

COPIES OF THE
DISBURSEMENT
LIST ARE NOW
AVAILABLE IN THE
CONTROLLER'S
OFFICE



*Christina Moore
Christina Krupic
Alicia Duthart*

The Give A Gift Foundation

is helping cancer patients emotionally, spiritually and financially

August 7, 2012

Scott Adkins
City Manager
City of Roseville
29777 Gratiot Avenue
Roseville MI 48066

Dear Mr. Adkins:

The Give a Gift Foundation is a 501c3 nonprofit organization that helps terminally ill cancer patients. Our four core programs are for assistance with housing, medical bills, prescriptions, and food, but are not limited to these.

This is a request to solicit donations in the city of Roseville. All proceeds benefit cancer patients with their immediate needs. We are looking to collect donations in intersections for two weekends: August 23-26 and October 4-7. The time would be 9 am until 7 pm. The intersections in consideration are:

- 11 Mile and Gratiot Ave.,
- 13 Mile and Grosbeck
- 13 Mile and Gratiot Ave.,
- 13 Mile and Little Mack,
- Gratiot and Masonic,
- Common and Gratiot, and
- Frazho and Kelly.

On behalf of The Give a Gift Foundation, we thank you for your time and consideration. Please feel free to contact me at anytime with any further questions at 586-872-2711.

Sincerely,

Jacki Hagel
Office Manager

INTER-OFFICE MEMO

TO: Chief James Berlin
FROM: Scott Adkins, City Manager
DATE: August 8, 2012
SUBJECT: The Give a Gift Foundation
Solicit Donations
August 23rd – 26th 2012

=====

We received a request from The Give a Gift Foundation to solicit donations on the city streets August 23rd – 26th. The attached letter asks for approval for October dates as well and they have been made aware that they will need to come back before Council in September to request those dates. Although this group has been made aware of the rules for soliciting established by City Council we did have issues this past April with one particular solicitor. We have been informed that that person has been let go for her actions. Proceeds benefit cancer patients with their immediate needs.

Please review this request and submit a recommendation so this item may appear on the August 14th Council agenda.

att.

/yk

From: James Berlin
Sent: Wednesday, August 08, 2012 1:46 PM
To: Yvette Krellwitz (City of Roseville)
Subject: RE: Give A Gift Foundation Request

Currently I have no objection to this request.
James

From: Yvette Krellwitz (City of Roseville)
Sent: Wednesday, August 08, 2012 12:23 PM
To: James Berlin (Roseville Police)
Cc: Teri Gribbin (City of Roseville)
Subject: Give A Gift Foundation Request

Sincerely,
Yvette Krellwitz
Administrative Assistant
Manager's Office, City of Roseville
(586) 445-5410

From: bizhub
Sent: Wednesday, August 08, 2012 1:32 PM
To: Yvette Krellwitz (City of Roseville)
Subject: Message from KMBT_C450

YORK, DOLAN & TOMLINSON, P.C.

Attorneys and Counselors at law
42850 Garfield, Suite 101
Clinton Township, Michigan 48038
586-263-5050
Fax 586-263-4763

John A. Dolan (jdolan@yorkdolanlaw.com)
Timothy D. Tomlinson (ttomlinson@yorkdolanlaw.com)

Fred A. York (1930-1989)

April 10, 2012

Mr. Glenn Sexton
Building Director
City of Roseville
P.O. Box 290
Roseville, MI 48066

RE: **28540 Essex, Roseville, MI**

Dear Mr. Sexton:

Enclosed herein is an Order abandoning property, together with a copy of the Petition for Protective Order to Allow Linda Hobbs to Abandon Real Estate. You will note that there appears to currently be a mortgage on the subject property. Accordingly, if we wish to demolish the structure, it would be necessary that we begin a condemnation proceeding given the interest of City Bank. Please review and advise at your earliest convenience. We remain,

Very truly yours,

YORK, DOLAN & TOMLINSON, P.C.

Timothy D. Tomlinson

TDT/jabh
Enclosures

STATE OF MICHIGAN PROBATE COURT MACOMB COUNTY CIRCUIT COURT - FAMILY DIVISION	ORDER	FILE NO. 12-205,517-PO
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In the matter of Linda Hobbs

1. Date of hearing: March 19, 2012 Judge: Pamela G. O'Sullivan P36188
Bar no.

On petition filed, THE COURT FINDS that:

2. Notice of hearing was given to or waived by all interested persons.

IT IS ORDERED that: George J. A. Heitmanis is authorized to abandon the 28540 Essex property on Linda's behalf in favor of Roseville but subject to any mortgage, tax, or other lien(s) or encumbrance(s) of record.

March 19, 2012
Date

George J. A. Heitmanis P32408
Attorney name Bar no.

22201 Greater Mack Avenue
Address

St. Clair Shores, MI 48080 (586) 285-4500
City, state, zip Telephone no.

PAMELA G. O'SULLIVAN
A TRUE COPY

Do not write below this line - For court use only

ORDER

PROBATE COURT FOR MACOMB COUNTY, MICHIGAN

In the Matter of:

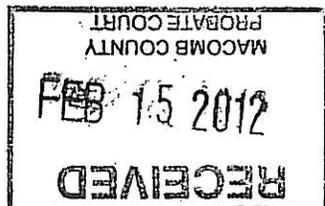
LINDA HOBBS

File No. 12-205517-70
Judge Pamela G. O'Sullivan

Protective order
Petition for ~~authority~~ to allow
Linda Hobbs to abandon real estate

George J. A. Heitmanis
Guardian
22201 Greater Mack Avenue
St. Clair Shores, MI 48080
(586) 285-4500

1. I am interested in this matter as guardian.
2. The interested parties are those of record, except, as to these proceedings, (i) Citi Mortgage, whose mailing address is P. O. Box 790005 MS 305, St. Louis, MO 63179-0005, (ii) the City of Roseville, and (iii) Macomb County are all interested parties in these proceedings.
3. Upon information and belief, Linda Hobbs and her late husband owned the home situated in the City of Roseville, Macomb County, State of Michigan and which may be legally described as Felician Manor #1 Lots 226, 227 & 228 MCR; tax ID number 14-17-133-004. The property is commonly known as 28540 Essex Roseville, MI 48066. (The "home.")
4. On December 2, 2011, I received a letter addressed to Linda from CitiMortgage advising that her mortgage loan is in default. The past due amount is \$1084.58 including \$13.72 in late fees. She does not have the funds to pay this debt. Linda receives social security benefits (\$698 per month.)
5. On January 31, 2011, Linda was removed against her will from her home by the undersigned and the Roseville Police Department. (Roseville dispatched 4 police officers and 1 patrol supervisor [sergeant] to the scene to assist and the police called Macomb DHS Adult Protective Services due to the fact that others lived in the home as well.)

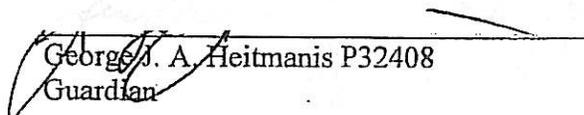


6. Due to the horrendous condition of the home the Roseville police sergeant had the Roseville building department respond, and the building inspector promptly condemned the property as unfit for human habitation.
7. The building inspector informed the police sergeant that the city would contact "Jarvis" which is a Harrison Township based contractor that specializes in boarding up hazardous buildings and fire and casualty loss home/business repair.
8. As of the 2010 tax year, City of Roseville records indicate that the SEV of the building is \$43,487, of which \$24,698 is allocated to the land itself. On January 31, 2012, I contacted, Greg Ruper, a real estate sales person that I use from "RealLiving" Kee Realty, a Clinton Township based real estate agency to do a "drive by" and tell me what he thinks the property could sell for in its current condition. (Linda does not have the money to hire a licensed appraiser.) He advised me on February 1, 2012, that in his opinion the property had a sale value of under \$10,000. As far as I can tell, there is no equity to preserve.
9. The city of Roseville has specific misdemeanor criminal ordinances against blight housing. I do not wish to subject Linda to any potential criminal prosecution for having allowed her home to become uninhabitable. Linda does not have the income or assets to rehabilitate the property to the extent necessary to avoid criminal prosecution.
10. John Hobbs, one of Linda's sons, advised me that his mother had contacted someone to try and apply for a home rehabilitation loan but that they failed to complete the application because they could not find certain necessary documents.
11. I have been in the home when Linda was advised to pack her things to go to the group home. There is nothing in this home, in my opinion, that could or should be salvaged for sale or reused.

Request for relief and signature follow on the next page.

12. I REQUEST authority to abandon the property on Linda's behalf in favor of Roseville but subject to any mortgage, tax, or other lien(s) or encumbrance(s) of record.

I declare under the penalties of perjury that this petition has been examined by me and that the contents are true to the best of my information, knowledge, and belief.



George J. A. Heitmanis P32408
Guardian

Date: February 3, 2012



41800 EXECUTIVE DRIVE
HARRISON TOWNSHIP, MI 48045
(586) 954-4700

CITY OF ROSEVILLE
29777 GRATIOT AVE.
P.O. BOX 290
ROSEVILLE, MI 48066

Contact:

101-101-973000

Invoice Number: 0019496-IN

Invoice Date: 1/31/2012

Salesperson: KEN W. STEMMERICH

Tax Schedule:

Job Number: HT20146

Customer Number: ROSE004

Customer P.O.:

Ship VIA:

Terms: DUE UPON RECEIPT

Item Code	Description	UM	Quantity	Price	Amount
JC-CNS	EMERGENCY SERVICES PROVIDED. SECURED PROPERTY AT: 28450 ESSEX. INSTALLATION OF LOCK & HASP. MINIMUM CHARGE FOR SERVICES PROVIDED.	EACH	1.000	125.000	125.00

18540 Essex

OK
To Pay To
2-3-12

We Appreciate Your Business!

This invoice is DUE UPON RECEIPT unless a prior written agreement has been executed.

We accept checks, money orders, American Express, Discover, MasterCard or Visa.

Any balance that remains unpaid after 10 days from the date of this invoice shall bear interest at the maximum statutorily allowable interest rate.

Net Invoice:	125.00
Freight:	0.00
Sales Tax:	0.00
Invoice Total:	125.00

14-17-13 004

L ✓

28540 ESSEX







trying entry door











**CITY OF ROSEVILLE
MACOMB COUNTY, MICHIGAN**

RESOLUTION ON ABATEMENT OF PUBLIC NUISANCE

At a Regular Meeting of the City Council of the City of Roseville, held in the council chambers, 29777 Gratiot Avenue, Roseville, Michigan on the 14th day of August, 2012, commencing at 7:00 p.m.

PRESENT: MEMBERS _____

ABSENT: MEMBERS _____

THE FOLLOWING MOTION WAS MADE:

_____ moved, _____ seconded, to adopt the following resolution:

WHEREAS, the Director of Building and Inspection for the City of Roseville, Mr. Glenn Sexton, has determined that the property at the following location:

Lot 118, Schram & Ginley Subdivision, according to the plat thereof as recorded in liber 7, page 31 of Plats, Macomb County Records.

Parcel Identification No. 14-16-156-016

more commonly known as: 28083 Ginley, Roseville, Michigan has become and does present an immediate and continuous danger and hazard to the health, safety and welfare of the residents of the City of Roseville, for the following described reasons: the property is vacant and has been “red tagged” by the Building Department since October, 2008 with ongoing property maintenance issues since 2003; currently the property has many exterior property violations and the interior repairs have been abandoned; the building is in serious state of disrepair; and thus, presents a threat to the health, safety and welfare of the general public, and

WHEREAS, the Director of Building and Inspection has notified the property owner, Daniel Albani, of the condition of the property and has demanded that same be corrected; and;

WHEREAS, the owner has failed, refused and neglected to correct said violations and comply with building and health ordinances of the City of Roseville; and

WHEREAS, the existence of the above described property in its present condition is a present, immediate and continuous danger and hazard to the health, safety and welfare of the residents of the City of Roseville, and must be abated and removed;

NOW, THEREFORE, IT IS HEREBY RESOLVED:

1. That the property at the afore described location for the afore described reasons is a present, immediate and continuous danger and hazard to the health, safety and welfare of the residents of the City of Roseville, and said violations and dangerous conditions must be abated and removed.

2. That the afore described property be and is hereby declared a public nuisance, and it is hereby ordered that all code violations and dangerous conditions existing on said property be abated and removed.

3. That the Attorney for the City of Roseville and the Director of Building and Inspection for the City of Roseville are hereby authorized to commence all necessary actions to clean up the property pursuant to Section 203-9 of the Code for the City of Roseville, and abate said public nuisances; that all costs incurred by the City of Roseville to abate said nuisances, plus interest at seven (7%) percent per annum, shall become a lien for the benefit of the City of Roseville on all or part of the real property where the violations are located, and such liens shall be of the same character and effect as created by the Roseville City Charter for taxes.

AYES: MEMBERS _____

NAYS: MEMBERS _____

ABSENT: MEMBERS _____

RESOLUTION DECLARED ADOPTED

JOHN CHIRKUN, Mayor

RICHARD STEENLAND, City Clerk

STATE OF MICHIGAN)
)ss.
COUNTY OF MACOMB)

I, Richard Steenland, the duly qualified and acting City Clerk of the City of Roseville, Macomb County, Michigan, do hereby certify that the foregoing is a true and complete copy of the Resolution adopted by the City Council of the City of Roseville, Macomb County, Michigan on August _____, 2012, and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance of the Open Meetings Act being Act 267 of the Michigan Public Acts of 1976, as amended, and that the minutes of said meeting were kept and will be or have been made available as required by said act.

RICHARD STEENLAND, City Clerk



City of Roseville

29777 GRATIOT, P.O. 290
ROSEVILLE, MICHIGAN 48066

06/25/2012

Timothy Tomlinson
York, Dolan & Tomlinson
42850 Garfield, Suite 101
Clinton Township MI 48038

Re: Condemnation - 28083 GINLEY, Roseville MI 48066

Dear Mr. Tomlinson:

This department is requesting that you prepare a resolution for action by City Council at the soonest available City Council Meeting commencing the condemnation of the residential building at the above-mentioned location.

This property is vacant and has been "red tagged" by the Building Department since October 2008. We have had ongoing property maintenance issues with this location since at least 2003. Currently the property has many exterior property violations and the interior repairs have been abandoned. This building is in a serious state of disrepair and poses a threat to the health, safety and welfare of the general public and should be removed, as it is a public nuisance. City records indicate that the owner of record is: ALBANI, DANIEL G, 28083 GINLEY, ROSEVILLE, MI, 48066. The legal description is PP# 14-16-156-016.

Copies of our files are attached for your information. If you have any questions, please feel free to contact this department at (586) 445 5450.

Sincerely,


Glenn Sexton
Building Director

cc: Scott Adkins, City Manager

Attachments

GS/tjh

**INTER-OFFICE MEMO
CITY OF ROSEVILLE, MICHIGAN
BUILDING DEPARTMENT**

TO: Mary Wietecha, Building Clerk
FROM: Glenn Sexton, Building Director
DATE: 05/16/2011
RE: Board-up - 28083 GINLEY - PP# 14-16-156-016

Attached is the invoice which was paid to Jarvis Painting, Inc. for labor and materials to secure the building at 28083 GINLEY. The house was red tagged on October 24, 2003, because of vacancy and property maintenance violations. Recently, it was noted that the building was in need of securing.

City records indicate the owner is MERS INC; PO BOX 292190; LEWISVILLE TX 75029. If you have any questions, please feel free to contact this department.

GS/tjh

28085 GINLEY











CITY OF ROSEVILLE

Code Enforcement
29777 Gratiot Avenue
Roseville, MI 48066
586/445-5447

RODENT CONTROL FORM

INDEMNIFICATION AND HOLD HARMLESS AGREEMENT

The undersigned for and in consideration of the rodent extermination services to be provided on or about my/our premises, through the Rodent Control program of the City of Roseville, do/does hereby agree to hold harmless and indemnify the City of Roseville, its agents, servants and employees, from any and all claims, damages, demands, actions, causes of action, or any other rights whatsoever which may hereinafter be asserted against the City of Roseville by or on behalf of anyone claiming injury and/or other damage arising out of or in connection with the procedures, baiting or poisons used on or about my/our premises for rodent extermination and control.

The undersigned further agree(s) to defend and indemnify the City of Roseville against any and all claims, actions, cause of actions, or any other rights asserted against the City of Roseville arising out of or in connection with the procedures, baiting or poisons used on or about my/our premises for rodent extermination and control.

Date: Nov 6, 07

Name: Jim O'Stead



City of Roseville

29777 GRATIOT, P.O. 290
ROSEVILLE, MICHIGAN 48066

July 20, 2004

Kelli Richardson
Estate of Inez Holbrook
2287 Windemer
Birmingham, MI 48009

Re: 28083 Ginley, Roseville, Michigan

Dear Ms. Richardson:

On November 10, 2003 this department provided a list of repairs that were necessary at the above address before we could issue a "Certificate of Occpancy." An inspection of the property finds that the work has still not been completed.

Please contact this office at 586/445-5450 within ten (10) days of this letter and advise us as to the status of these repairs.

Sincerely,

Stephen A. Truman
Director of Building
and Inspection

SAT/nms



City of Roseville

29777 GRATIOT, P.O. 2
ROSEVILLE, MICHIGAN 4

10/24/2003

CERTIFIED MAIL, RETURN RECEIPT REQUEST

HOLBROOK, INEZ

U.S. Postal Service
CERTIFIED MAIL RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

18 5871
992 2766
0013 2766
0220 0013

Postage	\$	Postmark Here
Certified Fee		
Return Receipt Fee (Endorsement Required)		
Restricted Delivery Fee (Endorsement Required)		
Total Postage & Fees	\$	

Recipient's Name (Please Print Clearly) (To be completed by mailer)
Inez Holbrook

Re: 28083 GINLEY, Roseville, MI 48066, PP #14-16-156-016

Dear Property Owner:

This department has been notified that the above mentioned house is vacant, there is junk and debris laying on the property and the fence is in need of repairs. Per the requirements of Ordinance #1125, Section 172, we have tagged this building as not approved for occupancy in order to protect the health, safety and welfare of the general public, and it shall not be occupied. As the records of the City indicate that you are the owner of this property, it is your responsibility to keep the house secured and maintained to prevent it from becoming a public nuisance.

Failure to comply with any of the above within ten (10) days will result in the necessary legal action to have the premises boarded and to commence condemnation proceedings, and all costs for such shall be assessed against the property.

You have the right to appeal the above orders, and per the requirements of Ordinance No. 1125, Sec. 172, your appeal will be heard by the Board of Housing Appeals. If you choose to appeal or have any questions regarding the above, please contact this department at 586/445-5450.

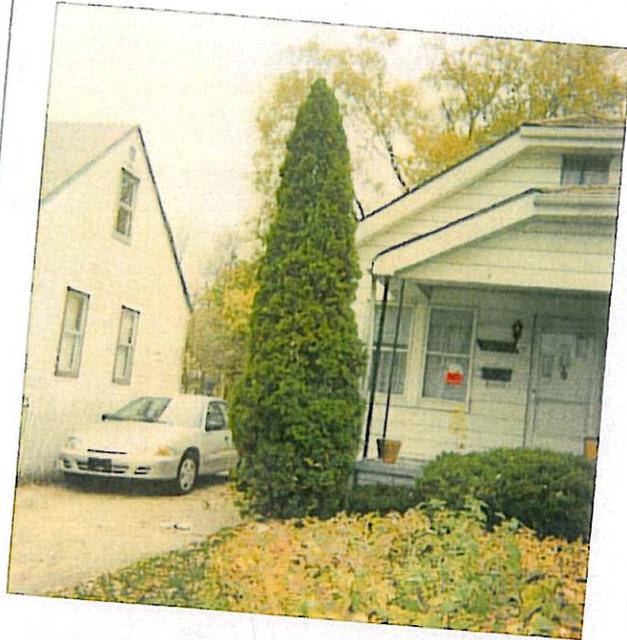
CITY OF ROSEVILLE

Stephen A. Truman
Director of Building
and Inspection

cc: TO BE POSTED

nms

COPY



NOV 5, 2003 3:55pm
28083 GINLEY

**CITY OF ROSEVILLE
MACOMB COUNTY, MICHIGAN**

RESOLUTION ON ABATEMENT OF PUBLIC NUISANCE

At a Regular Meeting of the City Council of the City of Roseville, held in the council chambers, 29777 Gratiot Avenue, Roseville, Michigan on the _____ day of August, 2012, commencing at 7:00 p.m.

PRESENT: MEMBERS _____

ABSENT: MEMBERS _____

THE FOLLOWING MOTION WAS MADE:

_____ moved, _____ seconded, to adopt the following resolution:

WHEREAS, the Building Director for the City of Roseville, Mr. Glenn Sexton, has determined that the property at the following location:

Lots 226, 227 and 228, Felician Manor Subdivision No. 1, according to the plat thereof as recorded in liber 7, page 61 of Plats, Macomb County Records.

PP# 14-17-133-004

more commonly known as 28540 Essex, Roseville, Michigan has become and does present an immediate and continuous danger and hazard to the health, safety and welfare of the residents of the City of Roseville, for the following described reasons: the home has numerous outstanding building, plumbing, electrical and mechanical violations; and the property in its present condition poses a threat to the health, safety and welfare of the general public, and

WHEREAS, the Building Director has notified the owner, Linda G. Hobbs, of the condition of the property and has demanded that same be corrected; and

WHEREAS, the owner has failed, refused and neglected to correct said violations and comply with building and health ordinances of the City of Roseville; and

WHEREAS, the existence of the above described property in its present condition is a present, immediate and continuous danger and hazard to the health, safety and welfare of the residents of the City of Roseville, and must be abated and removed;

NOW, THEREFORE, IT IS HEREBY RESOLVED:

1. That the property at the afore described location for the afore described reasons is a present, immediate and continuous danger and hazard to the health, safety and welfare of the residents of the City of Roseville, and said violations and dangerous conditions must be abated and removed.

2. That the afore described property be and is hereby declared a public nuisance, and it is hereby ordered that all code violations and dangerous conditions existing on said property be abated and removed.

3. That the Attorney for the City of Roseville and the Building Director for the City of Roseville are hereby authorized to commence all necessary actions to clean up the property pursuant to Section 203-9 of the Code for the City of Roseville, and abate said public nuisances; that all costs incurred by the City of Roseville to abate said nuisances, plus interest at seven (7%) percent per annum, shall become a lien for the benefit of the City of Roseville on all or part of the real property where the violations are located, and such liens shall be of the same character and effect as created by the Roseville City Charter for taxes.

AYES: MEMBERS _____

NAYS: MEMBERS _____

ABSENT: MEMBERS _____

RESOLUTION DECLARED ADOPTED

John Chirkun, Mayor

Richard Steenland, City Clerk

STATE OF MICHIGAN)
)ss.
COUNTY OF MACOMB)

I, Richard Steenland, the duly qualified and acting City Clerk of the City of Roseville, Macomb County, Michigan, do hereby certify that the foregoing is a true and complete copy of the Resolution adopted by the City Council of the City of Roseville, Macomb County, Michigan on July _____, 2012, and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance of the Open Meetings Act being Act 267 of the Michigan Public Acts of 1976, as amended, and that the minutes of said meeting were kept and will be or have been made available as required by said act.

Richard Steenland, City Clerk

**CITY OF ROSEVILLE
MACOMB COUNTY, MICHIGAN**

RESOLUTION ON ABATEMENT OF PUBLIC NUISANCE

At a Regular Meeting of the City Council of the City of Roseville, held in the council chambers, 29777 Gratiot Avenue, Roseville, Michigan on the 14th day of August, 2012, commencing at 7:00 p.m.

PRESENT: MEMBERS _____

ABSENT: MEMBERS _____

THE FOLLOWING MOTION WAS MADE:

_____ moved, _____ seconded, to adopt the following resolution:

WHEREAS, the Director of Building and Inspection for the City of Roseville, Mr. Glenn Sexton, has determined that the property at the following location:

North ½ of Lot 268, Roseville Farms Subdivision No. 7, according to the plat thereof as recorded in liber 3, page 83 of Plats, Macomb County Records.

Parcel Identification No. 14-20-108-023

more commonly known as: 26543 Parkington, Roseville, Michigan has become and does present an immediate and continuous danger and hazard to the health, safety and welfare of the residents of the City of Roseville, for the following described reasons: the property is vacant and has been “red tagged” by the Building Department since May, 2010 with ongoing property maintenance issues since 2007; currently the property has serious roof damage, open crawl space and rodent infestation; the building is in serious state of disrepair; and thus, presents a threat to the health, safety and welfare of the general public, and

WHEREAS, the Director of Building and Inspection has notified the property owners, Diane Reece and Elsie Powelson, of the condition of the property and has demanded that same be corrected; and;

WHEREAS, the owners have failed, refused and neglected to correct said violations and comply with building and health ordinances of the City of Roseville; and

WHEREAS, the existence of the above described property in its present condition is a present, immediate and continuous danger and hazard to the health, safety and welfare of the residents of the City of Roseville, and must be abated and removed;

NOW, THEREFORE, IT IS HEREBY RESOLVED:

1. That the property at the afore described location for the afore described reasons is a present, immediate and continuous danger and hazard to the health, safety and welfare of the residents of the City of Roseville, and said violations and dangerous conditions must be abated and removed.

2. That the afore described property be and is hereby declared a public nuisance, and it is hereby ordered that all code violations and dangerous conditions existing on said property be abated and removed.

3. That the Attorney for the City of Roseville and the Director of Building and Inspection for the City of Roseville are hereby authorized to commence all necessary actions to clean up the property pursuant to Section 203-9 of the Code for the City of Roseville, and abate said public nuisances; that all costs incurred by the City of Roseville to abate said nuisances, plus interest at seven (7%) percent per annum, shall become a lien for the benefit of the City of

Roseville on all or part of the real property where the violations are located, and such liens shall be of the same character and effect as created by the Roseville City Charter for taxes.

AYES: MEMBERS _____

NAYS: MEMBERS _____

ABSENT: MEMBERS _____

RESOLUTION DECLARED ADOPTED

JOHN CHIRKUN, Mayor

RICHARD STEENLAND, City Clerk

STATE OF MICHIGAN)
)ss.
COUNTY OF MACOMB)

I, Richard Steenland, the duly qualified and acting City Clerk of the City of Roseville, Macomb County, Michigan, do hereby certify that the foregoing is a true and complete copy of the Resolution adopted by the City Council of the City of Roseville, Macomb County, Michigan on August _____, 2012, and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance of the Open Meetings Act being Act 267 of the Michigan Public Acts of 1976, as amended, and that the minutes of said meeting were kept and will be or have been made available as required by said act.

RICHARD STEENLAND, City Clerk



City of Roseville

29777 GRATIOT, P.O. 290
ROSEVILLE, MICHIGAN 48066

06/25/2012

Timothy Tomlinson
York, Dolan & Tomlinson
42850 Garfield, Suite 101
Clinton Township MI 48038

Re: Condemnation - 26543 PARKINGTON, Roseville MI 48066

Dear Mr. Tomlinson:

This department is requesting that you prepare a resolution for action by City Council at the soonest available City Council Meeting commencing the condemnation of the residential building at the above-mentioned location.

This property is vacant and has been "red tagged" by the Building Department since May 2010. We have had ongoing property maintenance issues with the location since at least 2007. Currently the property has serious roof damage, open crawl space and rodent infestation. This building is in a serious state of disrepair and poses a threat to the health, safety and welfare of the general public and should be removed, as it is a public nuisance. City records indicate that the owner of record is: REECE, DIANE, 16103 BAYHAM, CLINTON TWP, MI, 48038-1919. The legal description is PP# 14-20-108-023.

Copies of our files are attached for your information. If you have any questions, please feel free to contact this department at (586) 445 5450.

Sincerely,

Glenn Sexton
Building Director

cc: Scott Adkins, City Manager

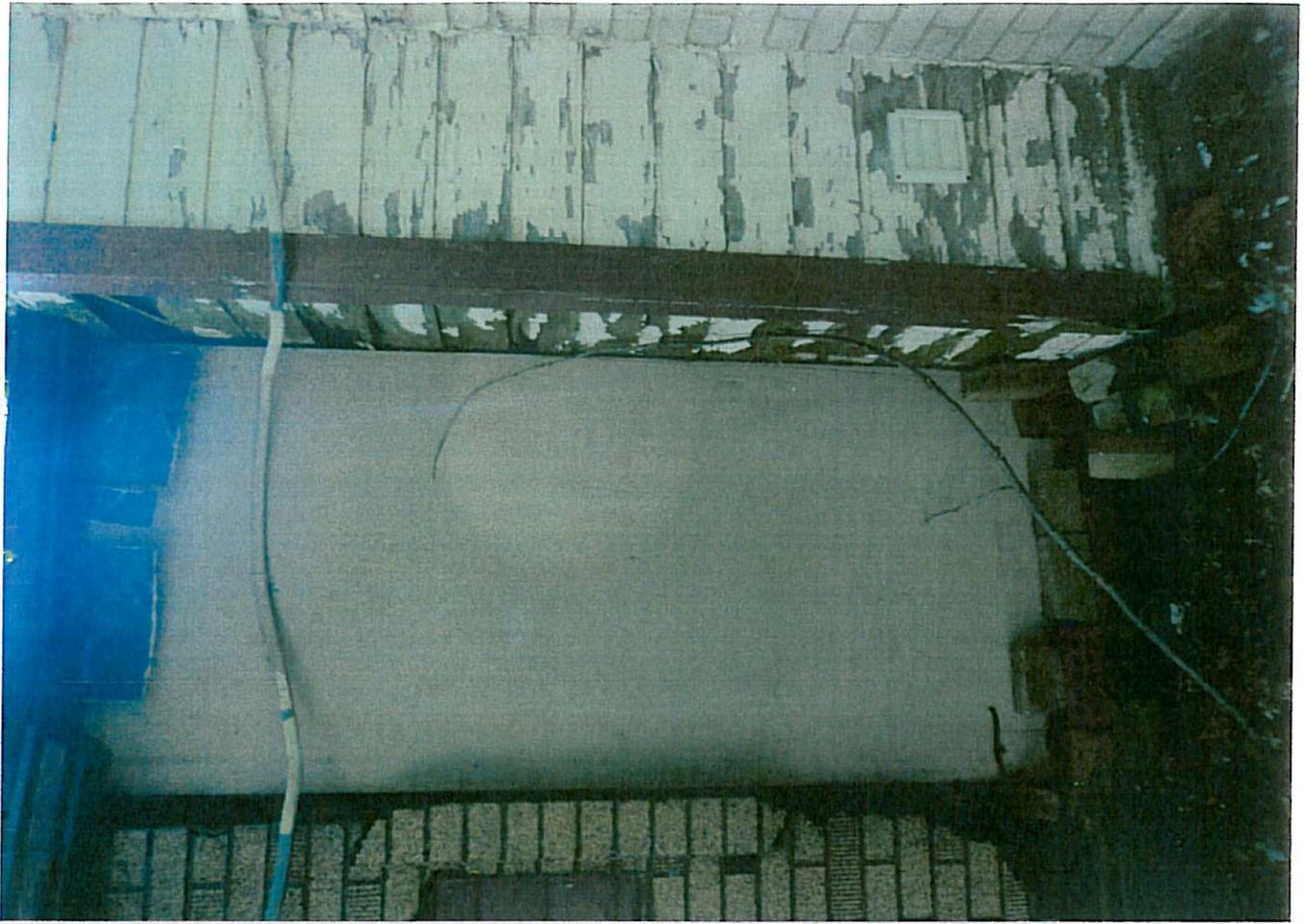
Attachments

GS/tjh



JUNE 2012



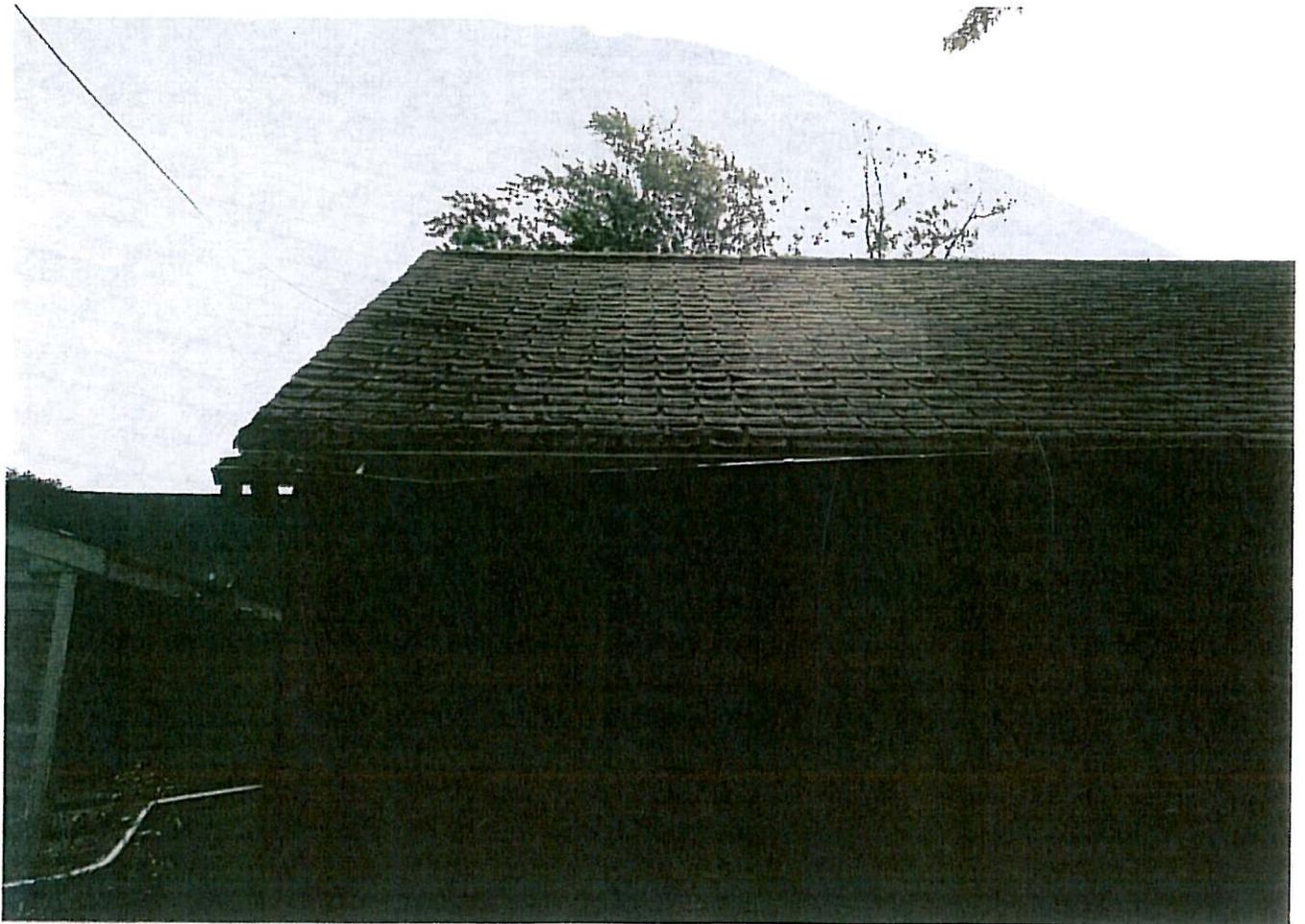


JUNE 2012





JUNE 2012





JUNE 2012





City of Roseville

BUILDING DEPARTMENT
29777 GRATIOT, P.O. BOX 290
ROSEVILLE MI 48066

COPY

05/20/2010

REECE, DIANE
16103 BAYHAM
CLINTON TWP MI 48038-1919

Re: 26543 PARKINGTON, Roseville MI 48066, PP # 14-20-108-023

Dear Property Owner:

This department has been notified that the above mentioned house is vacant, the roof is falling apart, the structure is dilapidated, the crawl space is open, there is junk and debris laying on the property, there is rat harborage at the location and property maintenance violations exist on the property. Per the requirements of Ordinance #1194, Section 225, we have tagged this building as not approved for occupancy in order to protect the health, safety and welfare of the general public, and it shall not be occupied. As the records of the City indicate that you are the owner of this property, it is your responsibility to keep the house secured and maintained to prevent it from becoming a public nuisance.

Failure to comply with any of the above within ten (10) days will result in the necessary legal action to have the premises boarded and to commence condemnation proceedings, and all costs for such shall be assessed against the property.

You have the right to appeal the above orders, and per the requirements of Ordinance No. 1194, Sec. 225-52 to 58, your appeal will be heard by the Construction Board of Appeals. If you choose to appeal or have any questions regarding the above, please contact this department at (586) 445 5450.

CITY OF ROSEVILLE

Glenn Sexton
Building Director

cc: TO BE POSTED

GS/tjh



96543



Prudhoe Hill

MOTION MADE BY _____

MOTION SECONDED BY _____

TO AMEND THE CITY OF ROSEVILLE CODE OF ORDINANCES, CHAPTER 146, BY REPEALING THE CURRENT FIREWORKS ORDINANCE AND REPLACING IT WITH A NEW ORDINANCE REGULATING FIREWORKS, TO PROVIDE FOR DEFINITIONS, SALE OF FIREWORKS, FIREWORKS USE AND DISCHARGE, PYROTECHNIC DISPLAYS, PERMITTING, APPLICATION PROCEDURES, PERMIT RENEWAL, PERMIT REVOCATION OR SUSPENSION, INVESTIGATION, PENALTIES, REPEALER, SEVERABILITY, AND EFFECTIVE DATE.

**CITY OF ROSEVILLE
MACOMB COUNTY, MICHIGAN**

ORDINANCE NO. _____

AN ORDINANCE TO AMEND THE CITY OF ROSEVILLE CODE OF ORDINANCES, CHAPTER 146, BY REPEALING THE CURRENT FIREWORKS ORDINANCE AND REPLACING IT WITH A NEW ORDINANCE REGULATING FIREWORKS, TO PROVIDE FOR DEFINITIONS, SALE OF FIREWORKS, FIREWORKS USE AND DISCHARGE, PYROTECHNIC DISPLAYS, PERMITTING, APPLICATION PROCEDURES, PERMIT RENEWAL, PERMIT REVOCATION OR SUSPENSION, INVESTIGATION, PENALTIES, REPEALER, SEVERABILITY, AND EFFECTIVE DATE.

CITY OF ROSEVILLE ORDAINS:

Section 1. Chapter 146, Fireworks, of the City of Roseville Code of Ordinances shall be repealed in its entirety and revised as follows:

Chapter 146. FIREWORKS

§ 146-1. Definitions.

For the purposes of this Chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ACT. The Michigan Fireworks Safety Act, Public Act 256 of 2011, MCL 28.451 et seq.

APA STANDARD 87-1. APA standard 87-1, standard for construction and approval for transportation of fireworks, novelties, and theatrical pyrotechnics, published by the American pyrotechnics association of Bethesda, Maryland.

ARTICLES PYROTECHNIC. Pyrotechnic devices for professional use that are similar to consumer fireworks in chemical composition and construction but not intended for consumer use, that meet the weight limits for consumer fireworks but are not labeled as such, and that are classified as UN0431 or UN0432 under 49 CFR 172.101.

BUREAU. The Department of Licensing and Regulatory Affairs' Bureau of Fire Services.

CONSUMER FIREWORKS. Firework devices that are designed to produce visible and audible effects by combustion, that are required to comply with the construction, chemical composition, and labeling regulations promulgated by the United States consumer product safety commission under 16 CFR parts 1500 and 1507, and that are listed in APA standard 87-1, 3.1.2, 3.1.3, or 3.5. Consumer fireworks are often commonly known as, but not limited to, sky rockets, bottle rockets, missile-type rockets, helicopters, aerial spinners, roman candles, mine and shell devices, aerial shell kits, firecrackers, chasers, and certain multiple tube fireworks devices. Consumer fireworks does not include low-impact fireworks.

CONSUMER FIREWORKS CERTIFICATE. The certificate issued by the Department which allows a person to sell consumer fireworks in accordance with the Act.

DEPARTMENT. The Michigan Department of Licensing and Regulatory Affairs.

DISPLAY FIREWORKS. Large fireworks devices that are explosive materials intended for use in fireworks displays and designed to produce visible or audible effects by combustion, deflagration, or detonation, as provided in 27 CFR 555.11, 49 CFR 172, and APA standard 87-1, 4.1.

FIRE MARSHAL. The Fire Marshal of the City of Roseville or his or her designee.

FIREWORKS. Any composition or device, except for a starting pistol, a flare gun, or a flare, designed for the purpose of producing a visible or audible effect by combustion, deflagration, or detonation. Fireworks consist of consumer fireworks, low-impact fireworks, articles pyrotechnic, display fireworks, and special effects.

LOW-IMPACT FIREWORKS. Ground and handheld sparkling devices as that phrase is defined in APA standard 87-1, 3.1, 3.1.1.1 to 3.1.1.8, and 3.5. Low impact fireworks are often commonly known as, but not limited to, sparklers, cylindrical fountains, cone fountains, illuminating torches, wheels, ground spinners, flitter sparklers, certain toy smoke devices, certain wire sparklers/dipped sticks, and certain multiple tube fireworks devices.

NATIONAL HOLIDAY. As used in this Article, a national holiday is any of the following: New Years Day (January 1); Birthday of Martin Luther King Jr. (third Monday in January); Washington's Birthday (third Monday in February); Memorial Day (last Monday in May); Independence Day (July 4); Labor Day (first Monday in September); Columbus Day (second Monday in October); Veterans Day (November 11); Thanksgiving Day (fourth Thursday in November); and Christmas Day (December 25).

NFPA. The National Fire Protection Association headquartered at 1 Batterymarch Park, Quincy, Massachusetts.

NOVELTIES. The term “novelties” shall have the same meaning as set forth in APA Standard 87-1, 3.2, 3.2.1, 3.2.2, 3.2.3, 3.2.4, and 3.2.5, often commonly known as, but not limited to, party poppers, snappers, toy smoke devices containing not more than 5g of pyrotechnic composition, snakes, glow worms, wire sparklers/dip sticks containing not more than 100g of pyrotechnic composition, and all of the following:

- (1) Toy plastic or paper caps for toy pistols in sheets, strips, rolls, or individual caps containing not more than .25 of a grain of explosive content per cap, in packages labeled to indicate the maximum explosive content per cap.
- (2) Toy pistols, toy cannons, toy canes, toy trick noisemakers, and toy guns in which toy caps as described in subparagraph (i) are used, that are constructed so that the hand cannot come in contact with the cap when in place for the explosion, and that are not designed to break apart or be separated so as to form a missile by the explosion.
- (3) Flitter sparklers in paper tubes not exceeding 1/8 inch in diameter.
- (4) Toy snakes not containing mercury, if packed in cardboard boxes with not more than 12 pieces per box for retail sale and if the manufacturer's name and the quantity contained in each box are printed on the box; and toy smoke devices.

PERMANENT BUILDING or PERMANENT STRUCTURE. Any building or structure that is affixed to a foundation on a site that has fixed utility connections and that is intended to remain on the site for more than 180 consecutive calendar days, including stores and Consumer Fireworks Retail Sales Area (CFRSA) facilities, as defined by NFPA 1124 (2006 edition).

PERSON. An individual, agent, association, charitable organization, company, limited liability company, corporation, labor organization, legal representative, partnership, unincorporated organization, or any other legal or commercial entity.

RETAILER. A person who sells consumer fireworks or low-impact fireworks for resale to an individual for ultimate use.

RETAIL LOCATION. A facility listed under NFPA 1124, 7.1.2.

SPECIAL EFFECTS. A combination of chemical elements or chemical compounds capable of burning independently of the oxygen of the atmosphere and designed and intended to produce an audible, visual, mechanical, or thermal effect as an integral part of a motion picture, radio, television, theatrical, or opera production or live entertainment.

TEMPORARY FACILITIES. A building or structure not meeting the definition of Permanent Building or Structure, at which consumer and low-impact fireworks are sold, including the following: consumer fireworks retail stands, tents, canopies, trailers, storage units, and membrane structures.

WAREHOUSE. A permanent building or structure used primarily for the storage of consumer fireworks or low-impact fireworks.

WHOLESALE. Any person who sells consumer fireworks or low-impact fireworks to a retailer or any other person for resale. Wholesaler does not include a person who sells only display fireworks or special effects.

Article I – SALE OF FIREWORKS.

§ 146-2. Consumer Fireworks Certificate; Applicable Codes and Standards.

(A) No person, business, corporation, or other entity shall sell, offer for sale, or permit to be sold any consumer fireworks without first having obtained an annual consumer fireworks certificate from the Department, as required by the Michigan Fireworks Safety Act. Violations of this subsection shall be prosecuted as state law misdemeanors punishable as provided in the Act.

(B) The issuance of a consumer fireworks certificate does not itself authorize the sale of fireworks at the certified retail location. Consumer fireworks shall not be sold at a retail location until the Bureau verifies compliance with Section 5 of the Act, NFPA 1124, and all applicable administrative rules promulgated by the Department. Verification can be accomplished by either a site inspection of the retail location by the Bureau, or by submission of a notarized affidavit signed by the person filing the certificate application stating that the certified retail location will be in compliance with Section 5 of the Act, NFPA 1124, and the applicable administrative rules, and that plans have been submitted in accordance with the administrative rules, including submission of a copy of the plans to the fire department for use in pre-incident review and planning, prior to selling consumer and low-impact fireworks.

(C) The holder of a consumer fireworks certificate shall prominently display the original or copy of the certificate in the retail location. Each day the consumer fireworks certificate is not displayed is a separate violation. A person who violates this subsection is responsible for a civil fine of \$100, to be cited and prosecuted as a municipal civil infraction.

(D) Consumer fireworks shall only be sold from a retail location if all of the following applicable conditions are met:

(1) Except as provided in subsection (2), a retail location satisfies the applicable requirements of NFPA 101 and NFPA 1124 not in conflict with the Act.

(2) Beginning January 1, 2013, a permanent building or structure shall be equipped with a fire suppression system in compliance with NFPA 1124.

(3) The retailer at that retail location is licensed under the General Sales Tax Act.

(4) The retailer has a valid federal taxpayer identification number issued by the federal department of the treasury, internal revenue service. However, this requirement does not apply to a retailer that is a sole proprietorship.

(E) A person that knows, or should know, that he or she is required to comply with subsection (D) and who fails or neglects to do so is responsible for a municipal civil infraction punishable by a fine of \$500 for each violation. Each day that a person is in noncompliance constitutes a separate violation. In the event of more than one violation, that person shall be guilty of a misdemeanor.

(F) During periods when consumer fireworks are sold, each retail location selling consumer fireworks either shall be added as an additional insured, or public liability and product liability insurance coverage shall be obtained and maintained, in an amount not less than \$10,000,000 per occurrence. A person that knows, or should know, that he or she is required to comply with this subsection and who fails or neglects to do so is liable for a municipal civil infraction punishable by a fine of not more than \$500.00 each day that a person is in noncompliance constitutes a separate violation. Proof of the insurance required by this subsection shall be in writing, be current, and available for inspection upon request.

(G) A person shall not sell low-impact fireworks unless he or she registers with the low impact fireworks retail registry not less than 10 days before selling the fireworks in each calendar year. A person who sells low-impact fireworks at retail and who fails to register shall cease the sale of low-impact fireworks until the person complies with this subsection.

(H) Retailers, wholesalers, and manufacturers are subject to the following codes and standards that are adopted by reference in the applicable administrative rules adopted by the Department, except as specifically amended therein: NFPA 1 (2006 edition); NFPA 101 (2009 edition); NFPA 1123 (2010 edition); NFPA 1124 (2006 edition); NFPA 1126 (2011 edition); and APA Standard 87.1 (2001 edition).

(I) Nothing within these requirements shall exempt retailers who have obtained a consumer fireworks certificate and/or registered online for the sale of low-impact fireworks from ensuring that the proposed site is in compliance with all property maintenance regulations and other applicable City ordinances, or from submitting to the City all applications and supporting documentation required by any other provisions of the City Code and/or the City's Zoning Ordinance pertaining generally, without specific reference to fireworks, to retail sales, permanent or temporary structures, temporary sales, and land use regulations.

§ 146-3. Age of Majority Required for Purchase; Supervision.

Consumer fireworks shall not sold to persons under the age of 18. Violation is a state civil infraction punishable by a civil fine of not more than \$500.

§ 146-4. Safety Review.

The Fire Marshal may, at any time, undertake a review of any fireworks sales or storage area for which a consumer fireworks certificate has been issued or is required, or any discharge of fireworks, to determine whether any violations of state law or local ordinance are occurring which might endanger the public health, safety, and welfare, or which might warrant revocation of the certificate or permit.

§ 146-5 – 146-10. Reserved.

Article II – MANUFACTURE AND STORAGE OF FIREWORKS

§ 146-11. Prohibition.

No person shall manufacture any fireworks within the City.

§ 146-12 – 146-14. Reserved.

Article III – FIREWORKS AND PYROTECHNIC DISPLAYS

§ 146-15. Ignition, Discharge, and Use of Consumer Fireworks.

(A) A person shall not ignite, discharge, or use consumer fireworks on public property, school property, church property, or the property of another person without that

organization's or person's express permission to use those fireworks on those premises. "Property of another person" includes hotel and motel property, apartment property, and condominium property, where an owner, management company, or association has or retains authority and control over the use of the property or common areas. A person who violates this subsection is responsible for a municipal civil infraction. A person who receives a civil infraction citation for violating this subsection and who commits another violation of this subsection within 72 hours of the first violation shall be guilty of a misdemeanor.

(B) An individual who uses, ignites, or discharges consumer fireworks or low-impact fireworks while under the influence of alcoholic liquor, a controlled substance, or a combination of alcoholic liquor and a controlled substance is guilty of a misdemeanor.

(C) An individual who violates the smoking prohibition under NFPA 1124, 7.3.11.1 (smoking within 50 feet of a consumer fireworks retail sales area) is guilty of a misdemeanor.

(D) Consumer fireworks shall not be used in the City, except on the day preceding, the day of, and the day after a national holiday. When using any fireworks within the City, a person shall not use them in a manner inconsistent with or contrary to the manufacturer's directions for use, or in a manner which could reasonably be foreseen to cause, or which actually causes, harm to another or to property, or within or upon public roads, walks, or rights-of-way, or within or upon private roads or private property of another without express permission, or which causes, creates, or perpetuates a violation of any provision of the City Code, including but not limited to:

- (1) Disturbing the public peace;
- (2) Violating the City's noise ordinances;
- (3) Violating the City's nuisance ordinances; or
- (4) Creating or depositing litter in violation of the City's littering ordinances.

All other City ordinances not adopted pursuant to the Act and not directly or specifically targeted at the use of consumer fireworks shall continue to apply and may be enforced at any time of the year, even on the day before, day of, or the day after a national holiday.

(E) No person shall ignite fireworks or novelties other than in a manner prescribed by the manufacturer's directions for use, or in the absence of directions, by the use of any ignition device other than a match, punk, or lighter. A "punk" is defined as a long, thin piece of wood covered in a substance that burns very slowly, producing only heat, with no flame. Blowtorches, open flames, bonfires, grills, and other sources of heat and fire and ignition with flames larger or stronger than those of a match or lighter are prohibited as

sources of ignition for fireworks and novelties. No person under the age of 18 shall ignite consumer fireworks.

(F) No person shall discharge fireworks or novelties other than in a manner prescribed by the manufacturer's directions for use, and no person shall discharge consumer fireworks while within a building or enclosed space; within 50 feet of a flame or flammable surface; within 20 feet of a property line; within any public roadway or public right-of-way; within, upon, or from a motor vehicle; at any person, vehicle, or conveyance; within 500 feet of a gasoline service station; during weather conditions involving wind speeds in excess of 10 miles per hour; from any location not at ground level; from any surface that is not flat and level; without keeping a bucket of water or garden hose ready to address accidents; within 25 feet of a building; from within any type of container or other object that could reasonably be foreseen to impede the aerial progress of the firework, or to cause a fire or explosion, after its ignition; or between the hours of 11:00 p.m. and 7:00 a.m.

(G) An owner, occupant, or other person with control of the real property shall not allow, permit, or otherwise consent to the possession or display of fireworks on the property. An owner, occupant, or other person with control of the real property shall be presumed to have consented to the possession or display of fireworks on the property if law enforcement or fire officials observe and document the existence of unlawful fireworks on the premises, or the existence of the remnants of unlawful fireworks on the premises indicative of the use or display of such fireworks.

(H) Any individual who violates the restrictions in (D), (E), (F), or (G), or who aids, abets, perpetuates, participates in, or otherwise promotes the actions of the individual that violate said restrictions, may be cited and prosecuted for the applicable ordinance violation(s) and/or shall be responsible for a municipal civil infraction. If the unlawful activity does not cease or resumes within 72 hours after issuance of a municipal civil infraction citation, the owner, occupant, or other person with control of the real property where the violations are occurring and/or the person who has or shares control of the fireworks shall be guilty of a misdemeanor.

(I) A law enforcement officer and/or fire official may confiscate and impound all fireworks and fireworks paraphernalia involved in causing a violation of this article or which are found to be within the access and control of the violator(s). If the impounded items are lawful to possess, they may be retained as evidence until any court proceedings or citations have been adjudicated and any probationary periods have been completed. If the impounded items are unlawful to possess, the police department or fire department shall dispose of or destroy the items in accordance with evidence protocols that will still allow for effective prosecution of the charged offenses without actual retention of the items. If any fireworks are retained by the City, they shall be stored in compliance with the Act and rules promulgated under the Act. The person from whom fireworks are seized under the Act or this Article shall pay the actual costs of storage and/or disposal of the

seized fireworks. The police department may dispose of the seized fireworks by providing them to a disposal organization approved by the chief of police or designee, or by allowing them to be used by City police, fire, and code enforcement agencies for training purposes.

(J) Unless otherwise specified herein, novelties are not subject to any of the regulations in this Article, except that they may not be utilized in such a manner as to cause, create, or perpetuate a violation of any other section of the City Code of Ordinances.

§ 146-16. Display Fireworks and Pyrotechnic Special Effects; Permit Required.

No person shall discharge any Display Fireworks without a permit issued by the City Council. Pyrotechnic special effects shall not be discharged or displayed without a permit issued by the Fire Marshal. Permit applicants shall follow the procedures set forth in §§ 20-21 through 20-125 of this article. Permits are not transferable and shall not be issued to a minor.

§ 146-17. Responsibility.

(A) An owner, occupant, or other person with control of real property shall not allow, permit, or otherwise assent to the possession or display of Display Fireworks on the property or an adjacent public way if such possession or display is in violation of this subdivision.

(B) An owner, occupant, or other person with control of real property shall be presumed to have assented to the possession or display of Display Fireworks on the property or adjacent public way in violation of this subdivision if law enforcement or fire officials observe and document the existence of unlawful fireworks on the premises or the adjoining public way, or the existence of the remnants of unlawful fireworks on the premises or adjoining public way indicative of the use or display of such fireworks.

(C) A person who pleads to or is found responsible for a violation of subsection (A) shall clean up any fireworks remnants on or adjoining the person's property, or pay the City's costs for such clean up, and reimburse the City's actual costs for destruction of any unlawful fireworks and materials impounded by law enforcement or fire officials during investigation of the unlawful activity under subsection (A).

(D) A violation of subsections (A) or (C) is a municipal civil infraction. If the unlawful activity does not cease after issuance of a municipal civil infraction citation, the owner, occupant, or other person with control of the real property shall be guilty of a misdemeanor.

§ 146-18 – 146-20. Reserved.

Article IV – PERMIT PROCEDURES

§ 146-21. Application; Renewal.

- (A) Every applicant for a permit to use or discharge Display Fireworks and/or pyrotechnic special effects shall submit to the Fire Department, with a nonrefundable application fee, current and fully completed application on a form provided by the Fire Department.
- (B) The fees shall be set by the City's fee Resolution in an amount to cover the cost of investigation, review, and inspection by the City of the premises which will be used for the use or discharge of Display Fireworks and/or pyrotechnic special effects.
- (C) A permit shall not be issued to a nonresident person, firm, or corporation for ignition of articles pyrotechnic or Display Fireworks until the person, firm, or corporation has appointed in writing a resident member of the bar of this state or a resident agent to be the legal representative upon whom all process in an action or proceeding against the person, firm, or corporation may be served.
- (D) All applications shall contain the following information:
- (1) The name, residence address, and telephone number of a resident agent who is a natural person (no post office boxes will be accepted as legal addresses);
 - (2) The name, residence address, and telephone number of the applicant:
 - (a) If the applicant is a corporation, the name, residence address, and telephone number of each of the officers and directors of the corporation and of each stockholder owning more than 10% of the stock of the corporation if that individual is or will be involved in the management and/or operation of the business. The applicant shall also provide the name, residence address, and telephone number of each individual who will be involved in the management and/or operation of the business, as well as documentation that the corporation is in good standing in the state of incorporation;
 - (b) If the applicant is a partnership, the name of the partnership and the name, residence address, and telephone number of each of the partners having at least a 10% ownership interest, as well as any individual who is or will be involved in the management and/or operation of the business;

(c) If the applicant owns stock or has a financial interest in any other business which sells or manufactures fireworks, the name, address, and telephone number of the corporation and the name, address, and telephone number of each such business;

(3) The address and legal description of the property where the fireworks will be displayed, or where pyrotechnic special effects will be displayed;

(4) Authorization for the City, its agents and employees to seek information and conduct a safety inspection of the premises where fireworks will be displayed, or where pyrotechnic special effects will be displayed. The applicant shall give such additional information and identification necessary to discover the truth of the matters required to be set forth in the application; and

(5) The application shall be signed and sworn to by the applicant.

(E) Permits. In addition to the other conditions set forth in this section, permit applications shall be subject to background investigations to determine whether the applicant has ever been involved in criminal or fraudulent activities, or has ever had a license or permit suspended or revoked for cause.

(1) If, as a result of the investigation, the Fire Marshal or Chief of Police has reasonable cause to believe that the applicant may cause or present a danger to public safety if granted a fireworks display permit, the City Council may deny the application.

(2) If, as a result of the investigation, the Fire Marshal or Chief of Police has reasonable cause to believe that the applicant may cause or present a danger to public safety if granted a pyrotechnic special effects display permit, the Fire Marshal may deny the application.

(F) Applicants for a permit to use, discharge, or display fireworks or pyrotechnic special effects must demonstrate financial responsibility in the form of a bond or insurance policy in an amount, character, and form deemed necessary by the City Council for the protection of the public.

(G) Before granting a permit to use, discharge, or display fireworks, the City Council shall rule on the competency and qualifications of the operator of the display as required under NFPA 1123, and the time, place, and safety aspects of the display.

(H) Cost of policing. Fireworks displays vary in size and scope, and displays of large magnitude cause the City to incur significant additional expenses for police, fire, and emergency services. Therefore, in addition to the nonrefundable application fee, an applicant for a permit to use, discharge, or display fireworks shall deposit with the City,

as a condition of enjoying the privileges inherent in receipt of a permit, an amount reasonably calculated to reimburse the City for the cost of additional police and emergency services. The City shall hold such amount, to be determined by the City Council at the time the permit application is considered, in escrow until after the fireworks display. In determining the amount, the City Council may utilize its past experiences and the experiences of other communities. The City shall itemize its additional police and emergency services expenses incurred as a result of the fireworks display and may draw from the escrowed funds to achieve full reimbursement. Remaining funds shall be returned to the permit applicant. In the event that the escrowed funds are insufficient to cover the City's actual costs under this division (H), the City shall serve an invoice upon the permit applicant with a demand for payment. Failure of a permit applicant to comply with any of the provisions of this division (H) shall be a misdemeanor.

(I) Term. Permits for the use or discharge of Display Fireworks or pyrotechnic special effects are valid only for the date(s) and time(s) stated on the permit itself. Each subsequent use or discharge of Display Fireworks or pyrotechnic special effects shall require a new permit, and the applicant shall follow the application process set forth in this article.

(J) Display permit conditions. The issuance of a permit for the use or discharge of Display Fireworks or pyrotechnic special effects shall be conditioned upon compliance with all of the terms and conditions of this article, as well as the provisions of Chapter 33 of the International Fire Code. In addition, the issuance of such a permit shall be conditioned upon the following:

(1) The applicant and property owner must execute a written agreement, in a form approved by the City Attorney, to allow police, fire, and emergency personnel designated by the City to be present on the premises before, during, and after the fireworks or pyrotechnic special effects display for purposes of supervising and inspecting the display and surrounding conditions for public safety hazards and violations of City codes and ordinances; and

(2) The applicant and property owner must execute an indemnification agreement, in a form approved by the City Attorney, to indemnify the City for any and all liability or damages incurred by any person or entity as a result of the fireworks or pyrotechnic special effects display.

§ 146-22. Investigation.

(A) Upon receipt of the fully completed application, fees, and such other information as may be required or requested by the Fire Department, the Fire Marshal shall schedule a safety inspection to examine the premises where fireworks will be displayed, or where pyrotechnic special effects will be displayed.

(B) If the Fire Marshal finds reasonable cause to believe that other code violations exist which are not fire safety related, the Fire Marshal may refer the application to the Building Official, or his or her designated representative, who shall cause a thorough inspection of the premises to be made to ensure that the premises are in compliance with all pertinent provisions of state law and local ordinances. The results of such inspections shall be returned to the Fire Marshal within 30 days of the date the application was referred.

(C) For fireworks display permits, the Fire Marshal shall forward his or her recommendation to the City Council for consideration of the permit application within 120 days of receipt of the properly completed application. For pyrotechnic special effects display permits, the Fire Marshal shall issue a decision to grant or deny the permit within 60 days of receipt of the properly completed application.

§ 146-23. Certificate or Permit; Refusal, Suspension, Revocation, or Nonrenewal.

A permit issued under this article may be refused by the Fire Marshal or suspended, revoked, or not renewed by the City Council for cause. The term CAUSE as used in this Article, shall include the doing or omitting of any act or permitting any condition to exist on the premises for which a permit is issued, which act, omission, or condition is contrary to the health, safety, and welfare of the public, is unlawful, irregular, or fraudulent in nature, is unauthorized or beyond the scope of the permit issued, or is forbidden by this Article or any applicable law. Cause shall include but not be limited to:

(A) Fraud or material misrepresentation in the application;

(B) Fraud or material misrepresentation in the operation of the business or during a safety inspection;

(C) Any material violation of this article or of the regulations authorized herein;

(D) Any violation of federal or state law or local ordinance which creates a risk to the health, safety, or welfare of the community;

(E) Conducting the business in an unlawful manner or in such a manner as to constitute a maintenance of a nuisance upon or in connection with the premises for which a permit is issued. For purposes of this Article, NUISANCE shall be given its normal and customary meaning and shall include the nuisances found within Chapter 203 of this code as well as, but not be limited to, the following:

(1) Existing violations of building, electrical, mechanical, plumbing, zoning, health, fire, or other applicable regulatory codes;

(2) A pattern or practice of patron conduct which is in violation of the law and/or interferes with the health, safety, and welfare of the properties in the area.

(F) Failure by the owner or operator to permit inspection of the premises by the City's agents or employees in connection with the enforcement of this Article;

(G) Failure to pay personal property taxes, other City obligations and real property taxes by February 14 of each year.

§ 146-24. Procedure for Nonrenewal, Revocation, or Suspension.

(A) Before any action is taken concerning revocation or suspension of a permit, the City shall serve the holder of the permit by personal service or first class mail, served or mailed at least ten days prior to a hearing, with notice of hearing before the City Council or a hearing panel designated by the City Council to conduct a hearing and forward a recommendation to the City Council, which notice shall contain the following:

(1) Date, time, and place of the hearing;

(2) Notice of the proposed action;

(3) Reasons for the proposed action;

(4) Names of witnesses known at the time who will testify;

(5) A statement that the holder of the permit may be represented by legal counsel, present evidence and testimony, and confront and cross-examine adverse witnesses;

(6) A statement requiring the holder of the permit to notify the City Attorney's office at least three days prior to the hearing date if he, she, or it intends to contest the proposed action and to provide the names of witnesses known at that time who will testify on his, her, or its behalf.

(B) Upon completion of the hearing, and after a decision by the City Council, the City shall submit to the holder of a permit a written statement of the findings and determination of the City Council within 30 days.

(C) Revocation may occur prior to hearing if there is an immediate and significant risk of harm to persons or property as determined by the Fire Marshal, or his or her designee.

§ 146-25. Denial; Hearing.

(A) Any person whose initial request for a pyrotechnic special effects display permit, is denied by the Fire Marshal shall have a right to a hearing before the City Council, provided a written request for such a hearing is filed with the City Manager within ten days following such denial. The City Council shall have the right to affirm and sustain any refusal to issue a permit or the City Council may grant any such permit.

(B) In addition to the information required in this article, an applicant whose permit under this article was denied by the Fire Marshal should be prepared to submit and discuss any additional information required by the City Council for the appeal hearing.

§ 146-26 – 146-30. Reserved.

Article V – PENALTIES

§ 146-31. Violations and Penalties.

(A) Unless otherwise provided in this Chapter, if a person knowingly, intentionally, or recklessly violates this Chapter, the person is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than \$500.00, or both.

(B) In addition to any other penalty imposed for the violation of the Act or this Article, a person who tenders a plea of guilty, no contest, or responsible to a violation of this Article shall be required to reimburse the City for the costs of storing and disposing of seized fireworks that the City confiscated for a violation of the Act or this Article.

Section 2. Repealer. All ordinances or parts of ordinances in conflict herewith are repealed only to the extent necessary to give this ordinance full force and effect.

Section 3. Severability. If any article, section, subsection, sentence, clause, phrase, or portion of this ordinance is held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of remaining portions of the ordinance, being the intent of the City that this ordinance shall be fully severable.

Section 4. Effective Date. Provisions of this Ordinance shall become effective twenty (20) days following adoption.

AYES _____

NAYS _____

ABSENT _____

JOHN CHIRKUN, Mayor

Attested:

RICHARD STEENLAND, City Clerk

I, Richard Steenland, City Clerk of the City of Roseville, Macomb County, Michigan, do hereby certify that Ordinance No. _____ was adopted by the City Council of Roseville, assembled in regular session on _____, 2012. Said Ordinance was posted in the following places:

Roseville Police Station, 29753 Gratiot Avenue
Roseville Public Library, 29777 Gratiot Avenue
Roseville Civic Center, 29777 Gratiot Avenue

Notice of said posting was published in *The Macomb Daily* on _____, 2012.

Richard Steenland, City Clerk

**CITY OF ROSEVILLE
MACOMB COUNTY, MICHIGAN**

**RESOLUTION ESTABLISHING COMMERCIAL REHABILITATION DISTRICT
FOR 20891 13 MILE, ROSEVILLE MICHIGAN**

Minutes of a Regular Meeting of the City Council of the City of Roseville, County of Macomb, Michigan, held in said City on Tuesday, August 14, 2012 at 7:00 p.m., local time.

PRESENT:

ABSENT:

The following preamble and resolution were offered by _____, and supported by _____, to adopt the following Resolution establishing a Commercial Rehabilitation District for 20891 13 Mile, Roseville, Michigan.

Resolution Establishing Commercial Rehabilitation District for City of Roseville, Michigan.

WHEREAS, pursuant to PA 210 of 2005, the City of Roseville has the authority to establish "Commercial Rehabilitation District" within the City of Roseville on its own initiative with the purpose of stimulating redevelopment activity; and

WHEREAS, the City Council of the City of Roseville determined that the district meets the requirements set forth in sections 2(b) and 3 of PA 210 of 2005; and

WHEREAS, written notice has been given by certified mail to the county and all owners of real property located within the proposed district as required by section 3(3) of PA 210 of 2005; and

WHEREAS, on August 14, 2012 a public hearing was held and all residents and taxpayers of the City of Roseville were afforded an opportunity to be heard thereon; and

WHEREAS, the City Council deems it to be in the public interest of the City of Roseville to establish the Commercial Rehabilitation District as proposed;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Roseville that the following described parcel(s) of land situated in the City of Roseville, Macomb County, and State of Michigan, to wit:

PARCEL ID: 14-03-354-001

T1N,R13E SEC 3 S 1/2 OF SW 1/4 OF SW 1/4 EXC BEG AT SW COR SEC 3; TH N01*55'27"W 672.42 FT; TH S89*46'44"E 690.28 FT TH S01*53'49"E 673.28 FT; TH N89*34'36"W 690.03 FT TO PT BEG 9.309 A CITY OF ROSEVILLE

be and here is established as a Commercial Rehabilitation District pursuant to the provisions of PA 210 of 2005.

AYES:

NAYS:

RESOLUTION DECLARED ADOPTED.

Clerk

I hereby certify that the foregoing constitutes a true and complete copy of a resolution adopted by the City Council of the City of Roseville, County of Macomb, Michigan at a Regular Council meeting held on August 14, 2012.

This Employment Agreement made and entered into the _____ day of August, 2012, by and between the CITY OF ROSEVILLE; by and through the Roseville City Council, and Robert Cady.

In consideration of the mutual covenants and agreements herein contained, the parties hereby agree to the following as the conditions covering their employment relationship, namely:

1. Robert Cady shall continue to be employed as the City Controller/Assistant City Manager for the City of Roseville;
2. The term of said employment is indefinite and may be terminated by either party at any time with fifteen days written notice;
3. Robert Cady's salary as City Controller/Assistant City Manager shall equal the top rate of a Group IV Supervisor annually, plus the longevity to which he would be entitled under the provisions of the AFSCME Local 1917 contract;
4. During employment as City Controller/Assistant City Manager, Robert Cady shall retain all contract rights, including but not limited to pension benefits, health benefits, sick and vacation time(he will start at 15 days per year - the step of a 4 year employee), as granted employees under the provisions of the AFSCME Local 1917 contract;
5. During employment as City Controller/Assistant City Manager, Robert Cady shall receive the same percentage wage increases that may be granted the supervisory employees in future contracts;

IN WITNESS WHEREOF, the parties hereto have hereunder set their hands and seals the day and year first above written.

BY: _____
Robert Cady

BY: _____
John Chirkun, Mayor