



City of East Grand Rapids
Regular City Commission Meeting
Agenda

October 17, 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. Presentation of audited financial statements for FY 2015-16 (enclosed – no action requested).
5. Public Hearing and Introduction of an ordinance amendment to Section 5.27 of Chapter 50 of Title V of the City Code pertaining to permitted land uses in residential districts (action requested – approval requested).
6. Introduction of an ordinance amendment to repeal Articles 1 – 4 of Chapter 33 of Title III of the City Code pertaining to lakes and waterways (action requested – approval requested).
7. Introduction of an ordinance amendment to Article V of Chapter 41 of Title IV of the City Code pertaining to house moving (action requested – approval requested).
8. Introduction of an ordinance amendment to Article I of Chapter 77 of Title VII of the City Code pertaining to recreation, amusements and games (action requested – approval requested).
9. Introduction of an ordinance amendment to Chapter 92 of Title IX of the City Code pertaining to animal control (action requested – approval requested).
10. Introduction of an ordinance amendment to Chapter 93 of Title IX of the City Code pertaining to miscellaneous offenses (action requested – approval requested).

Consent Agenda – Approval Requested

11. Receipt of communications.
12. Minutes of the regular meeting held October 3, 2016 (approval requested).
13. Report of Finance Committee on disbursement of funds: payroll disbursements of \$209,504.87; county and school disbursements of \$-0-, and total remaining disbursements of \$1,019,187.94 (approval requested).
14. Purchase of sewer camera for the Public Works Department (approval requested).
15. Contract for property and liability insurance (approval requested).
16. Resolution approving budget amendments for the quarter ending September 30, 2016 (approval requested).

* * *



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
DATE: September 23, 2016
RE: Annual Audit

Action Requested: To accept an audit presentation by Mr. Doug Vredeveld of Vredeveld Haefner LLC regarding the annual audit for the fiscal year ended June 30, 2016.

Background: Annually, after the completion of the audit, the engaged audit firm provides an overview of the financial statements and happenings during the fiscal year. In addition, the audit firm provides findings noted during the audit and the City responds to those findings. This year there were no findings to report.

Attached is a copy of the Financial Statements and a Management Letter for your review.

Brian Donovan, City Manager



Vredeveld Haefner LLC

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September 20, 2016

To the City Council
City of East Grand Rapids, Michigan

We have audited the financial statements of the governmental activities, the business-type activities, each major fund, and the aggregate remaining fund information of the City of East Grand Rapids (the City) for the year ended June 30, 2016. Professional standards require that we provide you with information about our responsibilities under generally accepted auditing standards and *Government Auditing Standards*, as well as certain information related to the planned scope and timing of our audit. We have communicated such information in our letter to you dated July 18, 2016. Professional standards also require that we communicate to you the following information related to our audit.

Significant Audit Results

Qualitative Aspects of Accounting Practices

Management is responsible for the selection and use of appropriate accounting policies. The significant accounting policies used by the City are described in Note 1 to the financial statements. The City adopted Governmental Accounting Standards Board Statement No. 72, *Fair Value Measurement and Application*, in 2016. We noted no transactions entered into by the governmental unit during the year for which there is a lack of authoritative guidance or consensus. All significant transactions have been recognized in the financial statements in the proper period.

Accounting estimates are an integral part of the financial statements prepared by management and are based on management's knowledge and experience about past and current events and assumptions about future events. Certain accounting estimates are particularly sensitive because of their significance to the financial statements and because of the possibility that future events affecting them may differ significantly from those expected. The most sensitive estimates affecting the financial statements were:

Management's estimate of the useful lives and uncollectible accounts is based on previous history and future expectations. The estimates of pension plan and other post-employment benefit plan obligations are based on an actuarial valuations of the plans performed by an actuary. We evaluated the key factors and assumptions used to develop the estimates in determining that they are reasonable in relation to the financial statements taken as a whole.

The financial statement disclosures are neutral, consistent, and clear.

Difficulties Encountered in Performing the Audit

We encountered no significant difficulties in dealing with management in performing and completing our audit.

Corrected and Uncorrected Misstatements

Professional standards require us to accumulate all known and likely misstatements identified during the audit, other than those that are trivial, and communicate them to the appropriate level of management. Management has corrected all such misstatements. In addition, none of the misstatements detected as a result of audit procedures and corrected by management were material, either individually or in the aggregate, to each opinion unit's financial statements taken as a whole.

Disagreements with Management

For purposes of this letter, professional standards define a disagreement with management as a financial accounting, reporting, or auditing matter, whether or not resolved to our satisfaction, that could be significant to the financial statements or the auditor's report. We are pleased to report that no such disagreements arose during the course of our audit.

Specializing in services to governmental and nonprofit entities

Management Representations

We have requested certain representations from management that are included in the management representation letter dated September 20, 2016.

Management Consultations with Other Independent Accountants

In some cases, management may decide to consult with other accountants about auditing and accounting matters, similar to obtaining a "second opinion" on certain situations. If a consultation involves application of an accounting principle to the governmental unit's financial statements or a determination of the type of auditor's opinion that may be expressed on those statements, our professional standards require the consulting accountant to check with us to determine that the consultant has all the relevant facts. To our knowledge, there were no such consultations with other accountants.

Other Audit Findings or Issues

We generally discuss a variety of matters, including the application of accounting principles and auditing standards, with management each year prior to retention as the governmental unit's auditors. However, these discussions occurred in the normal course of our professional relationship and our responses were not a condition to our retention.

Other Matters

We applied certain limited procedures to the required supplementary information (RSI), as itemized in the table of contents, that supplements the basic financial statements. Our procedures consisted of inquiries of management regarding the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We did not audit the RSI and do not express an opinion or provide any assurance on the RSI.

We were engaged to report on supplementary information which accompany the financial statements but are not RSI. With respect to this supplementary information, we made certain inquiries of management and evaluated the form, content, and methods of preparing the information to determine that the information complies with accounting principles generally accepted in the United States of America, the method of preparing it has not changed from the prior period, and the information is appropriate and complete in relation to our audit of the financial statements. We compared and reconciled the supplementary information to the underlying accounting records used to prepare the financial statements or to the financial statements themselves.

Restriction on Use

This information is intended solely for the use of the Board and management of the City and is not intended to be and should not be used by anyone other than these specified parties.

Sincerely,

Uredaxold Haefner LLC



CITY OF EAST GRAND RAPIDS, MICHIGAN

FINANCIAL STATEMENTS

FOR THE YEAR ENDED JUNE 30, 2016



Vredeveld Haefner LLC

CITY OF EAST GRAND RAPIDS

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INDEPENDENT AUDITORS' REPORT

September 20, 2016

Honorable Mayor and Members of the City Commission
City of East Grand Rapids, Michigan

Report on the Financial Statements

We have audited the accompanying financial statements of the governmental activities, the business-type activities, each major fund, and the aggregate remaining fund information of the City of East Grand Rapids, Michigan, (the "City") as of and for the year ended June 30, 2016, and the related notes to the financial statements, which collectively comprise the City's basic financial statements as listed in the table of contents.

Management's Responsibility for the Financial Statements

Management is responsible for the preparation and fair presentation of these financial statements in accordance with accounting principles generally accepted in the United States of America; this includes the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error.

Auditor's Responsibility

Our responsibility is to express opinions on these financial statements based on our audit. We conducted our audit in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditor's judgment, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the entity's preparation and fair presentation of the financial statements in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control. Accordingly, we express no such opinion. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the financial statements.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinions.

Opinions

In our opinion, the financial statements referred to above present fairly, in all material respects, the respective financial position of the governmental activities, the business-type activities, each major fund, and the aggregate remaining fund information of the City of East Grand Rapids, Michigan, as of June 30, 2016, and the respective changes in financial position and, where applicable, cash flows thereof for the year then ended in accordance with accounting principles generally accepted in the United States of America.

Other Matters

Required Supplementary Information

Accounting principles generally accepted in the United States of America require that the management's discussion and analysis on pages 3 through 8 and the information on pages 41 through 45 be presented to supplement the basic financial statements. Such information, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. We have applied certain limited procedures to the required supplementary information in accordance with auditing standards generally accepted in the United States of America, which consisted of inquiries of management about the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We do not express an opinion or provide any assurance on the information because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance.

Other Information

Our audit was conducted for the purpose of forming opinions on the financial statements that collectively comprise the City's basic financial statements. The combining and individual fund financial statements and schedules are presented for purposes of additional analysis and are not a required part of the basic financial statements.

The combining and individual fund financial statements and schedules are the responsibility of management and were derived from and relate directly to the underlying accounting and other records used to prepare the basic financial statements. Such information has been subjected to the auditing procedures applied in the audit of the basic financial statements and certain additional procedures, including comparing and reconciling such information directly to the underlying accounting and other records used to prepare the basic financial statements or to the basic financial statements themselves, and other additional procedures in accordance with auditing standards generally accepted in the United States of America. In our opinion, the combining and individual fund financial statements and schedules are fairly stated, in all material respects, in relation to the basic financial statements as a whole.

Other Reporting Required by Government Auditing Standards

In accordance with *Government Auditing Standards*, we have also issued our report dated September 20, 2016, on our consideration of the City's internal control over financial reporting and on our tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements and other matters. The purpose of that report is to describe the scope of our testing of internal control over financial reporting and compliance and the results of that testing, and not to provide an opinion on internal control over financial reporting or on compliance. That report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the City's internal control over financial reporting and compliance.

Uredewald Haefner LLC

MANAGEMENT'S DISCUSSION AND ANALYSIS

Management's Discussion and Analysis

As management of the City of East Grand Rapids (the City), we offer readers of the City's financial statements this narrative overview and analysis of the financial activities of the City for the fiscal year ended June 30, 2016.

Financial Highlights

The financial statements, which follow this Management's Discussion and Analysis, provide these significant key financial highlights for the 2016 fiscal year as follows:

- Significant road and sidewalk projects were completed due to the passing of the dedicated road and sidewalk millage. A separate fund was created to account for the additional revenue and related expenditures.
- Construction on the Reeds Lake culvert project and the related trail/bridge project was completed with total expenditures (multiple fiscal years) of \$712,800 and \$866,700, respectively. Donations and a federal grant supported the trail/bridge project.
- In the Motor Pool Equipment Replacement Fund, \$375,000 was invested in various vehicle and equipment replacements.
- Payroll includes 66 full-time and 12 part-time positions with total salary expenditures at \$4,902,800.

Overview of the Financial Statements

This discussion and analysis is intended to serve as an introduction to the City's basic financial statements. The City's basic financial statements comprise three components: 1) Government-wide financial statements, 2) fund financial statements, and 3) notes to the financial statements. This report also contains other supplementary information in addition to the basic financial statements themselves.

Government-wide financial statements The Government-wide financial statements are designed to provide readers with a broad overview of the City's finances, in a manner similar to a private-sector business.

The statement of net position presents information on all of the City's assets and liabilities, with the difference between the two reported as net position. Over time, increases or decreases in net position may serve as a useful indicator of whether the financial position of the City is improving or deteriorating.

The statement of activities presents information showing how the City's net position changed during the most recent fiscal year. All changes in net position are reported as soon as the underlying event giving rise to the change occurs, regardless of the timing of related cash flows. Thus, revenues and expenses are reported in this statement for some items that will only result in cash flows in future fiscal periods (e.g., uncollected revenues and earned but unused compensated absences).

Both of the government-wide financial statements distinguish functions of the City that are principally supported by taxes and intergovernmental revenues (governmental activities) from other functions that are intended to recover all or a significant portion of their costs through user fees and charges (business-type activities). The governmental activities of the City include legislative, general government, public safety, public works, and recreation and culture. The business-type activities of the City include water and sewer operations.

The government-wide financial statements include not only the City itself (known as the primary government), but also a legally separate Building Authority for which the City is financially accountable. There was no current year activity in the Building Authority.

Fund financial statements A fund is a grouping of related accounts that is used to maintain control over resources that have been segregated for specific activities or objectives. The City, like other state and local governments, uses fund accounting to ensure and demonstrate compliance with finance-related legal requirements. All of the funds of the City can be divided into three categories: governmental funds, proprietary funds, and fiduciary funds.

Governmental funds Governmental funds are used to account for essentially the same functions reported as governmental activities in the government-wide financial statements. However, unlike the government-wide financial statements, governmental fund financial statements focus on near-term inflows and outflows of spendable resources, as well as on balances of spendable resources available at the end of the fiscal year. Such information may be useful in evaluating a City's near-term financing requirements.

Because the focus of governmental funds is narrower than that of the government-wide financial statements, it is useful to compare the information presented for governmental funds with similar information presented for governmental activities in the government-wide financial statements. By doing so, readers may better understand the long-term impact of the City's near-term financing decisions. Both the governmental fund balance sheet and the governmental fund statement of revenues, expenditures, and changes in fund balances provide a reconciliation to facilitate this comparison between governmental funds and governmental activities.

Information is presented separately in the governmental fund balance sheet and in the governmental fund statement of revenues, expenditures, and changes in fund balances for the general fund and major streets fund which are considered to be major funds. Data is combined into a single aggregated presentation for the other governmental funds (non-major governmental funds). Individual fund data for each of the non-major governmental funds is provided in the form of combining statements and schedules.

The City adopts an annual appropriated budget for its general fund and all special revenue funds as required by state law. Budgetary comparison schedules have been provided for the general and major streets funds to demonstrate legal compliance.

Proprietary funds The City maintains one enterprise fund. Enterprise funds are used to report the same functions presented as business-type activities in the government-wide financial statements. The City uses an enterprise fund to account for its water and sewer operation. Internal service funds are accounting devices used to accumulate and allocate costs internally among the City's various functions. The City utilizes internal service funds to account for its motor pool and self insurance activities. Because these services primarily benefit the City's governmental rather than business-type functions, they have been included within the governmental activities in the government-wide financial statements.

Proprietary funds provide the same type of information as the government-wide financial statements, only in more detail. The proprietary fund financial statements provide information for the water and sewer operation, which is considered to be a major fund of the City. Conversely, internal service funds are combined into a single, aggregate presentation in the proprietary fund financial statements.

Fiduciary funds Fiduciary funds are used to account for resources held for the benefit of parties outside the government. Fiduciary funds are not reflected in the government-wide financial statement because the resources of these funds are not available to support the City's own programs. The accounting used for fiduciary funds is much like that used for proprietary funds.

Notes to the financial statements The notes provide additional information that is essential to a full understanding of the data provided in the government-wide and fund financial statements.

Other information In addition to the basic financial statements and accompanying notes, this report also presents certain required supplementary information. This is limited to this discussion and analysis, required pension and OPEB information and major fund budget and actual presentations. Supplemental information follows the required supplementary information and includes combining and individual fund statements and schedules.

Government-wide Financial Analysis

Statement of Net Position As noted earlier, net position may serve over time as a useful indicator of the City's financial position. In the case of the City, assets exceeded liabilities by \$21,079,358 at the close of the most recent fiscal year. The following chart illustrates the composition of net position.

Net Position

	<u>Governmental Activities</u>		<u>Business-type Activities</u>		<u>Total</u>	
	2015	2016	2015	2016	2015	2016
Assets						
Current and other assets	\$ 7,403,261	\$ 7,232,120	\$ 1,362,156	\$ 1,004,590	\$ 8,765,417	\$ 8,236,710
Long-term assets	23,555,886	24,929,210	9,034,038	9,720,522	32,589,924	34,649,732
Total assets	30,959,147	32,161,330	10,396,194	10,725,112	41,355,341	42,886,442
Deferred outflows of resources						
Pension contributions and deficit investment returns	511,033	1,241,934	-	-	511,033	1,241,934
Liabilities						
Current liabilities	1,416,753	1,363,416	264,184	588,354	1,680,937	1,951,770
Long-term liabilities	19,406,486	20,954,481	222,701	142,767	19,629,187	21,097,248
Total liabilities	20,823,239	22,317,897	486,885	731,121	21,310,124	23,049,018
Net position						
Net investment in capital assets	13,060,627	15,064,727	8,886,720	9,680,505	21,947,347	24,745,232
Restricted	1,621,753	1,240,479	-	-	1,621,753	1,240,479
Unrestricted (deficit)	(4,035,439)	(5,219,839)	1,022,589	313,486	(3,012,850)	(4,906,353)
Total net position	\$10,646,941	\$11,085,367	\$9,909,309	\$9,993,991	\$20,556,250	\$21,079,358

The City's unrestricted net position in governmental activities is in a deficit position as a result of recording the net pension liability. Net investment in capital assets (e.g., land, buildings, machinery and equipment and infrastructure), less any related debt used to acquire those assets that is still outstanding was \$24,745,232 at the end of the current fiscal year. The City uses these capital assets to provide services to citizens; consequently, these assets are not available for future spending. Although the City's investment in its capital assets is reported net of related debt, it should be noted that the resources needed to repay this debt must be provided from other sources, since the capital assets themselves cannot be used to liquidate these liabilities. An additional portion of the City's net position in the amount of \$1,240,479 represents resources that are subject to external restrictions on how they may be used.

Statement of Activities The City's total revenue for the fiscal year ended June 30, 2016, was \$17,897,561 while total cost of all programs and services was \$17,347,453. This resulted in an increase in net position of \$523,108. The following table presents a summary of the changes in net position for the years ended June 30.

Changes in Net Position

	<u>Governmental Activities</u>		<u>Business-type Activities</u>		<u>Total</u>	
	2015	2016	2015	2016	2015	2016
Revenues						
Program revenues						
Charges for services	\$1,660,517	\$1,765,682	\$3,279,925	\$3,433,347	\$4,940,442	\$5,199,029
Operating grants and contributions	858,885	933,374	-	-	858,885	933,374
Capital grants and contributions	100,000	675,542	-	57,569	100,000	733,111
General revenues						
Property taxes	8,379,859	9,897,660	-	-	8,379,859	9,897,660
State shared revenues	914,560	889,995	-	-	914,560	889,995
Cable franchise fees	221,047	226,001	-	-	221,047	226,001
Investment earnings	32,002	40,203	1,632	2,322	33,634	42,525
Gain on sale of assets	19,823	(24,134)	-	-	19,823	(24,134)
Total revenues	12,186,693	14,404,323	3,281,557	3,493,238	15,468,250	17,897,561
Expenses						
Legislative	26,252	27,081	-	-	26,252	27,081
General government	1,823,961	1,889,258	-	-	1,823,961	1,889,258
Public safety	4,795,196	6,182,797	-	-	4,795,196	6,182,797
Public works	2,967,552	3,471,010	-	-	2,967,552	3,471,010
Culture and recreation	2,010,266	2,135,948	-	-	2,010,266	2,135,948
Interest on long-term debt	304,525	259,803	-	-	304,525	259,803
Water and sewer	-	-	3,100,043	3,408,556	3,100,043	3,408,556
Total expenses	11,927,752	13,965,897	3,100,043	3,408,556	15,027,795	17,374,453
Increase (decrease) in net position						
before transfers	258,941	438,426	181,514	84,682	440,455	523,108
Transfers in (out)	-	-	-	-	-	-
Increase (decrease) in net position	258,941	438,426	181,514	84,682	440,455	523,108
Net position – beginning	10,388,000	10,646,941	9,727,795	9,909,309	20,115,795	20,556,250
Net position – ending	\$10,646,941	\$11,085,367	\$9,909,309	\$9,993,991	\$20,556,250	\$21,079,358

Governmental Activities The preceding table shows that the governmental activities increased the City's net position by \$438,426 during this fiscal year. The increase is the result of significant capital additions that will be depreciated (expensed) in future years.

Business-type Activities Business-type activities increased the City's net position by \$84,682 during the year. This is a result of significant increase in usage of both water and sewage treatment service.

Financial Analysis of the Government's Funds

As noted earlier, the City uses fund accounting to ensure and demonstrate compliance with finance-related legal requirements.

Governmental funds The focus of the City's governmental funds is to provide information on near-term inflows, outflows, and balances of spendable resources. Such information is useful in assessing the City's financing requirements. In particular, unassigned fund balance may serve as a useful measure of a City's net resources available for spending at the end of the fiscal year.

As of the end of the current fiscal year, the City's governmental funds reported combined ending fund balances of \$4,856,409, a decrease of \$118,272 from the prior year, which is primarily due to construction of streets within the city.

The general fund is the chief operating fund of the City. At the end of the current fiscal year, nonspendable fund balance of \$45,571 relates to prepaid assets, restricted fund balance of \$77,923 relates to public safety, committed fund balance of \$335,000 relates to future activities committed to by the Board and assigned fund balance of \$271,648 relates to future retirement payments and subsequent year expenditures. Unassigned fund balance represents \$2,927,029 of total fund balance. As a measure of the general fund's liquidity, it may be useful to compare unassigned fund balance to total fund expenditures. Unassigned fund balance represents 30% of total general fund expenditures.

The Major Street Fund is used to account for the receipt and expenditure of fuel and weight taxes, distributed by the State of Michigan, that are restricted for use on major streets by Act 51. The fund balance decreased by \$2,208 during the current fiscal year leaving a remaining fund balance of \$559,658.

Proprietary funds The City's proprietary funds provide the same type of information found in the government-wide financial statements, but in more detail.

The City's enterprise operation consists of the water and sewer fund which provides services to most residents and businesses of the City. This fund experienced an increase in net position of \$84,862 as discussed under business-type activities above.

Budgetary Highlights

Revenues in the General Fund were approximately \$10,992,000 which is 100.4% of the \$10,952,500 amended budgeted amount for the fiscal year. Property tax revenue was \$8,046,700 or 100.0% collection of the original tax roll.

Expenditures and transfers out in the General Fund were approximately \$10,708,000 or 97.6% of the amended budgeted amount of \$10,972,500. The budget was amended to use \$20,000 of fund balance for the year, however, actual results added \$284,230 to unrestricted fund balance which is made up of savings throughout various departments.

Capital Asset and Debt Administration

Capital assets The City's investment in capital assets for its governmental and business-type activities as of June 30, 2016, amounted to \$34,649,732 (net of accumulated depreciation). Of this amount, \$24,929,210 was for its governmental activities and \$9,720,522 was for its business-type activities. This investment in capital assets includes land, buildings, equipment and vehicles, and infrastructure.

Current year additions included various equipment and several road projects.

Additional information on the City's capital assets can be found in Note 5 to the financial statements.

Long-term debt At the end of the current fiscal year, the City had total long-term liabilities outstanding of \$21,097,248. Of this amount, \$20,954,481 was for governmental activities while \$142,767 was for business-type activities.

The City's total long-term liabilities increased by approximately \$1,468,000 during the current fiscal year as a result of an increase in the City's net pension liability of approximately \$2,000,000 partially off-set by payments made on long-term debt.

Additional information on the City's long-term debt can be found in Note 8 to the financial statements.

Economic Factors and Next Year's Budgets and Rates

The following economic factors were considered in preparing the City's budget for the 2017 fiscal year:

- The General Fund expenditure budget for next year is \$389,900 more than last fiscal year's budgeted amount. Budgeted revenues are less than budgeted expenditures by \$270,000. General Fund unrestricted ending balance for the year ending June 30, 2017 is budgeted at 23.2% of expenditures including transfers.
- Property taxes, which comprise 74% of the General Fund budget, were increased by 1.37% in the June 30, 2017 budget. This is due to an overall assessed value increase of 8.4% and a taxable value increase of 3.4%.
- Due to an increase of taxable value over the inflation rate of 0.3%, a rollback of the City millage resulted. The General Fund budget for the year ended June 30, 2017 budget contains a property tax levy of 12.8828 mills, which is a reduction of 0.2321 from last year, which is the maximum available under the Headlee Amendment.
- The estimated tax funding dedicated to roads and sidewalks for the year ended June 30, 2016 is 1.2 million and is dedicated to roads and sidewalks. Significant capital projects are planned for the dedicated road and sidewalk millage.
- Construction on Lake Drive project has expected expenditures of \$1,629,500 in the Street Funds and \$600,000 in the Water and Sewer Fund. A federal grant will support \$600,000 of the total road portion of the project.
- The budget for the fiscal year ending June 30, 2017 contains a Water and Sewer rate increase to generate \$400,000 in additional funding to address the aging water distribution mains and sanitary sewer collection systems. A total of \$1,156,400 will be spent for the upgrade and replacement of water mains for the year ending June 30, 2017.

Requests for Information

This financial report is designed to provide a general overview of the City's finances for all those with an interest in the City's finances. Questions concerning any of the information provided in this report or requests for additional financial information should be addressed to the City Finance Director, City of East Grand Rapids, 750 Lakeside Drive SE, East Grand Rapids, MI 49506.

BASIC FINANCIAL STATEMENTS

CITY OF EAST GRAND RAPIDS

STATEMENT OF NET POSITION

JUNE 30, 2016

	Primary Government		
	Governmental Activities	Business-Type Activities	Total
Assets			
Cash and pooled investments	\$ 6,507,068	\$ 371,984	\$ 6,879,052
Accounts receivable	158,686	578,182	736,868
Internal balances	8,241	(8,241)	-
Due from other governments	382,371	-	382,371
Inventory	88,820	59,482	148,302
Prepaid and other assets	86,934	3,183	90,117
Capital assets			
Land	2,124,000	-	2,124,000
Construction in progress	306,267	529,927	836,194
Depreciable capital assets, net	22,498,943	9,190,595	31,689,538
Total assets	32,161,330	10,725,112	42,886,442
Deferred outflows of resources			
Pension contributions and deficit investment returns	1,241,934	-	1,241,934
Liabilities			
Accounts payable	571,135	565,861	1,136,996
Accrued liabilities	458,833	10,733	469,566
Unearned revenue	94,667	-	94,667
Compensated absences	238,781	11,760	250,541
Noncurrent liabilities			
Net other post-employment benefits liability	783,025	102,750	885,775
Net pension liability	10,306,973	-	10,306,973
Debt due within one year	648,972	40,017	688,989
Debt due in more than one year	9,215,511	-	9,215,511
Total liabilities	22,317,897	731,121	23,049,018
Net position			
Net investment in capital assets	15,064,727	9,680,505	24,745,232
Restricted for			
Streets	1,153,115	-	1,153,115
Capital projects	5,082	-	5,082
Public safety	77,923	-	77,923
Debt service	4,359	-	4,359
Unrestricted (deficit)	(5,219,839)	313,486	(4,906,353)
Total net position	\$ 11,085,367	\$ 9,993,991	\$ 21,079,358

The accompanying notes are an integral part of these financial statements.

CITY OF EAST GRAND RAPIDS

STATEMENT OF ACTIVITIES

FOR THE YEAR ENDED JUNE 30, 2016

<u>Functions/Programs</u>	<u>Expenses</u>	<u>Program Revenues</u>		<u>Net (Expense) Revenue</u>
		<u>Charges for Services</u>	<u>Operating Grants and Contributions</u>	
Primary government				
Governmental activities				
Legislative	\$ 27,081	\$ -	\$ -	\$ -
General government	1,889,258	260,766	-	500
Public safety	6,182,797	110,164	5,598	-
Public works	3,495,242	394,781	927,776	497,611
Parks and recreation	2,135,948	1,005,241	-	177,431
Interest on long-term debt	259,803	-	-	-
Total governmental activities	13,990,129	1,770,952	933,374	675,542
Business-type activities				
Water and sewer	3,408,556	3,433,347	-	57,569
Total primary government	\$ 17,398,685	\$ 5,204,299	\$ 933,374	\$ 733,111

(continued)

The accompanying notes are an integral part of these financial statements.

CITY OF EAST GRAND RAPIDS

STATEMENT OF ACTIVITIES

FOR THE YEAR ENDED JUNE 30, 2016

	Primary Government		
	Governmental Activities	Business-type Activities	Total
Changes in net position			
Net (expense) revenue	\$ (10,610,261)	\$ 82,360	\$ (10,527,901)
General revenues			
Property taxes	9,897,660	-	9,897,660
State shared revenues	889,995	-	889,995
Cable franchise fees	226,001	-	226,001
Unrestricted investment earnings	35,031	2,322	37,353
Total general revenues and transfers	<u>11,048,687</u>	<u>2,322</u>	<u>11,051,009</u>
Change in net position	438,426	84,682	523,108
Net position, beginning of year	<u>10,646,941</u>	<u>9,909,309</u>	<u>20,556,250</u>
Net position, end of year	<u>\$ 11,085,367</u>	<u>\$ 9,993,991</u>	<u>\$ 21,079,358</u>

(concluded)

The accompanying notes are an integral part of these financial statements.

CITY OF EAST GRAND RAPIDS

**GOVERNMENTAL FUNDS
BALANCE SHEET**

JUNE 30, 2016

	<u>General</u>	<u>Special Revenue Major Streets</u>	<u>Nonmajor Governmental Funds</u>	<u>Total</u>
Assets				
Cash and pooled investments	\$ 3,837,097	\$ 698,029	\$ 598,672	\$ 5,133,798
Accounts receivable	117,375	357	6,185	123,917
Due from other governments	234,200	101,364	46,807	382,371
Inventory	-	16,658	16,658	33,316
Prepaid items	45,571	1,683	1,683	48,937
Total assets	<u>\$ 4,234,243</u>	<u>\$ 818,091</u>	<u>\$ 670,005</u>	<u>\$ 5,722,339</u>
Liabilities and fund balances				
Liabilities				
Accounts payable	\$ 247,463	\$ 247,600	\$ 20,364	\$ 515,427
Due to other funds	65,482	4,559	4,183	74,224
Accrued liabilities	180,631	6,274	5,878	192,783
Unearned revenue	83,496	-	-	83,496
Total liabilities	<u>577,072</u>	<u>258,433</u>	<u>30,425</u>	<u>865,930</u>
Fund balances				
Nonspendable				
Inventory	-	16,658	16,658	33,316
Prepaid items	45,571	1,683	1,683	48,937
Restricted				
Streets	-	541,317	611,798	1,153,115
Public safety	77,923	-	-	77,923
Debt service	-	-	4,359	4,359
Committed				
Turf replacement	335,000	-	-	335,000
Assigned				
Capital projects	-	-	5,082	5,082
Future retirement payments	111,648	-	-	111,648
Subsequent year expenditures	160,000	-	-	160,000
Unassigned	2,927,029	-	-	2,927,029
Total fund balances	<u>3,657,171</u>	<u>559,658</u>	<u>639,580</u>	<u>4,856,409</u>
Total liabilities and fund balances	<u>\$ 4,234,243</u>	<u>\$ 818,091</u>	<u>\$ 670,005</u>	<u>\$ 5,722,339</u>

The accompanying notes are an integral part of these financial statements.

CITY OF EAST GRAND RAPIDS

RECONCILIATION OF FUND BALANCE ON THE BALANCE SHEET FOR GOVERNMENTAL FUNDS TO NET POSITION OF GOVERNMENTAL ACTIVITIES ON THE STATEMENT OF NET POSITION

JUNE 30, 2016

Fund balances - total governmental funds	\$ 4,856,409
Amounts reported for <i>governmental activities</i> in the statement of net position are different because	
Capital assets used in governmental activities are not current financial resources and therefore are not reported in the funds.	
Add - land	2,124,000
Add - construction in progress	306,267
Add - capital assets (net of accumulated depreciation)	20,676,276
Deferred pension contributions and deficit investment returns relate to future years and are not reported in the funds.	
Add - deferred outflows	1,241,934
Internal service funds are used by management to charge the costs of centralized services, to individual funds. The assets and liabilities of the internal service funds are included in the governmental activities.	
Add - net position of governmental activities accounted for in the internal service funds	3,126,145
Certain liabilities are not due and payable in the current period and therefore are not reported in the funds.	
Deduct - compensated absences payable	(227,962)
Deduct - net other post-employment benefit liability	(783,025)
Deduct - net pension liability	(10,306,973)
Deduct - bonds payable	(9,864,483)
Deduct - accrued interest on bonds payable	(63,221)
Net position of governmental activities	<u>\$ 11,085,367</u>

The accompanying notes are an integral part of these financial statements.

CITY OF EAST GRAND RAPIDS
GOVERNMENTAL FUNDS
STATEMENT OF REVENUES, EXPENDITURES
AND CHANGES IN FUND BALANCES
FOR THE YEAR ENDED JUNE 30, 2016

	<u>General</u>	<u>Special Revenue Major Streets</u>	<u>Nonmajor Governmental Funds</u>	<u>Total</u>
Revenues				
Taxes	\$ 8,046,700	\$ -	\$ 1,818,692	\$ 9,865,392
Intergovernmental revenues				
State	944,210	611,791	295,630	1,851,631
Licenses and permits	58,838	-	-	58,838
Charges for services	476,181	-	-	476,181
Recreation	1,192,142	-	-	1,192,142
Fines	43,589	-	-	43,589
Special assessments	-	-	15,022	15,022
Rentals	40,425	-	-	40,425
Investment earnings	25,648	2,657	5,889	34,194
Other	164,659	14,170	183,616	362,445
Total revenues	<u>10,992,392</u>	<u>628,618</u>	<u>2,318,849</u>	<u>13,939,859</u>
Expenditures				
Current				
Legislative	26,992	-	-	26,992
General government	1,550,667	-	-	1,550,667
Public safety	4,682,848	-	-	4,682,848
Public works	1,598,386	897,601	1,675,017	4,171,004
Parks and recreation	1,849,269	-	-	1,849,269
Debt service				
Principal	-	-	608,000	608,000
Interest	-	-	261,740	261,740
Capital outlay	-	-	907,611	907,611
Total expenditures	<u>9,708,162</u>	<u>897,601</u>	<u>3,452,368</u>	<u>14,058,131</u>
Revenues over (under) expenditures	<u>1,284,230</u>	<u>(268,983)</u>	<u>(1,133,519)</u>	<u>(118,272)</u>
Other financing sources (uses)				
Transfers in	-	527,180	1,758,326	2,285,506
Transfers out	(1,000,000)	(260,405)	(1,025,101)	(2,285,506)
Total other financing sources (uses)	<u>(1,000,000)</u>	<u>266,775</u>	<u>733,225</u>	<u>-</u>
Net changes in fund balances	284,230	(2,208)	(400,294)	(118,272)
Fund balances, beginning of year	<u>3,372,941</u>	<u>561,866</u>	<u>1,039,874</u>	<u>4,974,681</u>
Fund balances, end of year	<u>\$ 3,657,171</u>	<u>\$ 559,658</u>	<u>\$ 639,580</u>	<u>\$ 4,856,409</u>

The accompanying notes are an integral part of these financial statements.

CITY OF EAST GRAND RAPIDS

RECONCILIATION OF THE STATEMENT OF REVENUES, EXPENDITURES AND CHANGES IN FUND BALANCES OF GOVERNMENTAL FUNDS TO THE STATEMENT OF ACTIVITIES

FOR THE YEAR ENDED JUNE 30, 2016

Net changes in fund balances - total governmental funds	\$ (118,272)
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Amounts reported for *governmental activities* in the statement of activities are different because

Governmental funds report capital outlays as expenditures. However, in the statement of activities, the cost of those assets are allocated over their estimated useful lives and reported as depreciation expense.

Add - capital outlay	3,119,967
Deduct - depreciation expense	(1,668,314)

Some receivables are long-term in nature and are collectable over several years. However the current receipts are reflected as revenues on the fund statements.

Deduct - special assessment receipts	(15,022)
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Repayment of bond or note principal is an expenditure in the governmental funds, but the repayment reduces long-term liabilities in the statement of net position.

Add - principal payments on debt	622,900
Add - amortization of bond premium	7,876

Some expenses reported in the statement of activities do not require the use of current financial resources and therefore are not reported as expenditures in the funds.

Deduct - increase in compensated absences	(1,720)
Deduct - increase in net pension liability	(1,970,220)
Add - increase in deferred outflows	730,901
Deduct - increase in net other post-employment benefits liability	(208,551)
Add - decrease in accrued interest	1,937

Internal service funds are used by management to charge the costs of certain services to individual funds. The net revenue (expense) of the internal service funds is reported with governmental activities.

Deduct - decrease in net position of the internal service funds	<u>(63,056)</u>
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Change in net position of governmental activities	<u>\$ 438,426</u>
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The accompanying notes are an integral part of these financial statements.

CITY OF EAST GRAND RAPIDS

**PROPRIETARY FUNDS
STATEMENT OF NET POSITION**

JUNE 30, 2016

	Enterprise Fund	Governmental Activities
	Water and Sewer	Internal Service Funds
Assets		
Current assets		
Cash and pooled investments	\$ 371,984	\$ 1,373,270
Accounts receivable	578,182	34,769
Due from other funds	-	85,592
Prepaid and other assets	3,183	37,997
Inventory	59,482	55,504
	<hr/>	<hr/>
Total current assets	1,012,831	1,587,132
Capital assets		
Construction in progress	529,927	-
Depreciable capital assets, net	9,190,595	1,822,667
	<hr/>	<hr/>
Net capital assets	9,720,522	1,822,667
	<hr/>	<hr/>
Total assets	10,733,353	3,409,799
	<hr/>	<hr/>
Liabilities		
Current liabilities		
Accounts payable	565,861	55,708
Accrued liabilities	10,733	202,829
Due to other funds	8,241	3,127
Unearned revenue	-	11,171
Compensated absences	11,760	10,819
Current portion of note payable	40,017	-
	<hr/>	<hr/>
Total current liabilities	636,612	283,654
Long-term liabilities		
Net other post-employment benefits liability	102,750	-
	<hr/>	<hr/>
Total liabilities	739,362	283,654
	<hr/>	<hr/>
Net position		
Net investment in capital assets	9,680,505	1,822,667
Unrestricted	313,486	1,303,478
	<hr/>	<hr/>
Total net position	\$ 9,993,991	\$ 3,126,145
	<hr/>	<hr/>

The accompanying notes are an integral part of these financial statements.

CITY OF EAST GRAND RAPIDS
PROPRIETARY FUNDS
STATEMENT OF REVENUES, EXPENSES
AND CHANGES IN NET POSITION
FOR THE YEAR ENDED JUNE 30, 2016

	Enterprise Fund	Governmental Activities
	Water and Sewer	Internal Service Funds
Operating revenue		
Charges for services	\$ 3,368,554	\$ 2,001,663
Other	64,793	46,562
Total operating revenue	<u>3,433,347</u>	<u>2,048,225</u>
Operating expense		
Personnel services	621,918	205,245
Contractual services	140,367	353,139
Materials and supplies	1,120,713	194,753
Equipment	169,285	3,466
Claims	34,063	932,682
Administration	207,891	72,244
Depreciation	435,100	330,305
Miscellaneous	677,394	1,420
Total operating expense	<u>3,406,731</u>	<u>2,093,254</u>
Operating income (loss)	<u>26,616</u>	<u>(45,029)</u>
Non-operating revenue (expense)		
Loss on sale of capital assets	-	(24,134)
Investment earnings	2,322	6,107
Interest expense	(1,825)	-
Total non-operating revenue (expense)	<u>497</u>	<u>(18,027)</u>
Changes in net position	84,682	(63,056)
Net position, beginning of year	<u>9,909,309</u>	<u>3,189,201</u>
Net position, end of year	<u>\$ 9,993,991</u>	<u>\$ 3,126,145</u>

The accompanying notes are an integral part of these financial statements.

CITY OF EAST GRAND RAPIDS

**PROPRIETARY FUNDS
STATEMENT OF CASH FLOWS**

FOR THE YEAR ENDED JUNE 30, 2016

	<u>Enterprise Fund Water and Sewer</u>	<u>Governmental Activities Internal Service Funds</u>
Cash flows from operating activities		
Receipts from internal services provided	\$ -	\$ 2,039,547
Receipts from customers and users	3,285,638	-
Payments to employees	(598,224)	(204,274)
Payments to suppliers	<u>(2,018,666)</u>	<u>(1,645,513)</u>
Net cash provided by (used in) operating activities	<u>668,748</u>	<u>189,760</u>
Cash flows from capital and related financing activities		
Interest expense	(1,825)	-
Principal paid on bonds	(107,301)	-
Proceeds from sale of capital assets	-	29,658
Capital grants	57,569	-
Acquisitions of capital assets	<u>(1,121,584)</u>	<u>(305,768)</u>
Net cash provided by (used in) capital and related financing activities	<u>(1,173,141)</u>	<u>(276,110)</u>
Cash flows from investing activities		
Interest income	<u>2,322</u>	<u>6,107</u>
Net increase (decrease) in cash and pooled investments	(502,071)	(80,243)
Cash and pooled investments, beginning of year	<u>874,055</u>	<u>1,453,513</u>
Cash and pooled investments, end of year	<u>\$ 371,984</u>	<u>\$ 1,373,270</u>
Cash flows from operating activities		
Operating income (loss)	\$ 26,616	\$ (45,029)
Adjustments to reconcile operating income (loss) to net cash provided by (used in) operating activities		
Depreciation	435,100	330,305
Change in operating assets and liabilities which provided (used) cash		
Accounts receivable	(147,709)	7,180
Due from other funds	-	(16,456)
Prepaid and other assets	(1,980)	(3,171)
Inventory	5,168	4,779
Accounts payable	327,843	(48,072)
Due to other funds	16	598
Accrued liabilities	(598)	(40,945)
Unearned revenue	-	222
Compensated absences	(3,075)	349
Net pension liability	<u>27,367</u>	<u>-</u>
Net cash provided by (used in) operating activities	<u>\$ 668,748</u>	<u>\$ 189,760</u>

The accompanying notes are an integral part of these financial statements.

CITY OF EAST GRAND RAPIDS
FIDUCIARY FUNDS
STATEMENT OF NET POSITION/BALANCE SHEET
JUNE 30, 2016

	Other Post-employment Benefit <u>Trust</u>	Agency <u>Fund</u>
Assets		
Cash and pooled investments	\$ -	\$ 17,573
Investments	<u>1,228,495</u>	<u>-</u>
Total assets	<u>1,228,495</u>	<u>\$ 17,573</u>
 Liabilities		
Accrued liabilities	12,528	\$ -
Due to other governmental units	<u>-</u>	<u>17,573</u>
Total liabilities	<u>12,528</u>	<u>\$ 17,573</u>
 Net position		
Held in trust for other post-employment benefits	<u>\$ 1,215,967</u>	

The accompanying notes are an integral part of these financial statements.

CITY OF EAST GRAND RAPIDS
FIDUCIARY FUND
STATEMENT OF CHANGES IN NET POSITION
FOR THE YEAR ENDED JUNE 30, 2016

	Other Post-employment Benefit Trust
Additions	
Contributions:	
Employer	\$ 39,528
Other	22,120
Investment earnings	<u>7,439</u>
Total Additions	69,087
Deductions	
Benefits	<u>57,397</u>
Net increase	11,690
Net position, beginning of year	<u>1,204,277</u>
Net position, end of year	<u><u>\$ 1,215,967</u></u>

The accompanying notes are an integral part of these financial statements.

CITY OF EAST GRAND RAPIDS

NOTES TO THE FINANCIAL STATEMENTS

FOR THE YEAR ENDED JUNE 30, 2016

1. SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES

The accounting policies of the City of East Grand Rapids, Michigan (the "City") conform to generally accepted accounting principles as applicable to governments. The following is a summary of the significant policies.

Reporting Entity

These financial statements present the City and its component units, entities for which the City is considered to be financially accountable. Blended component units, although legally separate entities are, in substance, part of the City's operations, so data from these units are combined with data of the primary government. Discretely presented component units are reported in a separate column in the financial statements to emphasize they are legally separate from the City. The City has no discretely presented component units.

Blended Component Unit

The Building Authority is governed by a board appointed by the City Commission. For financial reporting purposes, the Building Authority is reported as if it were a part of the City's operations because its sole purpose is to finance and construct the City's public buildings. The Building Authority had no activity during the year.

Government-wide and Fund Financial Statements

The government-wide financial statements (i.e., the statement of net position and the statement of activities) report information on all of the nonfiduciary activities of the primary government and its component units. For the most part, the effect of interfund activity has been removed from these statements. Exceptions to this general rule are changes between enterprise functions and other various functions of the government. Elimination of these charges would distort the direct costs and program revenues reported for the various functions concerned. *Governmental activities*, which normally are supported by taxes and intergovernmental revenues, are reported separately from *business-type activities*, which rely to a significant extent on fees and charges for support. Likewise, the *primary government* is reported separately from certain legally separate *component units* for which the primary government is financially accountable.

The statement of activities demonstrates the degree to which the direct expenses of a given function or segment is offset by program revenues. *Direct expenses* are those that are clearly identifiable with a specific function or segment. *Program revenues* include (1) charges to customers or applicants who purchase, use, or directly benefit from goods, services, or privileges provided by a given function or segment and (2) grants and contributions that are restricted to meeting the operational or capital requirements of a particular function or segment. Taxes and other items not properly included among program revenues are reported instead as *general revenues*.

Separate financial statements are provided for governmental funds, proprietary funds, and fiduciary funds, even though the latter are excluded from the government-wide financial statements. Major individual governmental funds and major individual enterprise funds are reported as separate columns in the fund financial statements.

CITY OF EAST GRAND RAPIDS

NOTES TO THE FINANCIAL STATEMENTS

FOR THE YEAR ENDED JUNE 30, 2016

Measurement Focus, Basis of Accounting, and Financial Statement Presentation

The government-wide financial statements are reported using the *economic resources measurement focus* and the *accrual basis of accounting*, as are the proprietary fund and fiduciary fund financial statements, except for agency funds which do not have a measurement focus. Revenues are recorded when earned and expenses are recorded when liability is incurred, regardless of the timing of related cash flows. Property taxes are recognized as revenues in the year for which they are levied. Grants and similar items are recognized as revenue as soon as all eligibility requirements imposed by the provider have been met.

Governmental fund financial statements are reported using the *current financial resources measurement focus* and the *modified accrual basis of accounting*. Revenues are recognized as soon as they are both measurable and available. Revenues are considered to be *available* when they are collectible within the current period or soon enough thereafter to pay liabilities of the current period. For this purpose, the government considers revenues to be available if they are collected within 60 days of the end of the current fiscal period, except for reimbursement-based grants, state shared revenue and interest which use a one year collection period. Expenditures generally are recorded when a liability is incurred, as under accrual accounting. However, debt service expenditures, as well as expenditures related to compensated absences, pension and OPEB liabilities, and claims and judgments, are recorded only when payment is due. Property taxes, state revenue, grants, licenses, and interest associated with the current fiscal period are all considered to be susceptible to accrual and so have been recognized as revenues of the current fiscal period. All other revenue items are considered to be measurable and available only when cash is received by the City.

Proprietary funds distinguish operating revenues and expenses from nonoperating items. Operating revenues and expenses generally result from providing services and producing and delivering goods in connection with a proprietary fund's principal ongoing operations. The principal operating revenues of the enterprise fund are charges for services. The principal operating revenues of the City's internal service funds are charges to City departments for repairs and equipment utilization and insurance coverage. Operating expenses for the enterprise funds include depreciation on capital assets, labor, supplies and contracted services. Operating expenses for the internal funds include the cost of services (including claims), administration expenses and depreciation on capital assets. All revenues and expenses not meeting this definition are reported as nonoperating revenues and expenses.

The City reports the following major governmental funds:

The *General Fund* is the general operating fund of the City. It is used to account for all financial resources, except those required to be accounted for in another fund.

The *Major Streets Fund* accounts for funds specifically intended for the maintenance and construction of major streets. Financing is provided from Public Act 51 State Shared Gas and Weight Tax and miscellaneous service revenues.

The City reports the following major proprietary fund:

The *Water and Sewer Enterprise Fund* is used to account for the operations of the City's sewer and water department that provides sewer and water services on a user charge basis.

CITY OF EAST GRAND RAPIDS
NOTES TO THE FINANCIAL STATEMENTS
FOR THE YEAR ENDED JUNE 30, 2016

Additionally, the City reports the following fund types:

The *Special Revenue Funds* are used to account for the proceeds of specific revenue sources (other than permanent trusts or major capital projects) that are legally restricted to expenditures for specified purposes.

The *Capital Projects Funds* account for the accumulation and disbursement of resources for the construction of governmental fund capital assets.

The *Debt Service Funds* are used to account for resources accumulated and payments made for principal and interest on long-term debt of governmental funds.

The *Internal Service Funds* are used to account for equipment and vehicle purchases, repairs and maintenance and claims and benefits services provided to the City departments on a cost reimbursement basis.

The *Other Post-employment Benefits Trust Fund* is used to account for the operations of the City Other Post-employment Benefits Plan which provides other post-employment benefits to the City's employees.

The *Agency Fund* is used to account for the collection and disbursement of funds that are collected on behalf of outside governments or other parties.

Budgets and Budgetary Accounting

Comparisons to budget are presented for the general and special revenue funds. General and special revenue funds adopt a legal budget with remaining funds maintaining budgets as a management control device. The City follows these procedures in establishing the budgetary data reflected in the financial statements:

1. Prior to May 1, the City Manager submits to the City Commission a proposed operating budget for the fiscal year commencing the following July 1.
2. Public hearings are conducted to obtain taxpayer comments.
3. By June 30th the budget is legally enacted through passage of a resolution.
4. Formal budgetary integration is employed for the governmental fund types as a management control device.
5. Budgets for the general and special revenue funds are adopted on a basis consistent with generally accepted accounting principles (GAAP). Annual appropriations lapse at fiscal year-end.
6. Adoption and amendments of all budgets used by the City are governed by Michigan state law. The appropriations resolution is based on the projected expenditure budgets of the department heads of the City. Any amendment to the original budget must meet the requirements of Michigan law. Any revisions that alter the total expenditures of any department must be approved by the City Commission. The City Manager is authorized to transfer budgeted amounts within an activity subject to the condition that the total expenditures do not exceed the approved appropriations for each fund. The Commission approves the annual budget at the activity level. Supplemental appropriations were necessary during the year.

CITY OF EAST GRAND RAPIDS
NOTES TO THE FINANCIAL STATEMENTS
FOR THE YEAR ENDED JUNE 30, 2016

Cash and Pooled Investments

For the purpose of the statement of cash flows, the City considers cash and pooled investments to be cash and cash equivalents because the pooling of these balances allows for withdrawal at any time similar to a demand deposit account.

Investments

Investments are stated at fair value at the balance sheet date.

City investment policy allows for all investments authorized by State statutes. State statutes authorize the City to invest in:

- a. Bond, securities, other obligations and repurchase agreements of the United States, or an agency or instrumentality of the United States.
- b. Certificates of deposit, savings accounts, deposit accounts or depository receipts of a qualified financial institution.
- c. Commercial paper rated at the time of purchase within the two highest classifications established by not less than two standard rating services and that matures not more than 270 days after the date of purchase.
- d. Bankers' acceptances of United States banks.
- e. Obligations of the State of Michigan and its political subdivisions that, at the time of purchase are rated as investment grade by at least one standard rating service.
- f. Mutual funds registered under the Investment Company Act of 1940 with the authority to purchase only investment vehicles that are legal for direct investment by a public corporation.
- g. External investment pools as authorized by Public Act 20 as amended.
- h. The City OPEB plan is also allowed to invest in corporate debt and equity securities.

Receivables/Due from Other Governments

All receivables are recorded at their gross value and, where appropriate, are reduced by the estimated portion that is expected to be uncollectible. Uncollectible balances are immaterial to the financial statements.

Special Assessments Receivable

Special assessments receivable consist of long-term receivables from customers and benefited parties for various infrastructure improvement projects.

Prepaid and Other Assets

Certain payments to vendors represent costs applicable to future accounting periods and are recorded as prepaid and other assets in both the government-wide and fund financial statements.

CITY OF EAST GRAND RAPIDS

NOTES TO THE FINANCIAL STATEMENTS

FOR THE YEAR ENDED JUNE 30, 2016

Inventory

All inventories are valued at original cost using the first-in/first-out (FIFO) method. Inventory represents parts, materials, and supplies utilized in the various City operations.

Capital Assets

Capital assets, which include land, construction in progress, buildings, vehicles and equipment, and infrastructure assets (e.g., roads, bridges, sidewalks, and similar items), are reported in the governmental and business-type activities columns in the government-wide financial statements.

Capital assets are defined by the government as assets with an initial, individual cost of more than \$5,000 and an estimated useful life in excess of two years. Such assets are valued at cost where historical records are available and at estimated historical cost where no historical records exist. Donated capital assets are valued at acquisition value (the price that would be paid to acquire an asset with an equivalent service potential in an orderly market transaction) on the date received.

The costs of normal maintenance and repairs that do not add to the value of the asset or materially extend asset lives are not capitalized. Improvements are capitalized and depreciated over the remaining useful lives of the related capital assets, as applicable.

No interest expense has been incurred or capitalized on capital assets reported in proprietary funds.

Depreciation on capital assets (including infrastructure) is computed using the straight-line method over the following estimated useful lives:

	<u>Years</u>
Water and Sewage Systems	20-50
Buildings and improvements	10-35
Vehicles and equipment	4-20
Infrastructure	5-20

Unearned/Unavailable Revenue

Governmental funds and the internal service fund report *unavailable revenue* in connection with receivables for revenues that are not considered to be available to liquidate liabilities of the current period and *unearned revenue* for resources that have been received, but not yet earned. At the end of the current fiscal year, the various components of unavailable revenue reported in the funds were as follows:

Unearned revenue - fees received in advance	
General fund	\$83,496
Internal service funds	11,171
Total	<u>\$94,667</u>

Pensions

For purposes of measuring the net pension liability, deferred outflows of resources and deferred inflows of resources related to pensions, and pension expense; information about the fiduciary net position of the Municipal Employees Retirement System (MERS) of Michigan and additions to/deductions from MERS' fiduciary net position have been determined on the same basis as they are reported by MERS. For this purpose, benefit payments (including refunds of employee contributions) are recognized when due and payable in accordance with the benefit terms. Investments are reported at fair value.

CITY OF EAST GRAND RAPIDS
NOTES TO THE FINANCIAL STATEMENTS
FOR THE YEAR ENDED JUNE 30, 2016

Compensated Absences

Under contracts negotiated with employee groups and personnel policy, individual employees have a vested right to receive payments for unused vacation and other compensation depending on employment agreements. Accumulated compensated absences of governmental funds are recorded on the statement of net position and not on the governmental fund balance sheets because the balance is not expected to be liquidated with expendable available financial resources. Amounts accumulated for proprietary funds are reported on the statements of net position of the individual enterprise funds. Compensated absences reported for governmental activities are primarily liquidated from general fund resources. The balances of compensated absences are all considered current liabilities at year-end.

Long-Term Obligations

In the government-wide financial statements and proprietary fund types in the fund financial statements, the long-term debt and other long-term obligations are reported as liabilities in the applicable governmental activities, business-type activities, or proprietary fund type statements of net position. Where applicable, bond premiums and discounts are deferred and amortized over the life of the bonds using the straight line method which approximates the effective interest method.

In the fund financial statements, governmental fund types recognize bond premiums, discounts and issuance costs in the year of issuance. The face amount of debt issued and any premiums received are reported as other financing sources. Discounts on debt issuances are reported as an other financing use. Issuance costs are reported as expenditures.

Deferred Outflows/Inflows of Resources

In addition to assets, the statement of financial position will sometimes report a separate section for deferred outflows of resources. This separate financial statement element, *deferred outflows of resources*, represents a consumption of net position that applies to a future period(s) and so will *not* be recognized as an outflow of resources (expense/ expenditure) until then. The City has items that are reported in this category related to the pension investments and contributions as discussed in note 6.

In addition to liabilities, the statement of financial position will sometimes report a separate section for deferred inflows of resources. This separate financial statement element, *deferred inflows of resources*, represents an acquisition of net position that applies to a future period(s) and so will *not* be recognized as an inflow of resources (revenue) until that time. The City has no items that qualify for reporting in this category.

Fund Equity

Governmental funds report fund balance in the following five categories:

1. Non-spendable – the related asset's form does not allow expenditure of the balance. The assets are either (a) not in a spendable form or (b) legally or contractually required to be maintained intact. Nonspendable fund balance would be equal to inventory, prepaid items, non-current financial assets, and the nonspendable portion of endowments.
2. Restricted – the related assets can only be spent for the specific purposes stipulated by constitution, external resource providers, or as identified in enabling legislation.
3. Committed – the related assets can only be spent for a specific purpose identified by formal resolution of the governing board.
4. Assigned – the related assets can only be spent for a specific purpose identified by management as authorized by the governing board.

CITY OF EAST GRAND RAPIDS

NOTES TO THE FINANCIAL STATEMENTS

FOR THE YEAR ENDED JUNE 30, 2016

5. Unassigned – is the residual classification and includes all spendable amounts not contained in the other classifications.

Fund balance can only be committed by resolution of the City Commission. The City Commission has delegated the authority to assign fund balance to the City Manager.

Net Position and Fund Balance Flow Assumptions

Sometimes the government will fund outlays for a particular purpose from both restricted (e.g., restricted bond or grant proceeds) and unrestricted resources. In order to calculate the amounts to report as restricted – net position/fund balance and unrestricted – net position/fund balance, a flow assumption must be made about the order in which the resources are considered to be applied. It is the government's policy to use restricted resources first, then unrestricted resources as they are needed. Further, when the components of unrestricted fund balance can be used for the same purpose, committed fund balance is depleted first, followed by assigned fund balance. Unassigned fund balance is applied last.

Property Taxes

City property taxes are attached as an enforceable lien on property as of July 1. Taxes are levied July 1 and are due without penalty on or before August 14. Tax bills include the City's own property taxes and taxes billed on behalf of other taxing units. Real property taxes not collected as of March 1 are turned over to the County for collection, which advances the City 100% of the delinquent real property taxes. Collection of delinquent personal property taxes remains the responsibility of the City Treasurer. Taxes collected on behalf of other taxing units are accounted for in the agency funds. Property taxes levied in July of each year are recognized as revenue in the year in which they are levied.

Interfund Transactions

During the course of normal operations, the City has numerous transactions between funds. Transactions that constitute reimbursement to a fund for expenditures/expenses initially made from it that are properly applicable to another fund, are recorded as expenditures/expenses in the reimbursing fund and as a reduction of expenditures/expenses in the fund that is reimbursed. Changes between enterprise funds and other functions of the City are not reimbursements because elimination of these charges would distort the direct costs and program revenues reported for the various functions concerned. Remaining transactions are generally reflected as transfers.

2. DEFICIT NET POSITION

At June 30, 2016, the City reported a deficit unrestricted net position in its governmental activities of \$5,219,839 due to the reporting of the net pension liability in accordance with GASB 68.

CITY OF EAST GRAND RAPIDS

NOTES TO THE FINANCIAL STATEMENTS

FOR THE YEAR ENDED JUNE 30, 2016

3. CASH AND INVESTMENTS

The captions on the financial statements relating to cash and pooled investments and investments are as follows:

	<u>Primary Government</u>	<u>Fiduciary Funds</u>	<u>Total</u>
Cash and pooled investments	\$6,879,052	\$ 17,573	\$6,896,625
Investments	-	1,228,495	1,228,495
	<u>\$6,879,052</u>	<u>\$1,246,068</u>	<u>\$8,125,120</u>

The cash and investments making up the above balances are as follows:

Deposits	\$3,943,064
Investments	4,181,806
Petty cash	250
Total	\$8,125,120

The deposits are in financial institutions located in Michigan in varying amounts. State policy limits the Treasurer's investing options to financial institutions located in Michigan. All accounts are in the name of the City and a specific fund or common account. They are recorded in City records at fair value. Interest is recorded when earned.

Custodial Credit Risk - Deposits. Custodial credit risk is the risk that in the event of a bank failure, the City's deposits may not be returned. State law does not require, and the City does not have, a policy for deposit custodial credit risk. As of June 30, 2016, \$2,773,002 of the City's bank balance of \$4,023,003 was exposed to custodial credit risk because the balance was uninsured and uncollateralized.

Investments

The City chooses to disclose its investments by specifically identifying each. As of year-end, the City had the following investments:

	<u>Maturity</u>	<u>Fair Value</u>	<u>Rating</u>	<u>Source</u>
Governmental activities				
Kent County Investment Pool	N/A	\$2,953,311	Unrated	
Other Post-employment Benefits Trust Fund				
Vantagepoint Milestone Ret. Income Fund	N/A	1,228,495	3 stars	Morningstar
Total		\$4,181,806		

The City categorizes its fair value measurements of investments within the fair value hierarchy established by generally accepted accounting principles. The hierarchy is based on the valuation inputs used to measure the fair value of the asset. Level 1 inputs are quoted prices in active markets for identical assets; Level 2 inputs are significant other observable inputs; Level 3 inputs are significant unobservable inputs.

CITY OF EAST GRAND RAPIDS

NOTES TO THE FINANCIAL STATEMENTS

FOR THE YEAR ENDED JUNE 30, 2016

The City has the following recurring fair value measurements as of year-end.

- The Vantagepoint Milestone Mutual fund is valued using quoted market prices (Level 1 inputs).
- The Kent County Pool investments are valued using a pricing model utilizing observable fair value measures of fund/pool investments and other observable inputs to determining the fair value of the securities making up the of investments fund/pool (Level 2 inputs).
- The City does not have any investments that report fair value based on significant unobservable inputs (Level 3 inputs).

The aforementioned investments do not include certificates of deposit which are classified as deposits for risk identification purposes.

Investment and deposit risk

Interest Rate Risk. State law and City policy limit the allowable investments and the maturities of some of the allowable investments as identified in Note 1, the summary of significant accounting policies. The City's investment policy does not have specific limits in excess of state law on investment maturities as a means of managing its exposure to fair value losses arising from increasing interest rates. There is no stated maturity date for the City's investments identified above.

At June 30, 2016 the balance of the Kent County Public Funds Investment Pool consisted of the following:

<u>Investment</u>	<u>Percentage of pool total</u>	<u>Maturity in years</u>
Government agency securities	26%	0-3
Certificates of deposits	60%	0-3
Deposits, money markets and other pools	14%	Not applicable

Credit Risk. State law limits investments to specific government securities, certificates of deposits and bank accounts with qualified financial institutions, commercial paper with specific maximum maturities and ratings when purchased, bankers acceptances of specific financial institutions, qualified mutual funds and qualified external investment pools as identified in Note 1, the summary of significant accounting policies. The investment policy does not have specific limits in excess of state law on investment credit risk. The rating for each investment is identified above for investments held at year-end.

Custodial Credit Risk - Investments. For an investment, custodial credit risk is the risk that, in the event of the failure of the counterparty, the City will not be able to recover the value of its investments or collateral securities that are in the possession of an outside party. State law does not require and the City does not have a policy for investment custodial credit risk. Of the above pooled and mutual fund investments, the City's custodial credit risk exposure cannot be determined because the City's participation in the pool/funds does not consist of specifically identifiable securities.

Concentration of Credit Risk. State law limits allowable investments but does not limit concentration of credit risk as identified in Note 1, the summary of significant accounting policies. The City's investment policy does not have specific limits in excess of state law on concentration of credit risk. All investments held at year-end are reported above.

CITY OF EAST GRAND RAPIDS
NOTES TO THE FINANCIAL STATEMENTS
FOR THE YEAR ENDED JUNE 30, 2016

4. INTERFUND TRANSACTIONS

Interfund receivables and payables of individual funds at June 30, 2016 were as follows:

<u>Payable fund</u>	<u>Receivable fund</u>
General fund	\$65,482
Major streets fund	4,559
Nonmajor governmental funds	4,183
Water and sewer fund	8,241
Internal service fund	3,127
	\$85,592

Interfund balances reflect amounts owed to an internal service fund for services provided. Transfers in and out for the year ended June 30, 2016 are as follows:

<u>Transfers in</u>	<u>Transfers out</u>			<u>Total</u>
	<u>General fund</u>	<u>Major Streets fund</u>	<u>Nonmajor governmental funds</u>	
Major streets	\$ 362,100	\$ -	\$165,080	\$ 527,180
Nonmajor governmental funds	637,900	260,405	860,021	1,758,326
	\$1,000,000	\$260,405	\$1,025,101	\$2,285,506

Transfers are used to (1) move unrestricted revenues collected in the general fund to finance capital and other various programs accounted for in other funds in accordance with budgetary authorizations and (2) move allocated cost of general operations to applicable funds.

5. CAPITAL ASSETS

Capital asset activity for the year was as follows:

	<u>Balance July 1, 2015</u>	<u>Additions</u>	<u>Deletions</u>	<u>Balance June 30, 2016</u>
Governmental Activities				
Capital assets, not being depreciated				
Land	\$ 2,124,000	\$ -	\$ -	\$ 2,124,000
Construction in progress	271,881	306,267	271,881	306,267
Total capital assets, not being depreciated	2,395,881	306,267	271,881	2,430,267
Capital assets, being depreciated				
Land improvements	1,933,767	29,864	-	1,963,631
Buildings	12,417,729	-	-	12,417,729
Building improvements	3,524,284	-	-	3,524,284
Vehicles and equipment	4,837,420	493,975	216,065	5,115,330
Infrastructure	17,831,511	2,867,510	13,390	20,685,631
Total capital assets, being depreciated	40,544,711	3,391,349	229,455	43,706,605

CITY OF EAST GRAND RAPIDS

NOTES TO THE FINANCIAL STATEMENTS

FOR THE YEAR ENDED JUNE 30, 2016

	Balance July 1, 2015	Additions	Deletions	Balance June 30, 2016
Less accumulated depreciation for				
Land improvements	\$ 712,697	\$ 100,651	\$ -	\$ 813,348
Buildings	3,765,873	400,170	-	4,166,043
Building improvements	2,480,231	182,266	-	2,662,497
Vehicles and equipment	2,705,935	440,976	162,273	2,984,638
Infrastructure	9,719,970	874,556	13,390	10,581,136
Total accumulated depreciation	<u>19,384,706</u>	<u>1,998,619</u>	<u>175,663</u>	<u>21,207,662</u>
Net capital assets, being depreciated	21,160,005	1,392,730	53,792	22,498,943
Governmental Activities capital assets, net	<u>\$23,555,886</u>	<u>\$1,698,997</u>	<u>\$325,673</u>	<u>\$24,929,210</u>

Business-type Activities

Construction in progress	\$ 51,244	\$529,927	\$51,244	\$ 529,927
Capital assets being depreciated				
Sewer system	8,939,030	326,070	-	9,265,100
Water system	7,863,264	316,831	-	8,180,095
Lift station	437,553	-	-	437,553
Water tower	602,175	-	-	602,175
Drains	1,726,036	-	-	1,726,036
Meters	350,271	-	-	350,271
Total capital assets, being depreciated	<u>19,918,329</u>	<u>642,901</u>	<u>-</u>	<u>20,561,230</u>
Less accumulated depreciation for				
Sewer system	5,823,465	198,924	-	6,022,389
Water system	2,631,081	151,362	-	2,782,443
Lift station	305,190	14,446	-	319,636
Water tower	300,978	41,681	-	342,659
Drains	1,568,334	11,172	-	1,579,506
Meters	306,487	17,515	-	324,002
Total accumulated depreciation	<u>10,935,535</u>	<u>435,100</u>	<u>-</u>	<u>11,370,635</u>
Net capital assets, being depreciated	8,982,794	207,801	-	9,190,595
Business-type Activities capital assets, net	<u>\$9,034,038</u>	<u>\$737,728</u>	<u>\$51,244</u>	<u>\$9,720,522</u>

Depreciation expense was charged to functions/programs of the primary government as follows:

Governmental Activities	
General government	\$ 333,663
Public safety	250,247
Public works	834,157
Recreation and culture	250,247
Capital assets held by the governments internal service funds are charged to the various functions based on their usage of the assets	<u>330,305</u>
Total depreciation expense - governmental activities	<u>\$1,998,619</u>
Business-type Activities	
Water and sewer	<u>\$435,100</u>

CITY OF EAST GRAND RAPIDS

NOTES TO THE FINANCIAL STATEMENTS

FOR THE YEAR ENDED JUNE 30, 2016

6. PENSION PLANS

MERS Defined Benefit Plan

Plan Description

The City participates in the Municipal Employees Retirement System (MERS) of Michigan. MERS is an agent multiple employer, statewide public employee pension plan established by the Michigan Legislature under Public Act 135 of 1945 and administered by a nine member Retirement Board. MERS issues a publicly available financial report that includes financial statements and required supplementary information. This report may be obtained accessing the MERS website at www.mersofmich.com.

This plan is closed to new entrants.

Benefits Provided

Benefits provided include a multiplier of 2.25 to 2.50 times final average compensation with a vesting period of 10 years. Normal retirement age is 60 with early retirement at 50 with 25 or 55 with 15 to 25 years of service with various benefits. Benefits are calculated using final average compensation of 3 or 5 years depending on the employee's position and classification.

Membership of the defined benefit plan consisted of the following at the date of the latest actuarial valuation (December 31, 2015):

Active plan members	6
Inactive employees entitled but not yet receiving benefits	5
Inactive employees or beneficiaries currently receiving benefits	<u>47</u>
Total	<u><u>58</u></u>

Contributions

The City is required to contribute at an actuarially determined rate, which for the current year was \$86,868 per month. Contributions are determined based on position and classification of participating employees. Participating employees are required to contribute from 0% to 5.0% percent of gross wages to the Plan based on position and classification. The contribution requirements of the City are established and may be amended by the MERS Retirement Board. The contribution requirements of employees are established and may be amended by labor agreements.

Net Pension Liability

The employer's net pension liability was measured as of December 31, 2015, and the total pension liability used to calculate the net pension liability was determined by an annual actuarial valuation as of that date.

The total pension liability in the December 31, 2015 annual actuarial valuation was determined using the following actuarial assumptions, applied to all periods included in the measurement:

Inflation: 2.5% (3-4% for 2014)

Salary Increases: base wage inflation of 3.75% in the long-term (plus merit and longevity from 0 to 11% based on age) (4.5 for 2014)

Investment rate of return: 7.75%, net of investment expense, including inflation (8.25 for 2014)

CITY OF EAST GRAND RAPIDS

NOTES TO THE FINANCIAL STATEMENTS

FOR THE YEAR ENDED JUNE 30, 2016

Mortality rates used for non-disabled plan member were based on a weighted blend of RP-2014 mortality tables of a 50% Male and 50% Female blend. Mortality rates used for disabled plan member were based on a blend of RP-2014 disabled retire mortality tables of a 50% Male and 50% Female blend of disabled retirees. (1994 group annuity tables is 2014)

The actuarial assumptions used in the valuation were based on the results of the most recent actuarial experience study.

The long-term expected rate of return on pension plan investments was determined using a model method in which the best-estimate ranges of expected future real rates of return (expected returns, net of investment and administrative expenses and inflation) are developed for each major asset class. These ranges are combined to produce the long-term expected rate of return by weighting the expected future real rates of return by the target asset allocation percentage and by adding expected inflation.

The target allocation and best estimates of arithmetic real rates of return for each major asset class are summarized in the following table:

<u>Asset Class</u>	<u>Target Allocation</u>	<u>Long-Term Expected Real Rate of Return</u>	<u>Expected Money Weighted Rate of Return</u>
Global Equity	57.5%	6.27%	3.60%
Global Fixed Income	20.0%	3.43%	0.68%
Real Assets	12.5%	5.48%	0.69%
Diversifying Strategies	10.0%	7.81%	0.78%
Inflation			2.00%
Administrative fee			0.25%
Investment rate of return			8.00%

Discount rate

The discount rate used to measure the total pension liability is 8.00%. The projection of cash flows used to determine the discount rate assumes that employer and employee contributions will be made at the rates agreed upon for employees and the actuarially determined rates for employers. Based on these assumptions, the pension plan's fiduciary net position was projected to be available to pay all projected future benefit payments of current active and inactive employees. Therefore, the long-term expected rate of return on pension plan investments was applied to all periods of projected benefit payments to determine the total pension liability.

CITY OF EAST GRAND RAPIDS
NOTES TO THE FINANCIAL STATEMENTS
FOR THE YEAR ENDED JUNE 30, 2016

Changes in the Net Pension Liability

	Increase (Decrease)		
	Total Pension Liability (a)	Plan Fiduciary Net Position (b)	Net Pension Liability (a)-(b)
Balance at 12/31/14	\$17,834,238	\$9,497,485	\$8,336,753
Changes for the Year:			
Service cost	53,644	-	53,644
Interest	1,361,488	-	1,361,488
Change in benefits	-	-	-
Differences between expected and actual experience	268,503	-	268,503
Change in assumptions	921,755	-	921,755
Contributions: employer	-	815,262	(815,262)
Contributions: employee	-	15,034	(15,034)
Net investment Income	-	(132,612)	132,612
Benefit payments, including refunds	(1,684,931)	(1,684,931)	-
Administrative expense	-	(19,970)	19,970
Other changes	42,544	-	42,544
Net changes	963,003	(1,007,217)	1,970,220
Balance at 12/31/15	\$18,797,241	\$8,490,268	\$10,306,973

Sensitivity of the Net Pension Liability to Changes in the Discount Rate

The following presents the Net Pension Liability of the employer, calculated using the discount rate of 8%, as well as what the employer's Net Pension Liability would be using a discount rate that is 1 percentage point lower (7%) or 1% higher (9%) than the current rate.

	1% Decrease	Current Discount rate	1 % Increase
Total Pension Liability	\$20,473,690	\$18,797,241	\$17,353,781
Fiduciary Net Position	8,490,268	8,490,268	8,490,268
Net Pension Liability	\$ 11,983,422	\$ 10,306,973	\$ 8,863,513

Pension Expense and Deferred Outflows of Resources Related to Pensions

For the year ended June 30, 2016 the employer recognized pension expense of \$2,133,368. The employer reported deferred outflows and inflows of resources related to pensions from the following sources:

	Deferred Outflows of Resources
Differences in experience	\$ -
Differences in assumptions	-
Excess (deficit) investment returns	787,422
Contributions subsequent to the measurement date*	454,512
Total	<u>\$1,241,934</u>

* The amount reported as deferred outflows of resources resulting from the contributions subsequent to the measurement date will be recognized as a reduction in the Net Pension Liability for the year ending 2017

CITY OF EAST GRAND RAPIDS

NOTES TO THE FINANCIAL STATEMENTS

FOR THE YEAR ENDED JUNE 30, 2016

Amounts reported as deferred outflows and inflows of resources related to pensions will be recognized in pension expense as follows:

2017	\$205,312
2018	205,312
2019	205,312
2020	<u>171,486</u>
Total	<u>\$787,422</u>

Defined Contribution Plans

The City also maintains a defined contribution retirement plan administered by ICMA-RC. The plan has a vesting period of 5 years and can be amended by City Council within the limits of the union agreements. The City's contribution for the year was \$513,525 and the employees' contribution was \$118,849. The Plan covers all employees whose contributions are determined based on their position and classification as follows:

City services employees hired on or after July 7, 1999 and all City services employees hired prior to July 7, 1999 who elected to convert from the defined benefit plan on July 7, 1999. City services employees contribute 6% and the City contributes 7.5% of the participants' salaries to the Plan.

Non-union employees hired on or after July 1, 1999 and all non-union employees hired prior to July 1, 1999 who elected to convert from the defined benefit plan on July 1, 1999. Non-Union employees have the option to contribute up to 1% of their salary to the plan. The City is required to contribute 14% of the participants' salaries and match the employees' optional contribution.

All public safety officers, lieutenants, and sergeants hired on or after January 1, 2002 and all officers, lieutenants and sergeants hired prior to January 1, 2002 who elected to convert to the defined contribution plan on January 1, 2002. Public safety participants are required to contribute 3.77-3.81% of their salary to the plan. The City is required to contribute 15% of the participants' salaries to the Plan.

7. OTHER POST-EMPLOYMENT BENEFITS

The City administers a single-employer defined benefit healthcare plan (the Plan). The plan provides 100% of health insurance benefits to eligible retirees and their spouse until age 65. Dependents are covered until age 26. Eligibility is determined based on position and classification and is maintained until the employee is eligible for federal Medicare coverage at age 65. The City established a retirement health savings trust to account for the Plan effective June 13, 2008. The Plan does not issue a separate financial report.

The City contributes to the Plan as determined by the City Commission. The annual required contribution (ARC) was \$315,109 while the City contributed \$61,648 to the plan, which was the amount paid in direct payments for retirees from the health insurance internal service fund to provide insurance coverage for 6 retired employees. The contribution requirements of the Plan members and the City are established and may be amended by the City Commission.

The City's annual other post-employment benefit (OPEB) cost (expense) is calculated based on the annual required contribution of the employer (ARC). The ARC represents a level of funding that, if paid on an ongoing basis, is projected to cover normal costs each year and amortize any unfunded liabilities (or funding excess) over a period of fifteen years.

CITY OF EAST GRAND RAPIDS

NOTES TO THE FINANCIAL STATEMENTS

FOR THE YEAR ENDED JUNE 30, 2016

The following table shows the components of the City's annual OPEB cost for the year, the amount actually contributed to the plan, and changes in the City's OPEB asset to the plan.

Annual required contribution	\$ 315,109
Interest on Net OPEB asset	32,493
Adjustment to annual required contribution	<u>(50,036)</u>
Annual OPEB cost (expense)	297,566
Contribution made	<u>(61,648)</u>
Increase in net OPEB liability	235,918
Net OPEB liability, beginning of year	<u>649,857</u>
Net OPEB liability, end of year	<u>\$885,775</u>

The required schedule of funding progress immediately following the notes to the financial statements presents multi-year trend information about whether the actuarial value of plan assets is increasing or decreasing over time relative to the actuarial accrued liabilities of benefits.

Three-Year Trend Information

<u>Fiscal Year</u> <u>Ending</u>	<u>Annual OPEB</u> <u>Cost</u>	<u>Percentage of OPEB</u> <u>Cost Contributed</u>	<u>Net OPEB</u> <u>Asset</u> <u>(liability)</u>
6/30/14	\$313,038	23%	\$(203,875)
6/30/15	483,339	9%	(649,857)
6/30/16	297,566	21%	(885,775)

Schedule of Funding Progress

<u>Actuarial</u> <u>Valuation</u> <u>Date</u>	<u>Market</u> <u>Value of</u> <u>Assets</u> <u>(a)</u>	<u>Actuarial</u> <u>Accrued</u> <u>Liability (AAL)</u> <u>(b)</u>	<u>Unfunded</u> <u>AAL</u> <u>(UAAL)</u> <u>(b-a)</u>	<u>Funded</u> <u>Ratio</u> <u>Total</u>	<u>Covered</u> <u>Payroll</u> <u>(c)</u>	<u>UAAL as a</u> <u>Percentage</u> <u>of Covered</u> <u>Payroll</u> <u>((b-a)/c)</u>
6/30/16	\$1,215,967	\$3,487,884	\$2,271,917	35%	N/A	N/A

Actuarial valuations of an ongoing plan involve estimates of the value of reported amounts and assumptions about the probability of occurrence of events far into the future. Examples include assumptions about future employment and healthcare cost trend. Amounts determined regarding the funded status of the plan and the annual required contributions of the employer are subject to continual revision as actual results are compared with past expectations and new estimates are made about the future. The schedule of funding progress presents multiyear trend information about whether the actuarial value of plan assets is increasing or decreasing over time relative to the actuarial accrued liabilities for benefits.

Projections of benefits for financial reporting purposes are based on the substantive plan (the plan as understood by the employer and the plan members) and include the types of benefits provided at the time of each valuation and the historical pattern of sharing of benefit costs between the employer and the plan members to that point. The actuarial methods and assumptions used include techniques that are designed to reduce the effects of short-term volatility in actuarial accrued liabilities, consistent with the long-term perspective of the calculation.

CITY OF EAST GRAND RAPIDS

NOTES TO THE FINANCIAL STATEMENTS

FOR THE YEAR ENDED JUNE 30, 2016

The June 30, 2016 actuarial valuation of the Plan utilized the individual entry age normal actuarial cost method. The actuarial assumptions included: a rate of return on investments of 5%, and projected healthcare benefit increases of 5%. The actuarial value of assets was determined using market value.

The unfunded actuarial accrued liability is being amortized as a level percentage of projected payroll over a 15 year period.

8. LONG-TERM DEBT

The following is a summary of the debt transactions of the City for the year ended June 30, 2016:

	<u>Balance July 1, 2015</u>	<u>Additions</u>	<u>Deletions</u>	<u>Balance June 30, 2016</u>	<u>Due Within One Year</u>
Governmental Activities					
\$8,400,000 Unlimited Tax General Obligation Bonds, Series 2012B; due in annual installments of \$70,000 to \$570,000 through June 2033, plus interest at 2% to 4%	\$8,120,000	\$ -	\$250,000	\$7,870,000	\$265,000
\$1,243,000 Unlimited Tax General Obligation Refunding Bonds Series 2012; due in annual installments of \$97,000 to \$151,000 through April 2022, plus interest at 1.99%	932,000	-	113,000	819,000	121,000
\$1,250,000 2015 Michigan Transportation Fund Refunding Bonds; due in annual installments of \$245,000 to \$255,000 through April 2020, plus interest at .75% to 1.8%	1,250,000	-	245,000	1,005,000	250,000
Capital lease	51,500	-	14,900	36,600	12,972
Total	10,353,500	-	622,900	9,730,600	648,972
Unamortized premium	141,759	-	7,876	133,883	7,876
Total Governmental Activities	\$10,495,259	\$ -	\$630,776	\$9,864,483	\$656,848

CITY OF EAST GRAND RAPIDS

NOTES TO THE FINANCIAL STATEMENTS

FOR THE YEAR ENDED JUNE 30, 2016

	<u>Balance July 1, 2015</u>	<u>Additions</u>	<u>Deletions</u>	<u>Balance June 30, 2016</u>	<u>Due Within One Year</u>
Business-type Activities					
\$981,824 Kent County Silver Creek Drain Refunding Bonds (18.65% City portion), due in annual installments of \$64,960 to \$107,648 through November 2015; plus interest 3.00% to 4.25%	\$ 67,745	\$ -	\$ 67,745	\$ -	\$ -
\$195,372 Kent County Silver Creek Drain Note (72.9% City portion), due in annual installments of \$38,127 to \$40,017 through March 2017; plus interest 1.5%	79,573	-	39,556	40,017	40,017
Total Business-type Activities	\$147,318	\$ -	\$107,301	\$40,017	\$40,017

The annual requirements to amortize all debt outstanding (excluding accrued employee benefits) as of June 30, 2016 are as follows:

<u>Year Ending June 30</u>	<u>Governmental Activities</u>		<u>Business-type Activities</u>	
	<u>Principal</u>	<u>Interest</u>	<u>Principal</u>	<u>Interest</u>
2017	\$ 643,972	\$ 255,814	\$40,017	\$494
2018	679,775	244,494	-	-
2019	712,397	229,245	-	-
2020	752,456	212,633	-	-
2021	531,000	194,160	-	-
2022-2026	2,571,000	755,006	-	-
2027-2031	2,780,000	404,550	-	-
2032-2033	1,060,000	47,550	-	-
Total	\$9,730,600	\$2,343,452	\$40,017	\$494

9. RISK MANAGEMENT

The City is exposed to various risks of loss related to torts; theft of, damage to, and destruction of assets; errors and omissions; injuries to employees; and natural disasters for which the government carries commercial insurance. Settled claims have not exceeded commercial insurance coverage in any of the past three fiscal years. There were no changes in insurance coverage from the prior year.

The City manages its workers' compensation risk by participating in the Michigan Municipal Workers' Compensation Self-Insurance Fund (MMWCSIF), a public entity risk pool providing workers' compensation coverage to its participating members. The City pays an annual premium to MMWCSIF for its workers' compensation coverage. The MMWCSIF is self-sustaining through member premiums and provides statutory workers' compensation coverage to its member by internally assuring certain risks and reinsuring risks through commercial companies. Settled claims have not exceeded insurance coverage in any of the past three fiscal years.

CITY OF EAST GRAND RAPIDS

NOTES TO THE FINANCIAL STATEMENTS

FOR THE YEAR ENDED JUNE 30, 2016

The City is self-funded for employees' health benefits. The claims liability of \$60,586 reported at June 30, 2016 is based on the requirements of the Governmental Accounting Standards Board, which requires that a liability for claims be reported if it is probable that a liability has been incurred and the amount of the loss can be reasonably estimated.

The activity of the self-funded insurance is accounted for in the Health Insurance Internal Service fund. An excess coverage insurance policy covers claims in excess of \$50,000 per covered individual. There were no changes in insurance coverage from the prior year other than an increase in yearly deductions/co-payments and an addition of a premium contribution for spousal/family coverage. The City is responsible for paying administrative charges which are included in this fund. The revenues for this fund's operation are charges to various funds, employee withholdings, and co-payments. The liability at the end of the year included claims already incurred and reported as well as an estimate for claims incurred but not reported. Claim liabilities are calculated considering the effects of inflation, recent claim settlement trends including frequency and amount of pay-outs and other economic and social factors. Settled claims have not exceeded insurance coverage in the history of the self-insurance program, and there have been no significant reductions in insurance coverage from the prior year.

The changes in the claims liability for the years ended June 30, 2016 and 2015 were as follows:

<u>Year</u>	<u>Beginning of Year Liability</u>	<u>Current Year Claims and Changes in Estimates</u>	<u>Claim Payments</u>	<u>End of Year Liability</u>
2016	\$126,542	\$1,133,068	\$1,199,024	\$ 60,586
2015	99,536	1,103,223	1,076,217	126,542

10. CONSTRUCTION CODE FEES

The City oversees building construction in accordance with the State of Michigan Construction Code Act, including inspection of building construction and renovation to ensure compliance with the building codes. The City charges fees for these services. The law requires that collection of these fees be used only for construction code costs, including an allocation of estimated overhead costs. During the year, the City collected fees of \$51,650 with related direct and indirect expenditures in excess of that amount.

11. COMMITMENTS AND SUBSEQUENT EVENTS

At year-end the City had remaining construction commitments of approximately \$885,000.

In addition, the City Commission approved a construction project in June 2016 for approximately \$1,050,000; the related contract was signed in July 2016.

CITY OF EAST GRAND RAPIDS
NOTES TO THE FINANCIAL STATEMENTS
FOR THE YEAR ENDED JUNE 30, 2016

12. CONTINGENCIES

In the normal course of its operations, the City has become a party in various legal actions, including property tax appeals. Management of the City is of the opinion that the outcome of such actions will not have a material effect on the financial position of the City. Amounts reserved for losses related to legal actions have not been included as a liability in the financial statements.

Under the terms of various Federal and State grants and regulatory requirements, periodic audits are required and certain costs may be questioned as not being appropriate expenditures under the terms of the grants and requirements. Such audits could lead to reimbursement to the grantor or regulatory agencies. However, management believes such disallowances, if any, will not be material to the financial position of the City.

REQUIRED SUPPLEMENTARY INFORMATION

CITY OF EAST GRAND RAPIDS

**GENERAL FUND
SCHEDULE OF REVENUES, EXPENDITURES
AND CHANGES IN FUND BALANCE
BUDGET AND ACTUAL**

FOR THE YEAR ENDED JUNE 30, 2016

	<u>Budget Amounts</u>		<u>Actual Amount</u>	<u>Variance Positive (Negative)</u>
	<u>Original</u>	<u>Final</u>		
Revenues				
Property taxes	\$ 8,050,000	\$ 8,050,000	\$ 8,046,700	\$ (3,300)
Intergovernmental revenues				
State	971,400	952,700	944,210	(8,490)
Licenses and permits	65,000	65,000	58,838	(6,162)
Charges for services	451,000	467,700	476,181	8,481
Recreation	1,171,800	1,149,000	1,192,142	43,142
Fines	40,000	42,000	43,589	1,589
Rentals	40,000	40,400	40,425	25
Investment earnings	15,000	20,000	25,648	5,648
Other	131,700	165,700	164,659	(1,041)
Total revenues	<u>10,935,900</u>	<u>10,952,500</u>	<u>10,992,392</u>	<u>39,892</u>
Expenditures				
Current				
Legislative	31,300	29,300	26,992	2,308
General government	1,678,400	1,616,100	1,550,667	65,433
Public safety	4,771,900	4,744,200	4,682,848	61,352
Public works	1,622,600	1,682,600	1,598,386	84,214
Parks and recreation	1,911,700	1,900,300	1,849,269	51,031
Total expenditures	<u>10,015,900</u>	<u>9,972,500</u>	<u>9,708,162</u>	<u>264,338</u>
Revenues over (under) expenditures	920,000	980,000	1,284,230	304,230
Other financing sources (uses)				
Transfers out	<u>(1,000,000)</u>	<u>(1,000,000)</u>	<u>(1,000,000)</u>	<u>-</u>
Net changes in fund balance	(80,000)	(20,000)	284,230	304,230
Fund balance, beginning of year	<u>3,372,941</u>	<u>3,372,941</u>	<u>3,372,941</u>	<u>-</u>
Fund balance, end of year	<u>\$ 3,292,941</u>	<u>\$ 3,352,941</u>	<u>\$ 3,657,171</u>	<u>\$ 304,230</u>

CITY OF EAST GRAND RAPIDS

**MAJOR STREETS FUND
SCHEDULE OF REVENUES, EXPENDITURES
AND CHANGES IN FUND BALANCE
BUDGET AND ACTUAL**

FOR THE YEAR ENDED JUNE 30, 2016

	<u>Budget Amounts</u>		<u>Actual Amount</u>	<u>Variance Positive (Negative)</u>
	<u>Original</u>	<u>Final</u>		
Revenues				
Intergovernmental revenues				
State	\$ 536,000	\$ 561,300	\$ 611,791	\$ 50,491
Investment earnings	1,500	2,400	2,657	257
Miscellaneous	500	13,800	14,170	370
Total revenues	<u>538,000</u>	<u>577,500</u>	<u>628,618</u>	<u>51,118</u>
Expenditures				
Current				
Public works				
Street maintenance	527,200	510,900	406,688	104,212
Street construction	-	259,900	410,100	(150,200)
Street administration	90,500	78,900	50,370	28,530
Engineering	64,800	48,200	30,443	17,757
Total expenditures	<u>682,500</u>	<u>897,900</u>	<u>897,601</u>	<u>299</u>
Revenues over (under) expenditures	<u>(144,500)</u>	<u>(320,400)</u>	<u>(268,983)</u>	<u>51,417</u>
Other financing sources (uses)				
Transfers in	404,500	580,400	527,180	(53,220)
Transfers out	<u>(260,000)</u>	<u>(260,000)</u>	<u>(260,405)</u>	<u>(405)</u>
Total other financing sources (uses)	<u>144,500</u>	<u>320,400</u>	<u>266,775</u>	<u>(53,625)</u>
Net changes in fund balance	-	-	(2,208)	(2,208)
Fund balance, beginning of year	<u>561,866</u>	<u>561,866</u>	<u>561,866</u>	<u>-</u>
Fund balance, end of year	<u>\$ 561,866</u>	<u>\$ 561,866</u>	<u>\$ 559,658</u>	<u>\$ (2,208)</u>

CITY OF EAST GRAND RAPIDS

**DEFINED BENEFIT PENSION PLAN
SCHEDULE OF CHANGES IN EMPLOYERS NET PENSION
LIABILITY AND RELATED RATIOS**

FOR THE YEAR ENDED JUNE 30, 2016

	<u>2014</u>	<u>2015</u>
Total pension liability		
Service cost	\$ 52,264	\$ 53,644
Interest	1,418,426	1,361,488
Changes in benefit terms	-	-
Difference between expected and actual experience	-	268,503
Changes in assumptions	-	921,755
Benefit payments including employee refunds	(1,606,741)	(1,684,931)
Other	-	42,544
Net change in total pension liability	<u>(136,051)</u>	<u>963,003</u>
Total pension liability, beginning of year	<u>17,970,289</u>	<u>17,834,238</u>
Total pension liability, ending of year	<u>\$ 17,834,238</u>	<u>\$ 18,797,241</u>
 Plan Fiduciary Net Position		
Contributions-employer	\$ 750,996	\$ 815,262
Contributions-employee	18,124	15,034
Net Investment income	600,334	(132,612)
Benefit payments including employee refunds	(1,606,741)	(1,684,931)
Administrative expense	(21,858)	(19,970)
Net change in plan fiduciary net position	<u>(259,145)</u>	<u>(1,007,217)</u>
Plan fiduciary net position, beginning of year	<u>9,756,630</u>	<u>9,497,485</u>
Plan fiduciary net position, ending of year	<u>\$ 9,497,485</u>	<u>\$ 8,490,268</u>
 Total net pension liability	 <u>\$ 8,336,753</u>	 <u>\$ 10,306,973</u>
 Plan fiduciary net position as a percentage of the total pension liability	 53.3%	 45.2%
 Covered employee payroll	 \$ 415,614	 \$ 425,735
Employer's net pension liability as a percentage of covered employee payroll	2005.9%	2421.0%

Notes to schedule:

Above data is based on a December 31 measurement date.

CITY OF EAST GRAND RAPIDS
DEFINED BENEFIT PENSION PLAN
SCHEDULE OF EMPLOYER CONTRIBUTIONS
FOR THE YEAR ENDED JUNE 30, 2016

	<u>2015</u>	<u>2016</u>
Actuarially determined contributions	\$ 736,644	\$ 893,880
Contributions in relation to the actuarially determined contribution	<u>736,644</u>	<u>893,880</u>
Contribution deficiency (excess)	<u>\$ -</u>	<u>\$ -</u>
Covered employee payroll	\$ 415,614	\$ 425,735
Contributions as a percentage of covered employee payroll	177%	210%
Notes to schedule		
Actuarial cost method	Entry Age	
Amortization method	Level percentage of payroll, closed	
Remaining amortization period	12 years	
Asset valuation method	5 year smoothed	
Inflation	2.50%	
Salary increases	3.75%	
Investment rate of return	2015: 7.75% 2014: 8.25%	
Retirement age	Varies depending on plan adoption	
Mortality	50% female/ 50% male RP-2014 mortality table	

CITY OF EAST GRAND RAPIDS
REQUIRED SUPPLEMENTARY INFORMATION
FOR THE YEAR ENDED JUNE 30, 2016

RETIREE HEALTH OTHER POST-EMPLOYMENT BENEFIT PLAN
SCHEDULE OF FUNDING PROGRESS

<u>Actuarial Valuation Date</u>	<u>Market Value of Assets</u>	<u>Actuarial Accrued Liability (AAL)</u>	<u>Unfunded AAL (UAAL)</u>	<u>Funded Ratio</u>	<u>Covered Payroll</u>	<u>UAAL as a Percentage of Covered Payroll</u>
6/30/2014	\$ 1,210,423	\$ 3,644,458	\$ 2,434,035	33.21%	\$ 4,088,968	59.53%
6/30/2015	1,221,056	5,136,969	3,915,913	23.77%	4,792,000	81.72%
6/30/2016	1,215,967	3,487,884	2,271,917	34.86%	n/a	n/a

SCHEDULE OF EMPLOYER CONTRIBUTIONS

<u>Year Ended June 30</u>	<u>Annual Required Contribution</u>	<u>Actual Contribution</u>	<u>Percent Contributed</u>
2011	\$ 246,996	\$ 181,203	73%
2012	319,904	190,368	60%
2013	363,686	145,840	40%
2014	315,316	71,855	23%
2015	482,641	41,357	9%
2016	315,109	61,648	20%

NOTE TO REQUIRED SUPPLEMENTARY INFORMATION

Basis of Accounting

Budgets for the General and Special Revenue Funds are adopted on a basis consistent with generally accepted accounting principles (GAAP).

**COMBINING AND INDIVIDUAL FUND
STATEMENTS AND SCHEDULES**

CITY OF EAST GRAND RAPIDS

**GENERAL FUND
SCHEDULE OF REVENUES
BUDGET AND ACTUAL**

FOR THE YEAR ENDED JUNE 30, 2016

	<u>Budget Amounts</u>		<u>Actual Amount</u>	<u>Variance Positive (Negative)</u>
	<u>Original</u>	<u>Final</u>		
Revenues				
Taxes				
Property taxes	\$ 8,030,000	\$ 8,030,000	\$ 8,030,468	\$ 468
Interest and penalties on property taxes	20,000	20,000	16,232	(3,768)
Total taxes	<u>8,050,000</u>	<u>8,050,000</u>	<u>8,046,700</u>	<u>(3,300)</u>
Intergovernmental revenue				
State shared revenue	945,000	905,000	889,995	(15,005)
Community stabilization	-	26,300	32,268	5,968
State grants	26,400	21,400	21,947	547
Total intergovernmental revenue	<u>971,400</u>	<u>952,700</u>	<u>944,210</u>	<u>(8,490)</u>
Licenses and permits				
Business licenses	15,000	15,000	16,800	1,800
Building permits	35,000	35,000	30,373	(4,627)
Other	15,000	15,000	11,665	(3,335)
Total licenses and permits	<u>65,000</u>	<u>65,000</u>	<u>58,838</u>	<u>(6,162)</u>
Charges for services				
Administrative charges	180,000	180,000	180,000	-
Cable television franchise fees	210,000	223,500	226,001	2,501
Clerk's services	1,000	1,000	192	(808)
Right-of-way fees	35,000	35,000	40,778	5,778
Other	25,000	28,200	29,210	1,010
Total charges for services	<u>451,000</u>	<u>467,700</u>	<u>476,181</u>	<u>8,481</u>
Recreation fees	<u>1,171,800</u>	<u>1,149,000</u>	<u>1,192,142</u>	<u>43,142</u>
Fines and penalties	<u>40,000</u>	<u>42,000</u>	<u>43,589</u>	<u>1,589</u>
Investment earnings	<u>15,000</u>	<u>20,000</u>	<u>25,648</u>	<u>5,648</u>
Rentals				
Library rental fee	<u>40,000</u>	<u>40,400</u>	<u>40,425</u>	<u>25</u>
Other revenue				
Cable tower rental	65,000	65,000	61,118	(3,882)
Drug seizure funds	46,700	48,700	50,226	1,526
Cable television capital fees	20,000	52,000	52,815	815
Miscellaneous revenue	-	-	500	500
Total other revenue	<u>131,700</u>	<u>165,700</u>	<u>164,659</u>	<u>(1,041)</u>
Total revenues	<u>\$ 10,935,900</u>	<u>\$ 10,952,500</u>	<u>\$ 10,992,392</u>	<u>\$ 39,892</u>

CITY OF EAST GRAND RAPIDS

**GENERAL FUND
SCHEDULE OF EXPENDITURES
BUDGET AND ACTUAL**

FOR THE YEAR ENDED JUNE 30, 2016

Expenditures	Budget Amounts		Actual Amount	Variance Positive (Negative)
	Original	Final		
Current				
City Commission	\$ 31,300	\$ 29,300	\$ 26,992	\$ 2,308
General government				
City Manager	341,800	327,800	329,015	(1,215)
City Attorney	260,000	236,000	216,722	19,278
Elections	16,800	12,500	11,734	766
City Assessor	128,000	128,700	118,764	9,936
Finance	644,800	648,600	625,374	23,226
Other	287,000	262,500	249,058	13,442
Total general government	1,678,400	1,616,100	1,550,667	65,433
Public safety				
General activity	4,679,700	4,729,300	4,663,171	66,129
State programs	5,500	6,200	6,160	40
Drug seizure program	86,700	8,700	13,517	(4,817)
Total public safety	4,771,900	4,744,200	4,682,848	61,352
Public works				
City buildings	731,100	747,600	727,495	20,105
Zoning administration	126,400	119,600	112,218	7,382
Street lighting	105,000	111,800	95,997	15,803
Wealthy streetscape maintenance	100,600	99,800	79,315	20,485
Waste collection	407,800	416,300	405,757	10,543
Lake restoration	13,000	61,000	56,322	4,678
Tree maintenance and removal	138,700	126,500	121,282	5,218
Total public works	1,622,600	1,682,600	1,598,386	84,214
Parks and recreation				
Parks	736,800	739,900	695,591	44,309
Pool	261,400	226,400	215,463	10,937
Special events	153,800	129,100	128,440	660
Recreation programming	97,300	106,800	107,001	(201)
Grounds maintenance	334,100	346,200	342,512	3,688
Recreation sports	183,900	225,500	232,616	(7,116)
Middle school sports	62,000	54,200	55,401	(1,201)
Acquatic club	82,400	72,200	72,245	(45)
Total culture and recreation	1,911,700	1,900,300	1,849,269	51,031
Total expenditures	\$ 10,015,900	\$ 9,972,500	\$ 9,708,162	\$ 264,338

CITY OF EAST GRAND RAPIDS
NONMAJOR GOVERNMENTAL FUNDS
COMBINING BALANCE SHEET

JUNE 30, 2016

	Special Revenue		Debt Service		
	Local Streets	Municipal Streets	Wealthy Pool	Municipal Complex	Streetscape
Assets					
Cash and pooled investments	\$ 583,321	\$ 4,898	\$ 2,220	\$ 2,139	\$ -
Accounts receivable	6,185	-	-	-	-
Due from other governments	46,807	-	-	-	-
Inventory	16,658	-	-	-	-
Prepaid items	1,683	-	-	-	-
Total assets	\$ 654,654	\$ 4,898	\$ 2,220	\$ 2,139	\$ -
Liabilities and fund balances					
Liabilities					
Accounts payable	\$ 18,676	\$ 676	\$ -	\$ -	\$ -
Due to other funds	4,183	-	-	-	-
Accrued liabilities	5,878	-	-	-	-
Total liabilities	28,737	676	-	-	-
Fund balances					
Nonspendable					
Inventory	16,658	-	-	-	-
Prepaid items	1,683	-	-	-	-
Restricted					
Streets	607,576	4,222	-	-	-
Debt service	-	-	2,220	2,139	-
Assigned	-	-	-	-	-
Total fund balances	625,917	4,222	2,220	2,139	-
Total liabilities and fund balances	\$ 654,654	\$ 4,898	\$ 2,220	\$ 2,139	\$ -

Capital Projects		
Culvert and Trail Project	Special Assessments	Total
\$ 6,094	\$ -	\$ 598,672
-	-	6,185
-	-	46,807
-	-	16,658
-	-	1,683
<u>\$ 6,094</u>	<u>\$ -</u>	<u>\$ 670,005</u>
\$ 1,012	\$ -	\$ 20,364
-	-	4,183
-	-	5,878
<u>1,012</u>	<u>-</u>	<u>30,425</u>
-	-	16,658
-	-	1,683
-	-	611,798
-	-	4,359
<u>5,082</u>	<u>-</u>	<u>5,082</u>
<u>5,082</u>	<u>-</u>	<u>639,580</u>
<u>\$ 6,094</u>	<u>\$ -</u>	<u>\$ 670,005</u>

CITY OF EAST GRAND RAPIDS
NONMAJOR GOVERNMENTAL FUNDS
COMBINING STATEMENT OF REVENUES, EXPENDITURES
AND CHANGES IN FUND BALANCES
FOR THE YEAR ENDED JUNE 30, 2016

	Special Revenue			Debt Service	
	Local Streets	Municipal Streets	Wealthy Pool	Municipal Complex	Streetscape
Revenues					
Taxes	\$ -	\$ 1,226,747	\$ 129,533	\$ 462,412	\$ -
Intergovernmental revenues					
State	295,630	-	-	-	-
Special assessments	-	-	-	-	-
Investment earnings	2,436	98	-	-	-
Miscellaneous	6,185	-	-	-	-
Total revenues	<u>304,251</u>	<u>1,226,845</u>	<u>129,533</u>	<u>462,412</u>	<u>-</u>
Expenditures					
Current					
Public works	1,276,685	398,332	-	-	-
Debt service					
Principal	-	-	113,000	250,000	245,000
Interest	-	-	18,485	227,850	15,405
Capital outlay	-	-	-	-	-
Total expenditures	<u>1,276,685</u>	<u>398,332</u>	<u>131,485</u>	<u>477,850</u>	<u>260,405</u>
Revenues over (under) expenditures	<u>(972,434)</u>	<u>828,513</u>	<u>(1,952)</u>	<u>(15,438)</u>	<u>(260,405)</u>
Other financing sources (uses)					
Transfers in	969,421	175,000	-	-	260,405
Transfers out	-	(999,291)	-	-	-
Total other financing sources (uses)	<u>969,421</u>	<u>(824,291)</u>	<u>-</u>	<u>-</u>	<u>260,405</u>
Net changes in fund balances	(3,013)	4,222	(1,952)	(15,438)	-
Fund balances, beginning of year	<u>628,930</u>	<u>-</u>	<u>4,172</u>	<u>17,577</u>	<u>-</u>
Fund balances, end of year	<u>\$ 625,917</u>	<u>\$ 4,222</u>	<u>\$ 2,220</u>	<u>\$ 2,139</u>	<u>\$ -</u>

Capital Projects		
Culvert and Trail Project	Special Assessments	Total
\$ -	\$ -	\$ 1,818,692
-	-	295,630
-	15,022	15,022
79	3,276	5,889
<u>177,431</u>	<u>-</u>	<u>183,616</u>
<u>177,510</u>	<u>18,298</u>	<u>2,318,849</u>
-	-	1,675,017
-	-	608,000
-	-	261,740
<u>907,611</u>	<u>-</u>	<u>907,611</u>
<u>907,611</u>	<u>-</u>	<u>3,452,368</u>
<u>(730,101)</u>	<u>18,298</u>	<u>(1,133,519)</u>
353,500	-	1,758,326
<u>-</u>	<u>(25,810)</u>	<u>(1,025,101)</u>
<u>353,500</u>	<u>(25,810)</u>	<u>733,225</u>
(376,601)	(7,512)	(400,294)
<u>381,683</u>	<u>7,512</u>	<u>1,039,874</u>
<u>\$ 5,082</u>	<u>\$ -</u>	<u>\$ 639,580</u>

CITY OF EAST GRAND RAPIDS

**LOCAL STREETS FUND
SCHEDULE OF REVENUES, EXPENDITURES
AND CHANGES IN FUND BALANCE
BUDGET AND ACTUAL**

FOR THE YEAR ENDED JUNE 30, 2016

	<u>Budget Amounts</u>		<u>Actual Amount</u>	<u>Variance Positive (Negative)</u>
	<u>Original</u>	<u>Final</u>		
Revenues				
Taxes	\$ 1,171,000	\$ -	\$ -	\$ -
Intergovernmental revenues				
State	222,300	242,000	295,630	53,630
Investment earnings	1,000	2,000	2,436	436
Miscellaneous	-	6,200	6,185	(15)
Total revenues	<u>1,394,300</u>	<u>250,200</u>	<u>304,251</u>	<u>54,051</u>
Expenditures				
Current				
Public works				
Street maintenance	685,300	460,400	371,578	88,822
Street construction	896,000	999,300	860,021	139,279
Street administration	89,500	72,900	45,086	27,814
Total expenditures	<u>1,670,800</u>	<u>1,532,600</u>	<u>1,276,685</u>	<u>255,915</u>
Revenues over (under) expenditures	(276,500)	(1,282,400)	(972,434)	309,966
Other financing source (uses)				
Transfers in	151,500	1,108,700	969,421	(139,279)
Net changes in fund balance	(125,000)	(173,700)	(3,013)	170,687
Fund balance, beginning of year	<u>628,930</u>	<u>628,930</u>	<u>628,930</u>	<u>-</u>
Fund balance, end of year	<u>\$ 503,930</u>	<u>\$ 455,230</u>	<u>\$ 625,917</u>	<u>\$ 170,687</u>

CITY OF EAST GRAND RAPIDS

**MUNICIPAL STREETS FUND
SCHEDULE OF REVENUES, EXPENDITURES
AND CHANGES IN FUND BALANCE
BUDGET AND ACTUAL**

FOR THE YEAR ENDED JUNE 30, 2016

	<u>Budget Amounts</u>		<u>Actual Amount</u>	<u>Variance Positive (Negative)</u>
	<u>Original</u>	<u>Final</u>		
Revenues				
Taxes	\$ -	\$ 1,226,700	\$ 1,226,747	\$ 47
Investment earnings	-	100	98	(2)
Total revenues	<u>-</u>	<u>1,226,800</u>	<u>1,226,845</u>	<u>45</u>
Expenditures				
Current				
Public works				
Street maintenance	-	336,300	332,276	4,024
Street construction	-	66,200	66,056	144
Total expenditures	<u>-</u>	<u>402,500</u>	<u>398,332</u>	<u>4,168</u>
Revenues over (under) expenditures	<u>-</u>	<u>824,300</u>	<u>828,513</u>	<u>4,213</u>
Other financing source (uses)				
Transfers in	-	175,000	175,000	-
Transfers out	-	(1,199,300)	(999,291)	200,009
Total other financing sources (uses)	<u>-</u>	<u>(1,024,300)</u>	<u>(824,291)</u>	<u>200,009</u>
Net changes in fund balance	-	(200,000)	4,222	204,222
Fund balance, beginning of year	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>
Fund balance, end of year	<u>\$ -</u>	<u>\$ (200,000)</u>	<u>\$ 4,222</u>	<u>\$ 204,222</u>

CITY OF EAST GRAND RAPIDS

**INTERNAL SERVICE FUNDS
COMBINING STATEMENT OF NET POSITION**

JUNE 30, 2016

Assets	Motor Pool	Health Insurance	Total
Current assets			
Cash and pooled investments	\$ 878,228	\$ 495,042	\$ 1,373,270
Accounts receivable	2,305	32,464	34,769
Due from other funds	-	85,592	85,592
Prepaid and other assets	3,793	34,204	37,997
Inventory	<u>55,504</u>	<u>-</u>	<u>55,504</u>
Total current assets	<u>939,830</u>	<u>647,302</u>	<u>1,587,132</u>
Capital assets			
Capital assets being depreciated	4,372,471	-	4,372,471
Less accumulated depreciation	<u>(2,549,804)</u>	<u>-</u>	<u>(2,549,804)</u>
Net capital assets	<u>1,822,667</u>	<u>-</u>	<u>1,822,667</u>
Total assets	<u>2,762,497</u>	<u>647,302</u>	<u>3,409,799</u>
Liabilities			
Current liabilities			
Accounts payable	53,337	2,371	55,708
Due to other funds	3,127	-	3,127
Accrued liabilities	3,448	199,381	202,829
Unearned revenue	-	11,171	11,171
Compensated absences	<u>10,819</u>	<u>-</u>	<u>10,819</u>
Total liabilities	<u>70,731</u>	<u>212,923</u>	<u>283,654</u>
Net position			
Net investment in capital assets	1,822,667	-	1,822,667
Unrestricted	<u>869,099</u>	<u>434,379</u>	<u>1,303,478</u>
Total net position	<u>\$ 2,691,766</u>	<u>\$ 434,379</u>	<u>\$ 3,126,145</u>

CITY OF EAST GRAND RAPIDS

INTERNAL SERVICE FUNDS COMBINING STATEMENT OF REVENUES, EXPENSES AND CHANGES IN NET POSITION

FOR THE YEAR ENDED JUNE 30, 2016

	<u>Motor Pool</u>	<u>Health Insurance</u>	<u>Total</u>
Operating revenue			
Charges for services	\$ 679,395	\$ 1,322,268	\$ 2,001,663
Other	<u>11,904</u>	<u>34,658</u>	<u>46,562</u>
Total operating revenue	<u>691,299</u>	<u>1,356,926</u>	<u>2,048,225</u>
Operating expense			
Salaries and wages	205,245	-	205,245
Contracted services	3,360	349,779	353,139
Materials and supplies	194,753	-	194,753
Equipment	3,466	-	3,466
Claims	-	932,682	932,682
Administration	-	72,244	72,244
Depreciation	330,305	-	330,305
Miscellaneous	<u>1,420</u>	<u>-</u>	<u>1,420</u>
Total operating expense	<u>738,549</u>	<u>1,354,705</u>	<u>2,093,254</u>
Operating income (loss)	<u>(47,250)</u>	<u>2,221</u>	<u>(45,029)</u>
Non-operating revenue (expense)			
Loss on sale of capital assets	(24,134)	-	(24,134)
Investment earnings	<u>3,458</u>	<u>2,649</u>	<u>6,107</u>
Total non-operating revenue (expense)	<u>(20,676)</u>	<u>2,649</u>	<u>(18,027)</u>
Changes in net position	(67,926)	4,870	(63,056)
Net position, beginning of year	<u>2,759,692</u>	<u>429,509</u>	<u>3,189,201</u>
Net position, end of year	<u>\$ 2,691,766</u>	<u>\$ 434,379</u>	<u>\$ 3,126,145</u>

CITY OF EAST GRAND RAPIDS
INTERNAL SERVICE FUNDS
COMBINING STATEMENT OF CASH FLOWS
FOR THE YEAR ENDED JUNE 30, 2016

	Motor Pool	Health Insurance	Total
Cash flows from operating activities			
Receipts from internal services provided	\$ 731,349	\$ 1,308,198	\$ 2,039,547
Payments to employees	(204,274)	-	(204,274)
Payments to suppliers	(247,277)	(1,398,236)	(1,645,513)
Net cash provided by (used in) operating activities	<u>279,798</u>	<u>(90,038)</u>	<u>189,760</u>
Cash flows from capital and related financing activities:			
Proceeds from sale of capital assets	29,658	-	29,658
Acquisitions of capital assets:	(305,768)	-	(305,768)
Net cash provided by (used in) capital and related financing activities	<u>(276,110)</u>	<u>-</u>	<u>(276,110)</u>
Cash flows from investing activities:			
Interest income	3,458	2,649	6,107
Net increase (decrease) in cash and pooled investments	7,146	(87,389)	(80,243)
Cash and pooled investments, beginning of year	<u>871,082</u>	<u>582,431</u>	<u>1,453,513</u>
Cash and pooled investments, end of year	<u>\$ 878,228</u>	<u>\$ 495,042</u>	<u>\$ 1,373,270</u>
Cash flows from operating activities			
Operating income (loss)	\$ (47,250)	\$ 2,221	\$ (45,029)
Adjustments to reconcile operating income (loss) to net cash provided by (used in) operating activities			
Depreciation	330,305	-	330,305
Change in operating assets and liabilities which provided (used) cash			
Accounts receivable	39,452	(32,272)	7,180
Due from other funds	-	(16,456)	(16,456)
Prepaid and other assets	(131)	(3,040)	(3,171)
Inventory	4,779	-	4,779
Accounts payable	(48,926)	854	(48,072)
Due to other funds	598	-	598
Accrued liabilities	622	(41,567)	(40,945)
Unearned revenue	-	222	222
Compensated absences	349	-	349
Net cash provided by (used in) operating activities	<u>\$ 279,798</u>	<u>\$ (90,038)</u>	<u>\$ 189,760</u>

INTERNAL CONTROL AND COMPLIANCE



Vredeveld Haefner LLC

CPA's and Consultants

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Grand Rapids, MI 49534

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INDEPENDENT AUDITORS' REPORT ON INTERNAL CONTROL OVER FINANCIAL REPORTING AND ON COMPLIANCE AND OTHER MATTERS BASED ON AN AUDIT OF FINANCIAL STATEMENTS PERFORMED IN ACCORDANCE WITH GOVERNMENT AUDITING STANDARDS

September 20, 2016

Honorable Mayor and Members of the City Commission
City of East Grand Rapids, Michigan

We have audited, in accordance with the auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards* issued by the Comptroller General of the United States, the financial statements of the governmental activities, the business-type activities, each major fund, and the aggregate remaining fund information of the City of East Grand Rapids, Michigan, (the "City") as of and for the year ended June 30, 2016, and the related notes to the financial statements, which collectively comprise the City's basic financial statements, and have issued our report thereon dated September 20, 2016.

Internal Control Over Financial Reporting

In planning and performing our audit of the financial statements, we considered the City's internal control over financial reporting (internal control) to determine the audit procedures that are appropriate in the circumstances for the purpose of expressing our opinions on the financial statements, but not for the purpose of expressing an opinion on the effectiveness of the City's internal control. Accordingly, we do not express an opinion on the effectiveness of the City's internal control.

A *deficiency in internal control* exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct, misstatements on a timely basis. A *material weakness* is a deficiency, or a combination of deficiencies, in internal control, such that there is a reasonable possibility that a material misstatement of the entity's financial statements will not be prevented, or detected and corrected on a timely basis. A *significant deficiency* is a deficiency, or a combination of deficiencies, in internal control that is less severe than a material weakness, yet important enough to merit attention by those charged with governance.

Our consideration of internal control was for the limited purpose described in the first paragraph of this section and was not designed to identify all deficiencies in internal control that might be material weaknesses or, significant deficiencies. Given these limitations, during our audit we did not identify any deficiencies in internal control that we consider to be material weaknesses. However, material weaknesses may exist that have not been identified.

Compliance and Other Matters

As part of obtaining reasonable assurance about whether the City's financial statements are free of material misstatement, we performed tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements, noncompliance with which could have a direct and material effect on the determination of financial statement amounts. However, providing an opinion on compliance with those provisions was not an objective of our audit, and accordingly, we do not express such an opinion. The results of our tests disclosed no instances of noncompliance or other matters that are required to be reported under *Government Auditing Standards*.

Purpose of this Report

The purpose of this report is solely to describe the scope of our testing of internal control and compliance and the results of that testing, and not to provide an opinion on the effectiveness of the City's internal control or on compliance. This report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the entity's internal control and compliance. Accordingly, this communication is not suitable for any other purpose.

Urodeuxeld Haefner LLC



CITY OF
EAST GRAND RAPIDS

750 LAKESIDE DRIVE SE • EAST GRAND RAPIDS, MICHIGAN 49506

THOMAS A. FAASSE
ZONING ADMINISTRATOR

MEMORANDUM

TO: Planning Commission, Mayor and City Commissioners
FROM: Tom Faasse, Zoning Administrator
DATE: October 4, 2016
RE: **Zoning Ordinance Text Amendment to Add “School Residential Campus”
as a permitted Special Land Use in Residential Zone Districts**

ACTION REQUESTED:

1. That the Planning Commission, at its regular October 11, 2016 meeting, conducts a public hearing and votes to recommend approval of the attached amendment of Section 5.27 of Chapter 50 of Title V of the Code of the City of East Grand Rapids.
2. If the Planning Commission recommends approval, that the City commission also conducts a public hearing and votes to introduce the aforementioned amendment at its regular meeting on October 17, 2016.

BACKGROUND:

Earlier this year, the Planning Commission and the City Commission voted to approve a special land use designation, “School Residential Campus” for the areas of the college campus that lie within the city of East Grand Rapids. This use is not currently listed in the zoning ordinance as a permitted use in any zone district. Under the provisions of Section 5.75A “Similar Uses”, the Director of Public Works is required to initiate an amendment to the zoning ordinance to list the similar use in the schedule of uses that are allowed in the various districts either by right or as a special land use. As you will see, the ordinance as amended also requires that future School Residential Campus uses meet the additional standards for Private or Parochial Schools found in Section 5.73C.

Brian Donovan, City Manager

**AN ORDINANCE TO AMEND SECTION 5.27 OF
CHAPTER 50 OF TITLE V OF THE CODE OF THE CITY
OF EAST GRAND RAPIDS**

THE CITY OF EAST GRAND RAPIDS ORDAINS:

Section 1. Section 5.27 of Chapter 50 of Title V of the Code of the City of East Grand Rapids is amended in its entirety to read as follows:

Section 5.27 Schedule of Uses

Uses permitted in the districts are listed in **Table 5.27**. Additional requirements related to a specific use, if any, are referenced in the “Specific Requirements” column. Any use not specifically listed shall be prohibited, unless the use is determined to be a similar use according to *Section 5.75(A)*. The requirements in footnotes are an integral part of this chapter and shall apply in all instances.

Table 5.27 Schedule of Uses: Residential Districts

P = Permitted use by right S = Special Land Use (See Article 11 for procedures and requirements)	R-1	R-2	R-3	MFR	Additional Requirements
Accessory					
Accessory buildings, structures and uses	P	P	P	P	<i>Section 5.70(A)</i>
Home occupation	P	P	P	P	<i>Section 5.70(B)</i>
Home occupation, with no more than one employee who is not a member of the family	S	S	S	S	<i>Section 5.70(B)</i>
Adult foster care family home	P	P	P		
Adult foster care group home		S	S		
Day care home, family	P	P	P		
Day care home, group		S	S		
Foster family home	P	P	P	P	
Foster family group home		S	S		
Residential					
Multiple family dwellings, three to four units				P	<i>Section 5.28(A)</i>
Multiple family dwellings, four to 24 units				S	<i>Section 5.28(A)</i>
Single family dwellings	P	P	P	P	
Two-family dwellings				P	
Independent and assisted living				S	<i>Section 5.74(A)</i>
Recreation/Cultural					
Public facilities (government buildings, public museums, public galleries, public libraries, etc.)	S	S	S	S	
Parks and recreational facilities, publicly owned	P	P	P	P	
Public and Institutional					
Convalescent and nursing homes				S	<i>Section 5.73(B)</i>
Hospital	S	S	S	S	<i>Section 5.77(A)</i>
Private or parochial school	S	S	S	S	<i>Section 5.73(C)</i>
School Residential Campus	S	S	S	S	<i>Section 5.73 (C)</i>
Churches and places of worship	S	S	S	S	<i>Section 5.73(A)</i>
Services					
Child care center				S	

Table 5.27 Schedule of Uses: Residential Districts

P = Permitted use by right S = Special Land Use (See Article 11 for procedures and requirements)	R-1	R-2	R-3	MFR	Additional Requirements
Other Uses					
Essential services	P	P	P	P	<i>Section 5.66</i>
Similar uses	P/S	P/S	P/S	P/S	<i>Section 5.75(A)</i>
Wind energy conversion systems	S	S			<i>Section 5.75(C)</i>
Wireless telecommunications facilities	S	S	S	S	<i>Section 5.75(D)</i>

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.

City of East Grand Rapids

By _____
Karen K. Brower
City Clerk

PROCEEDINGS OF THE PLANNING COMMISSION
City of East Grand Rapids, Michigan

October 11, 2016
East Grand Rapids Community Center – Commission Chambers

Present: Chairman John Barbour, Commissioners John Arendshorst, David DeVelder, Jeff Dills, Tom Getz, Sara Lachman and Mary Mapes

Absent: Commissioners Brant and Olsen

Also Present: Assistant City Manager Doug La Fave, City Zoning Administrator Tom Faasse, City Attorney John Huff and Recording Secretary Lynda Taylor

1. CALL TO ORDER

Chairman Barbour called the meeting to order at 5:30 PM.

2. APPROVAL OF MINUTES – August 9, 2016

A motion was made by Commissioner Getz and supported by Commissioner Dills to approve the minutes as written.

Yeas: Commissioners Arendshorst, Barbour, DeVelder, Dills, Getz, Mapes – 6

Nays: -0-

3. ORDINANCE AMENDMENT TO CHAPTER 50 OF TITLE V OF THE CITY CODE.

Zoning Administrator Tom Faasse introduced the amendment. In August a special land use and site plan was approved for Calvin College. The zoning ordinance requires the Director of Public Works to initiate a text amendment to the zoning ordinance if a new use is accepted that was not previously listed. The new use has been named "School Residential Campus", so it does not differentiate between the levels of education that might be involved. There are some additional requirements for this type of special land use listed in Section 5.73C of the ordinance. If approved by the Planning Commission, the amendment will then go to the City Commission for approval and if approved there, it will become part of the text of the ordinance.

Commissioner Lachman arrived at 5:36 PM

Commissioner Dills asked if the Brookby Estate, owned by Aquinas College, were to be converted to a different use, if that would fall under this ordinance amendment. Mr. Faasse responded that the property is zoned single family residential and they would have to apply for a special land use.

Chairman Barbour opened the public hearing. No public comment was given. Chairman Barbour closed the public hearing.

A motion was made by Commissioner Getz and supported by Commissioner DeVelder to approve the ordinance amendment as written.

Yeas: Commissioners Arendshorst, Barbour, DeVelder, Dills, Getz, Lachman, Mapes – 7

Nays: -0-

4. REPORT OF THE CITY COMMISSION

Commissioner Dills reported the following:

- The Coiffeteria at 610 Lovett was rezoned to commercial.
- The Public Safety section of the City Code is being updated.
- The Traffic Commission has been repealed.

Assistant City Manager Doug LaFave added:

- An RFP is being worked on to update the subarea plan for Gaslight Village.
- LSL Planning is closing. The City is looking for another company to handle its planning services.

5. NEXT SCHEDULED MEETING: November 8, 2016

6. ADJOURNMENT

The meeting was adjourned at 5:45 PM.

Respectfully submitted,

Lynda Taylor
Recording Secretary



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Memorandum

Date: August 22, 2016

To: Honorable Mayor and City Commissioners

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

Subject: **Review of Public Safety Ordinances for the City of East Grand Rapids Code (#2)**

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 33: This chapter dealing with lakes and waterways was deleted. No issues with this deletion.

2. Chapter 41: This chapter was revised to include reference to public safety department and public works department. No issues.

3. Chapter 77: This chapter was revised to include reference to public safety department and public safety director. No issues.

4. Chapter 92: Chapter 92 deals with animal control violations. Most of the modifications are wording changes. Despite the number of provisions that are underlined, most of those are a relocation of existing provisions rather than adding new provisions.

5. Chapter 93: Subsection 9.54(D) should be revised to read as follows: "Accost, molest, or willfully annoy another person."

A new Subsection 9.63 should be added entitled "Begging and Soliciting."

The City desires to adopt the following prohibition on the transportation of usable marijuana:

Transportation or possession of usable marihuana; violation as a misdemeanor;

1. A person shall not transport or possess usable marihuana as defined in section 26423 of the public health code, 1978 PA 368, MCL 333.26423, in or upon a motor vehicle or any self-propelled vehicle designed for land travel unless the usable marijuana is 1 or more of the following:

A) Enclosed in a case that is carried in the trunk of the vehicle.

B) Enclosed in a case that is not readily accessible from the interior of the vehicle, if the vehicle in which the person is traveling does not have a trunk.

This language is found at 9.56.

The Finance Committee has reviewed these amendments and found them in order.

Approved:

Brian Donovan, City Manager

Attachments

**AN ORDINANCE TO AMEND ARTICLE I THROUGH V
OF CHAPTER 33 OF TITLE III OF THE CODE OF THE
CITY OF EAST GRAND RAPIDS**

THE CITY OF EAST GRAND RAPIDS ORDAINS:

Section 1. Article I through V of Chapter 33 of Title III of the Code of the City of East Grand Rapids is reserved in its entirety.

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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~~CHAPTER 33 PUBLIC LAKES AND WATERWAYS~~ **AN**
ORDINANCE TO AMEND ARTICLE I - DEFINITIONS;
ENFORCEMENT THROUGH V OF CHAPTER 33 OF
TITLE III OF THE CODE OF THE CITY OF EAST GRAND
RAPIDS

THE CITY OF EAST GRAND RAPIDS ORDAINS:

Section 1. Article I through V of Chapter 33 of Title III of the Code of the City of East Grand Rapids is reserved in its entirety.

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.

770127.2

~~Section: We do not have enforcement authority under city ordinance. All laws enforced would be state law.~~
~~3.62 Enforcement. The public safety director or chief of police of the city shall have jurisdiction to enforce this chapter with such assistance from Enforcement the harbormaster appointed by the city commission as he shall require. (1982 Code §3.62)~~

~~3.63-3.65. Reserved.~~

~~3.63-3.65. Reserved.~~

~~3.61. Definitions. The following definitions shall apply in the interpretation of this chapter:~~

~~JET SKI means a vessel, regardless of manufacturer or name, intended for use primarily by one or more person(s) which is propelled by a self-contained gasoline or other engine that forces a stream of water into the water.~~

~~MOTORBOAT means any vessel propelled by machinery, whether or not machinery is the principal source of propulsion.~~

~~SAILBOARD means any vessel propelled or designed for propulsion by sails either temporarily or permanently affixed.~~

~~VESSEL shall mean every description of water-~~

~~craft, other than a seaplane, used or capable of being used as a means of transportation on the water.~~

~~WATERWAY shall mean Reed's Lake, Fisk Lake and all channels, lagoons and waterways having any connection with said lakes within the jurisdiction of the city. (Ord., 3-16-87)~~

~~CHAPTER 3310117290_3.docx~~

~~PUBLIC LAKES AND WATERWAYS ARTICLE III. SANITARY REGULATIONS~~

~~Section: COVERED UNDER STATE LAW WE DON'T DO THE WATERWAY (NEED TO DISCUSS WITH CITY ATTORNEY)~~

~~— 3.71. — Polluting waters prohibited~~

~~— 3.72. — Houseboats and fish shanties~~

~~3.73-3.80. Reserved.~~

~~— 3.71. — Polluting waters prohibited. No~~

~~person shall put into the waters of any waterway or on the ice covering any of said waters any glass, cans or bottles, any metal object, rubbish, garbage or any other substance likely to injure any person, fish, bird or animals, or cause any unsightly or unsanitary condition, either in or upon said waters or on such ice or on the adjacent shoreline. (1982 Code §3.71)~~

~~— 3.72. — Houseboats and fish shanties. No~~

~~person shall erect, maintain or use on any waterway any houseboat or other vessel or structure used or designed and intended for use as a residence or as a fish shanty. Any vessel or structure erected, used, occupied or maintained in violation of this section is hereby declared to be a nuisance per se. The public safety director chief of police is hereby directed to impound any vessel or structure erected, used, occupied or maintained in violation of this section and remove the same to a suitable place of storage. No such vessel or structure shall be released to the owner or other person having any interest therein until the costs of removal and storage shall have been paid. Any such vessel or structure unclaimed within sixty (60) days after the date~~

~~the same shall have been impounded may be sold by the public safety director chief of police and the proceeds, after deduction of the expenses of impounding and storage, shall be paid into the city treasury. If the public safety director chief of police shall be unable to sell any such vessel or structure and the same shall have little or no value, he shall dispose of the same in accordance with the instructions of the city manager. Upon application to any court of competent jurisdiction, the court may order the nuisance caused by any vessel or structure erected, used, occupied or maintained in violation of this section, abated or may order the violation, or threatened violation, restrained and enjoined. (1982 Code §3.72)~~

~~3.73-3.80. Reserved.~~

~~3.103 PUBLIC LAKES AND WATERWAYS 3.108~~

~~dance with the rules promulgated by the Michigan Natural Resources Commission pursuant to Public Act 303 of 1967,¹ and unless the number awarded to the boat is in full force and effect, and the identifying number is displayed as required by said rules. (1982 Code §3.103)~~

~~3.104. Numbers other than boat registration prohibited. No person shall operate any boat on any waterway on which any number is painted, attached or otherwise displayed from either side of the bow of such boat other than the number awarded to said boat and displayed in accordance with the rules promulgated by the Michigan Natural Resources Commission pursuant to Public Act 303 of 1967.² (1982 Code §3.104)~~

~~3.105. Operating under influence of liquor or drugs. It shall be unlawful for any person who is under the influence of intoxicating liquor or narcotic drugs, to operate, propel, or be in actual physical control of any watercraft upon any waterway. It shall be unlawful for the owner of any watercraft or any person having such in charge or in control thereof to authorize or knowingly permit the same to be propelled or operated by any person who is under the influence of any intoxicating liquor or narcotic drugs, on any waterway. (1982 Code §3.105; 1993 Code)~~

~~3.106. Safe operation; speed. Any person operating or propelling a watercraft upon any waterway shall operate the same in a careful and prudent manner, and at such rate of speed as not to endanger the life or property of any person. No person shall operate any watercraft at a rate of speed greater than will permit~~

~~1. M.C.L.A. §281.1001 et seq.~~

~~2. M.C.L.A. §281.1001.~~

~~him, in the exercise of reasonable care, to bring the watercraft to a stop within the assured clear distance ahead. No person shall operate a watercraft in a manner so as to unreasonably interfere with the lawful use by others of any waterway. (1982 Code §3.106)~~

~~— 3.107. Reckless operation. No person~~

~~shall operate any watercraft or navigate, steer or control himself while being towed on water skis, water sled, surfboard or similar contrivance, upon any waterway carelessly and heedlessly in disregard of the rights or safety of others, or without due caution and circumspection or at a speed or in such manner as to endanger or be likely to endanger any person or property. (1982 Code §3.107)~~

~~— 3.108. Major accident report. The opera-~~

~~tor of any watercraft involved in any accident resulting in injury or death to any person or property damage of **fifty dollars (\$50.00) (IS THIS STILL ACCURATE?)** or more shall give his name, address and the registration number of his watercraft, and also the name and address of the owner of the watercraft, to the person struck or the operator or occupants of any watercraft collided with and render to any person injured in the accident reasonable assistance, including the transporting of the persons to a physician or surgeon for medical or surgical treatment if it is apparent that treatment is necessary or requested by the injured person. In any such case, the operator shall notify the public safety city police department. Any accident report form filed pursuant to this section shall not be evidence in any civil or criminal action in any court of this state. (1982 Code §3.108)~~

~~3.109~~

~~PUBLIC LAKES AND WATERWAYS~~

~~3.113~~

~~— 3.109. Minor accident; duties of op-~~

~~erator. The operator of any watercraft involved in an accident resulting in damage to property in an amount less than **fifty dollars (\$50.00) (IS THIS STILL ACCURATE?)** shall stop his watercraft and give his name and address and the registration number of the watercraft, and also the name and address of the owner, to the operator or occupants of any other watercraft involved or to the owner or his agents of any property damaged by such accident, where available. (1982 Code §3.109)~~

~~— 3.110. Night water skiing. No operator of~~

~~any watercraft shall have in tow or shall otherwise be assisting in the propulsion of a person on water skis, water sled, surfboard or other similar contrivance during the period one-half (V₂) hour after sunset to one-half (¹/₂) hour prior to sunrise. No person shall permit himself to be towed on water skis, watersled, surfboard or similar contrivance in violation of any of the provisions of this chapter. (1982 Code §3.110)~~

~~— 3.111. Mufflers. Every watercraft being~~

~~operated on a waterway and being propelled by a permanently or temporarily attached motor shall be equipped with a stock factory muffler, underwater exhaust or other modern device capable of adequately muffling the sound of the exhaust of the engine of such motorboat. The~~

~~mufflers shall be kept closed, and the exhaust or device kept in proper working order by any person operating or in charge of the watercraft at all times when the engine is in operation. The term "capable of adequately muffling the sound of the exhaust of the engine" means the motor's exhaust at all times shall be so muffled or suppressed as not to create excessive or unusual noise. (1982 Code §3.111)~~

~~3.112. Mooring, damage to buoys. No person shall moor or fasten any vessel to or willfully damage a lawfully placed buoy or beacon. (1982 Code §3.112)~~

~~3.113. Pulling water skier; number of persons in boat. No person shall operate a boat on a waterway of this city having in tow a person on water skis or similar contrivance unless there is in such boat, in addition to the operator, at least one (1) competent person in a position to observe the person being towed. (1982 Code §3.113)~~

**AN ORDINANCE TO AMEND ARTICLE V OF
CHAPTER 41 OF TITLE IV OF THE CODE OF THE CITY
OF EAST GRAND RAPIDS**

THE CITY OF EAST GRAND RAPIDS ORDAINS:

Section 1. Article V of Chapter 41 of Title IV of the Code of the City of East Grand Rapids is amended in its entirety to read as follows:

CHAPTER 41: STREETS

ARTICLE V. HOUSE MOVING

Section: 4.26 Permit requirements; moving operations

4.26. Permit Requirements; Moving Operations.

No person shall move, transport or convey any building, machinery, truck or trailer, more than eight (8) feet eight (8) inches wide or more than thirteen (13) feet six (6) inches high above the surface of the roadway into, across or along any street, or other public place in the city without first obtaining a permit from the director. The applicant shall obtain and file written approvals from all light, telephone, gas and water utilities having installations in any street to be entered, stating that all connections have been properly cut off and, where necessary, that all obstructions along the route of moving will be removed without delaying moving operations. In addition, clearance shall be obtained from the public safety department, approving the proposed route through the city streets and the time of moving, together with an estimate of the cost to the public safety department as the result of the moving operations. The applicant shall deposit with the city the total cost to the city as estimated by the public safety and public works department, plus a cash deposit as required by section 4.5 and shall file with the city a liability insurance policy in the amount of one hundred thousand dollars (\$100,000.00) for injury to one person and three hundred thousand dollars (\$300,000.00) for injury to more than one person and property damage insurance in the amount of fifty thousand dollars (\$50,000.00). (1982 Code §4.26

1. See Chapter 85 of this Code for building removal.

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.

CHAPTER 41

STREETS

ARTICLE V. HOUSE MOVING¹

Section: person and three hundred thousand dollars (\$300,000.00) for injury to more than one person and property damage insurance in the amount of fifty thousand dollars (\$50,000.00). (1982 Code §4.26)

4.26. Permit requirements; moving operations

4.26. Permit requirements; moving

operations. No person shall move, transport or convey any building, machinery, truck or trailer, more than eight (8) feet eight (8) inches wide or more than thirteen (13) feet six (6) inches high above the surface of the roadway into, across or along any street, or other public place in the city without first obtaining a permit from the director. The applicant shall obtain and file written approvals from all light, telephone, gas and water utilities having installations in any street to be entered, stating that all connections have been properly cut off and, where necessary, that all obstructions along the route of moving will be removed without delaying moving operations. In addition, clearance shall be obtained from the ~~public safety police~~ department, approving the proposed route through the city streets and the time of moving, together with an estimate of the cost to the ~~public safety police~~ department as the result of the moving operations. The applicant shall deposit with the city the total cost to the city as estimated by the ~~public safety police~~ department and ~~department of city services~~ ~~public works department~~, plus a cash deposit as required by section 4.5 and shall file with the city a liability insurance policy in the amount of one hundred thousand dollars (\$100,000.00) for injury to one

1. See Chapter 85 of this Code for building removal.

**AN ORDINANCE TO AMEND ARTICLE I CHAPTER 77
OF TITLE VII OF THE CODE OF THE CITY OF EAST
GRAND RAPIDS**

THE CITY OF EAST GRAND RAPIDS ORDAINS:

Section 1. Article I of Chapter 77 of Title VII of the Code of the City of East Grand Rapids is amended in its entirety to read as follows:

CHAPTER 77: RECREATION, AMUSEMENTS AND GAMES

ARTICLE I. POOL ROOMS AND BOWLING ALLEYS

- Section: 7.71. Definitions
7.72. License required; restrictions; contents
7.73. Closing hours
7.74. Minors
7.75. Public institutions exempt

7.71. Definitions. BOWLING ALLEY shall mean any place open to the public for bowling. POOLROOM as used in this chapter shall mean any place open to the public for playing pool or billiards. (1982 Code §7.71)

7.72. License Required; Restrictions; Contents.

No person shall engage in the business of operating a poolroom or bowling alley without first obtaining a license therefor. No license shall be granted except upon certificate of the public safety director and unless a complete set of fingerprints of the applicant therefor are on file in the noncriminal identification file of the public safety department. Each license shall designate the number of pool or billiard tables or bowling alleys permitted thereunder, and no licensee shall keep or maintain more tables or alleys than permitted by such license. (1982 Code §7.72)

7.73. Closing Hours.

No person shall keep open any poolroom or bowling alley between the hours of 12:00 midnight and 7:00 of the succeeding morning. (1982 Code §7.73)

7.74. Minors.

No person who is less than Seventeen (17) years of age may be or remain in or about any premises licensed hereunder as a poolroom, nor shall any licensee permit any such minor to remain in such poolroom. No person shall falsely represent himself to be seventeen (17) years or older in order to obtain admittance to or remain in any licensed poolroom. (1982 Code §7.74)

7.75. Public Institutions Exempt.

This chapter shall not be applicable to bowling alleys or poolrooms operated and owned by the city or a public school. (1982 Code §7.75)

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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**AN ORDINANCE TO AMEND ARTICLE I CHAPTER 77
OF TITLE VII OF THE CODE OF THE CITY OF EAST
GRAND RAPIDS**

THE CITY OF EAST GRAND RAPIDS ORDAINS:

Section 1. Article I of Chapter 77 of Title VII of the Code of the City of East Grand Rapids is amended in its entirety to read as follows:

Section:

**CHAPTER 77: RECREATION,
AMUSEMENTS AND GAMES**

- 7.71.7.72. Definitions
- License required; restrictions;
- 7.73.7.74.7 contents
- .75. Closing hours
- Minors
- Public institutions exempt

**ARTICLE I. POOL ROOMS AND BOWLING
ALLEYS**

Section: 7.71. Definitions
7.72. License required;

restrictions; contents
7.73. Closing hours
7.74. Minors
7.75. Public institutions exempt

7.71. Definitions. BOWLING ALLEY shall mean any place open to the public for bowling. POOLROOM as used in this chapter shall mean any place open to the public for playing pool or billiards. (1982 Code §7.71)

7.72. License ~~required~~Required; restrictions~~Restrictions; Contents.~~

~~contents.~~ No person shall engage in the business of operating a poolroom or bowling alley without first obtaining a license therefor. No license shall be granted except upon certificate of the public safety director ~~chief of police~~ and unless a complete set of fingerprints of the applicant therefor are on file in the noncriminal identification file of the public safety ~~police~~ department. Each license shall designate the number of pool or billiard tables or bowling alleys permitted thereunder, and no licensee shall keep or maintain more tables or alleys than permitted by such license. (1982 Code §7.72)

7.73. Closing ~~hours~~Hours.

No person shall keep open any poolroom or bowling alley between the hours of 12:00 midnight and 7:00 of the succeeding morning. (1982 Code §7.73)

7.74. Minors.

~~No person who is less than seventeen~~ No person who is less than Seventeen (17) years of age may be or remain in or about any premises licensed hereunder as a poolroom, nor shall any licensee permit any such minor to remain in such poolroom. No person shall falsely represent himself to be seventeen (17) years or older in order to obtain admittance to or remain in any licensed poolroom. (1982 Code §7.74)

7.75. Public ~~institutions exempt~~ Institutions Exempt.

This chapter shall not be applicable to bowling alleys or poolrooms operated and owned by the city or a public school. (1982 Code §7.75)

~~1. See Section 7.32 of this Code for license fees.~~

~~8.812. Rental unit requirements~~

~~generally. The following requirements shall apply to rental units:~~

~~A. The requirements of the BOCA National Building Code as adopted by Chapter 80 of this Code.~~

~~B. The requirements of the BOCA National Property Maintenance Code as adopted by Chapter 84 of this Code.~~

~~C. The requirements of the BOCA Basic Plumbing Code as adopted by Chapter 86 of this Code.~~

~~D. The requirements of the National Electrical Code as adopted by Chapter 87 of this Code.~~

~~E. The requirements of section 5.101 of this Code which require two (2) off street parking places per residential unit and a minimum lot width of fifty (50) feet for a multiple family dwelling.~~

~~F. The requirements of section 5.102 of this Code which prohibits more than four (4) rental units per building unless approval has been obtained from the board of zoning appeals.~~

~~G. The requirements of section 5.103 of this Code that there must be at least four thousand (4,000) square feet of lot area for each rental unit. (Ord., 6-5-89; 1993 Code)~~

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 92 OF TITLE IX
OF THE CODE OF THE CITY OF EAST GRAND RAPIDS**

THE CITY OF EAST GRAND RAPIDS ORDAINS:

Section 1. Chapter 92 of Title IX of the Code of the City of East Grand Rapids is amended in its entirety to read as follows:

CHAPTER 92: ANIMAL CONTROL

- Section: 9.35. General provisions
9.36. Definitions
9.37. Dogs
9.38. Cats
9.39. Impounding
9.40. Conditions governing animals and their care
9.41. Vicious animals
9.42. Prohibited animals

9.35. General Provisions.

- A. Construction of Chapter. It is deemed by the city that the ownership of an animal is a privilege which carries with it responsibilities to the city and its residents with regard to the care and custody of said animal. In interpretation and application, the provisions of this chapter shall be construed to impose a primary responsibility for compliance with the provisions of this chapter on the owner of said animal.
- B. Short Title. This chapter shall be known as, and may be cited and referred to as *THE ANIMAL CONTROL ORDINANCE OF EAST GRAND RAPIDS*.
- C. Responsibility for Enforcement. Responsibility for enforcement of this chapter shall be vested in the director of Kent County department of animal control, his or her agents and employees, and in the director of public safety department of the city, his or her officers and designees.
- D. Penalties for Violations. Any person violating any of the provisions of this chapter shall have committed a civil infraction and may be ordered to pay a civil fine of not more than five hundred dollars (\$500.00).
- E. Invalidity. If any part of this chapter shall be held invalid, such part shall be deemed severable and the invalidity thereof shall not

affect the remaining parts of this chapter. (1982 Code §9.35; Ord.,9-14-1996)

- 9.36. Definitions. Whenever in this chapter the following terms are used they shall have the meanings as described to them in this section, unless it is apparent from the context thereof that some other meaning is intended:

ANIMAL shall mean dog, cat, bird, reptile, mammal, fish or any other dumb creature.

ANIMAL CONTROL OFFICER shall mean the agent of the director of the Kent County department of animal control and any other officers designated for such duties by the city.

ANIMAL SHELTER may mean either the Kent County animal shelter or the humane society of Kent County.

CITY shall mean the City of East Grand Rapids.

COUNTY shall mean the County of Kent.

DEPARTMENT shall refer to the Kent County department of animal control.

DIRECTOR shall refer to the director of the Kent County department of animal control.

IMPOUNDED. If any animal, pursuant to this chapter or any state statute, has been received into the custody of any animal shelter, such animal will have been “impounded” as that word is used in this chapter.

OWNER, when applied to the proprietorship of an animal, means every person having a right of property in the animal, and every person who keeps or harbors the animal or has it in his care, and every person who permits the animal to remain on or about any premises occupied by him. For the purposes of this act, any person keeping or harboring any animal for seven (7) consecutive days shall be deemed the owner thereof within the meaning of this chapter.

PERSON includes an individual, partnership, corporation, trust, and any association of persons. (1982 Code §9.36)

- 9.37. Dogs.

- A. License and Tag Required. All dogs over the age of six (6) months within the city shall at all times be currently licensed in accordance

with the requirements of state law¹ and of the county animal control ordinance. A license tag issued by the county shall be securely affixed to a collar, harness or other device which shall be worn by the dog at all times unless the dog is within the confines of the residence of the owner or of a dog run or other secure enclosure on the owner's premises.

B. Limit on Number of Dogs. No "owner", as defined in section 9.36 of this chapter, of a dog, nor any person who owns, leases, or is otherwise in control of any premises within the city, shall keep dogs or permit dogs to be kept within the city except in compliance with the following:

1. Not more than two (2) dogs may be kept in or about the premises of a dwelling unit in a duplex, apartment, condominium, or other multi-family dwelling unit.
2. Not more than three (3) dogs may be kept in or about the premises of any single-family dwelling.
3. No dog may be kept in or about premises other than occupied dwelling units except upon application filed with the city clerk setting forth in detail the request and the reasons therefor, and upon the granting of a special permit by the city commission following a hearing and findings that a valid reason exists for granting the request and that the granting of a permit will not have an adverse effect on neighboring property or on the general public. Any permit granted hereunder shall be for such period of time as the city commission shall determine and may attach such conditions, including, but not limited to, the breed, nature and number of dogs and their care and maintenance as shall be deemed necessary for the protection of neighboring property and the public interest.
4. Dogs born to a female dog kept in compliance with the provisions of this section may be kept on the premises with said female dog for a period of not more than six (6) months following the date of birth notwithstanding the provisions of subsections B1 and B2 above.

C. Barking Dogs. No person owning or having charge, care, custody or control of a dog shall permit such dog at any time, by loud or frequent or habitual barking, yelping or howling, to cause

¹ M.C.L.A. §287.261 *et seq.*

annoyance to people in the neighborhood or to persons utilizing the public walks or streets of the neighborhood.²

- D. Dogs Running at Large. No person owning or having charge, care, custody or control of any dog shall cause, permit, or allow the same to run at large or to be upon any highway, street, lane, alley, court or other public place, or upon any private property or premises other than those of the person owning or having charge, care, custody, or control of such dog, within the city, unless such dog is restrained by a substantial chain or leash not exceeding six (6) feet in length and is in the charge, care, custody, or control of a person with the ability to restrain it.
- E. Female Dogs in Heat. No person owning or having charge, care, custody or control of an unspayed female dog shall permit such dog to be or to run at large when said dog is in heat as that term is commonly understood unless such dog shall be restrained as provided in subsection D hereof at all times other than when the dog is within the confines of the residence of the owner or of a dog run or other secure enclosure on the owner's premises. (1982 Code §9.37)

9.38. Cats.

- A. Cats Running at Large. No person owning or having charge, care, custody or control of any cat shall cause, permit, or allow the same to run at large or to be upon any highway, street, lane, alley, court or other public place, or upon any private property or premises other than those of the person owning or having charge, care, custody, or control of such cat, within the city, unless such cat is restrained by leash not exceeding six (6) feet in length and is in the charge, care, custody or control of a person with the ability to restrain it. Any cat which is in violation of the provisions of this chapter shall be subject to being impounded and shall be held, cared for, released or disposed of in a manner provided under section 9.39 of this chapter.
- B. Notification of owner when cat in custody of animal shelter. Should a cat which comes into the custody of the animal shelter have attached a valid identification tag stating the owner's correct name and address, then the animal shelter shall, within twelve (12) working hours from the time of impounding, notify the owner of the fact that said cat is in the custody of the animal shelter.

² See also subsection 9.14A of this Code.

- C. Limit on Number of Cats. No “owner”, as defined in section 9.36 of this chapter, of a cat, nor any person who owns, leases, or is otherwise in control of any premises within the city, shall keep cats or permit cats to be kept within the city except in compliance with the following:
1. Not more than two (2) cats may be kept in or about the premises of a dwelling unit in a duplex, apartment, condominium, or other multi-family dwelling unit.
 2. Not more than three (3) cats may be kept in or about the premises of any single-family dwelling.
 3. No cat may be kept in or about premises other than occupied dwelling units except upon application filed with the city clerk setting forth in detail the request and the reasons therefor, and upon the granting of a special permit by the city commission following a hearing and findings that a valid reason exists for granting the request and that the granting of a permit will not have an adverse effect on neighboring property or on the general public. Any permit granted hereunder shall be for such period of time as the city commission shall determine and may attach such conditions, including, but not limited to, the breed, nature and number of cats and their care and maintenance as shall be deemed necessary for the protection of neighboring property and the public interest.
 4. Cats born to a female cat kept in compliance with the provisions of this section may be kept on the premises with said female cat for a period of not more than six (6) months following the date of birth notwithstanding the provisions of subsections C1 and C2 above.
- D. Nuisance. A person having custody of a cat shall not permit such cat to create a nuisance by way of noise³, odor or in any other manner. (1982 Code §9.38; 1993 Code)

9.39. Impounding.

- A. Any animal which is in violation of the provisions of this chapter shall be subject to being impounded and any animal which is so impounded shall be held at the county animal shelter and shall be cared for, released or disposed of as provided in the Kent County Animal Control Ordinance and the rules and regulations of the county for the operation of its animal shelter.

³ See also subsection 9.14A of this Code.

- B. Persons other than animal control or public safety officers taking up and impounding any animal shall, within eight (8) hours thereafter, give notice to the county animal shelter of:
 - 1. The fact that he has such animal in his possession;
 - 2. The complete description of such animal.
- C. If any person appears and claims any animal referred to in this section prior to the time disposition has been made of the animal, the animal shelter shall collect the fees set forth by the Kent County Board of Commissioners. For giving notice of the impounding of any animal, the actual cost of the publication of any notice published for such animal shall be collected.
- D. When an animal wearing a current valid license tag issued by the county, or any municipality within the county, is impounded pursuant to this chapter, the director shall, within twelve (12) working hours after receiving such animal, give written notice of the whereabouts of such animal to the person to whom the current license for such animal was issued. (1982 Code §9.39)

9.40. Conditions Governing Animals and Their Care. Every animal and pet owner and every person shall in the care and custody of such animal comply with each of the following conditions:

- A. Housing facilities for animals shall be structurally sound and shall be maintained in good repair to protect the animals from injury, to contain the animals, and to restrict the entrance of other animals.
- B. All animals shall be supplied with sufficient good wholesome food and water as often as the feeding habits of the respective animals require.
- C. All animals and all animal buildings or enclosures shall be maintained in a clean and sanitary condition.
- D. No animal shall be without attention more than twenty-four (24) consecutive hours.
- E. Every reasonable precaution shall be used to insure that animals are not teased, abused, mistreated, annoyed, tormented or in any manner made to suffer by any person or means.
- F. No condition shall be maintained or permitted that is or could be injurious to animals.

- G. All reasonable precautions shall be taken to protect the public from the animals and the animals from the public.
- H. Every building or enclosure wherein animals are maintained, shall be constructed of materials easily cleaned. The building shall be properly ventilated to prevent drafts and to remove odors. Heating and cooling shall be provided as required, according to the physical need of the animals, with sufficient light to allow observation of animals and sanitation.
- I. The owner or custodian shall take any animal to a veterinarian for examination and treatment if the director or his agents find this is necessary in order to maintain the health of the animal and so orders.
- J. All animal rooms, cages, kennels, and runs shall be of sufficient size to provide adequate and proper accommodations for the animals kept therein.
- K. Every violation of an applicable regulation shall be corrected within a reasonable time to be specified by the director.
- L. All animal buildings and enclosures shall provide proper shelter and protection from the weather at all times. This shall mean a roofed three (3) sided shelter of suitable size.
- M. No person shall give an animal any alcoholic beverage unless prescribed by a veterinarian.
- N. No person shall allow animals which are natural enemies, temperamentally unsuited, or otherwise incompatible, to be quartered together or so near each other as to cause injury, fear or torment. If two (2) or more animals are so trained that they can be placed together and do not attack each other or perform or attempt any hostile act to the other, such animals shall be deemed not to be natural enemies.
- O. No person shall allow the use of any tack, equipment, device, substance or material that is, or could be, injurious or cause unnecessary cruelty to any animal.
- P. Confined or restrained animals shall be given exercise proper for the individual animal under the particular conditions.
- Q. No person shall allow any animal to constitute or cause a hazard or be a menace to the health, peace or safety of the community.

- R. Any person who has injured or killed any dog or cat with a motor vehicle shall promptly notify the director or owner of the animal or the East Grand Rapids Public Safety Department.
- S. No person owning or having in his possession a female dog or cat in heat shall permit said animal to be contained in such a fashion that stray animals have access to the dog or cat, or that permits the dog or cat to escape
- T. No person shall confine an animal on a chain for more than four (4) hours unless that chain permits movement over at least thirty (30) square feet and allows the animal free access to a suitable shelter.
- U. A person shall not:
1. Sell, offer for sale, barter, or give away, as pets, toys, premiums, or novelties any baby chickens, ducklings or other fowl under three (3) months of age, or rabbits under two (2) months of age;
 2. Color, dye, stain or otherwise change the natural color of the above described fowl or rabbits;
 3. Bring or transport the above described fowl or rabbits into the city;
 4. Molest, injure, kill or capture any wild bird, or molest or disturb any wild bird's nest or the contents thereof on either public or private property.
- V. A person having custody of any animal shall not permit, either willfully or through failure to exercise due care or control, such animal to commit any nuisance by defecating upon the sidewalk of any public highway or upon any building, fence or wall immediately abutting on a public sidewalk, or without the consent of the owner or person in lawful occupation thereof, any lawn, yard, or any other private property, which is either improved or occupied without picking it up and disposing of it properly.
- W. Representatives of the Kent County Animal Shelter, East Grand Rapids Public Safety Department or other duly designated representatives may enter any premises where animals are maintained for investigation or inspection as to whether or not any portion of such premises, building, structure, enclosure, pen or cage is being used, kept or maintained in violation of this chapter or any other county ordinance. No person shall deny, prevent, obstruct, or attempt to deny, prevent or obstruct such access. This

section does not permit any person to enter a private dwelling except where necessary to rescue an animal. (1982 Code 9.40)

9.41. Vicious Animals.

- A. Definition. Any animal which has attacked or bitten a person or domestic animal without molestation, or which by its actions gives indications that it is likely to attack or bite any person or domestic animal without molestation, shall be deemed a “vicious animal”.
- B. Muzzling or Restraint Required. A person owning or having charge, care, custody or control of a vicious animal shall at all times when said animal is not securely confined, keep said animal securely muzzled and led or restrained by a leash.
- C. Bites or Attacks. No person owning or having charge, care, custody or control of any animal shall permit or allow, by failure to exercise due control, the animal to bite or attack, or threaten to bite or attack, a person or domestic animal except in the defense of itself or in defense of a person during the commission of a crime by another.
- D. Quarantine of Animals. Every animal which has bitten a person shall be quarantined for a period of ten (10) days for the purpose of determining whether said animal is diseased. Such quarantine may be at the animal shelter, a veterinary office, or such other place as may be designated by the director. “Quarantine” shall mean isolating the animal from people and from other animals. The owner of such animal shall surrender such animal to an animal control officer upon request.
- E. Prosecution. On sworn complaint that a violation of subsection B, C or D of this section, has occurred, the city may issue a citation to the owner of said “animal”, as defined in this chapter, or may secure a summons against said person commanding him or her to appear and show cause why said animal shall not be ordered confined or destroyed. Upon such hearing, if the court shall determine said animal to be a “vicious animal”, as defined in this chapter, the court may order said animal confined to the premises of the owner or such other place as the court may determine or may order the director of animal control to cause said animal to be destroyed, or may enter such other order relative to the care and custody of such animal as the court shall determine to be appropriate. Any person who shall fail to comply with or otherwise violate such order shall have committed a civil infraction and may be ordered to pay a civil fine of not more than five hundred dollars (\$500.00).

F. Civil Liability. Nothing in this chapter shall be construed as limiting the common law liability of the owner of an animal for damages committed by the animal. (Ord., 6-20-1983; 1993 Code; Ord., 9-14-1996)

9.42. Prohibited Animals. No farm animal, wild animal or nondomestic animal, such as a horse, cow, swine, sheep, goat, chicken, goose, duck, snake, reptile, or bees, shall be kept in any dwelling or on the same lot or premises of any dwelling without obtaining prior written approval from the director of public works. In reviewing any such request, the policy adopted by the city regarding the keeping of such animals shall be used in determining the response to the request. If approval is denied, the applicant may appeal the decision of the director of public works to the city commission. Both the director of public works and the city commission are authorized to place conditions on any approval which is granted. (Ord., 8-30-1991; Ord., 8-14-1992)

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 92 OF TITLE IX
OF THE CODE OF THE CITY OF EAST GRAND RAPIDS**

THE CITY OF EAST GRAND RAPIDS ORDAINS:

Section 1. Chapter 92 of Title IX of the Code of the City of East Grand Rapids is amended in its entirety to read as follows:

CHAPTER 92: ANIMAL CONTROL

- Section: 9.35. General provisions
9.36. Definitions
9.37. Dogs
9.38. Cats
9.39. Impounding
9.40. Conditions governing animals and their care
9.41. Vicious animals

~~9.42. Violations bureau (Rep. by Ord.,
7-31-1998)~~

~~9.43~~9.42. Prohibited animals

9.35. ~~General provisions.~~Provisions.

~~A. Construction of chapter.~~A. Construction of Chapter. It is deemed by the city that the ownership of an animal is a privilege which carries with it responsibilities to the city and its residents with regard to the care and custody of said animal. In interpretation and application, the provisions of this chapter shall be construed to impose a primary responsibility for compliance with the provisions of this chapter on the owner of said animal.

~~B. Short title.~~B. Short title. This chapter shall be known as, and may be cited and referred to as *THE ANIMAL CONTROL ORDINANCE OF EAST GRAND RAPIDS*.

~~C. Responsibility for enforcement.~~C. Responsibility for enforcement. Responsibility for enforcement of this chapter shall be vested in the director of Kent County department of animal control, his or her agents and employees, and in the director of public safety ~~police department of the city, his or her officers and designees.~~

~~ment of the city. Primary responsibility for enforcement is vested in the agent or employee of Kent County department of animal control, assigned to duty in the City of East Grand Rapids.~~

~~D. Penalties for violations.~~D. Penalties for violations. Any person ~~violating~~violating any of the provisions of this chapter shall have committed a civil infraction and may be ordered to pay a civil fine of not more than five hundred dollars (\$500.00).

~~E.E.~~ Invalidity. If any part of this chapter shall be held invalid, such part shall be deemed severable and the invalidity thereof shall not affect the remaining parts of this chapter. (1982 Code §9.35; ~~Ord.~~Ord., 9-14-1996)

9.36. Definitions. Whenever in this ~~chap-ter~~chapter the following terms are used they shall have the meanings as described to them in this section, unless it is apparent from the context thereof that some other meaning is intended:

ANIMAL shall mean dog, cat, bird, reptile, mammal, fish or any other dumb creature.

ANIMAL CONTROL OFFICER shall mean the agent of the director of the Kent County department of animal control and any other officers designated for such duties by the city.

ANIMAL SHELTER may mean either the Kent County animal shelter or the humane society of Kent County.

1298

CITY shall mean the City of East Grand Rapids.

COUNTY shall mean the County of Kent.

DEPARTMENT shall refer to the Kent County department of animal control.

DIRECTOR shall refer to the director of the Kent County department of animal control.

IMPOUNDED. If any animal, pursuant to this chapter or any state statute, has been received into the custody of any animal shelter, such animal will have been “impounded” as that word is used in this chapter.

OWNER, when applied to the proprietorship of an animal, means every person having a right of property in the animal, and every person who keeps or harbors the animal or has it in his care, and every person who permits the animal to remain on or about any premises occupied by him. For the purposes of this act, any person keeping or harboring any animal for seven (7) consecutive days shall be deemed the owner thereof within the meaning of this chapter.

PERSON includes an individual, partnership, corporation, trust, and any association of persons. (1982 Code §9.36)

9.37. Dogs.

A. License and Tag Required. All dogs over the age of six (6) months within the city shall at all times be currently licensed in accordance with the requirements of state law¹ and of the county animal control ordinance. A license tag issued by the county shall be securely affixed to a collar, harness or other device which shall be worn by the dog at all times unless the dog is within the confines of the residence of the owner or of a dog run or other secure enclosure on the owner's premises.

B. Limit on ~~number of dogs~~ Number of Dogs. No "owner", as defined in section 9.36 of this chapter, of a dog, nor any person who owns, leases, or is otherwise in control of any premises within the city, shall keep dogs or permit dogs to be kept within the city except in compliance with the following:

~~1.1.~~ Not more than two (2) dogs may be kept in or about the premises of a dwelling unit in a duplex, apartment, condominium, or other multi-family dwelling unit.

~~2.2.~~ Not more than three (3) dogs may be kept in or about the premises of any single-family dwelling~~2.~~

~~3.3.~~ No dog may be kept in or about premises other than occupied dwelling units except upon application filed with the city clerk setting forth in detail the request and the reasons therefor, and upon the granting of a special permit by the city commission following a hearing and findings that a valid reason exists for granting the request and that the granting of a permit will not have an adverse effect on neighboring property or on the general public. Any permit granted ~~here~~ hereunder shall be for such period of time as the city commission shall determine and may attach such conditions, including, but not limited to, the breed, nature and number of dogs and their care and maintenance as shall be deemed necessary for the protection of neighboring property and the public interest.

~~9.37. Dogs.~~

~~A. License and tag required. All dogs over~~

¹ M.C.L.A. §287.261 et seq.

~~the age of six (6) months within the city shall at all times be currently licensed in accordance with the requirements of state law' and of the county animal control ordinance. A license tag issued by the county shall be securely affixed to a collar, harness or other device which shall be worn by the dog at all times unless the dog is within the confines of the residence of the owner or of a dog run or other secure enclosure on the owner's premises.~~

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~~M.C.L.A. §287.261 et seq. 1298~~

~~under shall be for such period of time as the city commission shall determine and may attach such conditions, including, but not limited to, the breed, nature and number of dogs and their care and maintenance as shall be deemed necessary for the protection of neighboring property and the public interest.~~

4.4. Dogs born to a female dog kept in compliance with the provisions of this section may be kept on the premises with said female dog for a period of not more than six (6) months following the date of birth notwithstanding the provisions of subsections B1 and B2 above.

~~5. The provisions of this section shall not be construed to require any person to dispose of a dog or dogs kept on June 1, 1978, in compliance with the provisions of this Code in existence on that date.~~

C.C. Barking dogs~~Dogs~~. No person owning or having charge, care, custody or control of a dog shall permit such dog at any time, by loud or frequent or habitual barking, yelping or howling, to cause annoyance to people in the neighborhood or to persons utilizing the public walks or streets of the neighborhood.^{1,2}

D.D. Dogs running at large~~Running at Large~~. No person owning or having charge, care, custody or control of any dog shall cause, permit, or allow the same to run at large or to be upon any highway, street, lane, alley, court or other public place, or upon any private property or premises other than those of the person owning or having charge, care, custody, or control of such dog, within the city, unless such dog is restrained by a sub-substantial chain or leash not exceeding six (6) feet in length and is in the charge, care, custody, or control of a person with the ability to restrain it.

² See also subsection 9.14A of this Code.

~~stantial chain or leash not exceeding six (6) feet in length and is in the charge, care, custody, or control of a person with the ability to restrain it.~~

~~E.E.~~ Female dogs in heat~~Dogs in Heat~~. No person owning or having charge, care, custody or control of an unspayed female dog shall permit such dog to be or to run at large when said dog is in heat as that term is commonly understood unless such dog shall be restrained as provided in subsection D hereof at all times other than when the dog is within the confines of the residence of the owner or of a dog run or other secure enclosure on the owner's premises. (1982 Code §9.37)

9.38. Cats.

~~A.A.~~ Cats running at large~~Running at Large~~. No person owning or having charge, care, custody or control of any cat shall cause, permit, or allow the same to run at large or to be upon any highway, street, lane, alley, court or other public place, or upon any private property or premises other than those of the person owning or having charge, care, custody, or control of such cat, within the city, unless such cat is restrained by leash not exceeding six (6) feet in length and is in the charge, care, custody or control of a person with the ability to restrain it. Any cat which is in violation of the provisions of this chapter shall be subject to being impounded and shall be held, cared for, released or disposed of in a manner provided under section 9.39 of this chapter.

~~B.B.~~ Notification of owner when cat in custody of animal shelter. Should a cat which comes into the custody of the animal shelter have attached a valid identification tag stating the owner's correct name and address, then the animal shelter shall, within twelve (12) working hours from the time of impounding, notify the owner of the fact that said cat is in the custody of the animal shelter.

C. Limit on Number of Cats. No person shall possess, harbor, shelter or keep more than four (4) cats other than cats under six (6) months of age born to a female cat under the care, custody or control of such person; provided, that this provision shall not be construed to require any person to dispose of any cat kept by said person on or before June 1, 1978.

D. Nuisance. A person having custody of a cat shall not permit such cat to create a nuisance by way of noise³, odor or in any other manner. (1982 Code §9.38; 1993 Code)

9.39. Impounding.

³ See also subsection 9.14A of this Code.

- A. Any animal which is in violation of the provisions of this chapter shall be subject to being impounded and any animal which is so impounded shall be held at the county animal shelter and shall be cared for, released or disposed of as provided in the Kent County Animal Control Ordinance and the rules and regulations of the county for the operation of its animal shelter.
- B. Persons other than animal control or public safety officers taking up and impounding any animal shall, within eight (8) hours thereafter, give notice to the county animal shelter of:
 - 1. The fact that he has such animal in his possession;
 - 2. The complete description of such animal.
- C. If any person appears and claims any animal referred to in this section prior to the time disposition has been made of the animal, the animal shelter shall collect the fees set forth by the Kent County Board of Commissioners. For giving notice of the impounding of any animal, the actual cost of the publication of any notice published for such animal shall be collected.
- D. When an animal wearing a current valid license tag issued by the county, or any municipality within the county, is impounded pursuant to this chapter, the director shall, within twelve (12) working hours after receiving such animal, give written notice of the whereabouts of such animal to the person to whom the current license for such animal was issued. (1982 Code §9.39)

9.40. Conditions Governing Animals and Their Care. Every animal and pet owner and every person shall in the care and custody of such animal comply with each of the following conditions:

- A. Housing facilities for animals shall be structurally sound and shall be maintained in good repair to protect the animals from injury, to contain the animals, and to restrict the entrance of other animals.
- B. All animals shall be supplied with sufficient good wholesome food and water as often as the feeding habits of the respective animals require.
- C. All animals and all animal buildings or enclosures shall be maintained in a clean and sanitary condition.
- D. No animal shall be without attention more than twenty-four (24) consecutive hours.

- E. Every reasonable precaution shall be used to insure that animals are not teased, abused, mistreated, annoyed, tormented or in any manner made to suffer by any person or means.
- F. No condition shall be maintained or permitted that is or could be injurious to animals.
- G. All reasonable precautions shall be taken to protect the public from the animals and the animals from the public.
- H. Every building or enclosure wherein animals are maintained, shall be constructed of materials easily cleaned. The building shall be properly ventilated to prevent drafts and to remove odors. Heating and cooling shall be provided as required, according to the physical need of the animals, with sufficient light to allow observation of animals and sanitation.
- I. The owner or custodian shall take any animal to a veterinarian for examination and treatment if the director or his agents find this is necessary in order to maintain the health of the animal and so orders.
- J. All animal rooms, cages, kennels, and runs shall be of sufficient size to provide adequate and proper accommodations for the animals kept therein.
- K. Every violation of an applicable regulation shall be corrected within a reasonable time to be specified by the director.
- L. All animal buildings and enclosures shall provide proper shelter and protection from the weather at all times. This shall mean a roofed three (3) sided shelter of suitable size.
- M. No person shall give an animal any alcoholic beverage unless prescribed by a veterinarian.

1. See also subsection 9.14A of this Code.

- N. No person shall allow animals which are natural enemies, temperamentally unsuited, or otherwise incompatible, to be quartered together or so near each other as to cause injury, fear or torment. If two (2) or more animals are so trained that they can be placed together and do not attack each other or perform or attempt

any hostile act to the other, such animals shall be deemed not to be natural enemies.

~~0~~Q. No person shall allow the use of any tack, equipment, device, substance or material that is, or could be, injurious or cause unnecessary cruelty to any animal.

~~P~~P. Confined or restrained animals shall be given exercise proper for the individual animal under the particular conditions.

~~Q~~Q. No person shall allow any animal to constitute or cause a hazard or be a menace to the health, peace or safety of the community.

~~R~~R. Any person who has injured or killed any dog or cat with a motor vehicle shall promptly notify the director or owner of the animal or the East Grand Rapids Public Safety ~~Police~~-Department.

S. No person owning or having in his possession a female dog or cat in heat shall permit said animal to be contained in such a fashion that stray animals have access to the dog or cat, or that permits the dog or cat to escape

~~S~~TT. No person shall confine an animal on a chain for more than four (4) hours unless that chain permits movement over at least thirty (30) square feet and allows the animal free access to a suitable shelter.

~~U~~U. A person shall not:

1. Sell, offer for sale, barter, or give away, as pets, toys, premiums, or ~~novel ties~~ novelties any baby chickens, ducklings or other fowl under three (3) months of age, or rabbits under two (2) months of age;

~~2~~2. Color, dye, stain or otherwise change the natural color of the above described fowl or rabbits;

~~3~~3. Bring or transport the above described fowl or rabbits into the city;

~~4~~4. Molest, injure, kill or capture any wild bird, or molest or disturb any wild bird's nest or the contents thereof on either public or private property.

~~V~~V. A person having custody of any animal shall not permit, either willfully or through failure to exercise due care or control, such animal to commit any nuisance by defecating ~~or urinating~~ upon the sidewalk of any public highway or upon any building, fence or

wall immediately abutting on a public sidewalk, or without the consent of the owner or person in lawful occupation thereof, any lawn, yard, or any other private property ~~whatever~~, which is either improved or occupied without picking it up and disposing of it properly.

~~W.W.~~ Representatives of the Kent County Animal Shelter, East Grand Rapids Public Safety ~~Police~~ Department or other duly designated representatives may enter any premises where animals are maintained for investigation or inspection as to whether or not any portion of such premises, building, structure, enclosure, pen or cage is being used, kept or maintained in violation of this chapter or any other county ordinance. No person shall deny, prevent, obstruct, or attempt to deny, prevent or obstruct such access. This section does not permit any person to enter a private dwelling except where necessary to rescue an animal. (1982 Code 9.40)

9.41. Vicious Animals.

- A. Definition. Any animal which has attacked or bitten a person or domestic animal without molestation, or which by its actions gives indications that it is likely to attack or bite any person or domestic animal without molestation, shall be deemed a "vicious animal".
- B. Muzzling or Restraint Required. A person owning or having charge, care, custody or control of a vicious animal shall at all times when said animal is not securely confined, keep said animal securely muzzled and led or restrained by a leash.
- C. Bites or Attacks. No person owning or having charge, care, custody or control of any animal shall permit or allow, by failure to exercise due control, the animal to bite or attack, or threaten to bite or attack, a person or domestic animal except in the defense of itself or in defense of a person during the commission of a crime by another.
- D. Quarantine of Animals. Every animal which has bitten a person shall be quarantined for a period of ten (10) days for the purpose of determining whether said animal is diseased. Such quarantine may be at the animal shelter, a veterinary office, or such other place as may be designated by the director. "Quarantine" shall mean isolating the animal from people and from other animals. The owner of such animal shall surrender such animal to an animal control officer upon request.
- E. Prosecution. On sworn complaint that a violation of subsection B, C or D of this section, has occurred, the city may issue a citation to

the owner of said “animal”, as defined in this chapter, or may secure a summons against said person commanding him or her to appear and show cause why said animal shall not be ordered confined or destroyed. Upon such hearing, if the court shall determine said animal to be a “vicious animal”, as defined in this chapter, the court may order said animal confined to the premises of the owner or such other place as the court may determine or may order the director of animal control to cause said animal to be destroyed, or may enter such other order relative to the care and custody of such animal as the court shall determine to be appropriate. Any person who shall fail to comply with or otherwise violate such order shall have committed a civil infraction and may be ordered to pay a civil fine of not more than five hundred dollars (\$500.00).

F. Civil Liability. Nothing in this chapter shall be construed as limiting the common law liability of the owner of an animal for damages committed by the animal. (Ord., 6-20-1983; 1993 Code; Ord., 9-14-1996)

9.42. Prohibited Animals. No farm animal, wild animal or nondomestic animal, such as a horse, cow, swine, sheep, goat, chicken, goose, duck, or snake, shall be kept in any dwelling or on the same lot or premises of any dwelling without obtaining prior written approval from the director of city services. If approval is denied, the applicant may appeal the decision of the director of city services to the city commission. Both the director of city services and the city commission are authorized to place conditions on any approval which is granted. (Ord., 8-30-1991; Ord., 8-14-1992)

[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 93 OF TITLE IX
OF THE CODE OF THE CITY OF EAST GRAND RAPIDS**

THE CITY OF EAST GRAND RAPIDS ORDAINS:

Section 1. Chapter 93 of Title IX of the Code of the City of East Grand Rapids is amended in its entirety to read as follows:

CHAPTER 93: MISCELLANEOUS OFFENSES¹

- Section: 9.51. Definitions
- 9.52. Rule of construction
- 9.53. General provisions
- 9.54. Offenses against persons
- 9.55. Offenses against property
- 9.56. Alcohol and drug offenses
- 9.57. Disturbance of the peace offenses
- 9.58. Offenses against government order
- 9.59. Vice offenses
- 9.60. Larceny offenses
- 9.61. School premises offenses
- 9.62. Weapons offenses
- 9.63. Begging and Soliciting
- 9.64. Miscellaneous offenses
- 9.65. Violations and penalties
- 9.66. Confiscation/civil forfeiture
- 9.67. Severability

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

ADDRESS OF RECORD shall mean the address that appears on the check or the last known address of record with the secretary of state at the time the check was presented for payment of goods and services.

ALCOHOLIC BEVERAGE shall mean any spirituous, vinous, malt, fermented liquor, beer, wine, spirits, alcoholic liquids and compounds whether or not medicated, proprietary, patented, and by whatever name called, containing one-half (1/2) of one (1) percent or more of alcohol by volume.

CHECK shall mean any check, draft, or order for the payment of money to apply on account or otherwise, upon any bank or other depository.

¹ Prior ordinance history: 1982 Code §§9.51, 9.53, 9.54; Ord., 3-21-1983; Ord., 4-18-1983; Ord., 4-1-1985; Ord., 8-18-1986; Ord., 3-6-1989; Ord., 3-1-1991; 1993 Code; Ord., 4-8-1996; Ord., 7-17-1998.

CITY BUILDING shall mean any building, or portion thereof, owned, leased or used by the city of East Grand Rapids for the exclusive or nonexclusive purpose of conducting its business affairs.

CONTROLLED SUBSTANCE shall mean a drug, substance or precursor which has been designated as a controlled substance by any federal law or Michigan statute.

DANGEROUS WEAPON shall mean any weapon likely to produce death or great bodily injury; or, a weapon which, in the manner in which it is used or attempted to be used, endangers life or inflicts great bodily harm.

DATING RELATIONSHIP shall mean frequent, intimate associations primarily characterized by the expectation of affectional involvement. This term does not include a causal relationship or an ordinary fraternization between two (2) individuals in a business or social context.

DISHONORED shall mean:

- A. Any check, draft, or order drawn or written on any account, or otherwise, upon any bank or depository, without sufficient funds for the payment of same when presentment is made to the drawee.
- B. Any check, draft, or order drawn or written on any account which has been closed with or by the bank or other depository upon which it is drawn.

DRUG shall mean any drug or other substance, the sale and distribution and/or possession of which is prohibited or restricted by federal or state law.

DRUG PARAPHERNALIA means equipment, products and materials of any kind which are used, intended for use, or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance as provided for in act no. 368 of public acts of Michigan of 1978², as amended. It includes, but is not limited to:

- A. Kits used, intended for use, or designed for use in planting, propagating, cultivating, growing or harvesting marijuana or any species of plant which is a controlled substance or from which a controlled substance can be derived.

² M.C.L.A. §333.1101 *et. seq.*, MSA 14.15(1101) *et. seq.*

- B. Kits used, intended for use or designed for use in manufacturing, compounding, converting, producing, processing, or preparing controlled substances.
- C. Isomerization devices used, intended for use or designed for use increasing the potency of any species of plant which is a controlled substance.
- D. Testing equipment used, intended for use or designed for use in identifying, or in analyzing the strength, effectiveness or purity of controlled substances.
- E. Scales and balances used, intended for use or designed for use in weighing or measuring controlled substances.
- F. Diluents and adulterants, such as quinine hydrochloride, mannitol, mannite, dextrose and lactose, used, intended for use or designed for use in cutting controlled substances.
- G. Separation gins and sifters used, intended for use or designed for use in removing twigs and seeds from, or in otherwise cleaning or refining, marijuana.
- H. Blenders, bowls, containers, spoons or mixing devices used, intended for use or designed for use in compounding controlled substances.
- I. Capsules, balloons, envelopes and other containers used, intended for use or designed for use in packaging small quantities of controlled substances.
- J. Containers and other objects used, intended for use or designed for use in storing or concealing controlled substances.
- K. Hypodermic syringes, needles and other objects used, intended for use or designed for use in parenterally injecting controlled substances into the human body.
- L. Objects used, intended for use or designed for use in ingesting, inhaling or otherwise introducing marijuana, cocaine, hashish or hashish oil into the human body, such as, but not limited to:
 - 1. Metal, wooden, acrylic, glass, stone, plastic or ceramic pipes with or without screens, permanent screens, hashish heads, or punctured metal bowls.
 - 2. Water pipes.

3. Carburetion tubes and devices.
4. Smoking and carburetion masks.
5. Roach clips, which are objects used to hold burning material, such as a marijuana cigarette, that has become too small or short to be held in the hand.
6. Miniature cocaine spoons and cocaine vials.
7. Chamber pipes.
8. Carburetor pipes.
9. Electric pipes.
10. Air-driven pipes.
11. Chillums.
12. Bongs.
13. Ice pipes or chillers.

MOTOR VEHICLE shall mean a self-propelled vehicle.

PERSON shall mean any individual, corporation, trust, partnership or any other legal entity.

PRINCIPAL shall mean the chief administrative employee of any public, private or parochial elementary, secondary or high school.

PROWLING shall mean willfully lurking about, lying in wait or moving stealthily about private property as if in search of prey or plunder.

PUBLIC NUDITY shall mean knowingly or intentionally displaying in a public place or displaying from a private place in such a manner as to allow the display to be seen from a public place, or for payment or promise of payment by any person including, but not limited to, payment or promise for payment of an admission fee, any individual's genitals or anus with less than a fully opaque covering of the nipple and the areola. "Public nudity" does not include any of the following:

- A. A woman's breast-feeding of a baby, whether or not the nipple or areola is exposed during or incidental to the feeding.
- B. "Material" as defined in section 2 of act no. 343 of the public acts of 1984.

- C. “Sexually Explicit Visual Material” as defined in section 3 of act no. 33 of the public acts of 1978.

PUBLIC PLACE shall mean any parking lot, street, alley, park, sidewalk, public building, any place of business open to the public or frequented by the public or any portion thereof, and any other place which is open to public view to which the public, or any portion thereof, has access.

RETAIL FRAUD shall mean that a person had done one (1) or more of the following:

- A. While a store is open to the public, alters, transfers, removes and replaces, conceals, or otherwise misrepresents the price at which property is for sale, with the intent not to pay for the property or to pay less than the price at which the property is offered for sale.
- B. While a store is open to the public, steals property of the store that is offered for sale.
- C. With the intent to defraud, obtain or attempts to obtain money or property from the store as a refund or exchange for property that was not paid for or belongs to the store.

SCHOOL shall mean any public, private or parochial pre-elementary, elementary (grades K-6), secondary (grades 7-12), high school, or combination thereof.

STALKING shall mean a willful course of conduct involving repeated or continuing harassment of another person that would cause a reasonable person to feel terrorized, frightened, intimidated, threatened, harassed, or molested, and that actually causes the victim to feel terrorized, frightened, intimidated, threatened, harassed, or molested. As used in this section:

- A. “Course of conduct” means a pattern of conduct composed of a series of two (2) or more separate non-continuous acts, evidencing a continuity of purpose.
- B. “Emotional distress” means significant mental suffering or distress that may, but does not necessarily require, medical or other professional treatment or counseling.
- C. “Harassment” means conduct directed toward a victim that includes, but is not limited to, repeated or continuing unconsented contact, that would cause a reasonable individual to suffer emotional distress, and that actually causes the victim to suffer emotional distress. “Harassment” does not include constitutionally protected activity or conduct that serves a legitimate purpose.

- D. “Unconsented contact” means any contact with another individual that is initiated or continued without that individual’s consent or in disregard of that individual’s expressed desire that the contact be avoided or discontinued. Uncontested contact includes, but is not limited to, any of the following:
1. Following or appearing within the sight of that individual.
 2. Approaching or confronting that individual in a public place or on private property.
 3. Appearing at the workplace or residence of that individual.
 4. Entering onto or remaining on property owned, leased, or occupied by that individual.
 5. Contacting that individual by telephone.
 6. Sending mail or electronic communications to that individual.
 7. Placing an object on, or delivering an object to, property owned, leased, or occupied by that individual.
- E. “Victim” means an individual who is the target of a willful course of conduct involving repeated or continuing harassment.

TRUANCY shall mean a person between six (6) and sixteen (16) years of age who is out of school during regular school hours, unless the absence is due to an illness, suspension or expulsion from school, or when the person is either engaged in an organized school program or acting at the direction of a parent or legal guardian.

WEAPON shall mean any pistol, air pistol, rifle, air rifle, shotgun, slingshot, crossbow, bow, molotov cocktail, firebomb or bomb, knife having a blade three (3) inches in length or longer, shurkins (throwing stars) and nunchaku, not including guns not in operating condition. (Ord., 4-27-2001)

- 9.52. Rule of Construction. The rule that a penal statute is to be strictly construed shall not apply to this chapter or any of the provisions thereof. All provisions of this chapter shall be construed according to the fair import of their terms, to promote justice and to effect the objects of the law. (Ord., 4-27-2001)
- 9.53. General Provisions. The following general provisions shall apply in all prosecutions for offenses provided for in this chapter:

- A. Any person who aids, abets, conceals, counsels, facilitates, procures, commands, persuades, solicits or assists in the commission of any offense prohibited by this chapter shall be punished as if he or she committed or perpetrated the actual offense.
- B. Any person who shall attempt to commit an offense prohibited by this chapter, and in such attempt shall do any substantial act towards the commission of such offense, but shall fail in the perpetration, or shall be intercepted or prevented in the execution of the same, shall be punished as if the offense were actually perpetrated or committed.
- C. Any person who conspires with one or more other persons to commit any act prohibited by this chapter shall be punished as if such offense was actually perpetrated and shall be punished as a principal. (Ord., 4-27-2001)

9.54. Offenses Against Persons. No person shall:

- A. Commit an assault or battery upon another person with or without a weapon.
- B. Orally, or by delivery of a writing or electronic communication, threaten any physical violence or harm to any person or any member of such person's family.
- C. Deliver or cause to be delivered, any letter, postal card, electronic writing or other object containing obscene language or containing any words, letters or marks with the intent to frighten, intimidate or cause annoyance to any other person, or with the intent to extort or gain money or property of any description belonging to another.
- D. Accost, molest, or willfully annoy another person.
- E. Recklessly endanger the life, health or well-being of another person.
- F. Engage in any indecent, insulting, immoral or obscene conduct in any public place or place open to the public.
- G. Utter any vile, blasphemous, vulgar, or obscene language in any public place or in such a way as to subject the public to such language.
- H. Commit an assault or an assault and battery on his or her spouse or former spouse, an individual with whom he or she has had a dating relationship, an individual with whom he or she has had a child in common, or a resident or former resident of his or her household.

A police officer may arrest an individual for a violation of this chapter if the officer has reasonable cause to believe that the individual is violating or has violated this section regardless of whether the police officer has a warrant or whether the violation was committed in the officer's presence. Notwithstanding any provision of this Code to the contrary, a person convicted of violating this subsection shall be punished by a fine not to exceed Five Hundred Dollars (\$500) and cost of prosecution or by imprisonment in the Kent County Jail for a period not to exceed ninety-three (93) days, or both such fine and imprisonment in the discretion of the court.

- I. Engage in stalking.
- J. Knowingly and willfully engage in any conduct which exposes a child under twelve (12) years of age to injury. This section shall not be construed as preventing a parent, guardian or other person authorized by law from using reasonable force to discipline a child.
- K. Knowingly and willfully utter any word or commit any act, which causes or tends to cause any minor child under the age of seventeen (17) years to become neglected or delinquent so as to come under the jurisdiction of the family division of the circuit court.
- L. Maliciously, and with the specific intent to intimidate or harass another person because of that person's race, color, religion, gender, or national origin, do any of the following:
 - 1. Cause physical contact with another person.
 - 2. Damage, destroy, or deface any real or personal property of another person.
 - 3. Threaten, by word or act, to do an act described in subsection L1 or L2 of this section if there is reasonable cause to believe that an act described in subsection L1 or L2 of this section will occur.
- M. By threats, intimidation or otherwise, and without authority of law, interfere with, or in any way molest or disturb, without such authority, any person in the quiet and peaceable pursuit of his lawful occupation, vocation or avocation, or on the way to or from such occupation, vocation or avocation.
- N. Willfully focus, point or shine a laser beam, directly or indirectly upon another person or animal in any manner which would cause a reasonable person to feel terrorized, frightened, threatened,

harassed or annoyed and that actually causes the victim to feel terrorized, frightened, threatened, harassed or annoyed.

- O. Possess a laser-pointing device unless that person is at least eighteen (18) years of age. A person under the age of eighteen (18) shall not be in violation of this section if the possession of a laser-pointing device is necessary for his employment, trade, occupation, or has been required by a teacher at a public, private or parochial school as device needed in furtherance of a school assignment. (Ord., 4-27-2001)

9.55. Offenses Against Property. No person shall:

- A. Enter any dwelling house, apartment, private room, private garage or private outbuilding without first obtaining the permission of the owner, or person in charge of the building. This subsection shall not apply to any public safety officer or emergency medical personnel acting in the lawful performance of his or her official duties.
- B. Enter or remain upon the lands or premises of another without lawful authority, after having been forbidden to do so by the owner or person in charge of the lands or premises.
- C. Prowl about the private premises of any other person, either by day or night, without lawful authority or without the express consent of the owner or person in lawful possession of such premises.
- D. Drive or park a motor vehicle on private property without lawful authority knowing the same to be private without the express consent of the owner or person in lawful possession of such premises. This subsection shall not apply to the parking lot of a business that is open to the public.
- E. Enter into any place, area, or building or any part thereof, without permission or where applicable, having first paid any fee, charge or other consideration required for admission or failing to pay for services as required before leaving. This subsection shall not apply to any public safety officer or emergency medical personnel acting in the lawful performance of his or her official duties.
- F. Interfere with, move, disconnect, or carry off any property not his or her own, without lawful authority or the express consent of the owner or person in charge of such property.
- G. Willfully, wantonly or recklessly destroy, damage, deface or tamper with any property, private or public, not his or her own.

- H. Place any sign, advertisement or any other matter upon any lamppost, electric light, telephone or other utility pole, fire hydrant, bridge, pavement, sidewalk, crosswalk or public building without the consent and authorization of the appropriate official. This shall not be construed as preventing any public officer or official from doing any such act for any purpose authorized by the laws of the state or the charter or ordinances of the city.
- I. Mutilate, deface, conceal or tear down any official notice or placard lawfully posted by any city officer or employee unless prior permission is given by such officer or employee to remove such notice.
- J. Destroy, damage or in any manner alter or deface any drinking fountain or public toilet or restroom, or deposit or throw any substance in any public toilet which causes or may cause damage to it or put any substance in a water fountain which may in any manner pollute the water therein. For purposes of this subsection, “drinking fountain” and “public toilet” shall mean any facilities owned or operated by the city or any governmental unit as well as facilities owned by private businesses where such facilities are open to and can be used by the public.
- K. Open or attempt to open, interfere with, or damage any fire hydrant without authority.
- L. Swim, bathe, enter or wade in any creek, stream, pond, lake, quarry, swimming pool or any other body of water not designed for the public use or not open to the public at that time, or swim, bathe or wade in water on private property not owned or lawfully occupied by such person, without express consent of the owner or person in lawful possession thereof. This subsection shall not apply to swimming or entry into the water necessitated by an emergency which threatens life or property. (Ord., 4-27-2001)

9.56. Alcohol and Drug Offenses. No person shall:

- A. Be intoxicated or under the influence of an alcoholic beverage or under the influence of any drug or any combination of alcoholic beverages and drugs in any public place and either endanger directly the safety of another person or the property of another person, or act in a manner that causes or creates a public disturbance.
- B. Sell, give or furnish any drug to any person without first obtaining a license to sell, give or furnish such drug.

- C. Sell, give or furnish any alcoholic beverage to any person who appears to be or is reasonably suspected to be drunk or intoxicated.
- D. Purchase, consume or possess an alcoholic beverage if less than twenty-one (21) years of age, except as provided in this chapter.
 - 1. In addition to the penalties set forth within this chapter, a person convicted of violating this subsection may be ordered to perform community service and to undergo substance abuse screening and assessment or substance abuse treatment and rehabilitation at his or her own expense.
 - 2. A public safety officer who has reasonable cause to believe that a person under the age of twenty-one (21) years has consumed alcoholic liquor may request that the person submit to a preliminary chemical breath analysis. The results of a preliminary chemical breath analysis shall be admissible as evidence and a legal presumption shall be made by the court that the person less than twenty-one (21) years of age has consumed or possessed alcoholic liquor if a preliminary chemical breath analysis indicates a person's blood contained 0.02% or more weight by alcohol.

This subsection shall not be construed to prohibit a person under twenty-one (21) years of age from possessing alcoholic beverages if any of the following circumstances exist:

- 1. The alcoholic beverages are possessed during regular working hours and in the course of the person's employment if such employment is by a person properly licensed by the state of Michigan, by the liquor control commission or by an agent of the liquor control commission, and if the alcoholic beverage is not possessed for such person's personal consumption.
- 2. The person is participating in an undercover decoy operation and the person has purchased or received alcoholic beverages exclusively at the direction of a state, county or local police agency as part of an undercover operation.
- 3. The person is consuming sacramental wine in connection with religious services at a church, synagogue or temple.
- 4. The alcoholic beverage is either an over-the-counter or a prescribed commercially prepared product which is intended for use as a medicine to treat colds, coughs,

allergies or influenza, and is being possessed or used for that purpose.

- E. Knowingly transport or possess, in a motor vehicle, an alcoholic beverage if less than twenty-one (21) years of age. This section shall not apply if the person is employed by a licensee under Michigan law, the Michigan liquor control commission, an agent of said commission, or a police officer where the transport or possession of the alcoholic beverage occurs in the course of the person's employment.
- F. Knowingly, or upon failure to make diligent inquiry, sell, furnish or give alcoholic liquor to a person less than twenty-one (21) years of age. This shall not apply to alcoholic beverages given under the authority of and pursuant to the direction of a duly licensed physician, or to a sacramental wine offered by a member of the clergy in connection with religious services within a church, synagogue or temple.
- G. Falsely represent that he or she or any other person is twenty-one (21) years of age or older for the purpose of procuring the sale or furnishing of any alcoholic beverage.
- H. Knowingly allow or permit any other person to operate a motor vehicle or other piece of machinery owned or controlled by him or her when he or she knows or should reasonably know that the other person is intoxicated or under the influence of an alcoholic beverage or a controlled substance.
- I. Consume, possess or knowingly have under his or her control any open container of alcoholic beverage in any public park, public school property or upon any public street or public sidewalk. This section shall not apply if the alcoholic beverage is consumed or possessed exclusively within an area which is currently licensed for sale or consumption by the Michigan liquor control commission, and if the person is otherwise lawfully entitled to consume or possess the alcoholic beverage.
- J. Inhale, drink, eat or otherwise introduce into his/her respiratory or circulatory system any model glue, or other inhalant with the intent of inducing intoxication, elation, dazed condition, paralysis, or irrationality or in any manner distort or disturb the eyesight, thinking process, judgment, balance or coordination of such person.
- K. Knowingly or intentionally use, possess, or possess with intent to sell or deliver any drug paraphernalia.

- L. Use, knowingly possess, manufacture, plant, grow, cultivate, or deliver to another person any controlled substance. This subsection shall not be interpreted to prohibit a police officer engaged in lawful duties, a person acting pursuant to a license granted by the United States or state of Michigan, or a person acting at the lawful direction of doctor or dentist.
1. In addition to the fines, costs, and term of imprisonment or term of probation, a person convicted under this section shall be subject to the drivers' license sanctions authorized by Michigan statute.
 2. When a person, who has not previously been convicted of an offense under this Ordinance, a similar ordinance of another municipality or any similar state statute or statute of the United States pleads guilty, the court, with the express consent of the city attorney may without entering a judgment of guilt, defer further proceedings and place the individual on probation under such terms and conditions as are authorized by Michigan statute.
- M. Transport or possess usable marihuana as defined in section 26423 of the public health code, 1978 PA 368, MCLA 333.26423, in or upon a motor vehicle or any self-propelled vehicle designed for land travel unless the usable marihuana is 1 or more of the following:
1. Enclosed in a case that is carried in the trunk of the vehicle.
 2. Enclosed in a case that is not readily accessible from the interior of the vehicle, if the vehicle in which the person is traveling does not have a trunk.
- A person who violates this section is guilty of a misdemeanor punishable by imprisonment for not more than 93 days, a fine of not more than \$500 or both.
- N. Permit or allow any premises owned, or controlled by him or her to be used or occupied by persons engaged in the unlawful use of an alcoholic beverage or a controlled substance.
- O. Purchase, possess or use any tobacco products if less than eighteen (18) years of age. A person less than eighteen (18) years of age who violates this subsection is responsible for a civil infraction and may be fined up to five hundred dollars (\$500.00) plus court costs and the costs of prosecution.

This subsection shall not be construed to prohibit a person from possessing tobacco products if any of the following circumstances exist:

1. The tobacco products are possessed during regular working hours and in the course of the person's employment and the tobacco products are not purchased or possessed for such person's personal consumption.
 2. The person is participating in an undercover decoy operation and the person has purchased or received tobacco products exclusively at the direction of a state, county or local police agency as part of an undercover operation.
- P. Falsely represent that he or she or another person is eighteen (18) years of age or older for the purpose of procuring the sale or furnishing of any tobacco product.
- Q. Knowingly, or upon failure to make diligent inquiry, sell, furnish or give tobacco products to a person under eighteen (18) years of age.
- R. No person under twenty-one (21) years of age shall knowingly attend, frequent, or be an occupant at a place where the illegal consumption of alcohol by other persons under the age of twenty-one (21) is being allowed in violation of this subsection, or a place where other persons under the age of twenty-one (21) are illegally in possession of alcoholic liquor. This subsection shall not apply to a place where the attendance is limited to the immediate family of the occupier of the premises and at least one (1) parent residing in that household is actually present. A person who violates this subsection is responsible for a civil infraction and shall be subject to a fine of up to five hundred dollars (\$500.00) plus court costs and the costs of prosecution. (Ord., 4-27-2001)

9.57. Disturbance of the Peace Offenses. No person shall:

- A. Create or unlawfully engage in any disturbance, fight or quarrel in any public place, except in reasonable self-defense when attacked without reasonable provocation or in reasonable defense of another who was so attacked.
- B. Disturb the public peace and quiet by loud, boisterous, or vulgar conduct or language.
- C. Without proper authority, conduct himself or herself in any public place so as to obstruct the free and uninterrupted passage of the public.

- D. Disturb or unreasonably interfere with any service of worship or any other assembly gathered for lawful purposes.
- E. Discharge, offer for sale, or possess any fireworks except of the type and under the conditions permitted by chapter 39 of the penal code of the state of Michigan, being sections 750.243a through 750.243e.
- F. Incite, cause, or attempt to incite or cause any assembled group of persons to act in a manner that is likely to or does endanger the safety of another person or of property.
- G. By the use or means of telephone perform any of the following:
 - 1. Disturb the peace, quiet, or privacy of any other person or family by repeated calls intended to harass or annoy the person or family to whom the calls are made;
 - 2. Use obscene or offensive language, or suggest any lewd or lascivious act;
 - 3. Attempt to extort money or anything of value from any person;
 - 4. Threaten any physical violence or harm to any person;
 - 5. Repeatedly and continuously ring the telephone of any person with intent to disturb or harass such person;
 - 6. Knowingly and intentionally make a false report of a crime, fire, traffic crash, or medical emergency;
 - 7. Repeatedly dial 9-1-1 except to report an emergency condition requiring a police, fire department or emergency medical response.
- H. Create any loud noises or use any loudspeaker, sound amplifier or other electrical or mechanical device intended to increase the volume of sound at any place or places within the city in such a manner as to disturb unnecessarily and without reasonable cause the quiet, comfort or repose of any person or persons between the hours of eleven (11:00) o'clock p.m. and seven (7:00) o'clock a.m., except as allowed by permit issued by the city.
- I. Remain on the premises of any city building unless such person is present for the purposes of conducting business with city officials or attending, participating in or observing any hearing or meeting held in such city building.

- J. Permit or allow any loud noises, electrical, mechanical, human, or animal in origin, to be emitted from any place occupied or controlled by him so as to disturb unnecessarily and without reasonable cause the quiet, comfort, or repose of any person or persons.

9.58. Offenses Against Government Order. No person shall:

- A. Knowingly and willfully use any physical or verbal conduct which obstructs, resists, hinders or opposes any public safety officer, police officer, deputy sheriff, firefighter, or any federal, county, state or city employee who is acting in the lawful discharge of his or her duties.
- B., Knowingly and willfully furnish to any law enforcement officer/firefighter, police, fire or medical dispatcher, or employee of the city, acting in the lawful discharge of his or her duties, a false name, address, age or date of birth or false or misleading information in connection with a fire, crime, police inquiry, medical emergency, or traffic accident.
- C. Escape, or attempt to escape or willfully engage in conduct that causes or allows the escape of any person while lawfully in the custody of any law enforcement officer.
- D. Impersonate a firefighter, public safety officer, law enforcement officer, or other employee of the city or any government unit, without due authority.
- E. Knowingly and willfully disobey any validly posted sign in any public park or other public place.
- F. When operating a motor vehicle which has been stopped in response to a law enforcement officer's signal, leave or attempt to leave scene unless and until he or she has received permission to do so from the officer.
- G. Falsely indicate a lack of knowledge or when asked by a law enforcement officer, a prosecuting attorney, the city attorney or a judge, fail to disclose, or conceal knowledge of the actual commission of a violation of any statute or city ordinance from a prosecuting attorney, city attorney, judge or from a law enforcement officer investigating said violation. This subsection shall not be interpreted to conflict with the right of any person not to be a witness against himself or herself or any other legally recognized privilege or right.

- H. Knowingly and willfully fail to obey the command of any properly identified law enforcement officer to stop or halt.
- I. Knowingly and willfully fail to obey the command of any law enforcement officer, or any person acting at the direction of a law enforcement officer, who is directing traffic or engaging in crowd control or cross a police line without specific authority or the permission from a law enforcement officer, or any person acting at the direction of the law enforcement officer, who is at the scene in which the police line is constructed.
- J. Knowingly and willfully fail to obey the command of any law enforcement officer, school official, the mayor, or other authorized representative of the department of public safety, department of public works and/or recreation departments, to leave a public park, school ground, playground, boulevard, swimming pool, recreation area, school building or city building.
- K. Equip a vehicle or possess within the passenger compartment of a motor vehicle a radio receiving set that will receive signals sent on frequencies assigned by the federal communications commission of the United States of America for police purposes, or use the same unless such vehicle is used or owned by a peace officer, or a bona fide amateur radio operator holding a technician class, general, advanced, or extra class amateur license issued by the director of the department of state police. This section shall not be construed as restriction to the use of radar detectors or the ability of a person to transport within a vehicle an inoperable police radio.
- L. Engage in any profession, trade, occupation or other activity for which a license is required by any federal law, Michigan statute or East Grand Rapids ordinance without first obtaining, and thereafter maintaining, such license.
- M. Make or file with the public safety department any false, misleading or unfounded statement or report concerning the commission or alleged commission of any crime or public safety emergency occurring within the city. (Ord., 4-27-2001)

9.59. Vice Offenses. No person shall:

- A. Engage in prostitution or solicit or accost any person for the purpose of inducing the commission of any illegal or immoral act.
- B. Engage in gambling or any game of chance for money unless otherwise permitted by law.

- C. Attend, frequent, operate or be an occupant of any place where prostitution, gambling, the illegal possession, use or delivery of a controlled substance, the illegal sale, possession or use of intoxicating liquor, or any other illegal or immoral business or occupation is permitted or conducted.
- D. Knowingly transport any person to any place for the purpose of enabling such person to engage in gambling, prostitution or in any illegal or immoral act.
- E. Keep, maintain, or permit the use of a gambling room, table, or equipment, or any policy or pool tickets, to be used for gambling on any premises occupied or controlled by him or her.
- F. Permit or allow any premises owned, occupied or controlled by him or her to be used or occupied by persons engaging in any act of prostitution or any other illegal sexual activity. (Ord., 4-27-2001)

9.60. Larceny Offenses. No person shall:

- A. Commit the offense of larceny, by stealing, trick or conversion, of the property of another, any money, goods or chattels, or any bank note, bank bill, bond, promissory note, due bill, bill of exchange or other bill, draft, order or certificate, or any book of accounts for or concerning money or goods due or to become due, or to be delivered, or any deed or writing counting the conveyance of land or any other valuable contract in force, or any receipt, release or defeasance, or any writ, process or public record.
- B. Obtain or attempt to obtain money, goods, property or services by fraud, trick, or false pretenses.
- C. Knowingly obtain or attempt to obtain telephone service or the transmission of a telephone message by the use of any false or fictitious telephone credit number or telephone number of another without the authority of the person to whom such credit number or telephone number was issued.
- D. Buy, receive, possess, conceal, or aid in the concealment of stolen, embezzled, or converted money, goods, or property, knowing the money, goods, or property to be stolen, embezzled, or converted.
- E. Refuse or willfully neglect to return a motor vehicle, trailer or other tangible property, which he or she has on a rental or lease basis under any agreement in writing providing for its return to a particular place at a particular time.

- F. As the agent, servant or employee of another, or as the trustee, bailee or custodian of the property of another, or of any partnership, voluntary association, public or private corporation, or of this state, or of any county, city, village, township or school district within this state, fraudulently dispose of or convert to his own use, or take or secrete with intent to convert to his or her own use without the consent of his or her principal, any money or other personal property, of his or her principal which shall have come to his or her possession or shall be under his or her charge or control by virtue of his or her being such agent, servant, employee, trustee, bailee or custodian.
- G. By use of a computer, telephone or other electronic or mechanical device obtain or gain access to any data base, confidential records or other information not his or her own without permission of the owner or keeper of such information.
- H. Telephone in a false order to any food delivery service or a false request to any service business and request that food be delivered to a location or that services be rendered at a particular location.
- I. Knowingly and willfully defraud any taxicab, boarding house, hotel, motel, inn, restaurant, gas station, service station, or cafe by procuring any transportation service, food, drink, entertainment, room, accommodation, gas, oil or repairs with the intent not to pay for the same. This subsection shall not be interpreted to conflict with the right of any person to dispute the amount, type or quality of goods or services for so long as the person gives notice of the dispute, provides identification of his or her name and address and the notice of the dispute is given before leaving the scene.
- J. Knowingly possess any tool, implement or device which has been designed or adapted for breaking open any building or motor vehicle, or for starting the engine of a motor vehicle without the regular key or for removing sensor tags from property for sale at retail, with the intent to use or employ the same for the purpose of willfully removing property not his or her own.
- K. Engage in retail fraud. (Ord., 4-27-2001)
- L. With intent to defraud, make, draw, utter, or deliver any check, draft, or order for the payment of money, to apply on account or otherwise, upon any bank or other depository, knowing at the time of the making, drawing, uttering, or delivering, that the maker or drawer does not have sufficient funds in or credit with the bank or other depository, for the payment of the check, draft, or order, in

full upon its presentation, of the amount payable in such check, draft, or order in any amount.

M. With intent to defraud make, draw, utter, or deliver any check, draft, or order for the payment of money to apply on account or otherwise, upon any bank, or other depository, unless the person has sufficient funds for payment for same when presentment is due to the drawee in any amount, except where the lack of funds is due to garnishment, attachment, levy, or other lawful cause, and such fact was not known to the person who made, drew, uttered, or delivered the instrument at the time of so doing.

N. With respect to subsections (L) and (M),

As against the maker or drawer thereof, the making, drawing, uttering, or delivering, of a check, draft, or order, payment of which is refused by the drawee, when presented in the usual course of business, shall be a prima facie evidence of intent to defraud and of knowledge of insufficient funds in or credit with such bank or other depository, provided such maker or drawer shall not have paid the drawee thereof the amount due thereon, together with all cost and protest fees, within five (5) business days after receiving notice that such check, draft, or order has not been paid by the drawee.

Where such check, draft, or order is protested on the ground of insufficiency of funds or credit, the notice of protest thereof shall be admissible as proof of presentation, nonpayment, and protest, and shall be prima facie evidence of intent to defraud and knowledge of insufficient funds or credit with such bank or other depository.

9.61. School Premises Offenses. No person shall:

A. Trespass upon or loiter in or upon any public, private or parochial school building or school property in the city for any reason whatever, unless such person is a regularly enrolled student or parent or guardian thereof or a school official, teacher or other public or school employee, or has received permission from the principal or other person designated by the principal to be in or upon or to remain in or upon such public, private or parochial school building or school property. However, that such permission need not be secured by persons engaging in or attending a school for a city park and recreation commission authorized activity or by persons using school playground or playground equipment after school hours, or when school is not in session, unless such entry or use shall have been otherwise prohibited by a published or posted

rule or regulation of the school board, school principal or other person, board or committee with the authority to prohibit such use or entry.

- B. Willfully or maliciously make or assist in making any noise, disturbance or improper diversion by which the peace, quietude, or good order of any public, private or parochial school is disturbed.
- C. By violence, threats of violence or other form of coercion, force or attempt to force any public, private or parochial school student or other person to give or to lend any money or other thing of value to any person at any time.
- D. Damage, destroy or deface any public, private or parochial school building or the grounds, outbuildings, fences, trees, or other appurtenances or fixtures belonging thereto.
- E. By threats, intimidation or otherwise, and without authority of law, interfere with, molest or disturb, without such authority, any person in the quiet and peaceable pursuit of an education or participation in school sponsored or school controlled activities at a public, private or parochial school, or while that person is on the way to or from such school. (Ord., 4-27-2001)

9.62. Weapons Offenses. No person shall:

- A. Sell, offer to sell, or have in his or her possession any knife having the appearance of a pocketknife, the blade or blades of which can be opened by manipulating a button, applying pressure on a handle or other mechanical contrivance, except under such conditions as are provided by state law.
- B. Carry a dagger, knife, dirk, stiletto, double-edged nonfolding stabbing instrument of any length, or other dangerous weapon, except hunting knives adapted and carried as such, concealed on or about his or her person or in a motor vehicle, concealed or otherwise, operated or occupied by him or her, except in his dwelling house or place of business or on other land possessed by him or her.
- C. Possess weapons of the martial arts without a legitimate cause which is related to the person's occupation or business and except on the person's own private property.
- D. Wrongfully throw or propel any snowball, paintball, missile, air-soft pellet, or object from any moving vehicle or toward any person, vehicle, or property of another.

- E. Without authority by law, discharge any firearm, air rifle, air pistol, paintball gun or other dangerous weapon, within or into the city, except on a proper range or facility established for that purpose. This subsection shall not apply to the discharge of blank ammunition as part of a city- approved event, parade or funeral ceremony. (Ord., 4-27-2001)

9.63. Begging and Soliciting.

- A. The following words, terms, and phrases, when used in this section, shall have the meanings provided in this subsection, except where the context clearly indicates a different meaning:

1. ACCOSTING shall mean approaching or speaking to a person in such a manner as could cause a reasonable person to fear imminent bodily harm or the commission of a criminal act upon his person, or upon property in his immediate possession.
2. ASK, BEG, OR SOLICIT shall mean and include, without limitation, the spoken, written, or printed word, or such other acts as are conducted in furtherance of the purpose of obtaining donations.
3. FORCING ONESELF UPON THE COMPANY OF ANOTHER shall mean continuing to request, beg, or solicit from a person after that person has made a negative response, blocking the passage of the individual addressed, or otherwise engaging in conduct which could reasonably be construed as intended to compel or force a person to accede to demands.
4. DONATIONS shall mean something, including, but not limited to, money or food, that is solicited in order to provide assistance to a person or organization. Donations shall not be construed to mean Halloween candy or treats solicited during the time and date designated by the City of East Grand Rapids each year for Halloween Trick-or-Treating.

- B. It shall be unlawful for any person to solicit donations:

1. On private property if the owner, tenant, or lawful occupant has asked the person not to solicit on the property or has posted a sign clearly indicating that solicitations are not welcome on the property;

2. Within fifteen (15) feet of the entrance to or exit from any public toilet facility;
3. Within fifteen (15) feet of an automated teller machine, provided that when an automated teller machine is located within an automated teller machine facility, such distance shall be measured from the entrance or exit of the automated teller machine facility;
4. Within any public transportation vehicle, bus station, or within fifteen (15) feet of any public bus stop or taxi stand;
5. From any operator or occupant of a motor vehicle that is in traffic on a public street; provided, however, that this subsection shall not apply to services rendered in connection with emergency repairs, requested by the owner or passengers of such vehicle.

C. It shall be unlawful for any person to solicit donations by:

1. Accosting another; or
2. Forcing oneself upon the company of another.

9.64. Miscellaneous Offenses. No person shall:

- A. Engage in public nudity.
- B. Make any immoral exhibition or indecent exposure of his or her person in a public place or knowingly do so in a private place where the exhibition or exposure may be viewed by a person located in a public place.
- C. Engage in any window peeping.
- D. Swim or bathe in the nude in any public place or on private property without the specific permission of the owner.
- E. Expectorate, urinate, defecate or perform any other act that creates a hazardous, unsanitary or deleterious condition in any public place or upon the property of any other person. This subsection shall not apply to the proper use of public restroom facilities.
- F. Knowingly cause any earth, ashes, mortar, papers, stone, brick, ice, snow, dirt, manure, filth, excrement, chips or rubbish of any description to fall or be thrown into the path of or hit any vehicle traveling within the city limits.

- G. Operate any motorized vehicle including snowmobiles on any city park property.
- H. Maliciously throw or place glass, nails, tacks or other dangerous pointed or edged substances in or on any beach, highway, public property, or on any private walk or driveway not his or her own.
- I. Engage in truancy.
- J. If under the age of twelve (12) years, loiter, idle or congregate in or on any public street, highway, alley or park between the hours of ten (10:00) o'clock p.m. and six (6:00) o'clock a.m., unless the minor is accompanied by a parent or guardian, or some adult delegated by the parent or guardian to accompany the minor.
- K. If under the age of sixteen (16) years, loiter, idle or congregate in or on any public street, highway, alley or park between the hours of twelve (12:00) o'clock midnight and six (6:00) o'clock a.m., immediately following, except where the minor is accompanied by a parent or guardian, or some adult delegated by the parent or guardian to accompany the minor, or where the minor is upon an errand or other legitimate business directed by his parent or guardian. (Ord., 4-27-2001; Ord., 6-2-2001)

9.65. Violations and Penalties. Except as otherwise specifically provided in this chapter, any person convicted of violating any provision of this chapter shall be punished by a fine not to exceed five hundred dollars (\$500.00) and cost of prosecution or by imprisonment in the Kent County jail for a period not to exceed ninety-three (93) days, or both such fine and imprisonment in the discretion of the court. (Ord. 4-27-2001)

9.66. Confiscation/Civil Forfeiture. All weapons, items or devices which were used to violate any of the preceding sections of this chapter are, upon conviction of the person responsible, forfeited to the city, unless the weapons, items or devices were used without the knowledge of the owner. (Ord. 4-27-2001)

9.67. Severability. If any section, subsection, sentence, clauses, or phrase of this Ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of this Ordinance.

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 93 OF TITLE IX
OF THE CODE OF THE CITY OF EAST GRAND RAPIDS**

THE CITY OF EAST GRAND RAPIDS ORDAINS:

Section 1. Chapter 93 of Title IX of the Code of the City of East Grand Rapids is amended in its entirety to read as follows:

CHAPTER 93: MISCELLANEOUS OFFENSES¹

~~MISCELLANEOUS OFFENSES
THIS IS NOT THE MOST UP TO DATE VERSION~~

~~Section:~~

- Section:
- 9.51. Definitions
 - 9.52. Rule of construction
 - 9.53. General provisions
 - 9.54. Offenses against persons
 - 9.55. Offenses against property
 - 9.56. Alcohol and drug offenses
 - 9.57. Disturbance of the peace offenses
 - 9.58. Offenses against government order
 - 9.59. Vice offenses
 - 9.60. Larceny offenses
 - 9.61. School premises offenses
 - 9.62. Weapons offenses
 - 9.63. Begging and Soliciting
 - 9.64. Miscellaneous offenses
 - ~~9.64~~9.65. Violations and penalties
 - ~~9.65~~9.66. Confiscation/civil forfeiture
 - ~~9.66~~9.67. Severability

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

ADDRESS OF RECORD shall mean the address that appears on the check or the last known address of record with the secretary of state at the time the check was presented for payment of goods and services.

¹ Prior ordinance history: 1982 Code §§9.51, 9.53, 9.54; Ord., 3-21-1983; Ord., 4-18-1983; Ord., 4-1-1985; Ord., 8-18-1986; Ord., 3-6-1989; Ord., 3-1-1991; 1993 Code; Ord., 4-8-1996; Ord., 7-17-1998.

ALCOHOLIC BEVERAGE shall mean any spirituous, vinous, malt, fermented liquor, beer, wine, spirits, alcoholic liquids and compounds whether or not medicated, proprietary, patented, and by whatever name called, containing one-half ($\frac{1}{2}$) of one (1) percent or more of alcohol by volume.

CHECK shall mean any check, draft, or order for the payment of money to apply on account or otherwise, upon any bank or other depository.

CITY BUILDING shall mean any building, or portion thereof, owned, leased or used by the city of East Grand Rapids for the exclusive or nonexclusive purpose of conducting its business affairs.

CONTROLLED SUBSTANCE shall mean a drug, substance or precursor which has been designated as a controlled substance by any federal law or Michigan statute.

DANGEROUS WEAPON shall mean any weapon likely to produce death or great bodily injury; or, a weapon which, in the manner in which it is used or attempted to be used, endangers life or inflicts great bodily harm.

DATING RELATIONSHIP shall mean frequent, intimate associations primarily characterized by the expectation of affectional involvement. This term does not include a causal relationship or an ordinary fraternization between two (2) individuals in a business or social context.

DISHONORED shall mean:

- A. Any check, draft, or order drawn or written on any account, or otherwise, upon any bank or depository, without sufficient funds for the payment of same when presentment is made to the drawee.
- B. Any check, draft, or order drawn or written on any account which has been ~~closed with~~ closed with or by the bank or other depository upon which it is drawn.

DRUG shall mean any drug or other substance, the sale and distribution and/or possession of which is prohibited or restricted by federal or state law.

DRUG PARAPHERNALIA means equipment, products and materials of any kind which are used, intended for use, or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance as

provided for in act no. 368 of public acts of Michigan of ~~1978~~¹⁹⁷⁸², as amended. It includes, but is not limited to:

- ~~A.A.~~ Kits used, intended for use, or designed for use in planting, propagating, cultivating, growing or harvesting marijuana or any species of plant which is a controlled substance or from which a controlled substance can be derived.
- ~~B.B.~~ Kits used, intended for use or designed for use in manufacturing, compounding, ~~4. ——— Prior ordinance history: 1982 Code §§9.51, 9.53, 9.54; Ord., 3-21-1983; Ord., 4-18-1983; Ord., 4-1-1985; Ord., 8-18-1986; Ord., 3-6-1989; Ord., 3-1-1991; 1993 Code; Ord., 4-8-1996; Ord., 7-17-1998. M.C.L.A. §333.1101 et seq., MSA 14.15(1101) et seq. September 2001~~ converting, producing, processing, or preparing controlled substances~~;~~.
- ~~C.~~ Isomerization devices used, intended for use or designed for use increasing the potency of any species of plant which is a controlled substance~~;~~.
- ~~C.D.D.~~ Testing equipment used, intended for use or designed for use in identifying, or in analyzing the strength, effectiveness or purity of controlled substances.
- ~~E.~~ Scales and balances used, intended for use or designed for use in weighing or measuring controlled substances~~;~~.
- ~~E.F.F.~~ Diluents and adulterants, such as quinine hydrochloride, mannitol, mannite, dextrose and lactose, used, intended for use or designed for use in cutting controlled substances.
- ~~G.G.~~ Separation gins and sifters used, intended for use or designed for use in removing twigs and seeds from, or in otherwise cleaning or refining, marijuana.
- ~~H.~~ Blenders, bowls, containers, spoons or mixing devices used, intended for use or designed for use in compounding controlled substances~~;~~.
- ~~H.H.I.~~ Capsules, balloons, envelopes and other containers used, intended for use or designed for use in packaging small quantities of controlled substances.
- ~~J.J.~~ Containers and other objects used, intended for use or designed for use in storing or concealing controlled substances~~;~~.

² M.C.L.A. §333.1101 et. seq., MSA 14.15(1101) et. seq.

K. Hypodermic syringes, needles and other objects used, intended for use or designed for use in parenterally injecting controlled substances into the human body.

~~K.L.~~ Objects used, intended for use or designed for use in ingesting, inhaling or otherwise introducing marijuana, cocaine, hashish or hashish oil into the human body, such as, but not limited to:

~~1.~~ Metal, wooden, acrylic, glass, stone, plastic or ceramic pipes with or without screens, permanent screens, hashish heads, or punctured metal bowls.

2. Water pipes.

~~2.3.3.~~ Carburetion tubes and devices.

4. Smoking and carburetion masks.

~~4.5.5.~~ Roach clips, which are objects used to hold burning material, such as a marijuana cigarette, that has become too small or short to be held in the hand.

~~6.6.~~ Miniature cocaine spoons and cocaine vials.

7. Chamber pipes.

~~7.8.~~ ~~8.~~ Carburetor pipes.

9. Electric pipes.

~~9.10.~~ ~~10.~~ Air-driven pipes.

11. ~~11.~~ Chillums.

12. ~~12.~~ Bongs.

~~13.13.~~ Ice pipes or chillers.

MOTOR VEHICLE shall mean a self-propelled vehicle.

PERSON shall mean any individual, corporation, trust, partnership or any other legal entity.

PRINCIPAL shall mean the chief administrative employee of any public, private or parochial elementary, secondary or high school.

PROWLING shall mean ~~wilfully~~ willfully lurking about, lying in wait or moving stealthily about private property as if in search of prey or plunder.

PUBLIC NUDITY shall mean knowingly or intentionally displaying in a public place or displaying from a private place in such a manner as to allow the display to be seen from a public place, or for payment or promise of payment by any person including, but not limited to, payment or promise for payment of an admission fee, any individual's genitals or anus with less than a fully opaque covering of the nipple and the areola. "Public nudity" does not include any of the following:

~~A.A.~~ A woman's breast-feeding of a baby, whether or not the nipple or areola is exposed during or incidental to the feeding.

~~B.B.~~ "Material" as defined in section 2 of act no. 343 of the public acts of 1984.

~~C.~~ "Sexually Explicit Visual Material" as defined in section 3 of act no. 33 of the public acts of 1978.

PUBLIC PLACE shall mean any parking lot, street, alley, park, sidewalk, public building, any place of business open to the public or frequented by the public or any portion thereof, and any other place which is open to public view to which the public, or any portion thereof, has access.

RETAIL FRAUD shall mean that a person had done one (1) or more of the following:

A. While a store is open to the public, alters, transfers, removes and replaces, conceals, or otherwise misrepresents the price at which property is for sale, with the intent not to pay for the property or to pay less than the price at which the property is offered for sale.

~~B.B.~~ While a store is open to the public, steals property of the store that is offered for sale.

~~C.C.~~ With the intent to defraud, obtain or attempts to obtain money or property from the store as a refund or exchange for property that was not paid for or belongs to the store.

SCHOOL shall mean any public, private or parochial pre-elementary, elementary (grades K-6), secondary (grades 7-12), high school, or combination thereof.

STALKING shall mean a ~~wilful~~willful course of conduct involving repeated or continuing harassment of another person that would cause a reasonable person to feel terrorized, frightened, intimidated, threatened, harassed, or molested, and that actually causes the victim to feel terrorized, frightened, intimidated, threatened, harassed, or molested. As used in this section:

~~A.A.~~ A. “Course of conduct” means a pattern of conduct composed of a series of two (2) or more separate non-continuous acts, evidencing a continuity of purpose.

B. “Emotional distress” means significant mental suffering or distress that may, but does not necessarily require, medical or other professional treatment or counseling.

C. “Harassment” means conduct directed toward a victim that includes, but is not limited to, repeated or continuing unconsented contact, that would cause a reasonable individual to suffer emotional distress, and that actually causes the ~~victim to suffer emotional distress.~~ “Harassment” does not include constitutionally protected activity or conduct that serves a legitimate purpose.

~~September 2001~~

~~tim to suffer emotional distress. "Harassment" does not include constitutionally protected activity or conduct that serves a legitimate purpose.~~

D. “Unconsented contact” means any contact with another individual that is initiated or continued without that individual’s consent or in disregard of that individual’s expressed desire that the contact be avoided or discontinued. Uncontested contact includes, but is not limited to, any of the following:

1. Following or appearing within the sight of that individual.

~~1.2.2.~~ 2. Approaching or confronting that individual in a public place or on private property.

3. Appearing at the workplace or residence of that individual.

~~3.4.4.~~ 4. Entering onto or remaining on property owned, leased, or occupied by that individual.

~~5.5.~~ 5. Contacting that individual by telephone.

~~6.6.~~ Sending mail or electronic communications to that individual.

~~7.7.~~ Placing an object on, or delivering an object to, property owned, leased, or occupied by that individual.

E. “Victim” means an individual who is the target of a ~~wilful~~-willful course of conduct involving repeated or continuing harassment.

TRUANCY shall mean a person between six (6) and sixteen (16) years of age who is out of school during regular school hours, unless the absence is due to an illness, suspension or expulsion from school, or when the person is either engaged in an organized school program or acting at the direction of a parent or legal guardian.

WEAPON shall mean any pistol, air pistol, rifle, air rifle, shotgun, slingshot, crossbow, bow, molotov cocktail, firebomb or bomb, knife having a blade three (3) inches in length or longer, shurikins (throwing stars) and nunchaku, not including guns not in operating condition. (Ord., 4-27-2001)

9.52. Rule of ~~construction~~Construction. The rule that a penal statute is to be strictly construed shall not apply to this chapter or any of the provisions thereof. All provisions of this chapter shall be construed according to the fair import of their terms, to promote justice and to effect the objects of the law. (Ord., 4-27-2001)~~(WHAT DOES THIS MEAN?)~~

9.53. General ~~provisions~~Provisions. The following general provisions shall apply in all prosecutions for offenses provided for in this chapter:

A. Any person who aids, abets, conceals, counsels, facilitates, procures, commands, persuades, solicits or assists in the commission of any offense prohibited by this chapter shall be punished as if he or she committed or perpetrated the actual offense.

A.B.B. Any person who shall attempt to commit an offense prohibited by this chapter, and in such attempt shall do any substantial act towards the commission of such offense, but shall fail in the perpetration, or shall be intercepted or prevented in the execution of the same, shall be punished as if the offense were actually perpetrated or committed.

- C. Any person who conspires with one or more other persons to commit any act prohibited by this chapter shall be punished as if such offense was actually perpetrated and shall be punished as a principal. (Ord., 4-27-2001)

9.54. Offenses ~~against persons~~ Against Persons. No ~~per-person~~ shall:

~~son shall:~~

- ~~A.A.~~ A.A. Commit an assault or battery upon ~~another~~ another person with or without a weapon.
- B. Orally, or by delivery of a writing or electronic communication, threaten any physical violence or harm to any person or any member of such person's family.
- ~~B.C.C.~~ B.C.C. Deliver or cause to be delivered, any letter, postal card, electronic writing or other object containing obscene language or containing any words, letters or marks with the intent to frighten, intimidate or cause annoyance to any other person, or with the intent to extort or gain money or property of any description belonging to another.
- ~~D.D.~~ D.D. Accost, molest, ~~beg or "panhandle", or wilfully or willfully~~ annoy another person. New Begging and soliciting Ordinance does it go here or later?
- ~~E.E.~~ E.E. Recklessly endanger the life, health or well-being of another person.
- F. Engage in any indecent, insulting, ~~immoral~~ immoral or obscene conduct in any public place or place open to the public.
- ~~F.G.G.~~ F.G.G. Utter any vile, blasphemous, vulgar, or obscene language in any public place or in such a way as to subject the public to such language.
- ~~H. Commit an assault or an assault and battery~~ H. Commit an assault or an assault and battery on his or her spouse or former spouse, an individual with whom he or she has had a dating relationship, an individual with whom he or she has had a child in common, or a resident or former resident of his or her household. A police officer may arrest an individual for a violation of this chapter if the officer has reasonable cause to believe that the individual is violating or has violated this section regardless of whether the police officer has a warrant or whether the violation was committed in the officer's presence. Notwithstanding any provision of this Code to the contrary, a person convicted of violating this subsection shall be punished by a fine not to exceed Five Hundred Dollars (\$500) and cost of prosecution or by

imprisonment in the Kent County Jail for a period not to exceed ninety-three (93) days, or both such fine and imprisonment in the discretion of the court.

I. ~~+~~Engage in stalking.

J. ~~+~~Knowingly and ~~wilfully~~willfully engage in any conduct which exposes a child under twelve (12) years of age to injury. This section shall not be construed as preventing a parent, guardian or other person authorized by law from using reasonable force to discipline a child.

K. ~~+~~Knowingly and ~~wilfully~~willfully utter any word or commit any act, which causes or tends to cause any minor child under the age of seventeen (17) years to become neglected or delinquent so as to come under the jurisdiction of the family division of the circuit court.

~~+~~L. Maliciously, and with the specific intent to intimidate or harass another person because of that person's race, color, religion, gender, or national origin, do any of the following:

~~+~~1. Cause physical contact with another person~~.~~

~~2.~~2. Damage, destroy, or deface any real or personal property of another person~~.~~

~~3.~~3. Threaten, by word or act, to do an act described in subsection L1 or L2 of this section if there is reasonable cause to believe that an act described in subsection L1 or L2 of this section will occur.

~~M.L1 or L2 of this section will occur~~M. ~~believe that an act described in subsection~~ By threats, intimidation or otherwise, and without authority of law, interfere with, or in any way molest or disturb, without such authority, any person in the quiet and peaceable pursuit of his lawful occupation, vocation or avocation, or on the way to or from such occupation, vocation or avocation.

~~N.Wilfully~~N. Willfully focus, point or shine a laser beam, directly or indirectly upon another person or animal in any manner which would cause a reasonable person to feel terrorized, frightened,

threatened, harassed or annoyed and that actually causes the victim to feel terrorized, frightened, threatened, harassed or annoyed.

~~Q.~~ Possess a laser-pointing device unless that person is at least eighteen (18) years of age. A person under the age of eighteen (18) shall not be in violation of this section if the possession of a laser-pointing device is necessary for his employment, trade, occupation, or has been required by a teacher at a public, private or parochial school as device needed in furtherance of a school assignment. (Ord., 4-27-2001)

9.55. Offenses ~~against property~~ Against Property. No person shall:

A. Enter any dwelling house, apartment, private room, private garage or private outbuilding without first obtaining the permission of the owner, or person in charge of the building. This subsection shall not apply to any public safety officer or emergency medical personnel acting in the lawful performance of his or her official duties.

~~B.B.~~ Enter or remain upon the lands or premises of another without lawful authority, after having been forbidden to do so by the owner or person in charge of the lands or premises.

~~C.C.~~ Prowl about the private premises of any other person, either by day or night, without lawful authority or without the express consent of the owner or person in lawful possession of such premises.

D. Drive or park a motor vehicle on private property without lawful authority knowing the same to be private without the express consent of the owner or person in lawful possession of such premises. This subsection shall not apply to the parking lot of a business that is open to the public.

~~D.E.E.~~ Enter into any place, area, or building or any part thereof, without permission or where applicable, having first paid any fee, charge or other consideration required for admission or failing to pay for services as required before leaving. This subsection shall not apply to any public safety officer or emergency medical personnel acting in the lawful performance of his or her official duties.

~~F.F.~~ Interfere with, move, disconnect, or carry off any property not his or her own, without lawful authority or the express consent of the owner or person in charge of such property.

~~G. Willfully~~ G. Willfully, wantonly or recklessly destroy, damage, deface or tamper with any property, private or public, not his or her own.

~~H.H.~~ Place any sign, advertisement or any other matter upon any lamppost, electric light, telephone or other utility pole, fire hydrant, bridge, pavement, sidewalk, crosswalk or public building without the ~~con-sent~~ consent and authorization of the appropriate official. This shall not be construed as preventing any public officer or official from doing any such act for any purpose authorized by the laws of the state or the charter or ordinances of the city.

I. Mutilate, deface, conceal or tear down any official notice or placard lawfully posted by any city officer or employee unless prior permission is given by such officer or employee to remove such notice.

~~H.J.~~ Destroy, damage or in any manner alter or deface any drinking fountain or public toilet or restroom, or deposit or throw any substance in any public toilet which causes or may cause damage to it or put any substance in a water fountain which may in any manner pollute the water therein. For purposes of this subsection, “drinking fountain” and “public toilet” shall mean any facilities owned or operated by the city or any governmental unit as well as facilities owned by private businesses where such facilities are open to and can be used by the public.

~~K.K.~~ Open or attempt to open, interfere with, or damage any fire hydrant without authority.

~~L.L.~~ Swim, bathe, enter or wade in any creek, stream, pond, lake, quarry, swimming pool or any other body of water not designed for the public use or not open to the public at that time, or swim, bathe or wade in water on private property not owned or lawfully occupied by such person, without express consent of the owner or person in lawful possession thereof. This subsection shall not apply to swimming or entry into the water necessitated by an emergency which threatens life or property. (Ord., 4-27-2001)

9.56. Alcohol and ~~drug offenses~~ Drug Offenses. No person shall:

~~A.~~ Be intoxicated or under the influence of an alcoholic beverage or under the influence of any drug or any combination of alcoholic beverages and drugs in any public place and either endanger directly the safety of another person or the property of another person, or act in a manner that causes or creates a public disturbance.

~~B.B.~~ Sell, give or furnish any drug to any person without first obtaining a license to sell, give or furnish such drug.

~~C.~~ Sell, give or furnish any alcoholic ~~beverage~~ beverage to any person who appears to be or is reasonably suspected to be drunk or intoxicated.

D. Purchase, consume or possess an ~~alcoholic~~ alcoholic beverage if less than twenty-one (21) years of age, except as provided in this chapter.

~~D.4.1.~~ In addition to the penalties set forth within this chapter, a person convicted of violating this subsection may be ordered to perform community service and to undergo substance abuse screening and assessment or substance abuse treatment and rehabilitation at his or her own expense.

2. ~~2.~~A public ~~safety~~ safety officer who has reasonable cause to believe that a person under the age of twenty-one (21) years has consumed alcoholic liquor may ~~require~~ ~~(request)~~ request that the person ~~to~~ submit to a preliminary chemical breath analysis. The results of a preliminary chemical breath analysis shall be admissible as evidence and a legal presumption shall be made by the court that the person less than twenty-one (21) years of age has consumed or possessed alcoholic liquor if a preliminary chemical breath analysis indicates a person's blood contained 0.02% or more weight by alcohol.

This subsection shall not be construed to prohibit a person under twenty-one (21) years of age from possessing alcoholic beverages if any of the following circumstances exist:

1. The alcoholic beverages are possessed during regular working hours and in the course of the person's employment if such employment is by a person properly licensed by the state of Michigan, by the liquor control commission or by an agent of the liquor control commission, and if the alcoholic beverage is not possessed for such person's personal consumption.

2. The person is participating in an undercover decoy operation and the person has purchased or received alcoholic beverages exclusively at the direction of a state, county or local police agency as part of an undercover operation.

3. The person is consuming sacramental wine in connection with religious services at a church, synagogue or temple.

4. The alcoholic beverage is either an over-the-counter or a prescribed commercially prepared product which is intended for use as a medicine to treat colds, coughs, allergies or influenza, and is being possessed or used for that purpose.

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~~of age has consumed or possessed alcoholic liquor if a preliminary chemical breath analysis indicates a person's blood contained 0.02% or more weight by alcohol. A person under the age of twenty one (21) years who refuses to submit to a preliminary chemical breath test analysis as required by this section is responsible for a civil infraction and may be fined up to five hundred dollars (\$500.00), plus court costs and the costs of prosecution.~~

~~This subsection shall not be construed to prohibit a person under twenty one (21) years of age from possessing alcoholic beverages if any of the following circumstances exist:~~

~~Section 1. The alcoholic beverages are possessed during regular working hours and in the course of the person's employment if such employment is by a person properly licensed by the state of Michigan, by the liquor control commission or by an agent of the liquor control commission, and if the alcoholic beverage is not possessed for such person's personal consumption.~~

~~Section 2. The person is participating in an undercover decoy operation and the person has purchased or received alcoholic beverages exclusively at the direction of a state, county or local police agency as part of an undercover operation.~~

~~Section 3. The person is consuming sacramental wine in connection with religious services at a church, synagogue or temple.~~

~~Section 4. The alcoholic beverage is either an over the counter or a prescribed commercially prepared product which is intended for use as a medicine to treat colds, coughs, allergies or influenza, and is being possessed or used for that purpose.~~

E. Knowingly transport or possess, in a motor vehicle, an alcoholic beverage if less than twenty-one (21) years of age. This section shall not apply if the person is employed by a licensee under Michigan law, the Michigan liquor control commission, an agent of said commission, or a police officer where the transport or possession of the alcoholic beverage occurs in the course of the person's employment.

E.F.F. Knowingly, or upon failure to make diligent inquiry, sell, furnish or give alcoholic liquor to a person less than twenty-one (21) years of age. This shall not apply to alcoholic beverages given under the authority of and pursuant to the direction of a duly licensed physician, or to a sacramental wine offered by a member of the clergy in connection with religious services within a church, synagogue or temple.

G.G. Falsely represent that he or she or any other person is twenty-one (21) years of age or older for the purpose of procuring the sale or furnishing of any alcoholic beverage.

H.H. Knowingly allow or permit any other person to operate a motor vehicle or other piece of machinery owned or controlled by him or her when he or she knows or should reasonably know that the other person is intoxicated or under the influence of an alcoholic beverage or a controlled substance.

I.I. Consume, possess or knowingly have under his or her control any open container of alcoholic beverage in any public park, public school property or upon any public street or public sidewalk. This section shall not apply if the alcoholic beverage is consumed or possessed exclusively within an area which is currently licensed for sale or consumption by the

Michigan liquor control commission, and if the person is otherwise lawfully entitled to consume or possess the alcoholic beverage. ~~Permit or allow any premises owned, or controlled by him or her to be used or occupied by persons engaged in the unlawful use of an alcoholic beverage or a controlled substance.~~

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~~Michigan liquor control commission, and if the person is otherwise lawfully entitled to consume or possess the alcoholic beverage.~~

~~J.~~ Inhale, drink, eat or otherwise introduce into his/her respiratory or circulatory ~~N~~ system any model glue, or other inhalant with the intent of inducing intoxication, elation, dazed condition, paralysis, or irrationality or in any manner distort or disturb the eyesight, thinking process, judgment, balance or coordination of such person.

~~K.~~ Knowingly or intentionally use, possess, or possess with intent to sell or deliver any drug paraphernalia.

~~K-L.~~ Use, knowingly possess, manufacture, plant, grow, cultivate, or deliver to another person any controlled substance. This subsection shall not be interpreted to prohibit a police officer engaged in lawful duties, a person acting pursuant to a license granted by the United States or state of Michigan, or a person acting at the lawful direction of doctor or dentist.

~~Purchase, possess or use any tobacco products if less than eighteen (18) years of age. A person less than eighteen (18) years of age who violates this subsection is responsible for a civil infraction and may be fined up to five hundred dollars (\$500.00) plus court costs and the costs of prosecution.~~

~~This subsection shall not be construed to prohibit a person from possessing tobacco products if any of the following circumstances exist:~~

~~1. The tobacco products are possessed during regular working hours and in the course of the person's employment and the tobacco products are not purchased or possessed for such person's personal consumption.~~

~~2. The person is participating in an undercover decoy operation and the person has purchased or received tobacco products exclusively at the direction of a state, county~~

~~0. Falsely represent that he or she or any other person is eighteen (18) years of age or older for the purpose of procuring the sale or furnishing of any tobacco product.~~

~~1.~~ In addition to the fines, costs, and term of imprisonment or term of probation, a person convicted under this section shall be subject to the drivers' license sanctions authorized by Michigan statute.

~~2.~~ When a person, who has not previously been ~~Knowingly, or upon failure to make diligent inquiry, sell, furnish or give tobacco products to a person under eighteen (18) years of age.~~

~~No person under twenty one (21) years of age shall knowingly attend, frequent,~~

convicted of an offense under this ~~chapter,(Ordinance)~~ Ordinance, a similar ordinance of another municipality or any similar state statute or statute of the United States pleads guilty, ~~P~~the court, with the express consent of the city attorney may without entering a judgment of guilt, defer further proceedings and place the individual on probation under such terms and conditions as are ~~Q~~authorized by Michigan statute.

~~Need to add Transporting Marijuana~~

~~Transportation or possession of usable marihuana; violation as a misdemeanor;~~

~~1~~M. ~~A person shall not transport~~ Transport or possess usable marihuana as defined in section 26423 of the public health code, 1978 PA 368, ~~mCL~~ MCLA 333.26423, in or upon a motor vehicle or any self-propelled vehicle designed for land travel unless the usable ~~marijuana~~ marihuana is 1 or more of the following:

- ~~A)~~1. Enclosed in a case that is carried in the trunk of the vehicle.
- ~~B)~~2. Enclosed in a case that is not readily accessible from the interior of the vehicle, if the vehicle in which the person is traveling does not have a trunk.

~~2~~-A person who violates this section is guilty of a misdemeanor punishable by imprisonment for not more than 93 days ~~or~~ , a fine of not more than \$500, ~~or~~ , or both.

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~~N.~~ Permit or allow any premises owned, or controlled by him or her to be used or occupied by persons engaged in the unlawful use of an alcoholic beverage or a controlled substance.

~~O.~~ Purchase, possess or use any tobacco products if less than eighteen (18) years of age. A person less than eighteen (18) years of age who violates this subsection is responsible for a civil infraction and may be fined up to five hundred dollars (\$500.00) plus court costs and the costs of prosecution.

This subsection shall not be construed to prohibit a person from possessing tobacco products if any of the following circumstances exist:

- 1. The tobacco products are possessed during regular working hours and in the course of the person's employment and the tobacco products are not purchased or possessed for such person's personal consumption.

2. The person is participating in an undercover decoy operation and the person has purchased or received tobacco products exclusively at the direction of a state, county or local police agency as part of an undercover operation.

P. Falsely represent that he or she or another person is eighteen (18) years of age or older for the purpose of procuring the sale or furnishing of any tobacco product.

Q. Knowingly, or upon failure to make diligent inquiry, sell, furnish or give tobacco products to a person under eighteen (18) years of age.

R. No person under twenty-one (21) years of age shall knowingly attend, frequent, or be an occupant at a place where the illegal consumption of alcohol by other persons under the age of twenty-one (21) is being allowed in violation of this subsection, or a place where other persons under the age of twenty-one (21) are illegally in possession of alcoholic liquor. This subsection shall not apply to a place where the attendance is limited to the immediate family of the occupier of the premises and at least one (1) parent residing in that household is actually present. A person who violates this subsection is responsible for a civil infraction and shall be subject to a fine of up to five hundred dollars (\$500.00) plus court costs and the costs of prosecution. (Ord., 4-27-2001)

9.57. Disturbance of the Peace Offenses. No person shall:

A. Create or unlawfully engage in any disturbance, fight or quarrel in any public place, except in reasonable self-defense when attacked without reasonable provocation or in reasonable defense of another who was so attacked.

B. Disturb the public peace and quiet by loud, boisterous, or vulgar conduct or language.

C. Without proper authority, conduct himself or herself in any public place so as to obstruct the free and uninterrupted passage of the public.

D. Disturb or unreasonably interfere with any service of worship or any other assembly gathered for lawful purposes.

E. Discharge, offer for sale, or possess any fireworks except of the type and under the conditions permitted by chapter 39 of the penal code of the state of Michigan, being sections 750.243a through 750.243e.

F. Incite, cause, or attempt to incite or cause any assembled group of persons to act in a manner that is likely to or does endanger the safety of another person or of property.

G. By the use or means of telephone perform any of the following:

1. Disturb the peace, quiet, or privacy of any other person or family by repeated calls intended to harass or annoy the person or family to whom the calls are made;

2. Use obscene or offensive language, or suggest any lewd or lascivious act;

3. Attempt to extort money or anything of value from any person;

4. Threaten any physical violence or harm to any person;

5. Repeatedly and continuously ring the telephone of any person with intent to disturb or harass such person;

6. Knowingly and intentionally make a false report of a crime, fire, traffic crash, or medical emergency;

7. Repeatedly dial 9-1-1 except to report an emergency condition requiring a police, fire department or emergency medical response.

H. Create any loud noises or use any loudspeaker, sound amplifier or other electrical or mechanical device intended to increase the volume of sound at any place or places within the city in such a manner as to disturb unnecessarily and without reasonable cause the quiet, comfort or repose of any person or persons between the hours of eleven (11:00) o'clock p.m. and seven (7:00) o'clock a.m., except as allowed by permit issued by the city.

I. Remain on the premises of any city building unless such person is present for the purposes of conducting business with city officials or attending, participating in or observing any hearing or meeting held in such city building.

J. Permit or allow any loud noises, electrical, mechanical, human, or animal in origin, to be emitted from any place occupied or controlled by him so as to disturb unnecessarily and without reasonable cause the quiet, comfort, or repose of any person or persons.

9.58. Offenses Against Government Order. No person shall:

- A. Knowingly and willfully use any physical or verbal conduct which obstructs, resists, hinders or opposes any public safety officer, police officer, deputy sheriff, firefighter, or any federal, county, state or city employee who is acting in the lawful discharge of his or her duties.
- B., Knowingly and willfully furnish to any law enforcement officer/firefighter, police, fire or medical dispatcher, or employee of the city, acting in the lawful discharge of his or her duties, a false name, address, age or date of birth or false or misleading information in connection with a fire, crime, police inquiry, medical emergency, or traffic accident.
- C. Escape, or attempt to escape or willfully engage in conduct that causes or allows the escape of any person while lawfully in the custody of any law enforcement officer.
- D. Impersonate a firefighter, public safety officer, law enforcement officer, or other employee of the city or any government unit, without due authority.
- E. Knowingly and willfully disobey any validly posted sign in any public park or other public place.
- F. When operating a motor vehicle which has been stopped in response to a law enforcement officer's signal, leave or attempt to leave scene unless and until he or she has received permission to do so from the officer.
- G. Falsely indicate a lack of knowledge or when asked by a law enforcement officer, a prosecuting attorney, the city attorney or a judge, fail to disclose, or conceal knowledge of the actual commission of a violation of any statute or city ordinance from a prosecuting attorney, city attorney, judge or from a law enforcement officer investigating said violation. This subsection shall not be interpreted to conflict with the right of any person not to be a witness against himself or herself or any other legally recognized privilege or right.
- H. Knowingly and willfully fail to obey the command of any properly identified law enforcement officer to stop or halt.
- I. Knowingly and willfully fail to obey the command of any law enforcement officer, or any person acting at the direction of a law enforcement officer, who is directing traffic or engaging in crowd control or cross a police line without specific authority or the permission from a law enforcement officer, or any person acting at

the direction of the law enforcement officer, who is at the scene in which the police line is constructed.

- J. Knowingly and willfully fail to obey the command of any law enforcement officer, school official, the mayor, or other authorized representative of the department of public safety, department of public works and/or recreation departments, to leave a public park, school ground, playground, boulevard, swimming pool, recreation area, school building or city building.
- K. Equip a vehicle or possess within the passenger compartment of a motor vehicle a radio receiving set that will receive signals sent on frequencies assigned by the federal communications commission of the United States of America for police purposes, or use the same unless such vehicle is used or owned by a peace officer, or a bona fide amateur radio operator holding a technician class, general, advanced, or extra class amateur license issued by the director of the department of state police. This section shall not be construed as restriction to the use of radar detectors or the ability of a person to transport within a vehicle an inoperable police radio.
- L. Engage in any profession, trade, occupation or other activity for which a license is required by any federal law, Michigan statute or East Grand Rapids ordinance without first obtaining, and thereafter maintaining, such license.
- M. Make or file with the public safety department any false, misleading or unfounded statement or report concerning the commission or alleged commission of any crime or public safety emergency occurring within the city. (Ord., 4-27-2001)

9.59. Vice Offenses. No person shall:

- A. Engage in prostitution or solicit or accost any person for the purpose of inducing the commission of any illegal or immoral act.
- B. Engage in gambling or any game of chance for money unless otherwise permitted by law.
- C. Attend, frequent, operate or be an occupant of any place where prostitution, gambling, the illegal possession, use or delivery of a controlled substance, the illegal sale, possession or use of intoxicating liquor, or any other illegal or immoral business or occupation is permitted or conducted.
- D. Knowingly transport any person to any place for the purpose of enabling such person to engage in gambling, prostitution or in any illegal or immoral act.

- E. Keep, maintain, or permit the use of a gambling room, table, or equipment, or any policy or pool tickets, to be used for gambling on any premises occupied or controlled by him or her.
- F. Permit or allow any premises owned, occupied or controlled by him or her to be used or occupied by persons engaging in any act of prostitution or any other illegal sexual activity. (Ord., 4-27-2001)

9.60. Larceny Offenses. No person shall:

- A. Commit the offense of larceny, by stealing, trick or conversion, of the property of another, any money, goods or chattels, or any bank note, bank bill, bond, promissory note, due bill, bill of exchange or other bill, draft, order or certificate, or any book of accounts for or concerning money or goods due or to become due, or to be delivered, or any deed or writing counting the conveyance of land or any other valuable contract in force, or any receipt, release or defeasance, or any writ, process or public record.
- B. Obtain or attempt to obtain money, goods, property or services by fraud, trick, or false pretenses.
- C. Knowingly obtain or attempt to obtain telephone service or the transmission of a telephone message by the use of any false or fictitious telephone credit number or telephone number of another without the authority of the person to whom such credit number or telephone number was issued.
- D. Buy, receive, possess, conceal, or aid in the concealment of stolen, embezzled, or converted money, goods, or property, knowing the money, goods, or property to be stolen, embezzled, or converted.
- E. Refuse or willfully neglect to return a motor vehicle, trailer or other tangible property, which he or she has on a rental or lease basis under any agreement in writing providing for its return to a particular place at a particular time.
- F. As the agent, servant or employee of another, or as the trustee, bailee or custodian of the property of another, or of any partnership, voluntary association, public or private corporation, or of this state, or of any county, city, village, township or school district within this state, fraudulently dispose of or convert to his own use, or take or secrete with intent to convert to his or her own use without the consent of his or her principal, any money or other personal property, of his or her principal which shall have come to his or her possession or shall be under his or her charge or control

by virtue of his or her being such agent, servant, employee, trustee, bailee or custodian.

G. By use of a computer, telephone or other electronic or mechanical device obtain or gain access to any data base, confidential records or other information not his or her own without permission of the owner or keeper of such information.

H. Telephone in a false order to any food delivery service or a false request to any service business and request that food be delivered to a location or that services be rendered at a particular location.

I. Knowingly and willfully defraud any taxicab, boarding house, hotel, motel, inn, restaurant, gas station, service station, or cafe by procuring any transportation service, food, drink, entertainment, room, accommodation, gas, oil or repairs with the intent not to pay for the same. This subsection shall not be interpreted to conflict with the right of any person to dispute the amount, type or quality of goods or services for so long as the person gives notice of the dispute, provides identification of his or her name and address and the notice of the dispute is given before leaving the scene.

J. Knowingly possess any tool, implement or device which has been designed or adapted for breaking open any building or motor vehicle, or for starting the engine of a motor vehicle without the regular key or for removing sensor tags from property for sale at retail, with the intent to use or employ the same for the purpose of ~~wilfully~~ willfully removing property not his or her own.

K. Engage in retail fraud. (Ord., 4-27-2001)

L. With intent to defraud, make, draw, utter, or deliver any check, draft, or order for the payment of money, to apply on account or otherwise, upon any bank or other depository, knowing at the time of the making, drawing, uttering, or delivering, that the maker or drawer does not have sufficient funds in or credit with the bank or other depository, for the payment of the check, draft, or order, in full upon its presentation, of the amount payable in such check, draft, or order in any amount.

M. With intent to defraud make, draw, utter, or deliver any check, draft, or order for the payment of money to apply on account or otherwise, upon any bank, or other depository, unless the person has sufficient funds for payment for same when presentment is due to the drawee in any amount, except where the lack of funds is due to garnishment, attachment, levy, or other lawful cause, and such

fact was not known to the person who made, drew, uttered, or delivered the instrument at the time of so doing.

N. With respect to subsections (L) and (M),

As against the maker or drawer thereof, the making, drawing, uttering, or delivering, of a check, draft, or order, payment of which is refused by the drawee, when presented in the usual course of business, shall be a prima facie evidence of intent to defraud and of knowledge of insufficient funds in or credit with such bank or other depository, provided such maker or drawer shall not have paid the drawee thereof the amount due thereon, together with all cost and protest fees, within five (5) business days after receiving notice that such check, draft, or order has not been paid by the drawee.

Where such check, draft, or order is protested on the ground of insufficiency of funds or credit, the notice of protest thereof shall be admissible as proof of presentation, nonpayment, and protest, and shall be prima facie evidence of intent to defraud and knowledge of insufficient funds or credit with such bank or other depository.

9.61. School ~~premises offenses~~ Premises Offenses. No ~~per-person shall:~~

~~son shall:~~

A. Trespass upon or loiter in or upon any public, private or parochial school building or school property in the city for any reason whatever, unless such person is a regularly enrolled student or parent or guardian thereof or a school official, teacher or other public or school employee, or has received permission from the principal or other person designated by the principal to be in or upon or to remain in or upon such public, private or parochial school building or school property. However, that such permission need not be secured by persons engaging in or attending a school for a city park and recreation commission authorized activity or by persons using school playground or playground equipment after school hours, or when school is not in session, unless such entry or use shall have been otherwise prohibited by a published or posted rule or regulation of the school board, school principal or other person, board or committee with the authority to prohibit such use or entry.

~~Willfully~~ B. Willfully or maliciously make or assist in making any noise, disturbance or improper diversion by which the peace, quietude, or good order of any public, private or parochial school is disturbed.

~~B.C.C.~~ By violence, threats of violence or other form of coercion, force or attempt to force any public, private or parochial school student or other person to give or to lend any money or other thing of value to any person at any time.

~~D.D.~~ Damage, destroy or deface any public, private or parochial school building or the grounds, outbuildings, fences, trees, or other appurtenances or fixtures belonging thereto.

~~E.E.~~ By threats, intimidation or otherwise, and without authority of law, interfere with, molest or disturb, without such authority, any person in the quiet and peaceable pursuit of an education or participation in school sponsored or school controlled activities at a public, private or parochial school, or while that person is on the way to or from such school. (Ord., 4-27-2001)

9.62. Weapons ~~offenses~~ Offenses. No person shall:

A. Sell, offer to sell, or have in his or her possession any knife having the appearance of a pocketknife, the blade or blades of which can be opened by manipulating a button, applying pressure on a handle or other mechanical contrivance, except under such conditions as are provided by state law.

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~~B.B.~~ Carry a dagger, knife, dirk, stiletto, ~~double-edged~~ double-edged nonfolding stabbing instrument of any length, or other dangerous weapon, except hunting knives adapted and carried as such, concealed on or about his or her person or in a motor vehicle, concealed or otherwise, operated or occupied by him or her, except in his dwelling house or place of business or on other land possessed by him or her.

~~C.C.~~ Possess weapons of the martial arts ~~with-out~~ without a legitimate cause which is related to the person's occupation or business and except on the person's own private property.

~~D.D.~~ Wrongfully throw or propel any snowball, paintball, missile, air-soft pellet, or object from any moving vehicle or toward any person, vehicle, or property of another.

~~E.E.~~ Without authority by law, discharge any firearm, air rifle, air pistol, paintball gun or other dangerous weapon, within or into the city, except on a proper range or facility established for that

purpose. This subsection shall not apply to the discharge of blank ammunition as part of a city- approved event, parade or funeral ceremony. (Ord., 4-27-2001)

~~Miscellaneous offenses. No person shall:~~

~~A. Engage in public nudity.~~

~~B. Make any immoral exhibition or indecent exposure of his or her person in a public place or knowingly do so in a private place where the exhibition or exposure may be viewed by a person located in a public place.~~

~~C. Engage in any window peeping. Swim or bathe in the nude in any public place or on private property without the specific permission of the owner.~~

~~D. Expectorate, urinate, defecate or perform any other act that creates a hazardous, unsanitary or deleterious condition in any public place or upon the property of any other person. This subsection shall not apply to the proper use of public restroom facilities.~~

~~E. Knowingly cause any earth, ashes, mortar, papers, stone, brick, ice, snow, dirt, manure, filth, excrement, chips or rubbish of any description to fall or be thrown into the path of or hit any vehicle traveling within the city limits.~~

~~F. Operate any motorized vehicle including snowmobiles on any city park property.~~

~~G. Maliciously throw or place glass, nails, tacks or other dangerous pointed or edged substances in or on any beach, highway, public property, or on any private walk or driveway not his or her own.~~

~~H. Engage in truancy.~~

~~I. If under the age of twelve (12) years, loiter, idle or congregate in or on any public street, highway, alley or park between the hours of ten (10:00) o'clock p.m. and six (6:00) o'clock a.m., unless the minor is accompanied by a parent or guardian, or some adult delegated by the parent or guardian to accompany the minor.~~

~~J. If under the age of sixteen (16) years, loiter, idle or congregate in or on any public street, highway, alley or park between the hours of twelve (12:00) o'clock midnight and six (6:00) o'clock a.m., immediately following, except where the~~

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

~~Section 1. Chapter 93 of Title IX of the Code of the City of East Grand Rapids is amended~~

~~by adding a new Subsection (L) to Section 9.63 to read as follows:~~

~~9.63. Sec. 9.63(L) Begging and Soliciting.~~

- A. The following words, terms, and phrases, when used in this section, shall have the meanings provided in this subsection, except where the context clearly indicates a different meaning:

1. ~~Accosting means~~ ACCOSTING shall mean approaching or speaking to a person in such a manner as could cause a reasonable person to fear imminent bodily harm or the commission of a criminal act upon his person, or upon property in his immediate possession.
2. ~~Ask~~ ASK, beg~~BEG, or solicit~~ OR SOLICIT shall mean and include, without limitation, the spoken, written, or printed word, or such other acts as are conducted in furtherance of the purpose of obtaining donations.
3. ~~Forcing oneself upon the company of another means~~ FORCING ONESELF UPON THE COMPANY OF ANOTHER shall mean continuing to request, beg, or solicit from a person after that person has made a negative response, blocking the passage of the individual addressed, or otherwise engaging in conduct which could reasonably be construed as intended to compel or force a person to accede to demands.
4. ~~Donations~~ DONATIONS shall mean something, including, but not limited to, money or food, that is solicited in order to provide assistance to a person or organization. Donations shall not be construed to mean Halloween candy or treats solicited during the time and date designated by the City of East Grand Rapids each year for Halloween Trick-or-Treating.

B. It shall be unlawful for any person to solicit donations:

1. On private property if the owner, tenant, or lawful occupant has asked the person not to solicit on the property or has posted a sign clearly indicating that solicitations are not welcome on the property;
2. Within fifteen (15) feet of the entrance to or exit from any public toilet facility;
3. Within fifteen (15) feet of an automated teller machine, provided that when an automated teller machine is located within an automated teller machine facility, such distance shall be measured from the entrance or exit of the automated teller machine facility;

~~4. Within fifteen (15) feet of any pay telephone, provided that when a pay telephone is located within a telephone booth or other facility, such distance shall be measured from the entrance or exit of the telephone booth or facility;~~

54. Within any public transportation vehicle, bus station, or within fifteen (15) feet of any public bus stop or taxi stand;
65. From any operator or occupant of a motor vehicle that is in traffic on a public street; provided, however, that this subsection shall not apply to services rendered in connection with emergency repairs, requested by the owner or passengers of such vehicle;

~~7. From any person who is waiting in line for entry to any building, public or private, including, but not limited to, any school, residence, business, or recreational or athletic facility; or~~

~~8. Within fifteen (15) feet of the entrance or exit from a building, public or private, including, but not limited to, any school, residence, business, or recreational or athletic facility.~~

- C. It shall be unlawful for any person to solicit donations by:
 1. Accosting another; or
 2. Forcing oneself upon the company of another.

9.64. Miscellaneous Offenses. No person shall:

- A. Engage in public nudity.
- B. Make any immoral exhibition or indecent exposure of his or her person in a public place or knowingly do so in a private place where the exhibition or exposure may be viewed by a person located in a public place.
- C. Engage in any window peeping.
- D. Swim or bathe in the nude in any public place or on private property without the specific permission of the owner.
- E. Expectorate, urinate, defecate or perform any other act that creates a hazardous, unsanitary or deleterious condition in any public place or upon the property of any other person. This subsection shall not apply to the proper use of public restroom facilities.
- F. Knowingly cause any earth, ashes, mortar, papers, stone, brick, ice, snow, dirt, manure, filth, excrement, chips or rubbish of any description to fall or be thrown into the path of or hit any vehicle traveling within the city limits.
- G. Operate any motorized vehicle including snowmobiles on any city park property.

- H. Maliciously throw or place glass, nails, tacks or other dangerous pointed or edged substances in or on any beach, highway, public property, or on any private walk or driveway not his or her own.
- I. Engage in truancy.
- J. If under the age of twelve (12) years, loiter, idle or congregate in or on any public street, highway, alley or park between the hours of ten (10:00) o'clock p.m. and six (6:00) o'clock a.m., unless the minor is accompanied by a parent or guardian, or some adult delegated by the parent or guardian to accompany the minor.
- K. If under the age of sixteen (16) years, loiter, idle or congregate in or on any public street, highway, alley or park between the hours of twelve (12:00) o'clock midnight and six (6:00) o'clock a.m., immediately following, except where the minor is accompanied by a parent or guardian, or some adult delegated by the parent or guardian to accompany the minor, or where the minor is upon an errand or other legitimate business directed by his parent or guardian. (Ord., 4-27-2001; Ord., 6-2-2001)

9.65. Violations and Penalties. Except as otherwise specifically provided in this chapter, any person convicted of violating any provision of this chapter shall be punished by a fine not to exceed five hundred dollars (\$500.00) and cost of prosecution or by imprisonment in the Kent County jail for a period not to exceed ninety-three (93) days, or both such fine and imprisonment in the discretion of the court. (Ord. 4-27-2001)

9.66. Confiscation/Civil Forfeiture. All weapons, items or devices which were used to violate any of the preceding sections of this chapter are, upon conviction of the person responsible, forfeited to the city, unless the weapons, items or devices were used without the knowledge of the owner. (Ord. 4-27-2001)

~~Section 29.67.~~ Severability. If any section, subsection, sentence, clauses, or phrase of this Ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of this Ordinance.

Section 2. ~~Section 3.~~ This Ordinance shall be effective on ~~, 2014.~~ Section 4 _____, 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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PROCEEDINGS OF THE CITY COMMISSION
CITY OF EAST GRAND RAPIDS

Regular Meeting Held October 3, 2016

Mayor Seibold called the meeting to order at 6:00 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, Zagel and Mayor Seibold

Absent: None

Also Present: City Attorney Huff; City Manager Donovan; Assistant City Manager LaFave; Public Safety Director Herald; Finance Director Mushong; City Clerk Brower

2016-105. Peter Dimitriou, 2621 Inverness, handed out a list of books and websites relating to climate change issues.

2016-106. Commissioner Zagel commended the EGR Community Foundation on Friday's spaghetti dinner at the Middle School. Mayor Seibold thanked all the staff and volunteers who worked on the event.

Commissioner Dills welcomed Dave Johnson, a new employee starting soon in the Public Works office.

2016-107. 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.

City Attorney Huff noted that most changes reflected new employee titles, department names and the numbering used in the ordinances.

2016-107-A. Skaggs-Dills. 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 adopted as set forth in Exhibit "A" attached hereto.

Yeas: Dills, Duncan, Hamrick, Miller, Skaggs, Zagel and Seibold – 7

Nays: -0-

2016-108. Final Reading of an ordinance amendment to Chapter 6 of Title I of the City Code pertaining to the Emergency Management Department.

2016-108-A. Zagel-Skaggs. That an ordinance amendment to Chapter 6 of Title I of the City Code pertaining to the Emergency Management Department be adopted as set forth in Exhibit "B" attached hereto.

Yeas: Dills, Duncan, Hamrick, Miller, Skaggs, Zagel and Seibold – 7

Nays: -0-

2016-109. 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.

2016-109-A. Hamrick-Miller. 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 adopted as set forth in Exhibit "C" attached hereto.

Yeas: Dills, Duncan, Hamrick, Miller, Skaggs, Zagel and Seibold – 7

Nays: -0-

2016-110. Final Reading of an ordinance amendment to Chapter 14 of Title I of the City Code pertaining to municipal civil infractions.

2016-110-A. Duncan-Dills. That an ordinance amendment to Chapter 14 of Title I of the City Code pertaining to municipal civil infractions be adopted as set forth in Exhibit "D" attached hereto.

Yeas: Dills, Duncan, Hamrick, Miller, Skaggs, Zagel and Seibold – 7
Nays: -0-

2016-111. Final Reading of an ordinance amendment to Chapter 25 of Title II of the City Code pertaining to public utility emergency response.

2016-111-A. Miller-Hamrick. That an ordinance amendment to Chapter 25 of Title II of the City Code pertaining to public utility emergency response be adopted as set forth in Exhibit "E" attached hereto.

Yeas: Dills, Duncan, Hamrick, Miller, Skaggs, Zagel and Seibold – 7
Nays: -0-

2016-112. Adoption of a policy for building separation variance requests.

Assistant City Manager LaFave explained the policy would be for staff's use when speaking with residents about the variance policy and procedures.

2016-112-A. Dills-Skaggs. That a policy regarding the commission's consideration of building separation variance requests be adopted as follows:

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.

Commissioner Hamrick noted the Infrastructure has discussed this issue at length and recommends the policy be adopted.

Yeas: Dills, Duncan, Hamrick, Miller, Skaggs, Zagel and Seibold – 7
Nays: -0-

2016-113. Miller-Duncan. To approve the consent agenda as follows:

2016-113-A. To approve the minutes of the regular meeting held September 19, 2016.

2016-113-B. 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.

2016-113-C. That a temporary loan of \$700,000 at 0% interest from the General Fund to the Water and Sewer fund to finance various capital projects approved in the FY2016-17 budget be approved with the following repayment schedule:

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

Yeas: Dills, Duncan, Hamrick, Miller, Skaggs, Zagel and Seibold – 7

Nays: -0-

The meeting adjourned at 6:14 p.m., subject to the call of the Mayor until October 17, 2016.

Karen K. Brower, City Clerk

Attachments: A – Ordinance amendment to Article VII of Chapter 2
B – Ordinance amendment to Chapter 6 of Title I
C – Ordinance amendment to Chapter 13 of Title I
D – Ordinance amendment to Chapter 14 of Title I
E – 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

DOUG LA FAVE
ASSISTANT CITY MANAGER

MEMORANDUM

TO: Honorable Mayor and City Commissioners
FROM: Doug La Fave, Assistant City Manager
DATE: 9/26/2016

RE: Sewer camera purchase

Action Requested: That the City Commission approve the purchase of a GatorCam4 system from C&S Solutions of Harrison, OH in an amount not to exceed \$10,000.

Background: The Department of Public Works currently has a sewer camera that is sufficient for televising sewer mains of eight inches and larger as an attachment to the sewer truck. The Department of Public Works has a need for a push camera system to assist in televising smaller and more complex sanitary and storm sewer infrastructure. Staff has contacted other municipalities as well as private firms in search of an appropriate camera system for the needs of the City. After review of several camera systems staff has recommended the GatorCam4 system.

The GatorCam4 system is only available through authorized dealers. The only authorized dealer for sales in Michigan is C&S Solutions of Harrison, OH. Attached is the sole source authorized distributor letter and proposal.

This has been reviewed by the Finance Committee and found to be in order.

Brian Donovan, City Manager



C&S Solutions, Inc.

9107 KILBY RD.
 HARRISON, OH 45030
 OFFICE, 513-922-7444
 FAX, 513-941-5410

Quote

Date 8/19/16	Quote # RK081916B
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Name / Address
City of East Grand Rapids 2310 Reeds Lake Blvd. SE East Grand Rapids, MI 49506

Ship To
Same

Contact
Adam Bassett

616-940-4870 crewleader@eastgr.org

Terms	Rep
Net 15	Rick Kleopfer

Item #	Description	Qty	Unit price	Total
10/GC4-MIDI-NTSC2-60+M	GatorCam4 MIDI system with 2" NTSC camera, 512Hz flexsonde, skid set, 200' rod, internal battery, and AC charger <p>The above includes:</p> <ul style="list-style-type: none"> 1) 3 Year warranty on locators/ 1 year on cameras 2) Free on site training 3) 24/7 Support 4) Free loaner on locators for life of the unit 5) Free software upgrades <p>C&S Solutions is licensed and certified repair center for Radiodetection equipment our home office in Harrison, OH Thank you for the opportunity to earn your business</p> <p style="text-align: center;">Quote good for 30 days</p>	1	\$ 9,236.00	\$ 9,236.00
				\$ 9,236.00

Shipping and Handling	\$ 145.00
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C&S Solutions is proudly owned by a female and Vietnam veteran.	Subtotal	\$ 9,381.00
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	Sales Tax	
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E-mail rick@locatorguys.com		
Fax 513-941-5410		
Cell 513-376-0865 or 586-601-6099	Total	\$ 9,381.00



28 Tower Road
Raymond
ME, 04071
Tel. 207-655-8525
WWW.radiodetection.com

To: Whom it may concern

This letter confirms that C&S Solutions Located at 9107 Kilby RD Harrison, OH 45030 is the sole authorized distributor in the states of Ohio, Kentucky, Michigan, Indiana, and Tennessee for Radiodetection products for 2016. We believe that you will find C&S Solutions to be a highly professional and reputable company, and we are pleased to present them to you as our distributor.

If you require information, please do not hesitate to contact me. We appreciate your business.

Regards



Ken V. Carangelo

Regional Sales Manager

Radiodetection

MOB 770-331-7236

kenneth.carangelo@spx.com



GatorCam4 system specifications

GATORCAM4 AND GATORCAM4+ CONTROLLERS

Power requirements	GatorCam4(+) controller input	12-24VDC, 40W
	External power supply (PSU) input	100-240VAC, 50-60Hz, 1.2A
	GatorCam4+ automotive battery charger input	10-30VDC, 4.0A
Battery capacity (GatorCam4+)	14.8V, 6.6Ah (98Wh)	
Battery run-time (GatorCam4+)	Up to 1 day's typical usage, 7hrs view only/4hrs continuous recording*	
Display	8" Industrial TFT	
Storage	High speed Compact Flash Card or USB flash drive	
Connectivity	USB, Analog video in/out (PAL/NTSC), Analog audio in/out	
Environmental protection	GatorCam4(+) controller	IP55 (covers closed) IP53 (covers open and socket panel closed)
	GatorCam4 External PSU	IP67 rated for outdoor use
	GatorCam4+ External PSU option	IP54 rated for indoor use
Temperature	Storage:	-4°F to 176°F / -20°C to +80°C
	Operating:	14°F to 122°F / -10°C to 50°C
	Charging (GatorCam4+):	14°F to 104°F / -10°C to 40°C
Dimensions	14" x 14" x 8" (360 x 360 x 200mm)	
Weight	GatorCam4 controller	12lbs / 5.5kg
	GatorCam4+ controller	13.5lbs / 6.2kg

*May vary according to ambient conditions, accessories attached, recording time and other factors

RODS AND REELS	Plumbers	Mini	Midi	Specialist
Dimensions	22.4" x 16.9" x 10.6" 570 x 430 x 269mm	22.4" x 16.9" x 10.6" 570 x 430 x 269mm	33.5" x 29.5" x 16.5" 850 x 750 x 420mm	32.0" x 46.0" x 18.7" 813 x 1168 x 475mm
Weight	21lbs / 9.4 kg 25lbs / 11.2kg	24lbs / 11kg	40lbs / 18.2 kg 55lbs / 25kg	81.6lbs / 37kg
Construction	Powder-coated tubular steel frame			
Rod	100' / 30m 200' / 60m	115' / 35m	200' / 60m 400' / 120m	500' / 150m

CAMERAS	GatorCam4 1"/25mm Camera	Gatorcam4 2"/50mm Self-leveling Camera
Dimensions	1" x 1.52" / 25.4 x 38.7mm	1.89" x 2.87" / 48 x 72.8mm
Weight	0.1lbs/0.06kg	0.8lbs /0.36kg
Construction	Stainless steel/polycarbonate	Stainless steel/sapphire glass/ polycarbonate
Power	1.8W	3.8W
Environmental	IP68 to 330' (100m) /11bar	
Temperature	Storage: -4°F to 176°F / -20°C to +80°C Operating: 14°F to 122°F / -10°C to 50°C	
Focus	Adjustable	
Focal range	10mm to ∞	
Lighting	Ultra bright white LEDs	
LED luminance	≥ 75lm	≥ 208lm
Active pixels (HxV)	656 x 492 NTSC 768 x 576 PAL	768 x 492 NTSC 765 x 582 PAL
Horizontal resolution	≥ 460TVL	



GatorCam4 systems include as standard:

- GatorCam4 or GatorCam4+ controller.
- Choice of NTSC/PAL color camera and 512/640Hz flexisonde:
 - 1" (25mm) camera, skid ball and sonde.
 - 2" (50mm) self-levelling camera, skid ball and 1.4" (35mm) sonde.
- Choice of pushrod reels:
 - 100' (30m) Plumbers reel.
 - 115' (35m) Mini reel.
 - 200' (60m) or 400' (120m) Midi reels.
 - 500' (150m) Specialist reel.
- Controller adaptor clamp (optional for the Plumbers).
- FlexiSight™ Manager Windows® PC software.
- Compact Flash card.
- Universal brush and skid kit.
- Splashproof keyboard, IP67 external power supply (GatorCam4), 12V automotive jackplug lead.
- Internal battery options:
 - 10-30V automotive charger, IP54 mains adaptor



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 27, 2016

Action Requested: That the City Commission approve the proposal of \$185,405 for property and liability insurance with Travelers Insurance as submitted by VanWyk Risk Solutions.

Background: The City Commission approved VanWyk Risk Solutions as the City's agent of record for the City's property and casualty insurance program effective July 1, 2016. The agent of record is charged with the duty to represent the City in purchasing/bidding the insurance program as well as assisting with risk management and helping to determine the various coverages needed by the City. After VanWyk was confirmed by the City Commission, they performed a risk assessment on the City's behalf for our renewal on November 1, 2016. From the risk assessment, some of the recommendations were as follows (and in more detail in the attached document):

- Cyber insurance added (and combined with commercial crime)
- Addition of abuse and molestation coverage
- Added non-monetary defense endorsement for public officials
- Included employment practices liability under the umbrella
- Aligned various aggregate coverages against the umbrella coverage

Due the fact we have been very happy with Travelers, we decided that if Travelers could give us comparable rates to last year, we would not do a full market bid.

The 2015/2016 expiring premium is \$171,827. The renewal quote of \$185,405 reflects the increases made to coverages noted above including the purchase of cyber insurance. The overall increase in price does not reflect increases to rates. The budget for 2016/2017 has \$220,000 budgeted for property and liability insurance, which also includes the broker fee to VanWyk of \$15,000.

Attached is a premium summary comparing the renewal rates to the previous year.

Brian Donovan, City Manager

General Info	City Manager	Engineering	Assessor	Parks & Recreation	Public Safety	Streets & Utilities
949-2110	949-2110	940-4817	940-4818	949-1750	949-7010	940-4870
<i>fax 940-4884</i>	<i>fax 940-4884</i>	<i>fax 940-4884</i>	<i>fax 940-4884</i>	<i>fax 831-6144</i>	<i>fax 940-4829</i>	<i>fax 940-4872</i>

Premium Summary

	2015 / 2016	2016 / 2017
Property and Equipment	\$24,823	\$25,501
Inland Marine	\$4,910	\$4,939
Commercial Crime	\$736	See Below
Public Entity General Liability	\$30,044	\$31,852
Employee Benefit Plans Administration	\$173	\$173
Law Enforcement Liability	\$30,800	\$31,084
Public Entity Management Liability	\$3,719	\$5,059
Employment Practices Liability	\$8,842	\$7,643
Commercial Auto	\$38,780	\$39,454
Umbrella	\$29,000	\$32,500
Cyber and Crime ** (effective 9/15/2016-11/01/2017)	\$0	\$7,200
Total Premium (not including agent's fee)	\$171,827	\$185,405

** - This coverage has been already purchased by the City effective 9/15/2016 through 11/01/2017.

CHANGES TO PROGRAM

COVERAGE CHANGES

Line of Coverage	2016 / 2017 Change
General Liability	Increase Pollution – Sewer Drain-Up limit to \$1,000,000
General Liability	Amend Aggregate Limit for Law Enforcement Liability to \$2,000,000 from \$1,000,000
General Liability	Amend Each Claim Limit for Public Entity Management Liability to \$1,000,000 from \$2,000,000
General Liability	Amend the Aggregate and Each Claim Limits for Employment Practices Liability from \$3,000,000 to \$1,000,000 Each Claim and \$2,000,000 Aggregate
General Liability	Add Non-Monetary Defense Endorsement – Defense Expense Reimbursement for Injunctive Relief Suits
General Liability	Add Abuse and Molestation coverage
Umbrella	Include Employment Practices Liability in the underlying schedule



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: October 3, 2016

RE: FY 2016-17 Budget Amendments

Action Requested: That the City Commission approve the resolution amending the FY 2016-17 budget amendment for the Quarter Ending September 30, 2016.

Background: The General Fund and Special Revenue Funds have been detailed by department/category on the worksheets attached to the resolution due to their budget level being approved by department subtotal. Here is an explanation of the major amendments made:

General Fund – There was an increase to worker’s compensation liability insurance and a few other miscellaneous expenditures with a reduction in the general liability insurance (which overall netted to zero). In addition, a new Drug Law Enforcement Fund was created for a net of \$18,000. See discussion below.

Street Funds – There was an increase to worker’s compensation liability insurance and with a reduction in miscellaneous other expenditures (which overall netted to zero). There was a change in the special assessment fund transfer in the Major Street Fund as discussed below.

Drug Law Enforcement Fund – This budget amendment request will create this new fund. Historically all of the drug seizure proceeds and expenditures have been accounted for in the General Fund. We have been able to successfully track the activity on a separate spreadsheet to meet our reporting requirements for these proceeds. However, in order to streamline the accounting for these proceeds, we have decided to create a new special revenue fund and transfer the cash balance of approximately \$78,000, the budgeted revenues of \$51,500 and budgeted expenditures of \$111,500 out of the General Fund into this fund. The net of the budget transfer is \$18,000 for both the General Fund and the Drug law Enforcement Fund.

Special Assessment Fund – Due to the last parcel on the last outstanding special assessment district being paid off in full in late 2015/2016, there will no more payments made and transfers due to the Major Street Fund for this special assessment district. An adjustment was been made for \$9,000 to reduce revenue in and for the transfer out to the Major Street Fund.

Brian Donovan, City Manager

General Info	City Manager	Engineering	Assessor	Parks & Recreation	Public Safety	Streets & Utilities
949-2110	949-2110	940-4817	940-4818	949-1750	949-7010	940-4870
fax 940-4884	fax 940-4884	fax 940-4884	fax 940-4884	fax 831-6144	fax 940-4829	fax 940-4872

RESOLUTION 2016-_____
RESOLUTION AMENDING FY 2016-2017 FISCAL YEAR BUDGET

The following resolution was offered by Commissioner _____, and supported by Commissioner _____;

- WHEREAS, it is necessary to amend the appropriations of the City's budget by making the proper adjustments and transfers where necessary; and
- WHEREAS, that various funds may require a change in appropriations due to a change in unanticipated costs
- WHEREAS, departments have reviewed their budget and are proposing the adjustments to be made; and
- WHEREAS, the City Manager has reviewed the amendments and is recommending that the adjustments be
- WHEREAS, the Commission may adopt general funds* and special revenue funds* for FY 2016-2017 by departmental appropriation subtotal as presented in attached information; and
- WHEREAS, the Commission may adopt the non-general funds and non-special revenue funds for FY 2016-2017

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of East Grand Rapids that the budget be amended as follows:

		Amended Budget	Proposed Amendments	Proposed Budget
GENERAL FUND*	Revenues	11,080,400	(51,500)	11,028,900
	Expenditures	<u>11,350,400</u>	<u>(33,500)</u>	<u>11,316,900</u>
	Fund Balance Change	<u>(270,000)</u>	<u>(18,000)</u>	<u>(288,000)</u>
MAJOR STREET*	Revenues	1,775,500	(9,000)	1,766,500
	Expenditures	<u>1,948,100</u>	-	<u>1,948,100</u>
	Fund Balance Change	<u>(172,600)</u>	<u>(9,000)</u>	<u>(181,600)</u>
LOCAL STREET*	Revenues	989,900	-	989,900
	Expenditures	<u>1,085,500</u>	-	<u>1,085,500</u>
	Fund Balance Change	<u>(95,600)</u>	-	<u>(95,600)</u>
DRUG LAW ENFORCEMENT FUND*	Revenues	-	129,500	129,500
	Expenditures	<u>-</u>	<u>111,500</u>	<u>111,500</u>
	Fund Balance Change	<u>-</u>	<u>18,000</u>	<u>18,000</u>
SPECIAL ASSESSMENT	Revenues	9,000	(9,000)	-
	Expenditures	<u>9,000</u>	<u>(9,000)</u>	<u>-</u>
	Fund Balance Change	<u>-</u>	<u>-</u>	<u>-</u>

AYES:
NAYS:
ABSENT:

I, Karen Brower, the duly appointed Clerk of the City of East Grand Rapids, do hereby certify that the foregoing is a true and complete copy of a Resolution adopted by the City of East Grand Rapids at a Regular Meeting held October 17, 2016, in compliance with the Open Meetings Act, Act No. 267 of the Public Acts of Michigan, 1976, as amended, the minutes of the meeting were kept and will be or have been made available as required by said Act.

CITY OF EAST GRAND RAPIDS
BY: _____
Karen K. Brower, City Clerk

CITY OF EAST GRAND RAPIDS

GENERAL FUND PROPOSED AMENDMENTS

	Original Budget	Proposed Amendments	Amended Budget
<u>REVENUES</u>			
CITY TAXES & PENALTIES	\$ 8,160,000	\$ -	\$ 8,160,000
LICENSES AND PERMITS	65,000	-	65,000
INTERGOVERNMENTAL PROGRAMS	916,500	-	916,500
CHARGES FOR CURRENT SERVICES	489,100	-	489,100
RECREATION REVENUE	1,178,900	-	1,178,900
FINES & FORFEITS	40,000	-	40,000
INTEREST AND RENTS	20,000	-	20,000
OTHER REVENUES	170,500	(51,500)	119,000
OTHER REVENUES - LIBRARY	40,400	-	40,400
TOTAL REVENUES	<u>11,080,400</u>	<u>(51,500)</u>	<u>11,028,900</u>
TRANSFERS			
TRANSFERS FROM OTHER FUNDS	-	-	-
TOTAL REVENUES & TRANSFERS	<u><u>\$ 11,080,400</u></u>	<u><u>\$ (51,500)</u></u>	<u><u>\$ 11,028,900</u></u>

CITY OF EAST GRAND RAPIDS

GENERAL FUND PROPOSED AMENDMENTS

	Original Budget	Proposed Amendments	Amended Budget
<u>EXPENDITURES</u>			
GENERAL GOVERNMENT			
CITY COMMISSION	\$ 30,800	\$ -	\$ 30,800
CITY MANAGER	350,600	200	350,800
CITY ATTORNEY	265,000	-	265,000
ELECTIONS	19,000	-	19,000
ASSESSOR	119,000	100	119,100
FINANCE	647,300	300	647,600
GENERAL ADMIN	237,000	(14,800)	222,200
TOTAL GENERAL GOVERNMENT	<u>1,668,700</u>	<u>(14,200)</u>	<u>1,654,500</u>
PUBLIC SAFETY			
PUBLIC SAFETY	\$ 4,920,700	\$ 7,900	\$ 4,928,600
STATE PROGRAMS	5,500	-	5,500
DRUG SEIZURE	111,500	(111,500)	-
TOTAL PUBLIC SAFETY	<u>5,037,700</u>	<u>(103,600)</u>	<u>4,934,100</u>
CITY SERVICES			
CITY BUILDINGS	\$ 818,800	\$ 100	\$ 818,900
ZONING ADMINISTRATION	160,500	200	160,700
STREET LIGHTING	98,800	-	98,800
WEALTH STREETSCAPE MAINT	103,000	-	103,000
WASTE COLLECTION	414,300	1,100	415,400
LAKE RESTORATION	1,400	-	1,400
TREE MAINTENANCE	101,900	300	102,200
TOTAL CITY SERVICES	<u>1,698,700</u>	<u>1,700</u>	<u>1,700,400</u>
RECREATION			
RECREATION	\$ 745,400	\$ 2,800	\$ 748,200
POOL PROGRAMS	239,500	400	239,900
SPECIAL EVENTS	145,700	-	145,700
RECREATION PROGRAMMING	116,000	300	116,300
GROUNDS MAINTENANCE	345,800	600	346,400
RECREATION SPORTS	237,400	200	237,600
MIDDLE SCHOOL SPORTS	50,000	200	50,200
AQUATIC CLUB (WAVES)	65,500	100	65,600
TOTAL PARKS & RECREATION	<u>1,945,300</u>	<u>4,600</u>	<u>1,949,900</u>

TOTAL EXPENDITURES	10,350,400	(111,500)	10,238,900
TRANSFERS			
TRANSFERS TO OTHER FUNDS	<u>1,000,000</u>	<u>78,000</u>	<u>1,078,000</u>
TOTAL EXPENDITURES & TRANSFERS	<u>\$ 11,350,400</u>	<u>\$ (33,500)</u>	<u>\$ 11,316,900</u>

CITY OF EAST GRAND RAPIDS
MAJOR STREET FUND PROPOSED AMENDMENTS

	Original Budget	Proposed Amendments	Amended Budget
<u>REVENUES</u>			
INTERGOVERNMENT PROGRAMS	635,000	-	635,000
MISCELLANEOUS REVENUE	-	-	-
INTEREST AND RENTS	2,000	-	2,000
TRANSFERS IN	1,138,500	(9,000)	1,129,500
TOTAL REVENUES	<u>\$ 1,775,500</u>	<u>\$ (9,000)</u>	<u>\$ 1,766,500</u>
<u>EXPENDITURES</u>			
ENGINEERING	69,700	(1,300)	68,400
STREET CONSTRUCTION	1,029,500	-	1,029,500
ROUTINE MAINTENANCE	187,600	400	188,000
TRAFFIC SERVICES	71,000	-	71,000
WINTER MAINTENANCE	231,400	900	232,300
STREET ADMINISTRATION	98,900	-	98,900
DEBT SERVICE	260,000	-	260,000
TOTAL EXPENDITURES	<u>\$ 1,948,100</u>	<u>\$ -</u>	<u>\$ 1,948,100</u>
 NET CHANGE IN FUND BALANCE	 (172,600)	 (9,000)	 (181,600)

CITY OF EAST GRAND RAPIDS

LOCAL STREET FUND PROPOSED AMENDMENTS

	Original Budget	Proposed Amendments	Amended Budget
<u>REVENUES</u>			
PROPERTY TAX REVENUE	-	-	-
INTERGOVERNMENT PROGRAMS	250,000	-	250,000
MISCELLANEOUS REVENUE	-	-	-
INTEREST AND RENTS	1,200	-	1,200
TRANSFERS IN	738,700	-	738,700
	738,700	-	738,700
TOTAL REVNUES	\$ 989,900	\$ -	\$ 989,900
<u>EXPENDITURES</u>			
ENGINEERING	67,100	(1,300)	65,800
STREET CONSTRUCTION	503,000	-	503,000
ROUTINE MAINTENANCE	190,500	400	190,900
TRAFFIC SERVICES	7,700	-	7,700
WINTER MAINTENANCE	219,800	900	220,700
STREET ADMINISTRATION	97,400	-	97,400
	97,400	-	97,400
TOTAL EXPENDITURES	\$ 1,085,500	\$ -	\$ 1,085,500
 NET CHANGE IN FUND BALANCE	 (95,600)	 -	 (95,600)

CITY OF EAST GRAND RAPIDS
DRUG ENFORCEMENT FUND PROPOSED AMENDMENTS

	Original Budget	Proposed Amendments	Amended Budget
<hr/>			
<u>REVENUES</u>			
OTHER REVENUE	-	51,500	51,500
TRANSFERS IN	-	78,000	78,000
	<hr/>	<hr/>	<hr/>
TOTAL REVENUES	\$ -	\$ 129,500	\$ 129,500
	<hr/> <hr/>	<hr/> <hr/>	<hr/> <hr/>
<u>EXPENDITURES</u>			
DRUG SEIZURE	-	111,500	111,500
	<hr/>	<hr/>	<hr/>
TOTAL EXPENDITURES	\$ -	\$ 111,500	\$ 111,500
	<hr/> <hr/>	<hr/> <hr/>	<hr/> <hr/>
NET CHANGE IN FUND BALANCE	-	18,000	18,000