



City of East Grand Rapids  
Regular City Commission Meeting  
Agenda

**October 3, 2016 – 6:00 p.m.**  
(EGR Community Center – 750 Lakeside Drive)

1. Call to Order and Pledge of Allegiance.
2. Public Comment by persons in attendance.
3. Report of Mayor and City Commissioners.

Regular Agenda Items

4. Final reading of an ordinance amendment to Article VII of Chapter 2 of Title I of the City Code pertaining to the Department of Public Safety (action requested – approval requested).
5. Final reading of an ordinance amendment to Chapter 6 of Title I of the City Code pertaining to the Emergency Management Department (action requested – approval requested).
6. Final reading of an ordinance amendment to Chapter 13 of Title I of the City Code pertaining to appearance tickets issued by the Public Safety Department (action requested – approval requested).
7. Final reading of an ordinance amendment to Chapter 14 of Title I of the City Code pertaining to municipal civil infractions (action requested – approval requested).
8. Final reading of an ordinance amendment to Chapter 25 of Title II of the City Code pertaining to public utility emergency response (action requested – approval requested).
9. Adoption of a policy for building separation variance requests (approval requested).

Consent Agenda – Approval Requested

10. Receipt of communications.
11. Minutes of the regular meeting held September 19, 2016 (approval requested).
12. Report of Finance Committee on disbursement of funds: payroll disbursements of \$ 205,382.80; county and school disbursements of \$143,430.84, and total remaining disbursements of \$1,503,041.43 (approval requested).
13. Interfund Loan Request (approval requested).

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# Memorandum

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Date: August 15, 2016

To: Honorable Mayor and City Commissioners

From: John Huff, City Attorney & Mark Herald, Director of Public Safety

Subject: **Review of Public Safety Ordinances for the City of East Grand Rapids Code (#1)**

*Action Requested:* That the City Commission review and authorize the updated public safety ordinances for the City of East Grand Rapids Code.

*Background:* The City Manager, City Attorney and Public Safety staff have reviewed all existing public safety ordinances in the East Grand Rapids Code and recommend the following changes:

1. Chapter 2: Articles V, VI, and VII are replaced by new Article that consolidates City's public safety services under the public safety department. These changes are functional only. Numbering of the Article and Sections is problematic, but will be addressed by the publisher.

2. Chapter 6: Department of Civil Defense is changed to Emergency Management Department. This Chapter is also revised to reflect the creation of the new public safety department. No issues.

3. Chapter 13: This chapter was enacted pursuant to Act No. 175 of the Public Acts of 1927, as amended by Act No. 506 of the Public Acts of 1980 and Act No. 366 of the Public Acts of 1984, being Sections 764.9c and 764.9f of the Michigan Compiled Laws, as amended. (Ord., 9-14-1996). This language should be updated to reflect more recent amendments as follows:

*“This chapter is enacted pursuant to Act No. 175 of the Public Acts of 1927, as amended by Act No. 506 of the Public Acts of 1980, Act No. 445 of the Public Acts of 1994 and Act No. 366 of the Public Acts of 1984, being Sections 764.9c of the Michigan Compiled Laws, as amended, and Act No. 49 of the Public Acts of 1988, being Section 764.9f of the Michigan Compiled Laws, as amended.”*

4. Chapter 14: This section deals with civil infraction authorization. Minor modification was made to Section 1.692 indicating that persons authorized to issue civil infraction citations.

5. Chapter 25: This Chapter is revised to reflect the creation of the new public safety department. No issues.

These ordinance amendments have been reviewed by the Finance Committee and found to be in order.

Approved:

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Brian Donovan, City Manager

Attachments

**AN ORDINANCE TO AMEND ARTICLE VII OF  
CHAPTER 2 OF TITLE I OF THE CODE OF THE CITY OF  
EAST GRAND RAPIDS**

**THE CITY OF EAST GRAND RAPIDS ORDAINS:**

Section 1. Chapter 2, Article VII of Title I of the Code of the City of East Grand Rapids is amended in its entirety to read as follows:

**CHAPTER 2**

**ARTICLE VII: DEPARTMENT OF PUBLIC SAFETY**

- Section: 1.96. Director; Assignment and Duties of Officers  
1.97. Functions of Public Safety Department  
1.98. Enforcement of Fire Laws  
1.99. Other Duties of the Director of Public Safety  
1.100. Department Rules  
1.101. Acting Director of Public Safety

1.96. Director; Assignment and Duties of Officers.

The city shall appoint a Director of Public Safety, he shall have the powers and duties herein specified for the chief of police and the fire chief. City employees assigned to the police and fire departments shall become public safety officers and there shall be no distinction between public safety officers assigned to perform duties commonly performed by a police department and members of the department assigned to perform work commonly performed by a fire department. Every public safety officer shall perform either police work or fire work as such duties shall be assigned to him by the director of public safety. Wherever any duties shall be imposed upon a public safety officer by any statute of the State of Michigan, or by the Charter or this Code, such duties shall be imposed upon the public safety officers of the city and all public safety officers shall be “peace officers” within the meaning of such terms as used in the statutes of the State of Michigan. (1982 Code §1.96)

1.97. Functions of Public Safety Department.

The public safety work of the city shall consist of the following functions:

- A. The operation of motor, bicycle and foot patrol units for routine investigations and the general maintenance of law and order.
- B. The maintenance of the central complaint desk at public safety headquarters, the maintaining and supervising of police records,

criminal and noncriminal identification, property identification and custody of property.

- C. The investigation of crimes, elimination of illegal substance and liquor traffic and vice, and the preparation of evidence for the prosecution of criminal cases and offenses in violation of this Code.
- D. The removal of crime hazards and the coordination of community agencies interested in crime prevention.
- E. The control of traffic, traffic educational programs, school patrols, and the coordination of traffic violation prosecutions. (1982 Code §1.71)
- F. The prevention and extinguishment of fires, the protection of life and property against fire, the removal of fire hazards, provide medical first response service, provide water and ice rescue services as needed, and the performance of other public services of an emergency nature assigned to it, and the conducting of an educational fire prevention program. (1982 Code §1.91)

1.98. Enforcement of Fire Laws.

- A. It shall be the duty of the director of public safety or designee to enforce all state laws and provisions of this Code governing the following:
  - 1. The prevention of fires.
  - 2. The storage and use of explosives and flammables.
  - 3. Ensure proper maintenance of fire alarm systems and all fire extinguishing equipment is being performed.
  - 4. The maintenance and use of fire escapes.
  - 5. The maintenance of fire protection and the elimination of fire hazards in all buildings and structures.
  - 6. The maintenance and adequacy of fire exits from commercial properties, multi-residential units and all other places where persons work or congregate for any purpose. (1982 Code §1.94)

1.99. Other Duties of the Director of Public Safety.

The director of public safety shall perform the following duties:

- A. Investigate the origin, cause and circumstances of all fires.
- B. Issue all orders necessary for the enforcement of state laws and of the provisions included in section 1.94 of this Code.
- C. The public safety director shall be responsible for the operation, maintenance and care of all property and equipment used by the public safety department. (1982 Code §1.93)

1.100. Department Rules.

The public safety director may prescribe rules for the government of public safety officers of the city, subject to approval by the city manager, which shall be entered in a Manual of Policy and Procedure which can be amended or revoked by the director of public safety subject to approval by the city manager. Such rules may establish one or more divisions within the public safety department, each of which divisions may be charged with performing one or more of the functions of the public safety department enumerated in section 1.97. Any such divisions shall be supervised by an officer of the public safety department who shall be responsible for the particular functions of the public safety department assigned to the particular division supervised by him. It shall be the duty of all members of the public safety department to comply with such rules. (1982 Code §1.72)

Such rules shall designate the chain of command for the department so that in the absence or disability of the public safety director, the responsibility for the operation of the department shall immediately and automatically vest in the officer designated by such regulations. (1982 Code §1.92)

1.101. Acting Director of Public Safety.

In the case of the absence from the city of the public safety director, or his disability, or inability from any cause to act as public safety director, one of the captains shall act as director of public safety. In case of the absence, disability, or inability from any cause, of the public safety director and the captains, the city manager shall designate and appoint some other member of the public safety department to act as director during such absence or disability. (1982 Code §1.73)

Section 2. This Ordinance shall be effective on October \_\_\_\_, 2016.

Section 3. This Ordinance shall be published in full pursuant to the provisions of Chapter VII, Section 7.5 of the Charter of the City of East Grand Rapids.

~~REPLACED BY ATTACHED~~

CHAPTER 2

~~ADMINISTRATIVE SERVICE~~

~~ARTICLE V. PUBLIC SAFETY POLICE DEPARTMENT~~

Section:

- 1.70. ~~Police chief~~ ~~Director of Public~~ ~~Safety~~  
 1.71. ~~Functions of police~~ ~~public safety department~~  
 1.72. ~~Department rules~~  
 1.73. ~~Acting Director~~ ~~chief~~  
 1.74-1.90. Reserved

1.70. ~~Police chief.~~ ~~Public Safety Director.~~ The department of ~~public safety~~ police shall be headed by the police chief ~~public safety director~~ who shall direct the police ~~and fire~~ work of the city. (1982 Code § 1.70)

1.71. ~~Functions of police~~ ~~public safety~~ department. The police ~~public safety~~ work of the city shall consist of the following functions:

- A. ~~The operation of motor and foot patrol units for routine investigations and the general maintenance of law and order.~~
- B. ~~The maintenance of the central complaint desk at central police headquarters, the maintaining and supervising of police records, criminal and noncriminal identification, property identification and custody of property.~~
- C. ~~The investigation of crimes, elimination of illegal substance and liquor traffic and vice, and the preparation of evidence for the prosecution of criminal cases and offenses in violation of this Code.~~
- D. ~~The removal of crime hazards and the coordination of community agencies interested in crime prevention.~~
- E. ~~The control of traffic, traffic educational programs, school patrols, coordination of traffic violation prosecutions, and the maintenance and erection of traffic signs and the painting of street and crosswalk lanes. (1982 Code §1.71)~~

F. ~~The prevention and extinguishment of fires, the protection of life and property against fire, the removal of fire hazards, the performance of other public services of an emergency nature assigned to it, and the conducting of an educational fire prevention program. (1982 Code §1.91)~~

~~1.72. Department rules. The ~~public safety director~~ chief of police may prescribe rules for the government of police officers of the city, subject to approval by the city manager, which shall be entered in a book of police department rules and may be amended or revoked by the police chief subject to approval by the city manager. Such rules may establish one or more divisions within the police department, each of which divisions may be charged with performing one or more of the functions of the police department enumerated in section 1.71. Any such divisions shall be supervised by an officer of the police department who shall be responsible for the particular functions of the police department assigned to the particular division supervised by him. It shall be the duty of all members of the police force to comply with such rules. (1982 Code §1.72)~~

~~Such rules shall designate the chain of command for the department so that in the absence or disability of the chief, the responsibility for the operation of the department shall immediately and automatically vest in the officer designated by such regulations. (1982 Code §1.92)~~

~~1.73. Acting chief. In the case of the absence from the city of the police chief, or his disability, or inability from any~~

~~cause to act as police chief, the deputy police chief shall act as chief. In case of the absence, disability, or inability from any cause, of both the police chief and the deputy, the city manager shall designate and appoint some other member of the police department to act as chief during such absence or disability. (1982 Code §1.73)~~

~~1.74-1.90. Reserved.~~

CHAPTER 2

ADMINISTRATIVE SERVICE

ARTICLE VI. FIRE DEPARTMENT

Section:

- 1.91. Fire chief
- 1.92. Department rules
- 1.93. Department equipment
- 1.94. Enforcement of fire laws
- 1.95. Other duties of fire chief
- 1.93. ~~Department equipment. The fire chief shall be responsible for the operation, maintenance and care of all property and equipment used by the fire department. (1982 Code §1.93)~~
- 1.94. ~~Enforcement of fire laws. It shall be the duty of the fire chief to enforce all state laws' and provisions of this Code' governing the following:~~
- 1.91. ~~Fire chief. The department of fire shall be headed by the fire chief and shall be charged with the prevention and extinguishment of fires, the protection of life and property against fire, the removal of fire hazards, the performance of other public services of an emergency nature assigned to it, and the conducting of an educational fire prevention program. (1982 Code §1.91)~~

1.92. ~~Department rules. The fire chief may prescribe rules for the government of the department, subject to the approval of the city manager, which shall be entered in a book of fire department rules and which may be amended or revoked by the fire chief subject to approval by the city manager. Such rules shall designate the chain of command for the department so that in the absence or disability of the chief, the responsibility for the operation of the department shall immediately and automatically vest in the officer designated by such regulations. (1982 Code §1.92)~~

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1. M.C.L.A. §29.1 et seq.
2. See Chapter 95 of this Code.
- A.

~~The prevention of fires.~~

~~B. The storage and use of explosives and flammables.~~

~~C. The maintenance of fire alarm systems and all fire extinguishing equipment.~~

~~D. The maintenance and use of fire escapes.~~

~~E. The maintenance of fire protection and the elimination of fire hazards in all buildings and structures.~~

~~F. The maintenance and adequacy of fire exits from schools, hospitals, churches, halls, and all other places where persons work or congregate for any purpose. (1982 Code §1.94)~~

~~195. Other duties of fire chief. The fire~~

~~duties:~~

~~chief shall perform the following~~

- A. ~~Investigate the origin, cause and circumstances of all fires.~~
- B. ~~Issue all orders necessary for the enforcement of state laws and of the provisions included in section 1.94 of this Code.~~
- C. ~~Require and supervise from time to time fire drills from all schools and educational institutions as required by law.<sup>3</sup> (1982 Code §1.95)~~

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1. M.C.L.A. §29.19.

CHAPTER 2

ADMINISTRATIVE SERVICE

ARTICLE VII. DEPARTMENT OF PUBLIC SAFETY

Section:

~~— 1.96. — Director; assignment and duties of officers  
1.97-1.100. Reserved~~

~~— 1.96. — Director; assignment and duties of officers. In the event the city shall appoint a director of public safety, he shall have the powers and duties herein specified for the chief of police and the fire chief. In such case city employees assigned to the police and fire departments shall become public safety officers and there shall be no distinction between public safety officers assigned to perform duties commonly performed by a police department and members of the department assigned to perform work commonly performed by a fire department. Every public safety officer shall perform either police work or fire work as such duties shall from time to time be assigned to him by the director of public safety. Wherever any duties shall be imposed upon a city police officer or a city fireman by any statute of the State of Michigan, or by the Charter or this Code, such duties shall be imposed upon the public safety officers of the city and all public safety officers shall be "peace officers" within the meaning of such terms as used in the statutes of the State of Michigan. (1982 Code §1.96)~~

~~1.97-1.100. Reserved.~~

REPLACES CHAPTER 2 Article V, VI, and VII

1.96. Director; assignment and duties of officers. The city shall appoint a Director of Public Safety, he shall have the powers and duties herein specified for the chief of police and the fire chief. City employees assigned to the police and fire departments shall become public safety officers and there shall be no distinction between public safety officers assigned to perform duties commonly performed by a police department and members of the department assigned to perform work commonly performed by a fire department. Every public safety officer shall perform either police work or fire work as such duties shall be assigned to him by the director of public safety. Wherever any duties shall be imposed upon a public safety officer by any statute of the State of Michigan, or by the Charter or this Code, such duties shall be imposed upon the public safety officers of the city and all public safety officers shall be "peace officers" within the meaning of such terms as used in the statutes of the State of Michigan. (1982 Code §1.96)

1.71. Functions of public safety department. The public safety work of the city shall consist of the following functions:

- G. The operation of motor, bicycle and foot patrol units for routine investigations and the general maintenance of law and order.
- H. The maintenance of the central complaint desk at public safety headquarters, the maintaining and supervising of police records, criminal and noncriminal identification, property identification and custody of property.
- I. The investigation of crimes, elimination of illegal substance and liquor traffic and vice, and the preparation of evidence for the prosecution of criminal cases and offenses in violation of this Code.
- J. The removal of crime hazards and the coordination of community agencies interested in crime prevention.
- K. The control of traffic, traffic educational programs, school patrols, and the coordination of traffic violation prosecutions. (1982 Code §1.71)
- L. The prevention and extinguishment of fires, the protection of life and property against fire, the removal of fire hazards, provide medical first response service, provide water and ice rescue services as needed, and the performance of other public services of an emergency nature assigned to it, and the conducting of an educational fire prevention program. (1982 Code §1.91)

1.94. Enforcement of fire laws. It shall be the duty of the director of public safety or designee to enforce all state laws' and provisions of this Code' governing the following:

- G. The prevention of fires.
- H. The storage and use of explosives and flammables.
- I. Ensure proper maintenance of fire alarm systems and all fire extinguishing equipment is being performed.

- J. The maintenance and use of fire escapes.
- K. The maintenance of fire protection and the elimination of fire hazards in all buildings and structures.
- L. The maintenance and adequacy of fire exits from commercial properties, multi-residential units and all other places where persons work or congregate for any purpose. (1982 Code §1.94)

195. Other duties of the director of public safety. The director of public safety shall perform the following duties:

- D. Investigate the origin, cause and circumstances of all fires.
- E. Issue all orders necessary for the enforcement of state laws and of the provisions included in section 1.94 of this Code.
- C. The public safety director shall be responsible for the operation, maintenance and care of all property and equipment used by the public safety department. (1982 Code §1.93)

1.72. Department rules. The public safety director may prescribe rules for the government of public safety officers of the city, subject to approval by the city manager, which shall be entered in a Manual of Policy and Procedure which can be amended or revoked by the director of public safety subject to approval by the city manager. Such rules may establish one or more divisions within the public safety department, each of which divisions may be charged with performing one or more of the functions of the public safety department enumerated in section 1.71. Any such divisions shall be supervised by an officer of the public safety department who shall be responsible for the particular functions of the public safety department assigned to the particular division supervised by him. It shall be the duty of all members of the public safety department to comply with such rules. (1982 Code §1.72)

Such rules shall designate the chain of command for the department so that in the absence or disability of the public safety director, the responsibility for the operation of the department shall immediately and automatically vest in the officer designated by such regulations. (1982 Code §1.92)

1.73. Acting director of public safety. In the case of the absence from the city of the public safety director, or his disability, or inability from any cause to act as public safety director, one of the captains shall act as director of public safety. In case of the absence, disability, or inability from any cause, of the public safety director and the captains, the city manager shall designate and appoint some other member of the public safety department to act as director during such absence or disability. (1982 Code §1.73)

**AN ORDINANCE TO AMEND CHAPTER 6 OF TITLE I OF  
THE CODE OF THE CITY OF EAST GRAND RAPIDS**

**THE CITY OF EAST GRAND RAPIDS ORDAINS:**

Section 1. Chapter 6 of Title I of the Code of the City of East Grand Rapids is amended in its entirety to read as follows:

**CHAPTER 6: EMERGENCY MANAGEMENT DEPARTMENT**

- Section: 1.220. Definitions  
1.221. Emergency Management Department  
1.222. Powers and duties of the mayor  
1.223. Powers and duties of the city manager  
1.224. Powers and duties of the director of emergency management  
1.225. Emergency Management Plan  
1.226. Conflicting ordinances, orders, rules and regulations suspended  
1.227. Coordination with Michigan Emergency Preparedness Act

1.220. Definitions.

EMERGENCY MANAGEMENT shall mean the preparation for and the carrying out of all emergency functions, other than functions for which the military forces are primarily responsible, for protection against and to minimize and repair injury and damage resulting from enemy attack, sabotage, or other hostile action, or by natural disaster.

EMERGENCY MANAGEMENT VOLUNTEER shall mean any person who serves without compensation in the civil defense organization.

EMERGENCY shall mean a condition resulting from actual or threatened enemy attack or natural disaster which cannot be handled by normal operating personnel and facilities.

NATURAL DISASTER shall mean any condition seriously affecting or threatening public health, welfare or security as a result of severe fire, explosion, flood, tornado, hurricane or similar natural or accidental cause and which is beyond the control of public or private agencies ordinarily responsible for the control or relief of such conditions. Riots, strikes, insurrections or other civil disturbances shall not be included within the meaning of "natural disaster." (1982 Code § 1.220)

1.221. Emergency Management Department.

The emergency management department is hereby created utilizing to the fullest extent personnel and facilities of existing city departments and agencies. The city manager shall be responsible for its organization,

administration, and operation. The organization shall consist of the following:

- A. The emergency management department within the executive department of the city government. There shall be an executive head of the department of emergency management, appointed by the city commission, who shall be known as the director of emergency management, and such assistants, clerical help, other employees and civil defense volunteers as are deemed necessary to the proper functioning of the organization. In the absence of an appointment of a director by the city commission, the city manager shall be the director of emergency management.
- B. Four (4) deputy directors, finance director, public safety director (police, fire, ems), assistant city manager (engineering and public works), and parks and recreation director, appointed by the city manager. These shall, so far as possible, be additional duty assignments to existing personnel, and it is the intent of this chapter that emergency management and disaster assignments shall be as nearly consistent with normal duty assignment as possible.
- C. The employees, equipment, and facilities of all city departments, and agencies suitable for or adaptable to emergency management and designated by the city manager to participate in the emergency management activity.
- D. Emergency management volunteers, including persons and private agencies or governmental units offering services to the organization. (1982 Code §1.221)

1.222. Powers and Duties of the Mayor.

- A. In the event of actual or threatened enemy attack or natural disaster, the mayor, or in his/her absence or inability to serve, the president of the commission, as conservator of the peace, shall:
  - 1. Declare a state of emergency within the city, thereby placing in effect the emergency management and disaster control plan required by this chapter.
  - 2. As soon as may be thereafter, convene the city commission to perform such legislative and administrative functions as the situation may demand. The commission shall have the power to terminate the state of emergency.
  - 3. Request the state, its agencies or political subdivisions to send aid if the situation is beyond the control of the regular and emergency city forces.

4. Have the power to command services and the use of equipment, and facilities for such work and duties.
5. Promulgate such emergency regulations as may be deemed necessary to protect life and property and conserve critical resources, and such regulations may be invoked when necessary for tests of emergency management and disaster plans. All such regulations shall be effective when publicly promulgated but shall be subject to review by the commission as soon as practicable subsequent to promulgation.

- B. The mayor, or in his/her absence or inability to serve, the president of the commission, shall have power to order emergency management forces to the aid of the state or political subdivisions thereof subject to commission review as soon as practicable. (1982 Code §1.222)

1.223. Powers and Duties of the City Manager.

The city manager, as the director of emergency management, shall maintain general supervision over the planning and administration for the emergency management organization and the execution of the emergency management and disaster plans. He shall coordinate emergency management activities and make emergency assignments as necessary.

1.224. Powers and Duties of the Director of Emergency Management Department.

- A. The director shall be executive head of the emergency management department, and shall have responsibility for the organization, administration, and operation of the emergency and disaster control organization subject to the direction and control of the city manager.
- B. The director of emergency management shall be responsible for public relations, information, and education regarding all phases of civil defense.
- C. The director shall be responsible for the development of an emergency management and disaster control plan, and upon adoption, shall be responsible for such implementation and revision of the plan as to maintain it on a current state of readiness at all times.
- D. The director shall coordinate all activities for emergency management and disaster control, and shall maintain liaison and

cooperate with all other interested and affected agencies, public and private.

- E. The director shall coordinate the recruitment and training of volunteer personnel and agencies to augment the personnel and facilities of the city for emergency management purposes.
- F. The director may issue proper insignia and papers to emergency management workers and other people directly concerned with emergency management. (1982 Code §1.224)

1.225. Emergency Management and Disaster Control Plan.

As soon as practicable after the enactment of this chapter, a comprehensive emergency management and disaster control plan shall be adopted by resolution of the commission upon the recommendations of the city manager. In the preparation of this plan as it pertains to city organization, it is the intent that the services, equipment, facilities and personnel of all existing departments and agencies shall be utilized to the fullest extent. When approved it shall be the duty of all municipal departments and agencies to perform the functions and duties assigned by the plan and to maintain their portion of the plan in a current state of readiness at all times. (1982 Code §1.225)

1.226. Conflicting Ordinances, Orders, Rules and Regulations Suspended.

At all times when the orders, rules and regulations made and promulgated pursuant to this chapter shall be in effect, they shall supersede all existing ordinances, orders, rules and regulations insofar as the latter may be inconsistent therewith. (1982 Code §1.226)

1.227. Coordination with Michigan Emergency Preparedness Act.

The actions of the emergency management department under this chapter shall be subject to the provisions of the Michigan Emergency Preparedness Act (MCL Section 30.401 *et seq*). In all instances where there is a conflict between the provisions of this chapter and the Michigan Emergency Preparedness Act, the provisions of the Emergency Preparedness Act shall supersede the provisions of this chapter. The director of emergency management under this chapter shall serve as the local coordinator under the Emergency Preparedness Act. (Ord., 9-15-85)

Section 2. This Ordinance shall be effective on September \_\_\_\_, 2016.

Section 3. This Ordinance shall be published in full pursuant to the provisions of Chapter VII, Section 7.5 of the Charter of the City of East Grand Rapids.

## CHAPTER 6

**EMERGENCY MANAGEMENT** ~~CIVIL DEFENSE DEPARTMENT~~

## Section:

- 1.220. Definitions
- 1.221. **Emergency Management** Department of civil defense
- 1.222. Powers and duties of the mayor
- 1.223. Powers and duties of the city manager
- 1.224. Powers and duties of the director of **emergency management** ~~civil defense~~
- 1.225. **Emergency Management Plan** ~~Civil defense and disaster control plan~~
- 1.226. Conflicting ordinances, orders, rules and regulations suspended
- 1.227. Coordination with Michigan Emergency Preparedness Act

- 1.220. Definitions.

**EMERGENCY MANAGEMENT** ~~CIVIL DEFENSE~~ shall mean the preparation for and the carrying out of all emergency functions, other than functions for which the military forces are primarily responsible, for protection against and to minimize and repair injury and damage resulting from enemy attack, sabotage, or other hostile action, or by natural disaster.

**EMERGENCY MANAGEMENT VOLUNTEER** shall mean any person who serves without compensation in the civil defense organization.

**EMERGENCY** shall mean a condition resulting from actual or threatened enemy attack or natural disaster which cannot be handled by normal operating personnel and facilities.

NATURAL DISASTER shall mean any condition seriously affecting or threatening public health, welfare or security as a result of severe fire, explosion, flood, tornado, hurricane or similar natural or accidental cause and which is beyond the control of public or private agencies ordinarily responsible for the control or relief of such conditions. Riots, strikes, insurrections or other civil disturbances shall not be included within the meaning of "natural disaster." (1982 Code § 1.220)

1.221. ~~Department of~~ **Emergency management department** ~~civil defense~~. A ~~department of~~ **The emergency management department** ~~civil defense~~ is hereby created utilizing to the fullest extent personnel and facilities of existing city departments and agencies. The city manager shall be responsible for its organization, administration, and operation. The organization shall consist of the following:

A.A **The emergency management** ~~department of civil defense~~ within the executive department of the city government. There shall be an executive head of the department of **emergency management** ~~civil defense~~, appointed by the city commission, who shall be known as the director of **emergency management** ~~civil defense~~, and such assistants, clerical help, other employees and civil defense volunteers as are deemed necessary to the proper functioning of the organization. In the absence of an appointment of a director by the city commission, the city manager shall be the director of **emergency management** ~~civil defense~~.

- B. ~~Five (5)~~ **Four (4)** deputy directors with responsibility for financial services, **finance director, public safety director (police, fire, ems), law enforcement, fire control, engineering services**assistant city manager(engineering and public works), and parks and recreation director**, appointed by the city manager. These shall, so far as possible, be additional duty assignments to existing personnel, and it is the intent of this chapter that **emergency management** ~~civil defense~~ and disaster assignments shall be as nearly consistent with normal duty assignment as possible.**
- C. The employees, equipment, and facilities of all city departments, and agencies suitable for or adaptable to **emergency management** ~~civil defense~~ and designated by the city manager to participate in the **emergency management** ~~civil defense~~ activity.
- D. **Emergency management** ~~Civil defense~~ volunteers, including persons and private agencies or governmental units offering services to the organization. (1982 Code §1.221)

1.222. Powers and duties of the mayor.

- A. In the event of actual or threatened enemy attack or natural disaster, the mayor, or in his/**her** absence or inability to serve, the president of the commission, as conservator of the peace, shall:
1. Declare a state of emergency within the city, thereby placing in effect the **emergency management** ~~civil defense~~ and disaster control plan required by this chapter.
  2. As soon as may be thereafter, convene the city commission to perform such legislative and administrative functions as the situation may demand. The commission shall have the power to terminate the state of emergency.
  3. Request the state, its agencies or political subdivisions to send aid if the situation is beyond the control of the regular and emergency city forces.
  4. Have the power to command services and the use of equipment, and facilities for such work and duties.
  5. Promulgate such emergency regulations as may be deemed necessary to protect life and property and conserve critical resources, and such regulations may be invoked when necessary for tests of ~~civil defense~~**emergency management** and disaster plans. All such regulations shall be effective when publicly promulgated but shall be subject to review by the commission as soon as practicable subsequent to promulgation.
- B. The mayor, or in his/**her** absence or inability to serve, the president of the commission, shall have power to order **emergency management** ~~civil defense~~ forces to the aid of the state or political

subdivisions thereof subject to commission review as soon as practicable. (1982 Code §1.222)

1.223. Powers and duties of the city manager.

A. The powers and duties of the city manager shall consist of the following:

1. The city manager, ~~through~~ **as** the director of **emergency management** ~~civil defense~~, shall maintain general supervision over the planning and administration for the **emergency management** ~~civil defense~~ organization and the execution of the **emergency management** ~~civil defense~~ and disaster plans. He shall coordinate ~~the~~ **emergency management** ~~civil defense~~ activities and make emergency assignments **as necessary.** ~~of civil defense duties~~

**AN ORDINANCE TO AMEND CHAPTER 13 OF TITLE I  
OF THE CODE OF THE CITY OF EAST GRAND RAPIDS**

**THE CITY OF EAST GRAND RAPIDS ORDAINS:**

Section 1. Chapter 13 of Title I of the Code of the City of East Grand Rapids is amended in its entirety to read as follows:

**CHAPTER 13: APPEARANCE TICKETS AUTHORIZATION**

Section: 1.681. Purpose  
1.682. Authorized persons

1.681. Purpose.

The purpose of this chapter is to supplement existing ordinance provisions to empower certain City of East Grand Rapids officials to issue and serve appearance tickets for violations of the City of East Grand Rapids ordinances which contain criminal misdemeanor penalties for violations of the ordinance involved. This chapter is enacted pursuant to Act No. 175 of the Public Acts of 1927, as amended by Act No. 506 of the Public Acts of 1980, Act No. 445 of the Public Acts of 1994 and Act No. 366 of the Public Acts of 1984, being Sections 764.9c of the Michigan Compiled Laws, as amended, and Act No. 49 of the Public Acts of 1988, being Section 764.9f of the Michigan Compiled Laws, as amended. (Ord., 9-14-1996)

1.682. Authorized persons.

Unless prohibited by state law or unless otherwise provided by specific provisions of a particular City of East Grand Rapids ordinance to the contrary, the following officials are empowered to issue and serve appearance tickets for violations of city ordinances which contain criminal misdemeanor penalties for violations of the ordinance involved:

- A. The Director of public safety and all officers of said department.
- B. The Assistant City Manager and his or her designee.
- C. The Kent County sheriff and all other deputy county sheriffs of said County.
- D. All building mechanical, plumbing, electrical and property maintenance code inspectors.

Section 2. This Ordinance shall be effective on \_\_\_\_\_, 2016.

Section 3. This Ordinance shall be published in full pursuant to the provisions of Chapter VII, Section 7.5 of the Charter of the City of East Grand Rapids.

**AN ORDINANCE TO AMEND CHAPTER 13 OF TITLE I  
OF THE CODE OF THE CITY OF EAST GRAND RAPIDS**

**THE CITY OF EAST GRAND RAPIDS ORDAINS:**

Section 1. Chapter 13 of Title I of the Code of the City of East Grand Rapids is amended in its entirety to read as follows:

**CHAPTER 13: APPEARANCE TICKETS AUTHORIZATION**

Section: ~~The city mechanical and electrical inspectors.(Ord., 9-14-1996)~~1.681.

Purpose

1.682. Authorized persons

1.681. Purpose.

The purpose of this chapter is to supplement existing ordinance provisions to empower certain City of East Grand Rapids officials to issue and serve appearance tickets for violations of the City of East Grand Rapids ordinances which contain criminal misdemeanor penalties for violations of the ordinance involved. This chapter is enacted pursuant to Act No. 175 of the Public Acts of 1927, as amended by Act No. 506 of the Public Acts of 1980, Act No. 445 of the Public Acts of 1994 and Act No. 366 of the Public Acts of 1984, being Sections 764.9c and of the Michigan Compiled Laws, as amended, and Act No. 49 of the Public Acts of 1988, being Section 764.9f of the Michigan Compiled Laws, as amended. (Ord., 9-14-1996)~~I don't know if these are still the most up to date. (TERRY NEEDS TO CHECK)~~

1.682. Authorized persons.

Unless prohibited by state law or unless otherwise provided by specific provisions of a particular City of East Grand Rapids ordinance to the contrary, the following officials are empowered to issue and serve appearance tickets for violations of city ordinances which contain criminal misdemeanor penalties for violations of the ordinance involved:

A. The ~~chief~~ Director of public safety and all officers of said department.

B. The ~~city services director~~ Assistant City Manager and his or her designee.

C. The Kent County sheriff and all other deputy county sheriffs of said County.

D. All building mechanical, plumbing, electrical and property maintenance code inspectors.

Section 2. This Ordinance shall be effective on \_\_\_\_\_, 2016.

[Section 3.](#) This Ordinance shall be published in full pursuant to the provisions of Chapter VII, Section 7.5 of the Charter of the City of East Grand Rapids.

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**AN ORDINANCE TO AMEND CHAPTER 14 OF TITLE I  
OF THE CODE OF THE CITY OF EAST GRAND RAPIDS**

**THE CITY OF EAST GRAND RAPIDS ORDAINS:**

Section 1. Chapter 14 of Title I of the Code of the City of East Grand Rapids is amended in its entirety to read as follows:

**CHAPTER 14: MUNICIPAL CIVIL INFRACTION CITATIONS AUTHORIZATION**

Section: 1.691. Purpose  
1.692. Authorized persons

1.691. Purpose. The purpose of this chapter is to supplement existing ordinance provisions to empower certain city of East Grand Rapids officials to issue and serve municipal civil infraction citations for violations of those city of East Grand Rapids ordinances which constitute municipal civil infractions. This chapter is enacted pursuant to public acts 12-26 of 1994 and public act 236 of the public acts of 1961, as amended. (Ord., 9-14-1996)

1.692. Authorized Persons. Unless prohibited by state law or unless otherwise provided by specific provisions of a particular city of East Grand Rapids ordinance to the contrary, the following officials are hereby designated as authorized city officials to issue and serve municipal civil infraction citations for violation of city ordinances which provide for a municipal civil infraction for a violation thereof.

- A. The Director of the Public Safety Department, all officers of said department, and his or her designee.
- B. The Assistant City Manager and his or her designee.
- C. The Kent County sheriff and all other county sheriffs of said county.
- D. All building mechanical, plumbing, electrical and property maintenance code inspectors.
- E. The director of the Kent County department of animal control and his or her designee. (Ord., 9-14-1996; Ord., 4-14-2003; Ord., 4-9-2004)

Section 2. This Ordinance shall be effective on \_\_\_\_\_, 2016.

Section 3. This Ordinance shall be published in full pursuant to the provisions of Chapter VII, Section 7.5 of the Charter of the City of East Grand Rapids.

**AN ORDINANCE TO AMEND CHAPTER 14 OF TITLE I  
OF THE CODE OF THE CITY OF EAST GRAND RAPIDS**

**THE CITY OF EAST GRAND RAPIDS ORDAINS:**

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**CHAPTER 14: MUNICIPAL CIVIL INFRACTION CITATIONS AUTHORIZATION**

Section: 1.691. Purpose  
1.692. Authorized persons

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~~1.692.~~1.692. Authorized Persons. Unless prohibited by state law or unless otherwise provided by specific provisions of a particular city of East Grand Rapids ordinance to the contrary, the following officials are hereby designated as authorized city officials to issue and serve municipal civil infraction citations for violation of city ordinances which provide for a municipal civil infraction for a violation thereof.

- A. The director of the public safety department, all officers of said department, and his or her designee.
- B. The Assistant City Manager and his or her designee.
- C. The Kent County sheriff and all other county sheriffs of said county.
- D. ~~The city~~All building mechanical~~and~~, plumbing, electrical and property maintenance code inspectors.
- E. The director of the Kent County department of animal control and his or her designee. (Ord., 9-14-1996; Ord., 4-14-2003; Ord., ~~4-9-2004~~9-2004)

Section 2. This Ordinance shall be effective on ~~October, 2015~~ 2016.

Section 3. This Ordinance shall be published in full pursuant to the provisions of Chapter VII, Section 7.5 of the Charter of the City of East Grand Rapids.

Comparison Details	
Title	<b>pdfDocs compareDocs Comparison Results</b>
Date & Time	7/1/2016 2:43:12 PM
Comparison Time	0.81 seconds
compareDocs version	v4.2.0.25

Sources	
Original Document	[#10712406] [v1] City EGR Chapter 14.pdf
Modified Document	[#10121226] [v1] City EGR Ordinance Updates (5) - Chapter 14.docx

Comparison Statistics	
Insertions	5
Deletions	4
Changes	4
Moves	0
<b>TOTAL CHANGES</b>	<b>13</b>

Word Rendering Set Markup Options	
Name	Standard
<u>Insertions</u>	
<del>Deletions</del>	
<u>Moves / Moves</u>	
Inserted cells	
Deleted cells	
Merged cells	
Formatting	Color only.
Changed lines	Mark left border.
Comments color	By Author.
Balloons	False

compareDocs Settings Used	Category	Option Selected
Open Comparison Report after Saving	General	Always
Report Type	Word	Track Changes
Character Level	Word	False
Include Headers / Footers	Word	True
Include Footnotes / Endnotes	Word	True
Include List Numbers	Word	True
Include Tables	Word	True
Include Field Codes	Word	True
Include Moves	Word	False
Show Track Changes Toolbar	Word	True
Show Reviewing Pane	Word	False
Update Automatic Links at Open	Word	False
Summary Report	Word	End
Include Change Detail Report	Word	Separate
Document View	Word	Print
Remove Personal Information	Word	False
Flatten Field Codes	Word	True

**AN ORDINANCE TO AMEND CHAPTER 25 OF TITLE II  
OF THE CODE OF THE CITY OF EAST GRAND RAPIDS**

**THE CITY OF EAST GRAND RAPIDS ORDAINS:**

Section 1. Chapter 25 of Title II of the Code of the City of East Grand Rapids is amended in its entirety to read as follows:

**CHAPTER 25: PUBLIC UTILITY EMERGENCY RESPONSE**

- Section: 2.140. Purpose  
2.141. Definitions  
2.142. Liability for expense of an emergency response  
2.143. Schedule of costs  
2.144. Billing and payment  
2.145. Enforcement and cost recovery

2.140. Purpose.

The city of East Grand Rapids finds that non-storm damage to public utilities frequently requires the response of the city's emergency services and this response places an operational and financial burden upon the city's public safety services. This chapter places the burden for these costs on the parties responsible for the ownership and maintenance.

2.141. Definitions. When used in this chapter, the following terms shall have the following meanings:

EMERGENCY RESPONSE shall mean the providing, sending, and/or utilizing of public safety services by the city, or by a private individual or corporation operating at the request or direction of the city, in connection with any incident involving damage to or a breakdown of a public utility which requires the response of public safety department services to protect the public safety and welfare.

EXPENSE OF AN EMERGENCY RESPONSE means the direct and reasonable costs incurred by the city, or by a private person or corporation operating at the request or direction of the city, when making an emergency response to the incident, including costs of providing public safety services at the scene of the incident. These costs further include all of the salaries and wages of the city personnel responding to the incident and all salaries and wages of the city personnel engaged in investigation, supervision, and report preparation.

PUBLIC UTILITY shall mean:

- A. Electrical service.

- B. Telephone service.
- C. Natural gas service.
- D. Cable television service.
- E. Telecommunications or other services located in the right of way.  
(Ord., 1-26-2001)

2.142. Liability for expense of an emergency response. The public utility which owns the facilities or equipment which have suffered the damage and necessitated the emergency response shall be responsible for the payment of the expense of the emergency response. (Ord., 1-26-2001)

Section 2. This Ordinance shall be effective on October \_\_\_\_, 2016.

Section 3. This Ordinance shall be published in full pursuant to the provisions of Chapter VII, Section 7.5 of the Charter of the City of East Grand Rapids.

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CHAPTER 25

PUBLIC UTILITY EMERGENCY RESPONSE

Section:

- 2.140. Purpose
  - 2.141. Definitions
  - 2.142. Liability for expense of an emergency response
  - 2.143. Schedule of costs
  - 2.144. Billing and payment
  - 2.145. Enforcement and cost recovery
- 2.140. Purpose. The city of East Grand Rapids finds that non storm damage to public utilities frequently requires the response of the city's emergency services and this response places an operational and financial burden upon the city's ~~police, firefighting and rescue~~ **public safety** services. This chapter places the burden for these costs on the parties responsible

for the ownership and maintenance of public utility services. (Ord., 1-26-2001)

- 2.141. Definitions. When used in this chapter, the following terms shall have the following meanings:

EMERGENCY RESPONSE shall mean the providing, sending, and/or utilizing of ~~police, firefighting, emergency medical and rescue~~ **public safety** services by the city, or by a private individual or corporation operating at the request or direction of the city, in connection with any incident involving damage to or a breakdown of a public utility which requires the response of ~~police, firefighting, or emergency medical services~~ **public safety department services** to protect the public safety and welfare.

EXPENSE OF AN EMERGENCY RESPONSE means the direct and reasonable costs incurred by the city, or by a private person or corporation operating at the request or direction of the city, when making an emergency response to the incident, including costs of providing ~~police, firefighting, and rescue services~~ **public safety services** at the scene of the incident. These costs further include all of the salaries and wages of the city personnel responding to the incident and all salaries and wages of the city personnel engaged in investigation, supervision, and report preparation.

PUBLIC UTILITY shall mean:

- A. Electrical service.
- B. Telephone service.
- C. Natural gas service.
- D. Cable television service.
- E. Telecommunications or other services located in the right of way. (Ord., 1-26-2001)
- F. 2.142. Liability for expense of an emergency response. The public utility which owns the facilities or equipment which have suffered the damage and necessitated the emergency response shall be responsible for the payment of the expense of the emergency response. (Ord., 1-26-2001)



# CITY OF EAST GRAND RAPIDS

750 LAKESIDE DRIVE SE • EAST GRAND RAPIDS, MICHIGAN 49506

THOMAS A. FAASSE  
ZONING ADMINISTRATOR

## MEMORANDUM

TO: Mayor and City Commissioners  
FROM: Tom Faasse, Zoning Administrator  
DATE: July 21, 2016  
RE: **Proposed Policy regarding Accessory Buildings,  
Separation Distance from Principal Building**

**Action Requested:** That the City Commission approve the following policy concerning variance applications that request relief from Section 5.70A6, which requires that “a detached accessory building shall be located at least ten feet from any principal building situated on the same lot and at least six feet from any other accessory building on the same lot” :

**It is the policy of the City Commission acting as the Zoning Board of Appeals that a minimum building separation of ten feet should be maintained between the principal building on a lot and any accessory building, primarily for reasons of fire safety and property access, but also to reduce undesirable bulk and massing of buildings in residential neighborhoods. While utilizing the standards for variance decisions that are listed in Chapter 50, Article 12, Section 5.103, it shall be the policy of the Commission to deny requests for reduced separation distances for residential properties that exceed 5,000 square feet in area. For lot areas that are less than 5,000 square feet, it shall be the policy of the commission to deny requests for separations of less than six feet.**

**Background:** Having requested input from LSL Planning, Inc., city staff met with the Infrastructure Committee on June 15, 2016, to discuss the City’s stance regarding future requests for relief from the ten-foot accessory building separation distance requirement. Such variance requests typically occur when a property owner wants to enlarge either their existing home or detached garage, and has no other room on the lot. LSL’s report indicated that separation rules are common, that ten feet is the common standard, and that such rules exist for both fire safety reasons and for aesthetic reasons. Residential *building* codes require fire rated materials whenever buildings are located within five feet of another. Typically, variance requests come from smaller lots in older neighborhoods. LSL advised against applying principal building setback requirements to detached accessory structures located less than 10 feet from the principal structure, as this does not appear to advance a substantial public interest or benefit. Following discussion, the Infrastructure Committee requested staff to draft a policy for consideration at the next meeting, for subsequent consideration by the City Commission.

**This policy was reviewed and found to be in order by the Infrastructure Committee on September 13, 2016.**

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Brian Donovan, City Manager

PROCEEDINGS OF THE CITY COMMISSION  
CITY OF EAST GRAND RAPIDS

**Regular Meeting Held September 19, 2016**

Mayor Seibold called the meeting to order at 6:01 p.m. in the City Commission Chambers at the East Grand Rapids Community Center and led the audience in the Pledge of Allegiance.

Present: Commissioners Dills, Duncan, Hamrick, Miller, Skaggs and Mayor Seibold

Absent: Commissioner Zagel

Also Present: City Attorney Huff; City Manager Donovan; Assistant City Manager LaFave; Public Safety Director Herald; Zoning Administrator Faasse; City Clerk Brower

2016-94. Peter Dimitrio, 2621 Inverness spoke about climate change and the need for more renewable energy.

Justin Present, 1442 Sherwood, asked the city to consider making the intersection of Sherwood and Maplewood a 4-way stop following an accident at that corner over the weekend.

2016-95. Commissioner Hamrick noted that city historian Mary Dersch is a fantastic asset to the city with her knowledge of so much of the city's past.

Commissioner Duncan congratulated Mayor Seibold and Commissioner Zagel on their first and second place finishes in the celebrity division of the recent snowplow rodeo driving event at the City of Wyoming. She also noted the EGR employees Jeff Stults and Ben Poll had placed 8<sup>th</sup> of 32 teams in the professional division.

Commissioner Duncan also thanked the Public Works Department for coordinating all of the road construction projects this summer and for the preventative maintenance work completed by staff.

Commissioner Skaggs noted that the annual leaf pickup program would begin in only a few weeks.

Mayor Seibold thanked DPW employee Jeff Stults for giving her lessons on driving the snowplow and urged commissioners to arrange for an opportunity to ride with one of the drivers this winter to see how much work is involved in driving and plowing.

2016-96. A zoning variance hearing was held regarding the request of Stacy & Karl Roberts of 1118 Pinecrest to allow the replacement of the existing detached garage with side yard setback of 1.1' instead of the required 3.0' and a building separation of 7.3' from the home instead of the required 10.0.'

Zoning Administrator Faasse explained the request to build a new garage in almost exactly the same footprint of the dilapidated garage. He noted a building separation variance for the distance between the home and the garage had been granted several years ago.

Rob Sears of Sears Architects outlined the plan to rebuild the garage and match it to the house.

Mayor Seibold opened a public hearing. No public comment was received. The following communications were received at City Hall concerning this variance request:

- Karl & Sherri Mead, 1147 Pinecrest	In Favor.
- John & Patty Woodhouse, 2208 Burchard	In Favor.
- Kim Carey, 2220 Burchard	In Favor.
- Hester Erlank, 1063 Orchard	In Favor.
- Lucy Lafleur, 1124 Pinecrest	In Favor.
- Sara & David Kugler, 2130 Burchard	In Favor.

2016-96-A. Miller-Duncan. That the request of Stacy & Karl Roberts of 1118 Pinecrest to allow the replacement of the existing detached garage with side yard setback of 1.1' instead of the required 3.0' and a building separation of 7.3' from the home instead of the required 10.0.' be approved.

Yeas: Dills, Duncan, Hamrick, Miller, Skaggs and Seibold – 6

Nays: -0-

2016-97. A zoning variance hearing was held regarding the request of Joshua Hall of 653 Gladstone and David Emdin of 655 Gladstone to allow the construction of two detached garages with side yard setbacks of 1' instead of the required 3.0' and rear yard setbacks of 2' instead of the required 3.'

Dave Emdin, 655 Gladstone, explained the request to build two separate garages utilizing a reduced setbacks to allow vehicles to maneuver around the houses.

Mayor Seibold opened a public hearing. No other public comment was offered. Mayor Seibold closed the public hearing. The following communications were received at City Hall concerning this variance request:

- Petition signed by 16 residents. In Favor.

2016-97-A. Duncan-Hamrick. That the request of Joshua Hall of 653 Gladstone to allow the construction of a detached garage with a side yard setback of 1' instead of the required 3.0' and a rear yard setback of 2' instead of the required 3' be approved.

Mayor Seibold thanked the applicants for working together on this project. She felt it made sense for the two homes and the neighborhood.

Commissioner Dills noted the rear yard setbacks would not affect the Clark Home property behind them.

Yeas: Dills, Duncan, Hamrick, Miller, Skaggs and Seibold – 6

Nays: -0-

2016-97-B. Miller-Duncan. That the request of David Emdin of 655 Gladstone to allow the construction of a detached garage with a side yard setback of 1' instead of the required 3.0' and a rear yard setback of 2' instead of the required 3' be approved.

Yeas: Dills, Duncan, Hamrick, Miller, Skaggs and Seibold – 6

Nays: -0-

2016-98. Final Reading of an ordinance amendment to repeal Section 10.7 of Chapter 101 of Title X of the City Code pertaining to the Traffic Commission.

Assistant City Manager LaFave explained the proposal to transition from a citizen board researching and discussing traffic requests to having staff utilize the Michigan Manual on Uniform Traffic Control Devices to standardize the solutions to various issues.

2016-98-A. Skaggs-Duncan. That an ordinance amendment to repeal Section 10.7 of Chapter 101 of Title X of the City Code pertaining to the Traffic Commission be adopted as set forth in Exhibit "A" attached hereto.

Commissioner Miller spoke in favor of the change as the Traffic Commission had not met regularly the last several years due to lack of agenda items. He felt this new method would better match the current practice. He did not feel the new procedure would reduce transparency and would add more standards to the process.

Commissioner Dills felt this would reduce the emotions from the process while utilizing more scientific approaches.

Yeas: Dills, Duncan, Hamrick, Miller, Skaggs and Seibold – 6  
Nays: -0-

- 2016-99. Introduction of an ordinance amendment to Article VII of Chapter 2 of Title I of the City Code pertaining to the Department of Public Safety.

City Attorney Huff reviewed each the changes being introduced at this meeting and explained the majority of changes were to change the titles of Police Department and Fire Department and related officials to the Public Safety Department.

- 2016-99-A. Skaggs-Miller. That an ordinance amendment to Article VII of Chapter 2 of Title I of the City Code pertaining to the Department of Public Safety be introduced as set forth in Exhibit “B” attached hereto.

Yeas: Dills, Duncan, Hamrick, Miller, Skaggs and Seibold – 6  
Nays: -0-

- 2016-100. Introduction of an ordinance amendment to Chapter 6 of Title I of the City Code pertaining to the Emergency Management Department.

- 2016-100-A. Dills-Miller. That an ordinance amendment to Chapter 6 of Title I of the City Code pertaining to the Emergency Management Department be introduced as set forth in Exhibit “C” attached hereto.

Yeas: Dills, Duncan, Hamrick, Miller, Skaggs and Seibold – 6  
Nays: -0-

- 2016-101. Introduction of an ordinance amendment to Chapter 13 of Title I of the City Code pertaining to appearance tickets issued by the Public Safety Department.

- 2016-101-A. Miller-Duncan. That an ordinance amendment to Chapter 13 of Title I of the City Code pertaining to appearance tickets issued by the Public Safety Department be introduced as set forth in Exhibit “D” attached hereto.

Yeas: Dills, Duncan, Hamrick, Miller, Skaggs and Seibold – 6  
Nays: -0-

- 2016-102. Introduction of an ordinance amendment to Chapter 14 of Title I of the City Code pertaining to municipal civil infractions.

- 2016-102-A. Dills-Hamrick. That an ordinance amendment to Chapter 14 of Title I of the City Code pertaining to municipal civil infractions be introduced as set forth in Exhibit “E” attached hereto.

Yeas: Dills, Duncan, Hamrick, Miller, Skaggs and Seibold – 6  
Nays: -0-

- 2016-103. Introduction of an ordinance amendment to Chapter 25 of Title II of the City Code pertaining to public utility emergency response.

- 2016-103-A. Dills-Miller. That an ordinance amendment to Chapter 25 of Title II of the City Code pertaining to public utility emergency response be introduced as set forth in Exhibit “F” attached hereto.

Yeas: Dills, Duncan, Hamrick, Miller, Skaggs and Seibold – 6  
Nays: -0-

2016-104. Miller-Skaggs. To approve the consent agenda as follows:

- 2016-104-A. To approve the minutes of the regular meeting held September 6, 2016.
- 2016-104-B. Report of Finance Committee on disbursement of funds: payroll disbursements of \$206,743.86; county and school disbursements of \$138,482.43, and total remaining disbursements of \$1,436,335.75.
- 2016-104-C. That the sidewalk funding policy and cost allocation contained in the 2015 streets and sidewalks millage be amended to provide that the City Commission may—on a project-by-project basis—decide to allocate funding above the normal \$50,000 per year for new sidewalks up to 80% of the project cost in order to reduce the percentage charged to the property owners through a special assessment, providing that the total allocated to new sidewalks during the 2015-2025 millage cycle not exceed the allocated \$500,000 aggregate total from the Streets & Sidewalk millage.
- 2016-104-D. The purchase of three work/plow trucks through the MiDeal program from Gorno Ford of Woodhaven, Michigan, Truck & Trailer Specialties of Dutton, Michigan and Berger Chevrolet of Grand Rapids in the total amount of \$124,001.60.
- 2016-104-E. A contract with Groundhawg Excavating and Landscaping LLC of Lowell in the amount of up to \$150,000 for sidewalk repair and replacements according to the sidewalk replacement map.
- 2016-104-F. The appointment of Aaron Smith of 1645 Laurel and Ren Brander of 2648 Lake Drive to the Parks & Recreation Commission for terms ending June 30, 2017.
- 2016-104-G. The preliminary minutes of the Parks & Recreation Commission meeting held August 8, 2016.

Yeas: Dills, Duncan, Hamrick, Miller, Skaggs and Seibold – 6  
Nays: -0-

The meeting adjourned at 6:31 p.m., subject to the call of the Mayor until October 3, 2016.

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Karen K. Brower, City Clerk

Attachments: A – Ordinance amendment to repeal Section 10.7 pertaining to the Traffic Commission  
B – Ordinance amendment to Article VII of Chapter 2  
C – Ordinance amendment to Chapter 6 of Title I  
D – Ordinance amendment to Chapter 13 of Title I  
E – Ordinance amendment to Chapter 14 of Title I  
F – Ordinance amendment to Chapter 25 of Title II

Attachments listed above are available for inspection at the office of the City Clerk.

**AN ORDINANCE TO AMEND ARTICLE VII OF  
CHAPTER 2 OF TITLE I OF THE CODE OF THE CITY OF  
EAST GRAND RAPIDS**

**THE CITY OF EAST GRAND RAPIDS ORDAINS:**

Section 1. Chapter 2, Article VII of Title I of the Code of the City of East Grand Rapids is amended in its entirety to read as follows:

**CHAPTER 2**

**ARTICLE VII: DEPARTMENT OF PUBLIC SAFETY**

- Section: 1.96. Director; Assignment and Duties of Officers  
1.97. Functions of Public Safety Department  
1.98. Enforcement of Fire Laws  
1.99. Other Duties of the Director of Public Safety  
1.100. Department Rules  
1.101. Acting Director of Public Safety

1.96. Director; Assignment and Duties of Officers.

The city shall appoint a Director of Public Safety, he shall have the powers and duties herein specified for the chief of police and the fire chief. City employees assigned to the police and fire departments shall become public safety officers and there shall be no distinction between public safety officers assigned to perform duties commonly performed by a police department and members of the department assigned to perform work commonly performed by a fire department. Every public safety officer shall perform either police work or fire work as such duties shall be assigned to him by the director of public safety. Wherever any duties shall be imposed upon a public safety officer by any statute of the State of Michigan, or by the Charter or this Code, such duties shall be imposed upon the public safety officers of the city and all public safety officers shall be “peace officers” within the meaning of such terms as used in the statutes of the State of Michigan. (1982 Code §1.96)

1.97. Functions of Public Safety Department.

The public safety work of the city shall consist of the following functions:

- A. The operation of motor, bicycle and foot patrol units for routine investigations and the general maintenance of law and order.
- B. The maintenance of the central complaint desk at public safety headquarters, the maintaining and supervising of police records,

criminal and noncriminal identification, property identification and custody of property.

- C. The investigation of crimes, elimination of illegal substance and liquor traffic and vice, and the preparation of evidence for the prosecution of criminal cases and offenses in violation of this Code.
- D. The removal of crime hazards and the coordination of community agencies interested in crime prevention.
- E. The control of traffic, traffic educational programs, school patrols, and the coordination of traffic violation prosecutions. (1982 Code §1.71)
- F. The prevention and extinguishment of fires, the protection of life and property against fire, the removal of fire hazards, provide medical first response service, provide water and ice rescue services as needed, and the performance of other public services of an emergency nature assigned to it, and the conducting of an educational fire prevention program. (1982 Code §1.91)

1.98. Enforcement of Fire Laws.

- A. It shall be the duty of the director of public safety or designee to enforce all state laws and provisions of this Code governing the following:
  - 1. The prevention of fires.
  - 2. The storage and use of explosives and flammables.
  - 3. Ensure proper maintenance of fire alarm systems and all fire extinguishing equipment is being performed.
  - 4. The maintenance and use of fire escapes.
  - 5. The maintenance of fire protection and the elimination of fire hazards in all buildings and structures.
  - 6. The maintenance and adequacy of fire exits from commercial properties, multi-residential units and all other places where persons work or congregate for any purpose. (1982 Code §1.94)

1.99. Other Duties of the Director of Public Safety.

The director of public safety shall perform the following duties:

- A. Investigate the origin, cause and circumstances of all fires.
- B. Issue all orders necessary for the enforcement of state laws and of the provisions included in section 1.94 of this Code.
- C. The public safety director shall be responsible for the operation, maintenance and care of all property and equipment used by the public safety department. (1982 Code §1.93)

1.100. Department Rules.

The public safety director may prescribe rules for the government of public safety officers of the city, subject to approval by the city manager, which shall be entered in a Manual of Policy and Procedure which can be amended or revoked by the director of public safety subject to approval by the city manager. Such rules may establish one or more divisions within the public safety department, each of which divisions may be charged with performing one or more of the functions of the public safety department enumerated in section 1.97. Any such divisions shall be supervised by an officer of the public safety department who shall be responsible for the particular functions of the public safety department assigned to the particular division supervised by him. It shall be the duty of all members of the public safety department to comply with such rules. (1982 Code §1.72)

Such rules shall designate the chain of command for the department so that in the absence or disability of the public safety director, the responsibility for the operation of the department shall immediately and automatically vest in the officer designated by such regulations. (1982 Code §1.92)

1.101. Acting Director of Public Safety.

In the case of the absence from the city of the public safety director, or his disability, or inability from any cause to act as public safety director, one of the captains shall act as director of public safety. In case of the absence, disability, or inability from any cause, of the public safety director and the captains, the city manager shall designate and appoint some other member of the public safety department to act as director during such absence or disability. (1982 Code §1.73)

Section 2. This Ordinance shall be effective on October \_\_\_\_, 2016.

Section 3. This Ordinance shall be published in full pursuant to the provisions of Chapter VII, Section 7.5 of the Charter of the City of East Grand Rapids.

**AN ORDINANCE TO AMEND CHAPTER 6 OF TITLE I OF  
THE CODE OF THE CITY OF EAST GRAND RAPIDS**

**THE CITY OF EAST GRAND RAPIDS ORDAINS:**

Section 1. Chapter 6 of Title I of the Code of the City of East Grand Rapids is amended in its entirety to read as follows:

**CHAPTER 6: EMERGENCY MANAGEMENT DEPARTMENT**

- Section: 1.220. Definitions  
1.221. Emergency Management Department  
1.222. Powers and duties of the mayor  
1.223. Powers and duties of the city manager  
1.224. Powers and duties of the director of emergency management  
1.225. Emergency Management Plan  
1.226. Conflicting ordinances, orders, rules and regulations suspended  
1.227. Coordination with Michigan Emergency Preparedness Act

1.220. Definitions.

EMERGENCY MANAGEMENT shall mean the preparation for and the carrying out of all emergency functions, other than functions for which the military forces are primarily responsible, for protection against and to minimize and repair injury and damage resulting from enemy attack, sabotage, or other hostile action, or by natural disaster.

EMERGENCY MANAGEMENT VOLUNTEER shall mean any person who serves without compensation in the civil defense organization.

EMERGENCY shall mean a condition resulting from actual or threatened enemy attack or natural disaster which cannot be handled by normal operating personnel and facilities.

NATURAL DISASTER shall mean any condition seriously affecting or threatening public health, welfare or security as a result of severe fire, explosion, flood, tornado, hurricane or similar natural or accidental cause and which is beyond the control of public or private agencies ordinarily responsible for the control or relief of such conditions. Riots, strikes, insurrections or other civil disturbances shall not be included within the meaning of "natural disaster." (1982 Code § 1.220)

1.221. Emergency Management Department.

The emergency management department is hereby created utilizing to the fullest extent personnel and facilities of existing city departments and agencies. The city manager shall be responsible for its organization,

administration, and operation. The organization shall consist of the following:

- A. The emergency management department within the executive department of the city government. There shall be an executive head of the department of emergency management, appointed by the city commission, who shall be known as the director of emergency management, and such assistants, clerical help, other employees and civil defense volunteers as are deemed necessary to the proper functioning of the organization. In the absence of an appointment of a director by the city commission, the city manager shall be the director of emergency management.
- B. Four (4) deputy directors, finance director, public safety director (police, fire, ems), assistant city manager (engineering and public works), and parks and recreation director, appointed by the city manager. These shall, so far as possible, be additional duty assignments to existing personnel, and it is the intent of this chapter that emergency management and disaster assignments shall be as nearly consistent with normal duty assignment as possible.
- C. The employees, equipment, and facilities of all city departments, and agencies suitable for or adaptable to emergency management and designated by the city manager to participate in the emergency management activity.
- D. Emergency management volunteers, including persons and private agencies or governmental units offering services to the organization. (1982 Code §1.221)

1.222. Powers and Duties of the Mayor.

- A. In the event of actual or threatened enemy attack or natural disaster, the mayor, or in his/her absence or inability to serve, the president of the commission, as conservator of the peace, shall:
  - 1. Declare a state of emergency within the city, thereby placing in effect the emergency management and disaster control plan required by this chapter.
  - 2. As soon as may be thereafter, convene the city commission to perform such legislative and administrative functions as the situation may demand. The commission shall have the power to terminate the state of emergency.
  - 3. Request the state, its agencies or political subdivisions to send aid if the situation is beyond the control of the regular and emergency city forces.

4. Have the power to command services and the use of equipment, and facilities for such work and duties.
5. Promulgate such emergency regulations as may be deemed necessary to protect life and property and conserve critical resources, and such regulations may be invoked when necessary for tests of emergency management and disaster plans. All such regulations shall be effective when publicly promulgated but shall be subject to review by the commission as soon as practicable subsequent to promulgation.

- B. The mayor, or in his/her absence or inability to serve, the president of the commission, shall have power to order emergency management forces to the aid of the state or political subdivisions thereof subject to commission review as soon as practicable. (1982 Code §1.222)

1.223. Powers and Duties of the City Manager.

The city manager, as the director of emergency management, shall maintain general supervision over the planning and administration for the emergency management organization and the execution of the emergency management and disaster plans. He shall coordinate emergency management activities and make emergency assignments as necessary.

1.224. Powers and Duties of the Director of Emergency Management Department.

- A. The director shall be executive head of the emergency management department, and shall have responsibility for the organization, administration, and operation of the emergency and disaster control organization subject to the direction and control of the city manager.
- B. The director of emergency management shall be responsible for public relations, information, and education regarding all phases of civil defense.
- C. The director shall be responsible for the development of an emergency management and disaster control plan, and upon adoption, shall be responsible for such implementation and revision of the plan as to maintain it on a current state of readiness at all times.
- D. The director shall coordinate all activities for emergency management and disaster control, and shall maintain liaison and

cooperate with all other interested and affected agencies, public and private.

- E. The director shall coordinate the recruitment and training of volunteer personnel and agencies to augment the personnel and facilities of the city for emergency management purposes.
- F. The director may issue proper insignia and papers to emergency management workers and other people directly concerned with emergency management. (1982 Code §1.224)

1.225. Emergency Management and Disaster Control Plan.

As soon as practicable after the enactment of this chapter, a comprehensive emergency management and disaster control plan shall be adopted by resolution of the commission upon the recommendations of the city manager. In the preparation of this plan as it pertains to city organization, it is the intent that the services, equipment, facilities and personnel of all existing departments and agencies shall be utilized to the fullest extent. When approved it shall be the duty of all municipal departments and agencies to perform the functions and duties assigned by the plan and to maintain their portion of the plan in a current state of readiness at all times. (1982 Code §1.225)

1.226. Conflicting Ordinances, Orders, Rules and Regulations Suspended.

At all times when the orders, rules and regulations made and promulgated pursuant to this chapter shall be in effect, they shall supersede all existing ordinances, orders, rules and regulations insofar as the latter may be inconsistent therewith. (1982 Code §1.226)

1.227. Coordination with Michigan Emergency Preparedness Act.

The actions of the emergency management department under this chapter shall be subject to the provisions of the Michigan Emergency Preparedness Act (MCL Section 30.401 *et seq*). In all instances where there is a conflict between the provisions of this chapter and the Michigan Emergency Preparedness Act, the provisions of the Emergency Preparedness Act shall supersede the provisions of this chapter. The director of emergency management under this chapter shall serve as the local coordinator under the Emergency Preparedness Act. (Ord., 9-15-85)

Section 2. This Ordinance shall be effective on September \_\_\_\_, 2016.

Section 3. This Ordinance shall be published in full pursuant to the provisions of Chapter VII, Section 7.5 of the Charter of the City of East Grand Rapids.

**AN ORDINANCE TO AMEND CHAPTER 13 OF TITLE I  
OF THE CODE OF THE CITY OF EAST GRAND RAPIDS**

**THE CITY OF EAST GRAND RAPIDS ORDAINS:**

Section 1. Chapter 13 of Title I of the Code of the City of East Grand Rapids is amended in its entirety to read as follows:

**CHAPTER 13: APPEARANCE TICKETS AUTHORIZATION**

Section: 1.681. Purpose  
1.682. Authorized persons

1.681. Purpose.

The purpose of this chapter is to supplement existing ordinance provisions to empower certain City of East Grand Rapids officials to issue and serve appearance tickets for violations of the City of East Grand Rapids ordinances which contain criminal misdemeanor penalties for violations of the ordinance involved. This chapter is enacted pursuant to Act No. 175 of the Public Acts of 1927, as amended by Act No. 506 of the Public Acts of 1980, Act No. 445 of the Public Acts of 1994 and Act No. 366 of the Public Acts of 1984, being Sections 764.9c of the Michigan Compiled Laws, as amended, and Act No. 49 of the Public Acts of 1988, being Section 764.9f of the Michigan Compiled Laws, as amended. (Ord., 9-14-1996)

1.682. Authorized persons.

Unless prohibited by state law or unless otherwise provided by specific provisions of a particular City of East Grand Rapids ordinance to the contrary, the following officials are empowered to issue and serve appearance tickets for violations of city ordinances which contain criminal misdemeanor penalties for violations of the ordinance involved:

- A. The Director of public safety and all officers of said department.
- B. The Assistant City Manager and his or her designee.
- C. The Kent County sheriff and all other deputy county sheriffs of said County.
- D. All building mechanical, plumbing, electrical and property maintenance code inspectors.

Section 2. This Ordinance shall be effective on \_\_\_\_\_, 2016.

Section 3. This Ordinance shall be published in full pursuant to the provisions of Chapter VII, Section 7.5 of the Charter of the City of East Grand Rapids.

**AN ORDINANCE TO AMEND CHAPTER 14 OF TITLE I  
OF THE CODE OF THE CITY OF EAST GRAND RAPIDS**

**THE CITY OF EAST GRAND RAPIDS ORDAINS:**

Section 1. Chapter 14 of Title I of the Code of the City of East Grand Rapids is amended in its entirety to read as follows:

**CHAPTER 14: MUNICIPAL CIVIL INFRACTION CITATIONS AUTHORIZATION**

Section: 1.691. Purpose  
1.692. Authorized persons

1.691. Purpose. The purpose of this chapter is to supplement existing ordinance provisions to empower certain city of East Grand Rapids officials to issue and serve municipal civil infraction citations for violations of those city of East Grand Rapids ordinances which constitute municipal civil infractions. This chapter is enacted pursuant to public acts 12-26 of 1994 and public act 236 of the public acts of 1961, as amended. (Ord., 9-14-1996)

1.692. Authorized Persons. Unless prohibited by state law or unless otherwise provided by specific provisions of a particular city of East Grand Rapids ordinance to the contrary, the following officials are hereby designated as authorized city officials to issue and serve municipal civil infraction citations for violation of city ordinances which provide for a municipal civil infraction for a violation thereof.

- A. The Director of the Public Safety Department, all officers of said department, and his or her designee.
- B. The Assistant City Manager and his or her designee.
- C. The Kent County sheriff and all other county sheriffs of said county.
- D. All building mechanical, plumbing, electrical and property maintenance code inspectors.
- E. The director of the Kent County department of animal control and his or her designee. (Ord., 9-14-1996; Ord., 4-14-2003; Ord., 4-9-2004)

Section 2. This Ordinance shall be effective on \_\_\_\_\_, 2016.

Section 3. This Ordinance shall be published in full pursuant to the provisions of Chapter VII, Section 7.5 of the Charter of the City of East Grand Rapids.

**AN ORDINANCE TO AMEND CHAPTER 25 OF TITLE II  
OF THE CODE OF THE CITY OF EAST GRAND RAPIDS**

**THE CITY OF EAST GRAND RAPIDS ORDAINS:**

Section 1. Chapter 25 of Title II of the Code of the City of East Grand Rapids is amended in its entirety to read as follows:

**CHAPTER 25: PUBLIC UTILITY EMERGENCY RESPONSE**

- Section: 2.140. Purpose  
2.141. Definitions  
2.142. Liability for expense of an emergency response  
2.143. Schedule of costs  
2.144. Billing and payment  
2.145. Enforcement and cost recovery

2.140. Purpose.

The city of East Grand Rapids finds that non-storm damage to public utilities frequently requires the response of the city's emergency services and this response places an operational and financial burden upon the city's public safety services. This chapter places the burden for these costs on the parties responsible for the ownership and maintenance.

2.141. Definitions. When used in this chapter, the following terms shall have the following meanings:

EMERGENCY RESPONSE shall mean the providing, sending, and/or utilizing of public safety services by the city, or by a private individual or corporation operating at the request or direction of the city, in connection with any incident involving damage to or a breakdown of a public utility which requires the response of public safety department services to protect the public safety and welfare.

EXPENSE OF AN EMERGENCY RESPONSE means the direct and reasonable costs incurred by the city, or by a private person or corporation operating at the request or direction of the city, when making an emergency response to the incident, including costs of providing public safety services at the scene of the incident. These costs further include all of the salaries and wages of the city personnel responding to the incident and all salaries and wages of the city personnel engaged in investigation, supervision, and report preparation.

PUBLIC UTILITY shall mean:

- A. Electrical service.

- B. Telephone service.
- C. Natural gas service.
- D. Cable television service.
- E. Telecommunications or other services located in the right of way.  
(Ord., 1-26-2001)

2.142. Liability for expense of an emergency response. The public utility which owns the facilities or equipment which have suffered the damage and necessitated the emergency response shall be responsible for the payment of the expense of the emergency response. (Ord., 1-26-2001)

Section 2. This Ordinance shall be effective on October \_\_\_\_, 2016.

Section 3. This Ordinance shall be published in full pursuant to the provisions of Chapter VII, Section 7.5 of the Charter of the City of East Grand Rapids.

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CITY OF  
EAST GRAND RAPIDS

750 LAKESIDE DRIVE SE • EAST GRAND RAPIDS, MICHIGAN 49506

KAREN MUSHONG  
FINANCE DIRECTOR

**MEMORANDUM**

TO: Mayor and City Commissioners  
FROM: Karen Mushong, Finance Director  
DATE: September 26, 2016

RE: Interfund Loan Request

Action Requested: That the City Commission approve a temporary loan of \$700,000 at 0% interest from the General Fund to the Water and Sewer Fund to finance various capital projects that were approved in the 2016/2017 budget.

Background: With most of the scheduled water and sewer projects being completed in the first few months of this fiscal year, the Water and Sewer Fund needs a temporary cash flow loan from the General Fund to finance these projects. As water and sewer rates are collected during the fiscal year, the loan will be paid as follows:

December 1, 2016	\$100,000
January 1, 2017	\$100,000
February 1, 2017	\$100,000
March 1, 2017	\$200,000
April 1, 2017	\$200,000

Due to the temporary nature of this loan, it is requested that no interest be charged on this loan.