

AGENDA

Committee on Public Safety AGENDA FOR JANUARY 20, 2022 AT 4:00 PM



Lansing City Hall, City Council Conference Room
124 W Michigan Avenue, 10th Floor

To provide input or ask questions on any item that is listed on the agenda, members of the public may contact the City Council at city.council@lansingmi.gov or (517) 483-4177 prior to the meeting.

Based on the recommendations from the Centers for Disease Control (CDC) City Council is requesting members of the public, City Staff and Council Members wear face coverings at meetings of the City Council and their Committees.

Council Member Wood, Chairperson
Council Member Hussain, Vice Chairperson
Council Member Brown, Member

1. **Call to Order**
2. **Roll Call**
3. **Minutes**
 - A. December 9, 2021
4. **Public Comment on Agenda Items (Up to 3 Minutes)**
5. **Discussion/Action:**
 - B. RESOLUTION - Appointment; Krishna Signh as an At-Large member of the Board of Fire Commissioners for a term to expire June 30, 2022
 - C. RESOLUTION - Orders to Make Safe or Demolish to the owners of property located at 4108 Deerfield Ave
 - D. RESOLUTION - Orders to Make Safe or Demolish to the owners of property located at 2206 West Jolly Road
6. **Other**
 - E. DISCUSSION - Colonial Village, gun violence and violent crimes; LPD
 - F. DISCUSSION/ORDINANCE - Eaton County ORV Ordinance
 - G. DISCUSSION - Communication from Nancy Mahlow regarding removal of lights at Bancroft & Regent Park
7. **Adjourn**

Persons with disabilities who need an accommodation to fully participate in these meetings should contact the City Council Office at 517-483-4177 (TTY 711) 24 hour notice may be needed for certain accommodations. An attempt will be made to grant all reasonable accommodation requests.



MINUTES
Committee on Public Safety
Thursday, December 9, 2021 @ 4:00 p.m.
City Council Conference Room, 10th Floor City Hall

CALL TO ORDER

Council Member Garza called the meeting to order at 4:00 pm

PRESENT

Council Member Jeremy Garza, Chair
Council Member Carol Wood, Vice Chair
Council Member Brian T. Jackson, Member

OTHERS PRESENT

Sherrie Boak, Council Staff
Lisa Hagen, OCA
Mary Bowen, OCA
Scott Sanford, Code Compliance

MINUTES

MOTION BY COUNCIL MEMBER WOOD TO APPROVE THE MINUTES NOVEMBER 18, 2021 AS PRESENTED. MOTION CARRIED 3-0.

PUBLIC COMMENT

No public comment at this time

DISCUSSION/ACTION ITEMS

RESOLUTION – Setting a Show Cause Hearing in consideration of Orders to Make Safe or Demolish to the owners of property located at 4108 Deerfield

Ms. Boak clarified that this was to set a second hearing because the first hearing was held October 25, 2021 but a notice was not sent to the owners at that time.

Mr. Sanford updated the Committee on the property that was damaged by a fire April 10, 2018, noting the owner had hired new contractors however those contractors are complaining to his office that they are pulling permits and she is utilizing other acquaintances to do the work. Regarding inspections, the electrical, mechanical and plumbing rough inspections have failed. Lastly Mr. Sanford noted the City is not holding have funds on this project.

MOTION BY COUNCILMEMBER WOOD TO APPROVE THE RESOLUTION TO SET THE SHOW CAUSE HEARING FOR JANUARY 10, 2022 FOR THE PROPERTY LOCATED AT 4108 DEERFIELD AVENUE. MOTION CARRIED 3-0.

OTHER

The Committee requested that the future Committee on Public Safety add an agenda item under "Other" that will speak to current issues in Colonial Village, gun violence in the City particularly the south side of Lansing, along with other violent crimes in Lansing. The Committee requested that an invitation be extended to the LPD Captain and LPD Chief to attend.

ADJOURN

Adjourned at 4:07pm
submitted by Sherrie Boak,
Recording Secretary, Lansing City Council
Approved as presented on

DRAFT

Application for Appointment to Board or Commission

Thank you for your interest in serving on a Lansing Board, Commission, or Committee.

Certain boards, commissions, or committees require appointees to be a registered elector in the City of Lansing (Charter Section 2-102) and be a resident of Lansing for one year prior to taking office (Charter Section 2-102).

Appointees to every board, commission, or committee must not be in default to the City at the time of taking office (Charter Section 2-103.2) and not have been convicted, within 20 years of taking office, of a violation of the election laws of the City of Lansing, State of Michigan, or the United States; a violation of public trust; or any felony (Charter Section 2-103.1).

Lansing City Charter, Section 5-104, Ineligibility For Boards, restricts certain City employee activities on some boards: "No person holding another City office or activity employed by the City shall be eligible to be a voting member on any board."

Date	12/13/2021
First Name	Krishna
Middle	J
Last Name	Singh
Other name(s) by which you have been known, including maiden names	Kris Singh, Balkrishna Singh
Date of Birth	
Address	3123 N. Grand River Ave
City	Lanssing
State	MI
Zip Code	48906
Email	underwaterfrog@hotmail.com
Gender	male

If you don't know which ward you live in, visit the [Lansing Neighborhoods Ward Map](#) and type in your address to find out!

Ward	Ward 4
Best Phone Number to Contact You	5172422428
In what year did you move to Lansing?	Born and raised (1963)
Additional Information Regarding Experience and Credentials	I am a lifelong resident of Lansing Michigan, except for times of military service, and am a proud citizen of our great city. Having the honor of service and "giving back" is part of my fabric, and a joy to me. Over the years with LFD I volunteered for numerous extra tasks involving the Lansing community and have always taken pride in executing those tasks to the best of my ability. I believe, humbly, that my commitment to service is evidenced by my service record, 39 years in a uniform.
Occupational Background	U.S. Army and Army Reserve 1982-2003, Johnson Framing 1986-1990 carpenter apprentice and journeyman, Business owner (Kris J. Singh, Residential Builder) 1990-current, Lansing fire Department 2000-2021 (Retired Captain), Lansing Community College Adjunct Associate Professor 2007, Business owner 2018-present Water and Technical Education Resources.
Educational Background	Lansing Eastern High School 1981, U.S. Army initial entry training 1982 (distinguished honor graduate), U.S. Army Advanced Non-Commissioned Officer Academy 1988 (honor graduate), Lansing Community College Paramedic program 2002, Lansing Community College Instructor Coordinator program 2005, Lansing Community College AAS-Paramedic and AS.
Previous Appointments	Mayor Schor Veteran's Commission at inception
Current Appointments	None
First Choice for Board to Serve on	Fire Commissioners
Please comment briefly on why you wish to serve on a particular board or commission. Please be specific as to your goals and ideas about how you wish to contribute to the work of the board or commission.	As a recent Lansing Fire Department retiree, I was saddened to have to resign my appointment of Commissioner on Mayor Schor's Veterans Commission at my retirement and wished for another was to serve my community and The Lansing Fire Department, which I truly love. I believe that I may provide a unique perspective with regard to The Lansing Fire Department being a career suppression officer, a collegiate professor, and proud citizen of this great city.

This certification is not required but may impact potential consideration of the appointment being sought. I authorize the use of the information provided above to conduct a background search, including but not limited to criminal history, residency, and indebtedness to the City of Lansing. If selected to serve, I further authorize additional background checks during the term of my service to ensure the required criteria continue to be met. I also acknowledge that I have the affirmative duty to inform the City if I become aware of any change or condition in my status that fails to meet the required criteria.

Agreement to Background Check Authorization • I agree

Please type your name in this box to signify that you can serve on a board or commission and the information in this application is accurate to the best of your knowledge.	Krishna J. Singh
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Date & Time	12/13/2021 12:00 PM (EST)
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Receive an email copy of this form.	Yes
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BY THE COMMITTEE ON PUBLIC SAFETY
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Mayor has made the appointment of Krishna Singh as an At-Large member of the Board of Fire Commissioners for a term to expire June 30, 2022; and

WHEREAS, the nominee has been vetted by the Mayor's Office and meets the qualifications as required by the City Charter; and

WHEREAS, the Committee on Public Safety met on January 20, 2022 and took affirmative action.

NOW, THEREFORE, BE IT RESOLVED that the Lansing City Council, hereby, confirms the appointment of Krishna Singh as an At-Large member of the Board of Fire Commissioners for a term to expire June 30, 2022.

**CITY OF LANSING - DEMOLITION BOARD
REPORT FOR CITY COUNCIL
CASE OVERVIEW SHEET**

ADDRESS:	4108 DEERFIELD
PARCEL NUMBER:	33-01-01-31-251-141

SHOW CAUSE HEARING DATE:	
DEMOLITION CASE FILE #:	2021-D001

LISTED TAXPAYER:	WILLIAM J & BRENDA TITUS
INTERESTED PARTIES:	WILLIAM J & BRENDA TITUS
SEV INFORMATION:	\$29,400.00
LAND VALUE:	\$10,740.00
BUILDING VALUE:	\$48,073.00
LOT SIZE:	FRONTAGE 60 X 100.120 DEPTH

HOUSING CODE VIOLATION LTR:	4/10/2018
ORIGINAL RED TAG DATE:	4/10/2018
ZONING:	
ESTIMATE OF REPAIRS:	
PICTURES:	
OTHER:	

LEGAL DESCRIPTION:	LOT 118 PLEASANT SUB NO 1
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ORDER OF DEMOLITION BOARD

DEMOLITION BOARD MEETING DATE:	5/27/2021
ORDER:	MAKE SAFE OR DEMOLISH BY 8/22/2021
REASON/CONDITIONS:	
HEARING OFFICER:	DAVE MUYLLE

CURRENT CITY COUNCIL ACTIVITY

REQUEST FOR SHOW CAUSE SENT:	
SHOW CAUSE HEARING DATE:	
PUBLIC SAFETY COMMITTEE WILL REVIEW:	

CURRENT PERMIT ACTIVITY

BUILDING:	OPEN NO INSPECTION OR ACTIVITY
ELECTRICAL:	OPEN NO INSPECTION OR ACTIVITY
MECHANICAL:	OPEN NO INSPECTION OR ACTIVITY
PLUMBING:	OPEN NO INSPECTION OR ACTIVITY
DEMOLITION:	na

4108 DEERFIELD

- Original Red Tag Date
 - 4/10/2018
- Submitted Into Make Safe Or Demolish Process
 - 8/18/2020
- Property Vacant/Repairs Exceed Building SEV
 - Property vacant more than 180 days
 - Repairs exceed building SEV
- Title Information
 - WILLIAM J & BRENDA TITUS

4108 DEERFIELD

Property Value Information

- SEV

- \$29,400.00 (*as of 8/23/2021*)

- Structure

- \$48,073.00 (*as of 8/23/2021*)

- Land

- \$10,740 (*as of 8/23/2021*)

- Estimate of Repairs

- \$71,284.00

4108 DEERFIELD.

Housing Code Correction Letters

- Code Compliance Inspection Date

- 04/10/2018

- Code Compliance Letter Written

- 4/10/2018

- Code Compliance Due Date

- 05/10/2018

4108 DEERFIELD AVE.

Demolition Board Actions

- Demolition Board Show Cause Hearings

- 03/25/2018

- Order by Demolition Board

- TABLED 4/22/2021

- TABLED 5/27/2021

- TABLED 7/22/2021 (RESULTS OF LAST MEETING BELOW)

- MAKE SAFE OR DEMOLISH BY 8/22/2021

- Request Sent To City Council for Show

4108 DEERFIELD.

City Council Actions

- Show Cause Hearing Held
 - 00/00/00
- Public Safety Committee Meeting
 - 00/00/00
- Resolution passed by City Council
- Extension Requested By Owner

4108 DEERFIELD.

General Comments

- FIRE DAMAGED PROPERTY
- OWNER HAS BEEN GIVEN 3 EXTENSIONS BY DEMOLITION BOARD WITH REQUESTED PERMIT ACTIVITY NOT DONE.
- MULTIPLE PERMITS HAVE BEEN ISSUED WITH NO INSPECTIONS OR ACTIVITY

RECOMMENDATIONS

● FOR NEW CASES:

- Recommend time frame for MS or D. This requires a resolution be passed by City Council –
 - 60 days for regular demolitions
 - 30 days for fire-damaged demolitions
- Table case – Stays at PS Committee level for future review.

● FOR EXTENSION REQUESTS:

- Grant extension if requested. Requires new resolution be passed by City Council.
- Deny extension requested. Case will proceed in demo process and be sent out to bid for demolition.

● FOR TABLED CASES:

- Recommend time frame for MS or D. This requires a resolution be passed by City Council –
 - 60 days for regular demolitions
 - 30 days for fire-damaged demolitions
- Return case to table – Stays at PS Committee level for future review.























By the Committee on Public Safety
Resolved by the City Council of the City of Lansing

WHEREAS, the Code Compliance Officer has determined that the building located at 4108 Deerfield Ave., Parcel # 33-01-01-31-251-141 legally described as LOT 118 Pleasant Subdivision, No. 1., City of Lansing is an unsafe or dangerous building as defined in Section 108.1 of the International Property Maintenance Code as adopted by Lansing Codified Ordinance 1460.01, and the Housing Law of Michigan, and the building was red tagged on April 10, 2018; and

WHEREAS, hearings were held by the Lansing Demolition Board on March 25, April 22, May 27, and July 22, 2021, at which the Hearing Officers determined that said building was an unsafe and dangerous building and ordered the building demolished or made safe by August 22, 2021; and

WHEREAS, said Hearing Officers filed a report of their findings and order with the City Council and requested the City Council to take appropriate action under the Lansing Codified Ordinances and the Housing Law of Michigan; and

WHEREAS, the Housing Law of Michigan and Lansing Codified Ordinances require a hearing be conducted to give the property owner an opportunity to show cause why a dangerous structure should not be demolished or otherwise made safe; and

WHEREAS, the City Council held a public show cause hearing on October 25, 2021, and January 10, 2022, to review the findings and the order of the Hearing Officers, and the owners were notified in writing of said hearing and had an opportunity to appear and show cause why said building should not be demolished or otherwise made safe; and

WHEREAS, the Code Compliance Office has determined that compliance with the order of the Lansing Demolition Hearing Board Officer has not occurred.

NOW, THEREFORE, BE IT RESOLVED that the owner(s) of 4108 Deerfield Avenue, as legally described above, are hereby directed to comply with the order of the Hearing Officers to demolish or otherwise make safe the said building within 30 days from the date of this resolution, _____, 2021.

BE IT FURTHER RESOLVED that the property owner(s) is hereby notified that this order must be appealed within twenty days pursuant to MCL 125.542 and should the owners fail to comply with the Hearing Officers' order for demolition or make safe, the Code Compliance Officer is hereby directed to proceed with demolition of said building.

BE IT FURTHER RESOLVED, whether demolition is accomplished by said property owner or the City, that appropriate seeding and restoration of property take place to avoid run-off to adjacent properties.

BE IT FURTHER RESOLVED that if the demolition is accomplished by the City, the cost

of such demolition shall be a lien against the real property and shall be reported to the City Assessor.

BE IT FINALLY RESOLVED that the owners in whose name the property appears upon the last local tax assessment record shall be notified by the City Assessor of the amount of such cost by first class mail at the address shown on the records. Upon the owner's failure to pay the same within thirty (30) days after mailing by the City Assessor of the notice of the amount thereof, the amount of said costs shall be a lien and shall be filed and recovered as provided by law and the lien shall be collected and treated in the same manner as provided for property tax liens under the general property tax act.

**CITY OF LANSING - DEMOLITION BOARD
REPORT FOR CITY COUNCIL
CASE OVERVIEW SHEET**

ADDRESS:	2206 W JOLLY
PARCEL NUMBER:	33-01-01-31-479-201

SHOW CAUSE HEARING DATE:	
DEMOLITION CASE FILE #:	2021-D007

LISTED TAXPAYER:	THOMAS & ROBBYNE JONES
INTERESTED PARTIES:	
SEV INFORMATION:	\$51,600.00
LAND VALUE:	\$14,138.00
BUILDING VALUE:	\$89,108.00
LOT SIZE:	87 X 162.5

HOUSING CODE VIOLATION LTR:	4/8/2016
ORIGINAL RED TAG DATE:	6/8/2021
ZONING:	
ESTIMATE OF REPAIRS:	
PICTURES:	
OTHER:	

LEGAL DESCRIPTION:	S 162.5 FT LOT 116 ECO FARMS
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ORDER OF DEMOLITION BOARD

DEMOLITION BOARD MEETING DATE:	9/23/2021
ORDER:	MAKE SAFE OR DEMOLISH BY 10/23/2021
REASON/CONDITIONS:	FIRE DAMAGED
HEARING OFFICER:	DAVE MUYLLE

CURRENT CITY COUNCIL ACTIVITY

REQUEST FOR SHOW CAUSE SENT:	
SHOW CAUSE HEARING DATE:	
PUBLIC SAFETY COMMITTEE WILL REVIEW:	

CURRENT PERMIT ACTIVITY

BUILDING:	Required, not yet pulled
ELECTRICAL:	Required, not yet pulled
MECHANICAL:	Required, not yet pulled
PLUMBING:	Required, not yet pulled
DEMOLITION:	Required, not yet pulled

CITY OF LANSING DEMOLITION HEARING BOARD	ORDER TO MAKE SAFE, DEMOLISH OR MAINTAIN BUILDING OR STRUCTURE	FILE NO. 2021-D007
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Matter of the building/structure at 2206 W JOLLY which is a ☒ dwelling ☐ garage ☐ other

1. Date of hearing: September 23, 2021 Hearing Officers: DAVE MUYLLE, JOE VITALE
2. Scott Sanford, Code Compliance MANAGER of the City of Lansing, has filed a copy of a notice that the subject building/structure is dangerous. The copy of the notice is attached.

THE HEARING OFFICER FINDS THAT:

3. Notice of this hearing was properly served on the
☐ rental registration owner(s)
☒ owners or party in interest on City tax assessment record
4. The building/structure ☒ is ☐ is not a dangerous building as defined in MCL 125.539, specifically (see attached)
5. ☒ The building/structure has remained unoccupied for 180 consecutive days or more and is not listed for sale, lease or rent with a licensed real estate broker.
6. ☐ The building/structure has been substantially destroyed by ☒ fire ☐ wind ☐ flood
☐ other:
7. The state equalized value of the building/structure is \$51,600.00
8. The cost to repair the building or structure to make it safe is \$107,163.95
9. The real estate is described as follows:

Parcel Number: 33 01 01 31 479 201

S 162.5 FT LOT 116 ECO FARMS

IT IS ORDERED THAT:

10. ☐ The matter is closed.
☐ The building/structure shall be made safe or demolished on or before 10-23-2021.
☐ The case be tabled until _____.
☐ The building or structure shall be demolished on or before _____ if not made safe as ordered herein.
☐ (If finding #5 is made) The exterior of the building shall be maintained, including
☐ lawns, trees and shrubs ☐ paint on structure ☐ other _____ on or before _____.

Date

9/23/21

Hearing Officer

David L. Muelle

2206 W. JOLLY RD.

- Original Red Tag Date

- 4/08/2016

- Submitted Into Make Safe Or Demolish Process

- 7/21/2021

- Property Vacant/Repairs Exceed Building SEV

- Property vacant more than 180 days

- Repairs exceed building SEV

- Title Information

- THOMAS & ROBBYNE JONES

2206 W. JOLLY RD.

Property Value Information

● SEV

● \$51,600.00 (*as of 10/25/2021*)

● Structure

● \$89,108.00 (*as of 10/25/2021*)

● Land

● \$14,138.00 (*as of 10/25/2021*)

● Estimate of Repairs

● \$107,163.95.00

2206 W JOLLY RD.

Housing Code Correction Letters

● Building Safety Inspection Date

● 04/08/2016

● 01/23/2018 & 6/08/2021

● Building Safety Letter Written

● 04/08/2016, 1/23/2018, 6/08/2021

● Building Safety Due Date

● 05/08/2016

2206 W. JOLLY RD.

Demolition Board Actions

- Demolition Board Show Cause Hearings

- 09/23/2021

- Order by Demolition Board

- MS or D by 10/23/2021

- Request Sent To City Council for Show Cause Hearing

- 10/25/2021

2206 W. JOLLY RD.

City Council Actions

- Show Cause Hearing Held

- 00/00/00

- Public Safety Committee Meeting

- 00/00/00

- Resolution passed by City Council

- Extension Requested By Owner

2206 W. JOLLY RD.

General Comments

- None of the required permits have been pulled as of 10/25/2021.
- Property is 75% fire damaged as of 6/16/2021

RECOMMENDATIONS

● FOR NEW CASES:

- Recommend time frame for MS or D. This requires a resolution be passed by City Council –
 - 60 days for regular demolitions
 - 30 days for fire-damaged demolitions
- Table case – Stays at PS Committee level for future review.

● FOR EXTENSION REQUESTS:

- Grant extension if requested. Requires new resolution be passed by City Council.
- Deny extension requested. Case will proceed in demo process and be sent out to bid for demolition.

● FOR TABLED CASES:

- Recommend time frame for MS or D. This requires a resolution be passed by City Council –
 - 60 days for regular demolitions
 - 30 days for fire-damaged demolitions
- Return case to table – Stays at PS Committee level for future review.























BY THE COMMITTEE ON PUBLIC SAFETY
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the Code Compliance Officer has determined that the building located at 2206 W. Jolly Rd., Parcel # 33-01-01-31-479-201 legally described as S 162.5 FT. LOT 116 ECO FARMS, City of Lansing is an unsafe or dangerous building as defined in Section 108.1 of the International Property Maintenance Code as adopted by Lansing Codified Ordinance 1460.01, and the Housing Law of Michigan, and the building was red tagged on April 8, 2016; and

WHEREAS, hearings were held by the Lansing Demolition Board on September 23, 2021, at which the Hearing Officers determined that said building was an unsafe and dangerous building and ordered the building demolished or made safe by October 23, 2021; and

WHEREAS, said Hearing Officers filed a report of their findings and order with the City Council and requested the City Council to take appropriate action under the Lansing Codified Ordinances and the Housing Law of Michigan; and

WHEREAS, the Housing Law of Michigan and Lansing Codified Ordinances require a hearing be conducted to give the property owner an opportunity to show cause why a dangerous structure should not be demolished or otherwise made safe; and

WHEREAS, the City Council held a public show cause hearing on December 13, 2021, to review the findings and the order of the Hearing Officers, and the owners were notified in writing of said hearing and had an opportunity to appear and show cause why said building should not be demolished or otherwise made safe; and

WHEREAS, the Code Compliance Office has determined that compliance with the order of the Lansing Demolition Hearing Board Officer has not occurred.

NOW, THEREFORE, BE IT RESOLVED that the owner(s) of 2206 West Jolly Road, as legally described above, are hereby directed to comply with the order of the Hearing Officers to demolish or otherwise make safe the said building within 30 days from the date of this resolution, _____ 2021.

BE IT FURTHER RESOLVED that the property owner(s) is hereby notified that this order must be appealed within twenty days pursuant to MCL 125.542 and should the owners fail to comply with the Hearing Officers' order for demolition or make safe, the Code Compliance Officer is hereby directed to proceed with demolition of said building.

BE IT FURTHER RESOLVED, whether demolition is accomplished by said property owner or the City, that appropriate seeding and restoration of property take place to avoid run-off to adjacent properties.

BE IT FURTHER RESOLVED that if the demolition is accomplished by the City, the cost

of such demolition shall be a lien against the real property and shall be reported to the City Assessor.

BE IT FINALLY RESOLVED that the owners in whose name the property appears upon the last local tax assessment record shall be notified by the City Assessor of the amount of such cost by first class mail at the address shown on the records. Upon the owner's failure to pay the same within thirty (30) days after mailing by the City Assessor of the notice of the amount thereof, the amount of said costs shall be a lien and shall be filed and recovered as provided by law and the lien shall be collected and treated in the same manner as provided for property tax liens under the general property tax act.

STATE OF MICHIGAN

COUNTY OF EATON

ORV ORDINANCE

An ordinance authorizing and regulating the operation of Off Road Vehicles (ORVs) on roads in Eaton County, providing penalties for the violation thereof, and for the distribution of public funds resulting from those penalties pursuant to 2008 PA 240, as amended, which is incorporated by reference in its entirety.

THE COUNTY OF EATON ORDAINS:

Section 1. Definitions. As used in this ordinance, the following definitions shall apply:

- a) "County" means the County of Eaton.
- b) "Direct supervision" means the direct visual observation of the operator with the unaided or normally corrected eye, where the observer is able to come to the immediate aid of the operator.
- c) "Driver's license" means an operator's or chauffeur's license or permit issued to an individual by the Secretary of State under Chapter III of the Michigan Vehicle Code, 1949 PA 300, as amended, MCL 257.301 to 257.329, for that individual to operate a vehicle, whether or not conditions are attached to the license or permit.
- d) "Maintained portion: means the roadway and any shoulder of a road.
- e) "Operate" means to ride in or on, and be in actual physical control of, the operation of an ORV.
- f) "Operator" means a person who operates or is in actual physical control of the operation of an ORV.
- g) "ORV" means a motor-driven off-road recreation vehicle capable of cross-country travel without benefit of a road or trail, on or immediately over land, snow, ice, marsh, swampland, or other natural terrain. ORV includes, but is not limited to, a multitrack or multi-wheel drive vehicle, an ATV, a motorcycle or related 2-wheel vehicle, a vehicle with 3 or more wheels, an amphibious machine, a ground effect air cushion vehicle, or other means of transportation. ORV does not include a snowmobile, a farm vehicle being used for farming, a vehicle used for military, fire, emergency, or law enforcement purposes, a vehicle owned by a utility company or an oil or gas company when performing maintenance on its facilities or on property over which it has an easement, a construction or logging vehicle used in the performance of its common function, or a registered aircraft.

- h) "Road" means a county primary road or county local road as described in Section 5 of 1951 PA 51, as amended, MCL 247.655.
- i) "Safety Certificate" means a certificate issued pursuant to 1994 PA 451, as amended, MCL 324.81130, or a comparable ORV safety certificate issued under the authority of another state or a province of Canada.

Section 2. Designated Roads.

An ORV may be operated only on the far right on the maintained portion of a road with these exceptions:

- a) All Roads within Delta Township.
- b) All Roads within Benton Township.
- c) All paved County primary roads identified on Appendix A, incorporated by reference. An ORV shall not operate on the County roads listed in Appendix A.
- d) An ORV may not be operated on the road surface, roadway, shoulder or right-of-way of any State or Federal highway, including but not limited to I-69, I-96, I-496, M-43, M-50, M-78, M-79, M-99, M-100, M-188 in Eaton County.
- e) A person operating an ORV on a designated County Road may cross an excluded road as indicated in paragraph (b) of this section for the sole purpose of continuing travel on the designated County Road. The crossing of the excluded road shall only be performed if the operation can be done safely and only at the right angle. The operator shall bring the vehicle to a complete stop before proceeding across the excluded road and shall yield the right-of-way to oncoming traffic.
- f) A township board of a township in the County may adopt an ordinance to close any roads within the boundaries of the township to the operation of ORVs permitted by the County, pursuant to MCL 324.81131 (4).
- g) Any road closed to the operation of an ORV by the County Road Commission pursuant to MCL 324.81131 (4).
- h) An ORV may not be operated on any City or Village road surface, roadway, shoulder or right-of-way in Eaton County, unless allowed by City or Village ordinance.
- i) An ORV may not be operated within any State Game Area located in Eaton County, except for those roads listed herein or unless allowed by the State Game Area.
- j) An ORV may not be operated on any linear trail park in Eaton County.

- k) Appendix A may be amended and/or replaced by action conforming to the passage of ordinances by the Eaton County Board of Commissioners upon passage of a resolution amending this ordinance.

Section 3. Operating Conditions. Except as set forth herein or otherwise provided by law, an ORV meeting all the following conditions may be operated on a designed road in the County:

- a) At a speed of no more than 25 miles per hour, or a lower posted ORV speed limit.
- b) With the flow of traffic.
- c) In a manner which does not interfere with traffic on the road.
- d) Traveling single file, except when overtaking and passing another ORV.
- e) While displaying a securely attached white-lighted headlight and red-lighted taillight with brake light at all times.
- f) By a person not less than 12 years of age.
- g) An ORV shall not be operated pursuant to this ordinance during the period of 30 minutes before sunset to 30 minutes after sunrise or when visibility is substantially reduced due to weather conditions unless displaying a lighted headlight and lighted taillight.
- h) A child who is less than 16 years of age shall not operate a 3-wheeled ORV.
- i) The ORV shall be equipped with a braking system that may be operated by hand or foot, capable of producing deceleration at 14 feet per second on level ground at a speed of 20 miles per hour; a red brake light, brighter than the taillight, visible from behind the vehicle when the brake is activated, and a throttle so designed that when the pressure used to advance the throttle is removed, the engine speed will immediately and automatically return to idle.
- j) The ORV shall be equipped with at least one mirror securely mounted and positioned on the ORV in such a manner to be able to clearly view traffic approaching from behind.
- k) Each operator and passenger must wear a crash helmet and protective eyewear approved by the United States Department of Transportation unless the vehicle is equipped with a roof that meets or exceeds standards for a crash helmet and the operator and each passenger is wearing a properly adjusted and fastened seat belt.
- l) While the ORV is equipped with a spark arrester type United States Forest Service approved muffler in good working order and in constant operation.
- m) Pursuant to noise emission standard defined by law.

- n) ORVs must not be operated in a manner that will cause damage to the road surface or shoulder. In this regard, prohibited activity includes but is not limited to actions such as “fishtailing” and spinning of tires that disperses gravel and creates ruts and other damage.

Section 4. License; Safety Certificate. A person less than 18 years of age shall not operate an ORV on a road in the County unless the person is in possession of a valid driver’s license or unless the person is under the direct supervision of a parent or guardian and has in his or her immediate possession a Michigan issued ORV Safety Certificate or a comparable ORV Safety Certificate issued under the authority of another state or a providence of Canada.

Section 5. Registered Motor Vehicle. Unless a person possess a valid driver’s license, a person shall not operate an ORV on a road in the County if the ORV is registered as a motor vehicle, and either is more than 65 inches wide or has three wheels.

Section 6. Evidence. In a court action in this state, if competent evidence demonstrates that a vehicle that is permitted to operate on a road, street, or highway pursuant to the Michigan Vehicle Code was in a collision on a roadway with an ORV that is not registered under the Code, the operator of the ORV shall be considered prima facie negligent.

Section 7. Penalties. Any person who violates this ordinance is guilty of a municipal civil infraction, and shall pay a civil fine of not less than \$250.00 and not more than \$500.00. In addition, a court may order the person to pay full restitution for any damage to the environment, a road, or public or private property damaged as a result of a violation.

Section 8. ORV Fund. The County Treasurer shall deposit all fines and damages collected under this ordinance into a fund to be designated as the ORV Fund. The Eaton County Board of Commissioners shall appropriate revenue in the ORV Fund as follows:

- a) Fifty percent to the Eaton County Road Commission for repairing damage to roads and the environment that may have been caused by ORVs, and for posting signs indicating ORV speed limits, or indicating whether roads are open or closed to the operation of ORVs.
- b) Fifty percent to the Eaton County Sheriff for ORV enforcement and training.

Section 9. Master Map. The County shall maintain a master map of all roads under the jurisdiction of the Eaton County Road Commission upon which shall be indicated those roads and parts or sections thereof upon which the operation of ORVs is permitted and prohibited pursuant to the Ordinance. The County shall make such master map available for interested groups or organizations to make copies for distribution to the general public, but shall have no obligation to incur any expense associated with the making of such copies.

Section 10. Repealer Clause. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

Section 11. Savings Clause. This Ordinance shall in no manner affect pending litigation, either civil or criminal, founded or growing out of any Ordinance, Resolution, Order or parts thereof,

hereby repealed, and this Ordinance shall in no manner affect any rights, claims, privileges, immunities or causes of action of the County, or other person, either criminal or civil, that may have already occurred, accrued or grown out of any Ordinance, Resolution, Order or policy, or any part thereof, hereby repealed.

Section 12. Validity and Severability. Should any portion of this Ordinance be found invalid for any reason, such a holding shall not be construed as affecting the validity of the remaining portions of this Ordinance.

Section 13. Effective Date. This Ordinance shall be effective immediately after publication of notice of its adoption.

Section 14. Immunity Clause. Subject to section 5 of 1964 PA 170, MCL 691.1405, this state, a board of county road commissioners, a county board of commissioners, and a local unit of government are immune from tort liability from injuries or damages sustained by any person arising in any way out of the operation or use, on the maintained portion or unmaintained portion of a highway, road, or street, of an ORV. The immunity provided by this subsection does not apply to actions of an employee of this state, an employee of a board of county road commissioners, an employee of a county board of commissioners, or an employee of a local unit of government that constitute gross negligence. As used in this subsection, "gross negligence" means conduct so reckless as to demonstrate a substantial lack of concern for whether an injury results.

This Ordinance was adopted by action of the Eaton County Board of Commissioners on

_____.

EATON COUNTY

STATE HIGHWAYS



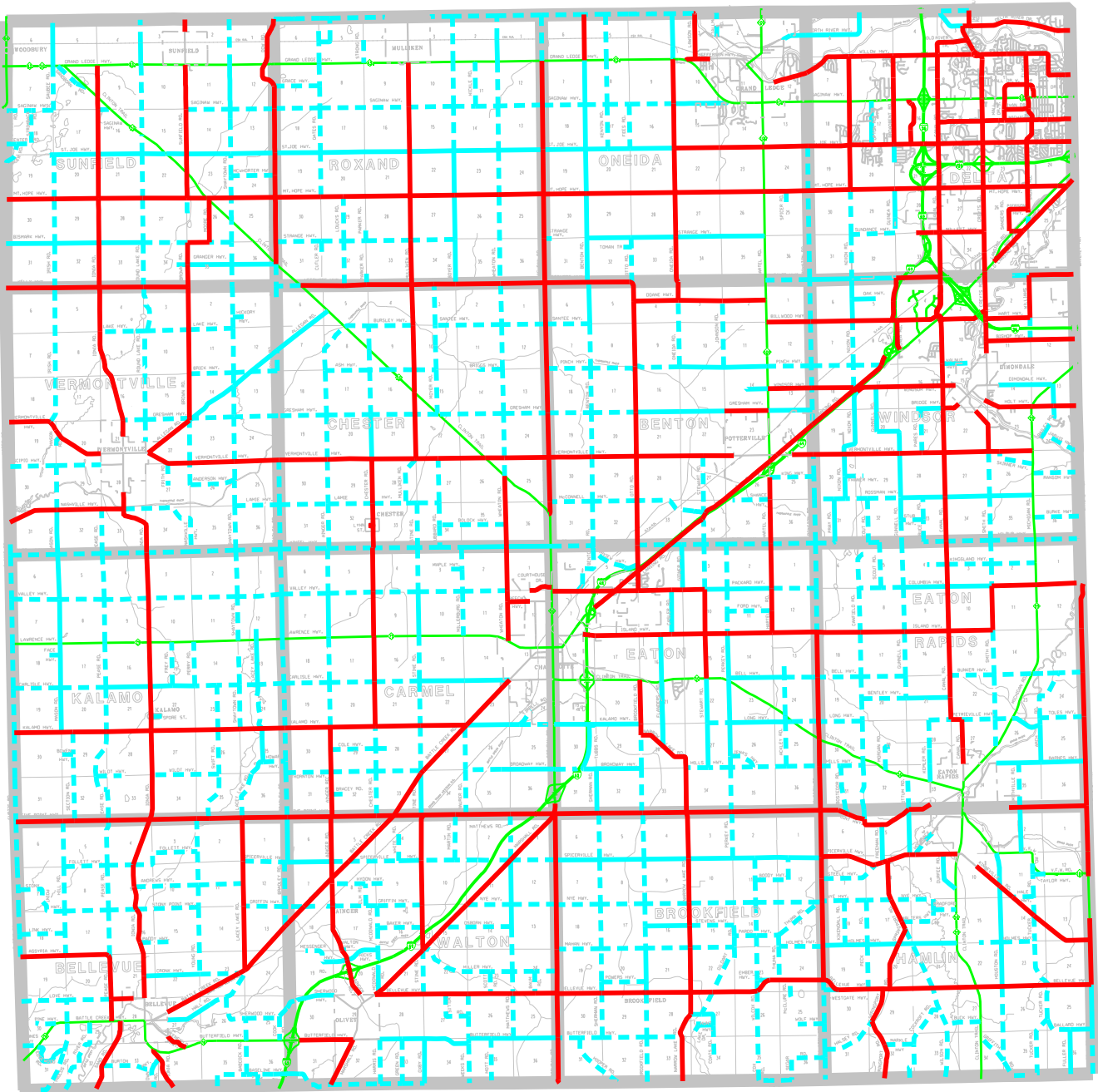
COUNTY PRIMARY ROADS



OTHER COUNTY ROADS



11/30/2021



APPENDIX A



430 N. Fairview Avenue, Lansing, MI 48912

January 6, 2022

President Adam Hussain
Lansing City Council
10th Floor City Hall
120 W. Michigan Avenue
Lansing Michigan 48933

Dear President Hussain:

SUBJECT: Park Safety and Removal of Lights

It was brought to my attention that Bancroft and Regent Park lights were removed at the direction of the Parks Director.

The excuse I received was: "the park is closed after dark and this also becomes an issue for tree removal around power lines. With over 2000 acres of park land we cannot have lights in all of the areas of our parks."

This statement doesn't make sense. Lights are all along our streets and our parks. Lighting is what helps to provide for a safe city and our many neighborhoods. Many within our neighborhoods and community visit our parks on a daily basis at all hours. Many cross-country ski, jog, walk with family members and friends. Our parks may be "closed" at night but they are still used. Unless a six-foot fence is constructed around our parks you are always going to see people in them. Lansing is known for our many parks and river trails. Are we going to eliminate lighting on our trails?

Where is the transparency within our city leaders when it comes to decisions made regarding our neighborhood groups, Friends of Bancroft Park, the Park Board? Was the Park Board aware of this decision? What about all our other parks (Durrant, Reutter, Ferris, Comstock, Hunter, Foster, Moores, Sycamore, and the many others that are lighted? Where does safety come into play by removing lights?

Lighting plays a huge role with our neighborhoods, parks, and schools. It is proven to help curb crime, is a huge safety factor for all that use these areas, and encourages neighbors to enjoy their surroundings. Lights within our parks also provide extra help for our first responders. Bancroft Park has trails, wooded areas, and some were paved to "make it easier for walkers, etc." These lights have been in place for many years and were just upgraded to LED.

We all are working to bring our city forward in a positive way and communication plays a huge role and so does transparency. I am asking that City Council take action as this is a huge safety issue for many within our neighborhoods.

Sincerely,

Nancy Mahlow, President
Eastside Neighborhood Org.
517-372-3249
nmahlow2012@gmail.com

cc: Mayor Andy Schor
Chris Swope, City Clerk
Brett, Kaschinske, Director, Parks Dept
Delisa Fountain, Director, Dept of Neighborhood and Community Engagement
Eastside Neighborhood Board