

**MINUTES OF THE VIRTUAL & IN-PERSON
REGULAR MEETING OF THE HIGHLAND PARK CITY COUNCIL**

APRIL 4, 2022

Council convened at 7:00 p.m. with Council President Clyburn presiding.

Present: Council Pro Tem Patrick, Councilmember McDonald, Councilmember Bates, Councilmember Armstrong, and Council President Clyburn (5).

Absent: (0).

A quorum being present, Council was declared in session.

APPROVAL OF AGENDA

Moved by Council Pro Tem Patrick
Supported by Councilmember Armstrong

To approve the agenda as presented. Yeas (5), Nays (0), Absent (0).

APPROVAL OF MINUTES

Moved by Councilmember Armstrong
Supported by Council Pro Tem Patrick

To approve the minutes of the In-person and Virtual Workshop meeting held March 21, 2022. Yeas (5), Nays (0), Absent (0).

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Moved by Councilmember Armstrong
Supported by Council Pro Tem Patrick

To approve the minutes of the In-person and Virtual Regular meeting held March 21, 2022. Yeas (5), Nays (0), Absent (0).

**VETO
04-04-22 V**

The following veto was received from Mayor Yopp.

On March 21, 2022 The Highland Park City Council passed a resolution regarding amending the previously approved FY 2021-2022 City Budget to remove \$50,00.00 from the Law Department Budget for payment to Bodman PLC for services rendered and to be rendered to the City Council. Because this action violates both State law and the Highland Park City Charter you are hereby on notice that pursuant to the authority vested in the Mayor under Section 6-3, I must and am vetoing this resolution. Any delay in payment is caused by your action.

The resolution is a legal document. The City Council is well aware that as such it should have been, but was not, reviewed by City Attorney, as required by the City Charter, Section 7-5 (6). The document itself is a long and detailed document, which strongly suggests, based upon the brief pre-vote discussions, improper deliberations by members of Council in violation of the Michigan Open Meetings Act MCL 15.2263, which contains both civil and criminal remedies.

The resolution is vetoed because it violates Section 8.8(a) of the City Charter, Operation Appropriations- Expenditures and Transfer which provides that after the budget has been adopted, only upon the recommendation of the Mayor can this action be taken. My recommendation has not been sought or given. Further, my position in this action is consistent with MCL 141.437, the Michigan General Appropriations Act which provides that City Council lacks the unilateral authority to amend a previously adopted budget by making transfers or appropriations not authorized by the Mayor. See Detroit City Council v. Stecher, 430 Mich 74 (1988). Michigan Supreme Court.

Finally, there appears to be an obvious attempt to have the city's Department of Law inadequately funded. This, also, has been found by the court to be improper. An appropriation to fund the law department must meet the city's obligation to fund statutory and municipally mandated duties at a serviceable level. If after a local funding unit has made its appropriations, if found to be insufficient, a court action may be brought to obtain funding sufficient to perform its legal obligations. Wayne Co. Pros. v. Wayne County Bd of Comm'rs 93 Mich App 114 (1979). Pursuant to my authority under Section 6-3 of the Highland Park City, I am vetoing this action and suspending the operation of this resolution.

Moved by Councilmember Bates
Supported by Councilmember Armstrong

To override the veto. Yeas (5), Nays (0), Absent.

ORDINANCE – 1st READING
04-04-22 VI a

The following ordinance was submitted as a 1st read

An Ordinance to amend the Highland Park Administrative Code, by replacing Section 608.

NOW THEREFORE, The City of Highland Park ordains:

SECTION 608 ANIMAL ORDINANCE.

608.01 KEEPING ANIMALS IN THE CITY.

No person shall keep any cattle, sheep, goats, hogs, chickens or pigeons in the City, except with the permission of Council upon a proper showing that the keeping of the same will not create a nuisance. Permission so given shall be revocable at the will of Council.

(Ord. 337; 1959 Code Sec. 4-210)

608.02 KILLING ANIMALS.

No person, except the duly constituted authorities of the City, shall kill any cattle, sheep, hogs or other animals in the City without first obtaining permission to do so from Council.

(Ord. 337; 1959 Code Sec. 4-211)

608.03 DISPOSITION OF DEAD ANIMALS.

When an animal dies within the City, the owner or the person in possession of such animal shall, within twelve hours thereafter, cause the same to be removed from the City or disposed of in a manner approved by State Law.

(Ord. 337; 1959 Code Sec. 4-205)

The Chief of Police shall report to Council any violation of Section 608.01, 608.02 or 608.03.

(Ord. 337; 1959 Code Sec. 4-213)

608.04 ADEQUATE CARE.

No person having charge or custody of any animal, bird or fowl either as owner or otherwise shall fail to provide sufficient food, water, shelter, sanitary conditions and medical attention in order to maintain an animal in a state of good health.

608.05 CRUELTY TO ANIMALS.

No person having the charge or custody of any animal, bird or fowl, either as owner or otherwise, shall abandon, neglect or intentionally deprive of necessary sustenance, place in a life-threatening situation, torture, torment, cruelly beat, mutilate or cruelly kill such animal, bird or fowl, or inflict upon any such animal, bird or fowl unnecessary cruelty.

(Ord. 1076. Passed 6-19-78.)

608.06 NUMBER OF DOGS LIMITED.

No person shall own, harbor or keep more than three dogs over four months of age at any one time in a residential building, a garage, a residential building and garage or in any other building, or on a residential, business or other lot, in the City, whether or not the dogs have been licensed as provided in this chapter. If a residential building contains more than one dwelling unit, no

person shall own, harbor or keep more than three dogs over four months of age in such dwelling unit.

This section does not apply to a veterinary hospital, an established commercial pet shop or any other institution that might be carrying on experiments with dogs in the interest of public health or any other proper use to which live dogs might be put for experimental purposes.

(Ord. 821; Ord. 957; 1959 Code Sec. 4-406)

608.07 LICENSING OF DOGS.

(a) Required. No person shall own, harbor or keep a dog four months of age or over in the City without first having obtained a license from the City Clerk, as provided in this section. (Ord. 821; Ord. 957; 1959 Code Sec. 4-406)

(b) License Application; Issuance; Fees; Rabies Vaccination. Upon application made to the City Clerk, giving the full name and residence of the applicant, and upon furnishing a certificate to the Clerk that the dog to be licensed has been vaccinated with a vaccine licensed by the United States Department of Agriculture and signed by an accredited veterinarian, the expiration of which is not earlier than December 31 of the year for which the license is to be issued, the Clerk shall issue to such applicant a license, together with a tag of white metal which tag shall contain the number of the license duly stamped or engraved thereon and the year when issued together with the words "Dog License, Highland Park, Michigan" and the word "Vaccinated." However, before the Clerk delivers such license and tag as above provided, the applicant therefor shall pay the City Treasurer twenty dollars (\$20.00) for each dog.

(c) Such license shall entitle the applicant to keep or harbor the dog for the term commencing from the date of such license and terminating on the April 30 following, except as provided in subsection (a) hereof. When issued for a period of less than six months, the City Treasurer shall collect only fifteen dollars (\$15.00) for such license fee. The shape and style of the tag shall be changed each year on May 1. A license issued under this section shall expire on the April 30 following its issuance. The Clerk shall replace any lost tag for a charge of fifteen dollars (\$15.00). Before issuing a license, the Clerk shall inquire of the applicant if the dog has been immunized against rabies. If the dog has been immunized against rabies, the Clerk shall require the applicant to produce a certificate from a veterinarian. Such certificate shall be filed with the Clerk.

(Ord. 1021. Passed 10-7-74.)

(d) Collars; Duplicate Tags; Misuse of Tags. Each person who owns, possesses or harbors a dog six months of age or over shall provide the same with a substantial collar of durable material to which shall be securely attached the license tag required in this section. Duplicate tags, in case of loss, may be issued by the City Clerk at the expense of the applicant upon the filing of an affidavit of loss by the applicant. No tag shall be used on the collar of a dog other than that provided for in this section, and no person shall remove the collar or tag from a dog without the consent of the owner or of the party to whom the license is issued.

(e) No person shall put a vaccination tag on the collar of a dog that has not been immunized against rabies.

(Ord. 821; Ord. 957; 1959 Code Sec. 4-408)

608.08 DOGS RUNNING AT LARGE.

(a) No person harboring or keeping a dog, or having the custody or control of a dog, shall suffer the same to run at large at any time in the City. No person shall permit a dog, whether or not such dog is under leash, to run upon the private property of another and/or commit any nuisance thereon and/or do any damage thereto. A dog shall be deemed to be running at large under this section when it is not upon the premises where it is being harbored or kept and is neither under leash nor securely confined.

(b) No dog shall be permitted on a public highway or other public place, or upon premises other than where it is being harbored or kept, unless such dog has been immunized against rabies subsequent to the April 15 next preceding.

(Ord. 821; 1959 Code Sec. 4-409)

608.09 UNCONTROLLED DOGS; BARKING AND HOWLING; DANGEROUS DOG

(a) No person shall harbor or keep a dog which, by loud, frequent or habitual barking, yelping or howling, causes serious annoyance to the neighborhood and people passing to and from upon the streets.

(b) No person shall harbor or keep an uncontrolled dog. A dog that, without provocation, rushes or growls at, attempts to bite or bites a person is hereby declared to be an uncontrolled dog.

(c) Every person owning, keeping or harboring a dog that has been attacked or bitten by another dog or animal known to be afflicted with or having the symptoms of rabies, or which has bitten a person or other animal, or which has or is suspected to have contracted rabies, shall immediately notify the Chief of Police or the Animal Control Officer. Upon the demand of either such officer, such person shall immediately produce and surrender such dog to be held for observation at the dog pound for a period of ten days, provided that in the discretion of such officer, such dog may be quarantined for a like period of time on the premises of the person who is keeping or harboring such dog.

(d) No person shall suffer or allow a dog that has been quarantined to be on the streets of the City or away from such premises. It is unlawful for any person to refuse to quarantine or permit the quarantine of an animal when and as required.

(e) If at the end of ten days such dog has not developed rabies, it shall be released from the dog pound or the quarantine. If the dog has developed rabies within such period of time, it shall be destroyed either by the Michigan Humane Society.

(f) Whenever a dog is brought to the pound or is quarantined a second time for having bitten a person cat or dog, such dog shall be destroyed after having been held a sufficient time to meet the requirements State Law.

(g) A person allowing a dog habitually to remain and be lodged or fed in his or her house, store, building, enclosure or premises shall be construed as harboring or keeping the same within the meaning of this section.

(h) A person shall not harbor or keep a dangerous dog. A dangerous dog is one that:

(1) mauls or kills a person or otherwise has inflicted serious bodily injury upon a person or animal without provocation;

(2) has inflicted two or more bites upon one person or animal causing serious injury to the person or animal;

(3) has inflicted one or more bites upon two or more persons or animals causing serious injury to the persons or animals; or

(4) any dog owned or harbored primarily or in part for the purpose of dog fighting, or any dog trained for dog fighting.

(i) EXEMPTIONS

A dangerous animal does not include any of the following:

(1) an animal that bites or attacks a person who is knowingly trespassing on the property of the animal's owner;

(2) an animal that bites or attacks a person who provokes or torments the animal; or

(3) an animal that is responding in a manner that an ordinary and reasonable person would conclude was designed to protect a person if that person is engaged in lawful activity or is the subject of an assault.

(4) dogs owned and controlled by local, state and federal law enforcement agencies which are used in law enforcement or related activities.

(5) dogs that are kept for breeding, sale, sporting, boarding or training purposes with the proper business license and in accordance with the requirements of this Ordinance and the Laws of the State of Michigan.

(Ord. 821; 1959 Code Sec. 4-410)

608.10 ANIMAL CONTROL SHELTER.

Any animal in which shall be impounded that may be found running at large, harbored or owned contrary to this chapter shall be turned over to the Michigan Humane Society or Animal Control Shelter.

(Ord. 821; Ord. 861; 1959 Code Sec. 4-411)

608.11 IMPOUNDING OF DOGS.

(a) A resident of the City of the age of eighteen years or older or the Animal Control Officer, a Police Officer or another person so appointed for that purpose may, promptly seize, take up and place or cause to be placed, in the Animal Control Shelter a dog that may be found running at large, harbored or owned in the City contrary to this chapter. The Chief of Police shall keep record of each dog so delivered to the Animal Control Shelter, describing the same and stating the hour and date of such delivery. Such person, upon presenting such receipt to the City Treasurer, shall be entitled to receive the sum of fifteen dollars (\$15.00).

(Ord. 821; Ord. 980; 1959 Code Sec. 4-412)

(b) No person shall refuse to deliver up to a Police Officer, or other officer so designated to enforce this section, a dog kept or harbored in violation of this chapter.

(Ord. 821; 1959 Code Sec. 4-416)

608.12 RELEASE OF IMPOUNDED DOGS; UNCLAIMED DOGS; DISPOSITION.

(a) No licensed dog shall be released from the Animal Control Shelter except upon complying with demand the same pays to the City Treasurer a shelter fee of fifteen dollars (\$15.00), and no unlicensed dog shall be released from the shelter unless the owner or person entitled to demand the same first secures a license for such dog and pays to the City Treasurer a shelter fee of twenty dollars (\$20.00).

(b) The fee shall double for each subsequent time such dog is so impounded. a fee of one hundred twenty dollars (\$120.00) shall be paid before a dog shall be released from quarantine. A non-immunized dog shall not be released from the Animal Control Shelter unless the owner or person entitled to demand the same pays for immunization shots.

(c) However, if the owner or person entitled to claim a dog which has been impounded denies, under oath, that such dog was running at large in the City at the time the same was seized under Section 608.11(a), then such dog shall be released without the payment of the fee provided for in this section. In such case it shall thereupon be the duty of the officer having knowledge of the facts to forthwith immediately make complaint in a court of competent jurisdiction charging the person keeping or harboring such dog with the violation of this chapter for which such dog was impounded.

(d) The Chief of Police shall monthly file with the City Council a report showing the number of dogs impounded during the month, together with descriptions and dispositions of the same.

(e) A dog not claimed and released shall be destroyed, provided, however, that a dog shall not be destroyed within FIVE (5) days after its acquisition. If the dog has a collar, license or other evidence of ownership, the operator of the Animal Control Shelter shall notify the owner in writing, and disposition of the animal shall not be made within seven days from the date of mailing the notice. Each operator of the Animal Control Shelter shall maintain a record on each identifiable dog acquired, indicating a basic description of the animal, the date it was acquired and under what circumstances. The record shall also indicate the date of the notice sent to the owner of an animal and the subsequent disposition thereof.

(Ord. 821; Ord. 957; Ord. 980; 1959 Code Sec. 4-413)

This subsection does not apply to animals which are sick or injured to the extent that the holding period would cause undue suffering, or to animals whose owners request immediate disposal.

(Ord. 1020. Passed 7-15-74.)

(f) The City shall make provision for the sale, burying, carrying away or other disposal of the bodies of all dogs that have been destroyed.

(Ord. 821; 1959 Code Sec. 4-415)

608.13 EVIDENCE OF OWNERSHIP OF DOG.

In all prosecutions for a violation of any of the provisions of this chapter, the records in the City Clerk's office showing the name of the person to whom a dog license was issued, and the tag number shall be prima-facie evidence of the ownership of a dog wearing a tag with a similar number.

(1959 Code Sec. 4-417)

608.14 LIABILITY FOR DAMAGE BY DOG.

Every owner of a dog shall be liable for damages for any and all injuries to persons or property that may be caused by such dog on a public highway or public place, such damages to be determined and collected in appropriate legal proceedings therefor, in which proceedings a failure or refusal by such owner to comply with this chapter shall constitute prima-facie evidence of negligence.

(Ord. 821; 1959 Code Sec. 4-418)

608.15 CATS.

(a) Definitions. As used in this section, unless the context otherwise indicates:

(1) "Cat" means a carnivorous quadruped belonging to the feline family held as a domesticated cat. "Abandoned cat" means a cat found running at large, wearing no collar, tag or other evidence of ownership, the ownership of which the Police Department is unable to ascertain after diligent inquiry about the immediate neighborhood in which the cat is found.

(2) "Humane Officer" means the official in charge of the Animal Shelter and includes an authorized agent or employee of such facility.

(3) "Police Department" means the Police Department of the City, including the Animal Control Officer, the Impound Officer and their legally authorized assistants and employees.

(Ord. 805; 1959 Code Sec. 4-420)

(b) Number Limited; Exceptions. No person shall own, possess, shelter, keep or harbor more than three cats over six months of age at any one time in a residential building, in a garage, in a

residential building and garage, in a business building or any other building or on a residential, business or other lot in the City. This subsection does not apply to cats that are being kept by a veterinarian, in a veterinary hospital, by an established commercial pet shop or by any other institution in the City that might be carrying on experiments with cats in the interest of public health or for any other proper use to which live cats might be put for experimental purposes. (Ord. 805; 1959 Code Sec. 4-421)

(c) Inspections. No person shall refuse to show or exhibit, at any reasonable time, a cat which he or she is harboring, sheltering or keeping in his or her possession or custody to any duly authorized member of the Police Department or the Michigan Humane Society.

(Ord. 805; 1959 Code Sec. 4-422)

(d) Nuisance Prohibited; Impoundment; Destruction. No person shall own, possess, shelter, keep, harbor or maintain a cat under such conditions or in such a manner as to create a nuisance by way of noise, odor, menace to health or otherwise. The Police Department shall impound, or, if unable to apprehend the same, may destroy, a sick, diseased or abandoned cat which is running at large and creating a nuisance by way of noise, odor, menace to health or otherwise.

(Ord. 805; 1959 Code Sec. 4-423)

608.16 AUTHORITY OF ANIMAL CONTROL OFFICERS

(a), Animal Control Officers are authorized to enforce the provisions of this chapter concerning all animals within the city, including the care, control, regulation, disposition of such animals and work with the Michigan Humane Society or Animal Control Facility.

(b) The City shall designate Animal Control Officers to enforce the provisions of this chapter, or any rule or regulation promulgated thereto, including issuing and serving appearance tickets, citations, complaints, or other written notices to persons for violations of any of the provisions of this chapter.

(c) Animal Control Officers who are designated to enforce the provisions of this chapter shall have the right of entry, upon probable cause of a violation of this chapter, onto any premises, residence, or real property within the city for the purpose of capturing, collecting, or restraining any animal. Further, such officers shall have the right of entry, upon probable cause, to any premises, residence, or real property for the purpose of examining any animal suspected of having rabies, having been exposed to rabies, or having attacked or bitten a person or any animal.

(d) It shall be unlawful for any person to knowingly and willfully interfere with, hinder, resist, or obstruct an Animal Control Officer, Police Officer or any authorized agent or city employee, in the lawful performance of their duties as delineated in this chapter.

(e) It shall be unlawful for any unauthorized person to knowingly and willfully release, remove, or attempt to release or remove, any animal in the care or custody of an Animal Control Officer, including any animal located within the pound, or any vehicle or device used by Animal Control Officers to transport or restrain any animal.

(f) It shall be unlawful for any person to knowingly and willfully make a false statement, or to fail to reveal any fact, concerning any information required to be disclosed or otherwise provided to the City under any provision of this chapter.

(g) It shall be unlawful for any person to knowingly and willfully burn, deface, destroy, tear down, or otherwise damage, or attempt to burn, deface, destroy, tear down, or otherwise damage, any equipment, enclosure, or impoundment facility of animal control officers.

608.17 ANIMALS DECLARED PUBLIC NUISANCE; ABATEMENT; ANIMAL WASTE; RESPONSIBILITY FOR REMOVAL OF WASTE.

(a) Any animal which:

(1) Is unclaimed by its owner after being picked up by, or delivered to the care and control of, the Animal Control Officer, or a stray animal; or

(2) Bites a person; or

(3) Unreasonably disturbs or annoys the quiet, comfort, and repose of persons in the vicinity by loud, frequent, habitual, or repeated barking, howling or yelping; or

(4) Defecates, digs, or urinates upon any building, lawn, plant, shrub, tree, or any other public or private property, other than the property of the owner, may be declared to be a public nuisance, and subject to capture and abatement by the Animal Control Officer or by the Police Department, or by any other authorized governmental agency, in accordance with the provisions of the Michigan dog law of 1919, being mcl 287.261 et seq, or this chapter and the rules and regulations of the Police Department.

(b) It shall be unlawful for any owner of any animal declared to be a public nuisance to fail to immediately take any available and reasonable measures to abate such a public nuisance upon the oral or written notification of the owner of the animal by any person authorized to enforce the provisions of this chapter.

(c) Where any animal has defecated upon any building, lawn, plant, shrub, tree, or any other public or private property, other than the property of the owner, and the owner of the animal upon notice immediately and properly removes all feces deposited by such animal and disposes of same in a sanitary manner, the public nuisance condition shall be considered abated and not a violation of this section; provided, that it shall be lawful for a blind or disabled person with a guide or paws dog to fail to promptly and properly collect and dispose of any animal waste or excrement on any public or private property.

608.18 DESTRUCTION AND REMOVAL.

(1) Upon a sworn complaint that a dangerous animal is currently being illegally possessed or maintained in the City, the District Court or District Court Magistrate, shall issue a summons to the owner ordering the owner to appear to show cause why the animal should not be destroyed or removed from the City.

(2) Upon the filing of a sworn complaint as provided herein, the Court or Magistrate may order the owner or possessor to immediately turn the animal over to the Animal Control Officer or;

(3) An incorporated humane society to be retained by them, at the owner's expense, until a hearing is held and a decision is made for the disposition of the animal.

(4) After a hearing, the Court or Magistrate shall issue its findings and opinion as to whether the animal is subject to destruction or removal under this section. If so, the Court shall order the destruction of the animal at the expense of the owner or, in the alternative, at the court's discretion, order the animal removed from the City under terms and conditions which ensure such removal.

(5) Dangerous animals are subject to immediate seizure or pickup under this section and shall be subjected to destruction at the owner's expense or, in the alternative, removed from the City under terms and conditions which ensure such removal.

608.19 SEVERABILITY.

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

608.20 APPLICABILITY.

All ordinances or parts of ordinances in conflict with any of the provisions of this ordinance are hereby repealed.

608.21 EFFECTIVE DATE.

This ordinance shall take effect fifteen (15) days after the date of enactment, in accordance with the provisions of Section 6-2(b) of the City Charter.

608.99 PENALTIES AND SANCTIONS

A person who violates any section of this Ordinance shall be guilty of a misdemeanor punishable by up to a \$500 fine or 90 days in jail, or both. However, violations of Section 608.04 Adequate Care and Section 608.05 Cruelty to Animals, shall be guilty of a misdemeanor punishable by up to a \$500 fine or 93 days jail, or both.

Moved by Council Pro Tem Patrick
Supported by Councilmember Armstrong

This shall be the first reading of Highland Park Administrative Code Chapter 608.
Yeas (5), Nays (0), Absent (0).

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04-04-22 VI b

The following ordinance was submitted as a 1st read

An Ordinance to amend the Highland Park Business Regulation & Taxation Code, by adding to Sections 802.06, 802.10, and 802.19.

NOW THEREFORE, The City of Highland Park ordains:

SECTION 802 LICENSING IN GENERAL.

802.01

PURPOSE OF CHAPTER.

Because each commercial establishment located in the City is a basic part of the City and affects the physical and economic well-being of the City, necessitating special services from the City, in the form of fire, building, health and police inspections and services, (industrial and rental), such commercial establishments shall in all respects be in full compliance with this chapter. The purpose of this chapter is to provide for the means whereby the City may render the necessary inspections and services to commercial, industrial and rental establishments in order to promote, protect and safeguard the safety, health and welfare of the residents of the City and also to provide for the keeping of accurate records of commercial, industrial and rental activities and commerce within the City.

(Ord. Unno Passed 3-2-98.)

802.02 APPLICATION OF CHAPTER.

(a) Compliance Required; Accessory Uses and Structures. No business shall be commenced or continued within the City except as specifically, or by necessary implication, authorized by this chapter. Where a location is devoted to a principal use, customary accessory uses and structures are authorized, except as prohibited specifically or by necessary implication.

(Ord. 1118. Passed 11-15-82.)

(b) Relationship With Other Laws. The provisions of this chapter, of other ordinances of the City and of State law, relative to licenses, permits, businesses, premises or anything connected therewith, shall be construed to be complementary and supplemental to each other so far as relevant and, where not otherwise provided or inconsistent herewith, shall constitute a part of the regulations and conditions applicable generally to any particular license or permit in the same manner as though such provisions were fully written into each separate ordinance. Businesses and commercial establishments specifically regulated by other chapters in this Part Eight - Business Regulation and Taxation Code shall be governed by the provisions of such chapters. They shall be governed by the provisions of this chapter only to the extent that such other chapters are silent in any given area of regulation.

(Adopting Ordinance)

(c) Vested Rights. It is hereby expressly declared that nothing in this chapter shall be held or construed to give or grant to any person any vested right, license, privilege or permit.

(d) Administrative Standards. Whenever, in the course of administration and enforcement of this chapter, it is necessary or desirable to make any administrative decision, then the decision shall be made so that the result will not be contrary to the spirit and purpose of this chapter or be injurious to the surrounding neighborhood.

(Ord. 1118. Passed 11-15-82.)

802.03 RULES OF CONSTRUCTION.

As used in this chapter:

(a) The term "used for" includes "arranged for," "designed for," "intended for," "maintained for" and "occupied for."

(b) "Use," as a verb, shall be construed as if followed by the words "or is intended, arranged, designed, built, altered, converted, rented or leased to be used."

(c) Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions or events connected by the conjunction "and," "or" or "either or," the conjunction shall be interpreted as follows:

(1) "And" indicates that all the connected items, conditions, provisions, or events shall apply.

(2) "Or" indicates that the connected items, conditions, provisions, or events may apply singly or in any combination.

(3) "Either or" indicates that the connected items, conditions, provisions, or events shall apply singly but not in combination.

(d) References to sections include the section referred to and any further subsection contained therein.

(Ord. 1118. Passed 11-15-82.)

802.04 DEFINITIONS.

As used in this chapter:

(a) "Accessory use" means a use customarily incidental and subordinate to the principal use of a building and located on the same lot with the principal use of the building.

(b) "Commercial establishment" includes food establishments, retail sales establishments and service establishments.

(c) "Owner" means any individual, firm, association, partnership, corporation, trust or any other legal entity having sufficient proprietary interest in a commercial establishment to maintain and manage its operation.

(Ord. 1118. Passed 11-15-82.)

802.05 LICENSE REQUIRED; TRANSFERABILITY; RELOCATIONS.

(a) No person shall, directly or indirectly, operate, conduct, maintain or manage any commercial, industrial or rental establishment without first obtaining a license therefor from the City in the manner prescribed in this chapter. All licenses, when issued, shall name a specific person and shall not be transferable to any other person, whether related or unrelated.

(Ord. Unno. Passed 3-2-98.)

(b) (EDITOR'S NOTE: Subsection (b) was repealed by Ordinance 1166, passed July 20, 1987.)

802.06 APPLICATION FOR LICENSES; CONTENTS.

Each person required to obtain a license from the City under this chapter shall make application for such license to the City Clerk in the form and manner prescribed by the City Clerk and shall state under oath such facts as may be required for, or applicable to, the granting of such license, including the following:

(a) The full names, business addresses and residence addresses of all owners of the applicant's business and, if the applicant is a corporation, the names and addresses of each officer;

(b) The place or places in the City where it is proposed to maintain the applicant's business and the length of time during which it is proposed that such business be conducted;

(c) The nature, character and quality of the goods, wares, merchandise or services to be sold or offered for sale in the City by the applicant;

(d) The nature and kind of business which the applicant proposes to conduct and the manner of operating the same;

(e) A list of all assumed, trade or firm names under which the applicant intends to do business; and

(f) Whether or not the applicant or the person conducting or managing the applicant's business has been convicted of a crime, misdemeanor or a violation of any municipal ordinance and, if so, the full particulars in connection therewith.

(g) Photo identification of the owner for the new businesses. In cases of ownership by a corporation, the photo identification of the President, Chief Executive Officer, Chief Financial Officer, Head of Operations or the like shall be required.

(Ord. 1118. Passed 11-15-82.)

802.07 RESPONSIBILITIES OF CITY CLERK; REFERRAL OF LICENSE APPLICATIONS FOR REVIEW; ORDERS TO CORRECT VIOLATIONS.

(a) The City Clerk, by and through his or her designee, hereinafter known as the Inspection Division, shall enforce this chapter. The inspection of premises and the issuing of orders in connection therewith under this chapter shall be the responsibility of the Inspection Division.

(Ord. Unno. Passed 3-2-98.)

(b) Prior to the issuance of any business license, the City Clerk shall refer the application to the Zoning Official who shall review the application for compliance with the Zoning Code, to the Building Official who may review the application for compliance with the Property Maintenance Code, and to the Fire Marshal who may review the application for compliance with the Fire Prevention Code. Wherever, in the opinion of the City Clerk, it is necessary or desirable for any other department of the City to inspect any condition, he or she shall arrange for this to be done in such a manner that the owners or occupants of buildings are not subjected to visits by numerous inspectors or to multiple or conflicting orders.

(c) An order to correct any violation under this chapter shall not be issued without informing the Building Official, and it shall be the responsibility of the City Clerk, before issuing any such order, to determine that the order has the concurrence of any other department or official of the City concerned with any matter involved in the case in question.

(Ord. 1118. Passed 11-15-82.)

802.08 ISSUANCE OR DENIAL OF LICENSES.

(a) Upon compliance with the provisions of this chapter, and upon payment in full of the required license fee, the City Clerk shall issue a license tag, sticker, certificate, or similar evidence of the issuance of a license. Such evidence of license shall bear the signature of the City Clerk.

(b) The City Clerk may refuse to issue licenses applied for under this chapter for any one of the causes set forth in Section 802.15(b) as justification for suspension or revocation of licenses.

(Ord. 1118. Passed 11-15-82.)

802.09 GROUNDS FOR MANDATORY DENIAL OF LICENSES.

No license for the operation of a commercial, industrial, or rental establishment in the City shall be issued if one or more of the following conditions are determined by the City Clerk to exist:

(a) The building or premises of the commercial, industrial or rental establishment does not comply with the Zoning Code, the Property Maintenance Code, the Fire Prevention Code or any other ordinance or regulation of the City;

(b) The building or premises of the commercial, industrial, or rental establishment is in such an unsanitary or unsafe condition as to endanger the public safety, health and welfare.

(c) The owner of the commercial, industrial, or rental establishment, or such legal entity comprising the commercial, industrial or rental establishment, is indebted to the City and is delinquent in the payment of such debt.

(Ord. Unno. Passed 3-2-98.)

802.10 LICENSE TERM; FEES; REFUNDS; RENEWALS.

(a) Applications for the license required by Section 802.05 shall be every year or at such time as the applicant desires to commence operations in the City. Application forms for such licenses shall be made available by the City Clerk. Subject to the provisions of this chapter, the City Clerk shall cause to be issued a license to permit the operation of the commercial, industrial or rental establishment in the City for a period of one year which shall terminate within such one-year period. No license shall be issued except for the full license fee.

(Ord. Unno. Passed 3-2-98.)

(b) The required fee for each license issued shall be collected in full prior to or at the time of the issuance and delivery thereof.

(Ord. 1118. Passed 11-15-82.)

(c) No rebate or refund shall be made of any license fee, or part thereof, by reason of the death of the licensee or by reason of nonuse of the license or discontinuance of the operation of the commercial, industrial, or rental establishment.

(Ord. Unno. Passed 3-2-98.)

(d) Unless otherwise provided in this chapter, an application for renewal of a license shall be considered in the same manner as an original application, except that approval by Council shall not be required.

(Ord. 1118. Passed 11-15-82.)

(e) Prior year(s) license fees must be paid in full before renewing for the current year.

802.11 FEES; EXEMPTIONS.

(a) Council shall, by resolution, set the amount of the fee, and regulations pertaining thereto, to be paid by an applicant for any license issued by the City. (b) No license fee shall be required from any person exempt from payment of the fee by State or Federal law. However, such persons shall comply with all other provisions of this chapter. The City Clerk shall, in all such cases, issue to such persons licenses which are clearly marked as to such exemption and the reason therefor.

(Ord. 1118. Passed 11-15-82.)

802.12 CITY AND STATE LICENSES.

(a) The fact that a license has been granted to any person by the State to engage in the operation, conduct, maintenance or management of any business or premises shall not exempt such person from the necessity of obtaining a license from the City.

(b) No license required by this chapter shall be issued to any person who is required to have a license from the State until such person submits evidence of such State license and proof that all fees appertaining thereto have been paid.

(Ord. 1118. Passed 11-15-82.)

802.13 LOCATION RESTRICTIONS.

No license for the operation of a commercial, industrial or rental establishment in the City shall authorize the operation of a commercial establishment in more than one location, in the City. A separate license shall be required for each location of a commercial, industrial or rental establishment. For the purpose of this chapter, the determination of one location shall be construed such that all buildings containing the principal or accessory uses are connected or on the same lot or parcel, are operated and managed by the same person or owner and are a commercial, industrial or rental establishment with the same classification. However, two or more buildings separated by one or more dedicated public rights of way or by one or more buildings or vacant lots or parcels shall not be considered as one location.

(Ord. Unno. Passed 3- 2-98.)

802.14 DISPLAY OF LICENSES.

(a) Display of Current License. No licensee shall fail to display conspicuously on each vehicle or mechanical device, or machine required to be licensed by this chapter such tags or stickers as are furnished by the City Clerk and required by this chapter.

(b) Display of Expired License. No person shall display any expired, suspended, or revoked license or any license for which a duplicate has been issued.

(Ord. 1118. Passed 11-15-82.)

802.15 SUSPENSION OR REVOCATION OF LICENSES.

(a) Written Notice Required. Written notice of suspension or revocation of a license issued under this chapter, stating the cause for the suspension or revocation, shall be delivered to the licensee personally or mailed to his or her address, as stated in his or her application for the license.

(b) Causes. Licenses may be revoked or suspended by the City Clerk or the Mayor at any time for any of the following causes:

(1) Fraud, misrepresentation or false statement contained in the application for the license;

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

(3) A violation of any of the provisions of this chapter;

(4) Conducting a business in an unlawful manner or in such a manner as to constitute a breach of the peace or a menace to the health, morals, safety, or welfare of the public; or

(5) Failure or inability of the applicant to meet and satisfy the requirements and provisions of this chapter.

(Ord. 1118. Passed 11-15-82.)

802.16 APPEALS.

(a) Appeal to Mayor. Any person whose license is revoked or suspended, or who has not been permitted to renew his or her license, or who has been denied a license on an original application, shall have the right to a public hearing under oath before the Mayor, provided that a written request therefor is filed with the City Clerk within ten days following the delivery or mailing of the notice of revocation or suspension or within ten days following the refusal to issue or renew a license. Such public hearing shall comply with the requirements of the Open Meetings Act. The decision of the Mayor shall become final five days after mailing a copy of the decision of the Mayor to the license applicant and filing such decision with the City Clerk, unless within such five-day period the license applicant or the City Clerk has filed a written appeal to the Uniform Board of Appeals.

(b) Appeal to Uniform Board of Appeals. The Uniform Board of Appeals may reverse any refusal to issue or renew a license or any suspension or revocation of a license, and the Board may grant or reinstate any license. No revocation, suspension, or refusal to issue or renew a license shall become final until the license applicant has exhausted his or her remedies under this section.

(Ord. 1118. Passed 11-15-82.)

802.17 RECORDS.

The City Clerk, by and through his or her designee, hereinafter referred to as the Inspection Division, shall cause to be maintained a record of all commercial, industrial, and rental establishments in the City for the purpose of classifying, serving, inspecting, and licensing such establishments. Such record shall be made available, in total, to the Planning Commission, the Economic Development Corporation and the Chamber of Commerce in order to assist such bodies in maintaining their records of business conditions in the City and/or to compile a directory of all businesses in the City.

(Ord. Unno. Passed 3-2-98.)

802.18 GENERAL BUSINESS REGULATIONS.

(a) Closing Out Sales. No person shall advertise, represent or hold out that any sale of goods is an insurance, bankruptcy, mortgage, insolvent, assignee's executor's, administrator's, receiver's, trustee's, "removal or sale" or going out of business sale, or a sale of goods damaged by fire, smoke, water or otherwise, unless he or she first obtains a license to conduct the sale from the City Clerk under Act 39 of the Public Acts of 1961, as amended, being MSA Sections 19.401(1) et seq.

(b) Sale of Defective or Deteriorated Merchandise. No licensee of a commercial establishment shall sell or offer for sale any defective, faulty, incomplete, or deteriorated articles of merchandise, unless the goods are so represented to prospective customers.

(c) Sale of Goods Not Enclosed in a Structure. The sale of any goods, wares or merchandise from

premises which are not completely enclosed within a building is hereby expressly prohibited except for those items commonly sold as incidental to the prime operation or those items which by their nature must be or are usually stored out of doors. However, any organization based within the City may apply to Council for a permit to operate an outdoor enterprise, such as is commonly known as a flea market, for a limited time, which time shall be set by Council when granting such permit.

(Ord. 1118. Passed 11-15-82.)

(d) Sale of Gasoline, Kerosene and Other Flammable Liquids; Purchaser Information Required.

(1) Effective October 20, 1997, merchants of gasoline, kerosene and other flammables sold in containers must require the purchaser thereof to have directory information (i.e. name, address, telephone number and driver's license number.) Such directory information must be made available to law enforcement officers upon request.

(2) Failure to comply with paragraph (d)(1) hereof is punishable to the fullest extent of the law and may result in revocation of a business license.

(Res. Unno. Passed 10-20-97.)

802.19 VIOLATIONS.

(a) No person shall:

(1) Knowingly violate any of the provisions of this chapter or the rules for the enforcement of this chapter;

(2) Knowingly fail to comply with an order issued pursuant to this chapter by the City Clerk, the Mayor, the Uniform Board of Appeals or a court;

(3) Knowingly make a false or misleading written statement, or knowingly omit required information or a statement in an inspection report, application, petition, request for approval or appeal, to the City Clerk, the Mayor or the Uniform Board of Appeals;

(4) Knowingly refuse entry or access to an inspector lawfully authorized to inspect any premises, building or structure pursuant to this chapter;

(5) Unreasonably interfere with an authorized inspection;

(6) Knowingly issue, fail to issue, cause to be issued or assist in the issuance of a certificate, permit or license in violation of this chapter or a rule promulgated under this chapter or other applicable laws; or

(7) Having a duty to report a violation of this chapter or a rule promulgated under this chapter or other applicable laws, knowingly conceal such violation.

(b) With respect to a violation of paragraph (a)(2) hereof, a person is guilty of a separate offense for each week that he or she fails to comply with any order validly issued by an enforcing

agency. With respect to violations of paragraphs (a)(1) and (3) hereof, a person is guilty of a separate offense for each knowing violation of this chapter, or a rule promulgated under this chapter, and for each false or misleading written statement or omission of required information or a statement knowingly made in an application, petition, request for approval or appeal to the City Clerk, the Mayor or the Uniform Board of Appeals. With respect to the other paragraphs, a person is guilty of a separate offense for each knowing violation of this chapter.

(Ord. 1118. Passed 11-15-82.)

(c) In addition to any other remedies available by law to restrain, prevent, or abate further violation of this chapter; the City Clerk shall have the authority to summarily order the cessation of business and the close of premises.

802.20 LICENSE WITHHELD FOR DEBT TO CITY.

No license to maintain, conduct or engage in a business or commercial activity which is now, or may hereafter be, required to be licensed by the City shall be issued to a person unless and until such person has fully paid or satisfied any indebtedness to the City, except real estate taxes, on account of any previous business or commercial activity heretofore maintained, conducted, or engaged in by such person.

(Ord. 925; 1959 Code Sec. 6-2001)

802.21 CARDS IN LIEU OF BADGES.

A person, licensed to maintain, conduct, or engage in a business or commercial activity required to be licensed by the City, who is required by any ordinance of the City to possess a badge therefor, shall be given a suitable card in lieu of such badge.

(Ord. 602; 1959 Code Sec. 6-1702)

802.99 PENALTY. (EDITOR'S NOTE: See Section 202.99 for general Code penalty if no specific penalty is provided.)

If, after thirty days, a commercial, industrial, or residential owner fails to respond to the City's request for inspection, the Code Enforcement Official may issue a citation that will require adherence within ten working days, or a five-hundred-dollar (\$500.00) fine will be imposed and a fifty dollar (\$50.00) a day fine will be imposed afterwards. If the owner does not respond within ten days after the imposition of fines, the individual may be charged with a misdemeanor, and shall be subject to ninety days in jail if found guilty.

Moved by Council Pro Tem Patrick
Supported by Councilmember Bates

This shall be the first reading of Highland Park Administrative Code Chapter 802.
Yeas (5), Nays (0), Absent (0).

**CITY COUNCIL
04-04-22 VII**

The following resolution was submitted for approval.

Moved by Council Pro Tem Patrick
Supported by Councilmember McDonald

**RESOLUTION OF CELEBRATION AND DECLARATION FOR FORMER CITY
COUNCIL PRESIDENT AMEENAH OMAR**

WHEREAS, the Highland Park City Council would like to formally recognize and celebrate the contributions to the City of Highland Park by former City Council President, Ameenah Omar, **and**,

WHEREAS, former City Council President Ameenah Omar being a native daughter of Laurel, Mississippi and eventually the sister-in-law of the late Civil Rights icon 'Malcom X', saw firsthand the destructive nature of segregation and racism in the '*Old South*' **and**,

WHEREAS, through her tireless and relentless efforts in 1960 staged a '**Sit In**' with 8 others at the Jackson, Mississippi Public Library which led to the integration of the aforementioned Library **and**,

WHEREAS, prior and after her arrival in the City of Highland Park, earned and received numerous awards for her work, commitment and dedication representing the residents of the City of Highland Park, **and**,

WHEREAS, her leadership led her down the path to be elected to the *Highland Park City Council* in 1995 and served with distinction as its President from 2003 through 2009, **NOW**,

THEREFORE, BE IT RESOLVED, the Highland Park City Council now declares **June 7th, Dr. Ameenah Omar Day** in the great City of Highland Park, henceforth Now and Forever. Thank You Dr. Omar. Yeas (5), Nays (0), Absent (0).

**COMMUNITY DEVELOPMENT
04-04-22 VIII**

The following resolution was submitted for approval.

**RESOLUTION TO APPROVE CONTRACTS FOR MSHDA NEP GRANT ROUND 6
EXTERIOR RENOVATIONS**

Moved by Councilmember McDonald
Supported by Councilmember Bates

WHEREAS, NEP goals are intended to fund programs that are highly visible and impactful to the neighborhood and resident's quality of life; and where there is buy-in and demonstrated

support within the neighborhood and where people are engaged and facilitating change; and

WHEREAS, on April 19, 2021, a presentation was made to the City Council regarding the NEP award to Highland Park; and

WHEREAS, on July 6, 2021, the City approved a resolution to accept the \$75,000 MSHDA Neighborhood Enhancement Program (NEP) Round 6 award; and

WHEREAS, the funds are earmarked for exterior renovations to homes in the first two blocks of California Street (Highland Park Opportunity Zone) with six homeowners meeting preliminary qualifications for the program: 34 California, 40 California, 60 California, 70 California, 98 California and 102 California (addresses may change subject to resident's qualifications); and

NOW, THEREFORE, BE IT RESOLVED, that the City approves compensating contractors who have entered into MSHDA approved contracts with homeowners and have successfully completed the agreed upon exterior renovations (see bid sheets attached).

ENGINEERING
04-04-22 IX a

The following resolution was submitted for approval.

**A RESOLUTION GRANTING APPROVAL OF ALLEY AND STREET VACATION
FOR THE HAMILTON CORRIDOR PROJECT**

Moved by Councilmember Bates
Supported by Councilmember Armstrong

WHEREAS, pursuant to the City Code of Ordinances, it is the responsibility of the City of Highland Park to hold a public hearing; and

WHEREAS, the Highland Park City Council has received comments on the recommended street and alley vacations from citizens at a duly advertised public hearing on December 7th, 2020; and

WHEREAS, all comments received from citizens at a duly advertised public hearing have been documented; and

WHEREAS, the Engineering Department grants final approval of alley and street vacation upon applicant providing final documentation and addressing all outstanding issues as requested as part of the site plan review process; and

BE IT RESOLVED, that the City of Highland Park grants approval of the applicant's application for alley and street vacation for the Hamilton Corridor Project. Yeas (5), Nays (0), Absent (0).

04-04-22 b

The following resolution was submitted for approval.

**A RESOLUTION FOR THE ACCEPTANCE OF THE 2021 COMMUNITIES LEAP
(LOCAL ENERGY ACTION PROGRAM) PILOT TECHNICAL ASSISTANCE
GRANT FROM THE U. S. DEPARTMENT OF ENERGY BY THE CITY OF
HIGHLAND PARK ENGINEERING DEPARTMENT**

Moved by Councilmember McDonald

Supported by Councilmember Bates

WHEREAS, energy resources utilized by the community may significantly impact public health, safety, and welfare, and the economic and social well-being of residents; and

WHEREAS, the City of Highland Park is committed to pursue strategies to promote and facilitate clean energy, carbon reduction actions, ordinances, and policies; and

WHEREAS, the City of Highland Park recognizes the necessity to promote public awareness and education to its citizens concerning the environmental, health, economic, and societal benefits of pursuing a broad range of strategic measures related to renewable energy; and

WHEREAS, access to the financial and environmental benefits of energy efficiency and renewable energy must be shared equitably across all economic classes; and

WHEREAS, the City of Highland Park was awarded the technical assistance grant from the Department of Energy for a maximum amount of \$500,000 for technical assistance towards developing polices and or ordinances in the following areas: Clean Energy Planning and Development, Energy Efficient Buildings and Beneficial Electrification Planning and Investment, Clean Transportation Planning and Investment, Community Resilience Microgrids, and New or Enhanced Manufacturing; and

WHEREAS, the technical assistance requirement period is eighteen (18) months; and

WHEREAS, the Engineering Department will work with the Building Department, Department of Public Works, Community & Economic Development, and other City bodies, as well as Highland Park community based organizations to provide information and ensure the documents produced by the Department of Energy accurately reflect the needs of the community; and

BE IT RESOLVED, the City of Highland Park City Council accepts the 2021 Communities Leap (Local Energy Action Program) Pilot Technical Assistance Grant from The U.S. Department of Energy for a maximum amount of \$500,000;

WATER
04-04-22 X

The following resolution was submitted for approval.

A RESOLUTION FOR THE SUBMITTAL OF THE 2022 REDUCTION IN LEAD EXPOSURE VIA DRINKING WATER WIIN GRANT APPLICATION TO THE U.S. ENVIRONMENTAL PROTECTION AGENCY (EPA) BY THE CITY OF HIGHLAND PARK WATER DEPARTMENT

Moved by Councilmember McDonald
Supported by Council Pro Tem Patrick

WHEREAS, the City of Highland Park is under an Administrative Consent Order (ACO) by the Michigan Department of Environment, Great Lakes, and Energy (EGLE) formerly the MDEQ, effective July 28, 2017 regarding the existing water infrastructure; and

WHEREAS, the City of Highland Park previously received a Significant Deficiency Violation Notice from EGLE regarding April 11, 2016 regarding the existing water infrastructure; and

WHEREAS, the City of Highland Park previously received a Lead and Copper Monitoring Action Level (AL) Exceedance letter from EGLE on July 12, 2019 regarding the community water supply's 90th percentile value exceeding the action level for lead during the most recent round of lead and copper monitoring between June and September 2019; and

WHEREAS, the City of Highland Park, under the Michigan Safe Drinking Water Act, 1976 PA 399, as amended (Act 399) is required to perform water quality parameter monitoring, source water monitoring, document corrosion control treatment, and perform public education, as well as replace a designated number of lead service lines annually; and

WHEREAS, the Water Department, it is necessary for the City of Highland Park to apply for the WIIN Grant, to assist with reducing lead in drinking water and is intended to assist disadvantaged communities and schools with removing sources of lead in drinking water; and

WHEREAS, available funding includes \$10M in an anticipated one to two awards for reduction of lead exposure in the nation's drinking water systems through infrastructure and treatment improvement; and

WHEREAS, the City of Benton Harbor applied in 2020, with support from EGLE, and was awarded \$5.6M, the City of Highland Park will maximize its grant application request for lead service line replacements in the City of Highland Park, with support from EGLE; and

BE IT RESOLVED, the City of Highland Park City Council approves the submittal of the 2022 Reduction in Lead Exposure Via Drinking Water WIIN Grant Application to the U.S. Environmental Protection Agency (EPA) before April 19, 2022 for the replacement of

existing lead service lines. Yeas (5), Nays (0), Absent (0).

ADJOURNMENT

Moved by Councilmember McDonald
Supported by Councilmember Armstrong

To adjourn the meeting, motion carried, meeting adjourned at 7:43 p.m.

CERTIFICATE

I hereby certify that the attached is a copy of the minutes of the In-Person and Virtual Regular Meeting held the 4th day of April 2022 and that said minutes are available for public inspection at the address designated on the posted public notice.



Cidia Wicker-Brown, Deputy City Clerk