

**Codification of Ordinances
Public Hearing
July 22, 2015
6:30 P.M.**

The Pledge of Allegiance was led by the Board of Trustees.

The meeting was called to order by Supervisor Kerr at 6:30 p.m.

MEMBERS PRESENT: Supervisor Kerr, Clerk Pennington, Treasurer Ayotte, Trustee Cousineau, Trustee Stevens, Trustee Congdon, Trustee Gunnels (arrived at 6:34 p.m)

MEMBERS ABSENT: None

STAFF PRESENT: Chief Robert Kenny, Attorney Robert Swartwood, Attorney Otis Stout

Supervisor Kerr read the Resolution to adopt The Michigan Penal Code.

Motion by Trustee Cousineau, supported by Trustee Gunnels to open the public hearing on Codification of Ordinances. Motion Carried

BRIEF PUBLIC COMMENTS:

Public comments began at 6:36 p.m. Ended at 7:34 p.m with eleven comments.

1): Under Disturbing the peace

- a) Question: # 5 – fire, discharge, display or possess any firearms, air rifle, air pistol, bow and arrow, slingshot, or other dangerous weapon within or into the township property excepts the same may be licensed or required by law. What is considered township property? Township owned property or township resident owned property? Answer: *Township owned property*
- b) Michigan Penal Code – understand I came in late but what is it? *It is in your packet that you received at the door*
- c) # 13 – Again, is this Township owned property or township resident owned property? *Township owned property*
- d) # 10 – Loud language, talking, laughing that disturb any meeting. Doesn't want people to be singled out for example walking in late in a meeting and needs to get caught up or hard of hearing and asking neighbor what was said.
- e) # 23 b – Sounding of horns – what does that mean? Beeping to get someone's attention when picking them up or alarm?
- f) # 23 f – Grating, grinding, rattling noises of vehicles – very supportive on this one but what is the time frame? *Sun up to sun down*
- g) # 30 – snowball, do we really have an issue with throwing snow balls? *If someone throws a snow ball with rocks in them at cars or bullying someone*

2): wanted to recap on what she said at the last public hearing, that she thinks there is a hidden agenda with marijuana, because it smells and odor in one of the 15 Nuisance factors. She doesn't see any changes to this one from last one that was handed out. Attorney Swartwood read the state law on medical marijuana said local law cannot go over state law. She has had an ongoing problem with her neighbor with them blowing leaves in her yard would there be anything that can help this to stop. *Believe that in this language here we could find something to help, that's why it is here. But you need to file a complaint. Need to protect people if they are being abused.*

3): I must have missed something at last meeting when Bob asked if anyone was part of a victim of an over reach. I was building an AG barn and past building inspector came racing out there threatened to stop my progress called me a wanna be farmer, harassed me in three different ways. Had to call my farm bureau attorney to get him off my case. So there is government overreach. I believe if anyone is voting on this, they are putting their next term on the line.

4): The board has not narrowed down the ordinance with the residents' concerns, would like to see the marihuana act in the ordinance. A Resolution has no enforcement of the law and an ordinance does. The vote of the ordinance can only be brought up by a person who voted in the negative and doesn't understand why we are bringing it up again.

5): If it is covered under State and Federal then why do we need to have a local?
Attorney Swartwood ~ when written under local ordinance then the local government will receive the fine money, if written under State or Federal they will get the fine money..
Chief Kenny ~ enforcement of ordinances, working off complaints, fees are to offset the cost

6): Would like to see more of a break down a better definition on the Nuisance Factors such as sound, dust, odor, etc. Dust - I know people who moved out here from the city and have a fit because the farmers put too much mud on the road and causes a dust cloud. A baby crying all night that can be a nuisance, invasion of non-abutting street frontage by traffic. Being that we are a rural township what are we really talking about?
Supervisor Kerr – We are a rural township and appreciate that, this is an umbrella that's why the factors are there, this is an umbrella to be used if we need to. We have to let our police monitor.

Chief Kenny – need to know when your rights stop and your neighbor's begins.
Sound of people congregation of people, particularly at night – I have a fire in the back of my yard some time 50 to 100 people and it might go until 3 or 4 o'clock in the morning.

Supervisor Kerr – have you been cited?

No, I haven't but according to this I could be

Chief Kenny – you have to look at it this way if I receive a complaint, we will come down and talk to you. Your neighbor has rights, too, where do your rights end and theirs begin?

This is the same ordinance presented according to Parliamentary Law you have to have someone that voted against it to submit a motion for it to be heard again.

Supervisor Kerr – even at a different meeting

Attorney Swartwood – I have advised you how to proceed and I will stand by that advice.

7): to go with what has been said time it stops at 11:00 p.m that seems like city times we need county times

Supervisor Kerr – 11 is State Law

So we can have a fire after 11, radio and noise after 11

Supervisor Kerr – if you don't bother your neighbors

That's what I mean some of these ordinances seem like for a gated community not someone that lives in the country. It seems like everything is getting changed if we wanted so many ordinances we would have moved into the city and that's why a lot of us moved to the country.

8): listening to everyone now talk about smell and bringing up medical marijuana, I have read this ordinance and I don't see anywhere that it applies to that. Is that #12 under the Nuisance Factor objectionable effluent? To me that is if someone's empty sewer into the yard. The people talking about the medical marijuana I either missed something where would that fit in?

Attorney Swartwood – you are right that objectionable effluent is the discharge of sewage discharge.

People in the audience explain to her that it would fall under odor and fumes

Didn't realize that this was already defeated, don't you think as many people that are here at a board meeting shouldn't you make some changes and listen to the residents? We want to stay rural and still do; the residents have said that. I hope this is not a step to do that why, I personally don't but I am listening to a lot of people that think of it like that. Glad to see ordinances are getting codified it was much needed.

9): meeting has been canceled and changed days, people don't even know this was going on again. When I got here and looked at the Ordinances I said here we go again. Don't understand, why are we not focusing on the upcoming police and fire department, we don't have the funds, these people don't want it to go through but people we need this to go through this time.

Supervisor Kerr – we have to codify the ordinances before we can start talking about Special Assessment. We have to be focus on one this right now we have 7 out of the 8. It's a ripple effect.

Just wants to see in the Ordinance to exclude marijuana.

Supervisor Kerr – don't understand why we have to put it in there when state law covers that. Ordinances do not supersede state law.

10): Dust from the neighbors dirt driveway, will you be citing him? The factors need not be so vague, need more definitions.

11): We have beaten this to death, we never get 100% to support it but as a resident couldn't we come to the board and look at it again if we as residents feel that it needs to be changed or even looked at again? This is not written in stone.

Motion by Trustee Congdon, supported by Trustee Cousineau to close the public hearing. Motion Carried. Closed meeting at 7:22 p.m

BOARD COMMENTS:

Various comments were given by the board members.
Meeting adjourn at 7:34 p.m

Leanne Pennington, Clerk
Thetford Township