

# CITY OF MUSKEGON

## CITY COMMISSION MEETING

**MARCH 22, 2016**

**CITY COMMISSION CHAMBERS @ 5:30 P.M.**

### **AGENDA**

- ☐ **CALL TO ORDER:**
- ☐ **PRAYER:**
- ☐ **PLEDGE OF ALLEGIANCE:**
- ☐ **ROLL CALL:**
- ☐ **HONORS AND AWARDS:**
- ☐ **INTRODUCTIONS/PRESENTATION:**
- ☐ **CITY MANAGER'S REPORT:**
- ☐ **CONSENT AGENDA:**
  - A. Approval of Minutes City Clerk
  - B. Aggregates, Highway Maintenance Materials, and Concrete  
Department of Public Works
  - C. Special Event Request – Catamaran Racing Association of Michigan (CRAM) Request to allow overnight camping at Pere Marquette Park (in conjunction with their annual Catamaran sailing regatta) Community & Economic Development
- ☐ **PUBLIC HEARINGS:**
  - A. Establishment of a Commercial Rehabilitation District – 810 1<sup>st</sup> Street, 216 W. Clay Avenue, 208 W. Clay Avenue Planning & Economic Development
  - B. Request to Establish an Obsolete Property Rehabilitation District – 880 1<sup>st</sup> Street and 216 W. Clay Avenue Planning & Economic Development
  - C. Recommendation for Annual Renewal of Liquor Licenses City Clerk
  - D. Soliciting Input for the Michigan Natural Resources Trust Fund Grant at Pere Marquette Park Engineering
- ☐ **COMMUNICATIONS:**
- ☐ **UNFINISHED BUSINESS:**

**A. Tobacco Products Ordinance Amendments (SECOND READING)**

Public Safety

**B. Local Parking Ordinance Amendments (SECOND READING)**

Public Safety

☐ **NEW BUSINESS:**

☐ **ANY OTHER BUSINESS:**

☐ **PUBLIC PARTICIPATION:**

▶ **Reminder: Individuals who would like to address the City Commission shall do the following:**

- ▶ Fill out a request to speak form attached to the agenda or located in the back of the room.
- ▶ Submit the form to the City Clerk.
- ▶ Be recognized by the Chair.
- ▶ Step forward to the microphone.
- ▶ State name and address.
- ▶ Limit of 3 minutes to address the Commission.
- ▶ (Speaker representing a group may be allowed 10 minutes if previously registered with City Clerk.)

☐ **CLOSED SESSION:**

☐ **ADJOURNMENT:**

ADA POLICY: THE CITY OF MUSKEGON WILL PROVIDE NECESSARY AUXILIARY AIDS AND SERVICES TO INDIVIDUALS WHO WANT TO ATTEND THE MEETING UPON TWENTY-FOUR HOUR NOTICE TO THE CITY OF MUSKEGON. PLEASE CONTACT ANN MARIE MEISCH, CITY CLERK, 933 TERRACE STREET, MUSKEGON, MI 49440 OR BY CALLING (231) 724-6705 OR TTY/TDD DIAL 7-1-1- TO REQUEST A REPRESENTATIVE TO DIAL (231) 724-6705.

# Memorandum

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To: Mayor and Commissioners

From: Frank Peterson

Re: City Commission Meeting

Date: March 22, 2016

Here is a quick outline of the items on next week's agenda:

1. Under the consent agenda, we are asking the Commission to for approval of the following:
  - a. Last meeting's minutes.
  - b. Approval of annual aggregates purchase by DPW.
  - c. Approval of the annual Catamaran Racing Association of Michigan's event at PM Park – which will include some overnight camping at the park.
2. Under Public Hearings:
  - a. We will be taking comments on the establishment of a commercial rehabilitation district at 880 1<sup>st</sup> Street, 216 West Clay Ave, and 208 West Clay Ave to assist with the redevelopment of the sites.
  - b. We will be taking comments on the establishment of an obsolete property rehabilitation district at 880 1<sup>st</sup> Street and 216 West Clay Ave to assist with the redevelopment of the sites.
  - c. We will be recommending approval of annual liquor licenses. There are a few license holders that are finalizing items for their renewal, so we will have the final list just prior to the commission meeting.
  - d. We will be taking comments/input into what should be included in the MDNR Trust Fund Application that will be submitted to the DNR in April to assist with playground improvements and restroom improvements at Pere Marquette Park.
3. Unfinished Business
  - a. Second reading of an amendment to the parking ordinance to finalize the clean-up of a number of areas of the ordinance. This is expected to fix the issues un-covered last year when we implemented the winter parking rules.
  - b. Second reading of an amendment to the tobacco products ordinance that will address e-cigarettes.

If there are questions on any agenda items, please try to let staff know in advance, and we will be sure to have the appropriate data/research available at the meeting.

Frank

**Date: March 16, 2016**  
**To: Honorable Mayor and City Commissioners**  
**From: Ann Marie Meisch, City Clerk**  
**RE: Approval of Minutes**

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SUMMARY OF REQUEST: To approve minutes of the February 23, 2016 Regular City Commission Meeting, the March 7, 2016 Work Session Meeting, and the March 10, 2016 Special City Commission Meeting.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the minutes.

# CITY OF MUSKEGON

## CITY COMMISSION MEETING

**FEBRUARY 23, 2016**

**CITY COMMISSION CHAMBERS @ 5:30 P.M.**

### **MINUTES**

The Regular Commission Meeting of the City of Muskegon was held at City Hall, 933 Terrace Street, Muskegon, MI at 5:30 p.m., Tuesday, February 23, 2016.

Pastor Tim Cross, Living Word Church, opened the meeting with prayer, after which the Commission and public recited the Pledge of Allegiance to the Flag.

#### **ROLL CALL FOR THE REGULAR COMMISSION MEETING:**

Present: Vice-Mayor Hood, Commissioners Dan Rinsema-Sybenga, Byron Turnquist, Ken Johnson, Debra Warren, and Willie German, Jr., City Manager Franklin Peterson, City Attorney John Schrier, and City Clerk Ann Meisch.

Absent: Mayor Stephen Gawron

#### **HONORS AND AWARDS:**

A Certificate of Appreciation was presented by Public Safety Director, Chief Jeffrey A. Lewis, to Khaiyah Steward in recognition of her act of compassion and rendering of assistance to another citizen.

#### **INTRODUCTIONS/PRESENTATIONS**

##### **A. Recently Promoted Employees**

- Samantha Ferguson – Community Development Specialist
  - o Planning and Community & Neighborhood Services
- Carrie Kotchka – Housing Rehab Counselor
  - o Community & Neighborhood Services

Samantha Ferguson and Carrie Kotchka were introduced by Oneata Bailey and Cathy Brubaker-Clarke as employees that have had the opportunity to promote from within and both ladies were recognized.

##### **B. Sister Cities Presentation**

Joel Erndteman and Dana Wyant, area teachers acting as Sister Cities Chaperones, introduced a portion of the group of students that will be traveling to Japan later this year as part of the Sister Cities program.

## **2016-15 CONSENT AGENDA:**

### **A. Approval of Minutes** City Clerk

SUMMARY OF REQUEST: To approve minutes of the February 8, 2016 Work Session Meeting and the February 9, 2016 Regular City Commission Meeting.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approval of the Minutes.

### **B. Tobacco Products Ordinance Amendments** Public Safety

SUMMARY OF REQUEST: In order to have the City's enforcement ordinances align with other neighboring communities, our ordinance involving the use or possession of tobacco products was amended. The amended ordinance reflects a county-wide effort to standardize the enforcement as it relates to tobacco use and sales. At the same time it address the use of vapor products and the use of electronic devices, which dispense nicotine solution or other forms intended for human consumption.

As such, Section 54-242, Article VII, of the City of Muskegon ordinance is being repealed and replaced. In addition to the use of e-cigarettes and vapor products, the ordinance decriminalizes the use of tobacco and associated products; those citizens will receive a civil infraction violation. Those that illegally supply tobacco and related products will receive a misdemeanor violation as described by ordinance.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Adopt revised ordinance as presented.

### **(SECOND READING REQUIRED)**

### **D. 2016 Dozer Rental for Beach Leveling** Department of Public Works

SUMMARY OF REQUEST: Staff is requesting permission to enter into a rental agreement with Contractors Rental Corporation, out of Grand Rapids, Michigan, for a John Deer Cab Dozer for leveling sand at Pere Marquette Beach.

FINANCIAL IMPACT: Estimated cost for the 2016 Dozer rental is \$8,850 (which includes \$550 for delivery and pickup).

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approve the request.

### **E. Approval of Building Contract for 2324 Park Drive** Community & Neighborhood Services Department

SUMMARY OF REQUEST: To award the Building Contract for the rehabilitation of 2324 Park Drive to Nassau Construction for the City of Muskegon's Homebuyers Program through Community and Neighborhood Services.

CNS received 5 bids, the cost estimate from our spec writer was \$44,300.

FINANCIAL IMPACT: The funding for this project has been secured through HOME Program Income.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To award Nassau Construction the rehabilitation contract for 2324 Park Drive, in the amount of \$45,855, for the Community and Neighborhood Services office.

**F. Gaming License Request from Muskegon Harbor Hospice City Clerk**

SUMMARY OF REQUEST: Muskegon Harbor Hospice is requesting a resolution recognizing them as a non-profit organization operating in the City for the purpose of obtaining a Gaming License.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approval

**G. 285 West Western – Amendment to Purchase Agreement-**

City Manager – ITEM REMOVED PER STAFF REQUEST

**Motion by Commissioner Johnson, second by Commissioner German, to approve the Consent Agenda as presented with the exception of Item C.**

**ROLL VOTE: Ayes: Johnson, Hood, Warren, German, Rinsema-Sybenga, and Turnquist,**

**Nays: None**

***MOTION PASSES***

**2016-16 ITEMS REMOVED FROM THE CONSENT AGENDA:**

**C. Local Parking Ordinance Amendments Public Safety**

SUMMARY OF REQUEST: During the City's last codification, several sections of the parking ordinance were amended. In order to have the City's enforcement ordinances align with State law, some ordinances were moved to different sections of the code. Some noted sections of the ordinance were inadvertently removed during codification while rewriting the municipal code. Staff has worked with the codification personnel, as well as our City Attorney, to draft the needed changes. Also, this action is to rescind the first reading approved by City Commission on December 8, 2015 with recommended revisions.

As such, Sections 58-3, 92-33, 92-71, 92-73, and 46-204 of the City of Muskegon ordinances have been rewritten to reflect the previously adopted ordinances and updated modifications because of changes to the Uniform Traffic Code

and to include the fee schedule for parking, civil violations, boat launch permits, and local parking restrictions.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Adoption of the amended ordinances and fee schedule as presented.

**(SECOND READING REQUIRED)**

**Motion by Commissioner Rinsema-Sybenga, second by Commissioner Johnson, to adopt the amended ordinances and fee schedule as presented.**

**ROLL VOTE: Ayes: Hood, Warren, German, Rinsema-Sybenga, Turnquist, and Johnson**

**Nays: None**

***MOTION PASSES***

**PUBLIC PARTICIPATION:** Public comments were received.

**ADJOURNMENT:** The City Commission adjourned at 6:07 p.m.

Respectfully Submitted,

Ann Marie Meisch, MMC, City Clerk

City of Muskegon  
City Commission Worksession  
March 7, 2016  
City Commission Chambers  
5:30 PM

MINUTES

Present: Commissioners German, Rinsema-Sybenga, Hood, Turnquist, Warren, and Johnson.  
Absent: Mayor Gawron.

2016-17

**L.C. Walker Arena Muskegon Football Contract.**

Moved by Commissioner Rinsema-Sybenga, seconded by Commissioner Turnquist to approve the contract between LC Walker Arena and Muskegon Football.

Ayes: Warren, German, Rinsema-Sybenga, Turnquist, Johnson, and Hood.

Nays: None.

*MOTION PASSES*

2016-18

**Approval of Loan in the Amount of \$9,000 to Terrace Cutz, LLC.**

Moved by Commissioner Rinsema-Sybenga, seconded by Commissioner Johnson, to approve the loan in the amount of \$9,000 for Terrace Cutz, LLC.

Ayes: German, Rinsema-Sybenga, Turnquist, Johnson, Hood, and Warren.

Nays: None.

*MOTION PASSES*

2016-19

**L.C. Walker Arena Annex Roof.**

Moved by Commissioner Turnquist, seconded by Commissioner Warren to approve roof repairs at the LC Walker Arena Annex in the amount of \$43,300.

Ayes: Rinsema-Sybenga, Turnquist, Johnson, Hood, Warren, and German.

Nays: None.

*MOTION PASSES*

**Adjournment.**

Motion by Commissioner Johnson, seconded by Commissioner German to adjourn at 6:30 p.m.

*MOTION PASSES*

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Ann Marie Meisch, MMC  
City Clerk



# CITY OF MUSKEGON

## SPECIAL CITY COMMISSION MEETING

**MARCH 10, 2016**

**CITY COMMISSION CHAMBERS @ 3:45 P.M.**  
**MINUTES**

The Special Commission Meeting of the City of Muskegon was held at City Hall, 933 Terrace Street, Muskegon, MI at 3:45 p.m., Thursday, March 10, 2016.

### **ROLL CALL FOR THE SPECIAL COMMISSION MEETING:**

Present: Mayor Stephen Gawron, Vice-Mayor Hood, Commissioners Dan Rinsema-Sybenga, Byron Turnquist, Ken Johnson and, City Manager Franklin Peterson and City Clerk Ann Meisch.

Absent: Debra Warren and Willie German, Jr.

### **2016-20 NEW BUSINESS:**

A. Appointment of Two Alternates to Board of Review City Clerk

**Motion by Commissioner Johnson, second by Commissioner Turnquist, to appoint Steve Warmington and Mary Jamieson as alternates to the Board of Review.**

**ROLL VOTE: Ayes: Johnson, Hood, Rinsema-Sybenga, Gawron, and Turnquist.**

**Nays: None**

**MOTION PASSES**

**ADJOURNMENT:** The City Commission adjourned at 3:48 p.m.

Respectfully Submitted,

Ann Marie Meisch, MMC, City Clerk

**AGENDA ITEM NO. \_\_\_\_\_**  
**CITY COMMISSION MEETING \_\_\_\_**

TO: Honorable Mayor and City Commission  
FROM: Department of Public Works  
DATE: March 22, 2016  
SUBJECT: Aggregates, Highway Maintenance Materials and Concrete

**SUMMARY OF REQUEST:**

Award supply of Calcium Chloride 38% (road brine) and 32% (winter salting) to Great Lakes Chloride

Award bid to supply bituminous products (Base and Top) to Asphalt Paving, Inc.

Award bid to supply Sylvax patching material to Unique Paving Materials

Award bid to supply AE-90 Asphalt Emulsions to Bit-Mat Products

Award bid for crack sealant to Sherwin Industries.

Award bid to supply H1/32FA limestone chip blend to Verplank Trucking Company

Award bid to supply road slag to Verplank Trucking Company

Award bid to supply road gravel to Verplank Trucking Company

Award bid to supply 2NS sand to Yellow Rose Transport

Award bid to supply screened top soil to Accurate Excavators

Award bid to supply Fill Sand to Accurate Excavators

Award bid to supply 7-sack mix concrete to Port City Redi-Mix

**FINANCIAL IMPACT:**

**\$490,978.00**

**BUDGET ACTION REQUIRED:**

None; funds appropriated in several budgets.

**STAFF RECOMMENDATION:**

Recommend approval of bids as outlined in Summary of Request.

To: The City Commission  
From: Mohammed Al-Shatel Director of Public Works  
Date: March 22, 2016  
Subject: 2016 Aggregates, Highway Maintenance Materials, and Concrete

Purchases will be made from recommended bidder (in bold), contingent upon product availability, timely deliveries, and prices as quoted.

**85,000 gallons Calcium Chloride 38% (road brine)** (\$47,600.00)

**Great Lakes Chloride** P.O. Box 634, Grand Haven, MI 49417 **\$0.56 per gallon, spread**

**15,000 gallons Calcium Chloride 32% (winter salting)** (\$7,200.00)

**Great Lakes Chloride** P.O. Box 634, Grand Haven, MI 49417 **\$0.48 per gallon, storage**

**200 ton Bituminous Asphalt Base** (\$12,700.00)

**Asphalt Paving, Inc.** 1000 E. Sherman Boulevard, Muskegon MI 49444-0190 **\$63.50 per ton, picked up**

**1,000 ton Bituminous Asphalt Top** (\$64,500.00)

**Asphalt Paving, Inc.** 1000 E. Sherman Boulevard, Muskegon MI 49444-0190 **\$64.50 per ton, picked up**

**500 tons SylvaX Patching Materials – UPM-CP-7, or ASTM Specification C-136 #9 or Statite CP-6, or similar product** (\$53,925.00)

**Unique Paving Materials** 3993 E. 93<sup>rd</sup> Street, Cleveland, OH 44105 **\$107.85 per ton, delivered**  
**Asphalt Paving, Inc.** 1000 E. Sherman Boulevard, Muskegon MI 49444-0190 **\$110.00 per ton, picked up**

**30,000 gallons AE-90 Asphalt Emulsions** (\$72,000.00)

**Bit-Mat Products** 401 Tiernan Rd, Bay City, MI 48706 **\$2.40 per gallon, delivered**

**50,000 pounds Crack Sealant (block form)** (\$19,000.00)

**Sherwin Industries, Inc** 2129 West Morgan Ave., Milwaukee, WI 53221 **\$0.38 per pound, delivered**  
**Surface Coatings, Co.** 2280 Auburn Rd, Auburn Hills, MI 48326 **\$0.39 per pound, delivered**

**500 ton H1/32FA Limestone Chip Blend** (\$9,925.00)

**Verplank Trucking Co.** PO Box 8, Ferrysburg, MI 49409 **\$19.85 per ton, delivered**  
**Yellow Rose Transport** 3531 Busch Dr., Grandville, MI 49418 **\$21.30 per ton, delivered**

**5,000 ton Road Slag 22-A Natural** (\$65,000.00)

|                              |                                       |                                   |
|------------------------------|---------------------------------------|-----------------------------------|
| <b>Verplank Trucking Co.</b> | <b>PO Box 8, Ferrysburg, MI 49409</b> | <b>\$13.00 per ton, delivered</b> |
| Yellow Rose Transport        | 3531 Busch Dr., Grandville, MI 49418  | \$13.00 per ton, delivered        |

**500 ton Road Gravel 22-A** (\$5,725.00)

|                              |                                       |                                   |
|------------------------------|---------------------------------------|-----------------------------------|
| <b>Verplank Trucking Co.</b> | <b>PO Box 8, Ferrysburg, MI 49409</b> | <b>\$11.45 per ton, delivered</b> |
| Yellow Rose Transport        | 3531 Busch Dr., Grandville, MI 49418  | \$12.60 per ton, delivered        |

**500 ton 2NS Sand** (\$4,500.00)

|                              |                                             |                                  |
|------------------------------|---------------------------------------------|----------------------------------|
| <b>Yellow Rose Transport</b> | <b>3531 Busch Dr., Grandville, MI 49418</b> | <b>\$9.00 per ton, delivered</b> |
| Verplank Trucking Co.        | PO Box 8, Ferrysburg, MI 49409              | \$9.30 per ton, delivered        |

**500 yards Screened Top Soil** (\$3,975.00)

|                            |                                            |                                         |
|----------------------------|--------------------------------------------|-----------------------------------------|
| <b>Accurate Excavators</b> | <b>2821 Central Rd, Muskegon, MI 49445</b> | <b>\$7.95 per cubic yard, delivered</b> |
| Verplank                   | P.O. Box 8, Ferrysburg, Muskegon, MI 49409 | \$8.00 per cubic yard, delivered        |
| Yellow Rose Transport      | 3531 Busch Dr., Grandville, MI 49418       | \$13.00 per ton, delivered              |

**500 ton Fill Sand** (\$3,000.00)

|                            |                                            |                                         |
|----------------------------|--------------------------------------------|-----------------------------------------|
| <b>Accurate Excavators</b> | <b>2821 Central Rd, Muskegon, MI 49445</b> | <b>\$6.00 per cubic yard, delivered</b> |
| Verplank Trucking Co.      | PO Box 8, Ferrysburg, MI 49409             | \$6.00 per ton, delivered               |
| Yellow Rose Transport      | 3531 Busch Dr., Grandville, MI 49418       | \$6.75 per ton, delivered               |

**Concrete mix as needed** (\$121,928.00 using 2015 quantities)

|                                        |                                                      |
|----------------------------------------|------------------------------------------------------|
| <b>Port City Redi-Mix</b>              | <b>\$99.00 per cubic yard, 7 Sack Mix, delivered</b> |
| 1780 Sheridan Road, Muskegon, MI 49442 |                                                      |

|                                            |                                                |
|--------------------------------------------|------------------------------------------------|
| Consumers Concrete                         | \$101.86 per cubic yard, 7 Sack Mix, delivered |
| 4400 E. Evanston Avenue, Muskegon MI 49442 |                                                |

*\*The 7-sack mix is the most commonly used product. It should be noted that concrete purchases may include several miscellaneous charges, including, but not limited to, hot water, chloride, small loads, second drops, winter price, and extra unload time.*

## **CITY COMMISSION MEETING DATE**

**March 22, 2016**

**Date: March 10, 2016**

**To: Honorable Mayor and City Commissioners**

**From: Cathy Brubaker-Clarke, Director of Community & Economic Development**

**Re: Special Event Request – Catamaran Racing Association of Michigan (CRAM)  
Request to allow overnight camping at Pere Marquette Park (in conjunction with their annual Catamaran sailing regatta)**

SUMMARY OF REQUEST: C.R.A.M. is holding their annual Catamaran sailing regatta at Pere Marquette Park the weekend of July 29 - 31, 2016. They are again requesting permission for their participants to camp overnight at the park, as they have done in previous years. They would like to use the City-owned parking lot across from The Deck restaurant for overnight camping, provided that the Deck's owners (Harris Hospitality) approve (they approved it last year; they will provide us with written permission from the Harris's for this year also).

They expect between 8 to 15 RVs in the lot overnight. This is the event's ninth year of operation and there have been no problems in the past with this group. They will provide proof of liability insurance.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To approve overnight camping at Pere Marquette Park for this event on July 29, 30 and 31, 2016.

COMMITTEE RECOMMENDATION: N/A

**Commission Meeting Date: March 22, 2016**

**Date: March 17, 2016**  
**To: Honorable Mayor and City Commissioners**  
**From: Planning & Economic Development**  
**RE: Public Hearing – Establishment of a Commercial Rehabilitation District – 880 1<sup>st</sup> St, 216 W Clay Ave, 208 W Clay Ave**

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**SUMMARY OF REQUEST:**

Pursuant to Public Act 255 of 1978, as amended, the Planning Department is requesting the establishment of a Commercial Redevelopment District. The creation of the district will allow any future parcel owners to apply for a Commercial Facilities Exemption Certificate, which will freeze the taxable value on the rehab of any existing building and also reduce the taxes of any new construction.

**FINANCIAL IMPACT:**

None

**BUDGET ACTION REQUIRED:**

None

**STAFF RECOMMENDATION:**

Establishment of the Commercial Redevelopment District.

**COMMITTEE RECOMMENDATION:**

None

Resolution No. \_\_\_\_\_

**MUSKEGON CITY COMMISSION**

**RESOLUTION APPROVING THE CREATION OF A COMMERCIAL REDEVELOPMENT DISTRICT  
880 1<sup>st</sup> St, 216 W Clay Ave, 208 W Clay Ave**

WHEREAS, pursuant to PA 255 of 1978, the City of Muskegon has the authority to establish "Commercial Redevelopment Districts" within the City of Muskegon at request of a commercial business enterprise or on its own initiative; and

WHEREAS, The City of Muskegon is requesting the establishment of the Commercial Redevelopment District for an area in the vicinity of 880 1<sup>st</sup> St, 216 W Clay Ave and 208 W Clay Ave located in the City of Muskegon hereinafter described; and

WHEREAS, the City Commission of the City of Muskegon determined that the district meets the requirements set forth in section 5 of PA 255 of 1978; and

WHEREAS, written notice has been given by certified mail to all owners of real property located within the proposed district as required by section 5(3) of PA 255 of 1978; and

WHEREAS, on March 22, 2016 a public hearing was held and all residents and taxpayers of the City of Muskegon were afforded an opportunity to be heard thereon; and

WHEREAS, the City of Muskegon deems it to be in the public interest of the City of Muskegon to establish the Commercial Redevelopment District as proposed;

NOW, THEREFORE, BE IT RESOLVED by the City Commission of the City of Muskegon that the following described parcel(s) of land situated in the City of Muskegon, County of Muskegon, and State of Michigan, to wit:

CITY OF MUSKEGON REVISED PLAT 1903 LOTS 12-15 BLK 310 & ELY 1/2 OF VAC FIRST ST ADJ  
TO SD LOTS & S 1/2 OF VAC ALLEY ADJ TO SD PROPERTY SUBJ TO ESMT RECORDED IN  
L3794/P882

CITY OF MUSKEGON REVISED PLAT 1903 LOTS 16 & 17 BLK 310 SBJT TO UNDERGROUND  
ELECTRIC LN ESMNT L3815 P885

CITY OF MUSKEGON DOWNTOWN MUSKEGON DEVELOPMENT CENTER NO 2 UNIT 4 S 1/2 OF  
VAC ALLEY ADJ TO SD PROPERTY (ALLEY VAC CITY RES 97-12) & SWLY S 1/2 OF CONTIGUOUS  
VAC ALLEY ADJ TO SBJT TO ESMNT FOR OVERHEAD/UNDERGROUND ELECTRIC LNS RECOR'D  
3724/701

Adopted this 22nd Day of March 2016

Ayes:

Nays:

Absent:

BY: \_\_\_\_\_  
Stephen J. Gawron  
Mayor

ATTEST: \_\_\_\_\_  
Ann Meisch  
Clerk

CERTIFICATION

I hereby certify that the foregoing constitutes a true and complete copy of a resolution adopted by the Muskegon City Commission, County of Muskegon, Michigan, at a regular meeting held on March 22, 2016.

\_\_\_\_\_  
Ann Meisch  
Clerk

**Commission Meeting Date: March 22, 2016**

**Date: March 15, 2016**  
**To: Honorable Mayor and City Commissioners**  
**From: Planning & Economic Development**  
**RE: Public Hearing - Request to Establish an Obsolete Property Rehabilitation District – 880 1<sup>st</sup> St and 216 W Clay Ave**

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**SUMMARY OF REQUEST:**

Pursuant to Public Act 146 of the Michigan Public Acts of 2000, the Planning Department is requesting the establishment of an Obsolete Property Rehabilitation District at 880 1<sup>st</sup> St and 216 W Clay Ave. The creation of the district will allow any future building owners to apply for an Obsolete Property Rehab Certificate, which would freeze the buildings taxes at the pre-rehabilitated rate for up to 12 years.

**FINANCIAL IMPACT:**

None

**BUDGET ACTION REQUIRED:**

None

**STAFF RECOMMENDATION:**

Approval of the creation of the Obsolete Property Rehabilitation District

**COMMITTEE RECOMMENDATION:**

None

CITY OF MUSKEGON  
MUSKEGON COUNTY, MICHIGAN

RESOLUTION NO. \_\_\_\_\_

**A resolution establishing an Obsolete Property Rehabilitation District.**

The City Commission of the City of Muskegon hereby RESOLVES:

**Recitals**

- A. The City of Muskegon has been designated as a qualified local government unit for the purpose of establishing Obsolete Property Rehabilitation Districts and approving Applications for Obsolete Property Rehabilitation Exemption Certificates.
- B. The area located in the land described in this resolution is known to the City Commission and is clearly characterized by the presence of obsolete commercial property, and the land and improvements are obsolete commercial property.
- C. Notice has been given by certified mail to the owners of all real property within the proposed Obsolete Property Rehabilitation District and a hearing has been held offering an opportunity to all owners and any other resident or taxpayer of the City to appear and be heard. Said notice was given at least ten (10) days before the hearing.

NOW, THEREFORE, THE CITY COMMISSION RESOLVES:

- 1. That the property described in this resolution and proposed as an Obsolete Property Rehabilitation District is characterized by obsolete commercial property.
- 2. That the obsolete commercial property, the subject of this resolution, is described on the Attachment A to this resolution.
- 3. That the City Commission hereby establishes an Obsolete Property Rehabilitation District on the lands and parcels set forth in the attached description.

This resolution passed.

Ayes \_\_\_\_\_

Nays \_\_\_\_\_

CITY OF MUSKEGON

BY: \_\_\_\_\_  
Stephen J. Gawron  
Mayor

ATTEST: \_\_\_\_\_  
Ann Meisch  
Clerk

# CERTIFICATION

I hereby certify that the foregoing constitutes a true and complete copy of a resolution adopted by the Muskegon City Commission, County of Muskegon, Michigan, at a regular meeting held on March 22, 2016.

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Ann Meisch  
Clerk

**Attachment A: District Description**

CITY OF MUSKEGON REVISED PLAT 1903 LOTS 12-15 BLK 310 & ELY 1/2 OF VAC FIRST ST ADJ TO SD LOTS & S 1/2 OF VAC ALLEY ADJ TO SD PROPERTY SUBJ TO ESMT RECORDED IN L3794/P882

CITY OF MUSKEGON REVISED PLAT 1903 LOTS 16 & 17 BLK 310 SBJT TO UNDERGROUND ELECTRIC LN ESMNT L3815 P885

**Date: March 22, 2016**  
**To: Honorable Mayor and City Commissioners**  
**From: Ann Marie Meisch, City Clerk**  
**RE: Recommendation for Annual Renewal of Liquor Licenses**

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SUMMARY OF REQUEST: To adopt a resolution recommending non-renewal of those liquor license establishments who are in violation of Section 50-146 and 50-147 of the Code of Ordinances for the City of Muskegon. These establishments have been found to be in non-compliance with the City Code of Ordinances and renewal of their liquor licenses should not be recommended by the City Commission. If any of these establishments come into compliance by March 21, 2016, they will be removed from this resolution, and recommendation for their renewal will be forwarded to the Liquor Control Commission.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Adoption of the resolution.

# RESOLUTION RECOMMENDING STATE WITHHOLD RENEWAL OF LIQUOR LICENSES FOR CODE VIOLATIONS

Resolution # 2016-

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THE CITY COMMISSION OF THE CITY OF MUSKEGON DO RESOLVE, that whereas, the attached business establishments in the City of Muskegon have liquor licenses and are found to be in violation of Article V, Section 50-146 and 50-147 of the Code of Ordinances of the City of Muskegon.

AND WHEREAS, a hearing was held on March 22, 2016, before the City Commission to allow such licensees an opportunity to refute the determination of the City Commission that such establishments are in non-compliance with the City Code of Ordinances and renewal of their liquor licenses should not be recommended by the City Commission; and

WHEREAS, an affidavit of mailing of Notices of Hearing and Notification of Non-Compliance to City Standards to the licensees has been filed;

NOW, THEREFORE, BE IT RESOLVED, that the City Commission of the City of Muskegon hereby recommends that these liquor licenses not be approved for renewal, and a copy of this Resolution be sent to the State Liquor Control Commission. If any of these establishments come into compliance by March 22, 2016, they will be removed from this Resolution.

Approved and adopted this 22nd day of March, 2016.

AYES:

NAYS:

By: \_\_\_\_\_  
Ann Marie Meisch, MMC  
City Clerk

**Commission Meeting Date: March 22, 2016**

**Date: March 17, 2016**  
**To: Honorable Mayor and City Commissioners**  
**From: Engineering**  
**RE: Public Hearing – Soliciting Input for the Michigan Natural Resources Trust Fund Grant at Pere Marquette Park**

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**SUMMARY OF REQUEST:**

The City will be applying for grant money from the Michigan Natural Resources Trust Fund for upgrades at Pere Marquette Park. The first step in this process is to hold a public hearing soliciting input on what the funds should be used towards.

**FINANCIAL IMPACT:**

None

**BUDGET ACTION REQUIRED:**

None

**STAFF RECOMMENDATION:**

Adoption of the resolution.

**COMMITTEE RECOMMENDATION:**

None

Resolution No. \_\_\_\_\_

**MUSKEGON CITY COMMISSION**

RESOLUTION FOR APPLYING FOR MICHIGAN NATURAL RESOURCES TRUST FUND GRANT

WHEREAS, the City of Muskegon will be applying for funding from the Michigan Natural Resources Trust Fund grant for upgrades at Pere Marquette Park; and

WHEREAS, a public hearing to solicit public input on the grant was held on March 22, 2016; and

WHEREAS, the City Commission of the City of Muskegon has taken the public's comments into consideration; and

NOW, THEREFORE, BE IT RESOLVED by the City Commission of the City of Muskegon has held a public hearing soliciting public input on the application for grant funding from the Michigan Natural Resources Trust Fund at Pere Marquette Park and will be applying for the grant

Adopted this 22nd Day of March 2016

Ayes:

Nays:

Absent:

BY: \_\_\_\_\_  
Stephen J. Gawron  
Mayor

ATTEST: \_\_\_\_\_  
Ann Meisch  
Clerk

CERTIFICATION

I hereby certify that the foregoing constitutes a true and complete copy of a resolution adopted by the Muskegon City Commission, County of Muskegon, Michigan, at a regular meeting held on March 22, 2016.

\_\_\_\_\_  
Ann Meisch  
Clerk

**COMMISSION MEETING DATE: March 22, 2016**

**Date: March 16, 2016**  
**To: Honorable Mayor and City Commissioners**  
**From: Director of Public Safety Jeffrey Lewis**  
**RE: Tobacco Products Ordinance Amendments**  
***(Second Reading)***

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SUMMARY OF REQUEST: In order to have the City's enforcement ordinances align with other neighboring communities, our ordinance involving the use or possession of tobacco products was amended. The amended ordinance reflects a county-wide effort to standardize the enforcement as it relates to tobacco use and sales. At the same time address the use of vapor products and the use of electronic devices, which dispense nicotine solution or other forms intended for human consumption.

As such, Section 54-242, Article VII, of the City of Muskegon ordinance is being repealed and replaced. In addition to the use of e-cigarettes and vapor products, the ordinance decriminalizes the use of tobacco and associated products; those citizens will receive a civil infraction violation. Those that illegally supply tobacco and related products will receive a misdemeanor violation as described by ordinance.

See revised ordinance Chp 54, Article VII, Section 242 for details.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Adopted revised ordinance (54-242 Article VII) as presented.

City of Muskegon  
Muskegon County, Michigan  
Ordinance No. \_\_\_\_\_

THE CITY MUSKEGON ORDAINS:

1. Chapter 54, Article VII, Section 242 "Use or possession of tobacco products by minors in public; penalty; special conditions of probation "of the Code of Ordinances of the City of Muskegon, Michigan is hereby repealed and replaced by the following:

Sec. 54-242. Purchase, consumption or possession of tobacco products by minors; furnishing tobacco products to minors.

(a) A person who is less than 18 years of age shall not: purchase or attempt to purchase a tobacco product, vapor product or alternative nicotine product; possess or attempt to possess a tobacco product, vapor product or alternative nicotine product; use a tobacco product, vapor product or alternative nicotine product; or present or offer to an individual a purported proof of age that is false, fraudulent, or not actually his or her own proof of age for the purchase of purchasing, attempting to purchase, possessing, or attempting to possess a tobacco product, vapor product or alternative nicotine product. An individual who violates this Section is responsible for a civil infraction punishable by a fine of not more than \$50.00 for the first violation. For a second violation, an individual is responsible for a civil infraction punishable by a fine of not more than \$100.00. For a third or subsequent violation, an individual is guilty of a misdemeanor punishable by a fine of not more than \$300.00.

(b) No person shall: offer to sell, give, or furnish a tobacco product, vapor product or alternative nicotine product to a person who is less than 18 years of age, including, but not limited to, through a vending machine. Before selling, offering for sale, giving, or furnishing a tobacco product, vapor product or alternative nicotine product to an individual, a person shall verify that the individual is at least 18 years of age by examining a government issued photographic identification that establishes that the individual is at least 18 years of age. This verification requirement does not apply to those persons that visually appear to be older than 25 years of age. A person who violates this Section is guilty of a misdemeanor punishable by a fine of not more than \$50.00 for the first violation. For a second violation, a person is guilty of a misdemeanor punishable by a fine of not more than \$150.00. For a third or subsequent violation, a person is guilty of a misdemeanor punishable by a fine of not more than \$500.00, or by imprisonment for a period of not more than 90 days, or by both such fine and imprisonment.

(c) Definitions: "Alternative Nicotine Product" means a noncombustible product containing nicotine that is intended for human consumption, whether chewed, absorbed, dissolved, or ingested by any other means; "Tobacco Product" means a product that contains tobacco and is intended for human consumption, including, but not limited to, cigarettes, non-cigarette smoking tobacco, or smokeless tobacco, as those terms are defined in section 2 of the tobacco products tax act, 1993 PA 327, MCL 205.422, and cigars; "Vapor Products" means a noncombustible product containing nicotine that employs a heating element, power source, electronic circuit, or other electronic, chemical, or mechanical means, regardless of shape or size, that can be used to produce vapor from nicotine in a solution or other form. Vapor product includes an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device and a vapor cartridge or other container of nicotine in a solution or other form that is intended to be used with or in an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device.

This ordinance adopted:

AYES:

NAYS:

ABSENT:

Adoption Date:

Effective Date:

First Reading:

Second Reading:

CITY OF MUSKEGON

By: \_\_\_\_\_  
Ann Marie Meisch, MMC City Clerk

**CITY OF MUSKEGON  
NOTICE OF ADOPTION**

TO: ALL PERSONS INTERESTED

Please take notice that on \_\_\_\_\_, 2016, the City Commission of the City of Muskegon adopted an amendment to Article VII, Section 242, Use or possession of tobacco products by minors in public; penalty; special conditions of probation, of the of the City of Muskegon Ordinance, whereby the section was replaced in its entirety with the following:

Section 242 was renamed "Purchase, consumption or possession of tobacco products by minors; furnishing tobacco products to minors"

1. Subsection (a) prohibits minors from purchasing, consuming or possessing tobacco products.
2. Subsection (b) prohibits any person from furnishing tobacco products to minors.
3. Subsection (c) defines the terms used in the ordinance.

Copies of the ordinance may be viewed and purchased at reasonable cost at the Office of the City Clerk in the City Hall, 933 Terrace Street, Muskegon, Michigan, during regular business hours. This ordinance amendment is effective ten (10) days from the date of this publication.

CITY OF MUSKEGON

Published: \_\_\_\_\_, 2016

By: \_\_\_\_\_  
Ann Cummings, MMC, Its Clerk

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PUBLISH ONCE WITHIN TEN (10) DAYS OF FINAL PASSAGE

**COMMISSION MEETING DATE: March 22, 2016**

**Date: March 16, 2016**

**To: Honorable Mayor and City Commissioners**

**From: Director of Public Safety Jeffrey Lewis**

**RE: Local Parking Ordinance Amendments  
(Second Reading)**

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**SUMMARY OF REQUEST:** During the City's last codification, several sections of the parking ordinance were amended. In order to have the City's enforcement ordinances align with State law, some ordinances were moved to different sections of the code. Some noted sections of the ordinance were inadvertently removed during codification while rewriting the municipal code. Staff has worked with the codification personnel, as well as our City Attorney to draft the needed changes. Also this action is to rescind the first reading approved by City Commission on December 8, 2015 with recommended revisions.

As such, Sections 58-3, 92-33, 92-71, 92-73, and 46-204 of the Muskegon City of Muskegon ordinances have been rewritten to reflect the previously adopted ordinances and updated modifications because of changes to the Uniform Traffic Code and to include the fee schedule for parking, civil violations, boat launch permits, and local parking restrictions.

**FINANCIAL IMPACT:** None.

**BUDGET ACTION REQUIRED:** None.

**STAFF RECOMMENDATION:** Adoption of the amended ordinance(s), fee schedule as presented.

City of Muskegon  
Muskegon County, Michigan  
Ordinance No. \_\_\_\_\_

THE CITY OF MUSKEGON ORDAINS:

Chapter 92, Section 92-71, "Parking restrictions," and Section 92-73, "Parking violations bureau; minimum parking fines," of the Code of Ordinances, City of Muskegon, Michigan is hereby repealed and replaced by the following:

Sec. 92-71. Parking restrictions.

- (1) A vehicle shall not be parked, except if necessary to avoid conflict with other traffic or in compliance with the law or the directions of a police officer or traffic-control device, in any of the following places:
  - (a) On a sidewalk;
  - (b) In front of a public or private driveway;
  - (c) Within an intersection;
  - (d) Within 15 feet of a fire hydrant;
  - (e) On a crosswalk;
  - (f) Within 20 feet of a crosswalk, or if there is not a crosswalk then, within 15 feet of the intersection of property lines at an intersection of highways.
  - (g) Within 30 feet of the approach to a flashing beacon, stop sign, or traffic control signal located at the side of a highway;
  - (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, unless a different length is indicated by an official sign or marking;
  - (i) Within 50 feet of the nearest rail of a railroad crossing;
  - (j) Within 20 feet of the driveway entrance to any fire station and on the side of the street opposite the entrance to any fire station within 75 feet of the entrance if properly marked by an official sign.
  - (k) Alongside or opposite any street excavation or obstruction, if the stopping, standing, or parking would obstruct traffic;
  - (l) On the roadway side of a vehicle stopped or parked at the edge or curb of a street.
  - (m) Upon a bridge or other elevated highway structure or within a highway tunnel.
  - (n) At a place where an official sign prohibits stopping or parking.
  - (o) Within 500 feet of an accident at which a police officer is in attendance, if the scene of the accident is outside of a city or village.
  - (p) In front of a theater

- (q) In a place or in a manner that blocks immediate egress from an emergency exit conspicuously marked as an emergency exit of a building.
- (r) In a place or in a manner that blocks or hampers the immediate use of an immediate egress from a fire escape conspicuously marked as a fire escape providing an emergency means of egress from a building.
- (s) In a parking space clearly identified by an official sign as being reserved for use by disabled persons that is on public property or private property available for public use, unless the individual is a disabled person as described in section 19a or unless the individual is parking the vehicle for the benefit of a disabled person. In order for the vehicle to be parked in the parking space the vehicle shall display 1 of the following:
  - (i) A certificate of identification or windshield placard issued under section 675 to a disabled person.
  - (ii) A special registration plate issued under section 803d to a disabled person.
  - (iii) A similar certificate of identification or windshield placard issued by another state to a disabled person.
  - (iv) A similar special registration plate issued by another state to a disabled person.
  - (v) A special registration plate to which a tab for persons with disabilities is attached issued under this act.
- (t) In a clearly identified access aisle or access lane immediately adjacent to a space designated for parking by persons with disabilities.
- (u) On a street or other area open to the parking of vehicles that results in the vehicle interfering with the use of a curb-cut or ramp by persons with disabilities.
- (v) Within 500 feet of a fire at which fire apparatus is in attendance, if the scene of the fire is outside a city or village. However, volunteer fire fighters responding to the fire may park within 500 feet of the fire in a manner not to interfere with fire apparatus at the scene. A vehicle parked legally previous to the fire is exempt from this subdivision.
- (w) In violation of an official sign restricting the period of time for a manner of parking.
- (x) In a space controlled or regulated by a meter on a public highway or in a publicly owned parking area or structure, if the allowable time for parking indicated on the meter has expired, unless the vehicle properly displays 1 or more of the items listed in section 675(8).
- (y) On a street or highway in such a way as to obstruct the delivery of mail to a rural mailbox obstruct the delivery of mail to a rural mailbox by a carrier of the United States postal service.
- (z) In a place or in a manner that blocks the use of an alley.
- (aa) In a place or in a manner that blocks access to a space clearly designated as a fire lane.
- (LO1) On those streets that have been signed or marked for angle parking, a person shall not stop, stand, or park a vehicle other than at the angle to the curb or edge of the roadway indicated by the signs or markings. The front

of the vehicle must be nearest the curb or edge of roadway and the rear of the vehicle nearest the travel portion of the roadway or parking area (no backing in);

- (LO2) A person shall not stand or park a vehicle in a roadway other than parallel with the edge of the roadway, headed in the direction of lawful traffic movement, and with the right hand wheels of the vehicle within 12 inches of the curb or edge of the roadway, except otherwise provided in this part;
- (LO3) A person shall not stop, stand, or park a vehicle other than a bus in a bus stop or other than a taxi cab in a taxi cab stand when the stop or stand has been officially designated and appropriately signed, except that the driver of a passenger vehicle may temporarily stop therein for the purpose of, and while actually engaged in, the expeditious loading or unloading of passengers, if the stopping does not interfere with any bus or taxi cab waiting to enter or about to enter the zone.
- (LO4) On unimproved side or front yards of residential lots.
- (LO5) Within 50 feet of a public boat launch
- (LO6) Other than between painted lines in designated parking areas
- (LO7) Along or on any unpaved parkway, except where the same is used for a driveway to enter private or public property. Parking on the terrace (i.e., the area between the property line and the street) is permitted during the winter season from December 15 through the last day of February.
- (LO8) In any public park, beach or other public area between the hours of 11:00pm and 5:00am.
- (LO9) On any street between 2:00am and 6:00am during the winter season from December 15 through the last day of February.
- (LO10) Commercial Vehicle defined: "Commercial vehicle" includes all motor vehicles used for the transportation of passengers for hire, or constructed or used for transportation of goods, wares or merchandise, and /or all motor vehicles designed and used for drawing other vehicles and not so constructed as to carry any load thereon either independently or any part of the weight of a vehicle or load so drawn,
  - 1. No commercial vehicle shall be parked upon any street or alley for a period longer than two (2) hours.
  - 2. No commercial vehicle shall be parked at any angle to the line of the street or alley while loading or unloading for a period longer than one (1) hour.
  - 3. No commercial vehicle shall be parked at any angle to the line of the street or alley where such vehicle would prohibit the free flow of traffic.
  - 4. No commercial vehicle shall be parked in residential areas.
- (LO11) Special provisions relating to trailers and semitrailers:
  - 1. No unattached trailer or semitrailer shall be parked on any street or alley at any time except when it is necessary to temporarily disconnect such trailer or semitrailer for convenience in loading or unloading.
  - 2. Streets in a business district may be designated on which no trailer shall be stopped, parked or allowed to stand between the hours of 10:00am and 6:00pm.
  - 3. A person who violates this section is responsible for a civil infraction.

- (LO12) No vehicle shall display a ‘for sale’ sign while parked on any public street or property.
- (LO13) No person shall drive or operate a motor vehicle in any area or place other than the public streets and roadways or other such areas so designated for the vehicular travel, and no person shall drive or operate a motor vehicle along or upon any unpaved parkway except where the same is used for a driveway to enter private or public property, nor shall any person drive or operate a motor vehicle in any public park beach or other public area, except in those areas designated for vehicular travel therein.
- (2) A person shall not move a vehicle not owned by the person into a prohibited area or away from a curb a distance that makes the parking unlawful.
- (3) A bus, for the purpose of taking on or discharging passengers, may be stopped at a place described in subsection (1)(b), (d), or (f) or on the roadway side of a vehicle illegally parked in a legally designated bus loading zone. A bus, for the purpose of taking on or discharging a passenger, may be stopped at a place described in subsection (1) (n) if the place is posted by and appropriate bus stop sign, except that a bus shall not stop at such a place if the stopping is specifically prohibited by the responsible local authority, the state transportation department, or the director of the department of state police.
- (4) A person who violated this section is responsible for a civil infraction.

Sec. 92-73. Parking violations bureau; minimum parking fines.

- (1) Pursuant to the provisions of state law MCL 600.8395, there is hereby established within the city a parking violations bureau to accept pleas of responsible in motor vehicle parking violation cases and to collect and retain fines and costs as prescribed by ordinance.
- (2) Upon pleading responsible or being found responsible by a court, the fines for parking violations shall be as follows:

(2.1) *Level 1 parking violations.*

| Code 92-71(1) | Offense                                            |
|---------------|----------------------------------------------------|
| LO1           | Violation of angle parking/backed into space signs |
| LO2           | Too far from curb                                  |
| LO2           | Parking facing traffic                             |
| LO3           | Loading zone, Passenger zone (bus/taxi cab zone)   |
| w             | Parking overtime                                   |
| x             | Meter Parking                                      |

The penalties for level 1 parking violations are as follows:

| If paid within 7 days | If paid after 7 days but before 14 days | If paid after 14 days but before 30 days | If paid after 30 days |
|-----------------------|-----------------------------------------|------------------------------------------|-----------------------|
| \$10.00               | \$20.00                                 | \$30.00                                  | \$60.00               |

(2.2) *Level 2 parking violations.*

| Code § 92-71(1) | Offense                                                                                                     |
|-----------------|-------------------------------------------------------------------------------------------------------------|
| a               | Parking on sidewalk                                                                                         |
| b               | Blocking driveways                                                                                          |
| c               | Within an intersection                                                                                      |
| e               | In a crosswalk                                                                                              |
| f               | Within 20 feet of a crosswalk or within 15 feet of property lines at intersection                           |
| g               | Too close to a flashing beacon, stop sign, yield sign, traffic control signal, or other traffic sign        |
| h               | In a safety zone                                                                                            |
| i               | Too close to railroad                                                                                       |
| j               | Too close to fire station entrance                                                                          |
| k               | Parking: obstruct traffic                                                                                   |
| m               | Parking on a bridge or in a tunnel                                                                          |
| n               | Posted prohibited parking; parking violation of any posted signs                                            |
| o               | Parking within 500 feet of an accident                                                                      |
| p               | Parking in front of a theater                                                                               |
| q               | Blocking emergency exits                                                                                    |
| r               | Blocking fire escape                                                                                        |
| v               | Within 500 feet of a fire or fire apparatus (except volunteers and vehicles legally parked before the fire) |
| y               | Obstruct mail delivery                                                                                      |
| z               | Alley parking                                                                                               |
| LO4             | Front and side yard parking                                                                                 |
| LO7             | Parking on terrace or parkway                                                                               |
| LO9             | 2a—6a parking prohibited                                                                                    |
| LO10            | Commercial vehicles                                                                                         |
| LO11            | Unattached trailers and semitrailers                                                                        |
| LO12            | No vehicle shall display a “for sale” sign while parked on any public street or property                    |
|                 | Other violations                                                                                            |

The penalties for level 2 parking violations are as follows:

| If paid within 7 days | If paid after 7 days but before 14 days | If paid after 14 days but before 30 days | If paid after 30 days |
|-----------------------|-----------------------------------------|------------------------------------------|-----------------------|
| \$15.00               | \$30.00                                 | \$45.00                                  | \$70.00               |

*(2.3) Level 3 parking violations.*

| Code §92-71(1) | Offense                                                        |
|----------------|----------------------------------------------------------------|
| d              | Too close to a fire hydrant                                    |
| l              | Double parking                                                 |
| LO6            | Parking outside the lines                                      |
| LO8            | Parking in a public park after 11:00 p.m. and before 5:00 a.m. |
| LO13           | Prohibited off-road vehicular traffic                          |
|                | Other violations in any city parks                             |

The penalties for level 3 parking violations are as follows:

| If paid within 7 days | If paid after 7 days but before 14 days | If paid after 14 days but before 30 days | If paid after 30 days |
|-----------------------|-----------------------------------------|------------------------------------------|-----------------------|
| \$20.00               | \$40.00                                 | \$60.00                                  | \$80.00               |

*(2.4) Level 4 parking violations.*

| Code §92-71(1) | Offense                                        |
|----------------|------------------------------------------------|
| LO5            | Parking within 50 feet of a public boat launch |

The penalties for level 4 parking violations are as follows:

| If paid within 7 days | If paid after 7 days but before 14 days | If paid after 14 days but before 30 days | If paid after 30 days |
|-----------------------|-----------------------------------------|------------------------------------------|-----------------------|
| \$55.00               | \$65.00                                 | \$75.00                                  | \$85.00               |

(2.5) Any other violation of the parking provisions which are not listed in the above schedules shall be considered level 2 parking violations and shall carry the penalties set forth above for level 2 violations, except that:

- a) Code § 92-71(1)(s)(t)(u). Spaces for disabled persons. Unlawful parking in a space reserved for persons with disabilities as defined in applicable state law shall carry a minimum of \$105.00, which shall increase to \$210.00 after the first seven days after the violation, and \$315.00 after 14 days; and
- b) Code § 92-71(1)(aa). Fire lane. Unlawful parking in a fire lane shall carry a minimum of \$30.00, which shall increase to \$60.00 after the first seven days after the violation and \$90.00 after 14 days and \$120.00 after 30 days.

This ordinance adopted:

AYES:

NAYS:

ABSENT:

Adoption Date:

Effective Date:

First Reading:

Second Reading:

CITY OF MUSKEGON

By: \_\_\_\_\_  
Ann Marie Meisch, MMC  
City Clerk

City of Muskegon  
Muskegon County, Michigan  
Ordinance No. \_\_\_\_\_

THE CITY OF MUSKEGON ORDAINS:

Chapter 58, Section 58-3, "Public boat launch permit; violation as a municipal civil infraction.," of the Code of Ordinances, City of Muskegon, Michigan is hereby repealed and replaced by the following:

Sec. 58-3. Public boat launch permit; violation as a municipal civil infraction.

No person shall launch a boat at city launch ramp facilities without a permit from the city from March 1 through November 30. Violation of this section shall be a municipal civil infraction.

This ordinance adopted:

AYES:

NAYS:

ABSENT:

Adoption Date:

Effective Date:

First Reading:

Second Reading:

CITY OF MUSKEGON

By:

---

Ann Marie Meisch, MMC

City of Muskegon  
Muskegon County, Michigan  
Ordinance No. \_\_\_\_\_

THE CITY OF MUSKEGON ORDAINS:

Chapter 46, Section 46-204, “Schedule of civil fines established,” of the Code of Ordinances, City of Muskegon, Michigan is hereby repealed and replaced by the following:

Sec. 46-204. Schedule of civil fines established.

(a) A schedule of civil fines payable to the bureau for admissions of responsibility by persons served with municipal ordinance violation notices is established by this article. The schedule shall be as follows:

| Section       | Subject                                  | First Offense | First Repeat* | Second Repeat** |
|---------------|------------------------------------------|---------------|---------------|-----------------|
| 6-2           | Animals                                  | \$100.00      | \$200.00      | \$500.00        |
| 10-31         | Construction codes                       | 100.00        | 250.00        | 500.00          |
| 10-63, 10-102 | Dangerous buildings                      | 100.00        | 250.00        | 500.00          |
| 10-131        | Demolition of buildings                  | 100.00        | 250.00        | 500.00          |
| 10-22         | Moving of buildings                      | 100.00        | 250.00        | 500.00          |
| 10-282        | Property maintenance code                | 100.00        | 250.00        | 500.00          |
| 14-32         | Cemeteries                               | 100.00        | 250.00        | 500.00          |
| 22-35         | Defective alarm systems                  | 100.00        | 250.00        | 500.00          |
| 26-32         | Noise                                    | 100.00        | 250.00        | 500.00          |
| 26-213        | Point-source groundwater discharges      | 100.00        | 250.00        | 500.00          |
| 30-194        | Fire codes                               | 100.00        | 250.00        | 500.00          |
| 30-222        | Recreational fires                       | 100.00        | 250.00        | 500.00          |
| 34-35         | Smoking                                  | 25.00         | 50.00         | 100.00          |
| 34-64         | Water supplies                           | 100.00        | 250.00        | 500.00          |
| 34-113        | Medical marihuana                        | 100.00        | 250.00        | 500.00          |
| 38-120        | Historic districts                       | 100.00        | 250.00        | 500.00          |
| 42-32         | Fair housing                             | 200.00        | 300.00        | 500.00          |
| 50-2          | Business license                         | 100.00        | 250.00        | 500.00          |
| 50-72         | Dances and dance halls                   | 100.00        | 250.00        | 500.00          |
| 50-203        | Electronic filing requirement—pawn shops | 100.00        | 250.00        | 500.00          |
| 54-4          | Spitting in public                       | 100.00        | 250.00        | 500.00          |
| 54-31         | Theft of cable television services       | 100.00        | 250.00        | 500.00          |
| 54-32         | Damaging, removing or defacing property  | 100.00        | 250.00        | 500.00          |
| 54-214        | False impersonation of police officer    | 100.00        | 250.00        | 500.00          |
| 54-241        | Curfew for underage persons              | 50.00         | 100.00        | 200.00          |
| 54-283        | Parental responsibility                  | 100.00        | 250.00        | 500.00          |

|        |                                                                   |        |        |        |
|--------|-------------------------------------------------------------------|--------|--------|--------|
| 30-308 | Fireworks                                                         | 100.00 | 250.00 | 500.00 |
| 58-1   | Alcoholic liquors in parks or playgrounds                         | 50.00  | 100.00 | 200.00 |
| 58-2   | Obedience to signs or instructions in parks                       | 50.00  | 100.00 | 200.00 |
| 58-3   | Public boat launch permit                                         | 50.00  | 100.00 | 200.00 |
| 58-34  | Use of recreational facilities                                    | 50.00  | 100.00 | 200.00 |
| 70-3   | Solid waste                                                       | 100.00 | 250.00 | 500.00 |
| 74-1   | Streets, sidewalks and public property                            | 50.00  | 100.00 | 200.00 |
| 74-116 | Street numbers for buildings                                      | 25.00  | 50.00  | 100.00 |
| 78-34  | Subdivisions                                                      | 100.00 | 250.00 | 500.00 |
| 90-30  | Metropolitan extension telecommunications rights-of-way oversight | 100.00 | 250.00 | 500.00 |
| 92-56  | Junk vehicles                                                     | 100.00 | 250.00 | 500.00 |
| 94-1   | Utilities                                                         | 100.00 | 250.00 | 500.00 |
| 98-1   | Vegetation                                                        | 25.00  | 50.00  | 100.00 |
| 98-38  | Noxious weeds                                                     | 100.00 | 250.00 | 500.00 |
|        | Zoning                                                            | 100.00 | 250.00 | 500.00 |

\*First repeat means a repeat of the offense by the same person in concert within 24 months of the first offense.

\*\*Second repeat means a repeat of the offense by the same person in concert within 24 months of the first repeat offense.

(b) A copy of the schedule, as amended from time to time by ordinance, shall be posted at the bureau.

This ordinance adopted:

AYES:

NAYS:

ABSENT:

Adoption Date:

Effective Date:

First Reading:

Second Reading:

CITY OF MUSKEGON

By:

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Ann Marie Meisch, MMC  
City Clerk

City of Muskegon  
Muskegon County, Michigan  
Ordinance No. \_\_\_\_\_

THE CITY OF MUSKEGON ORDAINS:

Chapter 92, Section 92-33, "Changes in Uniform Traffic Code," of the Code of Ordinances, City of Muskegon, Michigan is hereby repealed and replaced by the following:

**Sec. 92-33. Changes in Uniform Traffic Code.**

The following rules of the Uniform Traffic Code for Cities, Townships and Villages are hereby amended or deleted as set forth and additional rules are added as indicated. Subsequent rule numbers used in this section shall refer to the like-numbered rules of the Uniform Traffic Code for Cities, Townships and Villages.

Rule 1 (1) (k.1) is added to read as follows:

Rule 1 (1) (k.1). "Parkway" means that part of a street lying between the property lines and that portion of the street ordinarily used for vehicular travel.

Rule 106 is added to read as follows:

Rule 106. Impounding or immobilizing vehicles.

(1) The city may impound vehicles on public or private property and remove them or cause them to be removed to a storage facility, or immobilize vehicles, or do both under the circumstances set forth and described in this section and MCL 257.252a et seq., including, without limitation, when such impounding or immobilization is ordered or authorized by a court.

(2) The city may immobilize vehicles by the use of devices such as the boot, the club, or other device which prevents the movement of a vehicle, which devices shall be in the control and possession of the police department of the city.

The city commission determines that the conditions and circumstances described in this section constitute situations requiring impoundment or immobilization of vehicles to safeguard the public safety, health and welfare, aid in traffic safety enforcement, minimize congestion and accomplish reasonable law enforcement objectives.

Rule 107 is added to read as follows:

Rule 107. Impounding of vehicles; failure to answer parking notices or citations.

(1) The police department or a police agency enforcing the city ordinances may immediately impound a vehicle found on public property or on a public street whose owner has failed to answer six or more parking violation notices or citations resulting from violations of provisions of this traffic code or any other ordinance of the city under which parking violations or citations have been issued, including but not limited to illegal parking at boat ramps, in parks, in spaces for parking for disabled persons, or at other locations in the city. The impoundment may take place whenever the police agency or department identifies the vehicle, whether during a parking violation after the sixth failure to answer or at any other time.

(2) The police agency or department which impounds a vehicle under this section shall follow the procedures set forth in rules 105 and 106 except that impoundment may take place immediately without notice. In addition:

- (a) Accrued charges to be paid by the owner shall include any previously incurred impounding fees, fines, costs, forfeitures or penalties arising out of the ownership or operation of such vehicle, or any other vehicle owned or operated by such person. Accrued charges shall also include previously unpaid and current reasonable charges for impound and storage of the vehicle. The owner shall also pay an impound fee as determined by city commission resolution.
- (b) If the owner or operator disputes liability as to any impoundment fees or any previously incurred impoundment fees, fines, costs, forfeitures or penalties, such owner or operator may have the vehicle released from impoundment by posting a cash deposit equal to the impound fee, the tickets, fines and the cost of towing and storage not to exceed \$500.00, to the clerk of the district court or the city's police department,

pending final adjudication of the disputed liability. Upon the posting of the required cash deposit, the police department shall execute a release of the vehicle from impoundment and, upon delivery of such release to the operator of the impound lot, the owner or operator of the vehicle shall thereupon be restored to possession thereof. If the district court determines that the owner or operator of the vehicle did not fail to answer six or more parking violation notices or citations regarding illegal parking the city shall refund the entire deposit and shall assume and pay all towing and storage fees. If the owner or operator is determined to have failed to answer said notices or citations legally hereunder which resulted in the vehicle impound, the city shall apply the cash deposit to the fees, fines and costs assessed by the district court, and refund the balance, if any, to the person who made the cash deposit.

- (3) "Unanswered" means failure to pay, have dismissed or appear in person at the city hall to respond to the citation.

Rule 108 is added to read as follows:

Rule 108. Immobilization of vehicles.

(1) A vehicle found on public property or on a public street and, in circumstances limited and defined under this section, a vehicle on private property, may be immobilized by the city using a device referred to in rule 106(2) under the following circumstances, deemed by the city to be necessary for the public health, safety and welfare, including traffic safety enforcement, minimizing of traffic congestion and accomplishing reasonable law enforcement objectives:

- (a) The conditions set forth in MCL 257.252a, 257.252b, 257.252d and rule 107.
- (b) The vehicle is subject to an impounding order of a court. Such immobilization may also be used on private property.
- (c) The vehicle is subject to an impounding procedure of this or any other jurisdiction and has been wrongfully removed from a storage facility or impounding company.

(2) Procedure for immobilization; impoundment. The city, by its police department, shall do the following with a vehicle subject to immobilization:

- (a) Affix a sticker to the windshield or driver's side window containing information pertaining to the reason for immobilization, time limits and circumstances for impoundment,

and information regarding fee, payment of tickets or citations and redemption. The notice shall, if applicable, state if the vehicle is subject to a court-ordered impoundment and, therefore, not redeemable except by the terms of the court order. The notice shall provide the following additional information:

- (1) Date and time the notice is affixed;
  - (2) Police department address;
  - (3) The name and badge number of the officer affixing the notice; and
  - (4) The year, make and vehicle identification number of the vehicle, if available.
- (b) Cause the immobilization device to be attached to the vehicle by trained personnel.
- (c) If a responsible person or the owner has not appeared at the police department to redeem the vehicle by paying outstanding tickets or citations, or accomplished other remedial actions and paying fees within 48 hours of the notice, the vehicle shall be impounded and the procedure under MCL 257.252d shall apply.
- (3) Redemption from immobilization. A responsible person may redeem a vehicle from immobilization as follows:
- (a) Paying all outstanding parking tickets or citations, default judgments and costs involving the vehicle, or posting a bond for the entire amount thereof; and
  - (b) Paying the immobilization fees.
- (4) Removal of device. No immobilization device may be removed from a vehicle unless the vehicle is properly redeemed or the police department has impounded the vehicle. Unauthorized removal by any person shall constitute a misdemeanor.

Rule 109 is added to read as follows:

Rule 109. Court-ordered immobilized or impounded vehicle.

Any vehicle immobilized or impounded under a court impounding order shall not be redeemed or released except in accordance with the court order.

Rule 110 is added to read as follows:

Rule 110. Fees.

Fees shall be charged for immobilizations and impoundment to defray the cost of these enforcement procedures. The city commission shall determine the fees to be paid by resolution.

Rule 159 is added to read as follows:

Rule 159. Appointment of traffic engineer.

The city manager is hereby appointed to fill the office of traffic engineer established pursuant to rule 125.

Rule 416c is hereby amended to read as follows:

Rule 416c. Consumption of alcoholic liquor on a highway, public place, or area generally accessible to motor vehicles, including area designated for parking of vehicles; violation punishable by a misdemeanor.

(1) A person shall not consume alcoholic liquor upon a highway, street, alley, or any public or private property which is open to the general public and which is not licensed to sell alcoholic liquor for consumption on the premises, or within the passenger compartment of a moving vehicle upon a highway or in any place open to the general public or generally accessible to motor vehicles, including an area designed for the parking of vehicles in the city.

(2) A person who violates this section is guilty of a misdemeanor, punishable by a term of imprisonment of not more than 90 days and a fine of not more than \$100.00, or both.

Rule 434 is amended to read as follows:

Rule 434. Obedience to no-turn signs; violation is civil infraction.

(1) When authorized signs are erected indicating that right, left, or U-turns are not permitted, a driver of a vehicle shall not disobey the directions of any such signs.

(2) A driver of a vehicle shall not turn such vehicle so as to proceed in the opposite direction upon any street, unless such movement can be made in safety and without interfering with other traffic. However, no such turn shall be made where a sign prohibiting such turn has been erected or at any intersection controlled by a traffic signal.

(3) A person who violates this section is responsible for a civil infraction.

Rule 453 is amended to read as follows:

Rule 453. Avoidance of traffic control devices prohibited; violation is civil infraction.

(1) No person shall drive or operate a motor vehicle through any gasoline filling station or service station driveway, unless for the purpose of obtaining service at such station, and no person shall drive or operate a motor vehicle through or upon any public parking lot, unless for the purpose of parking such motor vehicle in such parking lot.

(2) A driver of a vehicle shall not attempt to avoid obedience to any traffic control device by driving on or through any private property.

(3) A person who violates this section is responsible for a civil infraction.

Rule 500 is added to read as follows:

Rule 500. Trees and plants not to interfere with view of traffic at intersections.

(1) All trees, shrubbery or growing plants located on the parkway at or near the corners of any street intersection shall be kept trimmed or so maintained as not to obscure, obstruct or in any manner interfere with the view of pedestrians or drivers or operators of vehicles approaching or entering such intersections, and should the owner or person responsible therefor fail to so trim or maintain such trees, shrubbery or growing plants, it shall be the duty of the department of public works to trim or remove the same without notice.

(2) A person who violates this section is responsible for a civil infraction.

Rule 501 is added to read as follows:

Rule 501. Vehicles to be operated only in areas designated for vehicular travel.

(1) No person shall drive or operate a motor vehicle in any area or place other than the public streets and roadway or other such areas so designated for vehicular travel, and no person shall drive or operate a motor vehicle along or upon any unpaved parkway, except where the same is used for a driveway to enter private or public property, nor shall any person drive or operate a motor vehicle in any public park, beach or other public area,

except in those areas designated for vehicular travel therein.

(2) In all cases of violations under this section either the registered owner or the operator of such vehicle may be proceeded against in the district court, and the registered owner of the vehicle at the time of the violation shall be presumed to be the violator as well as the actual operator thereof.

(3) Any person who violates this section is guilty of a misdemeanor, and, upon conviction, shall be assessed a fine of not less than \$100.00 or sentenced to not less than ten days in the county jail, or both.

(4) Any person convicted of a second violation of this section shall be guilty of a misdemeanor, and upon conviction thereof, shall be assessed a fine of not less than \$200.00 or sentenced to not less than 20 days in the county jail, or both.

(5) Any person convicted of a third or subsequent violation of this section shall be guilty of a misdemeanor, and upon conviction thereof, shall be assessed a fine of not less than \$300.00 or sentenced to not less than 30 days in the county jail, or both.

Rule 628 is added to read as follows:

Rule 628. Registration.

(1) No bicycle shall be propelled or operated upon any of the public streets, sidewalks, avenues, lanes, alleys, parks, bridges or public places within the city, unless such bicycle is registered with the police department. Application for such registration shall be filed with the police department, stating the owner's name, residence address, the make and model of the bicycle, the serial number of the bicycle and such other information relative to the bicycle as the chief of police or his designated representative shall require. Such application shall be made upon blank forms furnished by the police department.

(2) The chief of police or his designated representative shall file all applications for registration of bicycles in the police department and keep a complete and accurate record of the facts appearing therein together with a numerical list of the license plate numbers assigned to each bicycle.

(3) The fee for the registration of a bicycle under this section shall be as currently established or as hereafter adopted by resolution of the city commission from time to time. All money derived from the registration of bicycles shall be paid by the police department into the general fund of the city.

(4) In the event of transfer of ownership of a bicycle registered

under this section, the new owner shall, within ten days from such transfer, make application on a similar form for the transfer of registration to the new owner, and shall accompany such application with a transfer fee as currently established or as hereafter adopted by resolution of the city commission from time to time.

(5) A person who violates this section is responsible for a civil infraction.

Rule 629 is added to read as follows:

Rule 629. License number and plate generally.

(1) Upon receipt of the fee prescribed by rule 628 and a satisfactory application pursuant to such section, the chief of police or his designated representative shall assign a number to each bicycle so registered and delivery to the applicant a license plate bearing the number so assigned. Such license plate shall be firmly attached to the rear of the bicycle and shall be valid for that bicycle only and shall not be transferred from one bicycle to another. Upon assigning such number and issuance of such plate, the number of such bicycle shall be stamped upon the framework of the bicycle so registered.

(2) All bicycle license plates shall remain the property of the city, and the chief of police or any of the policemen of the city are hereby authorized to confiscate and take possession and custody of any such plate attached to any such bicycle for which it was not issued, or when the person to whom the plate was issued has made or is making unlawful use thereof.

(3) In the event of the loss of a plate issued under this section, a duplicate plate may be obtained by paying the cost thereof to the city.

(4) A person who violates this section is responsible for a civil infraction.

Rule 630 is added to read as follows:

Rule 630. Removal, alteration, etc., of license or frame number, license plate, seal, etc.

(1) It shall be unlawful for any person to willfully or maliciously remove, destroy, mutilate or alter the number of any bicycle frame registered pursuant to the article. It shall be unlawful for any person to remove, destroy, mutilate or alter any bicycle license plate, seal or registration card during the time in which such license plate, seal or registration card is operative. Nothing in this section shall prohibit the police department from stamping numbers on the frames of bicycles on which no serial number can be found, or on which such number is illegible or

insufficient for identification purposes.

(2) The police department is herewith empowered and authorized to impound any unlicensed bicycle or any bicycle found with the license or frame number removed, destroyed, mutilated or altered until such time as the person in possession, or the owner of the bicycle, can prove ownership. In the event proper ownership is not proven within 60 days after the date of impoundment, the bicycle can be sold at public auction.

(3) A person who violates this section is responsible for a civil infraction.

Rule 631 is added to read as follows:

Rule 631. Riding prohibited on limited access or multilane roadway.

(1) No person shall ride any bicycle on Seaway Drive, or any other limited access roadway within the city, where parking has been prohibited. Any person operating along these routes shall be required to use the pedestrian walkway adjacent thereto.

(2) A person who violates this section is responsible for a civil infraction.

Rule 632 is added to read as follows:

Rule 632. Operation in dangerous districts.

(1) If the safety of the operator of a bicycle, the condition of the sidewalk or highway, the foot or vehicular traffic, including the safety of pedestrians, is such in any district as to require the operator of the bicycle to dismount and push the vehicle or to avoid such district in the exercise of ordinary caution and prudence, it shall be the duty of such operator of any bicycle to dismount and push the same through such dangerous district or to avoid the district entirely while it is unsafe for the operation of such bicycle.

(2) A person who violates this section is responsible for a civil infraction.

Rule 633 is added to read as follows:

Rule 633. Pedal bicycle with helper motor not to be ridden on sidewalks.

(1) No person shall ride a pedal bicycle with helper motor on city sidewalks.

(2) A person who violates this section is responsible for a civil infraction.

Rule 634 is added to read as follows:

Rule 634. Racing and trick riding.

(1) It shall be unlawful for any person riding a bicycle to race with any other person riding a bicycle, to ride without using both hands on handlebars, or to indulge in other trick riding upon any streets, sidewalks, avenues, lanes, alleys, parks, bridges or other public places within the city.

(2) A person who violates this section is responsible for a civil infraction.

Rule 635 is added to read as follows:

Rule 635. Riding abreast, curving to and fro.

(1) It shall be unlawful to ride abreast on bicycles upon any highway or public street, or to ride curving to and fro thereon. It shall be unlawful for bicycles to be ridden abreast on the sidewalks of the city, except when passing.

(2) A person who violates this section is responsible for a civil infraction.

Rule 636 is added to read as follows:

Rule 636. Riding on private property.

(1) No person riding a bicycle shall ride the same upon or across the private property of another person without the permission of the owner of such property or the person in rightful possession thereof.

(2) A person who violates this section is responsible for a civil infraction.

Rule 717 is added to read as follows:

Rule 717. Standing in street or alley so as to interfere with vehicular traffic.

(1) No pedestrian shall stand or otherwise remain in any street or alley so as to obstruct the free movement of vehicular traffic.

(2) A person who violates this section is responsible for a civil infraction.

Rule 718 is added to read as follows:

Rule 718. Pedestrians: remaining in street or road.

(1) Where sidewalks are provided or where public beaches, parkland or other accessible public property is adjacent to a street or public right-of-way, it is unlawful for pedestrians to remain in the street or road, including traveled portions and parking areas in said street or road.

(2) A person who violates this section shall be responsible for a civil infraction.

Rule 825 is added to read as follows:

Rule 825. Vehicles parked in restricted area deemed stationary if not moved more than 50 feet.

Vehicles parked in the restricted parking area, which are not moved, more than 50 feet during the limited parking period, shall be deemed to have remained stationary.

Rule 826 is added to read as follows:

Rule 826. Impounding of vehicles for failure to answer parking violation notices or citations.

In addition to the infractions and penalties set forth in this traffic code for parking violations, vehicles may be impounded in the circumstances set forth in Rule 107.

Rule 829 is added to read as follows:

Rule 829. Moving of parked vehicle at request of police officer or owner or occupant of abutting property.

(1) The operator of a vehicle which is parked shall move the same at any time at the request of a police officer, or at the request of the owner or occupant of the abutting property, if the vehicle has been parked over three hours, or if it is a commercial vehicle, after it has been parked over one hour.

(2) A person who violates this section is responsible for a civil infraction.

Rule 830 is added to read as follows:

Rule 830. Interference with enforcement.

(1) No person shall knowingly and willfully obstruct or interfere with the enforcement of any of the provisions of this traffic code regulating the standing or parking of motor vehicles nor shall any person knowingly or willfully obstruct or interfere with any police officer or other city employee while such police officer or other city employee is engaged in the enforcement of any of the provisions of this chapter regulating the standing or parking of motor vehicles.

(2) A person who violates this section is responsible for a civil infraction.

Rule 831 is added to read as follows:

Rule 831. Unlawful conduct at scene of accident.

(1) No person shall proceed to the scene of an accident or other emergency or stop and park a vehicle or congregate in the vicinity thereof so as to interfere with police officers or other persons performing their duties at the scene of such accident or other emergency, or for the purpose of advertising or offering any service for hire, nor shall any person thereat solicit gainful employment of any nature.

(2) A person who violates this section is responsible for a civil infraction.

Rule 903 is amended to read as follows:

Rule 903. Penalties; civil infraction and misdemeanor.

(1) *Civil infraction.* Any violation of the uniform traffic code adopted or amended by the city which is designated as a civil infraction is not a crime and shall not be punishable by imprisonment or a penal fine. A civil infraction shall not be considered a lesser included offense of any criminal offense. Civil infraction fines shall be in any amount, if not specifically set forth, up to \$500.00, or set forth in a schedule adopted by the district court pursuant to statute. The fines shall be exclusive of costs, expenses or fees.

(2) *Misdemeanor.* Unless another penalty is expressly provided by the ordinances of the city, every person who is convicted of a misdemeanor violation of any provision of the uniform traffic code shall be punished by a fine of not more than \$500.00 or by imprisonment for not more than 90 days, or both.

Rule 1000 is added to read as follows:

Rule 1000. Adoption of state snowmobile statutes.

There is hereby adopted by reference the provisions of Part 821, Public Act No. 451 of 1994 (MCL 324.82101 et seq.), as if fully set out herein.

Rule 1001 is added to read as follows:

Rule 1001. Operation of snowmobile between 10:00 p.m. and 7:00 a.m.

A person shall not operate a snowmobile within the city during the hours from 10:00 p.m. until 7:00 a.m.

This ordinance adopted:

AYES:

NAYS:

ABSENT:

Adoption Date:

Effective Date:

First Reading:

Second Reading:

CITY OF MUSKEGON

By:

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Ann Marie Meisch, MMC  
City Clerk