

Village of Bellaire

PUBLIC SAFETY COMMITTEE

Dan Bennett, Chairman

Butch Dewey

David Schulz

MEETING MINUTES
February 28, 2013 at 2:00 p.m.

1. **Call to Order:** Chairman Bennett called the meeting to order at 2:00 p.m.
2. **Roll Call Attendance**
 - Present:** Chairman Bennett & David Schulz
 - Absent:** Butch Dewey
 - Staff Present:** Janet Koch, Clerk & Chief of Police Brad Rowe
 - Also Present:** Bryan Graham, village attorney
3. **Approval of Agenda:** The agenda was approved.
 - Motion by Schulz, seconded by Bennett, to approve the agenda as presented. Motion carried by unanimous voice vote.**
4. **Approval of Minutes:** The minutes were approved.
 - Motion by Schulz, seconded by Bennett, to approve the minutes of January 10, 2013 as presented. Motion carried by unanimous voice vote.**
5. **Public Comment on Agenda Items:** None presented.
6. **Old Business**
 - a) **Proposed Open Container Ordinance** – Graham asked the committee to define the problem that was driving the creation of the ordinance. He asked if the problem was possession of alcohol on public highway or if it was alcohol consumption on highways that was the problem.

Chief Rowe described a specific incident from last fall that involved a local resident riding a bicycle on a sidewalk with an open container while in the company of his children.

Graham said if the issue is consumption, there are state laws that deal with that. The Uniform Traffic Code also makes the incident a violation. MCL 436.1915, Sec. 915.(1) states that alcoholic liquor shall not be consumed on the public highways. Graham distributed copies of MCL 436.1915 and MCL 436.1909 which states that violation of Chapter 436 is a misdemeanor.

Graham also said that the village has already adopted the Uniform Traffic Code in Chapter 116 of the village code. The Uniform Traffic Code also prohibits consumption of liquor on highways. Graham added that both of these laws applied only to consumption; there is no state law involving possession.

Chief Rowe asked for clarification regarding the term public highways. Graham said it was a defined term that includes sidewalks. Koch asked if the term included any public right-of-way. Graham said yes, adding that he could look at state law definitions if the committee would like him to.

Schulz expressed a concern about individuals who might leave a fenced area where alcohol consumption is allowed while carrying an open container of alcohol. Graham said Section 915 allows a governing body to prohibit the consumption of alcohol in certain public places.

Graham said you can't make the consumption of alcohol on a public highway to be a municipal civil infraction because it's already a criminal misdemeanor under state law. He also said that if an ordinance is passed instead of using state law, there will be an expense to enforce. Using state law, the prosecutor's office does that.

Chief Rowe said there's no point in creating an ordinance if there's a state law already in effect. He said he'd looked for one, but even with the assistance of Jim Rossiter from the prosecutor's office that he couldn't find anything.

Graham suggested that Rowe take the MCL's that Graham had distributed and talk to the prosecutor's office. Rowe and the committee agreed. Rowe said he'd talk to the prosecutor's office and bring the results to the next village council meeting.

The committee thanked Graham for his assistance.

7. New Business: None presented.

8. Discussion

a) **Fireworks Ordinance** – The committee had asked Koch to research local fireworks ordinance. She said Elk Rapids is the only village in Antrim County that currently has an ordinance restricting use of consumer fireworks. She said that a copy of the state law allowing consumer fireworks was in the committee packets, along with copies of fireworks ordinances from Elk Rapids, Traverse City, and Madison Heights.

Chairman Bennett asked what needed to be discussed regarding a fireworks ordinance. Koch said that if the committee and council wished to have a fireworks ordinance in place for the upcoming summer, that now would be the time to think about it.

Bennett asked Chief Rowe if there had been any difficulties. Rowe said if there were going to be serious problems they'd primarily be on the 3rd, 4th, and 5th of July, days during which the village can't restrict use. The 2012 state law allows use of consumer fireworks, but allows cities, village, and townships to restrict use except the day of, the day before, and the day after all national holidays.

Bennett said he'd heard gunshots inside the village limits within the last week. Chief Rowe told Bennett that he hadn't received any recent complaints about gunshots.

Koch said the village office had received a number of phone calls regarding fireworks last summer, but many people hadn't realized that the law had changed. Bennett asked if there were fire concerns. Chief Rowe said the state law hadn't addressed that issue.

Schulz said that unless heavy fireworks use creeps into June and August, that it isn't much of an issue at this point. He added that the topography of the village amplifies noises from adjacent townships. Bennett agreed, saying that the consensus of the committee was to wait and see if there are any difficulties regarding fireworks.

9. Communication/Informational: Chief Rowe said that he would be ordering a new police vehicle at the start of the new fiscal year, which begins March 1. He hopes to have the new vehicle ordered, delivered, equipped, and on the road by early summer.

The committee discussed the procedure to sell the old vehicle. Schulz asked Koch to place the issue on the agenda for the next village council meeting.

Chief Rowe also described a situation involving a village reserve officer whose certification is due to expire in June. To retain his certification, he needs to be regularly scheduled with a police department once a month. This would be one shift (8 hours) a month for 12 months. If the village chooses to hire this officer, it would result in having a fourth officer with arrest powers. Chief Rowe asked the committee how the village would feel about this. Schulz asked Koch to put the issue on the agenda for the next council meeting.

10. Closing Member/Public Comments: None presented.

11. Adjourn: Meeting adjourned at 2:33 p.m.

Compiled by Janet Koch, Clerk

Approved: _____
Daniel Bennett, Chair

Date: _____