

AGENDA REPORT

TO: Mayor & City Commissioners
FROM: Ken Hibl, City Manager
DATE: April 15, 2010
RE: *Communications



For the Agenda April 19, 2010

***Note: This is a Consent Agenda item and is considered as routine by the City Commission. As such, this matter shall be automatically enacted by one motion with all other Consent Agenda items unless a Commissioner or citizen requests this item be individually discussed, in which event it shall be removed from the Consent Agenda and considered and acted upon in its designated sequence on the approved Clare City Commission agenda of April 19, 2010.**

The following major items of correspondence were either received by or transmitted by the City since the last regularly scheduled City Commission meeting:

Allocation Plan for Senior Services. The City received the attached correspondence related to the referenced topic.

Resident Concerns. The City offered the attached correspondence to a City resident regarding a wide range of topics.

Charter Communications Correspondence. We received the attached letter regarding new services provided Charter Communications.

Kudos for Round-About. We received an email from “Joe Citizen” offering his opinion regarding the round-about on Clare’s southern boundary.

Arbor Day Foundation. We’ve been notified of our continued designation as a Tree City USA.

Legal Correspondence. Our City Attorney offered our previous Internet Service Provider notice to remove its equipment from the City water tower.

MDRNE Correspondence. We received the attached letter notifying us of the withholding of payment of funds for audit purposes.

Attachments. As noted above.



REGION VII AREA AGENCY ON AGING

YVONNE CORBAT, CHAIR

ANDREW ORVOSH, EXECUTIVE DIRECTOR

TO: Interested Parties

FROM: Andrew Orvosh, Executive Director *Draw*

SUBJECT: Opportunity for Review & Comment
Allocation Plan for Senior Services for FY 2011

DATE: April 5, 2010

Enclosed please find a Draft Allocation Plan for senior services funded through the Region VII Area Agency on Aging. We are requesting your review and comments.

These figures are based upon a funding notification from the Michigan Office of Services to the Aging (OSA). Region VII may allow transfers among service categories as long as the Office of Services to the Aging Guidelines are followed. OSA does not allow transfers within Title III-D or Title III-E programs. Final Allocations for service categories and service areas are subject to change, contingent upon subsequent notification of funding distributions.

Written comments for the allocations are due at the Region VII Area Agency on Aging office by 4:00 p.m. on Monday, April 19, 2010.

Please send your comments to:
 Stacey Dudewicz, Contract Manager
 Region VII Area Agency on Aging
 1615 South Euclid Avenue
 Bay City, MI 48706

The Region VII Board of Director will take your comments and recommendations into consideration before final allocations are determined. If you have any questions or concerns, please do not hesitate to contact Stacey at (989) 893-4506.

AO/sd

Enclosure

MEMBER COUNTIES: BAY ■ CLARE ■ GLADWIN ■ GRATIOT ■ HURON ■ ISABELLA ■ MIDLAND ■ SAGINAW ■ SANILAC ■ TUSCOLA

1615 S. EUCLID AVENUE
 BAY CITY, MI 48706

989-893-4506 ■ FAX 989-893-3770
 1-800-858-1637 ■ WAIVER FAX (989) 893-2651

www.region7aaa.org

6240 W. MAIN STREET
 CASS CITY, MI 48726

1-800-276-2137 ■ 989-872-5477
 FAX 989-872-3770

REGION VII AREA AGENCY ON AGING
1615 S. EUCLID AVENUE
BAY CITY, MI 48706

FY 2011 DRAFT

County	Service Category	DRAFT FY 2011
Bay	Congregate Nutrition	\$71,040
"	Home Delivered Meals	253,219
"	Case Coordination & Support	50,970
"	Homemaking	55,295
"	Personal Care	6,500
"	Respite Care	7,842
"	Disease Prev/Health Promotion	7,427
"	Adult Day Care	43,730
"	Caregiver Training	31,082
	SUBTOTAL	\$527,105
Clare	Congregate Nutrition	\$37,092
"	Home Delivered Meals	83,815
"	Case Coordination & Support	21,673
"	Personal Care	9,641
"	Homemaking	13,876
"	Respite Care	12,184
"	Senior Center Staffing	4,619
"	Disease Prev/Health Promotion	5,000
"	Adult Day Care	9,000
"	Caregiver Training	11,311
	SUBTOTAL	\$208,211
Gladwin	Congregate Nutrition	\$31,486
"	Home Delivered Meals	72,881
"	Case Coordination & Support	18,749
"	Personal Care	8,892
"	Homemaking	12,188
"	Respite Care	10,020
"	Senior Center Staffing	3,988
"	Adult Day Care	9,000
"	Caregiver Training	9,671
	SUBTOTAL	\$176,875
Gratiot	Congregate Nutrition	\$41,331
"	Home Delivered Meals	68,290
"	Case Coordination & Support	24,570
"	Home Repair	5,535
"	Chore	8,330
"	Personal Care	23,661
"	Respite Care	15,898
"	Senior Center Staffing	5,546
"	Adult Day Care	3,890
"	Caregiver Training	8,787
	SUBTOTAL	\$205,838

		DRAFT FY 2011
County	Service Category	
Isabella	Congregate Nutrition	\$35,686
"	Home Delivered Meals	58,986
"	Case Coordination & Support	30,093
"	Personal Care	21,799
"	Homemaking	19,017
"	Respite Care	14,008
"	Adult Day Care	9,500
"	Caregiver Training	13,777
	SUBTOTAL	\$202,866
Midland	Congregate Nutrition	\$50,292
"	Home Delivered Meals	131,031
"	Case Coordination & Support	32,635
"	Transportation	12,501
"	Homemaking	20,943
"	Home Repair	25,000
"	Respite Care	9,702
"	Adult Day Care	25,521
"	Caregiver Training	19,147
	SUBTOTAL	\$326,772
Saginaw	Congregate Nutrition	\$134,455
"	Home Delivered Meals	381,212
"	Case Coordination & Support	77,978
"	Senior Center Operations	7,000
"	Senior Center Staffing	6,908
"	Adult Day Care	61,698
"	Caregiver Training	56,242
"	Disease Prev/Health Promotion	28,574
	SUBTOTAL	\$754,067
Huron	Congregate Nutrition	\$49,349
"	Home Delivered Meals	105,811
"	Case Coordination & Support	17,010
"	Transportation	5,062
"	Chore	960
"	Adult Day Care	16,672
"	Caregiver Training	13,787
"	Personal Care	12,639
"	Respite Care	3,500
"	Homemaking	16,905
"	Disease Prev/Health Promotion	7,604
	SUBTOTAL	\$249,299

County	Service Category	
Sanilac	Congregate Nutrition	\$47,210
"	Home Delivered Meals	105,303
"	Case Coordination & Support	16,663
"	Transportation	5,445
"	Chore	595
"	Adult Day Care	17,552
"	Caregiver Training	14,962
"	Personal Care	16,059
"	Respite Care	4,084
"	Homemaking	19,937
"	Disease Prev/Health Promotion	7,552
	SUBTOTAL	\$255,362
Tuscola	Congregate Nutrition	\$38,858
"	Home Delivered Meals	117,507
"	Case Coordination & Support	23,290
"	Transportation	5,472
"	Chore	2,423
"	Adult Day Care	19,818
"	Caregiver Training	15,608
"	Personal Care	18,578
"	Respite Care	4,265
"	Homemaking	21,964
	SUBTOTAL	\$267,783
	Total of County Allocations	\$3,174,178
THESE SERVICES MUST BE CONTRACTED TOGETHER		
Saginaw	Personal Care	99,610
"	Homemaking	43,208
"	Respite Care	37,500
	Saginaw In-Home Subtotal	\$180,318
SPECIAL PROGRAMS		
Saginaw	Minority Outreach/Advocacy	75,000
Saginaw	Senior Center Staffing/ Minority Outreach / Transportation	40,685
Thumb	Minority Outreach/Advocacy	30,000
	Special Programs Subtotal	\$145,685
Other Programs Allocation		
All 10 Counties	Long Term Care Ombudsman	\$83,366
All 10 Counties	Legal Assistance	56,000
All 10 Counties	Elder Abuse Prevention	13,172
	Total Other Programs	\$152,538
	GRAND TOTAL	\$3,652,719



CITY OF CLARE

202 West Fifth Street • Clare, Michigan 48617-1490
989/386-7541 • Fax 989/386-4508
www.cityofclare.org

April 1, 2010

CITY HALL

Ph 989/386-7541
Fx 989/386-4508
www.cityofclare.org

Mr. Gregory Machuta
550 Point Drive
Clare, Michigan 48617

Dear Greg,

DEPARTMENT OF PUBLIC WORKS

Ph 989/386-2182
Fx 989/386-3445

Thank you for the opportunity to meet you and to discuss with you the wide range of interesting topics you asked me about. I offer this letter in response to your numerous queries, requests, and comments.

W/WWT PLANT

Ph 989/386-2321
Fx 989/386-2387

On the topic of connection to the City's public sanitary sewer system, you are required to connect to our system. The City's ordinance code (I've enclosed the applicable extract) is quite clear in this matter, and there is no "grandfather" provision to this requirement. It is clearly the City's error in not realizing that you were not connected to the existing sanitary sewer main on Point Drive, but now that you've advised me of this fact, I am obligated to inform you of your responsibility to comply with our ordinance code in this matter.

POLICE DEPT.

Non-emergency
Ph 989/386-2121
Fx 989/386-0440

During our discussion regarding connection to the City's sanitary system, you suggested that the City would charge you \$10,000 to \$15,000 to make this connection. In fact the City's charge for this connection is a \$500 buy-in fee and any time and material costs we incur to make the connection. As a service lead already exists for your property, we do not anticipate any time and material costs. And if you cannot afford to make a lump-sum payment for the required \$500 buy-in fee, we will gladly work with you on a payment plan.

FIRE DEPT. NON-EMERGENCY

Ph 989/386-2151
Fx 989/386-3020

As indicated in the enclosed extract of the ordinance code, the individual property owner is responsible for all charges associated with making the connection to the City's sanitary system. There are a number of reputable local contractors that can accomplish this work for you. We informally asked one of these contractors for an estimate to accomplish this work at your residence; he estimated that the cost would be approximately \$5,000 if your septic system is in the front yard. The cost would increase proportionate to the amount of excavating and pipe required if your septic system is in your back yard.

PARKS & RECREATION

Ph 989/386-7541
Fx 989/386-4508

AIRPORT

Ph 989/386-0445
Fx 989/386-4508

MAIN STREET MANAGER

Ph 989/386-9190
Fx 989/386-9190

We briefly discussed your desire and interest in detaching your property from the City. There is a process stipulated in state law (see enclosure) that allows detachment of property from the City. As reflected in the enclosed documents, the process is quite onerous and complex. It is your responsibility to take the initiatory

steps in the process, but we will certainly assist you if you have questions or require additional information.

You asked me to grant you an exception that will allow you to shoot at geese that were on or in proximity of your property with a pellet or spring gun. Our ordinance codes (see enclosed Section 28-161) are quite clear in that no discharge of weapons is allowed in the City. Section 28-167 (also enclosed) does provide that an exception can be granted for hunting within the City limits, but I would not favorably consider a request for hunting geese with a pellet or spring gun on your property for multiple reasons – first and foremost is the public safety aspect of such a request. You have neighbors (to include neighbors with children) in close proximity to your residence, and while you commented that a pellet/spring gun will not harm a goose, a recent Technical Report of the American Academy of Pediatrics (copy enclosed) indicates quite succinctly that non-powder weapons, to include BB guns and pellet guns, can cause serious injury to children and adolescents.

Finally, you expressed concern regarding an incident you shared with me that allegedly occurred at the Witbeck's Grocery Parking Lot in December wherein four black males accosted an elderly lady (knocked her down, kicked her, and stole her groceries). The only incident reported to our police department that bears any similarity to the incident you described was of a woman that inadvertently drove off without loading all of her groceries in her vehicle, and when she returned she found that someone had taken the unattended groceries she had left behind. If you can provide any other credible information or know of anyone who personally witnessed the incident you described, please contact our Police Chief, Dwayne Miedzianowski immediately (386-2121 or cell ph.615-0426).

Please do not hesitate to contact me if you have questions related to any of these topics or if I can assist you in any other City-related matter.

Best Wishes,

A handwritten signature in black ink, appearing to be 'Ken Hibl', written in a cursive style.

Ken Hibl
City Manager

Enclosures

| Sec. 46-114. - Connections to public sewer.

The owners of all houses, buildings or properties used for human occupancy, employment, recreation or other purposes, situated within the city and abutting on any street, alley or right-of-way in which there is or may be located a public sanitary or combined sewer of the city, are hereby required, at their own expense, to install suitable toilet facilities therein, and to connect such facilities directly to the public sewer in accordance with the provisions of this division, provided that such public sewer is within 100 feet of the nearest property line of the premises.

(Code 1985, § 2.503)

Clare, Michigan, Code of Ordinances >> PART I - CHARTER >> CHAPTER 1. - CONTINUATION OF EXISTING CORPORATION; BOUNDARIES >>

CHAPTER 1. - CONTINUATION OF EXISTING CORPORATION; BOUNDARIES

Section 1.1. - Continuation of existing corporation.

Section 1.2. - Boundaries.

Section 1.3. - Alteration of boundaries.

| Section 1.1. - Continuation of existing corporation.

The municipal corporation now existing and known as the City of Clare, County of Clare, State of Michigan, shall continue as a body politic and corporate under the same name; shall include the present territory of the city, as hereinafter described; with power and authority to hereafter change its boundaries in the manner prescribed by law.

| Section 1.2. - Boundaries.

The territory within the boundaries of said City of Clare shall be as follows:

All that tract of country situated in the County of Clare, viz: The southwest quarter of the southeast quarter, and the south half of the southwest quarter of Section 26; the south half of the southeast quarter and the southeast quarter of the southwest quarter of Section 27; the east three-fourths of Section 34 and the west three-fourths of Section 35; all in town 17N of range 4W.

Editor's note—Annexations are on file in the office of the city clerk.

| Section 1.3. - Alteration of boundaries.

Territory may be added to or detached from the city in the manner provided in Public Act No. 279 of 1909 (MCL 117.1 et seq.), as amended. In addition to the procedures for the annexation and detachment of territory provided by said act and under the authority granted by the provisions of section 18 thereof, as amended by Public Act No. 86 of 1941 (MCL 117.18), permitting any city which revises its charter to include in such revised charter any power, limitation, or provision granted or passed by the legislature for the government of such city and contained in the charter to be revised, and providing further, that when any such power, limitation, or provision is contained in any such revised charter, the same shall continue with the same force and effect as when granted or passed by the legislature in the first instance; the charter commission of the City of Clare which was elected to frame this charter, and the people of said city in adopting the same as the Charter of the City of Clare, do expressly include and continue in said charter section 1 of chapter II of Public Act No. 215 of 1895 (MCL 82.1), which constitutes a part of the charter of Clare which was granted or passed by the legislature for the government of said city by Act No. 457 of the Local Acts of 1901, which retained section reads as follows:

"Whenever the council of any city shall determine by resolution to alter the boundaries of such city, either by taking in lands and premises adjoining thereto, or by taking out any lands and premises included in such city, or both, they shall petition the board of supervisors of the county in which such lands and premises affected thereby are situated to make such change. Such petition shall contain a description by metes and bounds of the lands and premises proposed to be added to or taken out of such city and be accompanied by a map of said lands, and set forth the reasons for the proposed change, and shall contain a copy of the resolution of the council in relation thereto, and shall be certified to by the clerk under the official seal of such city. Before such petition shall be presented to the board of supervisors, notice shall be given by the city clerk of the time and place when the same will be presented for consideration, by publishing the same in one or more newspapers published in such city for at least three weeks immediately preceding the presentation of the same. Such notice shall also contain a description of the premises proposed to be taken in or out of the boundaries of such city. At the time of presenting such petition, all parties interested may appear before such board of supervisors and be heard touching the proposed boundaries of such city, and after such hearing and due consideration of such petition, it shall be the duty of the board of supervisors to order and determine as to whether the prayer contained in the petition or any part thereof shall be granted, and they shall make an order of such determination, which order shall be entered upon their records, and thereupon, if a change of boundaries shall be ordered, then such boundaries of the city shall be fixed and shall exist as provided in such order, and a certified copy thereof shall be transmitted to the clerk of such city and to the secretary of state, and such order shall be prima facie evidence of such change of boundaries of such city and of the regularity of such proceedings in all courts and places, provided that the board of supervisors shall not change the boundaries of any city in such a manner as to affect the boundaries of a representative district at a time when changes in the boundaries of representative districts are prohibited."

State law reference—Alteration of boundaries, MCL 117.6 et seq.

THE HOME RULE CITY ACT (EXCERPT)
Act 279 of 1909

117.6 Incorporation, consolidation, or alteration of boundaries; petition; signatures; deposit; enumeration.

Sec. 6. Cities may be incorporated or territory detached therefrom or added thereto, or consolidation made of 2 or more cities or villages into 1 city, or of a city and 1 or more villages into 1 city, or of 1 or more cities or villages together with additional territory not included within any incorporated city or village into 1 city, by proceedings originating by petition therefor signed by qualified electors who are freeholders residing within the cities, villages, or townships to be affected thereby, to a number not less than 1% of the population of the territory affected thereby according to the last preceding United States census, or according to a census to be taken as hereinafter provided, which number shall be in no case less than 100, and not less than 10 of the signatures to such petition shall be obtained from each city, village, or township to be affected by the proposed change: Provided, That in the incorporation of a city from an existing village without change of boundaries the requisite number of signatures may be obtained from throughout the village without regard to the townships in which the signers are residents: Provided further, That as an alternate method in the case of an annexation proceeding in which there are less than 10 persons qualified to sign the petition living in that unincorporated territory of any township or townships proposed to be annexed to a city, that the signatures on the petition of persons, firms, corporations, the United States government, or the state or any of its subdivisions who collectively hold equitable title as vendees under a recorded land contract or memorandum of land contract, or record legal title to more than 1/2 of the area of the land exclusive of streets, in the territory to be annexed at the time of filing the petition, will suffice in lieu of obtaining 10 signatures from the township in which such area to be annexed lies: And provided further, That on such petition each signature shall be followed by a description of the land and the area represented thereby and a sworn statement shall also accompany such petition giving the total area of the land, exclusive of streets, lying within the area proposed to be annexed: Provided further, That before any signatures are obtained on a petition as hereinbefore provided, such petition shall have attached to it a map or drawing showing clearly the territory proposed to be incorporated, detached, or added, and each prospective signer shall be shown such map or drawing before signing the petition. Such petition shall be verified by the oath of 1 or more petitioners. The county clerk upon the presentment of a petition for incorporation of a new city for filing shall forthwith estimate all necessary expense that may be incurred by the county in the incorporation proceedings, and the clerk thereupon shall require that the sum so estimated, which in no case shall exceed \$500.00, be deposited with the clerk and shall refuse to accept the petition for filing until the sum is so deposited: Provided, That in proceedings for the incorporation of a new city or the consolidation of 2 or more cities or villages into 1 city, or of a city and 1 or more villages into 1 city or of 1 or more cities or villages together with additional territory not included within any incorporated city or village into 1 city, a petition signed by not less than 100 qualified electors who are freeholders residing within the territory so proposed to be incorporated or consolidated, praying for the taking of a census of the inhabitants of the territory affected thereby, may be filed with the county clerk of the county within which said territory is located. The county clerk shall, within 5 days after the filing of such petition, certify to the mayor of each city, president of each village, and supervisor of each township affected thereby, and to the secretary of state that such petition has so been filed. Within 5 days after the service of such certificate, the secretary of state shall appoint an enumerator or enumerators to enumerate the inhabitants of each such city, village, and the portion of each township proposed to be so incorporated, or a consolidation made thereof. Before entering upon the duties of said office, each such enumerator shall take and subscribe to the constitutional oath of office before some officer authorized to administer oaths and file the same with the secretary of state and with the county clerk of the county in which such territory is located. It shall be the duty of each enumerator so appointed to enumerate all of the bona fide inhabitants of such city, village, or township, territory or portion thereof assigned to the enumerator by the secretary of state and to visit each house or dwelling and to obtain the names of each known resident thereof. The city, village, or township within which the services of the enumerator are rendered shall pay for such services together with any actual and necessary expenses incurred by the enumerator. The rate of pay and actual and necessary expenses of the enumerator shall be set by the governing body of the city, village, or township in which the census takes place. Upon completing such enumeration it shall be the duty of the persons so appointed to make a return in duplicate of such enumeration showing the names of the inhabitants of each such city, village, or township, territory or district to the county clerk and to the secretary of state. No such enumeration or census shall be conducted in any city, village or township, or portion thereof, within 2 years of the date of the last enumeration in such territory. Every such enumeration shall be conducted under the general supervision and control of the secretary of state who is

hereby empowered to make rules and regulations for the purpose of carrying out the provisions of this act.

History: 1909, Act 279, Eff. Sept. 1, 1909;—CL 1915, 3309;—Am. 1919, Act 84, Eff. Aug. 14, 1919;—CL 1929, 2242;—Am. 1931, Act 314, Imd. Eff. June 16, 1931;—Am. 1939, Act 231, Eff. Sept. 29, 1939;—Am. 1947, Act 334, Eff. Oct. 11, 1947;—CL 1948, 117.6;—Am. 1956, Act 77, Eff. Aug. 11, 1956;—Am. 1957, Act 210, Eff. Sept. 27, 1957;—Am. 1984, Act 352, Eff. Mar. 29, 1985.

THE HOME RULE CITY ACT (EXCERPT)
Act 279 of 1909

117.7 Incorporation, consolidation or alteration of boundaries; fifth class cities; population requisites; representation on board of supervisors.

Sec. 7. Said petition shall accurately describe the proposed boundaries of the city, or of the territory to be annexed thereto or detached therefrom, and if the purpose is to incorporate a new city, it shall represent that the territory described contains not less than 2,000 inhabitants and an average of not less than 500 inhabitants per square mile: Provided, That all incorporated villages in which a county seat is located are hereby authorized to incorporate under the provisions of this act as cities of the fifth class, without respect to the population of the territory included therein: Provided further, That any incorporated village having a population of more than 750 and less than 2,000 inhabitants, or any incorporated village lying within more than 1 township in the same county having a population of more than 600 and less than 2,000 inhabitants, or any territory containing a population of more than 750 and less than 2,000 inhabitants and an average of not less than 500 inhabitants per square mile may incorporate under the provisions of this act as cities of the fifth class. Such cities shall constitute but 1 voting precinct except in cities lying within more than 1 county and the mayor thereof, or whenever provided by resolution of the legislative body of any such city, the city attorney, city manager, or city superintendent shall be among the representatives of the city on the board of supervisors of the county or counties: Provided further, Whenever in the process of incorporating a city of the fifth class and adopting a charter therefor, it shall be disclosed by an official census that the population exceeds 2,000 inhabitants, then all proceedings theretofore taken shall be deemed to be for a non fifth class city under this act.

History: 1909, Act 279, Eff. Sept. 1, 1909;—CL 1915, 3310;—Am. 1917, Act 286, Eff. Aug. 10, 1917;—Am. 1923, Act 196, Eff. Aug. 30, 1923;—Am. 1927, Act 303, Imd. Eff. June 1, 1927;—CL 1929, 2243;—Am. 1947, Act 91, Eff. Oct. 11, 1947;—CL 1948, 117.7 ;—Am. 1951, Act 40, Eff. Sept. 28, 1951;—Am. 1953, Act 175, Eff. Oct. 2, 1953;—Am. 1955, Act 33, Eff. Oct. 14, 1955.

THE HOME RULE CITY ACT (EXCERPT)
Act 279 of 1909

117.8 Incorporation, consolidation, or alteration of boundaries; petition; filing; resolution; adoption.

Sec. 8. (1) Subject to subsections (2) and (3), a petition filed under section 6 shall be addressed to the county board of commissioners of the county in which the territory to be affected by the proposed incorporation, consolidation, or change of boundaries is located, and shall be filed with the clerk of the county board of commissioners not less than 30 days before the convening of the board in regular session, or in any special session called for the purpose of considering the petition. The county board of commissioners shall by resolution determine whether the petition complies with the requirements of this act and whether the statements contained in the petition are correct. If a majority of the board determines that the petition does not comply with the requirements of this act or that the statements contained in the petition are not correct, the board shall not conduct further proceedings on the petition. Subject to subsection (4), if the board determines that the petition complies with the requirements of this act and that the statements contained in the petition are correct, the board shall, by resolution, provide that the question of making the proposed incorporation, consolidation, or change of boundaries be submitted to the qualified electors of the district to be affected at the next general election or at a special election before the next general election. The question shall not be submitted at an election to be held less than 60 days after the adoption of the resolution.

(2) If it is proposed to incorporate an incorporated village as a city without change of boundaries, both of the following apply:

(a) The initiatory petition provided for under section 6 shall be addressed to the village council or other legislative body of the village and shall be filed with the village clerk at least 30 days before final action is taken on the petition.

(b) The powers and duties of the county board of commissioners and county clerk under subsection (1) are assigned to the village council and village clerk, respectively.

(3) A petition covering the same territory, or part of the same territory, shall not be considered by the county board of commissioners more often than once in every 2 years, unless the petition is signed by not less than 35% of taxpayers whose names appear on the latest assessment rolls under the requirements of the general property tax act, 1893 PA 206, MCL 211.1 to 211.157, as being assessed for real property taxes within the area proposed to be annexed. The assessing officers who are charged with the duty of assessing real property within the area proposed to be annexed shall report as of the date on which the petition is filed the total number of names on the rolls, within that area, to the clerk of the county board of commissioners not more than 14 days after the filing date.

(4) A vote is not required if the city owns the land sought to be annexed.

(5) After the adoption of a resolution under subsection (1) submitting a question to a vote of the electors, neither the sufficiency nor legality of the petition under section 6 may be questioned in any proceeding.

History: 1909, Act 279, Eff. Sept. 1, 1909;—CL 1915, 3311;—Am. 1917, Act 225, Eff. Aug. 10, 1917;—CL 1929, 2244;—CL 1948, 117.8;—Am. 1953, Act 169, Eff. Oct. 2, 1953;—Am. 1955, Act 147, Imd. Eff. June 7, 1955;—Am. 2003, Act 303, Eff. Jan. 1, 2005.

THE HOME RULE CITY ACT (EXCERPT)
Act 279 of 1909

117.8a Incorporation, consolidation or alteration of boundaries; filing substitute petition; action by supervisors.

Sec. 8a. In case a petition has been filed with the clerk pursuant to section 8, and subsequently another petition is filed by other petitioners proposing to affect the same territory in whole or part, then the subsequently filed petition shall not be submitted to the electors while in conflict with the prior petition: Provided, however, That if such prior petition on file is one on which the board of supervisors has not finally set the date for an election, and such subsequent petition has been filed as a substitute therefor encompassing all of the same territory and having among its signers at least 4/5 of the qualified petitioners shown on such prior petition, then the board shall act on such subsequent petition in the place and stead of said prior one. If the board finds that said substitute petition complies with the provisions of this act, an election shall be called thereon; otherwise the election shall be held on such prior petition if it complies with this act.

History: Add. 1951, Act 158, Imd. Eff. June 6, 1951.

THE HOME RULE CITY ACT (EXCERPT)
Act 279 of 1909

117.9 Incorporation, consolidation, or change of boundaries; governing law; affected district; petition or resolution for annexation; voting; duties of commission.

Sec. 9. (1) In the event of a conflict between the provisions of this act and 1968 PA 191, MCL 123.1001 to 123.1020, regarding an incorporation or consolidation, the provisions of 1968 PA 191, MCL 123.1001 to 123.1020, shall govern. The district to be affected by the proposed incorporation, consolidation, or change of boundaries is considered to include the whole of each city, village, or township from which territory is to be taken or to which territory is to be annexed. When a territory is proposed to be incorporated as a city only the residents of the territory to be incorporated shall vote on the question of incorporation. When a petition signed by the appropriate agency designated by the state administrative board which holds legal title to the entire area of the land in the territory adjacent to the city to be annexed, is filed with the governing body of the city and township in which the territory is situated, the annexation may be accomplished by the affirmative majority vote of the governing body of the city and the approval of the township board of the township.

(2) Except as provided in subsections (1) and (8), a petition or resolution for annexation of territory shall be filed with the state boundary commission created under 1968 PA 191, MCL 123.1001 to 123.1020. The commission, after determining the validity of the petition or resolution, shall hold a public hearing in or reasonably near the area proposed for annexation. The commission in processing and approving, denying, or revising a petition or resolution for annexation shall have the same powers and duties as provided under 1968 PA 191, MCL 123.1001 to 123.1020, relating to petitions which propose incorporations. In addition to providing notice to property owners located in the area proposed for annexation, the commission shall also give notice of each public hearing held under this subsection to property owners located within 300 feet of the area proposed for annexation by certified mail not less than 30 days before the date of the public hearing. Not less than 45 days before the date of the public hearing, the local unit of government capable of producing the information required under this section shall provide the state boundary commission with a list of the names and addresses of all persons the commission is required to provide notice to under this subsection. The commission is required to provide notice only to the property owners included on the list provided by the local unit of government as required under this section.

(3) If an annexation is denied by the commission, the commission shall send a certified copy of its order to the clerk of each county, city, village, and township affected.

(4) If an annexation is approved, and if on the date the petition or resolution was filed 100 persons or less resided in the area approved for annexation, the commission's order shall not be subject to a referendum. The commission shall send a certified copy of its order to the clerk of each county, city, village, and township affected and to the secretary of state. The annexation shall be effective on a date set forth in the commission's order.

(5) If an annexation is approved, and if on the date the petition or resolution was filed more than 100 persons resided in the area approved for annexation, the commission shall send a certified copy of its order to the clerk of each county, city, village, and township affected and to the secretary of state. The commission's order shall become final 30 days after the date of the order unless within that 30 days a petition is filed with the commission which contains the signatures of at least 25% of the registered electors residing in the portion of the territory approved for annexation, in the annexing city or in the balance of the township. The commission after verifying the validity of any referendum petition shall order that a referendum on the question of annexation be held in each area from which a valid petition was filed. If a valid petition is not filed within the 30 days or if the majority of the electorate voting on the question in each area in which a referendum was held, voting separately, approve the annexation, the annexation shall be effective on a date set by order of the commission, otherwise the annexation shall not take effect.

(6) The commission shall reject a petition or resolution for annexation of territory that includes all or any part of the territory which was described in any petition or resolution for annexation filed within the preceding 2 years and which was denied by the commission or was defeated in an election under subsection (5).

(7) In addition to the methods for initiating annexation as provided in this act, a petition or resolution as follows may be submitted to the state boundary commission in a form and manner prescribed by the commission:

(a) By resolution of the legislative body of the city to which the area is proposed to be annexed.

(b) By petition by the persons, firms, corporations, the United States government, or the state or any of its subdivisions who collectively hold equitable title as a vendee under a recorded land contract or memorandum of land contract, or record title to 75% or more of the area of the land exclusive of streets in the territory proposed for annexation at the time of filing the petition.

(c) By petition by 20% of the registered electors who reside in the area proposed for annexation.

(8) Where the territory proposed to be annexed to any city is adjacent to the city and consists of a park or vacant property located in a township and owned by the city annexing the territory, and there is no one residing in the territory, the territory may be annexed to the city solely by resolution of the city council of the city. In any case where the territory proposed to be annexed is adjacent to the city and consists of property owned by the city or consists of fractional parts of platted subdivision lots, located in an adjoining city, village, or township, the annexation may also be accomplished by the majority vote of the legislative body of the city and the approval of the legislative body of the adjoining city, village, or township. As an alternate method, where there are no qualified electors residing in the territory proposed to be annexed to the city, other than the person or persons petitioning, a petition signed by a person or persons, firms, corporations, the United States government, or the state or any of its subdivisions who collectively hold the equitable title as a vendee under a recorded land contract or memorandum of land contract, or record legal title to more than 1/2 of the area of the land in the territory to be annexed is filed with the city council of the city and with the township board of the township in which the territory is situated, the annexation may be accomplished by the affirmative majority vote of the city council of the city and the approval of the township board of the township. At least 10 days prior to the approval by the township board, the township treasurer shall notify, personally or by registered mail with return receipt demanded, the owners of all real property in the territory to be annexed as shown on the assessment rolls of the township at the last known address on file with the township treasurer. Except as otherwise provided, this section shall not be construed to give any city the authority to attach territory from any other city unless the question relative to the territory has been voted upon by the voters of the entire cities affected where the territory proposed to be annexed is adjacent to a city and consists of property owned by the city or consists of fractional parts of platted subdivision lots, located in an adjoining city.

(9) The provisions of section 14 shall not be applicable to an annexation approved by the commission of part of a township or village to a city except in the event of outstanding bonds or other evidences of indebtedness of the township or village. In such event, the commission shall determine and order an equitable division of assets and liabilities which relate to the bonds or other indebtedness.

(10) The provisions of sections 8 and 8a shall not be applicable to petitions or resolutions filed with the state boundary commission.

(11) After March 31, 1971, and so long as 1968 PA 191, MCL 123.1001 to 123.1020, is in effect, annexation of territory from a township or village to a home rule city shall be as provided in this section and no other means of annexation shall be effective.

(12) The state boundary commission shall mail a copy of any final order issued under this section to each property owner the commission is required to provide notice to under subsection (2).

History: 1909, Act 279, Eff. Sept. 1, 1909;—CL 1915, 3312;—Am. 1917, Act 225, Eff. Aug. 10, 1917;—Am. 1925, Act 337, Eff. Aug. 27, 1925;—CL 1929, 2245;—Am. 1931, Act 314, Imd. Eff. June 16, 1931;—Am. 1935, Act 48, Imd. Eff. May 6, 1935;—Am. 1947, Act 36, Eff. Oct. 11, 1947;—Am. 1947, Act 334, Eff. Oct. 11, 1947;—CL 1948, 117.9;—Am. 1951, Act 58, Eff. Sept. 28, 1951;—Am. 1956, Act 68, Eff. Aug. 11, 1956;—Am. 1970, Act 219, Eff. Apr. 1, 1971;—Am. 1984, Act 352, Eff. Mar. 29, 1985;—Am. 2004, Act 137, Imd. Eff. June 10, 2004.

Constitutionality: This section, the enabling legislation which grants the state boundary commission authority over annexation petitions or resolutions, is constitutional. *Midland Township v State Boundary Commission*, 401 Mich 641; 259 NW2d 326 (1977).

THE HOME RULE CITY ACT (EXCERPT)
Act 279 of 1909

117.9a Annexation of township remnant territory to home rule city; procedure.

Sec. 9a. Whenever the process of incorporation, consolidation, or annexation leaves a portion of a township with no qualified electors residing in that portion and without the constitutional and statutory officers to perform their functions as prescribed by law, as part of the alternate method of annexation provided for by section 9, a petition signed by the owner or owners of record or the holder or holders of equitable title under a recorded land contract or memorandum of land contract of all the real property of such portion of the township may be filed with the clerk of the city to which annexation is sought and with the county clerk of the county in which the territory is situated, seeking the annexation of such territory to such city. The annexation may be accomplished by the affirmative majority vote of the members-elect of the governing body of the city and approval of the majority vote of all of the members of the county board of commissioners.

History: Add. 1959, Act 92, Eff. Mar. 19, 1960;—Am. 1984, Act 352, Eff. Mar. 29, 1985.

THE HOME RULE CITY ACT (EXCERPT)
Act 279 of 1909

117.9b Detachment of territory from city; conditions; intergovernmental agreement imposing conditions on detachment; reannexation to detaching city; detached territory not subject to annexation.

Sec. 9b. (1) In addition to the detachment procedures otherwise authorized by this act, territory may be detached from a city if all of the following conditions are met:

- (a) The territory to be detached was annexed to the city after the city was incorporated.
 - (b) The territory to be detached is to be reattached to the municipality from which that territory was annexed.
 - (c) The city does not provide water or sewer service in the territory to be detached.
 - (d) The council of the city from which the territory is being detached approves a resolution authorizing the detachment of the territory and confirming an agreement relating to the detachment.
 - (e) The legislative body of the municipality from which the territory to be detached was annexed approves a resolution authorizing detachment of the territory and confirming an agreement related to the detachment.
- (2) The city and municipality involved in a detachment under this section may enter into an intergovernmental agreement which imposes conditions on the detachment. The conditions may include, but need not be limited to, building restrictions and zoning within the territory to be detached.
- (3) Territory detached under this section is immediately reannexed to the detaching city if any of the following occurs:
- (a) The city can and agrees to provide water and sewer services, the city certifies these facts to the state boundary commission, and the state boundary commission finds that the city can provide water and sewer services to this territory.
 - (b) The municipality to which the territory was reattached fails to comply with the intergovernmental agreement, the city certifies that fact to the state boundary commission, and the state boundary commission finds that the municipality is not in compliance.
- (4) Reannexation pursuant to subsection (3) shall not be subject to the annexation requirements and restrictions of this act; Act No. 191 of the Public Acts of 1968, being sections 123.1001 to 123.1020 of the Michigan Compiled Laws; or Act No. 359 of the Public Acts of 1947, being sections 42.1 to 42.34 of the Michigan Compiled Laws.
- (5) All or part of territory detached under this section shall not be subject to annexation.

History: Add. 1982, Act 465, Eff. Mar. 30, 1983.

THE HOME RULE CITY ACT (EXCERPT)
Act 279 of 1909

117.10 Certified copies of petition and resolution; transmittal; election notices.

Sec. 10. The county clerk shall, within 3 days after the passage of the resolution provided for in section 8 of this act, transmit a certified copy of said petition and of such resolution to the clerk of each city, village or township in the district to be affected by the proposed incorporation, consolidation or change, and it shall be the duty of each of said city, village and township clerks to give notice of the date and purpose of the election provided for by said resolution by publication in 1 or more newspapers published within said district at least once in each week for 4 weeks preceding said election, and by posting a like notice in at least 10 public places in said district not less than 10 days prior to such election.

History: 1909, Act 279, Eff. Sept. 1, 1909;—CL 1915, 3313;—CL 1929, 2246;—CL 1948, 117.10.

THE HOME RULE CITY ACT (EXCERPT)
Act 279 of 1909

117.11 Petition for incorporation, consolidation, or change of boundaries; affidavit; filing with secretary of state; certification; notice; election.

Sec. 11. (1) If the territory to be affected by a proposed incorporation, consolidation, or change of boundaries is situated in more than 1 county, the petition under section 6 shall be addressed and presented to the secretary of state. The petition shall be accompanied by 1 or more affidavits by 1 or more of the signers of the petition showing all of the following:

- (a) That the statements contained in the petition are true.
 - (b) That each signature affixed to the petition is the actual signature of a qualified elector residing in a city, village, or township to be affected by the carrying out of the purposes of the petition.
 - (c) That not less than 25 of the petition signers reside in each city, village, or township to be affected.
- (2) The secretary of state shall examine the petition and the accompanying affidavit or affidavits. If the secretary of state finds that the petition and accompanying affidavit or affidavits comply with the requirements of this act, he or she shall so certify and shall transmit the certificate and a certified copy of the petition and the accompanying affidavit or affidavits to the clerk of each city, village, or township to be affected by the proposal, together with a notice directing that the question of making the incorporation, consolidation, or change of boundaries petitioned for shall be submitted to the electors of the district to be affected. The notice shall provide that the question shall be submitted at the next general election or at an election before the next general election. However, the question shall not be submitted at an election to be held less than 60 days after the date of transmittal of the certificate.
- (3) If the secretary of state finds that the petition and the accompanying affidavit or affidavits do not comply with the requirements of this act, he or she shall certify to that fact and shall return the petition and affidavits to the person from whom they were received, along with the certificate.
- (4) The city, village, and township clerks who receive from the secretary of state the copies and certificates provided for in subsection (2) shall give notice of the election to be held on the question of making the proposed incorporation, consolidation, or change of boundaries as provided for in section 10.

History: 1909, Act 279, Eff. Sept. 1, 1909;—CL 1915, 3314;—CL 1929, 2247;—CL 1948, 117.11;—Am. 1956, Act 41, Imd. Eff. Mar. 28, 1956;—Am. 2003, Act 303, Eff. Jan. 1, 2005.

THE HOME RULE CITY ACT (EXCERPT)
Act 279 of 1909

117.13 Effective date of incorporation, consolidation, attachment or detachment; certificate of board of county canvassers; representation, transfer of property, governmental function.

Sec. 13. On the filing in the office of the secretary of state and the clerk of the county or counties within which the city or proposed city is located, of a copy of the petition, and of every resolution, affidavit or certificate necessarily following such petition, with the certificate of the board of county canvassers attached, showing that the purposes of such petition have been approved by a majority of the electors voting thereon, as provided in this act, which shall also give the number of votes cast on such proposition and the number cast for and against the same, the territory described in said petition shall be duly and legally consolidated as 1 city, or attached to or detached from the city named in such petition, as the case may be, and such petition and the subsequent proceedings thereunder shall be duly recorded in each of said offices in a book to be kept for that purpose, and either of such records or certified copies thereof shall be prima facie evidence of the consolidation or change of boundaries prayed for in such petition. Territory detached from any city shall thereupon become a part of the township or village from which it was originally taken: Provided, however, That when an incorporated city or village is annexed to and incorporated with a city, such annexed territory shall constitute 1 or more separate wards of the city to which it is annexed and have representation in the legislative body of such city to which it is annexed: Provided, The territory so annexed shall have a population equivalent to the approximate population of 1 or more wards of the city to which it is annexed: Provided, however, That in the case of annexation of part of a township to a city, the effective date of such annexation shall be 60 days after the date of the election unless the board of supervisors of the county shall by resolution fix another date not less than 30 days after the election, and in the case of annexation of an entire township to a city the effective date of the annexation shall be 90 days after the date of the election unless the board of supervisors of the county shall by resolution fix another date not less than 45 days after the date of the election: Provided further, That in case of a vote on the incorporation of a new city, such proposed city shall not be deemed incorporated until a charter has been adopted and filed as hereinafter provided: Provided further, That no property, real or otherwise, owned by any such governmental unit or portion thereof shall be disposed of, nor shall any transfer of governmental function be made prior to such effective date, except by joint agreement of the legislative bodies of the units of government, nor shall any funds be expended except in payment of the costs of operation of normal business of said township.

History: 1909, Act 279, Eff. Sept. 1, 1909;—Am. 1911, Act 81, Eff. Aug. 1, 1911;—CL 1915, 3316;—Am. 1917, Act 233, Eff. Aug. 14, 1917;—CL 1929, 2249;—CL 1948, 117.13;—Am. 1952, Act 35, Eff. Sept. 18, 1952;—Am. 1956, Act 77, Eff. Aug. 11, 1956.

| Sec. 28-161. - Discharge of weapons.

It shall be unlawful for any person to discharge any firearm, air rifle, air pistol, bow and arrow or crossbow.

(Code 1985, § 9.102(4))

State law reference—Discharge of weapons, MCL 750.234 et seq.

| Sec. 28-167. - Hunting within city limits.

No person shall carry or use a firearm, air gun, spring gun, BB gun, pellet gun, bow and arrow, sling-shot, trapping equipment or other dangerous weapon or instrument for the purpose of hunting or trapping within the city limits. Provided, however, that in order to provide for wildlife management and control, specific parcels within the city, including the City of Clare Municipal Airport, may be opened to hunting upon conditions stipulated by the city and the Wildlife Management Authorities of the State of Michigan and conditioned upon issuance of a written permit by the city commission. Every person hunting pursuant to such a permit shall have in his immediate possession the written permit issued by the city manager under the authority of the city commission and shall display the permit upon demand of any city employee, police officer or officer of the state department of natural resources. Nothing contained herein or in any permit issued by the city manager shall be construed to relieve a hunter of the duties and obligations imposed under state law or the rules and regulations promulgated by the state department of natural resources.

(Ord. No. 2008-01, 3-3-2008)

Cross reference—Animals, ch. 8.

TECHNICAL REPORT

Danielle Laraque, MD, and the Committee on Injury, Violence, and Poison Prevention

Injury Risk of Nonpowder Guns

ABSTRACT. Nonpowder guns (ball-bearing [BB] guns, pellet guns, air rifles, paintball guns) continue to cause serious injuries to children and adolescents. The muzzle velocity of these guns can range from approximately 150 ft/second to 1200 ft/second (the muzzle velocities of traditional firearm pistols are 750 ft/second to 1450 ft/second). Both low- and high-velocity nonpowder guns are associated with serious injuries, and fatalities can result from high-velocity guns. A persisting problem is the lack of medical recognition of the severity of injuries that can result from these guns, including penetration of the eye, skin, internal organs, and bone. Nationally, in 2000, there were an estimated 21840 (coefficient of variation: 0.0821) injuries related to nonpowder guns, with approximately 4% resulting in hospitalization. Between 1990 and 2000, the US Consumer Product Safety Commission reported 39 nonpowder gun-related deaths, of which 32 were children younger than 15 years. The introduction of high-powered air rifles in the 1970s has been associated with approximately 4 deaths per year. The advent of war games and the use of paintball guns have resulted in a number of reports of injuries, especially to the eye. Injuries associated with nonpowder guns should receive prompt medical management similar to the management of firearm-related injuries, and nonpowder guns should never be characterized as toys. *Pediatrics* 2004;114:1357-1361; nonpowder guns, BB guns, pellet guns, air rifles, paintball guns.

ABBREVIATIONS. BB, ball bearing; CPSC, US Consumer Product Safety Commission; NEISS, National Electronic Injury Surveillance System; EPD, eye-protective device; ASTM, American Society for Testing and Materials.

BACKGROUND

A traditional firearm gun is one that launches a projectile (ie, a bullet) by using the energy generated by burning of gunpowder. Nonpowder guns utilize the power of compressed air to launch a projectile. Nonpowder guns can be classified by the type of projectile they fire, the propulsion mechanism, or the type of barrel.¹⁻⁴ The type of projectile can be lead, brass, steel, copper, or, most recently, a paintball. Paintballs are small gelatin projectiles that are 17 mm in diameter, filled with nontoxic, water-soluble paint, and intended to explode on contact with an object.^{5,6} This type of projectile is

used in war games designed to mark the player with paint when he or she is hit. Air guns have been used since the 16th century^{7,8} in warfare and to kill game as large as deer.

The caliber of a projectile refers to its diameter and is measured in hundredths of an inch or millimeters. The caliber affects how much energy the projectile acquires before leaving the muzzle, or the end of the barrel. Tight-fitting missiles, those with little discrepancy between the diameter of the projectile and that of the muzzle, lead to higher velocities. In older nonpowder guns, the projectile was smaller than the barrel size, leading to dissipating of compressed air and an inefficient, low-velocity gun. Technical modifications of these guns have resulted in higher-velocity weapons.⁹ Standard pellet guns fire a pellet or spherical ball bearing (BB) with a diameter of less than 0.18 in (4.57 mm). Pellets have several designs, such as wad cutter, sharp pointed, round nosed, and hollow point. Each is suited for a different purpose. Hollow points are used for hunting, and the pellet's diameter increases on impact to cause maximum damage. Ballistic studies have shown that a larger caliber pellet will penetrate the body (eg, skin, bone) at lower velocities because of its increased mass. Skin penetration can be achieved, for example, at a velocity of approximately 331 ft/second with a 0.177-caliber pellet but at 245 ft/second with a 0.22-caliber pellet. Ocular penetration can occur at velocities as low as 130 ft/second.^{7,10} Polishing steel pellets with a plastic skirt increases velocity, accuracy, and range and is designed to increase penetration. Typically, high-velocity guns are classified as those with muzzle velocities higher than 350 ft/second (D. Tinsworth, MS, US Consumer Product Safety Commission [CPSC], written communication, November 26, 2001).^{7,9,11-13}

Projectiles can be fired by 3 propulsion mechanisms. The spring-piston type is a powerful spring that is cocked manually and released, driving the piston that shoots a stream of air. Use of the spring-piston can result in muzzle velocities between 250 and 350 ft/second. The carbon dioxide-powered gun uses a gas cartridge to generate a propulsive force that can produce muzzle velocities of 350 to 450 ft/second. Muzzle velocities ranging, on average, from 300 to 950 ft/second can be generated depending on the number of times the weapon is pumped, although velocities in excess of 1200 ft/second have been reported in the literature. This range of velocity

The guidance in this report does not indicate an exclusive course of treatment or serve as a standard of medical care. Variations, taking into account individual circumstances, may be appropriate.

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overlaps velocities reached by traditional firearm pistols that have muzzle velocities from 750 ft/second to 1450 ft/second.^{1,3,9}

The longer the gun barrel is, the higher the velocity. Gun barrels can be smooth or rifled. Rifled weapons produce a spin in the projectile, giving it more stability in flight. Dieseling of the barrel is achieved when oil placed in the barrel is combusted by the heat generated from friction, leading to an explosion. This is used to increase the speed of the projectile. Piggybacking entails simultaneously loading 2 pellets into the firing chamber, increasing the momentum and energy of the missile.⁹ A "zip gun" is a modified gun using homemade powder ammunition.⁸ These modifications of nonpowder guns can result in increased ability of these guns to cause serious injury, not unlike traditional powder guns.

EXPOSURE AND INJURY PROFILE

The CPSC estimates that there are approximately 3.2 million nonpowder guns sold yearly.¹²⁻¹⁴ Nonpowder guns are sold in many department stores, including toy stores.⁹ Eighty percent have muzzle velocities over 350 ft/second, and 50% have muzzle velocities between 500 and 930 ft/second. In 2000, the National Electronic Injury Surveillance System (NEISS), operated by the CPSC, collected information from a nationally representative sample of 100 US hospital emergency departments that included information on nonpowder gun injuries.

According to data from the Centers for Disease Control and Prevention (<http://webapp.cdc.gov/sasweb/ncipc/nfirates.html> and www.cdc.gov/ncipc/wisqars/nonfatal/datasources.htm) and the CPSC,¹² in 2000 the overall nonfatal age-adjusted rate of injury from BB or pellet guns was 7.71 per 100000 population. In 2000, there were an estimated 21840 (coefficient of variation: 0.0821) nonpowder gun-related injuries treated in emergency departments (D. Tinsworth, MS, CPSC, written communication, November 26, 2001). Of these, 2% occurred in children 0 to 4 years of age; 49% occurred in children 5 to 14 years of age; 33% occurred in those 15 to 24 years of age; and the balance occurred in adults 25 years and older. Approximately 12% of injuries were to the eye; 24% were to the head and neck, excluding the eye; 63% were to extremities; and 1% were to other body areas. With the exception of the age group of 0 to 4 years, most victims were males. Sixty-six percent of injuries were diagnosed as either foreign-body lodgments or puncture wounds. There were no clear seasonal variations in the injury incidence. Nguyen et al¹⁵ provided a review of trends in BB or pellet gun injuries in children and adolescents in the United States from 1985 to 1999 derived from a special study using the NEISS, which focused specifically on injuries associated with penetrating gunshot wounds. On the basis of data from this study, in 1999 an estimated 14313 (95% confidence interval: 12025-16601) children and adolescents had BB or pellet gun-related injuries.

Many articles have been written detailing the clinical manifestations of children injured by nonpowder guns.^{3-10,16-31} Some striking observations have been

made. Lawrence³ reported on a series of 10 fatalities, 1 of which was a shot through the medial canthus of the eye in a 6-year-old. The weapon was a carbon dioxide-powered BB pistol. Bond et al¹⁰ described 16 children, 57% of whom required intraoperative treatment, and 19% of whom required other invasive procedures such as arteriogram or ventriculostomy. Thoracic injuries were associated with high morbidity and mortality when penetration of the chest wall occurred. Abdominal wounds were frequently associated with visceral injury and multiple perforations, usually of the small bowel. Peritoneal penetration was associated with a more than 80% chance of visceral injury. Transtracheal and brain injuries were also reported. These authors warn that the wound itself may seem trivial, but if not appreciated for their potential for tissue disruption, nonpowder gun injuries to the head, chest, and abdomen may have catastrophic results. They also note that the pellets from air guns have a propensity to embolize if the missile enters a blood vessel or the heart. The light weight of air gun pellets allows the missile to be swept by the blood flow more readily than heavier, higher-energy projectiles. Friedman et al⁷ report that the potential seriousness of pneumatic weapon injury is frequently underestimated. These authors concluded that injuries from air guns should be treated in a manner similar to those from low-velocity powder firearms. Bratton et al⁴ reviewed the clinical course of 101 children injured by nonpowder guns between 1988 and 1996 from Cincinnati, Ohio; Kansas City, Missouri; and Seattle, Washington. The case fatality rate for intracranial injuries was 30%, and 56% of patients required at least 1 surgical procedure. Amirjamshidi et al¹⁶ noted that air-gun pellet injuries are rare but catastrophic, with entrance usually through the orbit or the neck and the entry wound being so small that it may be disregarded on physical examination in the emergency department. They concluded that early recognition and correct management of possible complications is important to improve outcomes. Bhattacharyya et al¹⁷ reported on 42 children admitted to a level I pediatric trauma center for air-gun injuries over a 7-year period (1988-1995). They had a mean hospital stay of 7 days (range: 1-136 days) and a mean injury severity score of 8.3. Half of the children underwent operative procedures, and 38% had serious long-term disability. They concluded that these guns are not toys but are weapons, and injuries related to their use should be evaluated and managed in a similar fashion to powder-weapon injuries. These findings were similar to those of Walsh et al.¹⁸ In 1 study, the predominant risk factors for ocular injury from an air gun were lack of adult supervision, use of the gun for a purpose other than target practice, and being at a friend's home or yard.²⁰ Hearing loss has been reported from nonpowder gun use,²³ and suicides from the use of air guns have been documented.^{8,28} Concurrent use of alcohol has been noted also and probably contributes to misuse.

Paintballs used in war games are a relatively new phenomenon.^{5,6,21,25} Semiautomatic and fully automatic paintball pistols are available for purchase. The

sport typically involves a team, designated fields, and referees used to ensure fair and "safe" play. Players should be 18 years and older, but younger adolescents are allowed to play with the consent of their parent(s). Private games also occur. The players often wear camouflage, and start-up costs for the weapon, goggles, and paintballs total \$100 to \$150. The paintballs consist of spherical shells filled with sorbitol, glycol, and food dye. The propulsion mechanism is usually a carbon dioxide canister, and muzzle velocities between 60 and 250 ft/second can be achieved. Given the size of the projectile, the resulting injuries are nonpenetrating. Locally manufactured paintballs are harder than the more expensive imported varieties and may be responsible for the severity of injuries reported in the United States. Importantly, the increasing popularity of war games has been associated with a number of reports in the literature of ocular injuries. These injuries have included but are not limited to hyphemas, commotio retinae, glaucoma, cataracts, choroidal rupture, corneal abrasion, conjunctival laceration, dislocation of the crystalline lens, macular hole, and retinal detachments.^{5,6,25,32,33} The visual outcome for many of these injuries is poor. Injuries have occurred even with eye-protective devices (EPDs), but no case of a player injured while properly wearing an EPD meeting the current American Society for Testing and Materials (ASTM) standards has been reported.⁶ Some players have sustained injuries to the eye when they have removed their goggles because of fogging. Current antifog inserts with a polycarbonate lens with a urethane-based hydroscopic coating can help prevent fogging. The current ASTM specifications do not involve testing EPDs for their ability to resist fogging but do require manufacturers to attach a warning to EPDs without antifog treatment noting that fogging may occur and recommending the use of an antifog solution. There have been no reported deaths directly related to paintballs, but the CPSC issued a warning on March 24, 2004, because of its investigation of 2 deaths caused by carbon dioxide canisters flying off paintball guns (www.cpsc.gov/CPSCPUB/PREREL/prhtml04/04105.html).

Before 1972, only 2 nonpowder gun-related fatalities were reported in the literature. However, between 1972 and 1982, the decade after the introduction of high-powered air rifles, 10 more fatalities were recorded by the CPSC.¹⁰ The number of deaths per year has increased since then. From 1990 to 2000, the CPSC reported 39 nonpowder gun-related deaths, of which 32 were children younger than 15 years, with an average of 4 deaths per year.¹¹ The highest number of deaths occurred in 1989, 1990, and 1991.¹⁵ The trends in nonpowder gun fatalities and nonfatal injuries parallel the epidemic of firearm-related injuries and deaths of the past 2 decades.³⁴

SAFETY STANDARDS

An ASTM voluntary safety standard was originally published in 1978. The current edition was published in December 1992 (ASTM F589, Standard Consumer Safety Specification for Non-Powder Guns).³⁵ This standard contains performance re-

quirements to ensure the proper functioning of these products as well as provisions to address instructions, labeling, and marketing. The guns are general-purpose guns not classified as precision, adult, or training guns. For higher-power guns, the minimum labeled age is 16 years, and the potential for serious injury or death is indicated. For lower-power guns, the minimum labeled age is 10 years, and the risk of serious injury, particularly to the eye, is indicated, but not the risk of death. In the pediatric literature as early as 1984, Christoffel et al^{36,37} pointed to the dangers of nonpowder guns, noting that they were loosely regulated and could be legally purchased by young adolescents in most jurisdictions. They also emphasized the inadequacy of voluntary standards and proposed stricter regulations.

From June 1 through July 31, 1994, the CPSC conducted a limited study using follow-up telephone investigation of the circumstances of 55 cases of nonpowder gun-related injuries reported to the NEISS. Percentages provided in the analysis were based on national estimates projected from the 55 cases for the 2 months of the survey. Additionally, information on deaths was obtained from the CPSC Death Certificate, In-Depth Investigation, and Injury or Potential Injury Incident files for the period of January 1, 1985, through September 1, 1994. Information on 37 deaths was included (D. Tinsworth, MS, CPSC, written communication, November 26, 2001). Respondents were victims or parents or guardians of victims. The injury epidemiology mirrored that described for the 2000 data, with most injuries occurring in males younger than 16 years. Individuals who fired the guns ranged in age from 8 to 32 years, with most reported to be younger than 16 years. When the gun operator was younger than 16 years, there was no one 18 years or older present at the time of the incident in more than two thirds of the cases. The gun was most often reported to be a rifle and received as a gift, and two thirds were high-powered guns. As reported by the respondents, 51% of the hazard patterns were unintentional shootings, with victims coming into the line of fire during practice, discharges during loading of the gun, or incidents in which the gun "accidentally fired." Fourteen percent were of unknown intent, 7% were intentional shootings, and 28% involved a gun thought to be unloaded, guns that discharged unexpectedly, ammunition that ricocheted, or fingers that became pinched in gun components. Ninety percent of those who died were younger than 16 years. Most fatalities resulted from wounds to the head or chest.

The CPSC report concluded that the effectiveness of age-specific warnings on packaging and instructions needed additional study and that adult supervision was often lacking. It was unclear from the data whether product modification to reduce hazards would be effective.

LEGISLATIVE EFFORTS

Almost 30 states have regulations, ordinances, or laws covering nonpowder guns.^{9,38} Two of the strongest are in New York City and New York State. In New York City, air rifles and BB guns are prohibited, and licenses are not available. In New York State, no

purchase or unsupervised use by someone younger than 16 years is permitted, and adult supervision is required at a shooting range or when hunting for someone of this age. Florida also has a strong law similar to the New York State law. In Florida, it is a second-degree misdemeanor for a minor younger than 16 years to use a BB gun, air gun, or gas-operated gun unless an adult is supervising the possession and the minor's parent has consented to such possession.

However, much variability exists, with some states regarding nonpowder guns as firearms and others not.¹⁵ Some state laws do not address nonpowder guns at all. Many authors have called for restrictions in sales and use of nonpowder guns, especially in light of the technologic advances that have resulted in much more powerful and dangerous weapons that are capable of killing and maiming.^{9,19,31,39}

SUMMARY/CONCLUSIONS

This technical report is focused mainly on the potential for injury and death associated with the use of nonpowder guns. Although some comments have been made on risk factors for injury, this report is not meant to be an exhaustive review of the behavioral risk factors for injury, nor does the report summarize the literature regarding the psychological implications or effects of the use of these weapons. The data presented do allow the following conclusions:

- Nonpowder guns pose a serious risk of injury, permanent disability, and even death.
- Since the 1980s, the use of high-powered air rifles has been associated with approximately 4 deaths per year.
- The range of muzzle velocities for nonpowder guns overlaps velocities reached by traditional firearms.
- Data suggest that lack of supervision and unstructured use may be risk factors contributing to the incidence of injury from nonpowder guns.
- EPDs can be useful in decreasing, but not fully eliminating, the incidence of ocular injuries associated with paintball use.
- Injuries associated with nonpowder guns should receive prompt medical management similar to the management of firearm-related injuries.
- Nonpowder guns (BB guns, pellet guns, air rifles, paintball guns) are weapons and should never be characterized as toys.

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Injury Risk of Nonpowder Guns

Danielle Laraque and Committee on Injury, Violence, and Poison Prevention

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American Academy of Pediatrics

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March 27, 2010

Dear Franchise Official:

The variety of choices and the value of Charter products and services just keeps getting better. In our on-going attempt to keep you informed of changes to our service offerings, we are writing to inform you of the addition to the Charter Communications digital line-up of a new, optional premium channel. **EPIX**, a joint venture between Viacom, MGM and Lionsgate, is a next-generation premium entertainment channel, video-on-demand and online service. **EPIX** will launch on digital channel 490 throughout our Michigan service area on April 27, 2010 and be available as a premium subscription channel for \$10.00 per month.

Providing a powerful entertainment experience with more feature films on demand and online, as well as more HD movies than any other service, **EPIX** will air new Hollywood titles plus classic feature films, original series, and music and comedy specials. It is the only premium service providing its entire monthly line-up on video-on-demand, online and on the digital video channel. In addition, **EPIX** has made the commitment to deliver the industry's most expansive online collection of movies, making more than 3,000 titles available online to subscribers via its enhanced service **EPIX Megaplex**.

As always, our goal is to provide value and convenience, to make our customer's experience the best it can be.

If you have any questions regarding this, please feel free to contact me at (616) 607-2378 and tim.ransberger@chartercom.com. Thank you!

Sincerely,

A handwritten signature in black ink, appearing to read 'Tim Ransberger', with a stylized flourish at the end.

Tim Ransberger, Director
Government Relations

Ken Hibi

From: allForms [noreply@server.mailjol.net]
Sent: Friday, April 02, 2010 1:05 AM
To: contactus@cityofclare.org
Subject: Form Submission from www.cityofclare.org

Form Results	
Name	Joe Citizen
Address	Clare
Phone	
Email	
Comments	I for one like the round-about. I like the landscaping. I think our street sweeper should keep it clean also. Clare is looking great. Keep up the good work.
Submit	Submit
More Information about this submission and submitter	
Submission ID	2304460
Date & Time	Fri, 02 Apr 2010 5:04 AM (GMT)
Form Location	http://cityofclare.org/onlineservices/contact.html
IP Address	205.242.95.137
Browser info	Mozilla/5.0 (Windows; U; Windows NT 5.1; en-US) AppleWebKit/532.5 (KHTML, like Gecko) Chrome/4.1.249.1042 Safari/532.5
Predicted Country	United States



Arbor Day Foundation™

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We inspire people to plant, nurture, and celebrate trees.

March 8, 2010

The Honorable Pat Humphrey
Mayor of the City of Clare
202 W. Fifth Street
Clare, MI 48617

Dear Mayor Humphrey,

The Arbor Day Foundation congratulates Clare on being named a Tree City USA® community for 2009. Residents of Clare should take pride in the fact that they live in a community where planting and nurturing trees is a priority.

You already know that trees are a vital component of the infrastructure in cities and towns, providing environmental and health benefits for your citizens. In fact, trees are a rare component of a community's infrastructure in that they actually increase in value and service over time from a modest investment.

Enclosed is a press release for your convenience as you prepare to contact your local media to share this commendable achievement with the public. We hope you are excited to share the significance of this accomplishment. If you wish to receive this press release in electronic form, please email Mark Derowitsch, Public Relations Manager of the Foundation, at mderowitsch@arborday.org. We will send it to you within one business day.

The Tree City USA program is sponsored in cooperation with the National Association of State Foresters and the USDA Forest Service. Today, more than 3,400 cities and towns have been recognized as a Tree City USA community. State foresters are responsible for the presentation of the Tree City USA flag and other materials. We will forward your awards to Kevin Sayers in your state forester's office. They will be coordinating the presentation with you. It would be especially appropriate to make the Tree City USA award a part of your community's Arbor Day ceremony.

Again, we celebrate your diligence in improving the quality of life for the citizens of Clare and thank you for creating a healthier, more sustainable world for us all.

Best regards,

John Rosenow
Chief Executive

cc: Bob Bonham

Enclosure

For more information,
contact Mark Derowitsch,
Public Relations Manager, at
mderowitsch@arborday.org
or call 888-448-7337.



News from Arbor Day Foundation™

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We inspire people to plant, nurture, and celebrate trees.

FOR IMMEDIATE RELEASE:

Arbor Day Foundation Names Clare Tree City USA® Community

Clare, MI, was recognized by the nonprofit Arbor Day Foundation as a Tree City USA community for its commitment to urban forestry.

It is the second year Clare has earned this national designation.

The Tree City USA program is sponsored by the Arbor Day Foundation in cooperation with the National Association of State Foresters and the USDA Forest Service.

Clare has met the four standards to become a Tree City USA community. Tree City USA communities must have a tree board or department, a tree-care ordinance, a comprehensive community forestry program, and an Arbor Day observance and proclamation.

"We commend Clare's elected officials, volunteers and its citizens for providing vital care for its urban forest," said John Rosenow, chief executive and founder of the Arbor Day Foundation. "Trees provide numerous environmental, economical and health benefits to millions of people each day, and we applaud communities that make planting and caring for trees a top priority."

Communities that earn Tree City USA recognition not only have taken the time to meet the four standards, they know that trees:

- Promote healthier communities by filtering the air we breathe by removing dust and other particles.
- Moderate climate, conserve water and provide vital habitat for wildlife.
- Reduce the heat island effect in urban areas caused by pavement and buildings.
- Increase property values and reduce energy use and add beauty to our homes and neighborhoods.

More information about Tree City USA can be found at www.arborday.org/TreeCityUSA.

About the Arbor Day Foundation

The Arbor Day Foundation is a nonprofit, environmental and education organization of nearly one million members, with a mission to inspire people to plant, nurture, and celebrate trees. More information on the Foundation and its programs can be found at www.arborday.org.

JAYNIE SMITH HOERAUF, P.C.

ATTORNEY AT LAW

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April 12, 2010

Eric Luthy
KASL Technology I, Inc.
108 E. Center St., Ste. J
Ithaca, MI 48847

RE: Water Tower Lease

Dear Mr. Luthy:

Please accept this letter on behalf of the City of Clare. Pursuant to the lease dated May 6, 2003 as between the City of Clare and Great Lake Computers as assigned to KASL Technology I, Inc., please take notice that the term of the lease has long expired without renewal. Per "Use of Premises" paragraph three of the lease, the City of Clare requests that the equipment installed upon the City of Clare water tower be removed and all injury or other effect on the water tower repaired and restored forthwith. I thank you for your kind consideration in this regard.

Sincerely,

JAYNIE SMITH HOERAUF, P.C.

BY: _____
JAYNIE SMITH HOERAUF

JSH/dm

C: Client



STATE OF MICHIGAN
DEPARTMENT OF NATURAL RESOURCES & ENVIRONMENT

JENNIFER M. GRANHOLM
GOVERNOR

LANSING

REBECCA A. HUMPHRIES
DIRECTOR

April 6, 2010

Mr. Ken A. Hibl
City Manager
City of Clare
202 West Fifth Street
Clare, MI 48617

Dear Mr. Hibl:

SUBJECT: TF07-096, Pere Marquette Rail Trail Extension

We have reviewed your payment request #7-Partial, with expenditures to date in the amount of \$858,070.53. No payment has been processed at this time.

A total of \$13,542.35 has been withheld as a portion of the \$50,000.00 audit amount. There is a balance of \$11,457.65 remaining to satisfy the required audit amount of \$50,000.00.

If you have any questions, please feel free to contact me. Our address is: **Grants Management, Department of Natural Resources and Environment, P.O. Box 30425, Lansing, MI 48909-7925.**

Sincerely,

A handwritten signature in black ink, appearing to read "Samuel Duncan, IV".

Samuel Duncan, IV
Accounting Specialist
Grants Management
517-373-9443
duncans@michigan.gov

SD:lh
Enclosure
cc: Ms. Jule Stafford, DNRE