



City of East Grand Rapids
Regular City Commission Meeting
Agenda

November 21, 2016 – 6:00 p.m.
(EGR Community Center – 750 Lakeside Drive)

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

Regular Agenda Items

4. Introduction of an ordinance to amend Chapter 94 of Title IX of the City Code pertaining to model rocket engines (action requested – approval requested).
5. Introduction of an ordinance to amend Chapter 95 of Title IX of the City Code pertaining to fire and explosives (action requested – approval requested).
6. Introduction of an ordinance to amend Section 1.603 of Chapter 101 of Title X of the City Code pertaining to traffic code (action requested – approval requested).
7. Introduction of an ordinance to amend Chapter 102 of Title X of the City Code pertaining to bicyclists (action requested – approval requested).
8. Introduction of an ordinance to amend Chapter 103 of Title X of the City Code pertaining to traffic violations (action requested – approval requested).
9. Introduction of an ordinance to repeal Chapter 105 of Title X of the City Code pertaining to bicycle helmets (action requested – approval requested).
10. Resolution electing to comply with the provisions of Public Act 152 of 2011 by exercising the city's right to exempt itself from the requirements of the Act (approval requested).
11. Request to adopt a policy on undesignated fund balances (enclosed – approval requested).
12. Request to adopt a policy on debt management practices (enclosed – approval requested).

Consent Agenda – Approval Requested

13. Receipt of communications.
14. Minutes of the regular meeting held November 7, 2016 (approval requested).
15. Report of Finance Committee on disbursement of funds: payroll disbursements of \$278,102.60; county and school disbursements of \$-0-, and total remaining disbursements of \$604,015.63 (approval requested).
16. Purchase of chest compression system for the Public Safety Department (approval requested).
17. Request to close the Reeds Lake Culvert and Trail Capital Project Fund and the transfer outstanding cash balance to the Local Street Fund (approval requested).
18. Overview of proposed Lake Drive sidewalk special assessment procedures (no action requested).

* * *



Memorandum

Date: November 21, 2016

To: Honorable Mayor and City Commissioners

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

Subject: **Review of Public Safety Ordinances (#3)**

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

Background: The City 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 94:** Our office recommends keeping Subsection 9.72.
2. **Chapter 95:** The City proposes deleting Subsection 9.96. No issues with this deletion. The City also wishes to include language in Subsection 9.102 to reference the most up-to-date code and include it by reference. This is not possible as the Commission would need to actually adopt the newer codes in order for them to be enforceable.
3. **Chapter 101:** No issues with the proposed changes to subsections 10.4 and 10.8.
4. **Chapter 102:** The City has inquired as to the efficacy of Subsection 10.42. Our office advises keeping this section in place for the time being. No issues with the proposed deletion of Subsections 10.45, 10.46, 10.48, 10.49, and 10.50.
5. **Chapter 103:** No issue with the proposed changes which deal primarily with updating charges.
6. **Chapter 105:** City Staff and the Finance Committee recommend repeal of the Helmet Ordinance. The Public Safety Department has never issued a citation for a violation of this ordinance. Education and working with the schools on this issue have become the preferred strategies.

The Finance Committee has reviewed this report and found it in order.

Approved:

Brian Donovan, City Manager

Attachments

**AN ORDINANCE TO AMEND CHAPTER 94 OF TITLE IX
OF THE CODE OF THE CITY OF EAST GRAND RAPIDS**

THE CITY OF EAST GRAND RAPIDS ORDAINS:

Section 1. Chapter 94 of Title IX of the Code of the City of East Grand Rapids is amended in its entirety to read as follows:

CHAPTER 94: MODEL ROCKET ENGINES

- Section: 9.71. Standards prescribed
9.72. Pyrotechnics prohibited
9.73. Prohibited firings

- 9.71. Standards Prescribed. It shall be unlawful to manufacture or to sell to the public, either at wholesale or retail, model rockets, model rocket engines, and missile type kits which do not comply with the following standards:
- A. All model rockets and model rocket engines shall be designed to be launched remotely in such a manner that the operator may exercise complete control over the instant of launching. This standard does not apply to engines used to power winged model aircraft.
 - B. All model rockets capable of ascending to an altitude of two hundred (200) feet or more shall be equipped with a parachute recovery system or other device to destroy the aerodynamic balance of the model before it descends.
 - C. All model rockets shall be constructed of wood, plastic, rubber, paper, or similar materials and shall contain no substantial metal parts.
 - D. Model rocket engines shall not be capable of spontaneous ignition in air, or in water, or under pressure, or as a result of motion or jarring, or when subjected to a temperature of one hundred seventy (170) degrees Fahrenheit or less, or in glycerin.
 - E. Model rocket engines shall not constitute a fire hazard.
 - F. If the propulsive force of a model rocket engine results from the combustion of chemical ingredients, such ingredients shall be pre-mixed and ready for use so that the user is not exposed to hazard in the mixing or other preparation of same.
 - G. If manufactured from metal, a model rocket engine shall contain a blowout disc or other safety release to prevent rupture of the casing in the event of internal overpressure.

H. Model rocket engines shall not operate with an instantaneous and violent expansion of gas or a relinquishment of energy causing rupture of the motor casing and accompanied by noise. (1982 Code §9.71)

9.72. Pyrotechnics Prohibited. It shall be unlawful to manufacture or sell model rockets or model rocket engines for pyrotechnic purposes, such as the production of a spectacular display of color or light or sound or any combination thereof. (1982 Code §9.72)

9.73. Prohibited Firings. It shall be unlawful to fire, ignite, or launch any model rockets or model rocket engines within the city limits which do not comply with the provisions of section 9.71 and, in addition to the requirements contained in said section 9.71, it is further declared to be unlawful to launch any model rocket within one hundred (100) feet of any building, to launch any model rocket except by remote means fully under the control of the operator or to launch any model rocket in any direction more than ten (10) degrees from the vertical, with the exception of rocket-powered model airplanes. (1982 Code §9.73)

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.

~~IS THIS NEEDED ANYMORE OR SHOULD WE LOOK AT
DRONES?~~ **AN ORDINANCE TO AMEND CHAPTER 94 OF
TITLE IX OF THE CODE OF THE CITY OF EAST GRAND
RAPIDS**

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CHAPTER 94: MODEL ROCKET ENGINES

Section: 9.71. Standards prescribed
9.72. Pyrotechnics prohibited
9.73. Prohibited firings

9.71. ~~Standards prescribed~~Prescribed. It shall be unlawful to manufacture or to sell to the public, either at wholesale or retail, model rockets, model rocket engines, and missile type kits which do not comply with the following standards:

~~A.A.~~ A.A. All model rockets and model rocket engines shall be designed to be launched remotely in such a manner that the operator may exercise complete control over the instant of launching. This standard does not apply to engines used to power winged model aircraft.

~~B.B.~~ B.B. All model rockets capable of ascending to an altitude of two hundred (200) feet or more shall be equipped with a parachute recovery system or other device to destroy the aerodynamic balance of the model before it descends.

C. All model rockets shall be constructed of wood, plastic, rubber, paper, or similar materials and shall contain no substantial metal parts.

~~C.D.D.~~ D. Model rocket engines shall not be capable of spontaneous ignition in air, or in water, or under pressure, or as a result of motion or jarring, or when subjected to a temperature of one hundred seventy (170) degrees Fahrenheit or less, or in glycerin.

E. Model rocket engines shall not constitute a fire hazard.

~~E.F.F.~~ F. If the propulsive force of a model rocket engine results from the combustion of chemical ingredients, such ingredients shall be pre-mixed and ready for use so that the user is not exposed to hazard in the mixing or other preparation of same.

~~E.G.~~ If manufactured from metal, a model rocket engine shall contain a blowout disc or other safety release to prevent rupture of the casing in the event of internal overpressure.

~~H.H.~~ Model rocket engines shall not operate with an instantaneous and violent expansion of gas or a relinquishment of energy causing rupture of the motor casing and accompanied by noise. (1982 Code §9.71)

9.72. ~~Pyrotechnics prohibited~~ **Prohibited**. It shall be unlawful to manufacture or sell model rockets or model rocket engines for pyrotechnic purposes, such as the production of a spectacular display of color or light or sound or any combination thereof. (1982 Code §9.72) ~~(IS THIS STILL CORRECT? HUFF SHOULD REVIEW)~~

9.73. ~~Prohibited firings~~ **Firings**. It shall be unlawful to fire, ignite, or launch any model rockets or model rocket engines within the city limits which do not comply with the provisions of section 9.71 and, in addition to the requirements contained in said section 9.71, it is further declared to be unlawful to launch any model rocket within one hundred (100) feet of any building, to launch any model rocket except by remote means fully under the control of the operator or to launch any model rocket in any direction more than ten (10) degrees from the vertical, with the exception of rocket-powered model airplanes. (1982 Code §9.73)

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.~~

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**AN ORDINANCE TO AMEND CHAPTER 95 OF TITLE IX
OF THE CODE OF THE CITY OF EAST GRAND RAPIDS**

THE CITY OF EAST GRAND RAPIDS ORDAINS:

Section 1. Chapter 95 of Title IX of the Code of the City of East Grand Rapids is amended in its entirety to read as follows:

CHAPTER 95: FIRE AND EXPLOSIVES

- Section: 9.90. False Alarm
 9.91. Fire Equipment
 9.92. Obstructing Hydrants Prohibited
 9.93. Opening Fire Hydrants
 9.94. Fire Inspection
 9.95. Storage of Combustible Waste
 9.96. Reserved
 9.97. Open Fires Prohibited
 9.98. Fire Pit Regulations
 9.99. Nuisance Burning
 9.100. Flammable Liquids Regulations
 9.101. Special Permits for Hazardous businesses
 9.102. Adoption of International Fire Prevention Code by Reference

- 9.90. False Alarm. No person shall willfully turn in, sound or cause to be communicated to the fire department a false report or alarm of fire. (1982 Code §9.90)
- 9.91. Fire Equipment. No person shall willfully molest, take for his own private use, or damage in any manner, any firefighting equipment or apparatus or anything pertaining to the fire-fighting system, or drive any vehicle upon or against any hose or equipment of the fire department. (1982 Code §9.91)
- 9.92. Obstructing Hydrants Prohibited. No person shall place any obstruction whatever, nor shall any person responsible for such obstruction permit it to remain, within fifteen (15) feet of any fire hydrant. (1982 Code §9.92)
- 9.93. Opening Fire Hydrants.¹ No person, except an employee of the City in performance of his duties, shall open or use any fire hydrant, except in case of emergency, without first securing written permission from the division of city services for such use, and paying or agreeing to pay for the water to be used. In no case shall any wrench or tool be used on any fire hydrant other than a regulation fire department hydrant wrench. (1982 Code §9.93; 1993 Code)

¹ See also section 2.30 of this Code.

- 9.94. Fire Inspection. Any sworn member of the public safety department is hereby empowered to enter at any and all reasonable times upon and into any premises, building or structure for the purpose of examining and inspecting the same, to ascertain the conditions thereof with regard to fire hazards and the condition, size, arrangement and efficiency of any and all appliances for fire-fighting. The public safety director is hereby empowered to appoint members of the regular personnel of the fire department to make the inspection herein provided, who shall report in writing the results of the inspection to the fire chief and who are hereby empowered to make such written orders for the correction of any hazard or deficiency in fire-fighting appliances as the public safety director is authorized to make. Every order made by the public safety director or by authorized members of the public safety department shall be promptly obeyed and complied with. (1982 Code §9.94)
- 9.95. Storage of Combustible Waste. No person owning or being responsible for any premises shall permit any wastepaper, ashes, oil, rags, waste rags, excelsior or any combustible material of a similar nature to accumulate thereon, unless contained in fireproof receptacles.² (1982 Code §9.95)
- 9.96 Reserved
- 9.97. Open Fires Prohibited. Incineration of leaves, paper, or other combustible material outside of a building or structure is prohibited. Notwithstanding the above, wood may be burned in a fire pit or chiminea so long as such burning is in accordance with all regulations issued by the City Manager and approved by the City Commission. Nothing in this section shall be interpreted to prevent the use of grills for cooking food.
- 9.98. Fire Pit Regulations. As authorized by Section 9.97 of Chapter 95 of Title IX of the City Code:
- A. All fire pits or chimineas must be free standing with a spark cover.
 - B. No hand dug fire pits are permitted. Permanent fire pits must be surrounded by non-flammable materials and have a spark cover.
 - C. Fire pits or chimineas must be 6' from any building or fencing and 25' from combustible materials.
 - D. No brush, leaves, trash or debris shall be used as fuel. Only firewood burning is allowed.
 - E. Fires must be attended by an adult at all times and shall not be burned between the hours of 11:00 pm and 7:00 am.

² See also Chapter 21 of this Code.

- F. The Public Safety Department may require extinguishment if they determine a fire in a fire pit is a potential fire hazard.
- 9.99. Nuisance Burning. It shall be a nuisance and unlawful for any person to burn or allow to be burned, at any time or place, any material so as to exude obnoxious odors, or emit sparks or burning embers.³ (1982 Code §9.98)
- 9.100. Flammable Liquids Regulations.⁴ The use, storage and processing of flammable liquids shall conform to the flammable liquids regulations of the state of Michigan found at R28.601 through R28.740 of the Michigan administrative code. Any person, violating any of said regulations or failing to comply therewith, shall be guilty of a violation of this code. (1982 Code §9.100)
- 9.101. Special Permits for Hazardous Businesses. Special permits shall be issued by the public safety director for the uses, occupancy and operation of certain dangerous and hazardous businesses as herein specified. Any permit may be revoked at any time by the public safety director or his assistants for the violation of any pertinent law or provision of this code. Permits are required to:
- A. Transport, use or store explosives;
 - B. Handle, use or store flammable liquids in quantities in excess of five hundred (500) gallons;
 - C. Operate spray rooms or booths;
 - D. Store hazardous chemicals;
 - E. Fumigate buildings. (1982 Code §9.101)
- 9.102. Pursuant to the provisions of section 3(k) of Public Act 279 of 1909 as amended (M.C.L.A. 117.3(k)), the International Fire Code, 2015 Edition, including all Appendices as promulgated and published by the International Code Council (“ICC”), is hereby adopted as the fire code for the City of East Grand Rapids regulating and governing the safeguarding of life and property from fire and explosion hazards arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the occupancy of buildings and premises as herein provided, and providing for the issuance of permits and collection of fees therefor. The geographic limitations

³ See also sections 2.4, 9.205 and 9.206 of this Code.

⁴ See subsection 9.101B of this chapter for special permit.

referred to in sections 3404.2.9.5 and 3406.2.4.4 of the 2015 International Fire Code wherein storage of Class I and Class II Liquids in above-ground tanks outside of buildings is prohibited are hereby established as the entire City of East Grand Rapids. The following sections of the 2015 International Fire Code are hereby revised:

- A. Section 101.1: Insert City of East Grand Rapids
- B. Section 109.3: Insert Misdemeanor, \$500, and 90 days.
- C. Section 111.4: Insert Misdemeanor, \$500, and 90 days.

In the event of a conflict between the provisions of The International Fire Code and the provisions of this Chapter, the provisions of this Chapter shall prevail. Complete printed copies of the International Fire Code, herein adopted, are available for public use and inspection at the office of the City Clerk.

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

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9.91. Fire Equipment
9.92. Obstructing Hydrants Prohibited
9.93. Opening Fire Hydrants
9.94. Fire Inspection
9.95. Storage of Combustible Waste
9.96. ~~Fire Exits~~ Reserved
9.97. Open Fires Prohibited
9.98. Fire Pit Regulations
9.99. Nuisance Burning
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9.102. Adoption of International Fire Prevention Code by Reference

- 9.90. False Alarm. No person shall willfully turn in, sound or cause to be communicated to the fire department a false report or alarm of fire. (1982 Code §9.90)
- 9.91. Fire Equipment. No person shall willfully molest, take for his own private use, or damage in any manner, any firefighting equipment or apparatus or anything pertaining to the fire-fighting system, or drive any vehicle upon or against any hose or equipment of the fire department. (1982 Code §9.91)
- 9.92. Obstructing Hydrants Prohibited. No person shall place any obstruction whatever, nor shall any person responsible for such obstruction permit it to remain, within fifteen (15) feet of any fire hydrant. (1982 Code §9.92)
- 9.93. Opening Fire Hydrants.¹ No person, except an employee of the City in performance of his duties, shall open or use any fire hydrant, except in case of emergency, without first securing written permission from the division of city services for such use, and paying or agreeing to pay for the water to be used. In no case shall any wrench or tool be used on any fire hydrant other than a regulation fire department hydrant wrench. (1982 Code §9.93; 1993 Code)

¹ See also section 2.30 of this Code.

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9.95. Storage of Combustible Waste. No person owning or being responsible for any premises shall permit any wastepaper, ashes, oil, rags, waste rags, excelsior or any combustible material of a similar nature to accumulate thereon, unless contained in fireproof receptacles.² (1982 Code §9.95)

~~E. No person shall do any act which causes any violation of any of the rules set forth in this section, nor shall any person owning any building or in charge thereof, as agent, employee or otherwise, permit any of said rules to be violated. (1982 Code §9.96)~~

9.96 Reserved

9.97. Open Fires Prohibited. Incineration of leaves, paper, or other combustible material outside of a building or structure is prohibited. Notwithstanding the above, wood may be burned in a fire pit or chiminea so long as such burning is in accordance with all regulations issued by the City Manager and approved by the City Commission. Nothing in this section shall be interpreted to prevent the use of grills for cooking food.

9.98. Fire Pit Regulations. As authorized by Section 9.97 of Chapter 95 of Title IX of the City Code:

- A. All fire pits or chimineas must be free standing with a spark cover.
- B. No hand dug fire pits are permitted. Permanent fire pits must be surrounded by non-flammable materials and have a spark cover.
- C. Fire pits or chimineas must be 6' from any building or fencing and 25' from combustible materials.

² See also Chapter 21 of this Code.

- D. No brush, leaves, trash or debris shall be used as fuel. Only firewood burning is allowed.
 - E. Fires must be attended by an adult at all times and shall not be burned between the hours of 11:00 pm and 7:00 am.
 - F. The Public Safety Department may require extinguishment if they determine a fire in a fire pit is a potential fire hazard.
- 9.99. Nuisance Burning. It shall be a nuisance and unlawful for any person to burn or allow to be burned, at any time or place, any material so as to exude obnoxious odors, or emit sparks or burning embers.³ (1982 Code §9.98)
- 9.100. Flammable Liquids Regulations.⁴ The use, storage and processing of flammable liquids shall conform to the flammable liquids regulations of the state of Michigan found at R28.601 through R28.740 of the Michigan administrative code. Any person, violating any of said regulations or failing to comply therewith, shall be guilty of a violation of this code. (1982 Code §9.100)
- 9.101. Special Permits for Hazardous Businesses. Special permits shall be issued by the public safety director for the uses, occupancy and operation of certain dangerous and hazardous businesses as herein specified. Any permit may be revoked at any time by the public safety director or his assistants for the violation of any pertinent law or provision of this code. Permits are required to:
- A. Transport, use or store explosives;
 - B. Handle, use or store flammable liquids in quantities in excess of five hundred (500) gallons;
 - C. Operate spray rooms or booths;
 - D. Store hazardous chemicals;
 - E. Fumigate buildings. (1982 Code §9.101)
- 9.102. Pursuant to the provisions of section 3(k) of Public Act 279 of 1909 as amended (M.C.L.A. 117.3(k)), the International Fire Code, 2015 Edition, including all Appendices as promulgated and published by the International Code Council (“ICC”), is hereby adopted as the fire code for

³ See also sections 2.4, 9.205 and 9.206 of this Code.

⁴ See subsection 9.101B of this chapter for special permit.

the City of East Grand Rapids regulating and governing the safeguarding of life and property from fire and explosion hazards arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the occupancy of buildings and premises as herein provided, and providing for the issuance of permits and collection of fees therefor. The geographic limitations referred to in sections 3404.2.9.5 and 3406.2.4.4 of the 2015 International Fire Code wherein storage of Class I and Class II Liquids in above-ground tanks outside of buildings is prohibited are hereby established as the entire City of East Grand Rapids. The following sections of the 2015 International Fire Code are hereby revised:

- A. Section 101.1: Insert City of East Grand Rapids
- B. Section 109.3: Insert Misdemeanor, \$500, and 90 days.
- C. Section 111.4: Insert Misdemeanor, \$500~~0~~, and 90 days.

In the event of a conflict between the provisions of The International Fire Code and the provisions of this Chapter, the provisions of this Chapter shall prevail. Complete printed copies of the International Fire Code, herein adopted, are available for public use and inspection at the office of the City Clerk.

Section 2. This Ordinance shall be effective on ~~October 1, 2015~~, October 1, 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 SECTION 1.603 OF
CHAPTER 101 OF TITLE I OF THE CODE OF THE CITY
OF EAST GRAND RAPIDS**

THE CITY OF EAST GRAND RAPIDS ORDAINS:

Section 1. Chapter 101 of Title X of the Code of the City of East Grand Rapids is amended in its entirety to read as follows:

CHAPTER 101

TRAFFIC CODE¹

- Section: 10.1. Michigan vehicle code adopted
- 10.2. References in Michigan vehicle code
- 10.3. Enforcement; Sanctions in Michigan vehicle code
- 10.4. Uniform traffic code adopted
- 10.5. References in uniform traffic code
- 10.6. Enforcement; Sanctions in uniform traffic code
- 10.7. Traffic commission
- 10.8. Taxicab stands
- 10.9. Snow removal
- 10.10. Embracing prohibited
- 10.11. Passenger vehicle equipment
- 10.12. Vehicles parked during darkness
- 10.13. Parking of vehicles
- 10.14. Parking on lawn extension
- 10.15-10.25. Reserved

10.1. Michigan Vehicle Code Adopted.

- A. Pursuant to the provisions of the Home Rule Cities Act, Act No. 279 of the Public Acts of Michigan of 1909, as amended, MCL 117.1, *et seq.*, the Michigan Vehicle Code, Act No. 300 of the Public Acts of Michigan of 1949, as amended, MCL 257.1, *et seq.*, is adopted by reference, as if fully set forth herein.
- B. The city further adopts by reference section 625(1)(c) of the Michigan Vehicle Code, pursuant to authority under MCL 117.3k and MCL 117.4i. A violation of section 625(1)(c) of the Michigan Vehicle Code is punishable by 1 or more of the following:
 - (i) Community service for not more than 360 hours;

¹ Prior ordinance history: 1982 Code §§10.1, 10.2, 10.5; Ord., 3-21-1983; Ord., 9-17-1990; Ord., 1-1-1992; 1993 Code; Ord., 12-2-1994; Ord., 4-8-1996; Ord., 10-4-1999; Ord., 9-13-2002

- (ii) Imprisonment for not more than 180 days; and
- (iii) A fine of not less than \$200.00 or more than \$700.00.

10.2. Reference in Michigan Vehicle Code. References in the Michigan vehicle code to "local authorities" shall mean the City of East Grand Rapids, Kent County, Michigan. (Ord. 2-14-2003)

10.3. Enforcement; Sanctions in Michigan Vehicle Code.

A. The Michigan Vehicle Code may be enforced by any public safety officer or other employee of the city authorized to enforce criminal ordinances or authorized to issue civil infractions.

B. The penalties provided by the Michigan Vehicle Code are adopted by reference, provided, however, that the city may not enforce any provision of the Michigan Vehicle Code for which the maximum period of imprisonment is greater than ninety-three (93) days, except as provided by MCL 117.3k. and MCL 117.4i, which allow the city to adopt section 625(1)(c) of the Michigan Vehicle Code, 1949 PA 300, MCL 257.625, by reference in an adopting ordinance and shall provide that a violation of that ordinance is punishable by 1 or more of the following:

- (i) Community service for not more than 360 hours;
- (ii) Imprisonment for not more than 180 days; and
- (iii) A fine of not less than \$200.00 or more than \$700.00.

C. When any person is found guilty of a misdemeanor or responsible for a civil infraction pursuant to this section, the judge or magistrate shall summarily determine and tax the costs of the action which shall include all expenses, direct and indirect, to which the city has been put in connection with the violation or infraction up to the entry of judgment.

10.4. Uniform Traffic Code Adopted. The uniform traffic code for cities, townships, and villages as promulgated by the director of the Michigan department of state police pursuant to the administrative procedures act of 1069, 1969 PA 306, Michigan Compiled Laws 24.201 et seq., and made effective October 30, 2002, is adopted by reference as if fully set forth herein. (Ord., 2-14-2003)

10.5. References in Uniform Traffic Code. References in the uniform traffic code to "governmental unit" or "municipality" shall mean the city of East Grand Rapids, Kent County, Michigan (Ord., 2-14-2003)

10.6 Enforcement; Sanctions in Uniform Traffic Code.

- A. The uniform traffic code may be enforced by any public safety officer or other employee of the city authorized to enforce criminal ordinances or authorized to issue civil infractions.
- B. The penalties provided by the uniform traffic code are adopted by reference, provided, however, that the city may not enforce any provision of the uniform traffic code for which the maximum period of imprisonment is greater than ninety- three (93) days.
- C. When any person is guilty of a misdemeanor or responsible for a civil infraction pursuant to this section, the judge or magistrate shall summarily determine and tax the costs of the action which shall include all expenses, direct and indirect, to which the city has been put in connection with the violation or infraction up to the entry of judgment. (Ord., 2-14-2003)

10.7 Reserved.

10.8 Taxicab Stands. In designating taxicab stands in accordance with uniform traffic code rule 139 (R 28.1139 of the Michigan administrative code), the following shall apply:

- A. Taxicab stands shall be assigned to taxicab owners authorized to do business in the city upon the payment of ten dollars (\$10.00) for each space assigned.
- B. Sufficient spaces shall be assigned to each owner to accommodate his needs and when assigned shall be for the exclusive use of the owner to whom the particular space is assigned for the duration of the license year as set forth in Title VII, Chapter 71 of this code. Such assignment shall be deemed a permit subject in all respects to the provisions of Title VII, Chapter 71 of this code.
- C. Assignments shall be made so as to give each owner equal access to prospective users as nearly as possible. The traffic engineer shall have authority to alter or rotate assignments at any time.
- D. The taxicab stand assignee's rights shall be subject to the provisions of this chapter and the rights of the owners of land abutting the street at the stand location. (Ord., 2-14-2003)

10.9 Snow Removal. No person shall move or deposit snow in such a manner to interfere with an adjoining owner's use of a driveway or access walk. The city manager shall have the authority to issue regulations for the enforcement of this section. Such regulations shall be subject to review by the city commission at the next meeting of the commission following

issuance of the same. The license issued to a snow removal contractor under section 7.90 of this code may be revoked by the city clerk upon violation by said contractor of the provisions of this chapter or the regulations issued hereunder. (Ord., 2-14-2003)

- 10.10 Embracing Prohibited. No operator of a motor vehicle shall embrace, or be embraced by another person, while his vehicle is in motion. (Ord., 2-14-2003)
- 10.11 Passenger Vehicle Equipment. No passenger vehicle shall be operated upon any street or roadway unless such motor vehicle is properly equipped with fenders or with mudguards of not less than eight (8) inches in width. (Ord., 2-14-2003)
- 10.12 Vehicles Parked During Darkness. Vehicles which are parked during the hours of darkness shall have a red light on the left rear thereof which is visible for a distance of two hundred (200) feet, or a red reflector or reflex mirror on the left rear which shall be visible in the lights of a motor vehicle for a distance of two hundred (200) feet. (Ord., 2-14-2003)
- 10.13 Parking of Vehicles. No motor vehicle shall be parked within ten (10) feet of the extended edges of a public or private driveway or alley. The prohibited parking area shall be measured from the hard-surfaced portion of the driveway edges extended laterally to the street edge or curb, excluding the driveway approach taper, flare, or radius.
- 10.14 Parking on Lawn Extension. No person shall drive upon, park or stand any vehicle between the curb or curb line and the lot line nearest the street, said area being commonly known as the lawn extension, whether or not any sidewalk or curb is actually in place on such street. (Ord., 2-14-2003)

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 102 OF TITLE X
OF THE CODE OF THE CITY OF EAST GRAND RAPIDS**

THE CITY OF EAST GRAND RAPIDS ORDAINS:

Section 1. Chapter 102 of Title X of the Code of the City of East Grand Rapids is amended in its entirety to read as follows:

CHAPTER 102: BICYCLISTS

- Section: 10.31. Driver regulations applicable
- 10.32. Number and manner of carrying persons
- 10.33. Operation on roadways
- 10.34. Speed
- 10.35. Control
- 10.36. Carrying packages
- 10.37. Parking
- 10.38. Riding on sidewalks
- 10.39. Lights
- 10.40. Siren and Whistles Prohibited
- 10.41. Brakes
- 10.42. License required
- 10.43. Issuance of Licenses; Records
- 10.44. Prior Registrations Continued
- 10.45. Alteration of Numbers and Registration Prohibited
- 10.46. Penalties
- 10.47. Conflict

10.31. Driver Regulations Applicable. Every person riding a bicycle upon a street or highway shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle under Chapter 101 of this code, except as to those provisions which by their nature can have no application. (1982 Code §10.31)

10.32. Number and Manner of Carrying Persons. No person shall ride upon any bicycle:

- A. Other than upon or astride a permanent and regular seat attached thereto.
- B. Which is being used to carry persons in any manner other than as specified in subsection A above. (1982 Code §10.32)

10.33. Operation on Roadways. No person riding a bicycle shall:

- A. Fail to ride as near to the right side of the roadway as practicable.

- B. Ride two (2) or more abreast on any roadway.
 - C. Fail to exercise due care when passing a standing vehicle or one proceeding in the same direction. (1982 Code §10.33)
- 10.34. Speed. No person shall operate a bicycle at a speed greater than is reasonable and prudent under the conditions then existing. (1982 Code §10.34)
- 10.35. Control. The hands of the operator shall be on the handlebars at all times except when he is in the act of signaling. (1982 Code §10.35)
- 10.36. Carrying Packages. No person riding a bicycle shall carry any object which prevents his keeping both hands on the handlebars at all times. Parcels, including school books, may be carried only in baskets or carriers mounted on the front fender or on the top or sides of the rear fender. (1982 Code §10.36)
- 10.37. Parking. No person shall park a bicycle upon a street other than in an upright position and either against the curb, or upon the sidewalk by the curb, or against a building, and in all cases in such a manner as to afford the least obstruction to pedestrian traffic. (1982 Code §10.37)
- 10.38. Riding on Sidewalks. No person shall:
- A. Ride a bicycle upon a sidewalk within a business district;
 - B. Disobey any sign erected on any sidewalk or street which prohibits the riding of bicycles thereon;
 - C. When riding a bicycle upon a sidewalk, fail to yield the right-of-way to any pedestrian or fail to give audible signal before overtaking and passing such pedestrian. (1982 Code §10.38)
- 10.39. Lights. Every bicycle when in use from one-half ($\frac{1}{2}$) hour after sunset until one-half ($\frac{1}{2}$) hour before sunrise, shall be equipped with a lamp on the front which shall emit a white light visible from a distance of at least three hundred (300) feet to the front and with a red reflector on the rear which shall be visible from all distances from fifty (50) feet to two hundred (200) feet to the rear when directly in front of lawful upper beams of head lamps on a motor vehicle. Use of a rear red light is permitted but shall be in addition to and not in place of the red reflector. (1982 Code §10.39)
- 10.40. Siren and Whistles Prohibited. No Person, except public safety personnel, shall operate a bicycle equipped with any siren or whistles. (1982 Code §10.40)

- 10.41. Brakes. Every bicycle shall be equipped with a brake which will enable the operator to make the braked wheels skid on dry, level, clean pavement. (1982 Code § 10.41)
- 10.42. License Required. No person shall ride or propel a bicycle on any street or alley unless such bicycle has been registered with the Public Safety Department and unless a license issued by the Public Safety Department bearing a distinctive number is attached to the bicycle in such manner as to be plainly visible. Licenses shall not be covered, obscured, altered or defaced in any manner and they shall be kept free from dirt or any other substance. (1982 Code § 10.42; 1993 Code)
- 10.43. Issuance of Licenses; Records. Upon application to the Public Safety Department, the Public Safety Department shall assign a number to each bicycle so registered and shall issue and deliver to the owner thereof a license, in such style and arrangement as the Public Safety Director shall determine, which shall have the registration number thereon. Records of all applications and of all licenses issued shall be kept for five (5) years by the Public Safety Department. (1982 Code §10.43; 1993 Code)
- 10.44. Prior Registrations Continued. All registrations made and licenses issued heretofore under any prior ordinance of the City shall remain in force and effect and shall, from the effective date of this Code, be considered as registered under the terms and provisions hereof. (1982 Code §10.44)
- 10.45. Alteration of Numbers and Registration Prohibited. No person shall wilfully or maliciously remove, destroy, mutilate or alter the serial number of any bicycle registered pursuant to this chapter; provided, however, that nothing contained in this chapter shall prohibit the Public Safety Department from stamping numbers on the frames of bicycles on which no serial number can be found or on which said number is illegible or insufficient for identification purposes. (1982 Code §10.47)
- 10.46. Penalties. Any person who shall violate any provision of this chapter shall have committed a civil infraction and may be ordered to pay a civil fine of not more than one hundred dollars (\$100.00). (1982 Code §10.51; Ord., 9-14-1996)
- 10.47. Conflict. In case of conflict between this chapter and Chapter 101 with respect to provisions regulating the operation and use of bicycles, the provisions of this chapter will prevail. (1982 Code § 10.52)

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 102 OF TITLE X
OF THE CODE OF THE CITY OF EAST GRAND RAPIDS**

THE CITY OF EAST GRAND RAPIDS ORDAINS:

Section 1. Chapter 102 of Title X of the Code of the City of East Grand Rapids is amended in its entirety to read as follows:

CHAPTER 102: BICYCLISTS

- Section:
- 10.31. Driver regulations applicable
 - 10.32. Number and manner of carrying persons
 - 10.33. Operation on roadways
 - 10.34. Speed
 - 10.35. Control
 - 10.36. Carrying packages
 - 10.37. Parking
 - 10.38. Riding on sidewalks
 - 10.39. Lights
 - 10.40. Siren and Whistles Prohibited
 - 10.41. Brakes
 - 10.42. License required
 - 10.43. Issuance of Licenses; Records
 - 10.44. Prior Registrations Continued
 - 10.45. Alteration of Numbers and Registration Prohibited
 - ~~10.48. Reciprocal Provisions~~
 - ~~10.49. Responsibility of Parents and Guardians~~
 - ~~10.50. Enforcement~~
 - ~~10.51~~10.46. Penalties
 - ~~10.52~~10.47. Conflict

10.31. Driver Regulations Applicable. Every person riding a bicycle upon a street or highway shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle under Chapter 101 of this code, except as to those provisions which by their nature can have no application. (1982 Code §10.31)

10.32. Number and Manner of Carrying Persons. No person shall ride upon any bicycle:

- A. Other than upon or astride a permanent and regular seat attached thereto.
- B. Which is being used to carry persons in any manner other than as specified in subsection A above. (1982 Code §10.32)

10.33. Operation on Roadways. No person riding a bicycle shall:

- A. Fail to ride as near to the right side of the roadway as practicable.
 - B. ~~ride~~Ride two (2) or more abreast on any roadway.
 - C. Fail to exercise due care when passing a standing vehicle or one proceeding in the same direction. (1982 Code §10.33)
- 10.34. Speed. No person shall operate a bicycle at a speed greater than is reasonable and prudent under the conditions then existing. (1982 Code §10.34)
- 10.35. Control. The hands of the operator shall be on the handlebars at all times except when he is in the act of signaling. (1982 Code §10.35)
- 10.36. Carrying Packages. No person riding a bicycle shall carry any object which prevents his keeping both hands on the handlebars at all times. Parcels, including school books, may be carried only in baskets or carriers mounted on the front fender or on the top or sides of the rear fender. (1982 Code §10.36)
- 10.37. Parking. No person shall park a bicycle upon a street other than in an upright position and either against the curb, or upon the sidewalk by the curb, or against a building, and in all cases in such a manner as to afford the least obstruction to pedestrian traffic. (1982 Code §10.37)
- 10.38. Riding on Sidewalks. No person shall:
- A. Ride a bicycle upon a sidewalk within a business district;
 - B. Disobey any sign erected on any sidewalk or street which prohibits the riding of bicycles thereon;
 - C. When riding a bicycle upon a sidewalk, fail to yield the right-of-way to any pedestrian or fail to give audible signal before overtaking and passing such pedestrian. (1982 Code §10.38)
- 10.39. Lights. Every bicycle when in use from one-half ($\frac{1}{2}$) hour after sunset until one-half ($\frac{1}{2}$) hour before sunrise, shall be equipped with a lamp on the front which shall emit a white light visible from a distance of at least three hundred (300) feet to the front and with a red reflector on the rear which shall be visible from all distances from fifty (50) feet to two hundred (200) feet to the rear when directly in front of lawful upper beams of head lamps on a motor vehicle. Use of a rear red light is permitted but shall be in addition to and not in place of the red reflector. (1982 Code §10.39)

- 10.40. Siren and Whistles Prohibited. No Person, except public safety personnel, shall operate a bicycle equipped with any siren or whistles. (1982 Code §10.40)
- 10.41. Brakes. Every bicycle shall be equipped with a brake which will enable the operator to make the braked wheels skid on dry, level, clean pavement. (1982 Code § 10.41)
- 10.42. License Required. No person shall ride or propel a bicycle on any street or alley unless such bicycle has been registered with the ~~public safety department~~Public Safety Department and unless a license issued by the ~~public safety department~~Public Safety Department bearing a distinctive number is attached to the bicycle in such manner as to be plainly visible. Licenses shall not be covered, obscured, altered or defaced in any manner and they shall be kept free from dirt or any other substance. (1982 Code § 10.42; 1993 Code)
- 10.43. Issuance of Licenses; Records. Upon application to the ~~public safety department, the public safety department~~Public Safety Department, the Public Safety Department shall assign a number to each bicycle so registered and shall issue and deliver to the owner thereof a license, in such style and arrangement as the ~~public safety director~~Public Safety Director shall determine, which shall have the registration number thereon. Records of all applications and of all licenses issued shall be kept for five (5) years by the ~~public safety department~~Public Safety Department. (1982 Code §10.43; 1993 Code)
- 10.44. Prior Registrations Continued. All registrations made and licenses issued heretofore under any prior ordinance of the ~~city~~City shall remain in force and effect and shall, from the effective date of this Code, be considered as registered under the terms and provisions hereof. (1982 Code §10.44)
- 10.45. Alteration of Numbers and Registration Prohibited. No person shall wilfully or maliciously remove, destroy, mutilate or alter the serial number of any bicycle registered pursuant to this chapter; provided, however, that nothing contained in this chapter shall prohibit the ~~public safety department~~Public Safety Department from stamping numbers on the frames of bicycles on which no serial number can be found or on which said number is illegible or insufficient for identification purposes. (1982 Code §10.47)

~~10.50. Enforcement.~~

- ~~A. The public safety department may, following any observed or reported violation and following investigation thereof, confer with the school authorities as to the latter's recommendations if the bicycle operator be a school child. (1982 Code §10.50)~~

~~10.51~~10.46. Penalties. Any person who shall violate any provision of this chapter shall have committed a civil infraction and may be ordered to pay a civil fine of not more than one hundred dollars (\$100.00). (1982 Code §10.51; Ord., 9-14-1996)

~~10.52~~10.47. Conflict. In case of conflict between this chapter and Chapter 101 with respect to provisions regulating the operation and use of bicycles, the provisions of this chapter will prevail. (1982 Code § 10.52)

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

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

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**AN ORDINANCE TO AMEND CHAPTER 103 OF TITLE X
OF THE CODE OF THE CITY OF EAST GRAND RAPIDS**

THE CITY OF EAST GRAND RAPIDS ORDAINS:

Section 1. Chapter 103 of Title X of the Code of the City of East Grand Rapids is amended in its entirety to read as follows:

CHAPTER 103: TRAFFIC VIOLATIONS BUREAU

- Section: 10.61. Bureau established
 10.62. Location
 10.63. Offenses, Disposition of
 10.64. Procedure
 10.65. Notice of Violation
 10.66. Schedule of Violations
 10.67. Impoundment
 10.68. Release of Impounded Vehicle

- 10.61. Bureau Established. Pursuant to Section 8395 of the Revised Judicature Act, State of Michigan, as added by Public Act 154 of 1968,¹ a parking violations bureau, for the purpose of handling alleged parking violations within the city, is hereby established. The parking violations bureau shall be under the supervision and control of the Public Safety Director. (1982 Code §10.61)
- 10.62. Location. The Public Safety Director shall, subject to the approval of the city commission, establish a convenient location for the parking violations bureau, appoint qualified city employees to administer the bureau and adopt rules and regulations for the operation thereof. (1982 Code §10.62; 1993 Code)
- 10.63. Offenses, Disposition of. No violation not scheduled in section 10.66 of this chapter shall be disposed of by the parking violations bureau. The fact that a particular violation is scheduled shall not entitle the alleged violator to disposition of the violation at the bureau and in any case the person in charge of such bureau may refuse to dispose of such violation in which case any person having knowledge of the facts may make a sworn complaint before any court having jurisdiction of the offense as provided by law. (1982 Code §10.63)
- 10.64. Procedure. No violation may be settled at the parking violations bureau except at the specific request of the alleged violator. No penalty for any violation shall be accepted from any person who denies having committed the offense and in no case shall the person who is in charge of the bureau

¹ M.C.L.A. §600.8395.

determine, or attempt to determine, the truth or falsity of any fact or matter relating to such alleged violation. No person shall be required to dispose of a parking violation at the parking violations bureau and all persons shall be entitled to have any such violation processed before a court having jurisdiction thereof if they so desire. The unwillingness of any person to dispose of any violation at the parking violations bureau shall not prejudice him or in any way diminish the rights, privileges and protection accorded to him by law. (1982 Code §10.64)

10.65. Notice of Violation. The issuance of a traffic ticket or notice of violation by a public safety officer of the city shall be deemed an allegation of a parking violation. Such traffic ticket or notice of violation shall indicate the length of time in which the person to whom the same was issued must respond before the parking violations bureau. It shall also indicate the address of the bureau, the hours during which the bureau is open, the amount of the penalty scheduled for the offense for which the ticket was issued and advise that a warrant for the arrest of the person to whom the ticket was issued will be sought if such person fails to respond within the time limited. (1982 Code §10.65)

10.66. Schedule of Violations. The following violations may be settled at the parking violations bureau when so provided in this chapter by imposition and payment of fines as set forth in a resolution adopted by the City Commission from time to time:

A. Uniform traffic code violations.

U.T. Code Section (as amended)	<u>Offense</u>
R28.1458	Unattended vehicle with motor running, or with key in ignition
R28.1617	Bicycle parking violations
R28.1801	Parking too far from curb
R28.1802	Parking too far from curb on one-way street
R28.1803	Angle parking violations
R28.1804	Violation of loading/unloading permit
R28.1809	Parked without dimming lights
R28.1813	Parking in alley unless authorized by sign
R28.1814	Parking for purpose prohibited by rule 814:
R28.1814(a)	Displaying vehicle for sale
R28.1814(b)	Washing, working on or repairing vehicle
R28.1814(c)	Displaying advertising
R28.1814(d)	Selling merchandise
R28.1814(e)	Storage over 48 hours
R28.1818	Loading zone violation

R28.1819	Bus or taxicab unauthorized parking
R28.1820	Bus stop, taxicab stand violation
R28.1821	Parking meter violations
R28.1822	Meters, not parked within space

B. Michigan vehicle code violations.

<u>MVC Section (as amended)</u>	<u>Offense</u>
257.674	Parking in location prohibited by section 674
257.674(1)(a)	On sidewalk
257.674(1)(b)	In front of a public or private driveway
257.674(1)(c)	Within an intersection
257.674(1)(d)	Within 15 feet of a fire hydrant
257.674(1)(e)	On a crosswalk
257.674(1)(f)	With 20 feet of crosswalk, or 15 feet of highway intersection
257.674(1)(g)	Within 30 feet of a flashing beacon, stop sign, or traffic control signal located at the side of a highway
257.674(1)(h)	Between a safety zone and the adjacent curb or within 30 feet of a point on the curb immediately opposite the end of a safety zone
257.674(1)(i)	Within 50 feet of the nearest rail of a railroad crossing
257.674(1)(j)	Within 20 feet of the driveway entrance to a fire station or within 75 feet on opposite side of a street
257.674(1)(k)	Alongside or opposite a street excavation or obstruction, if the stopping, standing, or parking would obstruct traffic
257.674(1)(l)	Double parking
257.674(1)(m)	Upon a bridge or other elevated highway structure or within a highway tunnel
257.674(1)(n)	In violation of official sign
257.674(1)(o)	Within 500 feet of an accident with police officer in attendance
257.674(1)(p)	In front of a theater
257.674(1)(q)	Blocking emergency exit
257.674(1)(r)	Blocking fire escape
257.674(1)(s)	In handicapped parking space
257.674(1)(t)	In access aisle adjacent to handicapped parking space
257.674(1)(u)	Blocking curb cut or ramp for use by handicapped persons
257.674(1)(v)	Within 500 feet of fire with fire apparatus in attendance
257.674(1)(w)	In violation of an official sign restricting the period of time for or manner of parking
257.674(1)(x)	Parking meter violations
257.674(1)(y)	Obstructing mailbox
257.674(1)(z)	In a place or in a manner that blocks the use of an alley
257.674(1)(aa)	In a place or in a manner that blocks access to a space clearly designated as a fire lane

C. City code violations

<u>Code Section</u>	<u>Offense</u>
10.12	Parked at night without light/reflector
10.13	Parked near or on opposite driveway
10.14	Parking on law extension
D.	<p>Additional East Grand Rapids city parking violation. The following violation may be settled at the parking violations bureau by the imposition and payment of a fine as set forth in a resolution adopted by the City Commission from time to time:</p> <p>Parking in fire lane</p> <p>Overtime parking in time restricted zones: First hour or fraction of hour Each additional hour or fraction thereof</p>
E.	<p><u>Penalties for Nonpayment.</u> If the penalty listed in subsection (a) or (b) above is not paid or postmarked within (10) days of issuance of the notice of violation, the penalty shall be twice the amount of the penalty set forth in subsection A or B above; if not paid or postmarked within forty-five (45) days, the penalty shall be four (4) times the amount of the penalty set forth in subsection A or B above. The traffic ticket or notice of violation shall indicate that the violation fee shall be so increased if not timely paid. (1982 Code §10.66; 1993 Code)</p>
10.67.	<p><u>Impoundment.</u> A vehicle which is parked in violation of any provision of this Code in such manner that it endangers the public or obstructs traffic, or which is abandoned, is hereby declared to be a public nuisance. In addition to placing a traffic ticket or parking violation notice on said vehicle, the city may remove or cause said vehicle to be removed to the vehicle pound. The owner or operator of any vehicle which has been removed may have said vehicle released by paying all violation charges at the parking violations bureau, which are due against said vehicle and paying all costs of impoundment to the towing contractor of the city. Any lienholder may claim an impounded vehicle by entering into an indemnity agreement with the city to save harmless from any and all liability the city may incur at the hands of the registered owner for releasing said vehicle to said lienholder, and upon paying all charges due against said vehicle. The aforementioned charges shall include, but not be limited to, all parking violation charges outstanding against the vehicle, and all costs of impoundment. (Ord., 11-7-83)</p>

10.68. Release of Impounded Vehicle. Any owner or operator of an impounded vehicle who shall have denied committing the offense shall have the vehicle returned by requesting the vehicle at the East Grand Rapids Department of Public Safety and posting bond or security sufficient to pay such towing and impound charges should the offense be found to have been committed. Such bond or security shall be returned should the offense be found to have not been committed. (1982 Code §10.68)

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 103 OF TITLE X
OF THE CODE OF THE CITY OF EAST GRAND RAPIDS**

THE CITY OF EAST GRAND RAPIDS ORDAINS:

Section 1. Chapter 103 of Title X of the Code of the City of East Grand Rapids is amended in its entirety to read as follows:

CHAPTER 103: TRAFFIC VIOLATIONS BUREAU

- Section: 10.61. Bureau established
10.62. Location
10.63. Offenses, ~~disposition~~Disposition of
10.64. Procedure
10.65. Notice of ~~violation~~Violation
10.66. Schedule of ~~violations~~Violations
10.67. Impoundment
10.68. Release of ~~impounded vehicle~~Impounded Vehicle

10.61. Bureau ~~established~~Established. Pursuant to Section 8395 of the Revised Judicature Act, State of Michigan, as added by Public Act 154 of 1968,¹ a parking violations bureau, for the purpose of handling alleged parking violations within the city, is hereby established. The parking violations bureau shall be under the supervision and control of the ~~director of public safety~~Public Safety Director. (1982 Code §10.61)

~~10.62. Location. The director of public~~

~~safety~~10.62. Location. The Public Safety Director shall, subject to the approval of the city commission, establish a convenient location for the parking violations bureau, appoint qualified city employees to administer the bureau and adopt rules and regulations for the operation thereof. (1982 Code §10.62; 1993 Code)

~~10.63. Offenses, disposition of. No~~10.63. Offenses, Disposition of. No violation not scheduled in section 10.66 of this chapter shall be disposed of by the parking violations bureau. The fact that a particular violation is scheduled shall not entitle the alleged violator to disposition of the violation at the bureau and in any case the person in charge of such bureau may refuse to dispose of such violation in which case any person having knowledge of the facts may make a sworn complaint before any court having jurisdiction of the offense as provided by law. (1982 Code §10.63)

10.64. Procedure. No violation may be settled at the parking violations bureau except at the specific request of the alleged violator. No penalty for any

¹ M.C.L.A. §600.8395.

violation shall be accepted from any person who denies having committed the offense and in no case shall the person who is in charge of the bureau determine, or attempt to determine, the truth or falsity of any fact or matter relating to such alleged violation. No person shall be required to dispose of a parking violation at the parking violations bureau and all persons shall be entitled to have any such violation processed before a court having jurisdiction thereof if they so desire. The unwillingness of any person to dispose of any violation at the parking violations bureau shall not prejudice him or in any way diminish the rights, privileges and protection accorded to him by law. (1982 Code §10.64)

10.65. Notice of ~~violation~~ Violation. The issuance of a traffic ticket or notice of violation by a public safety ~~police~~ officer of the city shall be deemed an allegation of a parking violation. Such traffic ~~1. M.C.L.A. §600.8395~~ ticket or notice of violation shall indicate the length of time in which the person to whom the same was issued must respond before the parking violations bureau. It shall also indicate the address of the bureau, the hours during which the bureau is open, the amount of the penalty scheduled for the offense for which the ticket was issued and advise that a warrant for the arrest of the person to whom the ticket was issued will be sought if such person fails to respond within the time limited. (1982 Code §10.65) ~~Fines listed are being updated and will change. They are updated by resolution~~

10.66. Schedule of ~~violations~~ Violations. The following violations may be settled at the parking violations bureau when so provided in this chapter by imposition and payment of fines as herein set forth:

A. Uniform traffic code violations.

U.T. Code Section (as amended)	Offense	Penalty
8.1-8.2	Parking too far from curb	\$ 5.00
5.58 <u>R28.1458</u>	Unattended vehicle with motor running or without brakes set, or <u>with key in ignition</u>	10.00 <u>\$20.00</u>
5.58 <u>R28.1617</u>	Parked on grade, wheels not turned to curb <u>Bicycle parking</u> <u>violations</u>	5.00 <u>10.00</u>
<u>R28.1801</u>	<u>Parking too far from curb</u>	<u>10.00</u>
<u>R28.1802</u>	<u>Parking too far from curb on one-way street</u>	<u>10.00</u>
8.3 <u>R28.1803</u>	Angle parking violations	5.00 <u>10.00</u>
8.4 <u>R28.1804</u>	Violation of loading/unloading permit	5.00 <u>10.00</u>
8.5	Obstructing traffic	20.00
8.8a	Parked during darkness without proper rear light or reflector	5.00
8.9 <u>R28.1809</u>	Parked without dimming lights	5.00 <u>10.00</u>

8.9(a) <u>R28.1813</u>	Parked on too narrow road <u>Parking in alley unless authorized by sign</u>	5.00 <u>15.00</u>
8.10 <u>R28.1814</u>	Prohibited parking (signs unnecessary unless noted) <u>Parking for purpose prohibited by rule 814:</u>	40.00
<u>R28.1814(a)</u>	<u>Displaying vehicle for sale</u>	<u>10.00</u>
<u>R28.1814(b)</u>	<u>Washing, working on or repairing vehicle</u>	<u>10.00</u>
<u>R28.1814(c)</u>	<u>Displaying advertising</u>	<u>10.00</u>
<u>R28.1814(d)</u>	<u>Selling merchandise</u>	<u>10.00</u>
<u>R28.1814(e)</u>	<u>Storage over 48 hours</u>	<u>15.00</u>
<u>R28.1818</u>	<u>Loading zone violation</u>	<u>10.00</u>
<u>R28.1819</u>	<u>Bus or taxicab unauthorized parking</u>	<u>10.00</u>
<u>R28.1820</u>	<u>Bus stop, taxicab stand violation</u>	<u>10.00</u>
<u>R28.1821</u>	<u>Parking meter violations</u>	<u>10.00</u>
<u>R28.1822</u>	<u>Meters, not parked within space</u>	<u>10.00</u>

B. Michigan vehicle code violations.

<u>MVC Section (as amended)</u>	<u>Offense</u>	<u>Penalty</u>
<u>257.674</u>	<u>Parking in location prohibited by section 674</u>	
8.10(a) <u>257.674(1)(a)</u>	<u>On sidewalk</u>	40.00 <u>\$15.00</u>
8.10(b), 8.9(a) <u>257.674(1)(b)</u>	Opposite drive or within 10 feet of edge of <u>In front of a public or private driveway</u>	5.00 <u>20.00</u>
8.10(e) <u>257.674(1)(c)</u>	<u>Within an intersection</u>	40.00 <u>20.00</u>
8.10(d) <u>257.674(1)(d)</u>	<u>Within 15 feet of a fire hydrant</u>	<u>20.00</u>
8.10(e) <u>257.674(1)(e)</u>	<u>On a crosswalk</u>	40.00 <u>20.00</u>
8.10(f) <u>257.674(1)(f)</u>	Within <u>With 20 feet of crosswalk, or 15 feet of corner lot lines</u> <u>highway intersection</u>	40.00 <u>20.00</u>
8.10(g) <u>257.674(1)(g)</u>	<u>Within 30 feet of approach to a flashing beacon, stop sign, or traffic sign or control signal located at the side of a highway</u>	40.00 <u>20.00</u>
8.10(h) <u>257.674(1)(h)</u>	(deleted) <u>Between a safety zone and the adjacent curb or within 30 feet of a point on the curb immediately opposite the end of a safety zone</u>	<u>10.00</u>
8.10(i) <u>257.674(1)(i)</u>	(deleted) <u>Within 50 feet of the nearest rail of a railroad crossing</u>	<u>10.00</u>
8.10(j)	Within 20 feet of fire station driveway or	<u>40.00</u>
U.T. Code Section (as amended)	<u>Offense</u>	<u>Penalty</u>
<u>257.674(1)(j)</u>	<u>Within 20 feet of the driveway entrance to a fire station or within 75 feet of fire station driveway on</u>	<u>10.00</u>

8.10(k) <u>257.674(1)(k)</u>	opposite side of <u>a street</u> (when posted) Alongside or opposite <u>a street excavation</u> when or <u>obstruction, if the stopping, standing, or parking</u> <u>would obstruct</u> traffic is obstructed thereby	10.00 <u>20.00</u>
8.10(l) <u>257.674(1)(l)</u>	Double parking	20.00
8.10(m) <u>257.674(1)(m)</u>	<u>Upon a bridge or other elevated highway structure or</u> <u>within a highway tunnel</u>	<u>10.00</u>
<u>257.674(1)(n)</u>	<u>In violation of official sign</u>	<u>15.00</u>
8.10(n) <u>257.674(1)(o)</u>	Within 200-500 feet of <u>an accident</u> where with police <u>are officer</u> in attendance	10.00
8.10(o) <u>257.674(1)(p)</u>	(deleted) <u>In front of a theater</u>	<u>10.00</u>
8.10(p) <u>257.674(1)(q)</u>	Blocking emergency exit	10.00
8.10(q) <u>257.674(1)(r)</u>	Blocking fire escape	20.00
8.10(r)	Where parking is prohibited by posted sign	10.00
28.10(s) <u>57.674(1)(s)</u>	<u>In handicapped parking space</u> Parked in	<u>50.00</u>
<u>257.674(1)(t)</u>	<u>In access aisle adjacent to handicapped parking space</u>	<u>50.00</u>
<u>257.674(1)(u)</u>	<u>Blocking curb cut or ramp for use by handicapped</u> <u>persons</u>	<u>25.00</u>
8.10(t) <u>257.674(1)(v)</u>	<u>Within 500 feet of fire with</u> fire apparatus <u>in</u> <u>attendance</u>	-500 feet of fire apparatus 10.00
8.10(u) <u>257.674(1)(w)</u>	Failure to move parked vehicle on request of officer when parked beyond time limit <u>In violation of an official sign</u> <u>restricting the period of time for or manner of parking</u>	10.00 <u>15.00</u>
8.13 <u>257.674(1)(x)</u>	Parking in alley unless authorized by sign <u>meter</u> <u>violations</u>	<u>10.00</u>
8.14	Parking for purpose prohibited by Section 8.14:	
8.14(a)	Displaying vehicle for sale	5.00
8.14(b)	Working on or repairing vehicle	5.00
8.14(c)	Displaying advertising	5.00
8.14(d)	Selling merchandise	5.00
8.14(e)	Storage over 48 hours	15.00
8.14(e)	Each additional 24 hours after notification	15.00
8.15 <u>257.674(1)(y)</u>	On wrong side of boulevard or divided roadway <u>Obstructing</u> <u>mailbox</u>	<u>10.00</u>
<u>257.674(1)(z)</u>	<u>In a place or in a manner that blocks the use of an</u> <u>alley</u>	<u>15.00</u>
<u>257.674(1)(aa)</u>	<u>In a place or in a manner that blocks access to a space</u> <u>clearly designated as a fire lane</u>	<u>25.00</u>

~~ticket or notice of violation shall indicate the length of time in which the person to whom the same was issued must respond before the parking violations bureau. It shall also indicate the address of the bureau, the hours during which the bureau is open, the amount of the penalty scheduled for the offense for which the ticket was issued and advise that a warrant for the arrest of the person to whom the ticket was issued will be sought if such person fails to respond within the time limited. (1982 Code § 10.65)~~

~~10.66. Schedule of violations. The following violations may be settled at the parking violations bureau when so provided in this chapter by imposition and payment of fines as herein set forth:~~

~~A. Uniform traffic code violations:~~

<u>U.T. Code Section (as amended)</u>	<u>Offense</u>	<u>Penalty</u>
8.1-8.2	Parking too far from curb	\$ 5.00
5.58	Unattended vehicle with motor running or without brakes set	10.00
5.58	Parked on grade, wheels not turned to curb	5.00
8.3	Angle parking violations	5.00
8.4	Violation of loading/unloading permit	5.00
8.5	Obstructing traffic	20.00
8.8a	Parked during darkness without proper rear light or reflector	5.00
8.9	Parked without dimming lights	5.00
8.9(a)	Parked on too narrow road	5.00
8.10	Prohibited parking (signs unnecessary unless noted)	10.00
8.10(a)	On sidewalk	10.00
8.10(b),8.9(a)	Opposite drive or within 10 feet of edge of driveway	5.00
8.10(c)	Within intersection	10.00
8.10(d)	Within 15 feet of hydrant	20.00
8.10(e)	On crosswalk	10.00
8.10(f)	Within 20 feet of crosswalk or 15 feet of corner lot lines	10.00
8.10(g)	Within 30 feet of approach to traffic sign or signal	10.00
8.10(h)	(deleted)	
8.10(i)	(deleted)	
8.10(j)	Within 20 feet of fire station driveway or	10.00

C. City code violations

<u>Code Section</u>	<u>Offense</u>	<u>Penalty</u>
<u>10.12</u>	<u>Parked at night without light/reflectors</u>	<u>\$10.00</u>

8.16,8.17,8.18	10.13 Loading zone violation	Parked near or on opposite driveway	10.00
8.19		Bus or taxicab unauthorized parking	10.00
8.20		Bus stop, taxicab stand violation	10.00
8.21		Parking meter violations	10.00
8.22		Meters, not parked within space	10.00
8.25	10.14	Parking on law extension	Parked on lawn 10.00 20.00
6.17,6.17(a)		Bicycle parking violations	5.00

10.66 ————— TRAFFIC VIOLATIONS BUREAU ————— 10.68

~~B.D.~~ Additional East Grand Rapids city ~~parking~~ parking violation. The following violation may be settled at the parking violations bureau by the imposition and payment of a fine as herein set forth:

Parking in fire lane \$25.00

Overtime parking in time restricted zones:

First hour or fraction of hour 5.00

Each additional hour or ~~fraction thereof~~ 5.00

~~fraction thereof~~ 5.00

~~C.E.~~ Penalties for ~~nonpayment~~ Nonpayment. If the penalty listed in subsection (a) or (b) above is not paid or postmarked within (10) days of issuance of the notice of violation, the penalty shall be twice the amount of the penalty set forth in subsection A or B above; if not paid or postmarked within forty-five (45) days, the penalty shall be four (4) times the amount of the penalty set forth in subsection A or B above. The traffic ticket or notice of violation shall indicate that the violation fee shall be so increased if not timely paid. (1982 Code §10.66; 1993 Code)

~~10.67. Impoundment. A vehicle which is~~

10.67. Impoundment. A vehicle which is parked in violation of any provision of this Code in such manner that it endangers the public or obstructs traffic, or which is abandoned, is hereby declared to be a public nuisance. In addition to placing a traffic ticket or parking violation notice on said vehicle, the city may remove or cause said vehicle to be removed to the vehicle pound. The owner or operator of any vehicle which has been removed ~~to the vehicle~~ may have said vehicle released by paying all violation charges at the parking violations bureau, which are due against said vehicle and paying all costs of ~~impoundment~~ impoundment to the towing contractor of the city. Any lienholder may claim an impounded vehicle by entering into an indemnity agreement with the city to save harmless from any and all liability the city may incur at the hands of the

registered owner for releasing said vehicle to said lienholder, and upon paying all charges due against said vehicle. The aforementioned charges shall include, but not be limited to, all parking violation charges outstanding against the vehicle, and all costs of impoundment. (Ord., 11-7-83)

- 10.68. Release of ~~impounded vehicle~~ Impounded Vehicle. Any owner or operator of an impounded vehicle who shall have denied committing the offense shall have the vehicle returned by requesting the vehicle at the East Grant Rapids Police Department of Public Safety and posting bond or security sufficient to pay such towing and impound charges should the offense be found to have been committed. Such bond or security shall be returned should the offense be found to have not been committed. (1982 Code §10.68)

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 THE CODE OF THE CITY
OF EAST GRAND RAPIDS BY REPEALING CHAPTER 105
OF TITLE X OF SAID CODE**

THE CITY OF EAST GRAND RAPIDS ORDAINS:

Section 1. Chapter 105 of Title X of the Code of the City of East Grand Rapids is hereby repealed.

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, Finance Director
DATE: November 4, 2016

RE: Public Act 152 Annual Opt-out

Action Requested: To approve the attached resolution opting out of the health care premium 80/20 employer/employee contribution amounts required under State of Michigan Public Act 152 (Publicly Funded Health Insurance Contribution Act) for the calendar year of 2016.

Background: Under Public Act 152, the State of Michigan calls for government and school employees to contribute 20% of the health care premium cost for medical plans provided to them. There are two alternatives to the 80/20 rule; 1) the employer's share of a health plan must be cost competitive with the new state preferred provider plan on a per-employee basis, otherwise known as "hard-caps", or 2) the local municipality can "opt out" of this portion of the requirements by a two thirds vote of the governing body.

It is difficult to compare a traditional plan with specific premiums versus a self-funded plan like the City of East Grand Rapids. With a self-funded plan, there are not set premiums per individual, rather the City simply pays all claims when presented. Under a self-funded plan, one insured may spend zero dollars per year while another could use substantial amounts. Per review of total claims paid as compared to the hard caps allowed, the City has historically been below the hard caps on a per-employee basis. In addition, by converting to a self-funded plan several years ago, the City's overall spending has seen below industry average increases.

While the City has historically been below the hard caps set by the State, self-funded plans can see drastic fluctuations year to year. As a result of this, it is recommended the Commission "opt out" of the requirements knowing that we are meeting the objectives of the State, but in a different way by being self-funded. By opting out, the City does not have to worry that a specific year may exceed the maximums. The current plan the City has in place is both cost effective and shares costs with the employees through co-pays and deductibles. Two years ago the City had a healthcare study completed by an independent consultant. Not only was it determined the current plan is controlling costs well, the City implemented changes that would further hedge against rising healthcare costs by increasing the co-payments and yearly deductions in the offered health insurance benefits beginning on January 1, 2015. In addition, 5% premium contributions for spousal/family coverage was added, based off the family cobra premium rate less the single coverage rate.

Brian Donovan, City Manager

General Info	City Manager	Engineering	Assessor	Parks & Recreation	Public Safety	Streets & Utilities
949-2110	949-2110	940-4817	940-4818	949-1750	949-7010	940-4870
<i>fax 940-4884</i>	<i>fax 940-4884</i>	<i>fax 940-4884</i>	<i>fax 940-4884</i>	<i>fax 831-6144</i>	<i>fax 940-4829</i>	<i>fax 940-4872</i>



CITY OF EAST GRAND RAPIDS

750 LAKESIDE DRIVE SE • EAST GRAND RAPIDS, MICHIGAN 49506

RESOLUTION NO. _____.

A RESOLUTION ELECTING TO COMPLY WITH THE PROVISIONS OF PUBLIC ACT 152 OF 2011 BY EXERCISING THE CITY'S RIGHT TO EXEMPT ITSELF FROM THE REQUIREMENTS OF THE ACT FOR THE PERIOD FROM JANUARY 1, 2017 TO DECEMBER 31, 2017

At a regular meeting of the City Commission for the City of East Grand Rapids, Michigan, held at the City of East Grand Rapids City Hall, East Grand Rapids, Michigan, on the ____ day of December 2016.

PRESENT:

ABSENT:

The following Resolution was offered by Commissioner _____ and supported by Commissioner _____.

RESOLUTION

WHEREAS, on September 27, 2011 the Publicly Funded Health Insurance Contribution Act, Act No. 152 of the Public Acts of Michigan of 2011 (“Act 152”), became effective in the State of Michigan; and

WHEREAS, Act 152 establishes standards and a process with respect to medical benefit plans offered by public employers; and

WHEREAS, the City of East Grand Rapids has historically recognized, in its role as steward for the public funds entrusted to it, that it must efficiently manage those limited resources; and

WHEREAS, the City of East Grand Rapids constantly engages in a review of expenditures in order to maximize the value it receives for goods and services; and

WHEREAS, the City of East Grand Rapids, with the collaboration of the City union and non-union employees, created a health reimbursement account health plan with high deductible and co-pays; and

WHEREAS, the health reimbursement account health plan has provided a stable expense to the City since its implementation in 2005 and is currently less expensive than the state preferred provider plan; and

WHEREAS, the City Commission of the City of East Grand Rapids believes that, as the elected representatives for the City and answerable directly to the City's voters, it is best positioned to determine what benefits (including medical benefits) ought to be offered in order to obtain the best City employees at the lowest overall costs.

NOW, THEREFORE, IT IS RESOLVED that:

1. Pursuant to Section 8 of Act 152, the City of East Grand Rapids hereby exempts itself from the requirements of Act 152 for the period from January 1, 2017 to December 31, 2017.
2. All resolutions and parts of resolutions in conflict herewith are, to the extent of such conflict, repealed.

YEAS:

NAYS:

ABSTAIN:

ABSENT:

ADOPTED this ____ of December 2016.

CITY OF EAST GRAND RAPIDS

BY: _____
Amna P Seibold, Mayor

BY: _____
Karen K. Brower, City Clerk

CERTIFICATION

I, Karen Brower, the duly appointed Clerk of the City of East Grand Rapids, do hereby certify that the foregoing is a true and complete copy of a Resolution adopted by the City of East Grand Rapids at a regular meeting held December ____, 2016, in compliance with the Open Meetings Act, Act No. 267 of the Public Acts of Michigan, 1976, as amended, the minutes of the meeting were kept and will be or have been made available as required by said Act.

CITY OF EAST GRAND RAPIDS

BY: _____
Karen K. Brower, City Clerk



CITY OF EAST GRAND RAPIDS

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KAREN MUSHONG
FINANCE DIRECTOR

MEMORANDUM

TO: Mayor and City Commissioners
FROM: Karen Mushong, Finance Director
DATE: September 30, 2016

RE: Amendment of Fund Balance Policy

Action Requested: That the City Commission approve the proposed amendment to the existing Fund Balance Policy by adding specific unassigned fund balance language with percentage thresholds.

Background: A Fund Balance Policy was adopted on October 3, 2011 (effective June 30, 2011) by the City Commission in order to address the implications of Governmental Accounting Standards Board (“GASB”) Statement No. 54, *Fund Balance Reporting and Governmental Fund Definitions*.

Not included in this policy was specific language as to the minimum and maximum thresholds of unassigned fund balance as a percentage of expenditures. Although not required under GASB 54, it is a good practice to officially adopt specific goals as it relates to unassigned fund balance. Also, the bond rating agencies have consistently suggested we write our informal policy of these thresholds into our policy.

Attached is the existing fund balance policy with changes noted in **red**. Although the main objective in this amendment was to add the specific percentage language, the appendix was also updated for changes made to a few funds since the original policy was adopted.

The Finance Committee has reviewed this amendment and has found it to be in order.

Proposed Amendment to Fund Balance Policy:

The City of East Grand Rapids is to maintain unassigned fund balance in the General Fund at least equal to twenty percent (20%) of budgeted expenditures but not more than twenty five percent (25%) of budgeted expenditures.

In the case of emergency or financial distress, those circumstances shall be reported to the City Commission at the earliest practical time. Upon such report, the City Commission may direct action to reduce the minimum threshold for unassigned fund balance as a percentage of expenditures.

The maximum unassigned fund balance as a percentage of expenditures may exceed the set percentage if there is an outlined plan for the use of these funds in the near future. The communication to the City Commission regarding the plan for exceeding the threshold will take place during the budget process.

Brian Donovan, City Manager

City of East Grand Rapids, Michigan

Fund Balance Policy

Adopted October 3, 2011

Effective June 30, 2011

Amended November 21, 2016

(Supersedes all previous fund balance-related policies)

Purpose. The following policy has been adopted by the City Commission in order to address the implications of Governmental Accounting Standards Board (“GASB”) Statement No. 54, *Fund Balance Reporting and Governmental Fund Definitions*. The policy is created in consideration of unanticipated events that could adversely affect the financial condition of the City and jeopardize the continuation of necessary public services. This policy will ensure that the City maintains adequate fund balances and reserves in order to:

- a. Provide sufficient cash flow for daily financial needs,
- b. Secure and maintain investment grade bond ratings,
- c. Offset significant economic downturns or revenue shortfalls, and
- d. Provide funds for unforeseen expenditures related to emergencies.

This policy and the procedures promulgated under it supersede all previous regulations regarding the City’s fund balance and reserve policies.

Fund type definitions. The following definitions will be used in reporting activity in governmental funds across the City. The City may or may not report all fund types in any given reporting period, based on actual circumstances and activity.

The General Fund is used to account for all financial resources not accounted for and reported in another fund.

Special Revenue Funds are used to account for and report the proceeds of *specific revenue sources* that are *restricted* or *committed* to expenditure for *specific purposes* other than debt service or capital projects.

Debt Service Funds are used to account for all financial resources restricted, committed or assigned to expenditure for principal and interest.

Capital Projects Funds are used to account for all financial resources restricted, committed or assigned to expenditure for the acquisition or construction of capital assets.

Permanent Funds are used to account for resources that are legally restricted to the extent that only earnings, and not principal may be used for purposes that support the City programs

City of East Grand Rapids MI
Fund Balance Policy
Adopted October 3, 2011
Effective June 30, 2011
Amended November 21, 2016

Fund balance reporting in governmental funds. Fund balance will be reported in governmental funds under the following categories using the definitions provided by GASB Statement No. 54:

Nonspendable fund balance

Definition – includes amounts that cannot be spent because they are either (a) not in spendable form or (b) legally or contractually required to be maintained intact.

Classification – Nonspendable amounts will be determined before all other classifications and consist of the following items (as applicable in any given fiscal year):

- The City will maintain a fund balance equal to the balance of any long-term outstanding balances due from others (including other funds of the government)
- The City will maintain a fund balance equal to the value of inventory balances and prepaid items
- The City will maintain a fund balance equal to the balance of any land or other nonfinancial assets held for sale

Restricted fund balance

Definition – includes amounts that can be spent only for the specific purposes stipulated by the constitution, city charter, external resource providers, or through enabling legislation.

Committed fund balance

Definition – includes amounts that can be used only for the specific purposes determined by a formal action of the government's highest level of decision-making authority.

Authority to Commit – Commitments will only be used for specific purposes pursuant to a formal action of the City Commission. A majority vote is required to approve or remove a commitment.

Assigned fund balance

Definition – includes amounts intended to be used by the government for specific purposes but do not meet the criteria to be classified as restricted or committed. In governmental funds other than the general fund, assigned fund balance represents the remaining amount that is not restricted or committed.

No funds other than the General Fund may have Unassigned Fund Balance, therefore any amounts remaining in excess of Nonspendable, Restricted, or Committed funds in funds other than the General Fund will automatically be reported as at least Assigned Fund Balance.

For the General Fund, if any portion of existing fund balance will be used to eliminate a projected deficit in the subsequent year's budget, this amount will be categorized as Assigned Fund Balance.

City of East Grand Rapids MI
Fund Balance Policy
Adopted October 3, 2011
Effective June 30, 2011
Amended November 21, 2016

Authority to Assign – The City Commission delegates to the City Manager or his/her designee the authority to assign amounts to be used for specific purposes. Such assignments cannot exceed the available (spendable, unrestricted, uncommitted) fund balance in any particular fund.

Unassigned fund balance

Definition – includes the residual classification for the government's general fund and includes all spendable amounts not contained in the other classifications. In other funds, the unassigned classification should be used only to report a deficit balance from overspending for specific purposes for which amounts had been restricted, committed, or assigned.

Operational guidelines. The following guidelines address the classification and use of fund balance in governmental funds:

Classifying fund balance amounts – Fund balance classifications depict the nature of the net resources that are reported in a governmental fund. An individual governmental fund may include nonspendable resources and amounts that are restricted, committed, or assigned, or any combination of those classifications. The general fund may also include an unassigned amount.

Prioritization of fund balance use – When an expenditure is incurred for purposes for which both restricted and unrestricted (committed, assigned, or unassigned) amounts are available, it shall be the policy of the City of East Grand Rapids, Michigan to consider restricted amounts to have been reduced first. When an expenditure is incurred for purposes for which amounts in any of the unrestricted fund balance classifications could be used, it shall be the policy of the City of East Grand Rapids, Michigan that committed amounts would be reduced first, followed by assigned amounts and then unassigned amounts.

Objectives for the General Fund - The City of East Grand Rapids is to maintain unassigned fund balance in the General Fund at least equal to twenty percent (20%) of budgeted expenditures but not more than twenty five percent (25%) of budgeted expenditures.

In the case of emergency or financial distress, those circumstances shall be reported to the City Commission at the earliest practical time. Upon such report, the City Commission may direct action to reduce the minimum threshold for unassigned fund balance as a percentage of expenditures.

The maximum unassigned fund balance as a percentage of expenditures may exceed the set percentage if there is an outlined plan for the use of these funds in the near future. The communication to the City Commission regarding the plan for exceeding the threshold will take place during the budget process.

Implementation and review. Upon adoption of this policy the City Commission authorizes the City Manager or his/her designee to establish any standards and procedures which may be necessary for its implementation. The City Manager shall review this policy at least annually and make any recommendations for changes to the City Commission.

City of East Grand Rapids MI
Fund Balance Policy
Adopted October 3, 2011
Effective June 30, 2011
Amended November 21, 2016

Appendix A

Determination of Fund Balance components by fund Effective June 30, 2011

It is intended that this Appendix A to the City of East Grand Rapids, Michigan Fund Balance Policy be updated as necessary by the City Manager, unless a new City Commission resolution is required by the nature of the amendment, such as an inconsistency with past practice for new funds similar to others of its fund type.

General Fund – to account for all financial resources not accounted for and reported in another fund. Only the General Fund can report a surplus as Unassigned Fund Balance.

Major Street Fund – To account for the maintenance and construction of all major streets and trunklines. Financing is provided by special revenues from PA 51 State Shared Gas and Weight Taxes and miscellaneous service revenues. Unexpended Act 51 revenues, and related investment income, shall be restricted for street maintenance.

Local Street Fund – To account for the maintenance and construction of all local streets. Financing is provided by special revenues from PA 51 State Shared Gas and Weight Taxes and miscellaneous service revenues. Unexpended Act 51 revenues, and related investment income, shall be restricted for street maintenance.

Municipal Street Fund – To account for the dedicated street and sidewalk millage funds and the related activities as approved by the millage.

Drug Law Enforcement Fund – To account for the drug seizure proceeds and the expenditures allowed for the use of those funds.

Wealthy Pool Debt Service Fund – To account for taxes collected and debt service expenditures related to bonds sold by the City of East Grand Rapids. Unexpended revenues, and related investment income, shall be restricted for bond debt service.

Streetscape Debt Service Fund – To account for contributions from other funds and debt service expenditures related to bonds sold by the City of East Grand Rapids. Unexpended revenues, and related investment income, shall be restricted for bond debt service.

Municipal Complex Debt Service Fund – To account for taxes collected and debt service expenditures related to bonds sold by the City of East Grand Rapids. Unexpended revenues, and related investment income, shall be restricted for bond debt service.

~~**Municipal Complex Capital Project Fund** – To account for funds held for construction projects related to the Municipal Complex/Library renovation Project. The funds are provided by proceeds from a bond issue. Surpluses in this Capital Projects Fund are assigned for future capital asset acquisitions and construction and any remaining balances will be transferred to the Municipal Complex Debt Service Fund.~~

City of East Grand Rapids MI
Fund Balance Policy
Adopted October 3, 2011
Effective June 30, 2011
Amended November 21, 2016

~~**Streets & Utilities Building Fund** – To account for funds held for construction projects related to the Streets & Utilities Building Project. The funds are provided by transfers from the General, Water/Sewer and MERF funds. Surpluses in this Capital Projects Fund are assigned for future capital asset acquisitions and construction.~~

Special Assessment Fund – To account for funds held for construction projects related to the paving of gravel streets within the City of East GR. The funds are provided by special assessments on the affected properties. Special Assessments collected in this Capital Projects Fund are annually transferred to the Major and Local Street Funds.



CITY OF EAST GRAND RAPIDS

750 LAKESIDE DRIVE SE • EAST GRAND RAPIDS, MICHIGAN 49506

KAREN MUSHONG
FINANCE DIRECTOR

MEMORANDUM

TO: Mayor and City Commissioners
FROM: Karen Mushong, Finance Director
DATE: September 30, 2016

RE: Debt Management Policy

Action Requested: That the City Commission approve the proposed Debt Management Policy as presented.

Background: A debt management policy improves the quality of decisions, provides justification for the structure of debt issuance, identifies policy goals, and demonstrates a commitment to long-term financial planning, including a multi-year capital plan. Adherence to a debt management policy signals to rating agencies and the capital markets that a government is well managed and should meet its obligations in a timely manner.

The City is already operating under a similar *informal* policy as outlined in the policy to be adopted.

The Finance Committee has reviewed this policy and has found it to be in order.

The following shows a schedule of the City's current debt (principal only):

	Balance 06/30/2016	Due in FY 2016/17
Unlimited Tax General Obligation Refunding 2012 (Complex)	\$ 7,870,000	\$ 265,000
Michigan Transportation Fund Bond Refunding 2015	1,005,000	245,000
Unlimited Tax General Obligation Refunding 2012 (Wealthy Pool)	819,000	121,000
Capital Lease	36,600	12,900
Kent County Silver Creek Drain Debt 2012	40,000	40,000
Total	9,770,600	683,900

In addition, comments have been temporarily included on the debt policy to outline specifics to the City's current debt holdings. Those notes are in red and italics.

City of East Grand Rapids, Michigan

Debt Management Policy

Adopted November 21, 2016

Purpose. The following policy has been adopted by the City Commission in order to finance all necessary capital improvements while being fiscally responsible with the taxpayer's money in a conservative and prudent manner.

Debt Manager and Disclosure Agent. The Finance Director is the Debt Manager for all items involving debt management. The Debt Manager is the Disclosure Agent and is the person authorized to speak externally on behalf of the City concerning debt. His/her duties include the filing of all public records to meet federal and state legislation. He or she may appoint a member(s) of the Finance Department to assist in carrying out the mission.

Debt Issuance.

- The City will exhibit purposeful restraint in incurring debt. Overall, the City would like to continue to maintain a low level of debt and debt service payments.
- Debt will not be used for operating or maintenance activities.
- Debt will be confined to capital expenditures that cannot be financed from current revenue.
- With regard to the City's water and sewer utility system, annual rate reviews will be conducted to ensure consistent and affordable changes to utility system rates. When crucial projects cannot be reasonably financed through water and sewer rates, City staff will evaluate the need for a revenue bond issue, and after considering all factors, present the option to the City Commission that is the most economical for the City.
- The payback period of the debt will not exceed the expected useful life of the capital asset.
- Total debt will not exceed ten percent of the state equalized valuation (SEV) of property within the City in accordance with statutory and constitutional legal debt provisions. *The current debt level is less than one percent of the state equalized valuation (SEV) of property within the City.*
- The City will refund debt when it is in the best financial interest of the City to do so. When a refunding is undertaken to generate interest rate cost savings, the minimum aggregate present value savings will be at least three percent of the refunded bond principal amount.
- The City shall review each debt issuance or refunding on a case-by-case basis to determine the most appropriate method of sale (i.e. competitive, negotiated, private placement).
- Approval of professional assistance that may be needed for debt issuance (i.e. financial advisors, underwriters, bond counsel) will be made in accordance with the City's current purchase policy and practices.
- All debt related transactions for capital improvements shall be reviewed by the City Commission Finance Committee and approved by the City Commission. The City Commission shall comply with all public hearing/ballot requirements applicable to the specific type of debt being issued.

**City of East Grand Rapids MI
Debt Management Policy
Adopted November 21, 2016**

Ongoing Debt Administration.

Continuing Disclosure – The City will submit its annual continuing disclosure requirements along with annual audited financial statements to EMMA (Electronic Municipal Market Access) no later than 180 days following the end of the fiscal year. The City will follow a policy of full disclosure on the annual continuing disclosure and annual audited financial report.

Material Event Disclosure – When necessary, the City will issue a material event notice in accordance with the provision of SEC Rule 15c2-12. Prior to the issuance of any material event, the Finance Director will convene with the Mayor, City Manager, City Attorney and outside professionals (as appropriate) to discuss the materiality of any event and the process for a timely and appropriate disclosure to the marketplace.

Arbitrage Rebate Compliance - When applicable, the City shall calculate arbitrage annually in each year that the related construction fund (or equivalent) has had an outstanding balance. Thereafter, the City shall calculate arbitrage on the fifth anniversary of the bond issuance in accordance with IRS recommended practices.

Ratings - The policy of the City is to secure bond ratings on all newly issued obligations from at least one national rating agency. The City will maintain good communication with bond rating agencies about its financial condition and will comply with all requests to review its ratings.

Types and Purposes of Debt.

The City may utilize several types of municipal debt obligations to finance long-term capital projects.

Assessment Bonds - Proceeds from assessment bonds may be used to finance local public improvements, provided that the improvements benefit the parcels of land to be assessed. Local streets, street lights, sidewalks, water mains and sanitary sewers are examples of local improvements commonly financed by assessment bonds. *The City has not historically used assessment bonds to finance local projects.*

General Obligation Bonds – A general obligation bond is a common type of municipal bond that is secured by a state or local government's pledge to use legally available resources, including tax revenues, to repay bond holders:

A limited-tax general obligation pledge requires a local government to levy a property tax sufficient to meet its debt service obligations but only up to the statutory limit. *Due to Headlee rollback provisions, the City is currently at its statutory tax limit.*

An unlimited-tax general obligation pledge must follow a voter authorization in which local residents agree to raise property taxes by an amount equal to debt service requirements over the life of the bonds. *The City currently has two unlimited-tax general obligation bonds – the Community Center Complex and Wealthy Pool.*

**City of East Grand Rapids MI
Debt Management Policy
Adopted November 21, 2016**

Types and Purposes of Debt. (continued)

Revenue Bonds – A revenue bond is a financing facility for an enterprise fund (i.e. Water and Sewer Fund) and will be payable from revenue resources (i.e. water and sewer rates) within that fund. *The City does not currently have any revenue bonds.*

Financing Leases (Capital Leases) – The City may finance a capital asset by leasing it directly from the vendor or leasing company. *The City currently has a capital lease for its copier program.*

Refunding Obligations – When a refunding is undertaken to generate interest rate cost savings, the minimum aggregate present value savings will be at least three percent of the refunded bond principal amount. *The City has taken advantage of low interest rates and refunded all of its outstanding bonds.*

Other Obligations – There may be special circumstances when other forms of debt are appropriate and may be evaluated on a case-by-case basis.

PROCEEDINGS OF THE CITY COMMISSION
CITY OF EAST GRAND RAPIDS

Regular Meeting Held November 7, 2016

Mayor Seibold called the meeting to order at 6:00 p.m. in the City Commission Chambers at the East Grand Rapids Community Center and led the audience in the Pledge of Allegiance.

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

Absent: Commissioner Duncan

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

2016-124. No public comment was received.

2016-125. Commissioner Dills reminded everyone to vote tomorrow.

Commissioner Miller asked citizens to be very careful when driving in the dark mornings when children are walking and biking to school.

Commissioner Skaggs thanked the clerk’s staff for all their preparation work for tomorrow’s election and thanked the many election workers who will be working at the various precincts.

Commissioner Zigel noted that things are going well in Gaslight Village with one business expanding and new businesses coming soon.

Mayor Seibold reported she had recently met with Jade Pig Ventures for an update on their properties in Gaslight Village as well.

Commissioner Zigel announced the annual tree lighting ceremony would be held on Friday, November 25 from 5 to 8 p.m. with the usual music, s’mores and visit from Santa.

Mayor Seibold thanked City Clerk Brower and the Finance Department staff for all the time spent preparing for the election – especially for issuing and organizing all the absentee ballots submitted by residents.

2016-126. A zoning variance hearing was held regarding 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.’

Zoning Administrator Faasse explained the request to remove the detached garage and build a new garage attached to the home, creating a reduced rear yard setback.

Commissioner Miller asked if a 2nd story could be added over the garage in the future. Mr. Faasse stated that once the variance was granted to allow the setback, the garage could be renovated to add a second story as long as the setback was not changed. Mr. Faasse added the proposed garage addition did not necessitate a lot coverage variance.

Jacques Cyr, 2220 Argentina, explained the attached garage would allow them to maximize the greenspace on their property. He noted they were not planning a second story or a pitched roof on the garage to avoid blocking a bedroom window.

- 2016-129. Final Reading of an ordinance amendment to Article V of Chapter 41 of Title IV of the City Code pertaining to house moving.
- 2016-129-A. Hamrick-Dills. That an ordinance amendment to Article V of Chapter 41 of Title IV of the City Code pertaining to house moving be adopted as set forth in Exhibit “C” attached hereto.
- Yeas: Dills, Hamrick, Miller, Skaggs, Zigel and Seibold – 6
Nays: -0-
- 2016-130. 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.
- 2016-130-A. Miller-Zigel. That an ordinance amendment to Article I of Chapter 77 of Title VII of the City Code pertaining to recreation, amusements and games be adopted as set forth in Exhibit “D” attached hereto.
- Yeas: Dills, Hamrick, Miller, Skaggs, Zigel and Seibold – 6
Nays: -0-
- 2016-131. Final Reading of an ordinance amendment to Chapter 92 of Title IX of the City Code pertaining to animal control.
- 2016-131-A. Zigel-Skaggs. That an ordinance amendment to Chapter 92 of Title IX of the City Code pertaining to animal control be adopted as set forth in Exhibit “E” attached hereto.
- Yeas: Dills, Hamrick, Miller, Skaggs, Zigel and Seibold – 6
Nays: -0-
- 2016-132. Final Reading of an ordinance amendment to Chapter 93 of Title IX of the City Code pertaining to miscellaneous offenses.
- 2016-132-A. Dills-Hamrick. 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: Dills, Hamrick, Miller, Skaggs, Zigel and Seibold – 6
Nays: -0-
- 2016-133. Zigel-Hamrick. To approve the consent agenda as follows:
- 2016-133-A. To approve the minutes of the regular meeting held October 17, 2016.
- 2016-133-B. 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.
- 2016-133-C. Contracts with Symetra as the stop loss carrier, with Physician’s Care as the PPO provider and with Madison National Life for life, accidental death and dismemberment and long-term disability coverage as recommended by the Finance Director in the memo dated October 17, 2016.
- 2016-133-D. The quarterly financial statement for the period ending September 30, 2016.
- 2016-133-E. An extension of the contract with Twin Lakes Nursery of Grand Rapids for the annual tree planting program as outlined in the agenda memo.
- Yeas: Dills, Hamrick, Miller, Skaggs, Zigel and Seibold – 6
Nays: -0-

2016-133-F. Miller-Dills. Motion to enter into an executive session to discuss pending litigation in accordance with Section 8(e) of the Open Meetings Act. A roll call vote was taken.

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

The meeting adjourned at 6:37 p.m., subject to the call of the Mayor until November 21, 2016.

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.



Memorandum

Date: November 21, 2016

To: Honorable Mayor and City Commissioners

From: Mark Herald, Director of Public Safety

Subject: **Purchase of a LUCAS 2 Chest Compression System**

Action Requested: That the City Commission authorizes the purchase of one Lucas 2 Chest Compression Machine from Physio-Control Inc located in Redmond, Washington in the amount of **\$15,205.04**.

Background: The Lucas 2 Chest Compression System is designed to deliver uninterrupted compressions at a consistent rate and depth to facilitate sufficient blood flow and pressure during a cardiac arrest event, increasing the likelihood of spontaneous circulation. Studies have shown that after about 5-minutes of manual CPR efforts the compression rate and effectiveness of the CPR is greatly reduced do to first responder fatigue. It has also shown a reduction in back fatigue and injuries related to performing CPR efforts. Once applied the Lucas 2 machine will allow first responders to perform additional life saving efforts. Physio-Control is the sole source vendor for the Lucas 2 machine. The regional sales rep for Physio-Control is located in the Ypsilanti, Michigan area. Funds for this purchase exist in the FY 2016/17 Capital Budget General Fund Account 101-345-9700.

The Finance Committee has reviewed this report and found it in order

Vendor	Unit Cost	Number	Total Cost
Time Emergency	\$15,205.04	1	\$15,205.04

Approved: _____

Brian Donovan, City Manager

Attachment



Physio-Control, Inc
 11811 Willows Road NE
 P.O. Box 97006
 Redmond, WA 98073-9706 U.S.A.
 www.physio-control.com
 tel 800.442.1142
 fax 800.732.0956

To Dan Olney
 CITY OF EAST GRAND RAPIDS
 DEPARTMENT OF PUBLIC SAFETY 770
 LAKESIDE DR SE
 GRAND RAPIDS,MI 49506

Quote Number 00045727
 Revision # 1
 Created Date 7/13/2016
 Sales Consultant Jeff Beutner
 FOB Redmond, WA
 Terms All quotes subject to credit approval and the following terms and conditions
 NET Terms NET 30
 Expiration Date 10/11/2016

Product	Product Description	Quantity	List Price	Unit Discount	Unit Sales Price	Total Price
99576-000024	LUCAS 2.2 Chest Compression System INCLUDES BASE UNIT WITH BACK PLATE, CARRYING BAG, TWO (2) PATIENT STRAPS, STABILIZATION STRAP, 3 SUCTION CUPS, 1 RECHARGEABLE BATTERY, AND INSTRUCTIONS FOR USE WITH EACH DEVICE.	1.00	15,220.00	-1,217.60	14,002.40	14,002.40
11576-000039	LUCAS 2 Battery - Rechargeable Lithium Polymer (LiPo)	1.00	712.40	-35.62	676.78	676.78
11576-000055	LUCAS 2 Power Supply Cord	1.00	358.80	-17.94	340.86	340.86

Subtotal USD 15,020.04
 Estimated Tax USD 0.00
 Estimated Shipping & Handling USD 185.00

Grand Total USD 15,205.04

Pricing Summary Totals

List Price Total USD 16,291.20
 Total Contract Discounts Amount USD 0.00
 Total Discount USD -1,271.16
 Trade In Discounts USD 0.00
 Tax + S&H USD 185.00

GRAND TOTAL FOR THIS QUOTE

USD 15,205.04

PHYSIO-CONTROL, INC. REQUIRES WRITTEN VERIFICATION OF THIS ORDER. A PURCHASE ORDER IS REQUIRED ON ALL ORDERS \$5,000 OR GREATER BEFORE APPLICABLE FREIGHT AND TAXES. THE UNDERSIGNED IS AUTHORIZED TO ACCEPT THIS ORDER IN ACCORDANCE WITH THE TERMS AND PRICES DENOTED HEREIN.

CUSTOMER APPROVAL (AUTHORIZED SIGNATURE)

NAME

TITLE

DATE

Reference Number JB/22283701/105091

General Terms for all Products, Services and Subscriptions.

Physio-Control, Inc. ("Physio") accepts Buyer's order expressly conditioned on Buyer's assent to the terms set forth in this document. Buyer's order and acceptance of any portion of the goods, services or subscriptions shall confirm Buyer's acceptance of these terms. Unless specified otherwise herein, these terms constitute the complete agreement between the parties. Amendments to this document shall be in writing and no prior or subsequent acceptance by Seller of any purchase order, acknowledgment, or other document from Buyer specifying different and/or additional terms shall be effective unless signed by both parties.

Pricing. Prices do not include freight insurance, freight forwarding fees, taxes, duties, import or export permit fees, or any other similar charge of any kind applicable to the goods and services. Sales or use taxes on domestic (USA) deliveries will be invoiced in addition to the price of the goods and services unless Physio receives a copy of a valid exemption certificate prior to delivery. Discounts may not be combined with other special terms, discounts, and/or promotions.

Payment. Payment for goods and services shall be subject to approval of credit by Physio. Unless otherwise specified by Physio in writing, the entire payment of an invoice is due thirty (30) days after the invoice date for deliveries in the USA, and sight draft or acceptable (confirmed) irrevocable letter of credit is required for sales outside the USA.

Minimum Order Quantity. Physio reserves the right to charge a service fee for any order less than \$200.00.

Patent Indemnity. Physio shall indemnify Buyer and hold it harmless from and against all demands, claims, damages, losses, and expenses, arising out of or resulting, from any action by a third party against Buyer that is based on any claim that the services infringe a United States patent, copyright, or trademark, or violate a trade secret or any other proprietary right of any person or entity. Physio's indemnification obligations hereunder will be subject to (i) receiving prompt written notice of the existence of any claim; (ii) being able to, at its option, control the defense and settlement of such claim (provided that, without obtaining the prior written consent of Buyer, Physio will enter into no settlement involving the admission of wrongdoing); and (iii) receiving full cooperation of Buyer in the defense of any claim.

Limitation of Interest. Through the purchase of Physio products, services, or subscriptions, Buyer does not acquire any interest in any tooling, drawings, design information, computer programming, patents or copyrighted or confidential information related to said products or services, and Buyer expressly agrees not to reverse engineer or decompile such products or related software and information.

Delays. Physio will not be liable for any loss or damage of any kind due to its failure to perform or delays in its performance resulting from an event beyond its reasonable control, including but not limited to, acts of God, labor disputes, the requirements of any governmental authority, war, civil unrest, terrorist acts, delays in manufacture, obtaining any required license or permit, and Physio inability to obtain goods from its usual sources.

Limited Warranty. Physio warrants its products and services in accordance with the terms of the limited warranties located at <http://www.physio-control.com/Documents/>. The remedies provided under such warranties shall be Buyer's sole and exclusive remedies. Physio makes no other warranties, express or implied, including, without limitation, **NO WARRANTY OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE, AND IN NO EVENT SHALL PHYSIO BE LIABLE FOR INCIDENTAL, CONSEQUENTIAL, SPECIAL OR OTHER DAMAGES.**

Compliance with Confidentiality Laws. Both parties acknowledge their respective obligations to maintain the security and confidentiality of individually identifiable health information and agree to comply with applicable federal and state health information confidentiality laws.

Compliance with Law. The parties agree to comply with any and all laws, rules, regulations, licensing requirements or standards that are now or hereafter promulgated by any local, state, and federal governmental authority/agency or accrediting/administrative body that governs or applies to their respective duties and obligations hereunder.

Regulatory Requirement for Access to Information. In the event 42 USC § 1395x(v)(1)(I) is applicable, Physio shall make available to the Secretary of the United States Department of Health and Human Services, the Comptroller General of the United States General Accounting Office, or any of their duly authorized representatives, a copy of these terms, such books, documents and records as are necessary to certify the nature and extent of the costs of the products and services provided by Physio.

No Debarment. Physio represents and warrants that it and its directors, officers, and employees (i) are not excluded, debarred, or otherwise ineligible to participate in the Federal health care programs as defined in 42 USC § 1320a-7b(f); (ii) have not been convicted of a criminal offense related to the provision of healthcare items or services; and (iii) are not under investigation which may result in Physio being excluded from participation in such programs.

Choice of Law. The rights and obligations of Physio and Buyer related to the purchase and sale of products and services described in this document shall be governed by the laws of the state where Buyer is located. All costs and expenses incurred by the prevailing party related to enforcement of its rights under this document, including reasonable attorney's fees, shall be reimbursed by the other party.

Additional Terms for Purchase and Sale of Products.

In addition to the General Terms above, the following terms apply to all purchases of products from Physio:

Delivery. Unless otherwise specified by Physio in writing, delivery shall be FOB Physio point of shipment and title and risk of loss shall pass to Buyer at that point. Partial deliveries may be made and partial invoices shall be permitted and shall become due in accordance with the payment terms. In the absence of shipping instructions from Buyer, Physio will obtain transportation on Buyer's behalf and for Buyer's account. Delivery dates are approximate. Freight is pre-paid and added to Buyer's invoice. Products are subject to availability.

Inspections and Returns. Within 30 days of receipt of a shipment, Buyer shall notify Physio of any claim for product damage or nonconformity. Physio, at its sole option and discretion, may repair or replace a product to bring it into conformity. Return of any product shall be governed by the Returned Product Policy located at <http://www.physio-control.com/Documents/>. Payment of Physio's invoice is not contingent on immediate correction of nonconformities.

No Resale. Buyer agrees that products purchased hereunder will not be resold to third parties and will not be reshipped to any persons or places prohibited by the laws of the United States of America.

Quote Number: 00045727



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: November 1, 2016

RE: Reeds Lake Culvert and Trail Capital Project Fund

Action Requested: That the City Commission approve the closing of Reeds Lake Culvert and Trail Capital Project Fund and the final transfer of outstanding cash balance to the Local Street Fund.

Background: The Reeds Lake Culvert and Trail Capital Project Fund (473) was established due to multiple sources of funding – Federal funding, donations and General Fund transfers.

When the trail project needed additional funds, \$125,000 was diverted from the Local Street Fund. The Local Street Fund received \$125,000 less from General Fund transfers and needed to use fund balance to cover the loss of the General Fund transfer. The City will transfer this overpayment into the Local Street fund through operating transfers. A budget amendment will be made for this final transfer.

The final accounting for both projects has been attached. Please note that the City was overbilled by the State of MI by \$12,862.02 and that amount was already been directly allocated to the Local Street Fund since this fund was in the process of being closed. That amount is not included in the final accounting.

The Finance Committee has reviewed this memo and has found it to be in order.

Brian Donovan, City Manager

City of East Grand Rapids
 Reeds Lake Trail and Culvert Project
 Final Accounting

	<u>Culvert</u>	<u>Trail</u>	<u>Total</u>
Federal Revenue	\$ -	\$ 475,611	\$ 475,611
General Fund Transfers	706,000	125,000	831,000
Interest Income	264	264	528
Foundation Proceeds Received	<u>-</u>	<u>277,431</u>	<u>277,431</u>
 Total Revenue	 <u>706,264</u>	 <u>878,305</u>	 <u>1,584,569</u>
 Engineering/Environmental/Planning Contractor	 \$ 79,627 631,576	 \$ 109,287 280,590 *	 \$ 188,913 912,166
Federal Expenditures	-	475,611	475,611
Other	<u>1,576</u>	<u>1,220</u>	<u>2,796</u>
 Total Expenditures	 <u>712,779</u>	 <u>866,708</u>	 <u>1,579,487</u>
	<u>\$ (6,515)</u>	<u>\$ 11,598</u>	\$ 5,082 Cash in Bank

* - A refund of \$12,862.02 was received from the State of MI due to them overbilling us. This reduction has not been reflected on this worksheet as discussed in the memo.



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: 11/14/2016

RE: Lake Drive sidewalk special assessment project (Woodshire Ave to City limit)

Action Requested: N/A-Informational

Background: The sidewalk funding policy from the 2015 streets and sidewalks millage dedicates \$200,000 per year towards new and existing sidewalk rehabilitation and replacement. The breakdown of the approved funding policy is an appropriation of \$150,000 towards rehabilitation and replacement and \$50,000 towards new sidewalk sections that currently do not exist through a special assessment cost share where the City contribution is 80% and 20% is a special assessment to the benefitting properties. The City Commission, on a project by project basis, may increase the \$50,000 appropriation to meet the 80% cost share but not to exceed the \$500,000 aggregate total of the 10-year millage. The current engineering estimate for the new sidewalk section on the north side of Lake Drive from Woodshire Avenue to the City limit is ~\$114,000 with contingency. The aggregate balance remaining from the millage for new sidewalk sections is \$400,000. If the Lake Drive sidewalk project is approved at the 80% funding level, the City contribution would be ~\$91,200 with a special assessment of the remaining 20% to benefitting properties at ~\$22,800. The remaining balance for future projects would be \$308,000.

The City received a petition request for new sidewalk for the north side of Lake Drive between Woodshire Avenue and the City limit. The defined area consists of seven homes and the petitions submitted consisted of four of the seven (57%). In order to proceed with a special assessment, at least 51% of the property owners impacted in an area must sign a petition.

Once the petition threshold was met, City staff reviewed the project area and updated project estimates. The overall project cost with contingency is ~\$114,000 as noted, with the City covering 80% of the cost per previous consideration. A cost allocation per property/parcel was sent to the seven property owners within the project area along with special assessment estimates and a project ballot. The results of the project ballot are five in favor, one opposed and one no response.

Special assessments may be paid in full or over a 10-year period through equal annual installments. The payment installments are collected over this period and noted as a line item in summer tax assessments. The interest rate charged for the special assessment financing is the current prime rate plus 1% (current prime rate is 3.5%).

The special assessment process is noted below:

Step 1: With the initial criteria complete by residents/property owners and City staff, the process transitions to the City Commission. Per Section 1.303(A) of the City Code, the City Manager will provide project information and a recommendation to the City Commission. The City Commission by resolution considers a resolution with respect to this information and recommendation.

Step 2: If the first resolution is approved, a resolution per section 1.303 (B) of the City code is considered to set a public hearing for the proposed special assessment project and notices are sent to those impacted by the potential project area.

Step 3: After the public hearing, the City Commission considers a resolution determining necessity of the proposed special assessment project.

Step 4: The City Manager certifies the assessment roll for the project.

Step 5: The City Commission considers a resolution setting a hearing with respect to the assessment roll certified by the City Manager per section 1.307(A) of the City Code and notices are sent to those impacted by the potential project area.

Step 6: A public hearing is held with respect to the special assessment roll. The City Commission considers a resolution confirming the special assessment roll and if confirmed a public notice of the final special assessment roll is sent to those impacted by the approved project area.

When the process is completed, the project will be bid out for construction.

Brian Donovan, City Manager