development Agreement, the Developer has one year to complete all renovations to the facility related to the conference center/assembly hall and entertainment venue, located at 234 South Water Street from the date of this agreement. The Developer is also required to acquire a liquor license within 14 months from the date of this agreement. Should the Developer accomplish the requirements detailed above and continue to operate on its real estate and the property for a period of four years from the date of this agreement; then, on the fourth anniversary of this agreement, the City will convey the property to the Developer for a sum of \$1.00 by warranty deed and without encumbrances or encroachments.

Council Action:

Moved by Council Member _____, seconded by Council Member to approve the recommendation of the City Manager.



From: Timothy Morales, Interim City Manager
Subject: BS&A Tax Software Annual Maintenance Fee
Prepared by: Jeff Klopccic, Technical Services

Manager's Recommendation:

I recommend that payment be made to BS&A Software in the amount of \$5,385 for the renewal of annual software maintenance/support. The maintenance covers the Tax, Special Assessment and Delinquent Personal Property systems used by the Fiscal Services Department, Treasurer's Division. Support includes all updates to the software for one year.

Justification:

The City annually renews our maintenance and license fees for BS&A Software. This annual renewal of maintenance and license fees is for a 12-month period.

This vendor meets all requirements of §14.23, "Vendors", of "Purchasing, Contracting, and Selling Procedure," of Chapter 14, "Finance and Purchasing", of Title 1, "General Provisions," of the Saginaw Code of Ordinances O-1.

Funds for this payment are budgeted and available in the Technical Services – Information Services, Operating Services Account No. 658-1720-805.000

Council Action:

Moved by Council Member _____, seconded by Council Member _____ to approve the recommendation of the City Manager.

From: Timothy Morales, Interim City Manager

Subject: U.S. Department of Housing and Urban Development Special Economic Development Grant - Budget Adjustment

Prepared by: Bill Ernat, Development of Community Services

Manager's Recommendation:

It is recommended that the 2013-2014 General Fund HUD Account No.101-0000-521.024 be increased from \$0 to \$92,233. In 2008, the City received a U.S. Department of Housing and Urban Development Special Economic Development grant for use to acquire/demolish properties within the Riverfront District. The \$92,233 reflects the remaining balance on the grant, which will be used to demolish blighted structures within the Riverfront District. The increase in general fund revenues will be offset by an increase to the Department of Community Services – Planning and Zoning Division Demolition Account No.101-3863-816.000 by the same amount.

Justification:

These funds are available through a U.S. Department of Housing and Urban Development (HUD) Special Economic Development Project for the demolition or acquisition of properties within the Riverfront District. The properties that will be demolished have previously been identified as dangerous buildings. The drawdown of the \$92,233 will close out the project, which totaled \$656,600 and was awarded to the City of Saginaw for the redevelopment of the Riverfront District.

Council Action:

Moved by Council Member _____, seconded by Council Member _____ to approve the recommendation of the City Manager.

From: Tim Morales, City Manager
Subject: Saginaw County TAPS Grant & Budget Adjustment
Prepared by: Sienna Rendon, Community Public Safety – Police

Manager’s Recommendation:

I recommend the City Council accept the Saginaw County Department of Public Health (SCDPH) Treatment and Prevention Services (TAPS) Grant in the amount of \$84,000. This grant agreement has been approved by the City Manager as to substance and the City Manager as to form. Further, it is recommended that the Mayor or his designee be authorized to sign the agreement.

It is also recommended that a budget adjustment be completed to increase the Saginaw Treatment and Prevention Services (TAPS) Fund’s Saginaw County Account No (265-0000-674.003) from \$28,000 to \$112,000, which equates to an \$84,000 increase. This increase in revenues will be offset by an increase to the Saginaw TAPS Fund’s Salaries Account No (265-3325-702.000) by \$69,000 and the Overtime Account No (265-3325-704.000) by \$15,000.

Justification:

This agreement between the City of Saginaw and Saginaw County Department of Public Health to receive funds under the Treatment and Prevention Services Grant will be used to provide educational and outreach activities that prevent and reduce substance abuse in high risk and underserved populations. The total amount of the agreement is \$84,000.

Council Action:

Moved by Council Member _____, seconded by Council Member _____ to approve the recommendation of the City Manager.

From: Timothy Morales, City Manager
Subject: Region 3 Homeland Security Grant & Budget Adjustment
Prepared by: Sienna Rendon, Community Public Safety – Police

Manager’s Recommendation:

I recommend the City Council accept the Alcona County Region 3 Homeland Security Grant in the amount of \$19,867.69. Grant services are funded by the State of Michigan 2011 and/or 2012 Homeland Security Grant Program (HSGP). This grant agreement has been approved by the City Manager as to substance and the City Attorney as to form. Further, it is recommended that the Mayor or his designee be authorized to sign the agreement.

It is also recommended that a budget adjustment be completed to increase the Department of Justice (DOJ) Funds Alcona County Homeland Security Grant Account No. 263-0000-501.009 from \$0 to \$19,867.69. This increase is due to the City receiving a grant from the Alcona County Region 3 Homeland Security Grant for the Saginaw Police Department. To offset the increase in revenues, the DOJ Fund – Homeland Security Division Equipment Account No. 263-3340-984.000 should be increased by the same.

Justification:

The Saginaw Police Department received the aforementioned grant for the purchase of an iRobot 110 FirstLook Robotic System for the purposes of improving response readiness and enhances Michigan’s all-hazards emergency response capabilities. In accepting this grant agreement, the City agrees that it will comply with all the terms and conditions of the agreement.

Council Action:

Council Member _____ moved, seconded by Council Member _____ that the recommendation of the City Manager be approved.

From: Tim Morales, City Manager

Subject: iRobot

Prepared by: Sienna Rendon, Community Public Safety – Police

Manager’s Recommendation:

It is recommended that a purchase order be issued to iRobot of Bedford, MA, a sole source provider, in the amount of \$19,867.69 for the purchase of one iRobot 110 FirstLook Robotic System.

Justification:

The Saginaw Police Department will be purchasing an iRobot 110 FirstLook Robotic System, which includes built-in cameras, controller, battery, charger, communication package, transit case, software, and six month warranty. The iRobot is a law enforcement tool that is used to investigate potentially dangerous situations in place of a person for the purposes of improving response readiness and capabilities in hazardous situations. The City of Saginaw will make the initial purchase but will be reimbursed in full by Alcona County through the Region 3 Homeland Security grant.

This vendor meets all requirements of §14.23, “Vendors”, of “Purchasing, Contracting, and Selling Procedure,” of Chapter 14, “Finance and Purchasing,” of Title 1, “General Provisions,” of the Saginaw Code of Ordinances O-1.

Funds for this purchase are available in the Department of Justice (DOJ) Fund – Homeland Security Division Equipment Account No. 263-3340-984.000 in the amount of \$19,867.69.

Council Action:

Moved by Council Member _____, seconded by Council Member _____ to approve the recommendation of the City Manager.

From: Timothy Morales, Interim City Manager
Subject: Water Operations & Maintenance Budget Adjustment
Prepared by: Kimberly Mason, Water and Wastewater

Manager's Recommendation:

I recommend that a budget adjustment be completed to increase the Water Funds Reimbursements Account No. 591-0000-676.000 by \$15,520. This increase in revenue will be offset by a deposit of \$15,520 from the 70th District Court for restitution and will also increase the Water Operations and Maintenance Fund, Treatment and Pumping Divisions General Repairs Account No. 591-4730-930.000 from \$61,500 to \$77,020.

Justification:

On October 4, 2013, a car traveling on Washington Avenue lost control and collided with the brick and steel security fence at the Water Treatment Plant. An emergency purchase order was issued to Pumford Construction in the amount of \$15,520 to complete the repairs. The City received a check from the 70th District Court in the amount of \$15,520 on January 24, 2014 for restitution from the driver of the vehicle.

Council Action:

Moved by Council Member _____, seconded by Council Member _____ to approve the recommendation of the City Manager.

From: Tim Morales, Interim City Manager
Subject: Aqua Station Booster Pump #3 Repair
Prepared by: Mike McGill, Water and Wastewater

Manager's Recommendation:

I recommend acceptance of the bid and issuance of a purchase order to Central Metallizing and Machine of Saginaw, MI, in the amount of \$2,875 for the repair of Aqua Station booster pump #3 for the Water Treatment Division.

Justification:

In November of 2013, Central Metallizing completed emergency repairs to Aqua Station booster pump #2. Aqua Station has three identical booster pumps. Only one pump can be taken out of service at a time. After placing pump #2 back in service, staff took pump #3 out of service for inspection to determine if any repairs were necessary. Water Treatment Plant staff have been working again with Central Metallizing staff to determine the proper fit dimensions, clearances and tolerances for buildup of material (metallizing) to case rings, impeller, sleeves and pump shaft for Aqua Station booster pump #3. Central Metallizing is the only vendor that has the capability to metallize, machine and ceramic coat the shaft and rings, therefore, they were chosen as the sole source for repairs. The price to perform the repairs is very reasonable, considering replacement of new sleeves alone would be in excess of \$12,000.

This vendor meets all requirements of §14.23, "Vendors", of "Purchasing, Contracting, and Selling Procedure," of Chapter 14, "Finance and Purchasing", of Title 1, "General Provisions," of the Saginaw Code of Ordinances O-1.

Funds for this service are available in the Water Operations and Maintenance Fund, Treatment & Pumping Division General Repairs Account No. 591-4730-930.000 for Fiscal Year 2014.

Council Action:

Moved by Council Member _____, seconded by Council Member _____ to approve the recommendation of the City Manager.

From: Timothy Morales, Interim City Manager

Subject: Increase of Blanket Purchase Orders

Prepared by: Brian Baldwin, Water and Wastewater

Manager's Recommendation:

I recommend that purchase order #048834 for Alro Steel of Bay City, MI be increased from \$1,900 to \$3,900 and purchase order 048847 for McMaster Carr of Elmhurst, IL be increased from \$1,900 to \$3,900. Both are blanket purchase orders for the Wastewater Treatment Division for Fiscal Year 2014.

Justification:

Alro Steel provides stock steel products used in fabrication such as rebuilding the lime slakers, fabricating new rail and bracket systems for the chlorine induction pumps, and repairing clarifier arms. They have also been providing the lowest cost option for the purchase of sheets of UHMW, a high density plastic that is used as a sacrificial barrier on the bar screens and grit snails to reduce the wear of stainless steel. Fabricating these liners in-house saves considerable money when compared with purchasing replacements from the manufacturer.

McMaster Carr has consistently provided the lowest cost for a wide range of items used at the Wastewater Plant such as hardware, tools, fasteners, etc. Quotes are solicited for all items purchased to insure that we obtain the lowest possible price.

These vendors meet all requirements of §14.23, "Vendors", of "Purchasing, Contracting, and Selling Procedure," of Chapter 14, "Finance and Purchasing," of "Title 1, "General Provisions," of the Saginaw Code of Ordinances O-1.

Funds for these purchase order increases are available and are to be split 50/50 between the Sewer Operations and Maintenance Fund, Treatment and Pumping Division's Parts and Supplies Account No. 590-4830-742.000 and the Sewer Operations and Maintenance Fund, Remote Facilities' Parts and Supplies Account No. 590-4835-742.000.

Council Action:

Moved by Council Member _____, seconded by Council Member _____ to approve the recommendation of the City Manager.

From: Timothy Morales, Interim City Manager
Subject: Traffic Sign Supplies – ROW Division
Prepared by: Beth London, Public Services Department

Manager’s Recommendation:

I recommend that the quote from 3M of St. Paul, MN be accepted at the State of Michigan bid price, and that a purchase order be approved and issued to them in the amount of \$11,665.55 for the purchase of vinyl sheeting and sign faces.

Justification:

On January 24, 2014, a quote was received for various sign faces such as stop and yield signs and vinyl sheeting used to produce street signs and construction signs. The Traffic Maintenance Section of the Right of Way Division is required to maintain and replace as-needed approximately 25,000 street signs within the City of Saginaw. The vinyl sheeting and sign faces are used to replace signs that have been damaged, vandalized, or need to be replaced or upgraded because of age.

3M meets all requirements of §14.23, “Vendors”, of “Purchasing, Contracting, and Selling Procedure,” of Chapter 14, “Finance and Purchasing, of Title 1, “General Provisions,” of the Saginaw Code of Ordinances O-1.

Funds for this purchase are budgeted in the Major Streets Fund - Traffic Engineering Division Parts and Supplies Account No. 202-4621-742.000.

Council Action:

Moved by Council Member _____, seconded by Council Member _____ to approve the recommendation of the City Manager.

Moved by Council Member _____, seconded by Council Member _____ to adopt an ordinance introduced on February 3, 2014, entitled and reading as follows, be taken up and enacted:

O- _____

AN ORDINANCE TO REPEAL CHAPTER 110: "GENERAL PROVISIONS," AND INTRODUCE A NEW CHAPTER 110: "GENERAL PROVISIONS," OF TITLE XI, "BUSINESS REGULATIONS," OF THE CITY OF SAGINAW CODE OF ORDINANCES, O-1.

The City of Saginaw ordains:

Section 1. That Chapter 110: "General Provisions," of Title XI, "Business Regulations," of the City of Saginaw Code of Ordinances, O-1, is hereby repealed.

Section 2. That a new Chapter 110: "General Provisions," shall be added to Title XI, "Business Regulations," of the City of Saginaw Code of Ordinances, O-1, and shall read as follows:

CHAPTER 110: GENERAL PROVISIONS

Section

Licensing

110.01	Definitions
110.02	License required
110.03	License year
110.04	Approval of licenses
110.05	Fees and bond
110.06	Suspension, revocation, denial of renewal of license
110.07	Renewal
110.08	Exhibition of license
110.09	Transferability; misuse
110.10	Sales regulations

Businesses

110.20	Building wreckers
110.21	House movers and house raisers
110.22	Scrap material dealers and processors
110.23	Pawnbrokers
110.24	Peddlers and hawkers
110.25	Secondhand merchants
110.26	Stationary boiler operators and stationary engineers

110.27	Transient merchants
110.28	Vehicle for hire
110.29	Food vendors
110.30	Pool and billiard rooms
110.31	Dancing and dance halls
110.32	Dancing schools
110.33	Theaters
110.34	General business license
110.98	Violations
110.99	Penalty

Cross-reference:

Incorporation of state violations, see § 31.01

Responsibility for violations, see § 31.02

Tents; licensing, see § 92.14

LICENSING

§ 110.01 DEFINITIONS.

The following words and phrases, when used in this chapter shall have the meaning respectively ascribed to them:

BUSINESS. Includes all kinds of vocations, occupations, professions, enterprises, trades, privileges, establishments, and all other kinds of activities and matters, together with all devices, machines, vehicles, and appurtenances used therein, any of which are conducted for non-profit, private profit or benefit, either directly or indirectly, on any premises in this City, or anywhere else within its jurisdiction.

CITY. The City of Saginaw.

CITY COUNCIL. The City Council of the City of Saginaw.

LICENSE and **LICENSEE.** Include, respectively, the words **PERMIT** or **PERMITTEE**, or the holder for any use or period of time of any similar privilege, wherever relevant to any provision of this subchapter or other law or ordinance.

PERSON. Includes individual natural persons, partnerships, joint-venturers, societies, associations, clubs, trustees, trusts, or corporations, or any other individual sharing in the profits of the business; or any officers, agents, employees, factors, or any kind of personal representatives of any thereof, in any capacity, acting either for himself/herself, or for any other person, under either personal appointment or pursuant to law.

PREMISES. Includes all lands, structures, places, and also the equipment and appurtenances connected or used therewith in any business, and also any personal

property which is either affixed to or is otherwise used in connection with any such business conducted on such premises.

§ 110.02 LICENSE REQUIRED.

(A) No person shall engage, advertise, represent himself/herself as engaged, or be engaged in the operation, conduct, or carrying on of any trade, profession, business, or privilege for which any license is required by any provision of this code without first obtaining a license from the City in the manner provided for in this chapter.

(B) The granting of a license or permit to any person operating, conducting, or carrying on any trade, profession, business, or trades, professions, businesses, or privileges, which are required by this code to be licensed, shall not relieve the person to whom such license or permit is granted from the necessity of securing individual licenses or permits for each such trade, profession, business, or privilege.

(C) The fact that a license or permit has been granted to any person by the State of Michigan to engage in the operation, conduct, or carrying on of any trade, profession, business, or privilege shall not exempt such person from the necessity of securing a license or permit from the City if such license or permit is required by this code.

(D) Unless otherwise provided in this code, every person required to obtain a license or permit from the City to engage in the operation, conduct, or carrying on of any trade, profession, business, or privilege shall make application for said license or permit to the City Clerk upon forms provided by the City Clerk and shall state under oath or affirmation such facts as may be required for, or applicable to, the granting of such license or permit.

(E) The applicant or licensee shall have a duty to notify the office of the City Clerk of any changes in the information contained in an application which is pending or which was the basis for the issuance of a license.

§ 110.03 LICENSE YEAR.

(A) The license year shall begin May 1 of each year and shall terminate at midnight on April 30 of the following year, except as herein otherwise provided.

(B) Wherever the City's Code of Ordinance provides for fees for periods of less than one (1) year, the licenses shall be issued for the full time for which the fee is paid.

§ 110.04 APPROVAL OF LICENSES.

(A) No license or permit required by this code shall be issued to any person who is required by a provision of this code to also have a license or permit from the State

of Michigan until such person shall submit evidence of such state license or permit and proof that all fees appertaining thereto have been paid.

(B) No license or permit shall be granted to any applicant therefor until such applicant has complied with all of the provisions of this code applicable to the trade, profession, business, or privilege for which application for license or permit is made. Neither shall any license or permit be granted where the certification of any officer of the City or other official is required prior to the issuance thereof until such certification is made.

(C) In all cases where the certification of the Health Officer is required prior to the issuance of any license or permit by the City Clerk, such certification shall be based upon an actual inspection and finding that the person making application and the premises in which the person proposes to conduct or is conducting the trade, profession, business, or privilege comply with all the sanitary requirements of the state, county and City.

(D) In all cases where the certification of the Fire Chief or the Chief's designee is required prior to issuance of any license or permit by the City Clerk, such certification shall be based upon an actual inspection and a finding that the premises in which the person making application for such license or permit proposes to conduct or is conducting the trade, profession, business, or privilege comply with all the fire regulations of the state and of the City.

(E) (1) In all cases where the certification of the Police Chief or the Chief's designee is required prior to issuance of any license or permit by the City Clerk, except as is otherwise provided in this chapter, such certification shall be based upon a finding that the person making application for such license or permit is of good moral character and that the person will not pose a threat to the public safety, peace, good order, and decency. In making such determination, the Chief of Police or the Chief's designee shall consider:

(a) Penal history. All convictions, if any, reasons therefor, and the demeanor of the applicant subsequent to their conviction and/or release. The City Police shall be allowed to run a complete criminal history of the applicant.

(b) License history. The license history of the applicant, if any; whether such person in previously operating in this or another state under a license has had such license revoked or suspended, the reasons therefor, and the demeanor of the applicant subsequent to such action.

(c) General personal history. Such other facts relevant to the general personal history of the applicant as shall be found necessary to a fair determination of the eligibility of the applicant.

(d) No obligation to the City. Whether the applicant is in default under the provisions of this chapter or indebted or obligated in any manner to the City except for current taxes.

(2) Where the fingerprints of an applicant are required to be filed, any state fees for the processing of said fingerprints shall be charged to the applicant in addition to required license fees.

(F) In all cases where the carrying on of the trade, profession, business, or privilege involves the use of any structure or land, a license or permit therefor shall not be issued until the Inspections Division shall certify that the proposed use is not prohibited by the zoning and building regulations.

(G) No license or permit required by this code shall be issued to any person without the verification of a valid current driver's license or identification card issued by a federal or state government that contains the persons photograph and signature.

§ 110.05 FEES AND BOND.

(A) *Generally.*

(1) Where the provisions of this code require that the applicant for any license or permit furnish a bond, such bond shall be furnished in an amount deemed adequate by the proper City officer, or, where the amount thereof is specified in the schedule of fees and bonds set out in the Appendix to this chapter or elsewhere in this code, in the amount so required; the form of such bond shall be acceptable to the designated City Official. In lieu of a bond, an applicant for a license or permit may furnish one (1) or more policies of insurance in the same amounts and providing the same protection as called for in any such bond; any such policies of insurance shall be approved by the designated City official issuing said license.

(2) If the application for any license or permit is approved by the proper officers of the City, said license or permit shall be granted upon proper payment for same at the office of the issuing authority.

(3) No license fee shall be required from any person exempt from such fee by state or federal law. Such persons shall comply with all other provisions of this chapter. The City Clerk shall, in all such cases, issue to such persons licenses or permits which are clearly marked as to said exemption and the reason therefor.

(4) Whenever any person fails to comply with provisions of this chapter and has been served a notice of violation of this code and has failed to achieve compliance as ordered in the time specified, a reinspection fee set out in the Appendix of this chapter necessitated by such noncompliance shall be assessed and paid to the City Treasurer within the time period indicated. Each subsequent additional failure to comply,

after additional notices citing the same violations have been served, shall be subject to an additional reinspection fee.

(B) *Schedule established.* The fee required to be paid and the amount of any bond required to be posted to obtain any license to engage in the operation, conduct, or carrying on of any trade, profession, business, or privilege for which a license is required by the provisions of this code shall be as hereinafter provided in the chapter. No license shall be issued to any applicant unless they first pay to the City Treasurer the fee and posts a bond in the amount required for the type of license desired.

(C) *Late payment penalty.* An additional late charge of fifty (50%) percent of the base fee shall be incurred as a result of the following:

(1) Failure to obtain a business license within fifteen (15) days from the effective date of the ordinance or any applicable amendment;

(2) Failure to obtain a business license within fifteen (15) days of commencement of a business; or

(3) Failure to renew a business license by the license expiration.

§ 110.06 SUSPENSION, REVOCATION, DENIAL OF RENEWAL OF LICENSE.

(A) *Generally.* The City Manager or their designee may suspend, revoke, or deny renewal of a license for cause of any license or permit issued by the City in the manner herein provided. Sections (A) through (D) of this section shall not apply to denial of new licenses.

(B) *Definitions.* For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

CAUSE. As used in this section shall include:

(1) The doing or omitting of any act or permitting any condition to exist in connection with any trade, profession, business, or privilege for which a license or permit is granted under the provisions of this code, or any premises or facilities used in connection therewith, which act, omission, or condition is contrary to the health, morals, safety, or welfare of the public; is unlawful or fraudulent; is unauthorized or beyond the scope of the license or permit granted; or is forbidden by the provisions of this code or any duly established rule or regulation of the City applicable to the trade, profession, business, or privilege for which the license or permit has been granted;

(2) The arrest and conviction of the licensee or permittee for any crime involving moral turpitude;

(3) Fraud, misrepresentation, or any false statement made in the application of the license;

(4) Fraud, misrepresentation, or any false statement made in the operation of a business;

(5) Failure or inability of an applicant to meet and satisfy the requirements and provisions of this code;

(6) Violation of any state or federal statute or duly adopted federal, state, or local rule and regulation as relates to the operation or business pertaining to the license or registration.

(C) *Notice.* Whenever the City Manager or their designee shall have evidence to warrant the suspension, revocation, or denial of renewal of a license or permit, the City Manager or their designee shall send a notice to the licensee or permittee by certified mail to their last known address, which notice shall contain a statement of the charge against the licensee or permittee and a definite time and place for a hearing of the charge, and shall order the licensee or permittee to show why the license or permit should not be suspended, revoked, or denied renewal, and that failure by the licensee or permittee to appear at the hearing may result in suspension, revocation, or denial of renewal of the license or permit. Unless the licensee or permittee requests a longer time, the hearing shall be conducted within five (5) days from the order of suspension, revocation, or denial of renewal of a license or permit.

(D) *Hearing.*

(1) The City Manager shall appoint a Hearing Officer to conduct a public hearing at which the licensee or permittee shall be granted an opportunity to show cause why the license or permit should not be suspended, revoked, or denied renewal. The hearing officer may be the City Manager or any officer or employee of the City appointed or assigned to the Administrative Departments as set forth in Chapter 30 of this code.

(2) In any proceedings under this section, the Hearing Officer has the power to administer oaths and affirmations and to certify official acts. The Hearing Officer shall proceed with reasonable dispatch to conclude any matter before them. Due regard shall be shown for the convenience and necessity of the parties and their representatives.

(3) The Hearing Officer shall cause a record of the entire proceeding to be made by tape recording or by other means of permanent recording determined appropriated by the Hearing Officer. A transcript of the proceedings shall be made available to all parties upon request and upon payment of a fee prescribed therefor. The fee may be established by the Hearing Officer but shall not be greater than the cost of making the transcript.

(4) The hearing need not be conducted according to the technical rules of evidence adopted for the Courts of Record in the state.

(5) The Hearing Officer shall take testimony from the licensee or permittee and any person having knowledge relevant to the suspension, revocation, or denial of renewal of a license or permit. Oral evidence shall be taken only upon oath or affirmation of the party offering the testimony.

(6) Hearsay evidence may be used under the following guidelines:

- (a) Hearsay evidence may be used to explain other direct evidence.
- (b) Hearsay evidence may be used to support other direct evidence.
- (c) Hearsay evidence shall not be used in itself to support a finding, unless it would be admissible in civil actions in courts of competent jurisdiction.

(7) Any relevant evidence not otherwise excluded herein shall be admitted. **RELEVANT EVIDENCE** shall be defined, for the purpose of this section, as the type of evidence upon which responsible persons are accustomed to rely in the conduct of serious affairs. Such relevant evidence shall be admitted regardless of whether or not it may be admissible in civil actions in courts of competent jurisdiction.

(8) Irrelevant and unduly repetitious evidence shall be excluded. Each party shall have these rights:

- (a) To call and examine witnesses on any matter relevant to the issues of the hearing;
- (b) To introduce documentary and physical evidence;
- (c) To cross-examine opposing witnesses on any matter relevant to the witness to testify;
- (d) To impeach any witness regardless of which party first called the witness to testify;
- (e) To refute the evidence;
- (f) To represent himself or herself or to be represented by anyone of their choice who is lawfully permitted to do so;
- (g) To make a closing statement at the conclusion of the evidentiary portion of the hearing.

(9) Failure of the licensee or permittee or their representative to appear at the hearing may be deemed to be an admission by the licensee or permittee of the facts set forth in the City Manager's notice and order.

(10) At the conclusion of the hearing, the Hearing Officer shall make written findings of fact based upon the competent evidence and testimony admitted during the hearing.

(11) The Hearing Officer shall make a finding whether or not the license or permit shall be denied, revoked, or suspended.

(E) *Appeal upon denial, suspension, or revocation of a license.*

(1) Any party dissatisfied with the decision of the City Manager or other appropriate Hearing Officer or body shall have a right to appeal the decision. The appeal shall be in writing and shall contain a complete statement of the grounds for the appeal. It must be filed with the City Clerk, together with an appeal fee, within fourteen (14) days after notice of such denial, suspension, or revocation is mailed to the person's last known address. This appeal upon denial includes the denial of a new license.

(2) Within ten (10) days of the receipt of the appeal by the City Clerk, the Clerk shall schedule an appeal hearing. Unless waived by the parties, the Clerk shall mail by first class mail a written notice of the time and location of the appeal hearing at least five (5) days prior to the hearing. The appeal hearing shall be an informal hearing held before a panel consisting of the City Manager or their designee, the affected department head or their designee, and the City Clerk or their designee.

(3) The factual record made in the hearing, or license or permit application record in case of denial, shall constitute the basic record for the appeal. The appeal panel may, but need not, allow the presentation of additional evidence by a majority vote. Argument as to relevant factual and legal issues shall be permitted. The decision of the appeal panel shall be reached by majority vote and mailed to the parties within seven (7) days of the conclusion of the hearing. The decision of the appeal panel shall be final and conclusive.

(4) A party aggrieved by the order or decision of the appeal panel may appeal the decision to a court of competent jurisdiction as provided by state statutes and court rules.

(F) *Immediate suspension.* Where the City Manager or their designee shall determine that in the interest of the public health, morals, safety, or welfare an immediate suspension is necessary, they shall order the same. In such case, the City Manager shall forthwith send a notice to the licensee or permittee by certified mail to their last known address, which notice shall contain a statement of the charge against the licensee or permittee and a definite time and place for a hearing of the charge and shall order the licensee or permittee to show why their license or permit should not be suspended for an additional period of time or revoked. Unless the licensee or permittee requests a longer time, the City Manager or their designee shall conduct said hearing within five (5) days from the order of suspension, at which time and place the licensee or permittee shall have an opportunity to present a defense to the charge and cross-examine any

witnesses and examine all evidence produced against them. The decision may be appealed pursuant to division (E) above.

(G) *Fee refund.* No fee for any license or permit which has been suspended or revoked pursuant to the provisions of this section shall be refunded.

§ 110.07 RENEWAL.

Unless otherwise provided in this code, an application for renewal of a license shall be considered in the same manner as an original application.

§ 110.08 EXHIBITION OF LICENSE.

(A) No licensee shall fail to carry any license or permit issued in accordance with the provisions of this chapter upon their person at all times when engaged in the operation, conduct, or carrying on of any trade, profession, business, or privilege for which the license was granted; except that where such trade, profession, business, or privilege is operated, conducted, or carried on at a fixed place or establishment, said license or permit shall be exhibited at all times in some conspicuous place in said place of business and shall be produced for examination when applying for a renewal thereof or when requested to do so by any City police officer or by any person representing the issuing authority.

(B) No licensee shall fail to display a license that is required by this code.

(C) No person shall display any expired license or permit or any license or permit for which a duplicate has been issued.

§ 110.09 TRANSFERABILITY; MISUSE.

(A) No license or permit issued under the provisions of this code shall be transferable unless specifically authorized by the provisions of this code. No licensee or permittee shall, unless specifically authorized by the provisions of this code, transfer or attempt to transfer their license or permit to another, nor shall they make any improper use of the same.

(B) A change in ownership of a business licensed under this code shall be immediately reported in writing to the City Clerk.

§ 110.10 SALES REGULATIONS.

(A) No licensee or permittee shall sell or offer for sale any article or commodity purporting to be in quantities of standard weight or measure, unless the same shall be actually of the weight or measure purported.

(B) No licensee or permittee shall sell or offer for sale any defective, faulty, incomplete, or deteriorated articles of merchandise unless the goods are so represented to prospective customers.

BUSINESSES

§ 110.20 BUILDING WRECKERS.

No person shall engage in the business of wrecking buildings without first obtaining a license therefor. No such license shall be granted except upon certification of the Chief Inspector or their designee that said applicant is properly qualified and equipped to engage in said business.

§ 110.21 HOUSE MOVERS AND HOUSE RAISERS.

(A) No person shall move any house or other building more than twelve (12) feet in width, or more than twenty (20) feet in length, or more than thirteen (13) feet in height when loaded, onto or through any street, alley, or public place without first obtaining a house mover's license.

(B) No person shall engage in the business of raising houses or buildings without first obtaining a license therefor.

(C) No license required by this section shall be granted except upon the certification by the Chief Inspector or their designee, that said applicant is properly qualified and equipped to raise houses or to move houses and other objects.

(D) Before any house or building more than eight (8) feet in width is moved through any street, alley, or public places, a permit shall first be obtained from the Traffic Engineer which shall specify the route which must be used. No person shall use other than the permitted route.

(E) Before any such license is issued, the applicant therefor shall furnish a license and permit bond in the penal sum of ten thousand dollars (\$10,000) with a surety who is listed on the Department of the Treasury's Listing of Certified Companies, which bond shall be conditioned for the due observance during the time of the license of all laws of the state and all ordinances of the City. Any person aggrieved by the action of any such licensee shall have a right of action on the bond for the recovery of money or damages, or both. Such bond shall remain in full force and effect for a period of ninety (90) days after the expiration or cancellation of any such license or after the termination of any action upon such bond.

(F) The applicant will also furnish the City with a certificate of insurance evidencing workers compensation and general liability insurance. The limits of liability required will be \$1,000,000 per occurrence, \$2,000,000 general aggregate, and a \$2,000,000 products and completed operations aggregate with the City of Saginaw

named as an additional insured. This insurance shall stay in effect for the entire length of the license.

§ 110.22 SCRAP MATERIAL DEALERS AND PROCESSORS

(A) No person shall engage in the business of dealer in or processor for resale of scrap metal, other scrap materials, used auto parts, or any form of goods commonly considered junk, nor assemble same in one (1) location for the purpose of sale, without obtaining a license therefor as provided in this section.

(B) No license shall be issued under this section:

(1) Except upon the certification of the Police, Fire, and Inspection Departments. The certification of the Chief Inspector or their designee shall be given if the premises upon which the licensed business and the use complies with the provisions of subsections (2) and (3) below and with the applicable provisions of City zoning regulations.

(2) Unless the applicant therefor files with the original application for the conduct of the business the written consent of sixty percent (60%) of the owners of the exclusively residential property within five hundred (500) feet of the property where such business is to be conducted.

(3) For conducting such business on a vacant lot or in a partially enclosed structure, unless all street frontage and all other property lines affording access by persons or vehicles to such property are enclosed with a properly maintained or opaque fence at least seven (7) feet above grade, said fence to be structurally sufficient to withstand any wind, snow, or other load to which it may reasonably be subjected or unless an alternate installation accomplishing comparable results as determined pursuant to division (F) hereof is maintained. For purposes of this subsection, any fence shall be deemed to be "opaque" if the open area in each square foot thereof does not exceed a total of twenty-four (24) square inches.

(C) Each such license granted shall designate the particular place where said business is to be conducted, and no licensee shall engage in said business at any place other than that so designated.

(D) No licensee shall purchase or receive any article:

- (1) Between the hours of 7:00 p.m. and 7:00 a.m.;
- (2) On any Sunday;
- (3) From any person under the age of seventeen (17) years without the written consent of a parent or guardian;
- (4) From any person that was the subject of a written notice by authorized officers pursuant to MCL 446.205 and 446.214.

(E) No licensee shall fail to keep a daily record of all purchases and sales made by them nor to report same weekly to the Police Chief or the Chief's designee, on forms prescribed by said Police Chief. The Police Chief or the Chief's designee shall at all times have access to such daily record.

(F) In order that the suitability of alternate methods of screening and containing the contents of scrap material yards may be established and to provide for reasonable interpretations of this section, a Special Board consisting of the then-members of the Board of Appeals on Zoning shall upon application hear and determine any written appeal made to it by any person considering himself or herself aggrieved by any action or decision of the City Clerk or any other official acting under the provisions of this section. Service of said appeal shall be made on the Secretary of the Board of Appeals on Zoning within ten (10) days after said action or decision. Among other factors which may be considered by the Special Board are remoteness of the location, the use of adjoining property, litter or other nuisances, larceny, trespass, and any other criminal offenses related to the property. The Special Board shall render its decisions and findings in writing to the City Clerk with a duplicate copy to the appellant. The Special Board may recommend to the City Council such amendment of this section as it may determine to be appropriate to protect the public.

§ 110.23 PAWNBROKERS.

(A) No person shall directly or indirectly operate, conduct, or engage in the business of pawnbroker without first obtaining a license therefor. No such license shall be granted except upon certification of the Police Chief and Fire Chief or their designees.

(B) No such license shall be granted to any person unless a complete set of fingerprints of such person is on file in the noncriminal identification file of the Police Department.

(C) Before any such license is issued, the applicant therefor shall furnish a license and permit bond in the penal sum of ten thousand dollars (\$10,000) with a surety who is listed on the Department of the Treasury's Listing of Certified Companies to be approved by the City Clerk, which bond shall be conditioned for the due observance during the time of the license of all laws of the state and all ordinances of the City. Any person aggrieved by the action of any such licensee shall have a right of action on the bond for the recovery of money or damages, or both. Such bond shall remain in full force and effect for a period of ninety (90) days after the expiration or cancellation of any such license or after the termination of any action upon such bond.

(D) (1) No person shall fail to keep record of all persons with whom they do business and all property coming into their possession. All reports must be electronically transmitted to the Chief of Police or their designee. Every pawnbroker must, within forty-eight (48) hours, transmit to the Chief of Police or their designee all transactions in which the pawnbroker received used goods the preceding day by pawn, trade, purchase or consignment, in a format approved by the Chief of Police or their designee for identifying

pawned property. A transaction reported by electronic transmission under this subsection shall not be reported on paper forms unless the Chief of Police or their designee so requests.

(2) A pawnbroker need not report electronically transactions taking place at a business location where the number of pawn transactions in each ninety (90) day period does not exceed ten (10). A pawnbroker reasonably believing a location at which they conduct a pawnshop qualified under this subsection for exemption from computerized reporting and wishing to be exempt from the requirements of this section shall sign, under penalty of perjury, a declaration to that effect in a form developed by the Chief of Police or the Chief's designee, and once the declaration is signed, so long as the volume of transactions does not exceed ten each ninety (90) day period, pawn transactions taking place at that pawnshop need not be reported electronically, but shall be reported on paper forms.

(3) All pawnbrokers must have the equipment installed in their place of business no later than July 31, 2006. The Saginaw Police Department will require all pawnbrokers to electronically submit data beginning August 1, 2006.

(E) A fee of two dollars (\$2.00) will be assessed per transaction. The fee breakdown is as follows: The electronic information data manager and pawnbroker will each receive fifty cents (\$0.50) per transaction and the City will receive one dollar (\$1.00) per transaction. The electronic information data manager will assess a property registration fee of fifty cents (\$0.50) for each transaction the pawnshop reports, either through batch file upload or directly using the electronic information data manager's business interface or on the electronic information data manager's Automated Reporting Service that involves the purchasing, pawning or re-pawning of secondhand goods.

(F) (1) A **TRANSACTION** is defined as a single buy or pawn, which may involve one or more second hand goods and does not include contract extensions or claims. This is a per transaction registration fee, not a per item fee included in the transaction. It is in the pawnshop's discretion to recover the fees from its customers for registering the transaction. Further, the pawnshop may choose to incorporate the fee within other fees associated with the transaction.

(2) The pawnshop will be invoiced on a monthly basis. The electronic information data manager's Automated Reporting Service will generate a list of the billable transactions, which are used for deriving the invoiced amounts. The above fees are assessed for the use of the standard electronic information data manager's Automated Reporting Service.

(3) Any custom programming completed for the pawnshop will be negotiated on a contract basis and may result in unique licensing arrangements between the electronic information data manager and the pawnshop.

§ 110.24 PEDDLERS AND HAWKERS.

(A) For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

HAWKER. A peddler who cries their wares, goods, or merchandise or exhibits them publicly.

PEDDLER. A person who travels from place to place and who sells or offers to sell small non-edible wares, goods, or merchandise which accompany the peddler in traveling about from place to place.

(B) A peddler and a hawker must carry a valid license issued by the City in their possession to lawfully conduct business within the City limits.

(C) No licensee shall hawk, peddle, solicit, or sell any goods or merchandise on or in any public sidewalk, public street, public park, public parking ramp, public parking lot, or any public building without approval of the Director of Public Services or their designee.

§ 110.25 SECONDHAND MERCHANTS.

(A) No person shall directly or indirectly operate, conduct, or engage in the business or occupation of dealing in secondhand or used personal property without first obtaining a license therefor. For the purpose of this section, dealing in secondhand or used personal property shall include purchasing, selling, exchanging, or storing to facilitate or promote the sale of secondhand or used personal property of any kind or description; provided, that this section shall not apply to persons who deal exclusively in used personal property commonly known as “antiques.”

(B) No such license shall be granted except upon certification of the Police Chief or their designee and unless a complete set of the fingerprints of the applicant therefor are on file in the noncriminal identification file of the Police Department.

(C) No licensee shall purchase or receive any article:

- (1) From any person under the age of eighteen (18) years without the written consent of a parent or guardian;
- (2) From any person that was the subject of a written notice by authorized officers pursuant to MCL 446.205 or 446.214.

(D) (1) No person shall fail to keep record of all persons with whom they do business and all property coming into their possession. All reports must be electronically transmitted to the Chief of Police or their designee. Every secondhand merchant, within forty-eight (48) hours, must transmit to the Chief of Police or their designee by means of electronic transmission through a modem or similar device in such

a format that the data is capable of direct electronic entry into the Saginaw Police Department's computerized system approved by the Chief of Police for identifying secondhand or used personal property, all transactions in which the secondhand merchant received secondhand or used personal property the preceding day by pawn, trade, purchase, or consignment. A transaction reported by electronic transmission under this subsection shall not be reported on paper forms unless the Chief of Police or their designee so requests.

(2) A secondhand merchant need not report electronically transactions taking place at a business location where the number of transactions in each ninety (90) day period does not exceed ten (10). A secondhand merchant reasonably believing a location at which they conducts a business qualified under this subsection for exemption from computerized reporting and wishing to be exempt from the requirements of this section shall sign, under penalty of perjury, a declaration to that effect in a form developed by the Chief of Police or their designee, and once the declaration is signed, so long as the volume of transactions does not exceed ten (10) each ninety (90) day period, transactions taking place at that business need not be reported electronically, but shall be reported on paper forms.

(3) All secondhand merchants must have the equipment installed in their place of business no later than July 31, 2006. The Saginaw Police Department will require all secondhand merchants to electronically submit data beginning August 1, 2006.

(E) (1) A fee of two dollars (\$2.00) will be assessed per transaction, which must be paid to the secondhand merchants pursuant to the following fee breakdown: The electronic information data manager and secondhand merchant will each receive fifty cents (\$0.50) per transaction and the City will receive one dollar (\$1.00) per transaction. The electronic information data manager will assess the property registration fee of fifty cents (\$0.50) for each transaction the secondhand merchant reports, either through batch file upload or directly using the electronic information data manager's business interface or on the electronic information data manager's Automated Reporting Service that involves the purchasing of secondhand goods or used personal property.

(2) A **TRANSACTION** is defined as a single buy or which may involve one or more secondhand goods or used personal property and does not include contract extensions or claims. This is a per transaction registration fee, not a per item fee included in the transaction. It is in the secondhand merchant's discretion to recover the fees from its customers for registering the transaction. Further, the secondhand merchant may choose to incorporate the fee within other fees associated with the transaction.

(3) The secondhand merchant will be invoiced on a monthly basis. The electronic information data manager's Automated Reporting Service will generate a list of the billable transactions, which are used for deriving the invoiced amounts. The above

fees are assessed for the use of the standard electronic information data manager's Automated Reporting Service. Any custom programming completed for the secondhand merchant will be negotiated on a contract basis and may result in unique licensing arrangements between the electronic information data manager and the secondhand merchant.

(F) Before any such license is issued, the applicant therefore shall furnish a license and permit bond in the penal sum of ten thousand dollars (\$10,000) with a surety who is listed on the Department of the Treasury's Listing of Certified Companies to be approved by the City Clerk, which bond shall be conditioned for the due observance during the time of the license of all laws of the state and all ordinances of the City. Any person aggrieved by the action of any such licensee shall have a right of action on the bond for the recovery of money or damages, or both. Such bond shall remain in full force and effect for a period of ninety (90) days after the expiration or cancellation of any such license or after the termination of any action upon such bond.

§ 110.26 STATIONARY BOILER OPERATORS AND STATIONARY ENGINEERS.

(A) *Definitions:*

- (1) Fuel (Energy) systems include:
 - (a) Coal;
 - (b) Fuel oil;
 - (c) Gas - natural/ liquefied petroleum;
 - (d) Electricity;
 - (e) Bio-mass;
 - (f) Volatile waste fluids.
- (2) BTU (British Thermal Unit)
- (3) Types of licenses:
 - (a) Fourth Class License 6,000,000 BTU input (180 HP);
 - (b) Third Class License 12,000,000 BTU input (360 HP);
 - (c) Second Class License 20,000,000 BTU input (600 HP);
 - (d) First Class License 250,000,000 BTU input (750 HP).

(B) No person shall engage in the occupation of operating steam boilers or steam actuated machinery without first obtaining a license issued by the City. Such license shall be granted by the Board of Examiners for Stationary Boiler Operators and Stationary Engineers after it has been determined by examination that such person is qualified to operate said boilers or machinery as outlined in the license skill index.

(C) Candidates for Stationary Boiler Operator's License and Stationary Engineering License also must have knowledge of the following types of equipment:

(1) Commercial hot water boiler (generator) system and their heat source.

(2) Commercial incinerator systems including recovery boilers, heat recovery elements of fired or engine driven electrical generating equipment.

(3) Direct fired absorption chillers for air conditioning.

(4) Direct fired elements for liquid phase or vapor phase systems employing synthetic organic fluids instead of water as a heat transfer medium.

(D) Candidates must also have knowledge of the following:

(1) Safe handling of fuels as promulgated by the National Fire Protection Agency (NFPA).

(2) Guidelines published by the following:

(a) American Society of Mechanical Engineers (ASME);

(b) American Boiler Manufacturers Association (ABMA);

(c) American Society of Heating, Refrigeration and Air Conditioning Engineers (ASHRE).

Candidates must also have knowledge of up-to-date requirements for clean air and water by the Environmental Quality Division of the Michigan Department of Natural Resources. Candidate practical experience required.

(E) The Board of Examiners for Stationary Boiler Operators and Stationary Engineers issues four types of licenses based upon the BTU input of specific pieces of equipment. The licenses are: Fourth, Third, Second and First Classes.

(F) Applicants for the Stationary Engineers License must have passed all four levels of the Stationary Boiler Operators examinations.

(G) Candidates for Fourth Class Boiler Operators License shall have had on the job training plus orientation from selected textbooks. Third Class candidates shall have had on the job training and also be encouraged to enroll in an industrial powerhouse operator training program offered at some local colleges. To write the Second and First Class Boiler Operators Examinations, the candidate must have at least one year of boiler room experience.

Stationary Engineers License candidates must have at least two years powerhouse experience. If a candidate fails the examination, six (6) months must elapse before rewriting the examination.

Persons possessing a boiler operator's license from another location, but planning on being employed in Saginaw, have one year to pass the examinations relative to the class of license required for the equipment under their control.

(H) License fees are not graduated, but constant for all skill levels. The skill levels are: Fourth Class through First Class.

(I) License holder need only renew highest level license and not those of lower levels previously awarded.

(J) Licenses are renewable on April 30 of each year regardless of the date of issuance, i.e. no proration. Any existing license or renewal thereof may be renewed by mail without reexamination, provided the City receives the renewal fee within sixty (60) days of notice.

(K) The provisions of this section do not apply to steam boilers and other steam-generating apparatus installed and used in private dwellings, marine service, railroads or agriculture (mint processing).

§ 110.27 TRANSIENT MERCHANTS.

(A) No person shall engage temporarily in the business of selling at retail any goods, wares, or merchandise from any lot, building, room, or structure of any kind on public or private property within the City without first obtaining a license/registration therefor.

(B) The term **TRANSIENT MERCHANT** shall not include any persons selling goods, wares, or merchandise of any description raised, produced, or manufactured by the individual offering the same for sale nor to persons handling vegetables, fruits, or perishable farm products at any established City market nor to any stands located at the Saginaw Farmers Market. However, a person conducting business at any established City market shall register with the City Clerk by completing the application form described in (D) below, provided that no fee shall be charged for any such registration.

(C) Transaction of business as described in division (A) by any person for a period of less than six (6) months consecutively shall be prima facie evidence that such person was a transient merchant within the intent and meaning of this section.

(D) Any person applying for a transient merchant license/registration shall complete an application form provided by the City Clerk and pay the required license fee which shall not be refunded if no license is issued. The application form shall be submitted to the City Clerk at least fifteen (15) days prior to conducting any business requiring a license/registration hereunder. The application form shall include, but not be limited to:

(1) The name and address of the applicant;

(2) A listing of the precise locations within the City at which the applicant proposes to conduct business;

(3) The signatures of the owners of the private property from which the business is to be conducted signifying the approval thereof.

(E) Any honorably discharged member of the Coast Guard, Army, Navy, Air Force, or Marine Corps of the United States, who is a resident of the state and a veteran of any war in which the United States of America has been or shall be a participant, shall have the right to hawk, vend or peddle their own goods, wares and merchandise within the City by procuring a license therefor as herein prescribed. Application for such license shall be made in the form and manner prescribed in this article, and upon presentation of a certificate of honorable discharge from the Coast Guard, Army, Navy, Air Force, or Marine Corps of the United States, which certificate shall show that the applicant is a veteran of any war in which the United States has been or shall be a participant, a veteran's license shall be issued to the applicant without cost.

(1) Any person exempt by law from the payment of license fees as prescribed herein shall comply with all other provisions of this article, and upon submission of satisfactory evidence to the City of such exemption, a license shall be issued to such applicant without requiring the payment of any fee, and the City shall indicate upon the face of the license that same was issued pursuant to such exemption without any fee being paid therefor.

(F) No license/registration shall be issued hereunder without the certification of the Fire Marshal if the applicant proposes to use any building or structure in conjunction with the business.

(G) Before any such license is issued to any person selling furs such as coats, scarfs, neck pieces, muffs, etc. or rugs (oriental, domestic, handwoven, novelty), the applicant therefor shall furnish a license and permit bond in the penal sum of ten thousand dollars (\$10,000) with a surety who is listed on the Department of the Treasury's Listing of Certified Companies to be approved by the City Clerk, which bond shall be conditioned for the due observance during the time of the license/registration of all laws of the state and all ordinances of the City. Any person aggrieved by the action of any such licensee shall have a right of action on the bond for the recovery of money or damages, or both. Such bond shall remain in full force and effect for a period of ninety (90) days after the expiration or cancellation of any such license/registration or after the termination of any action upon such bond.

(H) As a condition to obtaining a license to operate as a transient merchant, the licensee is required to acknowledge in writing receipt of a summary of materials regarding certain Michigan statutes which regulate the licensing operation of such a business.

§ 110.28 VEHICLE FOR HIRE.

(A) For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

VEHICLE FOR HIRE. A motor vehicle regularly engaged in the business of carrying passengers for hire and not operating on a fixed route.

(B) No person shall operate or permit a vehicle for hire owned or controlled by them to be operated as a vehicle for hire upon the streets of the City without having first obtained a license for each such vehicle.

(C) No vehicle for hire license shall be issued or continued unless there is in full force and effect one (1) or more liability insurance policies issued by an insurance company authorized to do business in the state for each licensed vehicle in the amount of five hundred thousand dollars (\$500,000) for bodily injury to any one (1) person; in the amount of one million dollars (\$1,000,000) for injuries to more than one (1) person which were sustained in the same accident, and one hundred thousand dollars (\$100,000) for property damage resulting from one (1) accident, or a combined single limit of one million dollars (\$1,000,000). Said policy or policies of liability insurance shall be approved by and be filed with the City Clerk.

(D) Each such insurance policy shall contain a clause obligating the insurer to give the City Clerk, by registered mail, at least ten (10) days written notice before the cancellation or termination of such insurance by other than the expiration of the original term of the policy. Upon termination of any such policy of insurance, however caused, the vehicle for hire license in connection with which it was furnished shall immediately be suspended, and such suspension shall continue until the required insurance policy or policies have been furnished and approved as required by division (C) above.

(E) The license of the vehicle shall be prominently displayed in the lower rear driver's side window in a manner that does not obstruct the driver's vision.

(F) The City Manager is hereby empowered, subject to approval by the Council, to make such rules and regulations pertaining to any vehicle for hire, as is necessary to protect the public health and safety of persons and property, and no person shall fail to comply with any such rule or regulation.

(G) The term "meter" as used in this subsection shall be deemed to mean a mechanical instrument or device by which the lawful charge for hire is mechanically calculated and upon which such charge is indicated by means of figures. On each vehicle for hire that has a meter affixed the amounts of fare shall be plainly visible to the passengers and, after sundown, shall be illuminated by a suitable light. Meters shall be maintained in good working condition by the owner of the vehicle for hire to which attached; the case of said meter shall be sealed, and the motor and gears thereof intact.

(H) An application for a license as required by this code shall be made in writing on a form prescribed by the City Clerk.

(1) The application shall be accompanied by a complete listing of all vehicles that will be operating in the City of Saginaw and shall include their license plate number, VIN number, vehicle description, and a copy of each vehicle's proof of vehicle registration.

(2) The application shall also be accompanied by a list detailing the name, residential address, valid chauffer's license number, and date of birth of all drivers employed with the vehicle for hire company.

(3) A copy of the liability insurance shall be submitted with the items described in sections (H) 1 and 2 above, at time of application and annually with renewal.

(I) Information Changes. The applicant or licensee shall have a duty to notify the Office of the City Clerk of any changes in the information contained in an application within thirty (30) days of the change.

§ 110.29 FOOD VENDORS.

(A) For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

FOOD. Any good or substance, solid or liquid, which is customarily edible; **FOOD** includes prepackaged food and non-prepackaged food.

FOOD VENDOR. A person who travels about from place to place and who sells or offers to sell food which accompanies the person. **FOOD VENDOR** includes each individual assistant to or supplier for another food vendor. **FOOD VENDOR** also includes a food vendor who operates from, in, or through a temporary food service establishment or a mobile restaurant.

MOBILE RESTAURANT. Any vehicle which is used to transport food for human consumption from a licensed establishment, commissary, catering kitchen, food processor, or other similar licensed food service to be served directly from said vehicle at locations such as factories, construction projects, or similar prearranged stations on private property.

NON-PREPACKAGED FOOD. Food which is not wrapped, packaged, or bottled pursuant to the laws of the state or the United States. **NON-PREPACKAGED FOOD** includes but is not limited to fruit and vegetables, hot dogs prepared on location, ice cream served on location in cups or cones, ices, soft drinks in cups, popcorn, and cotton candy and other confections.

PREPACKAGED FOOD. Food which is wrapped, packaged, or bottled pursuant to the laws of the state or the United States.

SUPPLIER. A person who knowingly provides or supplies a food vendor by oral or written contract or agreement or other understanding. A supplier does not include a person who has no knowledge or agreement that the food supplied to the food vendor is to be sold or offered for sale by the food vendor.

TEMPORARY FOOD SERVICE ESTABLISHMENT. Any establishment, mobile or fixed, where food is served or provided for the public on the premises or elsewhere which operates at a fixed location for a temporary period of time, not to exceed two (2) weeks, in connection with a carnival, circus, public exhibition, sidewalk sale, parade, art show, race, sporting event, festival, rodeo, horse or dog show, auction, or other similar events.

(B) A food vendor shall not be allowed to operate within the City limits of the City, unless the food vendor is in possession of and carries with them a valid license issued by the City. The provisions of § 110.24 shall not apply to such licenses.

(C) A license shall not be issued by the City Clerk unless the food vendor supplies the City Clerk with a copy of one (1) and all valid licenses or certificates required by the County of Saginaw or the State of Michigan or the United States pursuant to a state or federal statute or regulation.

(D) A food vendor shall not be licensed unless they are at least fourteen (14) years of age. Applicants under sixteen (16) years of age shall submit the written consent of a parent or guardian. An applicant for such license shall submit with the applications satisfactory proof that all suppliers furnishing the food vendor with a vehicle or equipment or goods for the food vendor shall also have a license under this section.

(E) No food vendor shall have an exclusive right to any location in the public streets except as provided in section (G); no food vendor shall be permitted to make a sale within fifty (50) feet of a street intersection, park on a public roadway except as provided in section (G), park on school property or private property without the consent of the owner or person in possession thereof or person responsible for permitting such parking; no food vendor shall enter a public park or public playground except as provided by section (G). A food vendor shall not be permitted to operate in any congested area where their operations might impede or inconvenience the public. For the purpose of this section, the judgment of a police officer exercising good faith shall be deemed conclusive as to whether the area is congested or the public impeded or inconvenienced.

(F) A food vendor may sell or offer for sale any prepackaged foods as defined in section (A) above if the food vendor also is in compliance with all applicable state and federal laws and regulations.

(G) A temporary food establishment or a mobile restaurant may not park or locate on any public street, public roadway, public park, or any public property except with the permission of the Director of Public Services or their designee.

§110.30 POOL AND BILLARD ROOMS.

(A) For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

POOL AND BILLIARD ROOMS. Any place of business open to the public in which there are two (2) or more pool tables or billiard tables or in which tables or other facilities for playing cards are provided. Places of business having only one (1) pool or billiard table are regulated by section (E) hereof.

(B) No person shall engage in the business of operating a pool or billiard room without first obtaining the license therefor. Said license shall be in addition to any other license required for the establishment in which the pool and/or billiard tables are located. No such license shall be granted except upon certification of the applicable City Departments.

(C) No person shall be granted a license to operate a pool or billiard room unless the applicant has reached eighteen (18) years of age.

(D) No person shall keep open any premises licensed hereunder between the hours of 2:30 a.m. and 7:00 a.m. unless the business has been approved for an extended hours permit in conjunction with a State of Michigan liquor license.

(E) In any place of business in which there is located not more than one (1) pool or billiard table, the use of said table shall be limited to the same hours the establishment is regularly open for the conduct of its business.

§ 110.31 DANCING AND DANCE HALLS.

(A) *Special dance halls.*

(1) No person who has a license to sell alcoholic liquor shall permit dancing in or on the licensed premises without first obtaining a special dance hall license as provided in this code, which license shall also permit the licensee to conduct "floor shows." No such license shall be granted except upon certification of the Fire Chief and Police Chief or their designees.

(2) No Special Dance Hall License shall be issued until the application therefor has been approved by the Council.

(B) *Public dance halls; public dances.*

(1) The term **PUBLIC DANCE** shall include any dance to which admission may be gained by the general public but shall not include any dance to which admission is restricted to invited guests.

(2) No person, except a special dance hall licensee, shall conduct, operate, or maintain any place in or on which public dances are held without first obtaining a dance hall license in the manner provided in this code. No such license shall be granted except upon certification of the Fire Chief, Police Chief, and Chief Inspector or their designees.

(3) No person shall conduct any public dance without providing the services of a special police officer who shall enforce the provisions of this code for the duration of the dance.

§ 110.32 DANCING SCHOOLS.

No person shall teach dancing without first obtaining a dancing school license in the manner provided for in this code, which license shall designate the premises in which the school is to be conducted. No such license shall be granted except upon certification of the Police Chief and Fire Chief.

§ 110.33 THEATERS.

(A) The word **THEATER** as used in this code shall include any structure used primarily for entertainment on the stage or screen.

(B) No person shall conduct, maintain, or operate any theater without first obtaining a license therefor in the manner provided for in this code. No such license shall be granted except upon certification of the Fire Department.

(C) Except for non-profit community theaters and theaters already established, no license shall be issued unless the City Zoning Division shall first approve of the parking facilities available to the patrons of said theater. The minimum requirement of parking space shall be one (1) space to each four (4) seats contained in the theater, exclusive of parking facilities available on public streets or alleys.

(D) The scale of prices for admission to any theater shall be framed and hung at some conspicuous place at the entrance of said theater.

(E) (1) The words **OUTDOOR THEATER** as used in this code shall include any permitted outdoor entertainment not otherwise specifically licensed under this code including the exhibition of outdoor motion pictures.

(2) No person shall establish or maintain any outdoor theater without first obtaining a license from the City Clerk for each day said outdoor theater is to be conducted. No license shall be granted except upon certification of the Police Chief, Fire

Chief, and the Building Inspector or their designees, who shall certify as to compliance with the zoning and building regulations.

§ 110.34 GENERAL BUSINESS LICENSE.

(A) *Purpose.* The purpose of this section shall be to generate general fund revenue to offset the cost of enforcing existing City ordinances and regulate business activity as it relates to zoning, permits, income tax, property tax and the like.

(B) *License required.* All persons who conduct, engage in, maintain, operate, carry on, or manage a business for which a license is not otherwise required under any other provisions of this code shall be required to obtain a general business license for said business. A separate license shall be required for each separate place of business. A business shall include but not be limited to: for profit businesses and not for profit businesses.

Exceptions: Churches
Public libraries
Schools (public, parochial and charter, K-12)
Government offices or operations

(C) *Application.* An application for a license required by this code shall be made in writing on a form prescribed by the City Clerk. Each application shall contain any information as may be required to determine whether a license should be issued.

(D) *Issuance of license.* The City Clerk shall issue the license pursuant to the application if:

(1) The appropriate fees have been paid according to the table contained in this section.

(2) The Planning and Development Division has approved the use of said parcel for the requested use.

(3) There are no outstanding building code violations.

(4) There are no outstanding fire code violations.

(5) All current and past due fees and/or fines associated with the property or applicant have been paid or arrangements have been made to pay, including but not limited to:

- (a) Permit fees.
- (b) Zoning fees.
- (c) Water or sewer services.
- (d) Engineering fees.

- (e) False alarm fees.
- (f) Property tax (real and personal).
- (g) Income tax.

(E) Term of license, renewal. All licenses provided in this ordinance shall expire on September 15 following the date of issuance.

(F) *License fees.*

(1) Fees shall be established by City Council and listed in the "APPENDIX: FEES" section of this ordinance.

(2) Late payment penalty. An additional late charge of fifty (50%) percent of the base fee shall be incurred as a result of the following:

- (a) Failure to obtain a business license within fifteen (15) days from the effective date of the ordinance or any applicable amendment;
- (b) Failure to obtain a business license within fifteen (15) days of commencement of a business; or
- (c) Failure to renew a business license by the license expiration.

(G) *Regulations.*

(1) No license shall be assigned, sold or transferred, nor shall any license authorize any person other than the applicant to conduct business under such license.

(2) The applicant or licensee shall have a duty to notify the City Clerk of any changes in the information contained in an application which is pending or which was the basis for the issuance of a license.

(3) All licenses shall be prominently displayed on the business premises at all times.

(4) No person shall add to, alter, deface, forge, or counterfeit any license which is required under this ordinance.

(5) All licensees shall comply with all applicable City, State, and Federal Laws.

(H) *Suspension and revocation.* In addition to any other penalty provided for in this code or other City ordinances, the City Clerk may suspend or revoke any license issued pursuant to this section for:

(1) Failure to comply with any provisions of this chapter and any applicable ordinances;

(2) Failure to allow required inspection. The City Clerk shall notify the licensee that their license has been suspended or revoked and the reason for said suspension or revocation. Notification may be made by first class mail and shall state that the licensee has the right to appeal the suspension or revocation provided the appeal is made in writing to the City Clerk within ten (10) days of notification. Upon receipt of the written appeal the City Clerk shall proceed with scheduling an appeal hearing as provided for in (I) and (J) of this section.

(I) *Notice of hearing.* Notice of the above described hearing shall be served on the licensee by first class mail and posting at the location of the licensed business not less than five (5) days before the date of said hearing.

(J) *Hearings.* The hearing shall be conducted by the Chief Inspector or their designee affording the licensee an opportunity to appear and defend the charges. The Chief Inspector shall make a final decision in writing, including the reasons for such decision and shall serve said decision on the licensee within ten (10) days after conclusion of the hearing.

(K) *Summary suspension.* Where the Chief Inspector presents to the City Manager sufficient evidence demonstrating probable cause to believe that the licensee has violated the provisions of this code or the laws of the United States or the State of Michigan, and that said violation will immediately threaten the public health, safety or welfare, the City Manager may, upon the issuance of a written order stating the reason for such conclusion and without prior notice or hearing, order the licensed premises closed and the license summarily suspended pending a public hearing and determination on suspension or revocation. Said hearing shall be commenced not more than seventeen (17) days following entry of such an order, unless the licensee shall agree to a longer period of time. Upon entry of an order of summary suspension, the licensee shall be served with a copy of the order and notice of violation and hearing in the manner provided in this section.

(L) *Penalties and remedies.* In addition to any other penalty or remedy provided for in this code, or other City ordinances, the City Clerk shall have the authority to take the following actions against any business which fails to obtain or renew a business license:

(1) Cause to be issued a Class C Civil Infraction Citation. A separate offense shall be deemed committed for each day that a violation occurs.

(2) Use whatever means necessary to cause said business to cease operations at its location, including, but not limited to, having persons vacate the premises, padlocking said premises or terminating water service to said premises, with reasonable costs charged to the business owner.

(M) *Severability.* The provisions of this section shall be interpreted so as not to be in conflict with the laws of the State of Michigan or any other limitations imposed by law. In the event, however, that any section, provision, sentence, or clause of this section is declared unconstitutional by a court of competent jurisdiction, that determination will not affect the other remaining provisions of this section.

§ 110.98 VIOLATIONS.

Any person in violation of this chapter may be subject to one (1) or more of the following criminal or civil remedies:

(A) *Penalty.* Every person convicted of a violation of any provision of this chapter shall be punished as provided in § 110.99.

(B) *Revocation or suspension of license.* The license or permit is subject to revocation or suspension as set forth in greater specificity within this chapter.

(C) *Nuisance; injunction.* The City may be entitled to injunctive relief if the activity constitutes a public nuisance or nuisance per se.

§ 110.99 PENALTY.

A person who violates any provision of this chapter is responsible for a Class C municipal civil infraction, subject to payment of a civil fine as set forth in Chapter 37 of this Code, plus costs and other sanctions, for each infraction. Repeat offenses shall be subject to increased fines as provided by Chapter 37. Each violation and each day of failure to comply with any provision of the chapter shall constitute a separate violation.

APPENDIX: FEES

§ 1. LICENSE FEES.

<u>License type:</u>	<u>License fee:</u>
Alarm System Registration (one-time registration fee)	\$ 50.00
Boiler Operators, Stationary	50.00
Building Wrecker	101.00
Dance School	161.00
Dry Cleaning	115.00
Dry Cleaning Pick-up Station	70.00
Engineer, Stationary	50.00
Food Vendor, Individual	17.00
Gasoline Service Stations	124.00
General Business License:	
gross floor area of 0 – 2,500 square feet	50.00
gross floor area of 2,501 – 10,000 square feet	100.00
gross floor area over 10,001 square feet	150.00
House Mover (\$10,000 license bond required)	59.00
House Raiser (\$10,000 license bond required)	59.00
Mobile Restaurant	17.00
Outdoor Theater	82.00
Pawnbroker (\$10,000 license bond required)	500.00*
Peddler and Hawker	47.00
Pool and Billiard Rooms	215.00
Public Dance Hall	278.00
Scrap Material Dealers/Processors, operating yard, including truck	196.00
Secondhand Merchants (\$10,000 license bond required)	50.00*
Special Dance Hall	293.00
Temporary Food Service Establishment (fee per event)	17.00
Tent use: assembly/other purposes	
initial license (not to exceed 90 days)	
size 120 - 500 square feet	52.00
each additional 500 square feet or major fraction thereof	12.00
renewal (not to exceed 90 days) 50% of fee for initial license	
Theater	154.00
Transient Merchant	25.00*
\$10,000 license bond required on certain items; see § 110.27(G)	
Vehicle for hire (per vehicle)	45.00

* Maximum fee allowed by state law.

§ 2. REINSPECTION FEES FOR FAILURE TO COMPLY.

As allowed per § 110.05 (A) (4) of this code.

Chief Inspector	\$100.00
Fire Department	40.00
Police Department	60.00

§ 3. FEE TO APPEAL.

Fee to Appeal	\$100.00
---------------	----------

Section 4. This ordinance shall become effective February 27, 2014.

Enacted: February 17, 2014.

Yeas:

Nays:

Absent:

Abstain:

Dennis D. Browning
Mayor

Janet Santos, CMC/MMC
City Clerk

ORDINANCE DECLARED ADOPTED

I, Janet Santos, City Clerk of the City of Saginaw, Michigan, do hereby certify that the foregoing is a true and complete copy of the ordinance adopted by the City of Saginaw, Saginaw County, State of Michigan, at a public meeting held on February 17, 2014; the original thereof is on file in the records of my office' the meeting was conducted and public notice of said meeting was given pursuant to Act No. 267, Public Acts of Michigan, 1976, as amended, and minutes of this meeting were kept and will be made available as required.

Janet Santos, CMC/MMC
City Clerk

**REVOCATION OF AN OBSOLETE PROPERTIES REHABILITATION
CERTIFICATE NO. 3-02-0007 FOR MANHATTAN CATERING, INC.,
IN THE CITY OF SAGINAW, SAGINAW COUNTY**

Moved by Council Member _____, seconded by Council Member _____ to adopt the following resolution:

WHEREAS: an Obsolete Property Rehabilitation District was established by Resolution approved by City Council at a regular meeting held April 22, 2002, for property description #03-0148-00000 in the City of Saginaw, County of Saginaw, located at 110 N. Washington Avenue, Saginaw, Michigan, and

WHEREAS: the City Council of the City of Saginaw at a regular meeting held May 20, 2002, approved an Obsolete Property Rehabilitation Certificate identified as 03-02-0007 for Manhattan Catering Service, Inc., for \$300,000 in real property improvements for a period of 12 years, expiring December 30, 2014, and

WHEREAS: the building located at 110 N. Washington is no longer owned by Manhattan Catering Service, Inc., and therefore, ineligible for an Obsolete Property Rehabilitation Certificate exemption and under authority of Act 146 of 2000 the City Council of the City of Saginaw may revoke a certificate under circumstances when the owner is no longer eligible, and

WHEREAS: the City Assessor has reviewed this matter and advises Manhattan Catering Services, Inc., no longer qualifies for the Obsolete Property Rehabilitation Certificate No. 03-02-0007.

NOW, THEREFORE, BE IT RESOLVED: that the City Council of the City of Saginaw hereby revokes Obsolete Property Rehabilitation Certificate No. 03-02-0007 for Manhattan Catering Service, Inc., for real property described as Parcel 03-0148-00000, located in the City of Saginaw, County of Saginaw at 110. N. Washington Avenue, Saginaw, Michigan.

BE IT FURTHER RESOLVED: that the City Council of the City of Saginaw requests the Michigan State Tax Commission revoke Obsolete Property Rehabilitation Certificate No. 03-02-0007 for Manhattan Catering Service, Inc., for real property described as Parcel 03-0148-00000, located in the City of Saginaw, County of Saginaw at 110. N. Washington Avenue, Saginaw, Michigan.

Ayes:
Nays:
Absent:
Abstain:

RESOLUTION DECLARED ADOPTED

I, Janet Santos, City Clerk of the City of Saginaw, Michigan, do hereby certify that the foregoing is a true and complete copy of the resolution adopted by the City of Saginaw, Saginaw County, State of Michigan, at a public meeting held on February 17, 2014; the original thereof is on file in the records of my office; the meeting was conducted and public notice of said meeting was given pursuant to Act No. 267, Public Acts of Michigan, 1976, as amended, and minutes of this meeting were kept and will be made available as required.

Janet Santos, CMC/MMC
City Clerk

**REVOCATION OF AN OBSOLETE PROPERTIES REHABILITATION
CERTIFICATE NO. 3-03-0002 FOR SAMURAI STIRFRY IN THE
CITY OF SAGINAW, SAGINAW COUNTY**

Moved by Council Member _____, seconded by Council Member _____ to adopt the following resolution:

WHEREAS: an Obsolete Property Rehabilitation District was established by Resolution approved by City Council at a regular meeting held November 18, 2002, for property description #16-0107-00000 in the City of Saginaw, County of Saginaw, located at 121 N. Hamilton Street, Saginaw, Michigan, and

WHEREAS: the City Council of the City of Saginaw at a regular meeting held March 10, 2003, approved an Obsolete Property Rehabilitation Certificate identified as 03-03-0002 for Samurai Stirfry for \$500,000 in real property improvements for a period of 12 years, expiring December 31, 2015, and

WHEREAS: the building located at 121 N. Hamilton was not rehabilitated in accordance with the plan and is no longer owned by Samurai Stirfry, Inc., and therefore, ineligible for an Obsolete Property Rehabilitation Certificate exemption, and under authority of Act 146 of 2000, the City Council of the City of Saginaw may revoke a certificate under circumstances when the owner is no longer eligible, and

WHEREAS: the City Assessor has reviewed this matter and advises Samurai Stirfry does not qualify for the Obsolete Property Rehabilitation Certificate No. 03-03-0002.

NOW, THEREFORE, BE IT RESOLVED: that the City Council of the City of Saginaw hereby revokes Obsolete Property Rehabilitation Certificate No. 03-03-0002 for Samurai Stirfry for real property described as Parcel 16-0107-00000, located in the City of Saginaw, County of Saginaw at 121 N. Hamilton Street, Saginaw, Michigan.

BE IT FURTHER RESOLVED: that the City Council of the City of Saginaw requests the Michigan State Tax Commission revoke Obsolete Property Rehabilitation Certificate No. 03-03-0002 for Samurai Stirfry for real property described as Parcel 16-107-00000, located in the City of Saginaw, County of Saginaw at 121 N. Hamilton Street, Saginaw, Michigan.

Ayes:
Nays:
Absent:
Abstain:

RESOLUTION DECLARED ADOPTED

I, Janet Santos, City Clerk of the City of Saginaw, Michigan, do hereby certify that the foregoing is a true and complete copy of the resolution adopted by the City of Saginaw, Saginaw County, State of Michigan, at a public meeting held on February 17, 2014; the original thereof is on file in the records of my office; the meeting was conducted and public notice of said meeting was given pursuant to Act No. 267, Public Acts of Michigan, 1976, as amended, and minutes of this meeting were kept and will be made available as required.

Janet Santos, CMC/MMC
City Clerk

From: Timothy Morales, Interim City Manager
Subject: Automated Clearing House (ACH) Policy
Prepared by: Janice Zuhlke, Deputy Treasurer

Manager's Recommendation:

I recommend approval of the City of Saginaw ACH Policy through adoption of the resolution.

Justification:

State of Michigan Public Act 738 of 2002, as amended, requires City Council to adopt a resolution to authorize electronic transactions. For the purposes of maintaining effective internal control, this policy clarifies and emphasizes the responsibility of departments initiating ACH transactions through systems provided by the City. Accordingly, this policy promotes the implementation of department procedures that ensure compliance with State Law, Federal Law and National Automated Clearing House Association rules.

Council Action:

This Council Communication is for informational purposes of the resolution to be adopted.

Automated Clearing House (ACH) Transaction Policy

Overview

Public Act 738, MCA2002, (“the Act”) authorizes and regulates electronic transactions and defines certain powers and duties. The Act allows for the designation of an Electronics Transaction Officer (ETO) by the City of Saginaw and defines parameters whereby the City Treasurer and/or the ETO may enter into ACH arrangements.

ACH Transactions Definition

“ACH transactions” means an electronic payment, debit or credit transfer, processed through an Automated Clearing House of the National Automated Clearing House Association, the Federal Reserve System, or an alternative national or governmental organization that has authority to process electronic payments in the United States. ACH transactions are banking transactions that can functionally replace checks for payment transactions. They can be used to transfer monies between bank accounts, provide a means to accept incoming payments for amounts due the City of Saginaw or other governmental agencies, and for the disbursement of monies deposited in City of Saginaw accounts for the payment of amounts due to vendors, schools, and other payees.

City of Saginaw ACH Administration

In recognition of the duties assigned the Deputy City Manager/CFO, it is desirable to hereby designate him/her the Electronics Transaction Officer (ETO). It is also recognized that the City Deputy Treasurer and Income Tax Administrator, shall have all the powers and duties as provided for in the Act to utilize ACH transactions to fulfill the duties assigned the City Treasurer’s Office.

Receipts of Payments due the City of Saginaw

Payments due the City of Saginaw Treasurer’s Office shall be made via ACH transactions as required by law. In addition, upon establishment of procedures by the Deputy City Manager/ CFO or his/her designee, certain parties may remit payments or have their bank accounts debited by the Deputy Treasurer or his/her designee, or the Income Tax Administrator or his/her designee, upon execution of a written agreement with the City. In addition, as other specific circumstances occur, the Deputy City Manager/ CFO or his/her designee may accept ACH remittances provided said remittance is in compliance with the City’s ACH arrangement and it is deemed in the City’s best interest to accept a remittance of an ACH transaction.

The Deputy City Treasurer is responsible for establishing procedures which address issues for his/her Office in regards to security, internal control, and compliance with the Act to assure the accurate receipt of funds by ACH transfer.

Payments by ACH in Lieu of Issuing Checks

Payments by ACH in lieu of issuing accounts payable, payroll, or other checks are allowed, as designated by the Deputy City Manager/ CFO. Said payments may be made upon execution of a written agreement with the City. The agreement providing for payment shall be on an approved form for the City of Saginaw. Particular attention shall be given to issues of security, internal control, and compliance with the Act in developing such procedures. All such disbursements are subject to the normal approval and internal control processes applied to payments which would otherwise be made by check or other means.

INTERNAL CONTROLS FOR ACH TRANSACTIONS

For the purposes of maintaining effective internal control, this policy clarifies and emphasizes the responsibility of departments initiating ACH transactions through systems provided by the City. Accordingly, this policy promotes the implementation of department procedures that ensure compliance with State law, Federal Law and National Automated Clearing House Association (NACHA) rules.

Department Responsibilities

Departments are responsible for ensuring that only authorized individuals have access to any system capable of initiating ACH transactions. A current list of persons authorized to initiate and approve electronic funds transfer (FT) transactions must be maintained by each department.

Departments are responsible for ensuring that ACH payments are lawful expenditures of City funds and comply with legislatively approved budgets.

Departments are responsible for obtaining proper authorization for debiting or crediting any customer, vendor or payor account via ACH, in accordance with NACHA rules. A file of current authorizations must be maintained by all departments. All authorizations must be retained for two years following termination of revocation of the authorization.

Departments must establish and maintain adequate reconciliation procedures which include timely resolution of all material reconciling items.

Departments are responsible for ensuring that department staff responsible for ACH activity have the necessary training and knowledge required to effectively perform their duties.

Systems initiating ACH transactions must require unique passwords and User ID's. Shared User ID's are prohibited.

Departments must have a contingency plan which enables the department to recreate sent ACH data files until such time as the department has verification that the ACH files have been accurately accepted and processed by Treasury.

Departments must maintain an adequate separation of duties over ACH processing. At a minimum, there should be separate authorities for initiating, release and reconciliation of ACH batches.

Internal Accounting Controls to Monitor Use of ACH Transactions

- a. The Deputy City Manager/ CFO shall be responsible for the establishment of ACH agreements. The Deputy Treasurer, Income Tax Administrator, Payroll Administrator and Accounts Payable shall notify the Controller's office of those accounts to be paid by ACH or electronic transfers.
- b. Upon receipt of an invoice for payment for accounts paid by ACH, the Deputy Treasurer will debit the City's accounts. Accounts payable by this method may include utility and recurring lease payments. These payments shall be included on the report of payments to the Controller's Office. All other invoices approved and payable by ACH may be paid in that matter if deemed in the best interest of the City e.g. to avoid a late fee.
- c. For payment of State and Federal payroll taxes, and payroll deductions the Deputy Treasurer shall initiate payment to the proper authority upon receipt of the information from the payroll department.
- d. For deposits from state and federal authorities, and from third-party payment processors, the Deputy Treasurer shall obtain the amount of the deposit and submit documentation to the Controller's office.
- e. For Utility Payments, and Community Development Loans the Deputy Treasurer will process payments according to the agreements per client.

APPROVING THE AUTOMATED CLEARING HOUSE (ACH) POLICY

Moved by Council Member _____, seconded by Council Member _____ to adopt the following resolution:

WHEREAS: State of Michigan Public Act 738 of 2002, as amended, requires the City Council to adopt a resolution to authorize electronic transactions, and

WHEREAS: Electronic payments of public funds are required for some federally mandated transactions of public funds, and electronic payment have become a commonly accepted practice by banks and other financial institutions, and

WHEREAS: State of Michigan Public Act 738 of 2002, as amended, authorizes electronic transactions involving public funds by electronic payment, debit, or credit transfer processed through an automated clearing house, and

WHEREAS: this policy promotes the implementation of departmental procedures that ensure compliance with State Law, Federal Law and National Automated Clearing house Association (NACHA) rules.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of Saginaw authorizes the City Manager/CFO to enter into Automated Clearing house (ACH) arrangements and to maintain the City's written policy.

Ayes:

Nays:

Absent:

Abstain:

RESOLUTION DECLARED ADOPTED

I, Janet Santos, City Clerk of the City of Saginaw, Michigan, do hereby certify that the foregoing is a true and complete copy of the resolution adopted by the City of Saginaw, Saginaw County, State of Michigan, at a public meeting held on February 17, 2014; the original thereof is on file in the records of my office; the meeting was conducted and public notice of said meeting was given pursuant to Act No. 267, Public Acts of Michigan, 1976, as amended, and minutes of this meeting were kept and will be made available as required.

Janet Santos, CMC/MMC
City Clerk

ELIMINATING THE DEFICIT FUND BALANCE IN THE CELEBRATION PARK FUND

Moved by Council Member _____, seconded by Council Member _____ to adopt the following resolution:

WHEREAS: the City of Saginaw's Celebration Park Fund had a \$128,362 deficit fund balance on June 30, 2013; and

WHEREAS: Act 275 of the Public Acts of 1980 requires that a Deficit Elimination Plan be formulated by the local unit of government and filed with the Michigan Department of Treasury.

NOW, THEREFORE, BE IT RESOLVED: that the City of Saginaw's City Council adopts the following as the City of Saginaw Celebration Park Fund Deficit Elimination Plan:

	Actual 2012	Actual 2013	Projected 2014
Fund Balance - July 1	(790,486)	(271,999)	(128,362)
Revenues			
State Grants	47,510	48,000	50,837
Donations	527,000	0	10,473
Interest and Rents	94	0	3,500
Transfers	0	130,000	145,691
Total Revenues	574,604	178,000	210,501
Expenditures			
Salaries & Wages	20,474	27,144	32,810
Supplies	6,406	3,984	9,625
Contractual Services	18,660	0	0
Other	10,577	3,235	22,375
Capital Outlay	0	0	0
Total Expenditures	56,117	34,363	64,810
Net Revenues	518,487	143,637	145,691
Fund Balance - June 30	(271,999)	(128,362)	17,329

BE IT FURTHER RESOLVED, that the Department of Fiscal Services is authorized to submit the Deficit Elimination Plan to the Michigan Department of Treasury for certification.

Ayes:
Nays:
Absent:
Abstain:

RESOLUTION DECLARED ADOPTED

I, Janet Santos, City Clerk of the City of Saginaw, Michigan, do hereby certify that the foregoing is a true and complete copy of the resolution adopted by the City of Saginaw, Saginaw County, State of Michigan, at a public meeting held on February 17, 2014; the original thereof is on file in the records of my office; the meeting was conducted and public notice of said meeting was given pursuant to Act No. 267, Public Acts of Michigan, 1976, as amended, and minutes of this meeting were kept and will be made available as required.

Janet Santos, CMC/MMC
City Clerk