



City of East Grand Rapids  
Regular City Commission Meeting  
Agenda

**November 7, 2016 – 6:00 p.m.**  
(EGR Community Center – 750 Lakeside Drive)

Note: An executive session is scheduled to follow the meeting to discuss pending litigation in accordance with Section 8(e) of the Open Meetings Act.

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. Zoning variance hearing on the request of Jacques Cyr of 2220 Argentina to allow the construction of an attached garage with a rear yard setback of 18' instead of the required 25' (action requested – 58 notices sent).
5. Final Reading 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. Final Reading 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. Final Reading 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. Final Reading 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. Final Reading of an ordinance amendment to Chapter 92 of Title IX of the City Code pertaining to animal control (action requested – approval requested).
10. Final Reading 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 17, 2016 (approval requested).
13. Report of Finance Committee on disbursement of funds: payroll disbursements of \$256,388.72; county and school disbursements of \$104,476.17, and total remaining disbursements of \$779,137.04 (approval requested).
14. Contract renewals for employee benefit plan components (approval requested).
15. Quarterly financial statements for the period ending September 30, 2016 (approval requested).
16. Contract for annual tree planting program (approval requested).

\* \* \*

*The City will provide reasonable auxiliary aids for individuals requiring them for effective communication in programs and services of the City. Notice must be made to the City five (5) days prior to the program or service requesting the specific auxiliary aid.*



CITY OF  
EAST GRAND RAPIDS

750 LAKESIDE DRIVE SE • EAST GRAND RAPIDS, MICHIGAN 49506

THOMAS A. FAASSE  
ZONING ADMINISTRATOR

## Memorandum

**TO:** Mayor and City Commissioners - Board of Zoning Appeals  
**FROM:** Tom Faasse, Zoning Administrator  
**DATE:** October 25, 2016  
**RE:** **Request for Variance – 2220 Argentina Drive, SE**  
**Attached garage addition - rear setback**

**ACTION REQUESTED:** That the Commission conducts a public hearing and votes on the application of the owner of 2220 Argentina Drive, SE, for a zoning variance for relief from the East Grand Rapids Zoning Ordinance, according to the plans presented, as follows:

- **Section 5.28, Table 5.28-1 for a rear (south) principal building setback of 18 feet instead of 25 feet, a variance of 7 feet.**

**BACKGROUND:** Jacques Cyr, the owner of 2220 Argentina Drive, SE, would like to construct a one story two-stall garage addition on the rear of his existing house. In the process, he would demolish an old one stall detached garage in the rear corner of the yard, plus approximately 344 square feet of existing concrete driveway. The rear yard is just over 42 feet deep. After constructing a 24.5 foot garage addition, the remaining setback would be 18 feet instead of the required 25 feet. Therefore he is requesting a variance of 7 feet.

The applicant explains that the 24.5 foot width is necessary to accommodate two stalls side-by-side in addition to an interior four foot wide landing and steps, needed because the entry to the first floor level of the house is several feet higher than the garage floor. The garage addition would be one story with a flat roof. The second story of the house would not be expanded.

This lot is 46.8 feet wide by 120 feet deep, totaling 5,619.49 square feet in area, in the R-2 Single Family Residential zoning district. Proposed lot coverage by buildings is 25.7% (35% allowed). Proposed overall impervious lot coverage is 44.1% (50% allowed) after modification of the existing driveway. All other setbacks and dimensional zoning requirements would be met.

---

Brian Donovan, City Manager

Request for Zoning Ordinance Variance

Date: 9/28/16

*Note to Applicant: Please pay careful attention to answer the questions in this application as accurately and completely as possible. This will give you the best possibility of your application appearing on the earliest agenda for action and for approval by the Board of Zoning Appeals.*

*All requests for a zoning variance are subject to a public hearing. The applicant will be advised of the hearing date, time and location and is requested to present a verbal summary of the request to the Board of Zoning Appeals prior to the public hearing. In addition, the City Services Office shall publish notice of the public hearing in a newspaper of general circulation in the local unit of government, as well as, provide notice of the public hearing to all property owners within a 300 foot radius of the subject property not less than fifteen (15) days before the date the application will be considered for approval.*

**A non-refundable filing fee of \$250.00 must accompany your application.**

Applicant Name: Jacques Cyr

Address: 2220 Argentina Ave, EGR 49506

Property Address (if different than above):

Daytime Phone: (617) 775-9352

Legal Description of Property\*\*: Lot 19 Section 33, Town 7

\*\* (Use Attachments if Necessary)

Permanent Parcel (Tax) Number: 41-14-33-476-002

**Briefly State the Requested Variance (Citing the specific section(s) of the Zoning Ordinance from which you are seeking a variance)\*\*:**

Relief from Sec. 5.28, Table 5.28-1 for Rear setback of 18'  
instead of 25' a variance of 7'

\*\* (Use Attachments if Necessary)

**Please check all the items below which are applicable to your request for variance:**

a. The situation which causes you to seek a variance does not result from any action of yours.

b. A grant of the variance would do substantial justice to you as well as to other property owners and will not be of substantial detriment to neighboring properties.

\_\_\_ c. The request for variance is based upon conditions and circumstances described on the attached sheet which are unique to your property and not generally applicable to others in your neighborhood.

\_\_\_ d. Compliance with the Zoning Ordinance would unreasonably prevent you from using the property or would be unnecessarily burdensome.

**Narrative Statement:**

*Please attach a narrative statement setting forth:*

- a. What you wish to do with the property.
- b. Why you need the variance.
- c. The specific decision you seek
- d. The reason your project cannot be accomplished within the requirements of the zoning ordinance.

**Site Plan:**

Two (2) copies of a detailed, *scaled* site plan and elevation drawing showing the nature of the variance request, including, but not limited to: property boundaries, existing and proposed structures, the distance from the property lines of each existing building or structure and of each proposed building or structure, height of all proposed structures, and show and label abutting street(s). *Additional information may be required by the Zoning Administrator.*

*The Board of Zoning Appeals may attach conditions to the granting of a variance.*

*Please be advised that substantial steps toward effecting the variance must be taken within twelve (12) months of approval of a variance, or the variance will become null and void per section 5.171-2 of the City Code.*

\_\_\_\_\_  
Signature of Applicant

*Jacques Cyr*  
\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Signature of Property Owner  
(If Different from Applicant)

*Jacques Cyr*  
\_\_\_\_\_  
Print Name



City of East Grand Rapids  
City Services  
750 Lakeside Dr. SE, East Grand Rapids, MI 49506  
Phone 616.940.4817 FAX 616.831-6121

## Variance Narrative:

**Parcel Number:** 41-14-33-476-002

**Government Unit:** 44 - CITY OF EAST GRAND RAPIDS

**Village:** N/A

**Property Status:** ACTIVE

**Property Address:** 2220 ARGENTINA DR SE

**Property Classification:** 401 - RESIDENTIAL - IMPROVED

### **Overview:**

We are looking for relief from rear setback as stated in Section 5.28 table 5.28-1.

In addition to a pre-existing concrete patio (20' x 14') directly off the rear of the house, plus an additional (8' X 8') adjacent concrete landing, we wish to remove an existing decrepit / structurally challenged (1) stall detached (12.3' X 24.4') garage, which is non-conforming for both the East and South lot lines.

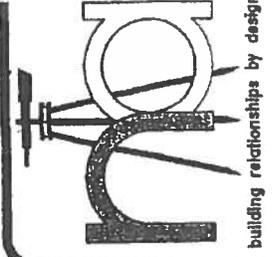
We seek to better utilize rear lot area, by constructing a new (2) stall attached garage. Since there currently exist a rather significant grade variation (approximately 4.5') from the 1<sup>st</sup> floor to grade, the proposed attached garage will require a (4) landing along with a set of 3' wide stairs from 1<sup>st</sup> floor level to grade and the garage floor. With this element, the attached garage structure would require a minimum size of 24' 6" X 20', and therefore will require a rear setback 18' off the rear lot line (South).

PREPARED FOR: F J 32 Ki Pt  
 Attn:  
 RE: Ap 22

DESCRIPTION: Lot 19  
 Section 33, Town 7  
 Grand Rapids, Kent (

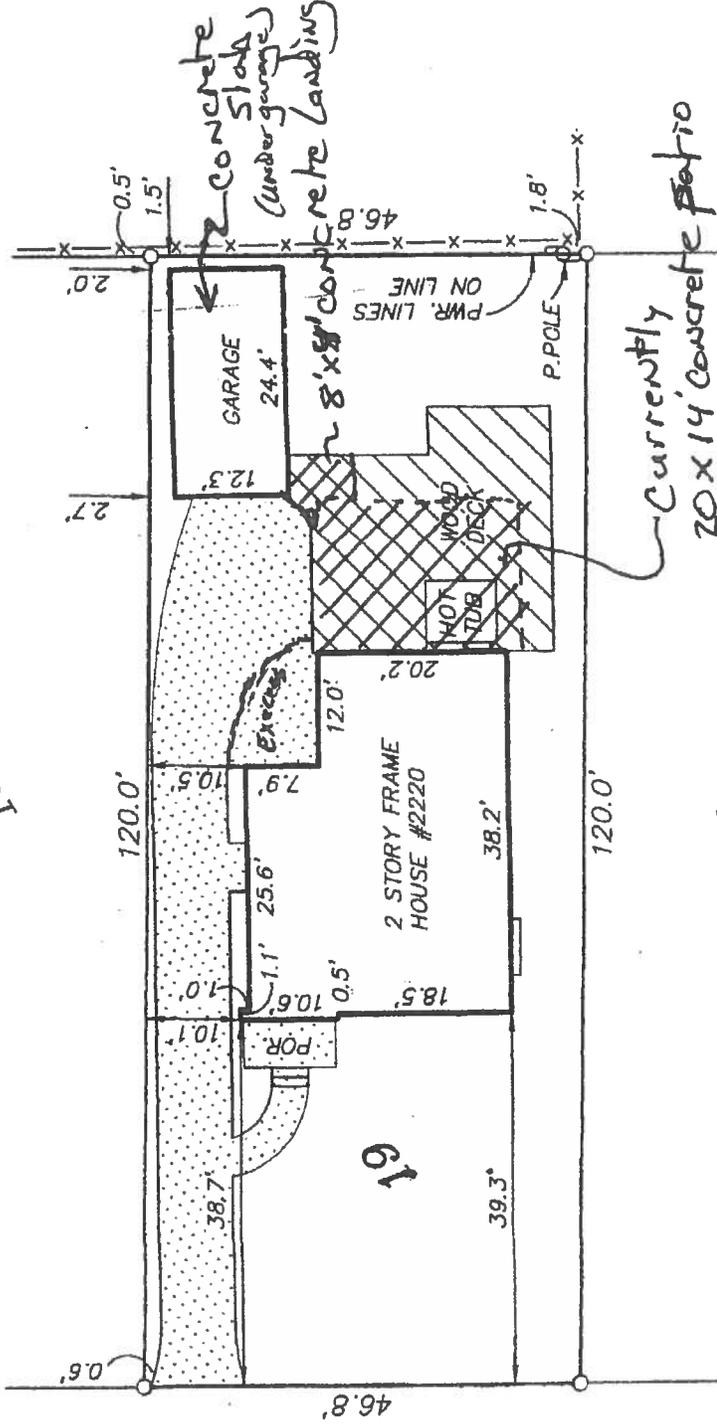
We hereby certify to  
 examined the proper  
 buildings and improv  
 as shown and that i  
 way across the propi

By: *Randa*  
 Randal J. Vugter



# Existing

18



ARGENTINA DR.

## Existing Concrete

Garage: 300 sq ft  
 Landing: 32 sq ft  
 Patio: 280 sq ft  
 Excess: 84 sq ft  
 Main Drive: 670 sq ft  
 Porch & Walk: 90

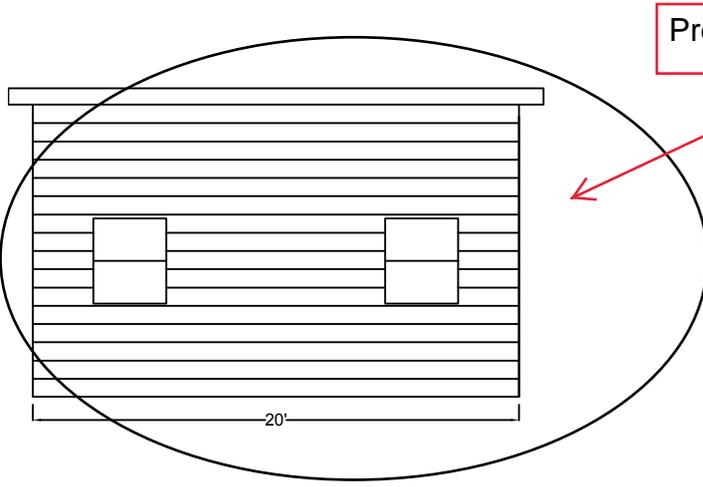
1,456 sq ft



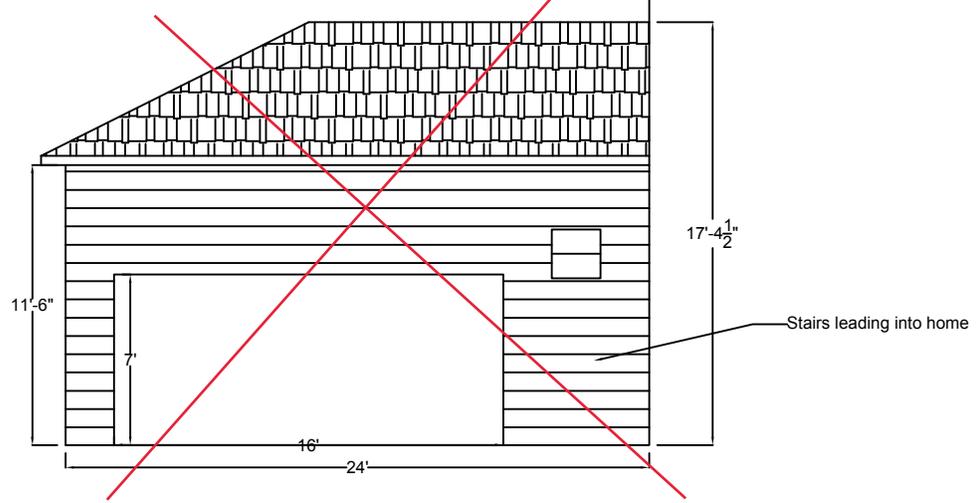
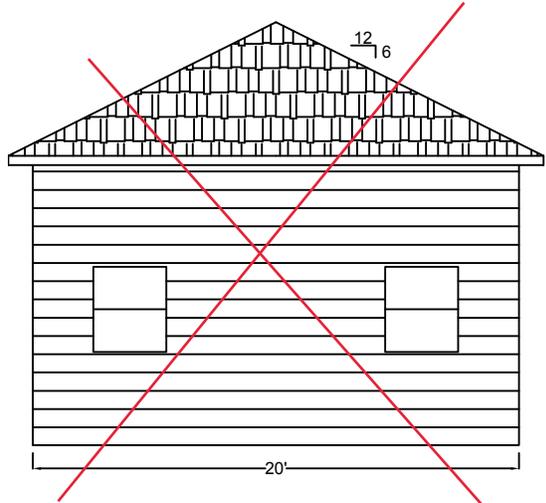
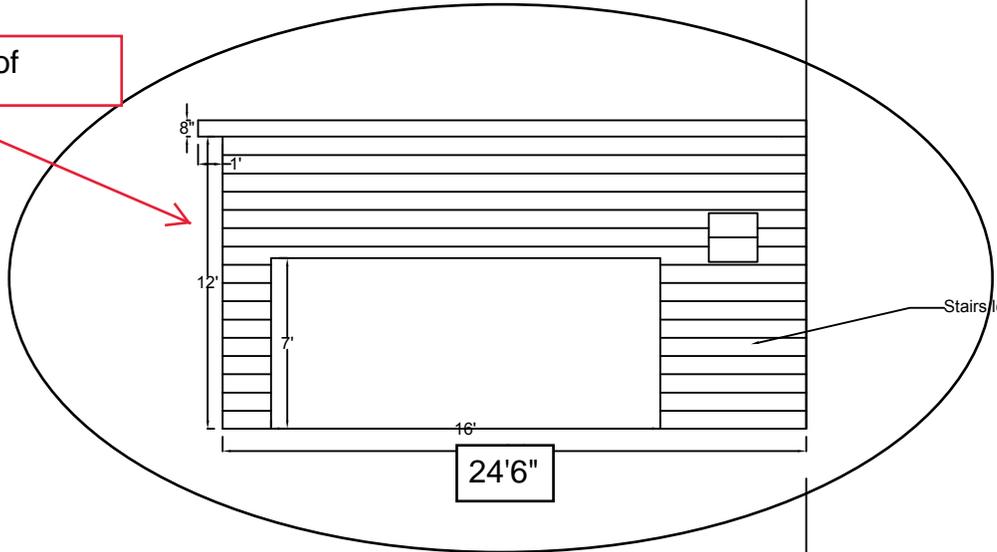
- Scale 1" = 20'
- = Concrete
  - D = Description dimension
  - M = Measured dimension
  - P = Platted dimension
  - = Set Iron Stake
  - = Found Iron Stake
  - x— = Fence Line

This survey was made from the legal description shown above. The description should be compared with the Abstract of Title or Title Policy for accuracy, easements and exceptions.





Proposed Flat Roof



© Amber Valley Construction  
 Do not copy, distribute, or duplicate  
 without prior consent.

GRAHAM ERIC J  
2204  
ARGENTINA DR SE

STOVER NICHOLAS R  
2214  
ARGENTINA DR SE

CYR JACQUES & KATE  
2220  
ARGENTINA DR SE

OSTRANDER RICHARD S & LONNETTE J  
2224  
ARGENTINA DR SE

ZERFAS BENJAMIN & MEAGAN  
2230  
ARGENTINA DR SE

HOLLANDSWORTH AMY  
2234  
ARGENTINA DR SE

GRAHAM ERIC & RITA KAIS  
1015  
ORCHARD AVE SE

FREERS JENNIFERD & KEITH R  
2221  
EL DORADO DR SE

RHODES J WILLIAM  
2227  
EL DORADO DR SE

ROYCE JEFFREY W & LISAA  
1025  
LAKESIDE DR SE



# City of East Grand Rapids, Michigan

## CITY OF EAST GRAND RAPIDS NOTICE OF PUBLIC HEARING

A public hearing will be held at the request of Jacques Cyr, owner of 2220 Argentina Drive, SE, to consider a zoning variance at that address. He proposes to construct a 20-by-24.5-foot, one-story, two-stall garage addition on the rear of his existing house. He would demolish the existing detached garage. The applicant seeks relief from Section 5.28, Table 5.28-1 of the East Grand Rapids Zoning Ordinance for a resulting rear (south) setback for the new garage addition of 18 feet instead of the required 25 feet, a variance of 7 feet.

The application and plans may be viewed in the Public Works Administration office at the Community Center, or by linking from this notice at [www.eastgr.org/notices](http://www.eastgr.org/notices).

The City Commission welcomes your views in this matter. You may express your views at the scheduled meeting or by writing to the Mayor and City Commission at 750 Lakeside Drive, SE, East Grand Rapids, Michigan 49506, or by email to the City Clerk at [kbrower@eastgr.org](mailto:kbrower@eastgr.org). To be included in the hearing, written communications must contain the sender's name and address.

If you have any questions regarding this request, please contact the undersigned at 940-4817, or [tfaasse@eastgr.org](mailto:tfaasse@eastgr.org).

DATE: Monday, November 7, 2016  
TIME: 6:00 p.m.  
PLACE: East Grand Rapids Community Center Commission  
Chambers  
750 Lakeside Drive, SE,  
East Grand Rapids, Michigan 49506

Thomas A. Faasse  
Zoning Administrator

*58 notices  
sent  
at*

**PUBLIC WORKS DEPARTMENT – ENGINEERING DIVISION**

750 Lakeside Drive, SE • East Grand Rapids, Michigan 49506  
Telephone (616) 940-4817 Fax (616) 831-6121 [www.eastgr.org](http://www.eastgr.org)

Partners with





Variance  
2220 Argentina Drive, S. E.





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:** **Final Reading of Text Amendment to Zoning Ordinance Section 5.27  
Adding “School Residential Campus” as a permitted Special Land Use**

### **ACTION REQUESTED:**

That the City commission concludes the public hearing and votes to approve the captioned amendment to the Zoning Ordinance.

### **BACKGROUND:**

This text amendment of Section 5.27 of the Zoning Ordinance (attached) was introduced at the regular City Commission meeting on October 17, 2016. On October 11, 2016, the Planning Commission had conducted a required public hearing and had voted to recommend approval of this text amendment to the City Commission.

Earlier in the year, Calvin College applied to use a single family residence on the campus as theme-centered student group housing for eight students and a mentor, a use which was not listed in any zoning district. Under the provisions of Section 5.75A “Similar Uses” both the Planning Commission and the City Commission subsequently approved a site plan and a special land use designation, “School Residential Campus” for the areas of the college campus that lie within the city of East Grand Rapids. Since this use is not currently listed in the zoning ordinance as a permitted use in any zone district, the Director of Public Works is required to initiate an amendment to the zoning ordinance in order to list the similar use in the schedule of uses that are allowed in the various districts either by right or as special land uses. As you will see, the proposed ordinance amendment also requires that any future School Residential Campus uses must also meet the special additional standards for all Private or Parochial School uses. These additional requirements are found in Section 5.73C, having to do with the scale of the school, its parking lots and other related uses, and their compatibility with abutting homes and neighborhoods.

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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)	<b>R-1</b>	<b>R-2</b>	<b>R-3</b>	<b>MFR</b>	<b>Additional Requirements</b>
<b>Accessory</b>					
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		
<b>Residential</b>					
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>
<b>Recreation/Cultural</b>					
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	
<b>Public and Institutional</b>					
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>
<b>School Residential Campus</b>	<b>S</b>	<b>S</b>	<b>S</b>	<b>S</b>	<b><i>Section 5.73 (C)</i></b>
Churches and places of worship	S	S	S	S	<i>Section 5.73(A)</i>
<b>Services</b>					
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)	<b>R-1</b>	<b>R-2</b>	<b>R-3</b>	<b>MFR</b>	<b>Additional Requirements</b>
<b>Other Uses</b>					
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

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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 adopt 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.

770127.2

10117290\_3.docx

~~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,<sup>1</sup> 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.<sup>2</sup> (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 (V<sub>2</sub>) hour after sunset to one-half (<sup>1</sup>/<sub>2</sub>) 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)~~

Comparison Details	
Title	<b>pdfDocs compareDocs Comparison Results</b>
Date & Time	7/1/2016 2:39:26 PM
Comparison Time	0.98 seconds
compareDocs version	v4.2.0.25

Sources	
Original Document	C:\Users\cmbeveridge\Desktop\Original City EGR Ordinance Updates (5) - Chapter 33.docx
Modified Document	[#10117290] [v3] City EGR Ordinance Updates (5) - Chapter 33.docx

Comparison Statistics	
Insertions	12
Deletions	3
Changes	1
Moves	0
TOTAL CHANGES	16

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

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

**AN ORDINANCE TO AMEND 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 MOVING<sup>1</sup>

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

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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.~~

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**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 law<sup>1</sup> 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

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<sup>1</sup> 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.<sup>2</sup>

- 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.

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<sup>2</sup> 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 noise<sup>3</sup>, 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.

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<sup>3</sup> 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.

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 law<sup>1</sup> 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~~7.~~

~~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~~

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<sup>1</sup> 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.<sup>1,2</sup>

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.

<sup>2</sup> 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 noise<sup>3</sup>, odor or in any other manner. (1982 Code §9.38; 1993 Code)

### 9.39. Impounding.

<sup>3</sup> 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.

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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 ~~novelties~~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 OFFENSES<sup>1</sup>**

- 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.

<sup>1</sup> 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 1978<sup>2</sup>, 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.

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<sup>2</sup> 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 OFFENSES<sup>1</sup>**

~~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.

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<sup>1</sup> 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~~<sup>1978</sup><sup>2</sup>, 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~~;~~.

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<sup>2</sup> 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.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.

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~~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.

~~H.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.~~ ~~M.~~ ~~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.~~

~~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. ~~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.~~

~~K.~~ Knowingly or intentionally use, possess, or possess with intent to sell or deliver any drug ~~2.~~ paraphernalia. ~~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~~

~~L.~~ Use, knowingly possess, manufacture, plant, grow, cultivate, or deliver to ~~0.~~ 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. ~~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.

~~September 2004~~

~~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.

~~September 2001~~

~~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, airsoft 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 17, 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 Duncan, Hamrick, Miller, Skaggs, Zagel and Mayor Seibold

Absent: Commissioner Dills

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

2016-114. Peter Dimitriou, 2621 Inverness, handed out information regarding the selection of environmentally friendly vehicles.

2016-115. Commissioner Skaggs reported that absentee ballots are available from the clerk's office to those who qualify.

City Manager Donovan announced that Halloween trick-or-treating would take place on Monday, October 31 from 6 to 8 p.m.

Mayor Seibold reminded everyone that the Public Safety Department would hold their annual open house on Saturday, October 22 from 10 am until noon.

2016-116. Doug Vredevelde of Vredevelde Haefner reviewed the audited financial statements for the fiscal year ended June 30, 2016 and answered questions from the City Commission. Mr. Vredevelde noted the pension liability and OPEB funding were the only issues facing the city in the next several years.

2016-117. 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.

Assistant City Manager LaFave explained the City Commission had recently approved a special use permit for Calvin College to convert a single-family home into dormitory housing for students. He noted this ordinance change would codify the special use.

Mayor Seibold opened a public hearing. No public comment was received. Mayor Seibold closed the public hearing.

2016-117-A. Duncan-Miller. That 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 be introduced as set forth in Exhibit "A" attached hereto.

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

Nays: -0-

2016-118. 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.

City Attorney Huff explained the ordinance amendments were repealing unused sections, changing names to reflect the combined Public Safety Department, and renumbering remaining sections.

2016-118-A. Miller-Skaggs. That an ordinance amendment to repeal Articles 1 – 4 of Chapter 33 of Title III of the City Code pertaining to lakes and waterways be introduced as set forth in Exhibit “B” attached hereto.

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

2016-119. Introduction of an ordinance amendment to Article V of Chapter 41 of Title IV of the City Code pertaining to house moving.

2016-119-A. Zagel-Hamrick. That an ordinance amendment to Article V of Chapter 41 of Title IV of the City Code pertaining to house moving be introduced as set forth in Exhibit “C” attached hereto.

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

2016-120. Introduction of an ordinance amendment to Article I of Chapter 77 of Title VII of the City Code pertaining to recreation, amusements and games.

2016-120-A. Skaggs-Zagel. That an ordinance amendment to Article I of Chapter 77 of Title VII of the City Code pertaining to recreation, amusements and games introduced as set forth in Exhibit “D” attached hereto.

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

2016-121. Introduction of an ordinance amendment to Chapter 92 of Title IX of the City Code pertaining to animal control.

2016-121-A. Duncan-Miller. That an ordinance amendment to Chapter 92 of Title IX of the City Code pertaining to animal control be introduced as set forth in Exhibit “E” attached hereto.

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

2016-122. Introduction of an ordinance amendment to Chapter 93 of Title IX of the City Code pertaining to miscellaneous offenses.

2016-122-A. Hamrick-Zagel. That an ordinance amendment to Chapter 93 of Title IX of the City Code pertaining to miscellaneous offenses be introduced as set forth in Exhibit “F” attached hereto.

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

2016-123. Zagel-Miller. To approve the consent agenda as follows:

2016-123-A. To approve the minutes of the regular meeting held October 3, 2016.

2016-123-B. 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.

- 2016-123-C. The purchase of a sewer camera system from C&S Solutions of Harrison, Ohio in the amount not-to-exceed \$10,000.
- 2016-123-D. A contract with VanWyk Risk Solutions for property and liability insurance through Travelers Insurance in the amount of \$185,405.00.
- 2016-123-E. A resolution amending the FY2016-17 budget for the quarter ending September 30, 2016.

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

The meeting adjourned at 6:30 p.m., subject to the call of the Mayor until November 7, 2016.

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Karen K. Brower, City Clerk

Attachments: A – Ordinance amendment to Section 5.27 of Chapter 50  
B – Ordinance amendment to repeal Articles 1-4 of Chapter 33  
C – Ordinance amendment to Article V of Chapter 41  
D – Ordinance amendment to Article I of Chapter 77  
E – Ordinance amendment to Chapter 92 of Title IX  
F – Ordinance amendment to Chapter 93 of Title IX

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

**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 OFFENSES<sup>1</sup>**

- 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.

<sup>1</sup> 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 1978<sup>2</sup>, 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.

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<sup>2</sup> 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 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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**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.

**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 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 law<sup>1</sup> 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

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<sup>1</sup> 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.<sup>2</sup>

- 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.

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<sup>2</sup> 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 noise<sup>3</sup>, 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.

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<sup>3</sup> 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.



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: October 17, 2016  
RE: Benefit Renewal

**Action Requested:** That the City Commission approve the bid with Symetra as the Stop Loss Carrier, Physicians Care as the PPO provider and to renew Life, Accidental Death and Dismemberment (ADD) and long-term disability underwritten by Madison National Life.

**Background:** On January 1, 2005 the City of East Grand Rapids implemented a Consumer Directed Health Plan (CDHP) for all eligible employees and retirees.

There are no significant health plan changes for 2017.

For the City's stop loss coverage, it is recommended that the City remain with Symetra. Total estimated fixed costs quoted by Symetra are \$409,792 which is 9.0% more than 2016 pricing and overall annual estimated payments are \$1,351,932 which is 12.4% higher than 2016. ASR Corporation secured three stop loss quotes this year to maintain the per employee cap (deductible) at \$50,000 (attached). Due to an average of 2-3 employees reaching the \$50,000 cap in any given year, the City would not incur any savings by raising the cap. The maximum annual aggregate cost is \$1,177,674.

ASR Corporation continues to be the third party administrator for medical, dental, and vision coverage. Their administrative fees are based on various factors, which partly include the commissions received from the stop loss carrier. Based on the stop loss coverage recommended above, ASRs fees (now including postage) will decrease from \$10.90 to \$9.00 per employee per month. In addition, ASR Corporation will continue to administer COBRA at the current rate of \$1.25 per employee per month.

Madison National Life is not proposing any increases to our current premiums.

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Brian Donovan, City Manager

**Self-Funded Renewal for City of East Grand Rapids**  
**Effective: 1/1/2017-12/31/2017**

Single: 16  
 Family: 55  
 Total: 71

STOP LOSS CARRIER	CURRENT	RENEWAL OPTION A	RENEWAL OPTION B	RENEWAL OPTION C
<b>ANNUAL SPECIFIC STOP LOSS PREMIUM</b>	<b>\$342,909.00</b>	<b>\$377,203.20</b>	<b>\$349,154.40</b>	<b>\$378,121.92</b>
Specific Deductible	\$50,000	\$50,000	\$50,000	\$50,000
Single Specific Premium Rate	\$213.50	\$234.85	\$188.45	\$209.66
Family Specific Premium Rate	\$457.45	\$503.20	\$474.20	\$511.92
Specific Stop Loss Benefits Covered	MED/RX	MED/RX	MED/RX	MED/RX
Contract Accumulation Type	INDIVIDUAL	INDIVIDUAL	INDIVIDUAL	INDIVIDUAL
Specific Contract Type	PAID	PAID	PAID	PAID
<b>ANNUAL AGGREGATE STOP LOSS PREMIUM</b>	<b>\$13,257.12</b>	<b>\$13,930.20</b>	<b>\$24,733.56</b>	<b>\$14,466.96</b>
Aggregate Premium Rate	\$15.56	\$16.35	\$29.03	\$16.98
Single Aggregate Factor	\$534.56	\$609.43	\$620.55	\$574.29
Family Aggregate Factor	\$1,409.72	\$1,607.07	\$1,687.03	\$1,623.93
Annual Expected Claims	\$826,440.58	\$942,139.32	\$986,068.32	\$945,645.98
Annual Aggregate Attachment Point	\$1,033,050.72	\$1,177,674.15	\$1,232,585.40	\$1,182,057.48
Aggregate Stop Loss Benefits Covered	MED/RX	MED/RX	MED/RX	MED/RX
Aggregate Contract Type	PAID	PAID	PAID	PAID
Run-In Limit	\$0	\$0	\$0	\$0
<b>ANNUAL SERVICE FEES</b>	<b>\$19,851.60</b>	<b>\$18,658.80</b>	<b>\$24,793.20</b>	<b>\$22,365.00</b>
Medical/Postage/Dental Administration Fee	\$10.90	\$9.00	\$16.20	\$13.35
Network Access Fee	\$8.45	\$8.45	\$8.45	\$8.45
Utilization Review/Case Mgt. Fee In/Out Patient	\$3.95	\$4.45	\$4.45	\$4.45
<b>TOTAL ESTIMATED ANNUAL FIXED COSTS</b>	<b>\$376,017.72</b>	<b>\$409,792.20</b>	<b>\$398,681.16</b>	<b>\$414,953.88</b>
Percent Change in Fixed Costs		9.0%	6.0%	10.4%
<b>TOTAL ESTIMATED ANNUAL EXPECTED COSTS</b>	<b>\$1,202,458.30</b>	<b>\$1,351,931.52</b>	<b>\$1,384,749.48</b>	<b>\$1,380,599.86</b>
Percent Change in Expected Costs		12.4%	15.2%	13.2%
<b>TOTAL ESTIMATED ANNUAL MAXIMUM COSTS</b>	<b>\$1,409,068.44</b>	<b>\$1,587,466.35</b>	<b>\$1,631,266.56</b>	<b>\$1,597,014.36</b>
Percent Change in Maximum Costs		12.7%	15.8%	13.3%

**STOP LOSS COVERAGE REQUIREMENTS AND OPTIONS**

- Stop loss quotes assume satisfaction of each of the carrier's minimum requirements for eligibility, participation, benefits and plan design.
- The annual benefit maximum and stop loss policy maximum is unlimited per covered person.
- Stop loss quotes above require receipt and review of an updated specific report, aggregate report, pre-certification report, case management report and pending/hold report through the date indicated below. Completion of a large claim disclosure form for review and approval is required for a firm quote unless specifically stated below.
- S/METRA: Stop loss quotes above are firm if accepted in writing by 11/7/16, otherwise additional reports will be required. Stop loss quotes above include a guarantee of no new lasers on renewal and a maximum specific premium renewal increase of 50% based on duplicate contract terms.
- S/RUS AMERICA: Stop loss quotes above are subject to the reports indicated above through 10/31/16. Stop loss quotes above include a guarantee of no new lasers on renewal and a maximum specific premium renewal increase of 50% based on duplicate contract terms. Stop loss quotes above are subject to additional claims information for the following individuals: Individual #0957 and Individual #7891.
- COMPANION LIFE: Stop loss quotes above are subject to the reports indicated above through 10/31/16. Stop loss quotes above include a guarantee of no new lasers on renewal and a maximum specific premium renewal increase of 50% based on duplicate contract terms. Stop loss quotes above are subject to additional claims information for the following individuals: Individual #7225. Stop loss quotes above are subject to review of large claimants.
- The following carrier(s) declined to quote due to being uncompetitive: Pan American

**GENERAL SPECIFICATIONS**

- The postage fee of \$0.53/piece is included in the current and renewal medical administration fees above as a per employee per month equivalent based on check/EOB volume over the last 12 months.
- Vision Administration Fee: \$0.60 per employee per month (pepm); COBRA = \$1.25 pepm + the 2% administrative fee included in the COBRA rate calculation; Flexible Spending Fee: \$3.95 per participant per month (pppm). The fee for annual Flexible Spending re-enrollment is included in the Flexible Spending monthly administration fee. Current Utilization Review/Case Mgmt administration fee = \$3.95 pepm. Renewal Utilization Review/Case Mgmt administration fee = \$4.45 pepm.
- Network access fees included in the fixed costs above: Physicians Care/HAP = \$8.45 pepm. Network access fees not included in the fixed costs above: Multiplan/CIGNA Wrap Network = 18-24% of savings. Note: CIGNA wrap network is available only to Physicians Care network enrollees.
- The Michigan HICA tax, ACA Reinsurance, and PCORI fees are not included in the above renewal.
- ASR WILL NOT BE BOUND BY ANY TYPOGRAPHICAL ERRORS OR OMISSIONS CONTAINED IN THIS PROPOSAL. DO NOT CANCEL ANY CURRENT COVERAGE UNTIL CONFIRMATION HAS BEEN RECEIVED FROM PROPOSED CARRIER.
- AGENT MAY RECEIVE A PERCENTAGE OF ASRS COMPENSATION PLUS AMOUNT LISTED.



# 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/Treasurer  
DATE: October 26, 2016

RE: Financial Reports Quarter Ended September 30, 2016

The following report represents results for the quarter ended September 30, 2016. A formal closing is not made each quarter; however timing has been considered to account for three months of activity for the results below.

## GENERAL FUND

Revenues for the quarter ended September 30, 2016 totaled \$8,352,549, which is 75.7% of the \$11,028,900 amended budget for the fiscal year. Property tax revenue totaled \$7,889,635 or 96.7% collected of the original tax roll. The first State shared revenue payment will be received at the end of October.

Revenues:	Original Budget	Amended Budget	Actual	Percent of Budget
Taxes	8,160,000	8,160,000	7,889,635	96.7%
Licenses and permits	65,000	65,000	13,817	21.3%
Intergovernmental revenue	916,500	916,500	8,126	0.9%
Charges for services	489,100	489,100	56,036	11.5%
Recreation revenue	1,178,900	1,178,900	363,283	30.8%
Fines and forfeits	40,000	40,000	7,897	19.7%
Interest and rents	20,000	20,000	3,649	18.2%
Other revenue	170,500	119,000	-	0.0%
Library revenue	40,400	40,400	10,106	25.0%
<b>Total</b>	<b>11,080,400</b>	<b>11,028,900</b>	<b>8,352,549</b>	<b>75.7%</b>

## GENERAL FUND (continued)

Expenditures for the quarter ended September 30, 2016 totaled \$2,254,258 or 19.9% of the amended budget of \$11,316,900. If expenditures were to be spent evenly throughout the year, one would expect 25.0% of the budget to be spent as of September 30, 2016. However, many of the planned capital expenditures have not been completed and the full amount of the operating transfers has not been made as of September 30, 2016. Overall, General Fund expenditures through September 30, 2016 were as expected.

Expenditures:	Original Budget	Amended Budget	Actual	Percent of Budget
General government	1,668,700	1,654,500	345,804	20.9%
Public safety	5,037,700	4,934,100	1,112,113	22.5%
City Services	1,698,700	1,700,400	301,610	17.7%
Recreation	1,945,300	1,949,900	416,808	21.4%
Transfers Out	1,000,000	1,078,000	77,923	7.2%
Total	11,350,400	11,316,900	2,254,258	19.9%

## MAJOR STREET FUND

Revenues in the Major Street Fund were as expected for the quarter ending September 30, 2016. The amount of transfers in represents \$719,792 of completed projects from the Municipal Street Fund.

Revenues:	Original Budget	Amended Budget	Actual	Percent of Budget
State Funding	635,000	635,000	48,173	7.6%
Transfers In	1,138,500	1,129,500	719,792	63.7%
Other	2,000	2,000	294	14.7%
Total	1,775,500	1,766,500	768,260	43.5%

Expenditures in the Major Street Fund were as expected for the quarter ending September 30, 2016.

Expenditures	Original Budget	Amended Budget	Actual	Percent of Budget
City Engineering	69,700	68,400	9,972	14.6%
Street Construction	1,029,500	1,029,500	569,181	55.3%
Routine Maintenance	187,600	188,000	40,589	21.6%
Traffic Services	71,000	71,000	4,321	6.1%
Winter Maintenance	231,400	232,300	2,562	1.1%
Street Administration	98,900	98,900	9,439	9.5%
Debt Service	260,000	260,000	7,119	2.7%
Total	1,948,100	1,948,100	643,182	33.0%

## LOCAL STREET FUND

Revenues in the Local Street Fund were as expected for the quarter ended September 30, 2016. The amount of transfers in represents \$162,931 of completed projects from the Municipal Street Fund.

Revenues:	Original Budget	Amended Budget	Actual	Percent of Budget
State Funding	250,000	250,000	18,178	7.3%
Transfers In	738,700	738,700	162,931	22.1%
Other	1,200	1,200	515	42.9%
Total	989,900	989,900	181,624	18.3%

Expenditures in the Local Street Fund were as expected for the quarter ending September 30, 2016.

Expenditures	Original Budget	Amended Budget	Actual	Percent of Budget
City Engineering	67,100	65,800	6,318	9.6%
Street Construction	503,000	503,000	142,862	28.4%
Routine Maintenance	190,500	190,900	49,533	25.9%
Traffic Services	7,700	7,700	1,911	24.8%
Winter Maintenance	219,800	220,700	2,182	1.0%
Street Administration	97,400	97,400	9,437	9.7%
Total	1,085,500	1,085,500	212,243	19.6%

## MUNICIPAL STREET FUND

Revenues in the Municipal Street Fund were as expected for the quarter ended September 30, 2016.

Revenues:	Original Budget	Amended Budget	Actual	Percent of Budget
City Taxes & Penalties	1,241,000	1,241,000	1,203,144	96.9%
Interest & Rents	500	500	-	100.0%
Transfers In	664,300	664,300	-	0.0%
Total	1,905,800	1,905,800	1,203,144	63.1%

Expenditures in the Municipal Street Fund were as expected for the quarter ended September 30, 2016. Projects that are completed and allowable under Act 51 PA 1951, as amended, are transferred back into the Major/Local Streets for Act 51 reporting purposes.

Expenditures	Original Budget	Amended Budget	Actual	Percent of Budget
City Engineering	63,300.00	63,300	-	0.0%
Street Construction	-	-	-	100.0%
Routine Maintenance	310,000.00	310,000	-	0.0%
Transfers Out (Street Construction)	1,532,500.00	1,532,500	882,723	57.6%
Total	1,905,800	1,905,800	882,723	46.3%

## WATER AND SEWER FUND

Revenues for the quarter ended September 30, 2016 totaled \$1,335,582 which is 31.6% of the \$4,225,000 amended budgeted amount for the fiscal year.

Revenues:	Original Budget	Amended Budget	Actual	Percent of Budget
Charges for services:				
Water Readiness	2,150,000	2,150,000	672,401	31.3%
Metered Water	995,000	995,000	396,226	39.8%
Sewage Disposal	860,000	860,000	242,281	28.2%
Other	8,000	8,000	2,126	26.6%
Federal Funding	150,000	150,000	-	0.0%
Fines and forfeits	60,000	60,000	22,521	37.5%
Investment Earnings	2,000	2,000	27	1.4%
Total	4,225,000	4,225,000	1,335,582	31.6%

Expenses for the quarter ended September 30, 2016 totaled \$1,598,127 or 33.2% of the amended budgeted amount of \$4,820,400. Overall, the Water and Sewer Fund expenses through September 30, 2016 were as expected.

Expenses:	Original Budget	Amended Budget	Actual	Percent of Budget
Supply and usage charges				
Water	810,000	810,000	265,615	32.8%
Sewer	720,000	720,000	121,935	16.9%
Operating expenses	2,792,900	2,792,900	1,044,911	37.4%
Depreciation	497,000	497,000	165,667	33.3%
Interest	500	500	-	0.0%
Total	4,820,400	4,820,400	1,598,127	33.2%

## HEALTH INSURANCE FUND

Health care charges (revenue) to the other funds for the year totaled \$279,057 (16.59% of proposed amended amount) while expenses totaled \$328,656 (20.13% of proposed amended amount) for health care expenses as of September 30, 2016. Not included in the above expenditures are outstanding claims incurred but not yet reported.

## MOTOR EQUIPMENT REPLACEMENT FUND (MERF)

Auto expense charges (revenue) to the other funds for the year totaled \$182,351 (24.56% of proposed amended amount) while expenses totaled \$78,009 (6.04% of proposed amended amount) as of September 30, 2016. None of the planned capital expenditures have taken place as of September 30, 2016.

## Cash and Investments by Fund Quarter Ended September 30, 2016

	Interest Rate	Special Revenue												Debt Service	Capital Projects	Enterprise	Internal Service	OPEB	TOTAL
		General	Major Street	Local Street	Municipal Street	Drug Seizure	Wealthy Pool	Streetscape	Trail and Culvert	Special Assessments	Water and Sewer	MERF	Health Insurance						
		101/701/099	202	203	204	265	305	372	473	810	592	692	677	736					
<b>CHECKING ACCOUNTS</b>																			
Huntington Bank	0.000%	\$ 3,232,093	\$ 461,800	\$ 217,988	\$ 997,285	\$ 77,923	\$ 126,579	\$ 364,286	\$ 5,082	\$ -	\$ 170,030	\$ 363,876	\$ 218,243	\$ -	\$ -	\$ -	\$ 6,235,186		
Debit Card Account	0.000%	4,633	-	-	-	-	-	-	-	-	-	-	-	-	-	-	4,633		
<b>Total Checking Accounts</b>		<b>\$ 3,236,726</b>	<b>\$ 461,800</b>	<b>\$ 217,988</b>	<b>\$ 997,285</b>	<b>\$ 77,923</b>	<b>\$ 126,579</b>	<b>\$ 364,286</b>	<b>\$ 5,082</b>	<b>\$ -</b>	<b>\$ 170,030</b>	<b>\$ 363,876</b>	<b>\$ 218,243</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 6,239,819</b>		
<b>INVESTMENTS</b>																			
Kent County Investment Pool	0.443%	\$ 5,523,843	\$ 206,276	\$ 360,651	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 11	\$ 564,003	\$ 305,486	\$ -	\$ -	\$ -	\$ 6,960,270		
Certificates of Deposit:																			
First National Bank of America	1.195%	253,771	-	-	-	-	-	-	-	-	-	-	-	-	-	-	253,771		
First National Bank of Michigan	0.750%	250,000	-	-	-	-	-	-	-	-	-	-	-	-	-	-	250,000		
Flagstar Bank	0.800%	250,000	-	-	-	-	-	-	-	-	-	-	-	-	-	-	250,000		
Talmer Bank and Trust	0.750%	250,000	-	-	-	-	-	-	-	-	-	-	-	-	-	-	250,000		
Total CDs:		<b>1,003,771</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>1,003,771</b>		
Investment with Trustee	Variable	-	-	-	-	-	-	-	-	-	-	-	-	-	-	1,257,239	1,257,239		
<b>Total Investments</b>		<b>\$ 6,527,614</b>	<b>\$ 206,276</b>	<b>\$ 360,651</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 11</b>	<b>\$ 564,003</b>	<b>\$ 305,486</b>	<b>\$ 1,257,239</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 9,221,280</b>		
<b>Total Checking and Investments</b>		<b>\$ 9,764,340</b>	<b>\$ 668,076</b>	<b>\$ 578,639</b>	<b>\$ 997,285</b>	<b>\$ 77,923</b>	<b>\$ 126,579</b>	<b>\$ 364,286</b>	<b>\$ 5,082</b>	<b>\$ -</b>	<b>\$ 170,041</b>	<b>\$ 927,879</b>	<b>\$ 523,729</b>	<b>\$ 1,257,239</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 15,461,099</b>		



# 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: 10/31/2016  
  
RE: 2016 Tree Planting Program

Action Requested: That the City Commission approve the 2016 tree planting program with Twin Lakes Nursery, Inc. of Grand Rapids, MI through a one-year extension option.

Background: The City of East Grand Rapids offers a cost share tree planting program (50/50) for planting trees in the right-of-way with residents. This past year the City conducted a tree inventory and assessment of trees located in the right-of-way. As a result of the study the City adjusted the tree planting offerings to move towards a more diverse tree canopy as well as make sure that trees are planted in an appropriate environment with respect to the needs of the trees and the location of other public infrastructure. In any given year the City plants between 40-50 trees as part of this program. This year 70 tree planting requests were submitted. Twin Lakes Nursery was 11% lower than the next closest bid from last year with an option for renewal.

### Trees/Pricing:

Common Name:	Quantity:	Price:
Chanticlear Pear	17	\$329.81
Thornless Cockspur Hawthorn	10	\$343.29
Ginko	12	\$397.67
Greenspire Linden	3	\$355.38
Japanese Lilac Tree	13	\$381.58
Juneberry	8	\$392.13
Red Horse Chestnut	2	\$402.90
Skyline Locust	1	\$334.48
Tulip Tree	3	\$360.68
Zelkova	1	\$360.68

The City has received satisfactory products and services from Twin Lakes Nursery, Inc. in the past.

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Brian Donovan, City Manager