

CITY OF HUNTINGTON WOODS
REGULAR MEETING OF THE CITY COMMISSION
MINUTES
Tuesday, March 28, 2017
7:30 p.m.

Mayor Paul called the Meeting to order at 7:32 p.m.

PRESENT: Mayor Paul, Mayor Pro Tem Olsman, Commissioner Iversen, Commissioner Jenks and Commissioner Rozell, City Manager Sullivan and City Attorney Rosati

ABSENT: None

City Staff Present: City Clerk/Treasurer Solanskey, Finance Director Lehmann, Library Director Hage, Lt. Cudney

APPROVAL OF AGENDA

Moved by Commissioner Rozell and supported by Commissioner Olsman to approve the Agenda for the meeting of March 28, 2017 with the addition of Item #8a, an emergency boiler purchase for the pool and the addition of City of Huntington Woods vs. City of Oak Park as the reason for the Closed Session.

Upon said resolution being put to a vote, the City Commission voted thereon as follows:

Ayes: Mayor Paul, Mayor Pro Tem Olsman,
Commissioner Iversen, Commissioner Jenks and
Commissioner Rozell

Nays: None

Absent: None

The Mayor thereupon declared said Resolution adopted.

APPROVAL OF MINUTES

Moved by Commissioner Iversen and supported by Commissioner Rozell to approve the minutes of the Regular Meeting of February 14, 2017.

Upon said Resolution being put to a vote, the City Commission voted thereon as follows:

Ayes: Mayor Paul, Mayor Pro Tem Olsman,
Commissioner Iversen, Commissioner Jenks and
Commissioner Rozell

Nays: None

Absent: None

The Mayor thereupon declared said Resolution adopted.

COMMUNICATIONS

Letter from Ewa Golebiowska resigning as an official member of the Environmental Advisory Board. She asked to be listed as an unofficial member instead.

Moved by Commissioner Iversen and supported by Mayor Pro Tem Olsman to accept the resignation of Ewa Golebiowska with thanks for her service on the board.

Upon said Resolution being put to a vote, the City Commission voted thereon as follows:

Ayes: Mayor Paul, Mayor Pro Tem Olsman,
Commissioner Iversen, Commissioner Jenks and
Commissioner Rozell

Nays: None

Absent: None

The Mayor thereupon declared said Resolution adopted.

COUNTY COMMISSIONER AND ELECTED OFFICIAL REMARKS

County Commissioner Zack reported:

- Oakland County has a wide ranging economic development office providing free and low cost business classes. Visit www.advantageoakland.com for a list of business start-up classes.
- Oakland County is working on improving an enhanced forensics lab to offer drug and alcohol testing, lead and clean water testing and DNA testing to local communities.
- The County will be updating the copper lines to ESINet for the next generation of 911 emergency lines allowing for texting and photos in emergencies to improve public safety for all of us.

PUBLIC PARTICIPATION

Mayor Paul introduced the members of Boy Scout Troop 1292. Russell Calhoun of the Boy Scout troop told the City Commission 3 members of the troop are attending the meeting working on the communication and citizenship in the community badges. He introduced Gabe Stacey and Seamus Lux also in attendance.

David Sloan of 8050 Lincoln said he was disappointed in the lack of response from the City during the recent power outage.

Joanne Kristal seconded Mr. Sloan's comments and said she thought neighboring communities did a better job.

Commissioner Rozell asked to move his commissioner comments so he could address the concerns of Mr. Sloan and Ms. Kristal. He said he wanted to share what some did do in addressing the problems of the power outage. He responded to an email from a resident on LaSalle by contacting the Public Safety Department and DTE. Within 30 minutes, DTE responded and power was restored in 6 hours. He and Commissioner Iversen in constant contact with the City Manager spent Saturday driving around the City talking to DTE crews to get estimates on the when the power would be restored. When it was determined power was not going to be restored, the Recreation Center remained open. Unfortunately, Huntington Woods had the majority of folks in small pockets of outages. DTE's response priority is going to be where they can get the most folks back online. The Public Safety Department enacted part of the Emergency Response Plan. Public Safety Officers knocked on doors of individuals on medical equipment requiring power, went into their homes, talked to them and made arrangements if necessary to get them to a warm place. We did everything we could on behalf of our residents.

Mayor Paul added the City invited DTE to this meeting for an update on what happened during the storm. We were told DTE is still collecting information and promised to get back to us at a future date.

PRESENTATION

The safe use of generators

Gary Pipia of Oak Electric said there are 2 styles of generators available to homeowners. The first is the typical portable generator on wheels that run on regular gasoline. Those generators have to be kept outside at all times to avoid carbon monoxide in the home. The portable generator also needs a manual transfer switch or an isolated by-pass switch. The other style of generator is the stand-by unit which sits outside the house permanently similar to an air conditioning unit. This generator stands watch for any interruption of power and runs on natural gas. The cost all in for a portable generator including installation of the transfer switch is about \$2,000. Commissioner Olsman asked about the possibility of bulk pricing if a number of homeowners in Huntington Woods and Berkley were interested in this kind of purchase.

PROCLAMATION

Mayor Paul read portions of the proclamation proclaiming the month of April, 2017 as Child Abuse Prevention and Awareness Month in Huntington Woods.

RESOLUTION R-10-2017

Remembrance of Dominic Geskey

Mayor Paul said Dominic Geskey, a 15-year old boy, was very well known in the community for his spirit, smile and ability to talk to anyone. He had a way of reaching everyone he ran into and just making the day a little brighter. He was very fond of Public Safety Officers and automobiles. He loved to sit on the bench in front of Public Safety, talk to the officers as they went by and watch the cars.

Moved by Commissioner Iversen and supported by Commissioner Jenks to place a plaque on the bench in front of the Public Safety Building in remembrance of Dominic Geskey.

Upon said Resolution being put to a vote, the City Commission voted thereon as follows:

Ayes: Mayor Paul, Mayor Pro Tem Olsman,
Commissioner Iversen, Commissioner Jenks and
Commissioner Rozell

Nays: None

Absent: None

The Mayor thereupon declared said Resolution adopted.

RESOLUTION R-11-2017

Charitable Gaming License

Moved by Commissioner Rozell and supported by Commissioner Iversen to approve the Charitable Gaming License for Sanctum House.

Upon said Resolution being put to a vote, the City Commission voted thereon as follows:

Ayes: Mayor Paul, Mayor Pro Tem Olsman,
Commissioner Iversen, Commissioner Jenks and
Commissioner Rozell

Nays: None

Absent: None

The Mayor thereupon declared said Resolution adopted.

RESOLUTION R-12-2017

Metro Act Right-of-Way Permit

Moved by Commissioner Jenks and supported by Commissioner Olsman to approve an amendment to the March 21, 2006 Right-of-Way Telecommunications Permit issued to MCIMERTORUSA Transmission Services, LLC D/B Verizon Access Transmission Services for a period of five years or until March 21, 2021, in a form to be approved by the City Attorney and signed by the City Manager.

Upon said Resolution being put to a vote, the City Commission voted thereon as follows:

Ayes: Mayor Paul, Mayor Pro Tem Olsman, Commissioner Iversen, Commissioner Jenks and Commissioner Rozell

Nays: None

Absent: None

The Mayor thereupon declared said Resolution adopted.

RESOLUTION R-13-2017

Contract extension DiPonio Contracting

Moved by Commissioner Rozell and supported by Commissioner Olsman to approve the contract extension with DiPonio Contracting of 51173 Simone Industrial Drive, Shelby Township, MI 48316 in the amount of \$1,186,768.75 for the 2017 Pavement Reconstruction and Water Main Replacement Project.

Upon said Resolution being put to a vote, the City Commission voted thereon as follows:

Ayes: Mayor Paul, Mayor Pro Tem Olsman, Commissioner Iversen, Commissioner Jenks and Commissioner Rozell

Nays: None

Absent: None

The Mayor thereupon declared said Resolution adopted.

RESOLUTION R-14-2017

Reaffirming Huntington Woods as a Welcoming City

Moved by Commissioner Jenks and supported by Commissioner Rozell to approve the adoption of the resolution affirming Huntington Woods as a Welcoming City.

Commissioner Iversen asked for an amendment to the resolution to remove two specific statements. These statements transform the resolution from something that can be supported by 100% of the community to something political. The resolution runs the risk of further dividing the community along political lines rather than unifying. She would like removed the statement “Whereas, recent events on the national stage demand that people and communities of conscience speak out in defense of, and reaffirm their commitment to, this most basic value”. This statement is too vague. Is it the role of this commission to dictate what our American values are? The second statement she would like removed is “Whereas, by joining the Welcoming Cities and Counties initiative the City of Huntington Woods commits to institutionalizing welcoming efforts through the adoption of policies and/or practices that promote inclusion within local government and the broader community.” She feels this is also vague and political. What policies and practices exactly, sanctuary cities policies and practices? Joining an organization such as Welcoming America fails to acknowledge the complexities of both legal and illegal immigration and allows for the blurring of lines between becoming a sanctuary city and an unofficial sanctuary city. She asked the commission to please reconsider this resolution’s wording and adopt a resolution that can be supported by all residents despite political affiliation.

Commissioner Jenks said his grandfather was Russian immigrant, his cousin a German immigrant who escaped the Nazi holocaust. Immigrants are an important group to the population growth of Michigan. The population of Michigan has been declining for many years and the only reason for our population growth is immigrants. The school system numbers are down. Immigration is important here, it is something we should speak out about, to send a message that immigrants are important. Huntington Woods needs to adopt this resolution as written and make a positive statement.

Mayor Pro Tem Olsman said he would support Commissioner Iversen’s motion to remove the two statements. None of this has to do with governing the City of Huntington Woods. He does agree with Commissioner Iversen that those two paragraphs give the motion a bit of a tinge that it doesn’t necessarily have to have.

Commissioner Rozell said the motion was brought forward by a resident to place on the agenda. Royal Oak and Ferndale have adopted the same resolution.

Mayor Paul said he did a lot of reading about this group and doesn’t feel the resolution is binding us to any particular efforts. It is a sign of the intent of being a welcoming city and personally don’t have an issue with the wording as is.

Upon said Resolution being put to a vote, the City Commission voted thereon as follows:

Ayes: Mayor Paul, Commissioner Jenks and
Commissioner Rozell

Nays: Mayor Pro Tem Olsman and Commissioner
Iversen

Absent: None

The Mayor thereupon declared said Resolution adopted.

Resolution Reaffirming Huntington Woods as a Welcoming City

Whereas, the City of Huntington Woods believes in the innate dignity of all people; and

Whereas, the City of Huntington Woods acknowledges, honors, and values our immigrant and migrant roots, and embraces the values of family, faith and hard work; and

Whereas, the City of Huntington Woods, and the southeastern Michigan region as a whole, has long been home to immigrants from around the world, who come seeking opportunity, stability, prosperity, and a better life for their families; and

Whereas, the City of Huntington Woods has long been recognized as a hospitable and welcoming place, where people, families, and institutions thrive and the contributions of all are celebrated and valued; and

Whereas, as evidenced by our publicly supported Human Rights ordinance, the City of Huntington Woods is committed to being a diverse, inclusive and global city; and

Whereas, recent events on the national stage demand that people and communities of conscience speak out in defense of, and reaffirm their commitment to, this most basic American value; and

Whereas, the City of Huntington Woods will continue to provide a neighborly and welcoming atmosphere, where all are respected and accepted; and

Whereas, the Welcoming Huntington Woods initiative aims to hold cooperation, respect, and compassion among all in our City, including immigrants and non-immigrants alike; endeavors to create an atmosphere in which immigrants and refugees have increased opportunities to integrate into the social fabric of their adopted hometowns; and seeks to embrace diversity while supporting and retaining unique cultural identities; and

Whereas, by joining the Welcoming Cities and Counties initiative the City of Huntington Woods commits to institutionalizing welcoming efforts through the adoption of policies and/or practices that promote inclusion within local government and the broader community,

Now therefore be it resolved, by the Huntington Woods City Commission on March 28, 2017, that the City of Huntington Woods is affirmed as a place where all foreign-born and native-born Americans can live, work, and play together, share in each other's customs and ideals, and appreciate and promote cultural diversity.

ORDINANCE NO 589

Peddlers, Solicitors and Handbills

Moved by Commissioner Rozell and supported by Mayor Pro Tem Olsman to amend the City of Huntington Woods Code of Ordinances to replace in its entirety Chapter 28, Peddlers, Solicitors and Handbills, and to adopt a new Chapter 28, Articles 1 through V to regulate Peddlers, Solicitors, Canvassers, and Handbills to provide for a new license or registration certificate; and to provide penalties for violation thereof.

Upon said Resolution being put to a vote, the City Commission voted thereon as follows:

Ayes: Mayor Paul, Mayor Pro Tem Olsman, Commissioner Iversen, Commissioner Jenks and Commissioner Rozell

Nays: None

Absent: None

The Mayor thereupon declared said Resolution adopted.

**CITY OF HUNTINGTON WOODS
OAKLAND COUNTY, MICHIGAN**

ORDINANCE NO. 589

AN ORDINANCE TO AMEND THE CITY OF HUNTINGTON WOODS CODE OF ORDINANCES TO REPLACE IN ITS ENTIRETY CHAPTER 28, PEDDLERS, SOLICITORS AND HANDBILLS, AND TO ADOPT A NEW CHAPTER 28, ARTICLES I THROUGH V, TO REGULATE PEDDLERS, SOLICITORS, CANVASSERS, AND HANDBILLS TO PROVIDE FOR A LICENSE OR REGISTRATION CERTIFICATE; AND TO PROVIDE PENALTIES FOR VIOLATION THEREOF.

THE CITY OF HUNTINGTON WOODS ORDAINS:

Section 1 of Ordinance. Ordinance Amendment.

The City of Huntington Woods City Code, Chapter 28, Peddlers, Solicitors and Handbills, is hereby amended to read in its entirety as follows:

CHAPTER 28 PEDDLERS, SOLICITORS, CANVASSERS AND HANDBILLS

ARTICLE I. PURPOSE FOR CANVASSER, SOLICITOR AND PEDDLER REQUIREMENTS

Sec. 28-1 Purpose.

The purpose of this Chapter is to provide for the public health, safety and welfare through regulations that promote public safety and help protect residents, businesses and the general public from crime, fraud and undue annoyance and interference with privacy rights that can be caused by peddlers, solicitors, and canvassers, in a manner that does not unlawfully interfere with or burden the exercise of First Amendment and other constitutional rights. To those ends, this Chapter defines and provides different procedural requirements for peddling, soliciting, and canvassing, and general regulations applicable to all peddlers, solicitors, and canvassers, with the canvasser notice, solicitor registration, and peddler licensing regulations intended to: (i) deter persons with criminal or fraudulent intent from posing as legitimate peddlers, solicitors, or canvassers; (ii) provide a minimal amount of basic information necessary to the City and its Public Safety Department to allow efficient and effective performance of governmental, law enforcement and crime prevention functions; and (iii) provide City residents with a right to know if persons coming upon their property are in compliance with those regulations and a basis for reporting persons that are not in compliance with the these regulations to the Public Safety Department.

To protect the people against the nuisance of and incident to the promiscuous distribution of handbills and circulars, particularly commercial handbills, as herein defined, with the resulting detriment and danger to public health and safety, the public interest, convenience and necessity requires the regulation thereof and, to that end, the purposes of this chapter dealing with handbills are specifically declared to be as follows:

- (1) To protect local residents against trespassing by solicitors, canvassers or handbill distributors upon the private property of such residents if they have given reasonable notice that they do not wish to be solicited by such persons or do not desire to receive handbills or advertising matter.
- (2) To protect the people against the health and safety menace and the expense incident to the littering of the streets and public places by the promiscuous and uncontrolled distribution of advertising matter and commercial and noncommercial handbills.
- (3) To preserve to the people their constitutional right to receive and disseminate information under the First Amendment of the United States Constitution.

Sec. 28-2. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Canvass and *canvassing* means to enter upon private property, without any prior specific invitation or appointment, to inform, educate, advocate, petition, secure petition signatures, request or enlist support or opposition, or to convey any other message regarding religion, philosophy, ideology, politics, including parties, candidates, initiatives and issues, charitable organizations, or other cause or issue, by verbal, written, or other forms of communication, including the distribution of handbills, flyers, or other materials.

Canvasser means a person that engages in canvassing in the City without requesting or accepting the payment, delivery, donation, pledge, or commitment of money, credit, financial assistance, membership, property, goods, services, or other thing of value, and without selling or attempting to sell any property, ticket, emblem, publication, advertisement, subscription, membership, or other thing, whether of value or not.

Charitable purpose means a charitable, benevolent, educational, philanthropic, humane, patriotic, veterans support, religious, youth, fraternal, social, civic, conservation, recreational, or other nonprofit objective of a charitable or religious organization, or political organization. Charitable purpose does not include political campaign fundraising or nonprofit objectives of an individual.

Charitable, religious or political organization means a charitable, religious, political, benevolent, educational, philanthropic, humane, patriotic, fraternal, social, or civic organization that is recognized as nonprofit and/or tax exempt under applicable State or Federal laws.

City Clerk means the City Clerk for the City of Huntington Woods, or his or her designee.

Commercial handbill means and includes any printed or written matter, and sample or device, dodger, circular, leaflet, pamphlet, paper, booklet, or any other printed or otherwise reproduced original or copies of any matter or literature:

- (1) Which advertises for sale any merchandise, product, commodity, or thing;
- (2) Which directs attention to any business or mercantile or commercial establishment, or other activity, for the purpose of either directly or indirectly promoting the interests thereof by sales;
- (3) Which, while containing reading matter other than advertising matter, is predominantly and essentially an advertisement, and is distributed or circulated for advertising purposes, or for the private benefit and gain of any person so engaged as advertiser or distributor; or
- (4) Which directs attention to or advertises any meeting, theatrical performance, exhibition, or event of any kind, for which an admission fee is charged for the purpose of private gain or profit; but the terms of this subsection shall not apply where an admission fee is charged or collection is taken up for the purpose of defraying the expenses incident to such meeting, theatrical performance, exhibition, or event of any kind, when either of the same is held, given or takes place in connection with the dissemination of information which is not restricted under the ordinary rules of decency, good morals, public peace, safety and good order; provided that nothing contained in this subsection shall be derived to authorize the holding, giving or taking place of any meeting, theatrical performance, exhibition, or event of any kind without a license, where such license is or may be required by any law of this state, or under any ordinance of this city.

Director of Public Safety means the Director of Public Safety for the City of Huntington Woods, or his or her designee.

Distributor means every person who has ordered, requested, supervised, arranged for distribution or solicited assistance in the passing out of handbills.

Handbill means any printed or written matter, any sample or device, dodger, circular, leaflet, pamphlet, newspaper, magazine, paper booklet, or any other printed or otherwise reproduced original or copies of any matter or literature not included in the aforesaid definitions of handbill, or a newspaper, with the exception of literature protected by the First Amendment of the United States Constitution.

Noncommercial handbill means and includes any printed or written matter, any sample or device, dodger, circular, leaflet, pamphlet, newspaper, magazine, paper booklet, or any other printed or otherwise reproduced original or copies of any matter or literature, or a commercial handbill, or a newspaper.

Obscene means material which depicts or describes sexual conduct that is objectionable or offensive to accepted standards of decency which the average person, applying contemporary community standards, would find, taken as a whole, appeals to prurient interests of material which depicts or describes, in a patently offensive way, sexual conduct specifically defined by the applicable state law, which, taken as a whole, lacks serious literary, artistic, political or scientific value.

Parent organization means: (1) the person or organization that a peddler is employed by or represents in the course of peddling, the principal manufacturer and distributor of goods being peddled, or the principal provider of services being peddled; or (2) a charitable, religious or political organization that a solicitor is employed by or represents in the course of soliciting in the City, or (3) such organization that sends multiple solicitors for purposes of soliciting in areas of the City on its behalf.

Peddle and peddling mean: (1) carrying, conveying or transporting goods, wares, merchandise, food of any nature, beverages, or other personal property or materials of any nature,, that are offered for sale, sold, or delivered to one or more purchasers; and/or (2) taking or attempting to take orders for the sale of such items for future delivery, or for services to be furnished or performed in the future, regardless of whether advance payments on such orders are collected.

Peddler means any person engaged in peddling in the City be traveling by foot, motor vehicle or other conveyance from place to place, from house to house, or from street to street, or who does so from or at a stand, motor vehicle, or trailer. Any person who offers to take orders or tentative orders, and as a separate transaction, confirms the order or makes deliveries to purchasers as part of a transient merchant scheme or design to evade the provisions of this Chapter shall be deemed a peddler. The term "peddler" shall not include a person who conducts such activities at a social gathering within a home at the invitation of the owner or an occupant of the home.

Person means any individual, firm, partnership, corporation, company, association or joint stock association, nonprofit corporation, church, religious sect, religious denomination, society, organization or league, political party or organization, and includes any trustee, receiver, assignee, agent or other similar representative thereof.

Private premises means and includes any dwelling, house, building, or other structure designed or used either wholly or partly for private residential purposes, whether inhabited or temporarily or contiguously uninhabited or vacant, and shall include any yard, grounds, walk, driveway, porch, steps, vestibule or mailbox belonging or appurtenant to such dwelling, house, building, or other structure.

Public place means and includes any and all public streets, right-of-ways, alleys, or other public ways, and any and all public parks, squares, spaces, plazas, grounds and buildings.

Public way shall mean all areas legally open to public use such as public streets, right-of-ways, sidewalks, roadways, highways, alleys and public parking lots.

Solicit and *soliciting* means a direct or indirect request by or on behalf of a charitable, religious, or political organization to any person in the City for the payment, delivery, donation, pledge, or commitment of money, credit, financial assistance, membership, property, goods, services, or other thing of value, on the plea or representation what is requested will be used for charitable purposes of the charitable, religious or political organization, and includes sales and sales offers of any property, ticket, emblem, publication, advertisement, subscription, membership, or other thing, whether of value or not, on the pleas or representation that the proceeds of the sale will be used for charitable purposes of the charitable, religious, or political organization.

Solicitor means any person engaged in soliciting in the City.

Special event shall mean any occasion including, but not limited to parades, golf tournaments, fairs, shows, exhibitions, City-wide celebrations, festivals, etc., within a specifically defined area of the City.

Stand shall mean any newsstand, table, bench, booth, rack, handcart, pushcart or any other fixture or device which is not required to be licensed and registered by the department of motor vehicles, and is used for the display, storage or transportation of goods and/or services offered for sale by a peddler or vendor.

Street and curb soliciting means soliciting on any street, sidewalk, curb, road edge, alley, public parking lot and/or driveway in a manner that requires the solicitor, when engaged in the transaction, to stand within the limits of streets, sidewalks, curbs, road edges, alleys, public parking lots and/or driveways within the City.

Street soliciting means soliciting for charitable purposes where solicitors are allowed to be within the travelled portion of a street and areas of the street abutting the traveled portion. Street soliciting is prohibited in the City.

Sec. 28-3. Canvasser, solicitor and peddler requirements.

- (a) A person shall not engage in canvassing without complying with the notification and other requirements as provided in Article IV.
- (b) A person shall not engage in soliciting without being registered or covered by a required registration and complying with the regulations as provided in Article II.
- (c) A person shall not engage in peddling without being licensed or covered by a license and complying with the regulations in Article III.
- (d) All canvassers, solicitors and peddlers shall comply with the general regulations in Article IV.

Sec. 28-4 Waivers, modifications and variances.

A person claiming that application of one or more provisions of this Chapter to canvassing, soliciting, or peddling activities that person desires to engage in violates a constitutional right, including a First Amendment right, may request that the City Commission waive, modify or vary such provision by filing a written request and statement of that position and basis for it to the City Clerk who shall place the request on the next City Commission Agenda that is at least five (5) days after receipt of the request.

Sec. 28-5 Violations and sanctions; Civil Infraction.

Unless otherwise specified, a violation of this Chapter is a civil infraction punishable as provided in the Code.

ARTICLE II. SOLICITOR REGISTRATION

Sec. 28-6. Solicitor Registration Certificate.

- (a) No person shall be a solicitor or engage in soliciting in the City unless: (i) the solicitor is soliciting for and on behalf of a charitable, religious or political organization or attempting to enlist support for or against a particular religion, philosophy, ideology, political party, issue or candidate, and (ii) the solicitor or the solicitor's parent organization has first registered with and obtained a registration certificate from the City Clerk, unless such person is specifically exempt from this registration requirement under this ordinance.
- (b) In order to register and obtain a solicitor registration certificate as required by this Chapter, a solicitor or a solicitor's parent organization shall register with the City upon application forms provided by the City Clerk. To obtain a registration certificate, the registrant shall do and provide the following:
- (1) Appear in person at the City Clerk's Office with governmental issued identification (e.g. driver's license, passport) verifying the identity of the person who requests the registration certificate.
 - (2) If the person registering is a parent organization intending to register and send multiple solicitors for purposes of canvassing areas of the City: (i) the complete formal name of the parent organization, its business address, website address (if any) and telephone number; (ii) the names of the parent organization's officers and directors; (iii) provide verification of the identity of the person who will be in direct charge of conducting the soliciting activities in the City; (iv) provide verification of the identity of each individual solicitors who will participate in the soliciting on behalf of the parent organization in the City; and (v) where and when the parent organization was established, the form of its organization, the federal tax identification number, and verification of its tax exempt classification and status under the Internal Revenue Code, if any.
 - (3) Provide a detailed description of the type of soliciting to be undertaken and the method to be used in conducting the soliciting.
 - (4) Provide the dates and times when and locations where the soliciting will occur, giving the proposed dates for the beginning and ending of such soliciting and the hours of the days thereof.
 - (5) Provide a statement as to whether the person registering, or if the registrant is a parent organization whether any officer, partner, member or director of the parent organization and whether any of the proposed solicitors of said parent organization, has been convicted of a felony or any misdemeanor involving moral turpitude, any form of actual or threatened physical harm against another person, or any type of criminal sexual conduct, and if so, a brief description of the crime, including its location and date, and an explanation of the disposition thereof.
 - (6) Following the provision of the information and verifications required above, the City Clerk will issue a registration certificate to the applicant with a registration number that corresponds to the specific applicant for identification purposes if needed. If the registration certificate is issued to a parent organization, it shall constitute registration of all the parent organization's solicitors listed on the certificate. The registration certificate shall contain the number assigned to the solicitor; the dates within which the registrant will be soliciting; the registration certificate's expiration date; and a statement that the certificate does not constitute an endorsement by the City of the purpose of the soliciting or of the person or group engaged in the soliciting. The registration certificate is not required to contain the person's name and affiliation unless requested by the applicant. All registration certificates shall be signed by the City Clerk.

There shall be no fee charged in connection with a registration certificate for a solicitor.

A registration certificate shall be valid for a period of up to one hundred and twenty (120) days; provided however, that if the soliciting involves right-of-way soliciting, the registration certificate shall be valid for a period of no more than three (3) consecutive days per year for each parent organization. Street soliciting is specifically prohibited in the City.. A registration certificate can be renewed utilizing the process set forth in Sec. 28-6 (b) (1) through (8) above.

Sec. 28-7. Exemption.

Recognizing that the City maintains or has available to it the information otherwise required for solicitor registration under this Chapter, City public safety personnel shall be exempt from the registration requirements set forth in this Chapter, provided the City Clerk is provided advanced notification describing the soliciting activity and its duration and verification that the soliciting activity is for a recognized, legitimate and valid charitable police or fire association projects. Such persons shall be subject to all other solicitation regulations set forth in this Chapter.

ARTICLE III. PEDDLERS.

Sec. 28-8. Peddler licensing.

- (a) No person shall be a peddler or engage in peddling in the City without first obtaining a peddler license from the City Clerk, unless such person is specifically exempt from this licensing requirement under Sec. 28-9 below.
- (b) In order to obtain a peddler license required by this Chapter, a peddler shall apply for said license upon forms prescribed and furnished by the City Clerk. The information provided by the applicant shall include all of the following:
 - (1) The name of the applicant who proposes to peddle within the City, including his or her business street address, website address (if any) and telephone number, and the applicant's home address and telephone number, driver's license number and physical description including height, weight, and color of hair and eyes.
 - (2) The complete name, street address, website address (if any) and telephone number of the parent organization and where and when the parent organization was established or incorporated and the form of its organization.
 - (3) A detailed description of the type of peddling to be undertaken and the method to be used in conducting the peddling.
 - (4) The dates and times when, and locations where, peddling will occur, giving the proposed dates for the beginning and ending of such peddling and the hours of the days thereof.
 - (5) The types of goods, wares, merchandise and services to be sold or for which the peddling will be made.
 - (6) Whether the applicant or parent organization has ever been denied a license for peddling, had a license for peddling suspended or revoked, or been prohibited from peddling in the City of Huntington Woods or in any other community.
 - (7) Whether the applicant, or any officer, partner, member or director of the parent organization has been convicted of a felony or any misdemeanor within the past ten (10) years of a violation of federal, state or local laws, ordinances, or regulations reflecting adversely on the applicant's ability to conduct the business for which the license is being sought in an honest and legal manner, including, but not limited to, burglary, theft, larceny, swindling, fraud, unlawful business practices, any form of actual or threatened physical harm against another person, or any type of criminal sexual conduct, and if

so, a brief description of the crime or violation, including its location and date, and an explanation of the reason therefore.

- (8) Two (2) color photographs of the applicant, one (1) being a photograph taken within sixty (60) days prior to the date of filing of the application and the other photograph being from the applicant's driver's license, a copy of such driver's license to be attached to the applicant's application. The photograph that is not from the applicant's driver's license shall be at least two (2) inches by two (2) inches and shall show the head and shoulders of the applicant in a clear and distinguishing manner. In the event that the applicant has not been issued a driver's license or it has been revoked, then the applicant shall submit a second separate photograph with the application, such photograph being at least two (2) inches by two (2) inches and shall show the head and shoulders of the applicant in a clear and distinguishing manner.
 - (9) The applicant's state of Michigan sales tax license number.
 - (10) A criminal background report of the applicant's criminal history. Such reports shall be obtained by the applicant through the Internet Criminal History Access Tool (ICHAT) for applicants residing in Michigan and/or through another state-sponsored or authorized criminal history access source for applicants who reside in other states or have resided in other states within five (5) years prior to the date of the application. The applicant is responsible for all charges incurred in requesting and receiving the ICHAT report or other criminal history report and the report must be dated within thirty (30) days of the date of the application.
 - (11) If under eighteen (18) years of age, the applicant must provide a copy of a valid work permit issued by the applicant's school, school district offices or other authorized issuing agency to the applicant for purposes of the peddling activity proposed to be undertaken in the City.
 - (12) If the applicant will be engaging in peddling from or out of a motor vehicle in the streets and roads of the City, the applicant must provide information to verify that the applicant has a valid driver's license, has not been convicted of a misdemeanor or felony moving violation within the last three (3) years, or has not been found responsible for three (3) or more motor vehicle moving violations under the Michigan Motor Vehicle Code or local ordinances within the last three (3) years.
 - (13) If the applicant will be engaging in peddling from or out of a motor vehicle in the streets and roads of the City, the vehicle from which the peddling is to occur shall be brought to the City and inspected by a designated representative of the Public Safety Department and must be found to meet any safety standards adopted by the Public Safety Department and any standards adopted by the State of Michigan, and the Public Safety Department's checklist form signed by the designated public safety department representative verifying such compliance shall be submitted with the application.
 - (14) If the applicant will be engaging in the sale of food or beverages, a health license issued by the Oakland County Health Department. Such peddler's equipment shall be subject to inspections by the Oakland County Health Department at the time of application, as required by the state public health code.
- (c) An administrative processing and license fee for a peddler license application shall be established by resolution of the City Commission and such fee shall be paid when the application is filed with the City. City Commission shall also establish fees for licenses issued for special events.

- (d) The City Clerk and Director of Public Safety shall examine all peddler license applications and shall make or cause to be made such further investigation of the application or applicant as the City Clerk and/or Director of Public Safety shall deem necessary. If the City Clerk and Director of Public Safety both find the application to be complete and satisfactory in consideration of the purpose, intent and applicable provisions of this Chapter, the City Clerk shall approve and issue the license. The City Clerk may deny issuance of a license if he or she finds that:
- (1) The applicant failed to truthfully provide in his or her application the information required in this chapter;
 - (2) The applicant has engaged in a fraudulent transaction or enterprise;
 - (3) The applicant has been convicted within the past ten (10) years of a violation of federal, state or local laws, ordinances, or regulations reflecting adversely on the applicant's ability to conduct the business for which the license is being sought in an honest and legal manner, including, but not limited to, burglary, theft, larceny, swindling, fraud, unlawful business practices, any form of actual or threatened physical harm against another person, or any type of criminal sexual conduct;
 - (4) The applicant is listed on any criminal sex offender registry or has any outstanding warrants for any misdemeanor or felony;
 - (5) If the applicant will be engaging in peddling from or out of a motor vehicle in the streets and roads of the City, the applicant does not have a valid driver's license, has been convicted of a misdemeanor or felony moving violation within the last three (3) years, or has been found responsible for three (3) or more motor vehicle moving violations under the Michigan Motor Vehicle Code or local ordinances within the last three (3) years;
 - (6) The applicant has had a license to conduct peddling or soliciting suspended or revoked within the past ten (10) years.
- (e) A peddler license shall bear the name, address and photograph of the peddler; the date issued; the dates within which the license holder may peddle; the expiration date of the license; and a statement that the license does not constitute an endorsement by the City of the purpose or products involved or of the persons or parent organization conducting the peddling. All peddler licenses shall be signed by the City Clerk.
- (f) A peddler license shall be valid for a period of up to one hundred and twenty (120) days as determined by the City Clerk with consideration of the application, with the exception of special events, which shall be limited to the period of the special event. Peddler licenses issued under this Chapter are nontransferable.

Sec. 28-9. Exempt persons.

- (a) The following shall be exempt from the licensing, registration and fee requirements of this Chapter, but shall be subject to the other sections of this Chapter:
- (1) Persons engaged in the occupation of distribution of newspapers.
 - (2) City of Huntington Woods merchants and representatives engaging in year-round business with a permanent location in the City.
 - (3) Any honorably discharged veteran who is a resident of this state and who has obtained a veteran's license from a county clerk within the state of Michigan.
 - (4) Any person who proposes to sell produce which he has raised himself. Produce may only be sold on the site where it is raised.

- (b) The following shall be exempt from this Chapter:
- (1) Persons peddling to fellow members of the peddler's parent organization.
 - (2) Persons peddling by telephone, email or mail.
 - (3) Recognizing that the City maintains or has available to it the information otherwise required for licensing under this Chapter, City public safety personnel shall be exempt from the fee and licensing requirements set forth in this Chapter, provided the City Clerk is provided advanced notification describing the peddling activity and its duration and verification that the peddling activity is for a recognized, legitimate and valid charitable police or fire association project. Such persons shall be subject to all other regulations set forth in this Chapter.

Sec 28-10. Peddler License Renewals.

Peddler licenses may be renewed provided an application for renewal and license fees are received by the City no later than the expiration date of the current license. Applications received after that date shall be processed as new applications. The City shall review each application for renewal to determine that the applicant is in full compliance with the provisions of this Chapter. If the City finds that the new application meets the above requirements, the City shall issue a new license.

Sec. 28-11. Peddler License Suspension.

- (a) The City Clerk may suspend a peddler license upon determining that any of the following circumstances exists:
- (1) The licensee failed to truthfully provide in his or her application the information required in this Chapter, or that the licensee has engaged in a fraudulent transaction or enterprise;
 - (2) The licensee has been convicted of a violation of federal, state or local laws, ordinances, or regulations reflecting adversely on the licensee's ability to conduct the business for which the license has been issued in an honest and legal manner, including, but not limited to, burglary, theft, larceny, swindling, fraud, unlawful business practices, any form of actual or threatened physical harm against another person, or any type of criminal sexual conduct;
 - (3) The licensee is listed on any criminal sex offender registry or has any outstanding warrants for any misdemeanor or felony;
 - (4) If the licensee will be engaging in peddling from or out of a motor vehicle in the public ways of the City, the licensee's driver's license has been suspended or revoked or the licensee has been convicted of a misdemeanor or felony moving violation; or
 - (5) The licensee has, in the course of peddling in the City, engaged in conduct that is contrary to the peace, privacy, safety, health and welfare of the residents, businesses and persons in the City as determined by the Public Safety Department.
 - (6) Intervention by the state or county health department due to uncorrected health or sanitation violations.
- (b) A licensee shall be given written notice of the cause and term of the suspension. A licensee shall have the right to appeal the suspension within thirty (30) days of the date of suspension. A licensee shall provide written notice and request for a reversal of the suspension, and a hearing shall be conducted by the City Commission no later than fifteen (15) days following receipt of a written request by the licensee, unless a later date is set by agreement of the licensee. At the hearing, the licensee shall have

the right to hear the evidence relied upon by the City Clerk and the right to present evidence and witnesses on his or her behalf. At the hearing, or at an adjourned date, the City Commission shall determine whether to reverse, modify or affirm the suspension and shall put its decision and the reasons therefore in the form of a resolution, which the City Clerk shall forward to the licensee. The City Commission's decision may be appealed and reviewed by a court of competent jurisdiction.

Sec. 28-12. Peddler License Revocation.

- (a) The City Commission may revoke a peddler license upon the recommendation of the City Clerk and after a hearing at which it is shown that:
 - (1) Any of the circumstances listed in Sec. 28-11(a) (1)—(6) exists; or
 - (2) A licensee has violated the terms of a peddler's license suspension.
- (b) Reasonable written notice of the hearing shall be given to the licensee not less than ten (10) days prior to the hearing date. The written notice shall be mailed by regular mail to the license holder at the business address provided on the licensee's application and shall set forth the alleged reason or reasons for considering revocation of the license and also the date, time and place of the hearing. At the hearing, the licensee shall have the right to hear the evidence relied upon by the City Clerk and the right to present evidence and witnesses on his or her behalf. At the hearing, or at an adjourned date, the City Commission shall determine whether the license should be revoked or suspended and shall put its decision and the reasons therefore in the form of a resolution, which the City Clerk shall forward to the licensee. The City Commission's decision may be appealed and reviewed by a court of competent jurisdiction.

ARTICLE IV. CANVASSER REGULATIONS.

Sec. 28-13. Notice Requirement.

A canvasser shall not engage in canvassing before a written notice of that intended canvassing is received by the City Clerk. The notice may be by personal or courier delivery, mail, facsimile, or email as specified on a form for such notices by the City Clerk's Office, and shall contain all of the following information:

- (a) The words, "Notice of Canvassing".
- (b) The name, address, and phone numbers of an individual giving the notice.
- (c) If the notice is intended to cover multiple canvassers:
 - (1) The name, address, and phone numbers of the parent organization.
 - (2) The names, positions, and phone numbers of the individuals with the parent organization who may be contacted regarding the canvassing.
 - (3) The names of individuals that will be canvassing.
 - (4) Whether additional individuals that have not been named may be canvassing.
- (d) The areas of the City to be canvassed, which shall be described by reference to streets or areas bounded by specified streets.
- (e) For each area of the City to be canvassed, the dates when that will occur which shall not extend beyond 120 days from the date of the notice.
- (f) A general statement of purpose that confirms the intended activity is canvassing and not soliciting or peddling.
- (g) An acknowledgement that giving the notice does not allow soliciting or peddling.
- (h) A dated signature by the individual providing the notice.
- (i) Whether the confidentiality provided in Section 28-16 for the name, address and phone numbers of the individual that signed the notice is waived.

Sec. 28-14. Supplemental Notices.

A notice provided under Section 28-13 shall be supplemented in the same form and manner if there is any change in the information reported and to add names of individuals before they begin canvassing for a parent organization.

Sec. 28-15. Period Covered by Notice.

A notice provided under this article shall be valid through the last date of canvassing disclosed in the notice or 120 days from the Public Safety Department's receipt of the notice, whichever is earlier.

Sec. 28-16. Confidentiality.

Unless required by a court order or proceeding for a violation of this Article, or waived in a signed and dated writing or by giving the information to a person being canvassed, an individual canvasser's name, address, and phone numbers disclosed in a notice under this Article, shall be confidential and not be publicly disclosed, this provision being in recognition of the right to anonymity for canvassing activities recognized by law, violation of which could be an unwarranted invasion of such individual canvasser's privacy. An individual canvasser that has waived confidentiality may request and obtain a copy of the notice provided to the Public Safety Department with the names, addresses and phone numbers of other individual canvassers on that notice that have not waived confidentiality deleted.

Sec. 28-17. Soliciting and Peddling Prohibited.

A canvasser shall not engage in soliciting without complying with the registration and other regulations in Article I and shall not engage in peddling without complying with the licensing and other regulations in Article II.

Sec. 28-18. Identification.

A canvasser shall carry photo identification and produce it upon the request of any public safety officer for the purpose of determining if the canvasser is covered by a notice received by the Public Safety Department under this Article.

ARTICLE V. GENERAL REGULATIONS FOR PEDDLERS/SOLICITORS/CANVASSERS.

Sec. 28-19. Material Change to Application Information.

- (a) While any peddler license, solicitor registration certificate, or canvasser notice issued pursuant to this Chapter is in effect, a peddler, solicitor, or canvasser shall, within seven (7) calendar days, report to the City Clerk in writing any material change in any information previously provided on the application form.
- (b) It shall be a violation of this Chapter for any person knowingly to file or to cause to be filed an application for a peddler license, solicitor registration certificate, or canvasser notice containing one or more false statements.

Sec. 28-20. Inferred Endorsement by the City.

A peddler license, solicitor registration certificate or canvasser notice issued under this Chapter shall not be used or represented in any manner as an endorsement by the City or by any department, officer or employee thereof.

Sec. 28-21. Hours for Peddling/Soliciting.

No peddling or soliciting shall take place in the City after 9:00 p.m. or the official time of sunset, whichever is earlier, or before 10:00 a.m., prevailing time.

Sec. 28-22. Display of License/Registration Certificate.

While carrying on peddling in the City, a peddler shall visibly display on the exterior of his or her clothes at all times a valid peddler license issued under this Chapter and shall tender such license, upon request, to any public safety officer, City employee, or any person dealing with the peddler.

Sec. 28-23. Obstructing Traffic.

Notwithstanding any other provision of this Chapter to the contrary, a peddler, solicitor or canvasser shall not block, obstruct, impede or otherwise interfere with the normal flow of vehicular or pedestrian traffic upon a public highway, public parking lot, street, road, alley, drive or sidewalk or within public buildings and other public areas within the City by means of a barricade, object or device, or with his person.

Sec. 28-24. Interfering with Public.

A peddler, solicitor or canvasser shall not, without permission, accost, interfere with, or touch any member of the public in any manner.

Sec. 28-25. Harassment and Noise.

No peddler, solicitor or canvasser shall threaten or harass any resident of the City in the course of their activities or in any way engage in any conduct that would tend to threaten the health and safety of another or cause a nuisance, including, but not limited to, shouting, crying out, blowing horns, or otherwise making noise with devices designed to attract the attention of the public so as to be audible within any nearby enclosed structure, except there may be a ringing of an unamplified bell outside the entrance of retail commercial buildings, so long as it does not unreasonably disturb the peace and quiet within any surrounding neighborhoods or buildings.

Sec. 28-26. Misrepresentation.

No fraudulent or misleading representations to any person shall be made in connection with any peddling, soliciting or canvassing, including, but not limited to, any misleading representation concerning the product or service involved, the purposes for which contributions solicited will be used, the name of the peddler, solicitor, or canvasser, the trade name and nature of the parent organization, or the purposes for which the parent organization was organized.

Sec. 28-27. Peddling on Public Property.

- (a) Peddling is prohibited within a public right-of-way, including any street corner or intersection road, and on any highway, street, road, lane, sidewalk, driveway, alley, public parking lot any or publicly-owned property, except for peddling conducted as provided in subsections (b) and (c), below.
- (b) For special events conducted by or with the approval of the City, a peddler shall apply for a peddler's license at least thirty (30) days prior to the scheduled special event and provide the information required in this ordinance, unless exempt under this ordinance. If the peddler license is approved by the City, the term of the license shall be limited to the period of the special event. If the peddler license is approved by the City, a peddler may conduct activities only on the specific public property in the location identified and approved by the City for the special event. If the special event is to take place in any of the public parks and/or adjacent public property, roads or parking lots, a peddler license shall be obtained under this Chapter.
- (c) Peddlers of food products from a vehicle approved by the Public Safety Department may engage in peddling on residential public streets and rights-of-way only, and may not peddle on streets considered major thoroughfares or public parking lots, provided such peddlers comply with all otherwise applicable requirements of this Code, including provisions relating to noise and hours of operation, and otherwise applicable laws and regulations. In the case of ice cream trucks, the ringing of an

unamplified bell is permitted so long as it does not unreasonably disturb the peace and quiet of the surrounding neighborhoods or structures.

Sec. 28-28. Fixed Stands Prohibited; Miscellaneous.

- (a) No peddler, solicitor, or canvasser shall establish a fixed stand and/or store for peddling, soliciting or canvassing upon any street, right-of-way, road, highway, lane, sidewalk, driveway, alley, public parking lot or publicly-owned property.
- (b) Temporary peddler, solicitor, or canvasser stands shall not impede access to the entrance, parking lot or driveway of any adjacent building. Such stands shall be located only on private property within the City, when permission of the property owner has been obtained, unless permission to be located in public property is granted by the City for a special event in accordance with Sec. 28-27. Nothing herein shall be construed as relieving an applicant from applying for any other approvals that may be required by the City Code.
- (c) No peddler, solicitor, or canvasser shall conduct business within twenty-five (25) feet of any handicapped parking space or access ramp.
- (d) All trash or debris accumulating within twenty-five (25) feet of any peddler, solicitor or canvasser stand shall be collected by the peddler, solicitor or canvasser and deposited in a trash container. All peddlers selling food or beverages must provide trash receptacles adjacent to or as a part of their stands.

Sec. 28-29. Posted Property; Access to Premises Restricted.

- (a) No peddler, solicitor, or canvasser shall enter into or upon any property that has posted a "no peddling," "no solicitation," "no soliciting", "no canvassing" or "no trespassing" sign, or similar notice, in accordance with subsection (c), below.
- (b) A sign posted under subsection (a), above, must be a weatherproof sign measuring a minimum of three (3) inches by four (4) inches, the letters must be at least one-third (1/3) inch in height, and the sign must be exhibited upon or near a main entrance door to the main structure, building or residence on the property.

Sec. 28-30. Request to Leave.

No peddler, solicitor, or canvasser shall remain on private property after having been asked or directed to leave the premises by any person lawfully in possession of the premises. In addition, no person shall remain on public property during a special event when asked or directed to leave the premises by any public safety officer or event staff. The provisions of this section shall not be deemed to prohibit the handling, transmitting or distributing of any (commercial) or (noncommercial) handbill to the owner or other occupant of any automobile or other vehicle, who is willing to accept the same.

Sec. 28-31. Contracts.

The City reserves the right to contract with individual vendors to provide limited vending services in public areas.

Sec. 28-32 Reserved.

ARTICLE VI. HANDBILLS.

Sec. 28-33. - Distributing, throwing, or scattering handbills in public places prohibited.

It shall be unlawful for any person to deposit, place, throw, scatter or cast any handbill in or upon any public place within this city. The provisions of this section shall not be deemed to prohibit the handling, transmitting or distributing of any (commercial) or (noncommercial)

handbill to the owner or other occupant of any automobile or other vehicle, who is willing to accept the same.;

Sec. 28-34. - Placing commercial and noncommercial handbills in vehicles.

It shall be unlawful for any person to distribute, deposit, place, throw, scatter or cast any commercial or noncommercial handbill in or upon any automobile or other vehicle. The provisions of this section shall not be deemed to prohibit the handling, transmitting or distributing of any (commercial) or (noncommercial) handbill to the owner or other occupant of any automobile or other vehicle, who is willing to accept the same.

Sec. 28-35. - Distribution on uninhabited or vacant private premises.

It shall be unlawful for any person to distribute, deposit, place, throw, scatter or cast any commercial or noncommercial handbill in or upon any private premises which are temporarily or continuously uninhabited or vacant.

Sec. 28-36. - Prohibiting distribution where properly posted.

It shall be unlawful for any person to distribute, deposit, place, throw, scatter or cast any commercial or noncommercial handbill upon any premises if requested by anyone thereon not to do so or if there is placed on said premises in a conspicuous position near the entrance thereof a sign bearing the words: "No Trespassing," "No Peddlers or Agents," "No Advertisements," "No Handbills," or any similar notice, indicating in any manner that the occupants of said premises do not desire to be molested or to have their right of privacy disturbed, or to have any such handbills left upon such premises. However, it shall be the duty of the owner, landlord or person in control of any premises remaining vacant for a period of more than five (5) days to post in a conspicuous position on the premises such sign as is indicated by this section. The term "vacant," as used herein, shall not be deemed to include temporary absences from the premises by its regular occupants.

Sec. 28-37. - Distribution on inhabited private premises.

No person shall distribute, deposit, place, throw, scatter, or cast any commercial or noncommercial handbill in or upon any private premises which are inhabited, except by handing or transmitting any such handbill directly to the owner, occupant, or any other person then present in or upon such private premises; provided, however, that in case of inhabited private premises which are not posted as provided in this article, a person, unless requested by anyone upon such premises not to do so, may place or deposit any such handbill in or upon such inhabited private premises, if such handbill is so placed or deposited as to secure or prevent such handbill from being blown or drifted about such premises or elsewhere, except that mailboxes may not be used when so prohibited by federal postal laws or regulations.

Sec. 28-38. - Exemptions.

The provisions of this article shall not be deemed to apply to the distribution of mail by the United States, or to newspapers delivered pursuant to a subscription with the property owner.

Sec. 28-39. - Handbills depicting certain matter prohibited.

It shall be unlawful for any person to post, hand out, distribute or transmit any sign or any handbill:

- (1) Which is reasonably likely to incite or produce imminent lawless action; or
- (2) Which is obscene or unlawful.

Section 2 of Ordinance. Repealer.

All ordinances, parts of ordinances, or sections of the City Code in conflict with this Ordinance are repealed only to the extent necessary to give this Ordinance full force and effect.

Section 3 of Ordinance. Severability.

Should any section, subdivision, clause, or phrase of this Ordinance be declared by the courts to be invalid, the validity of the Ordinance as a whole, or in part, shall not be affected other than the part invalidated.

Section 4 of Ordinance. Savings.

All proceedings pending and all rights and liabilities existing, acquired or incurred at the time this Ordinance takes effect, are saved and may be consummated according to the law in force when they were commenced.

Section 5 of Ordinance. Effective Date.

This Ordinance shall be effective twenty (20) days from the date of adoption and shall be published as required by the Charter of the City of Huntington Woods.

Section 6 of Ordinance. Enactment.

This Ordinance is declared to have been enacted by the City Commission of the City of Huntington Woods at a meeting called and held on the 28th day of March, 2017, and ordered to be given publication in the manner prescribed by law.

Ayes: Mayor Paul, Mayor Pro Tem Olsman, Commissioner Iversen, Commissioner Jenks and Commissioner Rozell

Nays: None

Abstentions: None

Absent: None

STATE OF MICHIGAN)
) ss.
COUNTY OF OAKLAND)

I, the undersigned, the qualified and acting City Clerk of the City of Huntington Woods, Oakland County, Michigan, do certify that the foregoing is a true and complete copy of the Ordinance adopted by the City Commission of the City of Huntington Woods at a meeting held on the 28th day of March, 2017, the original of which is on file in my office.

JOY SOLANSKEY, City Clerk
City of Huntington Woods

RESOLUTION R-15-2017

Library Meeting Room Rental Policy

Moved by Commissioner Jenks and supported by Mayor Pro Tem Olsman to adopt the Library Meeting Room Rental Policy as approved by the Library Advisory Committee.

Upon said Resolution being put to a vote, the City Commission voted thereon as follows:

Ayes: Mayor Paul, Mayor Pro Tem Olsman, Commissioner Iversen, Commissioner Jenks and Commissioner Rozell

Nays: None

Absent: None

The Mayor thereupon declared said Resolution adopted.

RESOLUTION R-16-2017

Board Appointment

Moved by Mayor Pro Tem Olsman and supported by Commissioner Rozell to appoint Gordon Glidden as the alternate to the Construction and Property Maintenance Board of Appeals.

Upon said Resolution being put to a vote, the City Commission voted thereon as follows:

Ayes: Mayor Paul, Mayor Pro Tem Olsman, Commissioner Iversen, Commissioner Jenks and Commissioner Rozell

Nays: None

Absent: None

The Mayor thereupon declared said Resolution adopted.

RESOLUTION R-17-2016

Pool Boiler Replacement

Moved by Mayor Pro Tem Olsman and supported by Commissioner Iversen that the City of Huntington Woods enter into a service contract continuation with Conti Mechanical, 6417 Center Drive, Sterling Heights, MI 48312 for the replacement of boiler #2 at the Recreation Center for a total cost of \$22,458.00, and that the 2016-17 Capital Improvement Fund Account #402-400-970-751 be adjusted to reflect such purchase.

Upon said Resolution being put to a vote, the City Commission voted thereon as follows:

Ayes: Mayor Paul, Mayor Pro Tem Olsman, Commissioner Iversen, Commissioner Jenks and Commissioner Rozell

Nays: None

Absent: None

The Mayor thereupon declared said Resolution adopted.

RESOLUTION R-18-2017

Receive and file reports and minutes

Moved by Commissioner Jenks and supported by Commissioner Iversen to receive and file the reports and minutes:

- a. Environmental Advisory Board, January 19, 2017
- b. Parks and Recreation Advisory Board, January 24, 2017
- c. Library Advisory Board, January 23, 2017
- d. Senior Advisory Committee, December 15, 2016
- e. Finance Report, January 31, 2017
- f. Finance Report, February 28, 2017

Upon said Resolution being put to a vote, the City Commission voted thereon as follows:

Ayes: Mayor Paul, Mayor Pro Tem Olsman, Commissioner Iversen, Commissioner Jenks and Commissioner Rozell

Nays: None

Absent: None

The Mayor thereupon declared said Resolution adopted.

WARRANT NO. 322

Moved by Commissioner Iversen and supported by Commissioner Rozell that the attached transfers and disbursements as listed on the Accounts Payable Distribution Report due by March 24, 2017 and paid between February 10, 2017 and March 23, 2017 on pages 1 through 11 in the amount of \$1,056,872.48 be approved and paid, subject to full audit.

Upon said Resolution being put to a vote, the City Commission voted thereon as follows:

Ayes: Mayor Paul, Mayor Pro Tem Olsman, Commissioner Iversen, Commissioner Jenks and Commissioner Rozell

Nays: None

Absent: None

The Mayor thereupon declared said Resolution adopted.

RESOLUTION R-19-2017

Recess to Closed Session

Moved by Mayor Pro Tem Olsman and supported by Commissioner Jenks to recess to Closed Session to discuss pending litigation of the City of Huntington Woods vs. the City of Oak Park.

The Mayor called a roll call vote, the City Commission voted thereon as follows:

Ayes: Mayor Pro Tem Olsman, Commissioner Jenks, Commissioner Rozell, Commissioner Iversen and Mayor Paul

Nays: None

Absent: None

The Mayor thereupon declared said Resolution adopted.

CITY MANAGER REPORT

City Manager Sullivan reported Friends of Library Used Book Sale is scheduled for Saturday, April 1st from 10am to 4pm in the lower level of the Library. The tennis nets will be going up this week. A thank you to the Men's Club for an amazing auction. The City Commission meeting of April 5th has been cancelled. The next City Commission meeting is April 25, 2017.

COMMISSIONER'S REMARKS

Commissioner Jenks thanked the City for the handling of the power outage. The City kept residents informed as best they could based upon the lack of information from DTE. He was proud of the Public Safety Department's kind call program, which automatically calls residents daily at a mutually agreed time. Service is upon request with no charge. Nixle also provided communication with text messages and emails. He thinks the City responded in many different ways to make information available.

Mayor Pro Tem Olsman said he thinks under the circumstances of the power outage everyone was engaged to the extent they could be, a power outage is beyond the jurisdiction of the City of Huntington Woods.

Commissioner Iversen said she really was very pleased with the emails and blasts sent out by the City Manager. There are always ways we can improve, we will learn from this event, but I think we rose to the occasion. We live in a great community, for that I am thankful.

Commissioner Rozell made his comments earlier in the meeting.

Mayor Paul thanked the community for their overwhelming support of the Men's Club Auction. Over \$20,000 in ticket sales, \$38,000 in advertising and the final gross figure was a little over \$155,000. \$40,000 is going towards Scotia Park. One of the subjects reviewed at the Planning Commission last night was the enlargement of the Giraffe Exhibit at the Zoo. The Planning Commission felt this was not in their realm of expertise and requests the City Commission take a second look at anything outside a certain distance of the center line of Huntington Road. Those items could be handled administratively as far as permits and approvals. He had the honor of presenting a proclamation to new Boy Scout Eagle Scout Andrew Enerson. All the Boy Scouts efforts in the community are very much appreciated.

The Regular City Commission Meeting adjourned to Closed Session at 9:19 pm.

The Closed Session adjourned at 10:30 pm, no action taken.

Joy Solanskey, City Clerk

Robert F. Paul, III, Mayor