



City of East Grand Rapids  
Regular City Commission Meeting  
Agenda

**December 5, 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. Zoning variance hearing on the request of Todd Rookus of 509 Manhattan to allow the construction of a covered porch and an addition to the garage creating a front yard setback of 24.2' instead of the required 29.0' (action requested – 22 notices sent).
5. Final Reading of an ordinance to amend Chapter 94 of Title IX of the City Code pertaining to model rocket engines (approval requested).
6. Final Reading of an ordinance to amend Chapter 95 of Title IX of the City Code pertaining to fire and explosives (approval requested).
7. Final Reading of an ordinance to amend Chapter 101 of Title X of the City Code pertaining to traffic code (approval requested).
8. Final Reading of an ordinance to amend Chapter 102 of Title X of the City Code pertaining to bicyclists (approval requested).
9. Final Reading of an ordinance to amend Chapter 103 of Title X of the City Code pertaining to traffic violations (approval requested).
10. Final Reading of an ordinance to repeal Chapter 105 of Title X of the City Code pertaining to bicycle helmets (approval requested).
11. Approval of publication notice for Public Safety ordinances (approval requested).
12. Resolution beginning the special assessment procedures relating to the Lake Drive Sidewalk Special Assessment District (approval requested).

Consent Agenda – Approval Requested

13. Receipt of communications.
14. Minutes of the regular meeting held November 21, 2016 (approval requested).
15. Report of Finance Committee on disbursement of funds: payroll disbursements of \$222,683.50; county and school disbursements of \$-0-, and total remaining disbursements of \$509,331.40 (approval requested).

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# 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:

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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  
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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.** 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.** 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.<sup>1</sup> 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)

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

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<sup>2</sup> 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.<sup>3</sup> (1982 Code §9.98)
- 9.100. Flammable Liquids Regulations.<sup>4</sup> 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

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<sup>3</sup> See also sections 2.4, 9.205 and 9.206 of this Code.

<sup>4</sup> 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  
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9.96. ~~Fire Exits~~ Reserved  
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9.98. Fire Pit Regulations  
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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.<sup>1</sup> 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)

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

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<sup>2</sup> 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.<sup>3</sup> (1982 Code §9.98)
- 9.100. Flammable Liquids Regulations.<sup>4</sup> 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

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<sup>3</sup> See also sections 2.4, 9.205 and 9.206 of this Code.

<sup>4</sup> 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 \_\_\_\_\_, 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 101 OF TITLE X  
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 CODE<sup>1</sup>**

- 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. Reserved  
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;

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<sup>1</sup> 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,<sup>1</sup> 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

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<sup>1</sup> 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.

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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.

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<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

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<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,<sup>1</sup> 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

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<sup>1</sup> 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
<del>8.1-8.2</del>	<del>Parking too far from curb</del>	<del>\$ 5.00</del>
<del>5.58</del> <u>R28.1458</u>	Unattended vehicle with motor running <del>or without brakes set, or</del> <u>with key in ignition</u>	<del>10.00</del> <u>\$20.00</u>
<del>5.58</del> <u>R28.1617</u>	<del>Parked on grade, wheels not turned to curb</del> <u>Bicycle parking</u> <u>violations</u>	<del>5.00</del> <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>
<del>8.3</del> <u>R28.1803</u>	Angle parking violations	<del>5.00</del> <u>10.00</u>
<del>8.4</del> <u>R28.1804</u>	Violation of loading/unloading permit	<del>5.00</del> <u>10.00</u>
<del>8.5</del>	<del>Obstructing traffic</del>	<del>20.00</del>
<del>8.8a</del>	<del>Parked during darkness without proper rear light or</del> <del>reflector</del>	<del>5.00</del>
<del>8.9</del> <u>R28.1809</u>	Parked without dimming lights	<del>5.00</del> <u>10.00</u>

8.9(a) <u>R28.1813</u>	<del>Parked on too narrow road</del> <u>Parking in alley unless authorized by sign</u>	<del>5.00</del> <u>15.00</u>
8.10 <u>R28.1814</u>	<del>Prohibited parking (signs unnecessary unless noted)</del> <u>Parking for purpose prohibited by rule 814:</u>	<del>40.00</del>
<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>	<del>40.00</del> <u>\$15.00</u>
8.10(b), 8.9(a) <u>257.674(1)(b)</u>	<del>Opposite drive or within 10 feet of edge of</del> <u>In front of a public or private driveway</u>	<del>5.00</del> <u>20.00</u>
8.10(e) <u>257.674(1)(c)</u>	<u>Within an intersection</u>	<del>40.00</del> <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>	<del>40.00</del> <u>20.00</u>
8.10(f) <u>257.674(1)(f)</u>	<del>Within</del> <u>With 20 feet of crosswalk, or 15 feet of corner lot lines</u> <u>highway intersection</u>	<del>40.00</del> <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>	<del>40.00</del> <u>20.00</u>
8.10(h) <u>257.674(1)(h)</u>	<del>(deleted)</del> <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>	<del>(deleted)</del> <u>Within 50 feet of the nearest rail of a railroad crossing</u>	<u>10.00</u>
8.10(j)	<del>Within 20 feet of fire station driveway or</del>	<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>

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

8.16,8.17,8.18	<del>10.13</del> Loading zone violation	<del>Parked near or on opposite driveway</del>	<del>10.00</del>
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 ~~park-ing~~ 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 ~~im-poundment~~ 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 Grand 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

BRIAN DONOVAN  
CITY MANAGER

**MEMORANDUM**

TO: Mayor and City Commissioners  
FROM: Brian Donovan, City Manager  
DATE: November 28, 2016

RE: Ordinance publishing

Action Requested: That the City Commission approve the attached resolution allowing the Public Safety ordinance amendments to be published in summary instead of publishing the ordinance amendments in its entirety.

Background: The City Commission has been reviewing the Public Safety Ordinances in anticipation of the recodification of the City Ordinance book. Michigan law requires that ordinance or ordinance amendments be published in a newspaper after they are adopted. There is also a provision that allows a summary of the ordinance to be published instead of the entire ordinance amendment. Since there were only minor language updates and renumbering changes in the Public Safety ordinance amendments, the City Attorney and I recommend that the City Commission approve the attached resolution allowing the City to publish a summary of the ordinance amendments.

BD/kb/9194  
Attachment

## **NOTICE OF ADOPTION OF ORDINANCES**

The City Commission of the City of East Grand Rapids is in the process of updating the entire City Code. As part of that process the Commission has revised and updated a number of chapters of the code, often times just to make minor modifications to these chapters. The following ordinances have been updated and this document shall be treated as a digest, summary, or statement of purpose of each of the revised ordinances as provided by Chapter VII, Section 7.5 of the Charter of the City of East Grand Rapids. This Notice will be published in a newspaper of general circulation within the community and shall serve as a publication of each of the ordinances listed herein.

Notice is hereby given that the City Commission of the City of East Grand Rapids adopted the following ordinances modifying the City Code on the date indicated by each ordinance. A brief summary of each ordinance is also included. The text of each ordinance is available for inspection by and distribution to the public at the office of the City Clerk. No further or additional publication of these ordinances is required or contemplated.

Chapter 2 of Title I of the City Code. Department of Public Safety. This ordinance consolidates the City's public safety services under the public safety department. The changes are functional only. This ordinance was adopted on October 3, 2016.

Chapter 6 of Title I of the City Code. Emergency Management Department. This Chapter changes the Department of Civil Defense to the Emergency Management Department and also includes changes to reflect the creation of the Public Safety Department. This ordinance was adopted on October 3, 2016.

Chapter 13 of Title I – Appearance Ticket Authorization. This Chapter updates the City officials who may issue appearance tickets. This ordinance was adopted on October 3, 2016.

Chapter 14 of Title I – Municipal Civil Infraction Citation. This Chapter updates the City officials who may issue civil infraction citations. This ordinance was adopted on October 3, 2016.

Chapter 25 of Title II – Public Utility Emergency Response. This Chapter is revised to reflect the creation of the Public Safety Department. This ordinance was adopted on October 3, 2016.

Chapter 33 of Title III was deleted in its entirety. This Chapter dealt with lakes and water ways. This ordinance was adopted on November 7, 2016.

Article V of Chapter 41 of Title IV – House moving. This Chapter was revised to include a reference to the Public Safety Department and the Public Works Department. This ordinance was adopted on November 7, 2016.

Article I of Chapter 77 of Title VII – Pool Rooms and Bowling Alleys. This Chapter was revised to include references to the Public Safety Department and Public Safety Director. This ordinance was adopted on November 7, 2016.

Chapter 92 of Title IX – Animal Control. This Chapter deals with animal control. Most modifications were simple wording changes. Certain animals were added to the list of restricted animals. This ordinance was adopted on November 7, 2016.

Chapter 93 – Miscellaneous Offenses. The changes to this Chapter involve minor wording modifications and include references to the Public Safety Department. Sections which have been previously approved were incorporated into this Chapter for codification. This Chapter was adopted on November 7, 2016.

Chapter 94 of Title IX – Model Rocket Engines. Some minor wording changes were made to this Chapter. This Chapter was adopted on December 5, 2016.

Chapter 95 of Title IX – Fire and Explosives. A requirement concerning fire exits was deleted and the City's fire code was updated to the most recent version of the international fire code. This Chapter was adopted on December 5, 2016.

Chapter 101 of Title X – Traffic Code. This Chapter was modified by removing the provisions establishing the traffic commission and by providing that all future fines related to the provisions of this Chapter would be adopted by a resolution of the City Commission. This Chapter was adopted on December 5, 2016.

Chapter 102 of Title X – Bicyclists. References to the Public Safety Department were added and certain provisions regarding reports made to the schools regarding bicycle violations were deleted. This Chapter was adopted on December 5, 2016.

Chapter 102 of Title X – Traffic Violations Bureau. This section was changed to include references to the Public Safety Department and to include the adoption of fees and costs by resolution of the City Commission. This Chapter was adopted on December 5, 2016.

Chapter 105 of Title X – Bicycle Helmets. This section which required the use of bicycle helmets has been repealed. This Chapter was adopted on December 5, 2016.

City of East Grand Rapids

By

\_\_\_\_\_  
Karen K. Brower  
City Clerk



# 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: 11/28/2016  
RE: Lake Drive Sidewalk Special Assessment Project (Woodshire Ave to City Limit)-Step 1

**Action Requested:** Consideration of a resolution pertaining to a citizen initiated petition to construct sidewalk on the north side of Lake Drive from Woodshire Avenue to the City Limit of which a portion of the cost will be defrayed by a special assessment and the City Manager is requested to provide project information and a recommendation to the City Commission per section 1.303(A) of the City Code.

**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 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 ~\$104,000 as noted, with the City covering 80% of the cost. A cost allocation per lot was sent to the seven property owners with the project and special assessment estimates per property parcel along with a project ballot. The results of the project ballot are five in favor, one opposed and one no response (71%).

Special assessments may be paid in full or over a 10-year period through equal installments. The annual 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%).

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Brian Donovan, City Manager

RESOLUTION

RESOLVED that this Commission desires to consider the proposed improvement consisting of:

*Construction of approximately 706 feet of sidewalk on the north side of Lake Drive from Woodshire Avenue to the City limit.*

all or part of the cost of which may be defrayed by special assessment and requests the Manager to provide the information and recommendations relative thereto as specified in Section 1.303(A) of the City Code.

Adopted by the East Grand Rapids City Commission  
on December 5, 2016

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Karen K. Brower, City Clerk

## SPECIAL ASSESSMENT PROCEDURES

### FIRST MEETING:

1. The Commission adopts Resolution directing the manager to provide information and recommendations regarding the proposed improvement (Document I).
2. After the meeting, the manager prepares and files with the city clerk a Statement of Preliminary Proceedings (Document II).

### SECOND MEETING:

1. The Commission adopts Resolution Setting Hearing on Necessity (Document III).
2. After the meeting, the clerk publishes and mails Notice of the Necessity Hearing (Document IV).

### THIRD MEETING:

1. The Commission holds a Hearing on Necessity and adopts the Resolution Determining Necessity (Document V).
2. After the meeting, the Assessment Roll is prepared and certified (Document VI). It is then filed with the city clerk and the Commission.

### FOURTH MEETING:

1. The Commission adopts the Resolution Setting Hearing on Assessment Roll (Document VII).
2. After the meeting, the clerk publishes and mails out Notice of Hearing on Special Assessment Roll (Document VIII).

### FIFTH MEETING:

1. The Commission holds the hearing on the Assessment Roll and adopts Resolution Confirming Assessment Roll (Document IX).
2. After the meeting, the clerk publishes the Notice of Adoption of Assessment Roll (Document X) and mails statements to property owners.

PROCEEDINGS OF THE CITY COMMISSION  
CITY OF EAST GRAND RAPIDS

**Regular Meeting Held November 21, 2016**

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

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

Absent: Commissioner Skaggs

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

2016-134. No public comment was received.

2016-135. Commissioner Dills congratulated the high school girls swim/dive team on their recent State championship.

Commissioner Miller thanked all of the election workers who participated in making the November Presidential election run so smoothly.

Commissioner Zagel congratulated Commissioner Skaggs on his election to the Kent County Board of Commissioners. He also thanked the city staff and election workers for all their work on the election. Mr. Zagel noted the annual tree lighting ceremony would be held on Friday with ornament sales to benefit the schools foundation. He also congratulated Sacred Roots salon on their new expansion and name change.

Mayor Seibold invited everyone to attend the tree lighting on Friday evening and noted she would be accompanying Santa to the event.

2016-136. Introduction of an ordinance to amend Chapter 94 of Title IX of the City Code pertaining to model rocket engines.

City Attorney Huff reviewed the ordinances that would be amended, noting that the majority of the changes were to change references, remove obsolete sections, change department names and to allow the city commission to set rates outside of the ordinance. He also noted the last ordinance amendment would repeal the bike helmet requirement for those under the age of 18.

2016-136-A. Miller-Hamrick. That an ordinance to amend Chapter 94 of Title IX of the City Code pertaining to model rocket engines be introduced as set forth in Exhibit "A" attached hereto.

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

Nays: -0-

2016-137. Introduction of an ordinance to amend Chapter 95 of Title IX of the City Code pertaining to fire and explosives.

2016-137-A. Dills-Miller. That an ordinance to amend Chapter 95 of Title IX of the City Code pertaining to fire and explosives be introduced as set forth in Exhibit "A" attached hereto.

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

Nays: -0-

2016-138. Introduction of an ordinance to amend Chapter 101 of Title X of the City Code pertaining to traffic code.

2016-138-A. Zagel-Duncan. That an ordinance amend Chapter 101 of Title X of the City Code pertaining to traffic code be introduced as set forth in Exhibit "A" attached hereto.

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

2016-139. Introduction of an ordinance to amend Chapter 102 of Title X of the City Code pertaining to bicyclists.

2016-139-A. Hamrick-Duncan. That an ordinance to amend Chapter 102 of Title X of the City Code pertaining to bicyclists be introduced as set forth in Exhibit "A" attached hereto.

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

2016-140. Introduction of an ordinance to amend Chapter 103 of Title X of the City Code pertaining to traffic violations.

2016-140-A. Zagel-Duncan. That an ordinance to amend Chapter 103 of Title X of the City Code pertaining to traffic violations be introduced as set forth in Exhibit "A" attached hereto.

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

2016-141. Introduction of an ordinance to repeal Chapter 105 of Title X of the City Code pertaining to bicycle helmets.

2016-141-A. Hamrick-Duncan. That an ordinance to repeal Chapter 105 of Title X of the City Code pertaining to bicycle helmets be introduced as set forth in Exhibit "A" attached hereto.

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

2016-142. 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.

2016-142-A. Miller-Zagel. That 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 be adopted as set forth in Exhibit "A" attached hereto.

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

2016-143. Adoption of policy on undesignated fund balances.

2016-143-A. Zagel-Miller. That an amended policy setting the City's fund balance policy be adopted as set forth in Exhibit "A" attached hereto.

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

2016-144. Adoption of policy on debt management practices.

2016-144-A. Zagel-Hamrick. That a new policy outlining the city's debt management practices be adopted as set forth in Exhibit "A" attached hereto.

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

2016-145. Miller-Zagel. To approve the consent agenda as follows:

2016-145-A. To approve the minutes of the regular meeting held November 7, 2016.

2016-145-B. 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.

2016-145-C. The purchase of a chest compression machine for the Public Safety Department from Physio-Control of Redmond, Washington in the amount of \$15,205.04.

2016-145-D. The closing of the Reeds Lake Culvert and Trail Capital Project Fund in the city's accounting system and the final transfer of outstanding cash balance to the Local Street Fund.

2016-145-E. The special assessment procedure and schedule for the proposed Lake Drive sidewalk project was received as information.

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

The meeting adjourned at 6:25 p.m., subject to the call of the Mayor until December 5, 2016.

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Karen K. Brower, City Clerk

Attachments: A – Ordinance amendment to Chapter 94  
B – Ordinance amendment to Chapter 95  
C – Ordinance amendment to Section 1.603 of Chapter 101  
D – Ordinance amendment to Chapter 102  
E – Ordinance amendment to Chapter 103  
F – Ordinance amendment to Chapter 105  
G – Resulting opting out of the provisions of PA152  
H – Policy on Undesignated Fund Balances  
I – Policy on Debt Management Practices

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

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

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

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

Section 2. This Ordinance shall be effective on November 18, 2016.

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

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

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

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

**CHAPTER 41: STREETS**

**ARTICLE V. HOUSE MOVING**

Section: 4.26 Permit requirements; moving operations

4.26. Permit Requirements; Moving Operations.

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

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

Section 2. This Ordinance shall be effective on November 18, 2016.

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

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

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

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

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

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

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

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

7.72. License Required; Restrictions; Contents.

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

7.73. Closing Hours.

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

7.74. Minors.

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

7.75. Public Institutions Exempt.

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

Section 2. This Ordinance shall be effective on November 18, 2016.

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

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**AN ORDINANCE TO AMEND CHAPTER 92 OF TITLE IX  
OF THE CODE OF THE CITY OF EAST GRAND RAPIDS**

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

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

**CHAPTER 92: ANIMAL CONTROL**

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

9.35. General Provisions.

- A. Construction of Chapter. It is deemed by the city that the ownership of an animal is a privilege which carries with it responsibilities to the city and its residents with regard to the care and custody of said animal. In interpretation and application, the provisions of this chapter shall be construed to impose a primary responsibility for compliance with the provisions of this chapter on the owner of said animal.
- B. Short Title. This chapter shall be known as, and may be cited and referred to as *THE ANIMAL CONTROL ORDINANCE OF EAST GRAND RAPIDS*.
- C. Responsibility for Enforcement. Responsibility for enforcement of this chapter shall be vested in the director of Kent County department of animal control, his or her agents and employees, and in the director of public safety department of the city, his or her officers and designees.
- D. Penalties for Violations. Any person violating any of the provisions of this chapter shall have committed a civil infraction and may be ordered to pay a civil fine of not more than five hundred dollars (\$500.00).
- E. Invalidity. If any part of this chapter shall be held invalid, such part shall be deemed severable and the invalidity thereof shall not affect the remaining parts of this chapter. (1982 Code §9.35; Ord.,9-14-1996)

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

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

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

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

CITY shall mean the City of East Grand Rapids.

COUNTY shall mean the County of Kent.

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

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

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

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

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

- 9.37. Dogs.

- A. License and Tag Required. All dogs over the age of six (6) months within the city shall at all times be currently licensed in accordance with the requirements of state law<sup>1</sup> and of the county animal control ordinance. A license tag issued by the county shall be securely affixed to a collar, harness or other device which shall be worn by the dog at all times unless the dog is within the confines

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<sup>1</sup> M.C.L.A. §287.261 *et seq.*

of the residence of the owner or of a dog run or other secure enclosure on the owner's premises.

- B. Limit on Number of Dogs. No "owner", as defined in section 9.36 of this chapter, of a dog, nor any person who owns, leases, or is otherwise in control of any premises within the city, shall keep dogs or permit dogs to be kept within the city except in compliance with the following:
1. Not more than two (2) dogs may be kept in or about the premises of a dwelling unit in a duplex, apartment, condominium, or other multi-family dwelling unit.
  2. Not more than three (3) dogs may be kept in or about the premises of any single-family dwelling.
  3. No dog may be kept in or about premises other than occupied dwelling units except upon application filed with the city clerk setting forth in detail the request and the reasons therefor, and upon the granting of a special permit by the city commission following a hearing and findings that a valid reason exists for granting the request and that the granting of a permit will not have an adverse effect on neighboring property or on the general public. Any permit granted hereunder shall be for such period of time as the city commission shall determine and may attach such conditions, including, but not limited to, the breed, nature and number of dogs and their care and maintenance as shall be deemed necessary for the protection of neighboring property and the public interest.
  4. Dogs born to a female dog kept in compliance with the provisions of this section may be kept on the premises with said female dog for a period of not more than six (6) months following the date of birth notwithstanding the provisions of subsections B1 and B2 above.
- C. Barking Dogs. No person owning or having charge, care, custody or control of a dog shall permit such dog at any time, by loud or frequent or habitual barking, yelping or howling, to cause annoyance to people in the neighborhood or to persons utilizing the public walks or streets of the neighborhood.<sup>2</sup>
- D. Dogs Running at Large. No person owning or having charge, care, custody or control of any dog shall cause, permit, or allow the same to run at large or to be upon any highway, street, lane, alley, court or other public place, or upon any private property or premises other than those of the person owning or having charge,

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<sup>2</sup> See also subsection 9.14A of this Code.

care, custody, or control of such dog, within the city, unless such dog is restrained by a substantial chain or leash not exceeding six (6) feet in length and is in the charge, care, custody, or control of a person with the ability to restrain it.

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

9.38. Cats.

- A. Cats Running at Large. No person owning or having charge, care, custody or control of any cat shall cause, permit, or allow the same to run at large or to be upon any highway, street, lane, alley, court or other public place, or upon any private property or premises other than those of the person owning or having charge, care, custody, or control of such cat, within the city, unless such cat is restrained by leash not exceeding six (6) feet in length and is in the charge, care, custody or control of a person with the ability to restrain it. Any cat which is in violation of the provisions of this chapter shall be subject to being impounded and shall be held, cared for, released or disposed of in a manner provided under section 9.39 of this chapter.
- B. Notification of owner when cat in custody of animal shelter. Should a cat which comes into the custody of the animal shelter have attached a valid identification tag stating the owner's correct name and address, then the animal shelter shall, within twelve (12) working hours from the time of impounding, notify the owner of the fact that said cat is in the custody of the animal shelter.
- C. Limit on Number of Cats. No "owner", as defined in section 9.36 of this chapter, of a cat, nor any person who owns, leases, or is otherwise in control of any premises within the city, shall keep cats or permit cats to be kept within the city except in compliance with the following:
  - 1. Not more than two (2) cats may be kept in or about the premises of a dwelling unit in a duplex, apartment, condominium, or other multi-family dwelling unit.
  - 2. Not more than three (3) cats may be kept in or about the premises of any single-family dwelling.

3. No cat may be kept in or about premises other than occupied dwelling units except upon application filed with the city clerk setting forth in detail the request and the reasons therefor, and upon the granting of a special permit by the city commission following a hearing and findings that a valid reason exists for granting the request and that the granting of a permit will not have an adverse effect on neighboring property or on the general public. Any permit granted hereunder shall be for such period of time as the city commission shall determine and may attach such conditions, including, but not limited to, the breed, nature and number of cats and their care and maintenance as shall be deemed necessary for the protection of neighboring property and the public interest.
4. Cats born to a female cat kept in compliance with the provisions of this section may be kept on the premises with said female cat for a period of not more than six (6) months following the date of birth notwithstanding the provisions of subsections C1 and C2 above.

D. Nuisance. A person having custody of a cat shall not permit such cat to create a nuisance by way of noise<sup>3</sup>, odor or in any other manner. (1982 Code §9.38; 1993 Code)

9.39. Impounding.

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

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<sup>3</sup> See also subsection 9.14A of this Code.

- D. When an animal wearing a current valid license tag issued by the county, or any municipality within the county, is impounded pursuant to this chapter, the director shall, within twelve (12) working hours after receiving such animal, give written notice of the whereabouts of such animal to the person to whom the current license for such animal was issued. (1982 Code §9.39)

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

- A. Housing facilities for animals shall be structurally sound and shall be maintained in good repair to protect the animals from injury, to contain the animals, and to restrict the entrance of other animals.
- B. All animals shall be supplied with sufficient good wholesome food and water as often as the feeding habits of the respective animals require.
- C. All animals and all animal buildings or enclosures shall be maintained in a clean and sanitary condition.
- D. No animal shall be without attention more than twenty-four (24) consecutive hours.
- E. Every reasonable precaution shall be used to insure that animals are not teased, abused, mistreated, annoyed, tormented or in any manner made to suffer by any person or means.
- F. No condition shall be maintained or permitted that is or could be injurious to animals.
- G. All reasonable precautions shall be taken to protect the public from the animals and the animals from the public.
- H. Every building or enclosure wherein animals are maintained, shall be constructed of materials easily cleaned. The building shall be properly ventilated to prevent drafts and to remove odors. Heating and cooling shall be provided as required, according to the physical need of the animals, with sufficient light to allow observation of animals and sanitation.
- I. The owner or custodian shall take any animal to a veterinarian for examination and treatment if the director or his agents find this is necessary in order to maintain the health of the animal and so orders.
- J. All animal rooms, cages, kennels, and runs shall be of sufficient size to provide adequate and proper accommodations for the animals kept therein.

- K. Every violation of an applicable regulation shall be corrected within a reasonable time to be specified by the director.
- L. All animal buildings and enclosures shall provide proper shelter and protection from the weather at all times. This shall mean a roofed three (3) sided shelter of suitable size.
- M. No person shall give an animal any alcoholic beverage unless prescribed by a veterinarian.
- N. No person shall allow animals which are natural enemies, temperamentally unsuited, or otherwise incompatible, to be quartered together or so near each other as to cause injury, fear or torment. If two (2) or more animals are so trained that they can be placed together and do not attack each other or perform or attempt any hostile act to the other, such animals shall be deemed not to be natural enemies.
- O. No person shall allow the use of any tack, equipment, device, substance or material that is, or could be, injurious or cause unnecessary cruelty to any animal.
- P. Confined or restrained animals shall be given exercise proper for the individual animal under the particular conditions.
- Q. No person shall allow any animal to constitute or cause a hazard or be a menace to the health, peace or safety of the community.
- R. Any person who has injured or killed any dog or cat with a motor vehicle shall promptly notify the director or owner of the animal or the East Grand Rapids Public Safety Department.
- S. No person owning or having in his possession a female dog or cat in heat shall permit said animal to be contained in such a fashion that stray animals have access to the dog or cat, or that permits the dog or cat to escape
- T. No person shall confine an animal on a chain for more than four (4) hours unless that chain permits movement over at least thirty (30) square feet and allows the animal free access to a suitable shelter.
- U. A person shall not:
  - 1. Sell, offer for sale, barter, or give away, as pets, toys, premiums, or novelties any baby chickens, ducklings or other fowl under three (3) months of age, or rabbits under two (2) months of age;
  - 2. Color, dye, stain or otherwise change the natural color of the above described fowl or rabbits;

3. Bring or transport the above described fowl or rabbits into the city;
  4. Molest, injure, kill or capture any wild bird, or molest or disturb any wild bird's nest or the contents thereof on either public or private property.
- V. A person having custody of any animal shall not permit, either willfully or through failure to exercise due care or control, such animal to commit any nuisance by defecating upon the sidewalk of any public highway or upon any building, fence or wall immediately abutting on a public sidewalk, or without the consent of the owner or person in lawful occupation thereof, any lawn, yard, or any other private property, which is either improved or occupied without picking it up and disposing of it properly.
- W. Representatives of the Kent County Animal Shelter, East Grand Rapids Public Safety Department or other duly designated representatives may enter any premises where animals are maintained for investigation or inspection as to whether or not any portion of such premises, building, structure, enclosure, pen or cage is being used, kept or maintained in violation of this chapter or any other county ordinance. No person shall deny, prevent, obstruct, or attempt to deny, prevent or obstruct such access. This section does not permit any person to enter a private dwelling except where necessary to rescue an animal. (1982 Code 9.40)

9.41. Vicious Animals.

- A. Definition. Any animal which has attacked or bitten a person or domestic animal without molestation, or which by its actions gives indications that it is likely to attack or bite any person or domestic animal without molestation, shall be deemed a "vicious animal".
- B. Muzzling or Restraint Required. A person owning or having charge, care, custody or control of a vicious animal shall at all times when said animal is not securely confined, keep said animal securely muzzled and led or restrained by a leash.
- C. Bites or Attacks. No person owning or having charge, care, custody or control of any animal shall permit or allow, by failure to exercise due control, the animal to bite or attack, or threaten to bite or attack, a person or domestic animal except in the defense of itself or in defense of a person during the commission of a crime by another.
- D. Quarantine of Animals. Every animal which has bitten a person shall be quarantined for a period of ten (10) days for the purpose of determining whether said animal is diseased. Such quarantine may be at the animal shelter, a veterinary office, or such other place as

may be designated by the director. "Quarantine" shall mean isolating the animal from people and from other animals. The owner of such animal shall surrender such animal to an animal control officer upon request.

E. Prosecution. On sworn complaint that a violation of subsection B, C or D of this section, has occurred, the city may issue a citation to the owner of said "animal", as defined in this chapter, or may secure a summons against said person commanding him or her to appear and show cause why said animal shall not be ordered confined or destroyed. Upon such hearing, if the court shall determine said animal to be a "vicious animal", as defined in this chapter, the court may order said animal confined to the premises of the owner or such other place as the court may determine or may order the director of animal control to cause said animal to be destroyed, or may enter such other order relative to the care and custody of such animal as the court shall determine to be appropriate. Any person who shall fail to comply with or otherwise violate such order shall have committed a civil infraction and may be ordered to pay a civil fine of not more than five hundred dollars (\$500.00).

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

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

Section 2. This Ordinance shall be effective on November 18, 2016.

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

**AN ORDINANCE TO AMEND CHAPTER 93 OF TITLE IX  
OF THE CODE OF THE CITY OF EAST GRAND RAPIDS**

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

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

**CHAPTER 93: MISCELLANEOUS OFFENSES<sup>1</sup>**

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

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

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

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

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

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

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

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

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

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

DISHONORED shall mean:

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

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

DRUG PARAPHERNALIA means equipment, products and materials of any kind which are used, intended for use, or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance as provided for in act no. 368 of public acts of Michigan of 1978<sup>2</sup>, as amended. It includes, but is not limited to:

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

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

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

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

MOTOR VEHICLE shall mean a self-propelled vehicle.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

9.54. Offenses Against Persons. No person shall:

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

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

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

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

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

9.55. Offenses Against Property. No person shall:

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

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

9.56. Alcohol and Drug Offenses. No person shall:

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

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

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

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

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

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

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

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

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

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

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

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

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

9.58. Offenses Against Government Order. No person shall:

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

- H. Knowingly and willfully fail to obey the command of any properly identified law enforcement officer to stop or halt.
  - I. Knowingly and willfully fail to obey the command of any law enforcement officer, or any person acting at the direction of a law enforcement officer, who is directing traffic or engaging in crowd control or cross a police line without specific authority or the permission from a law enforcement officer, or any person acting at the direction of the law enforcement officer, who is at the scene in which the police line is constructed.
  - J. Knowingly and willfully fail to obey the command of any law enforcement officer, school official, the mayor, or other authorized representative of the department of public safety, department of public works and/or recreation departments, to leave a public park, school ground, playground, boulevard, swimming pool, recreation area, school building or city building.
  - K. Equip a vehicle or possess within the passenger compartment of a motor vehicle a radio receiving set that will receive signals sent on frequencies assigned by the federal communications commission of the United States of America for police purposes, or use the same unless such vehicle is used or owned by a peace officer, or a bona fide amateur radio operator holding a technician class, general, advanced, or extra class amateur license issued by the director of the department of state police. This section shall not be construed as restriction to the use of radar detectors or the ability of a person to transport within a vehicle an inoperable police radio.
  - L. Engage in any profession, trade, occupation or other activity for which a license is required by any federal law, Michigan statute or East Grand Rapids ordinance without first obtaining, and thereafter maintaining, such license.
  - M. Make or file with the public safety department any false, misleading or unfounded statement or report concerning the commission or alleged commission of any crime or public safety emergency occurring within the city. (Ord., 4-27-2001)
- 9.59. Vice Offenses. No person shall:
- A. Engage in prostitution or solicit or accost any person for the purpose of inducing the commission of any illegal or immoral act.
  - B. Engage in gambling or any game of chance for money unless otherwise permitted by law.

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

9.60. Larceny Offenses. No person shall:

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

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

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

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

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

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

9.61. School Premises Offenses. No person shall:

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

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

9.62. Weapons Offenses. No person shall:

- A. Sell, offer to sell, or have in his or her possession any knife having the appearance of a pocketknife, the blade or blades of which can be opened by manipulating a button, applying pressure on a handle or other mechanical contrivance, except under such conditions as are provided by state law.
- B. Carry a dagger, knife, dirk, stiletto, double-edged nonfolding stabbing instrument of any length, or other dangerous weapon, except hunting knives adapted and carried as such, concealed on or about his or her person or in a motor vehicle, concealed or otherwise, operated or occupied by him or her, except in his dwelling house or place of business or on other land possessed by him or her.
- C. Possess weapons of the martial arts without a legitimate cause which is related to the person's occupation or business and except on the person's own private property.
- D. Wrongfully throw or propel any snowball, paintball, missile, air-soft pellet, or object from any moving vehicle or toward any person, vehicle, or property of another.
- E. Without authority by law, discharge any firearm, air rifle, air pistol, paintball gun or other dangerous weapon, within or into the city, except on a proper range or facility established for that purpose. This subsection shall not apply to the discharge of blank

ammunition as part of a city- approved event, parade or funeral ceremony. (Ord., 4-27-2001)

9.63. Begging and Soliciting.

- A. The following words, terms, and phrases, when used in this section, shall have the meanings provided in this subsection, except where the context clearly indicates a different meaning:
1. ACCOSTING shall mean approaching or speaking to a person in such a manner as could cause a reasonable person to fear imminent bodily harm or the commission of a criminal act upon his person, or upon property in his immediate possession.
  2. ASK, BEG, OR SOLICIT shall mean and include, without limitation, the spoken, written, or printed word, or such other acts as are conducted in furtherance of the purpose of obtaining donations.
  3. FORCING ONESELF UPON THE COMPANY OF ANOTHER shall mean continuing to request, beg, or solicit from a person after that person has made a negative response, blocking the passage of the individual addressed, or otherwise engaging in conduct which could reasonably be construed as intended to compel or force a person to accede to demands.
  4. DONATIONS shall mean something, including, but not limited to, money or food, that is solicited in order to provide assistance to a person or organization. Donations shall not be construed to mean Halloween candy or treats solicited during the time and date designated by the City of East Grand Rapids each year for Halloween Trick-or-Treating.
- B. It shall be unlawful for any person to solicit donations:
1. On private property if the owner, tenant, or lawful occupant has asked the person not to solicit on the property or has posted a sign clearly indicating that solicitations are not welcome on the property;
  2. Within fifteen (15) feet of the entrance to or exit from any public toilet facility;
  3. Within fifteen (15) feet of an automated teller machine, provided that when an automated teller machine is located

within an automated teller machine facility, such distance shall be measured from the entrance or exit of the automated teller machine facility;

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

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

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

9.64. Miscellaneous Offenses. No person shall:

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

- I. Engage in truancy.
- J. If under the age of twelve (12) years, loiter, idle or congregate in or on any public street, highway, alley or park between the hours of ten (10:00) o'clock p.m. and six (6:00) o'clock a.m., unless the minor is accompanied by a parent or guardian, or some adult delegated by the parent or guardian to accompany the minor.
- K. If under the age of sixteen (16) years, loiter, idle or congregate in or on any public street, highway, alley or park between the hours of twelve (12:00) o'clock midnight and six (6:00) o'clock a.m., immediately following, except where the minor is accompanied by a parent or guardian, or some adult delegated by the parent or guardian to accompany the minor, or where the minor is upon an errand or other legitimate business directed by his parent or guardian. (Ord., 4-27-2001; Ord., 6-2-2001)

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

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

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

Section 2. This Ordinance shall be effective on November 18, 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 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.

**RESOLUTION NO. 2016-142-A.**

**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 21<sup>st</sup> day of November 2016.

PRESENT: Commissioners Dills, Duncan, Hamrick, Miller, Zigel and Mayor Seibold

ABSENT: Commissioner Skaggs

The following Resolution was offered by Commissioner Miller and supported by Commissioner Zigel:

**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: Commissioners Dills, Duncan, Hamrick, Miller, Zagel and Mayor Seibold  
NAYS: None  
ABSTAIN: None  
ABSENT: Commissioner Skaggs

**ADOPTED** this 21<sup>st</sup> Day of November 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 November 21, 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, Michigan Fund Balance Policy

Adopted October 3, 2011

Effective June 30, 2011

**Amended November 21, 2016**

(Supersedes all previous fund balance-related policies)

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*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.

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*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**  
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## **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.~~

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~~**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, Michigan**

### **Debt Management Policy**

**Adopted November 21, 2016**

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*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**  
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*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.