

# **Regular City Council Meeting**

## **October 9, 2017**

### **Agenda**

**7:30 p.m.**      **Call to Order**  
**Pledge of Allegiance**  
**Roll Call**  
**Approval of Minutes: September 25, 2017**  
**Approval of Bills:**  
**Approval of Agenda**

**Public Comment**

**I.    Old Business –**

1. Consider second reading of Ordinance to repeal Sec 58-83 criminalizing the possession of a switchblade knife
2. Consider first reading of ordinance amendment rezoning parcel 21-30-126-003, West End Industrial Park, from the I-1 District (LIGHT INDUSTRIAL) to the RM-1 District (MULTIPLE-FAMILY RESIDENTIAL)

**II.   New Business-**

1. Consider first reading of Ordinance to amend Chapter 58 Article V Division 2 Sections 58-239, 240, 242, 243 to conform with State law changes relating to minors that purchase, possess or consume alcohol.

**III.   Budget**

**IV.   Discussion- Downtown**

**V.    Manager's Report**

**VI.   Council Comments-**

**VII.   Adjournment**

CITY OF SOUTH LYON  
REGULAR COUNCIL MEETING  
SEPTEMBER 25, 2017

Mayor Pro Tem Wedell called the meeting to order at 7:30 p.m.

Mayor Pro Tem Wedell led those present in the Pledge of Allegiance

Mayor Pro Tem Wedell stated Mayor Galeas is absent due to work and Councilmember Kramer is out sick.

PRESENT: Mayor Pro Tem Wedell, Councilmembers: Kivell, Kurtzweil, Parisien, Rzyzi

ALSO PRESENT: City Manager Ladner, Chief Collins, Chief Kennedy, Attorney Wilhelm and Clerk Deaton

CM 9-1-17 MOTION TO EXCUSE ABSENCE OF MAYOR GALEAS AND COUNCILMEMBER KRAMER

Motion by Kivell, supported by Parisien

Motion to excuse absences of Mayor Galeas and Councilmember Kramer

VOTE: MOTION CARRIED UNANIMOUSLY

MINUTES

Councilmember Parisien stated on page 3 the second to the last line it states carryover over, the second over needs to be removed. She further stated on page 4 the first line stated for put the flag downtown, and it should say for putting the flag downtown.

Councilmember Kurtzweil stated on page 7 after the sentence Councilmember Kurtzweil stated she hopes those that have survived are healed from their memories of devastation and let's pray for their strength and courage. The sentence Councilmember Kurtzweil stated the text for this comment came from Catholic Relief Services.

Councilmember Rzyzi stated on page 4 after the sentence, Attorney Wilhelm stated the language doesn't read well, but it creates more efficiency for the Department Heads and City Manager, he would like the sentence added, Councilmember Rzyzi stated Attorney Wilhelm should give himself more credit.

CM 9-2-17 MOTION TO APPROVE MINUTES AS AMENDED

Motion by Kivell, supported by Parisien

Motion to approve the minutes as amended

VOTE: MOTION CARRIED UNANIMOUSLY

BILLS- None

AGENDA

CM 9-3-17 MOTION TO APPROVE THE AGENDA AS PRESENTED

Motion by Rzyzi, supported by Kurtzweil

Motion to approve the agenda as presented

VOTE: MOTION CARRIED UNANIMOUSLY

PUBLIC COMMENT- None

OLD BUSINESS- None

10-3-17

## NEW BUSINESS

### 1. Consider first reading of Liquor License Ordinance

Attorney Wilhelm stated this is a draft that is largely aimed at providing an application and review process for a liquor license for an establishment providing onsite liquor consumption. He stated the focus should be on the criteria to evaluate if you want to grant the license. He further stated it provides an application and review process. Attorney Wilhelm stated you may want to do an annual review. He stated they are annually renewed by the MLCC. He stated there is a distinction between the permits, extended hours, entertainment and there is some case law from 2012 that affects the permit regulations. He further stated a big issue is the transfer of licenses. The State does not allow local communities to have a say in the transferring of licenses. We are more concerned about licenses being transferred out of the City. He further stated there is a provision regarding inactive license which states if it doesn't become active within a certain amount of time it can be granted to someone else. He stated we have the ability to review the experience with license holders and object to renewal. He stated there is a profiteering provision and he lined this up to State Law which requires an agreement between the applicant and the City. He further stated if they renovate or build a new building they will need Council approval before they can apply to the Liquor License Commission. Attorney Wilhelm stated there are criteria requisition revocation and it can occur at any time. He stated there is a due process requirement regarding the revocation of the license. He further stated we will need applications prepared including background check approval. He stated we will have to decide what the costs should be and we will need to pass a resolution passing the fees. Attorney Wilhelm stated we have a limited number of quota licenses. He further stated the other issue is licenses transferred out of the community still count towards the City. Councilmember Kivell stated he believes it is best as a body to determine which direction we want to go with setting priorities with the quota licenses to establish the best fit for our community. He further stated we need to have an objective for the applicant to accomplish. Councilmember Kurtzweil stated this is good work but she suggests Attorney Wilhelm put together a master list of what we need to discuss and look at the issues. She stated maybe a subcommittee is an alternative to decision making. She further stated she suggests we set a time-table since the City has never had anything like this. She stated we should look at 90 days. Attorney Wilhelm stated we can always get something in place, then tweak it as needed. Councilmember Ryzyi stated this is a good starting point and he doesn't want to make it overly difficult with a lot of restrictions to bring in new businesses because it can slow down the process. He stated he would like the City to stay out of it to a certain extent. He further stated we need to keep the government out of it a little bit. Councilmember Parisien stated she likes that Attorney Wilhelm gave Council a lot to work with. She stated she looked at Novi, Northville and Livonia and they are similar with what we have, but Novi is much more pared down. Councilmember Wedell stated his thought is to pass the first reading then postpone the second reading until the second meeting in October which will give time for the subcommittee to form and make recommendations. Councilmember Parisien stated she would like the DDA involved as well. She stated the packet with the additional information is important to link onto the website when it is completed. Mayor Pro Tem Wedell stated he would like to appoint the City Manager, Chief Collins, Bob Donohue and asked if Councilmember Parisien would like to be a part of that committee. Councilmember Parisien stated she would.

## CM 9-4-17 MOTION TO APPROVE FIRST READING

Motion by Ryzyi, supported by Kurtzweil

10-3-17

Motion to approve the first reading of ordinance to add Chapter 8 Alcoholic Liquor, Sections 8-31 through 8-69 to the City of South Lyon Code of Ordinances to provide policies and regulations for the issuance, transfer, relocation, renewal, revocation and enforcement of liquor licenses and permits and for the operation of licensed premises

VOTE: MOTION CARRIED UNANIMOUSLY

2. Consider first reading of Ordinance to repeal Sec 58-83 criminalizing the possession of a switchblade knife

Attorney Wilhelm stated the State Law is changing to decriminalize the possession of switchblade knives and this will repeal the City's Code.

#### CM 9-5-17 MOTION TO APPROVE THE FIRST READING

Motion by Kurtzweil, supported by Rzyzi

Motion to approve the first reading of the Ordinance to repeal Section 58-83 – Possession of a switchblade knife, of the City of South Lyon Code of Ordinances

VOTE: MOTION CARRIED UNANIMOUSLY

#### BUDGET

City Manager Ladner stated she has spoken with Plante Moran and they should have their presentation at the second meeting in October. Councilmember Kurtzweil stated she has some issues to discuss but she wants to wait for the audit, but she did notice the bond payment that was over a million dollars and she asked City Manager Ladner if she had considered the feasibility of looking into a lower interest rate for the bonds we are presently paying on. She stated we could possibly lower the interest rate and put the savings toward the unfunded pension cost. She further stated she is looking for ways to pay down the unfunded pension liability without resorting to making cuts or raising taxes. City Manager Ladner stated she will contact Warren Kraemer to discuss this with him. Councilmember Kurtzweil stated the Federal Reserve is signaling they will be tightening the money supply which will increase the interest rates so we probably have a very small window to find a lower rate. Councilmember Kurtzweil stated a viewer brought her attention to an article regarding MERS. She stated she has researched looking into bonds being a way to pay off the unfunded pension portion, although we need to take a cautious approach because that will be additional bond debt for residents of the City which will be a cost to the taxpayers and we are already paying on the DWRF debt and the other mills that are ongoing. Some cities seem to be doing so. She further stated those cities have a much larger liability such as 10, 20 or 70 million in unfunded liability, but we are a small City with a small revenue stream, but she doesn't know if she would be interested in doing that. She stated it comes down to how do we pay it down without expenditures or raising taxes.

Councilmember Rzyzi stated he is pleased to see this Council is taking a pro-active approach to getting the City back in the black and paying down the unfunded liability. That is a trend we need to continue and MERS is the key and that is the biggest unfunded liability but we are making progress with the vacation payoffs as well as the contracts we will be looking at going forward.

#### DOWNTOWN

Bob Donohue stated he has given Council a draft of the walking tour from the historic walking tour from the Heritage Conference which was very successful. He stated the DDA has discussed putting this into a booklet, but he is looking for more input. He further stated he would like to interview a few more people. Mr. Donohue stated he is hoping to have the downtown business directory before the next meeting. Mr. Donohue stated the Hotel is hoping to open the second week in October. Corey welcomes everyone in to see the work in progress. He stated they will be having a soft opening before the grand opening to train staff. He stated everyone needs to understand it isn't the old hotel, it has a more updated industrial feel and very high quality. Mr. Donohue stated the theatre has replaced all the seats and they will be doing more remodeling, it is exciting. Mr. Donohue stated he would like to see more enforcement of the building maintenance properties. There are 4 properties in particular and we just need to follow the ordinance. The 2 Bonner buildings downtown, 110 Detroit is an interesting historic house, but it is in shoddy condition. The last property is 333 S Lafayette, Mo's repair shop, that property is sinking in the back, and he hopes this can be resolved. Councilmember Rzyzi stated he hopes this can be resolved with a conversation but enforcement if necessary.

Councilmember Kurtzweil stated she was in Detroit for the Tigers game and it was incredible, the streets were packed including sidewalks. She was there early enough during the day and noticed the landscaping which is phenomenal and the art. She stated she was with some friends and they were shocked how incredible that downtown looks. Councilmember Kurtzweil stated another thing she noticed is the portable sidewalks. They have them in Birmingham as well. She stated they are sidewalks that are built to extend into the street. She stated she was shocked. The parking lots in front of Lake Street Tavern could have a restaurant deck which covers the parking spot. You couldn't park there during the summer, but that extends the sidewalks out. They are large enough to put huge tables and umbrellas and we have been struggling to get outdoor seating and the answer was in Birmingham for downtown Detroit the whole time. Mr. Donohue stated he is familiar with them, generally the restaurants have to pay a fee for the parking spaces, because the fee is based on the loss of the parking for the adjacent businesses. Councilmember Kurtzweil stated if other communities can do it, so can South Lyon. She stated they have them in Howell and Holly as well. She stated we need to look at the business model for downtown which is mostly restaurants, why wouldn't we provide an accommodating attraction for the number one draw in those areas. Mr. Donohue stated there is a way to do it, but we have to look at the traffic on Lake Street and Pontiac Trail and how it would affect the surrounding businesses. Councilmember Kurtzweil stated we need to find a way, if that is what the businesses want. Mr. Donohue stated he will look into this further. Councilmember Kivell stated Northville has been using those for years.

## MANAGERS REPORT

City Manager Ladner stated Pumpkinfest was a very successful weekend. She thanked all of the committee members and volunteers for all of their year-round dedication and hard work. City Manager Ladner stated the final Lake Street Cruise-in is this Wednesday and she wanted to remind everyone that the street closures will begin at 6:00 pm because it is getting darker earlier. City Manager Ladner stated she will have information on downtown trick or treating soon. City Manager Ladner stated Don Gotham has been in contact with the developer regarding the non ADA compliant crosswalk at Kestrel and Mill. She further stated the builder said it was an oversight on their part and it will be corrected. City Manager Ladner stated the Oakland County Times is trying to contact the candidates that are running for Election, but not all of their email addresses have been supplied to the County. She stated if any candidates would like to participate in an interview they can contact City Hall for the editor's email address. City Manager Ladner stated she has spoken with Sue from MERS and she would like to set up a

10-3-17

study session to discuss the new options for pension plans for new employees. After some discussion, Council decided to hold a work session on Thursday October 5, 2017 at 7:30 p.m.

Councilmember Kurtzweil stated one of the things coming up is how MERS invests. She stated since Trump was elected the stock market has been reaching record highs. She further stated she wants to know why the MERS accounts aren't increasing like her IRA's are increasing, and why is the dollar amount for the unfunded pension portion decreasing instead of increasing. She would like to ask them how they are investing as well as questions on the fees the hedge funds are taking that may be pulling money out of the unfunded pension. She then asked City Manager Ladner if we can look into a 457 for new employees. City Manager Ladner stated we currently have a 457 plan along with MERS.

Councilmember Rzyzi stated his biggest point he wants to understand is how we can be 100% fully funded and how much we would have to put aside each year. City Manager Ladner stated we should be fully funded on the current plan in 20 years based on what MERS has told us. Councilmember Rzyzi stated it was 2.5 million and now it is 5 million and he wants to understand the numbers. Councilmember Rzyzi asked if we still have the funds available that Council discussed using for McMunn street. City Manager Ladner stated the \$90,000 is still available but it must be used on a federal aid road. She further stated we have a specific road plan for this year and she is meeting with HRC for preliminary drawings. She stated it won't be a full-scale mill and overlay, but the plan is to grind, crush and overlay significant portions of Hagadorn where the street is failing. Councilmember Kivell asked if the federal aid money is applicable to Dixboro. City Manager Ladner stated she will have to look into it, but the portion that is being paved is between 8 & 9 Mile which is not in the City limits.

#### COUNCIL COMMENTS

Councilmember Kivell stated Pumpkinfest was a lot of fun. He stated he wanted to thank Justin, the head coach of the lacrosse teams because they helped a lot with setting up the straw pyramid. He stated he was told the numbers were down because of the heat, but it was still well attended and the committee had a different mindset this year and didn't let anyone that wanted to be cantankerous get to them. He then thanked the Committee and congratulated them on another successful Pumpkinfest.

Councilmember Parisien stated Pumpkinfest was a complete success, and thanked the Committee, the sponsors, the volunteers, Police, Fire and Councilmembers as well. She stated she attended Saturday night and they were very busy, the band was great and she has zero complaints.

Councilmember Rzyzi stated he is on the Zoning Board of Appeals and has been on there for 7 years. He stated there is not a meeting in October, but after November when the new Council is elected, he is planning on stepping down. He is very busy on Thursday nights to attend the meetings and he would like to give the opportunity for another Councilmember to participate. He stated he wants to be transparent he is stepping down due to family reasons and activities. Councilmember Rzyzi stated Sunday morning he was at the Legacy Center in Brighton for a wrestling event and he overheard people talking about Pumpkinfest and how nice it is. He stated they were from Brighton, Howell and other areas as well. He stated it is great exposure for our City. He further stated many of the volunteers are from Green Oak, Brighton, Lyon Township and they are doing so because they feel they are part of our City and they feel connected. He thanked all of the volunteers that made Pumpkinfest possible.

Councilmember Kurtzweil stated the Pumpkinfest parade was her favorite, the floats, and everything that goes on. It was fabulous. She was sitting at McDonald's and Pontiac Trail was packed with people. She

further stated she doesn't know if it slowed down in the evening due to the heat, but she was downtown Saturday and it was jammed. She stated she attended the Methodist Church chicken barbeque and it was fabulous and they sold out. She stated she heard the music of Chicago, Earth Wind and Fire, and Saturday Night Live and it was just a great parade. She then thanked Kathy Swan and everyone in town that pulled this together. She further thanked DPW and Ron Brock because on Sunday he was dealing with a sewer back up on top of Pumpkinfest. We have some hard-working guys at DPW and she thanked them. Councilmember Kurtzweil stated she wants to thank Peters True Value because they have a veterans parking spot in their parking lot and she wants to remind everyone not to park there unless you are a veteran. She thanked Peters True Value and employees for their patriotism and if you're a veteran please support them as they support you. Councilmember Kurtzweil stated there is a house bill regarding the new registry of firefighters. The registry will deal with issues with firefighters and the incidences with cancer they have due to fighting fires. She further stated this bill will deal with clinicians that will be set up to diagnose cancers due to firefighting and it includes volunteer firefighters.

Councilmember Wedell stated he wanted to thank and congratulate the Pumpkinfest Committee and the only comment he wants to make about the parade is that he was very impressed with the respect our citizens showed for the colors of the United States as they went by. He stated people know what the flag etiquette is and he is proud of us.

#### ADJOURNMENT

#### CM 9-6-17 MOTION TO ADJOURN

Motion by Kurtzweil, supported by Rzyzi

Motion to adjourn meeting at 8:30 p.m.

VOTE:

MOTION CARRIED UNANIMOUSLY

Respectfully submitted

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Mayor Pro Tem Wedell

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Clerk Lisa Deaton

CHECK REGISTER FOR CITY OF SOUTH LYON  
 CHECK DATE FROM 09/14/2017 - 10/05/2017

Check Date	Check	Vendor Name	Description	Amount	Status
Bank 01 GEN FUND CHECKING					
09/14/2017	72473	RMC BUILDING CO.	TAX OVERPAYMENT	6,632.92	Open
09/14/2017	72474	ABSTRACT TITLE	OTAX 21-30-427-007	1,987.52	Open
09/14/2017	72475	ARBOR SPRINGS WATER CO., INC.	LAB SUPPLIES	45.50	Open
09/14/2017	72476	AT&T	PHONE SERVICE FROM 09/01/2017 TO 09/30/	148.53	Open
09/14/2017	72477	AVAYA*, INC.	WATER DEPARTMENT PHONE SYSTEM (1/4 STAT	226.26	Open
09/14/2017	72478	BLUE CROSS BLUE SHIELD OF MICH	COVERAGE PERIOD 10/01/2017 TO 10/31/201	37,064.19	Open
			COVERAGE PERIOD 10/01/2017 TO 10/31/201	2,298.52	Open
				39,362.71	
09/14/2017	72479	CIB PLANNING	PLANNING CONSULTANT FEES	2,721.75	Open
09/14/2017	72480	CITY OF NOVI TREASURER	DISPATCH SERVICE	30,522.50	Open
09/14/2017	72481	CITY OF SOUTH LYON	2017 SUMMER TAX - 464 S. LAFAYETTE	3,870.38	Open
09/14/2017	72482	CORELOGIC	REFUND SUMMER TAX OVERPAYMENTS	33,746.13	Open
09/14/2017	72483	DTE ENERGY	SERVICE FROM 07/26/2017 TO 08/27/2017	24,816.15	Open
			STREETLIGHTS	8,734.59	Open
				33,550.74	
09/14/2017	72484	DTE ENERGY	SERVICE FROM 07/28/2017 TO 08/25/2017	991.24	Open
			SERVICE FROM 07/28/2017 TO 08/25/2017	14.22	Open
				1,005.46	
09/14/2017	72485	MATTHEW EMERY	VIDEO COUNCIL MEETING	75.00	Open
09/14/2017	72486	EMPLOYEE HEALTH INSURANCE MGMT	ADMINISTRATIVE & AGENT FEES	777.00	Open
			MEDICAL CLAIMS FUNDING	5,584.74	Open
				6,361.74	
09/14/2017	72487	KEVIN ERDMANN	MILEAGE REIMBURSEMENT	36.49	Open
09/14/2017	72488	DANIEL GEHRINGER	MILEAGE REIMBURSEMENT	66.34	Open
09/14/2017	72489	GFL ENVIRONMENTAL	SERVICE FROM 09/01/2017 TO 09/30/2017	42,010.04	Open
09/14/2017	72490	RUSS GIRBACH	EMS TRAINING	217.11	Open
09/14/2017	72491	LEXISNEXIS RISK SOLUTIONS	CONTRACT FEE AUGUST 2017	30.50	Open
09/14/2017	72492	MARTIN'S DO IT BEST	AUGUST 2017 STATEMENT	355.68	Open
			AUGUST 2017 STATEMENT	415.71	Open
			SAFETY BOOTS	1,613.50	Open
			STATEMENT DATED 08/31/2017	32.94	Open
				2,417.83	
09/14/2017	72493	MISDU	PAYROLL DEDUCTION - REMITTANCE ID 91296	322.07	Open
09/14/2017	72494	PETER'S TRUE VALUE HARDWARE	AUGUST 2017 STATEMENT	1,601.04	Open
09/14/2017	72495	PITNEY BOWES*	QUARTERLY POSTAGE MACHINE RENTAL INCL.	682.62	Open
09/14/2017	72496	PLUMBERS SERVICE	CABLED SANITARY LINE - 695 N. CREST	202.50	Open
09/14/2017	72497	QUILL CORPORATION	COFFEE SUPPLIES, TAPE, CLOCK, BATTERIES	171.04	Open
09/14/2017	72498	ROAD COMMISSION FOR OAKLAND	COLD PATCH	568.05	Open
			TRAFFIC SIGNAL MAINTENANCE - JULY 2017	225.10	Open



Check Date	Check	Vendor Name	Description	Amount	Status
09/14/2017	72499	STATE OF MICHIGAN**	LIVE SCAN SEX OFFENDER REGISTRATION FEE	793.15	Open
09/14/2017	72500	TIMOTHY DAVIDS	REIMBURSEMENT FOR FARMER'S MARKET EXPEN	17.83	Open
09/14/2017	72501	VANTAGEPOINT TRANSFERS	ICMA-457 PLAN #301149	3,457.12	Open
09/14/2017	72502	SUSAN L. WINTERS	PAYROLL DEDUCTION	214.31	Open
09/14/2017	72503	WOW! BUSINESS	INTERNET SERVICE CABLE SERVICE FROM 09/06/2017 TO 10/05 PARK SECURITY SERVICE PERIOD 09/06/2017 TO 10/05/2017	32.97 128.86 62.00 46.97	Open Open Open Open
09/21/2017	72504	ELIZABETH KARSTEN, TRUSTEE	UB refund for account: TOWN-000832-0000	270.80	Open
09/21/2017	72505	J. CHAD PROFESSIONAL TRAINING, LLC	SGT. FAUGHT - DRUG TRAINING	227.60	Open
09/21/2017	72506	A & Z ROOFING	POLE BARN ROOF REPLACED	40.00	Open
09/21/2017	72507	ARBOR SPRINGS WATER CO., INC.	WATER FOR CITY HALL	4,080.00	Open
09/21/2017	72508	AUSTIN VILET	EMPLOYEE REIMBURSEMENT FOR EMT BACKGROU	19.50	Open
09/21/2017	72509	CORRIGAN OIL CO.	GAS & DIESEL 08/10/2017 TO 09/07/2017	109.86	Open
09/21/2017	72510	LISA DEATON	EMPLOYEE REIMBURSEMENT	4,892.87	Open
09/21/2017	72511	JOHN'S SANITATION	PORTA JOHNS @ CEMETERY, PARKS & FARMERS	112.35	Open
09/21/2017	72512	TOLA LEWIS	FARMERS MARKET ENTERTAINMENT 09/09/2017	703.00	Open
09/21/2017	72513	OAKLAND COUNTY ANIMAL CONTROL	DOG LICENSES FOR JULY 1, 2017 TO AUGUST	250.00	Open
09/21/2017	72514	OAKLAND COUNTY TREASURER	AUGUST 2017 SOUTH LYON WOODS	7,545.00	Open
09/21/2017	72515	PARKSIDE CLEANERS	RUG CLEANING	462.50	Open
09/21/2017	72516	PEOPLE'S EXPRESS	SENIOR TRANSPORTATION - AUGUST 2017 SENIOR TRANSPORTATION - JUNE 2017	43.00 6,365.00 6,160.00	Open Open Open
09/21/2017	72517	PITNEY BOWES PURCHASE POWER	REFILL POSTAGE METER	12,525.00	Open
09/21/2017	72518	PROVIDENCE PARK HOSPITAL	NARCAN KITS, EPI-PEN	890.00	Open
09/21/2017	72519	SAFEBUILT MICHIGAN, INC.	AUGUST PERMIT FEES	356.20	Open
09/21/2017	72520	SALEM-SOUTH LYON DISTRICT	LIBRARY - LIBRARY DEBT	37,668.50	Open
09/21/2017	72521	SOUTH LYON COMMUNITY SCHOOLS	SCHOOL OPERATING - SCHOOL DEBT	246,337.68	Open
09/21/2017	72522	TIMOTHY DAVIDS	FARMERS MARKET MANAGER FEES 08/26/2017	1,720,238.82	Open
09/21/2017	72523	VICTORY LANE	VEHICLES 231 & 261 OIL CHANGE	448.00	Open
09/21/2017	72524	WOW! BUSINESS	FIBER OPTIC NETWORK	68.96	Open
09/21/2017	72525	ZACHARIAH DOBRICK	EMPLOYEE REIMBURSEMENT FOR EMT BACKGROU	710.00	Open
09/21/2017	72526	RMC BUILDING	OVERPAYMENT	109.86	Open
09/28/2017	72527	CORELOGIC	SUMMER TAX REFUND	6,632.92	Open
09/28/2017	72528	ZACH MORENO	REIMBURSE FOR EMT BACKGROUND & DRUG TES	966.63	Open
09/28/2017	72529	TRANSTAR	SUMMER TAX OVERPAYMENT	109.86	Open
09/28/2017	72530	LIVING TRUST OF TIMOTHY STATZ	TAX OVERPAYMENT - REFUND OF SCHOOL OPER	2,945.25	Open
09/28/2017	72531	TITLE SOURCE	SUMMER TAX OVERPAYMENT	749.19	Open
09/28/2017	72532	JEFFREY ABRAMOWICZ	REIMBURSE FOR MOVIE TRAILER LIGHT PLUG REIMBURSE FOR SAFETY BOOTS	3,888.24 10.59 201.39	Open Open Open
				211.98	

CHECK REGISTER FOR CITY OF SOUTH LYON  
CHECK DATE FROM 09/14/2017 - 10/05/2017

Check Date	Check	Vendor Name	Description	Amount	Status
09/28/2017	72533	AVAYA*, INC.	DPW PHONE SYSTEM	12.58	Open
09/28/2017	72534	BUSCH'S	SUPPLIES	109.07	Open
09/28/2017	72535	CONSUMERS ENERGY	GAS SERVICE 8/17/17 TO 9/18/17	111.54 V	Open
			GAS SERVICE 08/17/2017 - 08/28/2017	100.63 V	Open
			GAS SERVICE 08/19/2017 - 09/19/2017	160.00 V	Open
			GAS SERVICE 8/17/2017 - 09/18/2017	32.59 V	Open
			SERVICE 8/18/2017 - 9/18/2017	25.01 V	Open
			GAS SERVICE 8/18/2017 - 9/18/2017	28.45 V	Open
			<u>458.22</u>		
09/28/2017	72536	CUMMINS BRIDGEWAY, LLC	GENERATOR MAINTENANCE	1,152.98	Open
09/28/2017	72537	DTE ENERGY	ELECTRIC SERVICE 8/18/2017 - 9/18/17	17.05	Open
09/28/2017	72538	MATTHEW ENERY	9/25/2017 COUNCIL MEETING VIDEO	75.00	Open
09/28/2017	72539	JOHN GALEAS, JR	SEPTEMBER MAYOR PAY	220.00	Open
09/28/2017	72540	GFL ENVIRONMENTAL	DUMPSSTER & RECYCLING	433.62	Open
09/28/2017	72541	HURON VALLEY AMBULANCE INC	OWI BLOOD DRAWS	220.00	Open
09/28/2017	72542	JOHNSON, ROSATI, SCHULTZ &	AUGUST RETAINER WORK	9,000.00	Open
			AUGUST GENERAL LABOR MATTERS	1,216.00	Open
			AUGUST MTT MATTERS	170.00	Open
			<u>10,386.00</u>		
09/28/2017	72543	GLENN KIVELL	SEPTEMBER COUNCIL PAY	180.00	Open
09/28/2017	72544	MICHAEL KRAMER	SEPTEMBER COUNCIL PAY	180.00	Open
09/28/2017	72545	MARGARET KURTZWELL	SEPTEMBER COUNCIL PAY	180.00	Open
09/28/2017	72546	LERETA LLC	TAX OVERPAYMENTS	4,680.00	Open
09/28/2017	72547	WOODROW MATNEY	CUSTODIAL SERVICE @ DEPOT	684.00	Open
09/28/2017	72548	MI-AWWA	2017 FALL REGIONAL MEETING-R. BEASON	160.00	Open
09/28/2017	72549	MRWA	CLASS FOR A. VALENCIA	265.00	Open
09/28/2017	72550	OAKLAND COUNTY TACTICAL TRAINING CO	ANNUAL TRAINING FEE	250.00	Open
09/28/2017	72551	MARY PARISLEN	SEPTEMBER COUNCIL PAY	180.00	Open
09/28/2017	72552	TREVOR PIASECKI	REIMBURSE FOR CDL RENEWAL	81.20	Open
09/28/2017	72553	PNC BANK	CLASSES FOR DPW, PRINTING FOR CULTURAL	504.33	Open
09/28/2017	72554	PRINCIPAL FINANCIAL GROUP	VISION & DENTAL INSURANCE	5,104.08	Open
09/28/2017	72555	PROVIDENCE OCCUPATIONAL	DRUG AND ALCOHOL SCREENING	165.00	Open
09/28/2017	72556	QUICKSILVER MARKETING SOLUTION	BANNER FOR FARMERS MARKET	300.00	Open
09/28/2017	72557	JOSEPH RYZYT	SEPTEMBER COUNCIL PAY	180.00	Open
09/28/2017	72558	STANDARD INSURANCE COMPANY	DISABILITY & LIFE INSURANCE	2,401.64	Open
09/28/2017	72559	TIMOTHY DAVIDS	MKT MGR FEES & MISC EXPENSE REIMBURSEME	557.11	Open
09/28/2017	72560	TOSHIBA FINANCIAL SERVICES	COPIER LEASE	1,526.54	Open
09/28/2017	72561	HARVEY WEDELL	SEPTEMBER COUNCIL PAY	180.00	Open
09/28/2017	72562	SUSAN L. WINTERS	PAYROLL DEDUCTION	26.76	Open
09/28/2017	72563	WOW! BUSINESS	CABLE SERVICE	35.97	Open
09/28/2017	72564	CONSUMERS ENERGY	GAS SERVICE	1,011.52	Open
09/28/2017	72565	LYNNE LADNER	CAR ALLOWANCE	350.00	Open
09/28/2017	72566	MRWA	MAINTENANCE CLASS-D. BLANKSTROM	135.00	Open
09/28/2017	72567	POSTMASTER	MAILING OF WATER BILLS	1,126.76	Open
09/29/2017	72568	CITY OF SOUTH LYON	WATER BILL-POLICE DEPT	412.36	Open
09/29/2017	72569	CONSUMERS ENERGY	GAS SERVICE 8/17/2017 - 9/18/2017	14.00	Open
			GAS SERVICE 8/17/2017 - 09/18/2017	14.00	Open
			GAS SERVICE 8/17/2017 - 09/18/2017	14.00	Open

Check Date	Check	Vendor Name	Description	Amount	Status
				42.00	
09/29/2017	72570	DTE ENERGY	ELECTRIC SERVICE	136.31	Open
			ELECTRIC SERVICE	442.58	Open
				578.89	
09/29/2017	72571	DTE ENERGY	ELECTRIC SERVICE	1,497.56	Open
09/29/2017	72572	MISDU	PAYROLL DEDUCTION	322.07	Open
09/29/2017	72573	PHYLLIS POPRAVSKY	PAYROLL CORRECTION	495.52	Open
09/29/2017	72574	VANTAGEPOINT TRANSFERS	PAYROLL DEDUCTION	3,371.21	Open
09/29/2017	72575	JEFFREY ABRAMOWICZ	CLOTHING ALLOWANCE	60.00	Open
09/29/2017	72576	JEFF ARCHER	CLOTHING ALLOWANCE	60.00	Open
09/29/2017	72577	CORY ARMSTRONG	CLOTHING ALLOWANCE	60.00	Open
09/29/2017	72578	RONALD BEASON	CLOTHING ALLOWANCE	60.00	Open
09/29/2017	72579	DEANNA BLANKSTROM	CLOTHING ALLOWANCE	60.00	Open
09/29/2017	72580	RONALD BROCK	CLOTHING ALLOWANCE	60.00	Open
09/29/2017	72581	DOUG BUEIS	CLOTHING ALLOWANCE	60.00	Open
09/29/2017	72582	JAMES CIARAMITARO	CLOTHING ALLOWANCE	60.00	Open
09/29/2017	72583	FRED DENTAI	CLOTHING ALLOWANCE	60.00	Open
09/29/2017	72584	KEVIN ERDMANN	CLOTHING ALLOWANCE	60.00	Open
09/29/2017	72585	DANIEL GEHRINGER	CLOTHING ALLOWANCE	60.00	Open
09/29/2017	72586	MICHAEL MORITZ	CLOTHING ALLOWANCE	60.00	Open
09/29/2017	72587	VICTOR PAVAR	CLOTHING ALLOWANCE	60.00	Open
09/29/2017	72588	TREVOR PIASECKI	CLOTHING ALLOWANCE	60.00	Open
09/29/2017	72589	JOHN RACE	CLOTHING ALLOWANCE	60.00	Open
09/29/2017	72590	ADOLFO VALENCIA	CLOTHING ALLOWANCE	60.00	Open
10/05/2017	72591	CARL DOMBECKI	FARMER'S MARKET ENTERTAINMENT FOR 09/30	150.00	Open
10/05/2017	72592	PRIELIPP FARMS & GREENHOUSE	BUNCHES OF CORN STALKS FOR DDA	450.00	Open
10/05/2017	72593	TITLE O CITY LLC	OTAX ENTERED AS STAX	2,195.31	Open
10/05/2017	72594	ARBOR SPRINGS WATER CO., INC.	WATER FOR CITY HALL	19.50	Open
			WATER	19.50	Open
			LAB SUPPLIES	45.50	Open
				84.50	
10/05/2017	72595	AT&T	SERVICE PERIOD SEPTEMBER 22, 2017 TO OC	146.24	Open
10/05/2017	72596	AT&T MOBILITY	WIRELESS PHONE SERVICE PERIOD 08/20/201	470.11	Open
10/05/2017	72597	BRIGHTON AREA FIRE DEPT.	2018 FIRE ACADEMY - WILLIAM MADSEN	1,200.00	Open
10/05/2017	72598	CITY OF SOUTH LYON	WATER BILL	297.17	Open
10/05/2017	72599	CONSUMERS ENERGY	NATURAL GAS	39.51	Open
10/05/2017	72600	D&G NATURES WAY LAWN CARE	FALL FERTILIZER & WEED CONTROL - CITY H	95.91	Open
10/05/2017	72601	DTE ENERGY	UTILITIES - SERVICE PERIOD 08/28/2017	21,152.19	Open
10/05/2017	72602	DTE ENERGY	UTILITIES SERVICE PERIOD FROM 08/23/201	102.07	Open
			UTILITIES - SERVICE FROM 08/26/2017 - 0	14.41	Open
			UTILITIES - SERVICE PERIOD 08/23/2017 TO	1,140.54	Open
			UTILITIES - SERVICE PERIOD 08/30/2017 T	1,075.80	Open
			ELECTRIC - SERVICE PERIOD 08/23/2017 -	350.22	Open
			UTILITIES - SERVICE PERIOD 08/23/2017 -	120.73	Open
				2,803.77	
10/05/2017	72603	ELECTRICAL CODE SERVICES LLC	SEPTEMBER 2017 ELECTRICAL INSPECTION PA	1,599.88	Open

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Check Date	Check	Vendor Name	Description	Amount	Status
10/05/2017	72604	GFL ENVIRONMENTAL	SERVICE FROM 10/01/2017 TO 10/31/2017	41,995.56	Open
10/05/2017	72605	DONALD GOTHAM	EMPLOYEE REIMBURSEMENT	66.41	Open
10/05/2017	72606	HIGHLAND TREATMENT INC.	SEPTEMBER 2017 - ROUTINE CHECKS OF WW P	1,327.50	Open
10/05/2017	72607	INTL UNION OF OPERATING ENG	PAYROLL DEDUCTION	528.26	Open
10/05/2017	72608	MICHIGAN ASSOC OF FIRE CHIEFS	2018 MEMBERSHIP DUES	135.00	Open
10/05/2017	72609	NEW DIRECTIONS BEHAVIORAL	EAP PREMIUM 4TH QUARTER 2017	320.63	Open
10/05/2017	72610	POLICE OFFICERS ASSOCIATION OF	PAYROLL DEDUCTION	666.40	Open
10/05/2017	72611	QUICKSILVER MARKETING SOLUTION	11x17 POSTERS	56.25	Open
10/05/2017	72612	ROAD COMMISSION FOR OAKLAND	TRAFFIC SIGNAL MAINTENANCE AUGUST 2017	134.10	Open
10/05/2017	72613	SALEM-SOUTH LYON DISTRICT	LIBRARY DEBT TAX DISBURSEMENT	135,752.15	Open
10/05/2017	72614	SOUTH LYON COMMUNITY SCHOOLS	SCHOOL OPERATING - SCHOOL DEBT TAX DISB	1,109,138.43	Open
10/05/2017	72615	TOSHIBA FINANCIAL SERVICES	CONTRACT PAYMENT - OCTOBER 2017	84.00	Open
10/05/2017	72616	UL LLC	AERIAL AND GROUND LADDER TESTING	2,117.45	Open
10/05/2017	72617	WOW! BUSINESS	INTERNET SERVICE	32.97	Open
			CABLE BOX	10.00	Open
				42.97	
01 TOTALS:					
Total of 145 Checks:				3,630,441.44	
Less 2 Void Checks:				7,091.14	
Total of 143 Disbursements:				3,623,350.30	

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GL Number	Invoice Line Desc	Vendor	Invoice Description	Amount	Check #
Fund 101 GENERAL FUND					
Dept 200.000 ADMINISTRATION					
101-200.000-727.000	OFFICE SUPPLIES	LB OFFICE PRODUCTS	OFFICE SUPPLIES	568.32	
101-200.000-818.000	ELECTIONS	PRINTING SYSTEMS	INV#101415 - AV OUTER ENVELOPS; INV#1	786.03	
101-200.000-863.000	VEHICLE MAINTENANCE	ADVANCE AUTO PARTS	OIL, OIL FILTER, SENSOR FOR DDA CAR A	113.42	
		Total For Dept 200.000 ADMINISTRATION		1,467.77	
Dept 276.000 CEMETERY					
101-276.000-740.000	OPERATING EXPENSE	ADVANCE AUTO PARTS	WEEDWHIP FUEL MIX & SENSOR T-2	12.00	
101-276.000-740.000	OPERATING EXPENSE	BADER & SONS CO.	WEED WHIP SPARK PLUGS	35.94	
101-276.000-740.000	OPERATING EXPENSE	MILAN BURIAL VAULT, INC.	10 MARKER BASES	448.00	
101-276.000-740.000	OPERATING EXPENSE	O'REILLY AUTO PARTS	MECHANIC'S IMPACT WRENCH	34.31	
101-276.000-740.000	OPERATING EXPENSE	OLD GLORY FLAGS & FLAG P	6 - USA FLAGS	99.37	
101-276.000-740.000	OPERATING EXPENSE	SHARE CORP.	MECHANIC'S SUPPLIES	58.57	
101-276.000-740.000	OPERATING EXPENSE	STONE DEPOT	TOP SOIL	81.00	
101-276.000-740.000	OPERATING EXPENSE	JOHN'S SANITATION	PORTA JOHNS @ PARKS, CEMETERY & FARM	75.00	
101-276.000-802.000	CONTRACTUAL SVCS	DEERE & COMPANY	X350 TRACTOR W/42" MOWER DECK	2,687.16	
101-276.000-940.000	EQUIPMENT CHARGES				
		Total For Dept 276.000 CEMETERY		3,531.35	
Dept 300.000 POLICE					
101-300.000-727.000	OFFICE SUPPLIES	LAKELAND PRINTING	#10 ENVELOPES	73.50	
101-300.000-727.000	OFFICE SUPPLIES	OFFICE EXPRESS	TONER, LSR, F/HP P2035/2055, BLK	91.70	
101-300.000-740.000	OPERATING EXPENSE	GRAINGER	DISPOSABLE RESPIRATOR, N95, PK20	37.46	
101-300.000-740.000	OPERATING EXPENSE	LAKELAND PRINTING	PUMPKINFEST NO PARKING SIGNS	56.00	
101-300.000-740.000	OPERATING EXPENSE	O'REILLY AUTO PARTS	MECHANIC'S IMPACT WRENCH	61.76	
101-300.000-863.000	VEHICLE MAINTENANCE	SHARE CORP.	MECHANIC'S SUPPLIES	105.37	
101-300.000-863.000	VEHICLE MAINTENANCE	VICTORY LANE	FULL SERVICE OIL CHANGE - VEHICLE #22	34.48	
101-300.000-931.000	VEHICLE MAINTENANCE	D&G NATURES WAY LAWN CAR	FERTILIZER, WEED CONTROL, INSECT CONT	445.37	
101-300.000-958.100	BUILDING MAINTENANCE	WILLIAM A. POTTER SR.	WITNESS FEES	8.00	
101-300.000-977.000	EQUIPMENT	GRAINGER	PORTABLE PATIENT TRANSPORT UNIT, 1000	67.58	
		Total For Dept 300.000 POLICE		981.22	
Dept 335.000 FIRE					
101-335.000-721.000	UNIFORMS & CLEANING ALLOWANCE	FIRST DUE FIRE SUPPLY	TURN-OUT GEAR	6,250.29	
101-335.000-721.000	UNIFORMS & CLEANING ALLOWANCE	PARKSIDE CLEANERS	SEW PATCHES AND UNIFORM CLEANING	115.60	
101-335.000-721.000	UNIFORMS & CLEANING ALLOWANCE	PRIORITY ONE EMERGENCY	511 STRIKE PANTS - MORENO	74.99	
101-335.000-727.000	OFFICE SUPPLIES	GRAINGER	TOILET CLEANER, PAPER TOWELS, DISH SO	86.93	
101-335.000-740.000	OPERATING EXPENSE	GRAPH-X	DECALS AND SET-UP	330.00	
101-335.000-802.000	CONTRACTUAL SVCS	ARBOR SPRINGS WATER CO.,	PURIFIED WATER	70.50	
101-335.000-863.000	VEHICLE MAINTENANCE	HALT FIRE INC.	AERIAL WATER WAY CONTROL VALVE	1,234.76	
101-335.000-863.000	VEHICLE MAINTENANCE	HARRIS OIL CORPORATION	OIL	228.43	
101-335.000-863.000	VEHICLE MAINTENANCE	O'REILLY AUTO PARTS	MECHANIC'S IMPACT WRENCH	41.19	
101-335.000-863.000	VEHICLE MAINTENANCE	SHARE CORP.	MECHANIC'S SUPPLIES	70.27	
101-335.000-880.000	COMMUNITY PROMOTIONS	GRAINGER	SMOKE DETECTORS	290.50	
101-335.000-930.000	REPAIR MAINTENANCE	PREMIER SAFETY	IMPACT CARTRIDGES - AIR MONITOR	711.97	
101-335.000-977.000	EQUIPMENT	BOUND TREE MEDICAL, LLC	LITHIUM BATTERY, BLOOD PRESSURE CUFF,	348.75	
101-335.000-977.000	EQUIPMENT	EASTMAN FIRE PROTECTION	FOAM - CLASS B	543.46	
101-335.000-977.000	EQUIPMENT	WITMER PUBLIC SAFETY GRO	RADIO STRAP	48.57	

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Fund 101 GENERAL FUND Dept 335.000 FIRE				10,446.21	
Dept 440.000 DEPT. OF PUBLIC WORKS					
101-440.000-740.000	OPERATING EXPENSE	ANN ARBOR WELDING SUPPLY	CYLINDER RENTAL	206.05	
101-440.000-740.000	OPERATING EXPENSE	ARBOR SPRINGS WATER CO.,	WATER	26.00	
101-440.000-740.000	OPERATING EXPENSE	BADER & SONS CO.	WEED WHIP PARTS	42.61	
101-440.000-740.000	OPERATING EXPENSE	OLD GLORY FLAGS & FLAG P	6 - USA FLAGS	99.37	
101-440.000-740.000	OPERATING EXPENSE	QUALITY FIRST AID & SAFE	FIRST AID, SAFETY, PAPER SUPPLIES, SO	457.10	
101-440.000-740.000	OPERATING EXPENSE	ADVANCE AUTO PARTS	OIL	16.90	
101-440.000-860.000	GAS & OIL	ADVANCE AUTO PARTS	WEEDWHIP FUEL MIX & SENSOR T-2	178.68	
101-440.000-863.000	VEHICLE MAINTENANCE	FLEETPRIDE	HITCH & HOOK MOUNT T-15	800.63	
101-440.000-863.000	VEHICLE MAINTENANCE	GREEN OAK TIRE, INC.	TIRES T-7	1,068.00	
101-440.000-863.000	VEHICLE MAINTENANCE	HARRIS OIL CORPORATION	OIL	837.53	
101-440.000-863.000	VEHICLE MAINTENANCE	INTERSTATE BILLING SERVI	BACKHOE REPAIRED	1,318.31	
101-440.000-863.000	VEHICLE MAINTENANCE	KNAPHEIDE TRUCK EQUIPMEN	FLOW TRUCK LED WARNING LIGHTS	209.43	
101-440.000-863.000	VEHICLE MAINTENANCE	O'REILLY AUTO PARTS	FILTERS - LEAF MACHINES	239.83	
101-440.000-863.000	VEHICLE MAINTENANCE	SHARE CORP.	MECHANIC'S SUPPLIES	257.42	
101-440.000-863.000	VEHICLE MAINTENANCE	WOLVERINE TRUCK SALES, I	CABLES - T-15	123.32	
101-440.000-863.000	VEHICLE MAINTENANCE	HORNET CONCRETE CO. INC.	CONCRETE FOR SIDEWALK REPAIR	1,306.00	
101-440.000-974.000	LAND IMPROVEMENTS	STONE DEPOT	MULCH FOR WELLS ST. PARKING LOT	319.10	
101-440.000-974.000	LAND IMPROVEMENTS			7,506.28	
Dept 690.000 PARKS AND RECREATION					
101-690.000-740.000	OPERATING EXPENSE	OLD GLORY FLAGS & FLAG P	6 - USA FLAGS	99.36	
101-690.000-740.000	OPERATING EXPENSE	QUALITY FIRST AID & SAFE	FIRST AID, SAFETY, PAPER SUPPLIES, SO	135.98	
101-690.000-740.000	OPERATING EXPENSE	ZERO WASTE USA, INC.	PET WASTE BAGS	196.74	
101-690.000-740.000	OPERATING EXPENSE	D&G NATURES WAY LAWN CAR	WEED & FEED FOR VOLUNTEER PARK - 1 YE	5,251.78	
101-690.000-801.000	PROFESSIONAL SERVICE	JOHN'S SANITATION	PORTA JOHNS @ PARKS, CEMETERY & FARM	530.00	
101-690.000-801.000	PROFESSIONAL SERVICE	CONTRACTORS STEEL COMPAN	PARTS FOR SOCCER NET REPAIR	212.83	
101-690.000-930.000	REPAIR MAINTENANCE			6,426.69	
Dept 732.000 HISTORICAL DEPOT					
101-732.000-802.000	CONTRACTUAL SVCS	D&G NATURES WAY LAWN CAR	BUG SPRAY AROUND BUILDINGS - 2018 CON	369.42	
				369.42	
				30,728.94	
Fund 202 MAJOR STREETS					
Dept 463.000 STREET-ROUTINE MAINT.					
202-463.000-740.000	OPERATING EXPENSE	ROSE EXCAVATING, INC.	SAND & GRAVEL FOR REPAIRS	891.38	
				891.38	
Dept 474.000 TRAFFIC SERVICES					
202-474.000-740.000	OPERATING EXPENSE	Total For Dept 463.000 STREET-ROUTINE MAINT.		158.00	
				158.00	
Dept 491.000 STORM SEWER					
202-491.000-740.000	OPERATING EXPENSE	ETNA SUPPLY	COUPLINGS & PVC PIPE	121.75	

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Fund 202 MAJOR STREETS Dept 491.000 STORM SEWER					
		Total For Dept 491.000 STORM SEWER		121.75	
		Total For Fund 202 MAJOR STREETS		1,171.13	
Fund 203 LOCAL STREETS Dept 463.000 STREET-ROUTINE MAINT. 203-463.000-740.000	OPERATING EXPENSE	ROSE EXCAVATING, INC.	SAND & GRAVEL FOR REPAIRS	891.36	
		Total For Dept 463.000 STREET-ROUTINE MAINT.		891.36	
Dept 491.000 STORM SEWER 203-491.000-740.000	OPERATING EXPENSE	ETNA SUPPLY	COUPLINGS & PVC PIPE	121.75	
		Total For Dept 491.000 STORM SEWER		121.75	
		Total For Fund 203 LOCAL STREETS		1,013.11	
Fund 280 DOWNTOWN DEVELOPMENT AUTHORITY Dept 000.000 280-000.000-740.200	SEASONAL IMPROVEMENTS	JOHN'S SANITATION	PORTA JOHNS @ PARKS, CEMETERY & FARME	98.00	
		Total For Dept 000.000		98.00	
		Total For Fund 280 DOWNTOWN DEVELOPMENT AUTHORITY		98.00	
Fund 592 WATER & SEWER Dept 540.000 WATER / REPAIR 592-540.000-740.000 592-540.000-930.000 592-540.000-930.000	OPERATING EXPENSE REPAIR MAINTENANCE REPAIR MAINTENANCE	ROSE EXCAVATING, INC. CORE & MAIN LP BJ USA, INC.	SAND & GRAVEL FOR REPAIRS TUBE CUTTER WATER VALVE REPAIR PARTS	891.38 21.34 95.72	
		Total For Dept 540.000 WATER / REPAIR		1,008.44	
Dept 550.000 SEWER / REPAIR 592-550.000-740.000 592-550.000-740.000 592-550.000-930.000	OPERATING EXPENSE OPERATING EXPENSE REPAIR MAINTENANCE	ETNA SUPPLY ROSE EXCAVATING, INC. PLUMBERS SERVICE	COUPLINGS & PVC PIPE SAND & GRAVEL FOR REPAIRS CABLED SANITARY LINE - 205 E. LIBERTY	243.50 891.38 783.00	
		Total For Dept 550.000 SEWER / REPAIR		1,917.88	
Dept 556.000 WATER 592-556.000-727.000 592-556.000-740.000 592-556.000-740.000 592-556.000-740.000 592-556.000-740.000 592-556.000-740.000 592-556.000-740.000 592-556.000-740.000 592-556.000-801.211 592-556.000-802.000 592-556.000-863.000	OFFICE SUPPLIES OPERATING EXPENSE OPERATING EXPENSE OPERATING EXPENSE OPERATING EXPENSE OPERATING EXPENSE OPERATING EXPENSE OPERATING EXPENSE OPERATING EXPENSE WELLHEAD PROTECTION CONTRACTUAL SVCS VEHICLE MAINTENANCE	LB OFFICE PRODUCTS ELHORN ENGINEERING COMPA ENVIRONMENTAL RESOURCE A HACH COMPANY IDEXX LABORATORIES* JCI JONES CHEMICALS INC. PARAGON LABORATORIES, IN PATRICK'S PLUMBING, INC. QUALITY FIRST AID & SAFE PRINT-TECH, INC. BADGER METER INC. HARRIS OIL CORPORATION	OFFICE SUPPLIES PHOSPHATE WATER TESTING SUPPLIES LAB SUPPLIES LAB SUPPLIES CHLORINE WTR ANALYSIS (13 LEAD & COPPER) BACKFLOW PREVENTERS TESTED @ WTP & WW GLOVES & PAPER SUPPLIES CONSUMER CONFIDENCE REPORTS - 1ST PRI BEACON TRANSFONDER MONTHLY MAINTENANC OIL	40.51 2,964.00 277.62 267.46 15.96 421.60 260.00 200.00 92.19 1,539.28 102.50 115.99	

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GL Number	Invoice Line Desc	Vendor	Invoice Description	Amount	Check #
Fund 592 WATER & SEWER					
Dept 556.000 WATER					
592-556.000-863.000	VEHICLE MAINTENANCE	KNAPHEIDE TRUCK EQUIPMEN	FLOW MOUNT & MODULE W-6	1,453.17	
592-556.000-863.000	VEHICLE MAINTENANCE	O'REILLY AUTO PARTS	MECHANIC'S IMPACT WRENCH	61.76	
592-556.000-863.000	VEHICLE MAINTENANCE	SHARE CORP.	MECHANIC'S SUPPLIES	105.37	
		Total For Dept 556.000 WATER		7,917.41	
Dept 557.000 WASTEWATER					
592-557.000-727.000	OFFICE SUPPLIES	LB OFFICE PRODUCTS	OFFICE SUPPLIES	40.51	
592-557.000-740.000	OPERATING EXPENSE	ADVANCE AUTO PARTS	GENERATOR BATTERY CHARGER	111.11	
592-557.000-740.000	OPERATING EXPENSE	ANN ARBOR WELDING SUPPLY	CYLINDER RENTAL	31.93	
592-557.000-740.000	OPERATING EXPENSE	BADER & SONS CO.	MOWER PARTS	11.52	
592-557.000-740.000	OPERATING EXPENSE	BLUETARP FINANCIAL, INC.	HUB,SPRINGS & PARTS FOR TRAILER	283.94	
592-557.000-740.000	OPERATING EXPENSE	BRIGHTON ANALYTICAL, L.L	WW ANALYSIS	82.50	
592-557.000-740.000	OPERATING EXPENSE	CHEMCO PRODUCTS INC.	POLYMER	5,314.00	
592-557.000-740.000	OPERATING EXPENSE	CHEMTRADE CHEMICALS US L	ALUMINUM SULFATE	5,238.82	
592-557.000-740.000	OPERATING EXPENSE	FERGUSON ENTERPRISES	HOT WATER HEATER PILOT ASSEMBLY	21.52	
592-557.000-740.000	OPERATING EXPENSE	FISHER SCIENTIFIC	LAB SUPPLIES	385.79	
592-557.000-740.000	OPERATING EXPENSE	GRAINGER	MISC. PARTS	33.05	
592-557.000-740.000	OPERATING EXPENSE	HACH COMPANY	LAB SUPPLIES	158.97	
592-557.000-740.000	OPERATING EXPENSE	PATRICK'S PLUMBING, INC.	BACKFLOW PREVENTERS TESTED @ WTP & WW	350.00	
592-557.000-740.000	OPERATING EXPENSE	QUALITY FIRST AID & SAFE	GLOVES & PAPER SUPPLIES	92.18	
592-557.000-740.000	OPERATING EXPENSE	REPUBLIC SERVICES #241	PLANT SCREENINGS REMOVAL	822.22	
592-557.000-740.000	OPERATING EXPENSE	STATE OF MICHIGAN	BOILERS INSPECTED	250.00	
592-557.000-740.000	OPERATING EXPENSE	STODDARD SILENCERS, INC.	BLOWER BUILDING FILTERS	1,279.33	
592-557.000-740.000	OPERATING EXPENSE	USA BLUE BOOK	DEWATERING BLDG. BACKFLOW PREVENTER	328.84	
592-557.000-740.000	OPERATING EXPENSE	VWR INTERNATIONAL LLC	LAB SUPPLIES	160.35	
592-557.000-740.000	CONTRACTUAL SVCS	BADGER METER INC.	BEACON TRANSPONDER MONTHLY MAINTENANC	102.50	
592-557.000-802.000	CONTRACTUAL SVCS	HACH COMPANY	AERATION PROBE MAINTENANCE AGREEMENT	705.00	
592-557.000-802.000	BUILDING MAINTENANCE	JETT PUMP & VALVE, L.L.C	COL. ACRES LIFT STATION PUMP REQUIRED	866.86	
592-557.000-931.000	BUILDING MAINTENANCE	VAL-MATIC VALVE & MANUFA	POST AERATION TANK PLUG VALUVE REPLAC	1,033.56	
592-557.000-931.000		Total For Dept 557.000 WASTEWATER		17,714.50	
		Total For Fund 592 WATER & SEWER		28,558.23	



INVOICE GL DISTRIBUTION REPORT FOR CITY OF SOUTH LYON  
 POST DATES 10/09/2017 - 10/09/2017  
 JOURNALIZED  
 OPEN

CHECKS TO BE APPROVED 10/09/2017

GL Number	Invoice Line Desc	Vendor	Invoice Description	Amount	Check #
Fund Totals:					
			Fund 101 GENERAL FUND	30,728.94	
			Fund 202 MAJOR STREETS	1,171.13	
			Fund 203 LOCAL STREETS	1,013.11	
			Fund 280 DOWNTOWN DEVE	98.00	
			Fund 592 WATER & SEWER	28,558.23	
Total For All Funds:				61,569.41	
--- TOTALS BY GL DISTRIBUTION ---					
101-200.000-727.000			OFFICE SUPPLIES	568.32	
101-200.000-818.000			ELECTIONS	786.03	
101-200.000-863.000			VEHICLE MAINTENANCE	113.42	
101-276.000-740.000			OPERATING EXPENSE	769.19	
101-276.000-802.000			CONTRACTUAL SVCS	75.00	
101-276.000-940.000			EQUIPMENT CHARGES	2,687.16	
101-300.000-727.000			OFFICE SUPPLIES	165.20	
101-300.000-740.000			OPERATING EXPENSE	93.46	
101-300.000-863.000			VEHICLE MAINTENANCE	201.61	
101-300.000-931.000			BUILDING MAINTENANCE	445.37	
101-300.000-958.100			WITNESS FEES	8.00	
101-300.000-977.000			EQUIPMENT	67.58	
101-335.000-721.000			UNIFORMS & CLEANING AL	6,440.88	
101-335.000-727.000			OFFICE SUPPLIES	86.93	
101-335.000-740.000			OPERATING EXPENSE	330.00	
101-335.000-802.000			CONTRACTUAL SVCS	70.50	
101-335.000-863.000			VEHICLE MAINTENANCE	1,574.65	
101-335.000-880.000			COMMUNITY PROMOTIONS	290.50	
101-335.000-930.000			REPAIR MAINTENANCE	711.97	
101-335.000-977.000			EQUIPMENT	940.78	
101-440.000-740.000			OPERATING EXPENSE	831.13	
101-440.000-860.000			GAS & OIL	16.90	
101-440.000-863.000			VEHICLE MAINTENANCE	5,033.15	
101-440.000-974.000			LAND IMPROVEMENTS	1,625.10	
101-690.000-740.000			OPERATING EXPENSE	432.08	
101-690.000-801.000			PROFESSIONAL SERVICE	5,781.78	
101-690.000-930.000			REPAIR MAINTENANCE	212.83	
101-732.000-802.000			CONTRACTUAL SVCS	369.42	
202-463.000-740.000			OPERATING EXPENSE	891.38	
202-474.000-740.000			OPERATING EXPENSE	158.00	
202-491.000-740.000			OPERATING EXPENSE	121.75	
203-463.000-740.000			OPERATING EXPENSE	891.36	
203-491.000-740.000			OPERATING EXPENSE	121.75	
280-000.000-740.200			SEASONAL IMPROVEMENTS	98.00	
592-540.000-740.000			OPERATING EXPENSE	891.38	
592-540.000-930.000			REPAIR MAINTENANCE	117.06	
592-550.000-740.000			OPERATING EXPENSE	1,134.88	
592-550.000-930.000			REPAIR MAINTENANCE	783.00	
592-556.000-727.000			OFFICE SUPPLIES	40.51	
592-556.000-740.000			OPERATING EXPENSE	4,498.83	
592-556.000-801.211			WELLHEAD PROTECTION	1,539.28	
592-556.000-802.000			CONTRACTUAL SVCS	102.50	

CHECKS TO BE APPROVED 10/09/2017		Invoice Description		Amount	Check #
GL Number	Invoice Line Desc	Vendor	Invoice Description	Amount	Check #
		592-556.000-863.000	VEHICLE MAINTENANCE	1,736.29	
		592-557.000-727.000	OFFICE SUPPLIES	40.51	
		592-557.000-740.000	OPERATING EXPENSE	14,966.07	
		592-557.000-802.000	CONTRACTUAL SVCS	807.50	
		592-557.000-931.000	BUILDING MAINTENANCE	1,900.42	

The above checks have been approved for payment.

\_\_\_\_\_  
Lisa Deaton, City Clerk/Treasurer

\_\_\_\_\_  
John Galeas, Jr., Mayor

September 2017 Payroll Report								
Department	Pay Rate	Reg Hours	O.T. Hours	Reg Pay	O.T. Pay	Misc.	Total Pay	Notes
Administration								
Blaha, M.	14.7200	122.00		\$ 1,795.84	\$ -		\$ 1,795.84	
Ciarelli, J.	18.3700	133.75		\$ 2,189.49	\$ -		\$ 2,189.49	
Deaton, L.				\$ 7,514.07			\$ 7,514.07	
Donhue, R.				\$ 7,843.86			\$ 7,843.86	
Gotham, D.	17.2500	104.00		\$ 1,794.00	\$ -		\$ 1,794.00	
Ladner, L.				\$ 10,696.17			\$ 10,696.17	
Lanning, W.	11.0500	47.75		\$ 527.65			\$ 527.65	
Mosier, L.				\$ 6,991.56			\$ 6,991.56	
Pieper, Judy	18.1400	240.00		\$ 4,353.60	\$ -		\$ 4,353.60	
Tiernan, P.	18.0000	132.00		\$ 2,376.00			\$ 2,376.00	
TOTAL: Administration		779.50	0.00	\$ 46,082.24	\$ -	\$ -	\$ 46,082.24	
Department	Pay Rate	Reg Hours	O.T. Hours	Reg Pay	O.T. Pay	Misc.	Total Pay	Notes
Cemetery								
Bjerke, Michael	12.0700			\$ -			\$ -	
Brannun, L.	12.8300	90.00		\$ 1,154.70			\$ 1,154.70	
Lemke, John N.	12.0700	111.00		\$ 1,339.77			\$ 1,339.77	
Nicholls, William	12.0700	62.00		\$ 748.34			\$ 748.34	
Wauford, S.	12.0700	114.00		\$ 1,375.98			\$ 1,375.98	
Wedesky, J. W.	12.0700	110.00		\$ 1,327.70			\$ 1,327.70	
Williamson,N.	12.0700	115.00		\$ 1,388.05			\$ 1,388.05	
TOTAL: Cemetery		602.00	0.00	7334.54	0.00	0.00	7334.54	
Department	Pay Rate	Reg Hours	O.T. Hours	Reg Pay	O.T. Pay	Misc.	Total Pay	Notes
Police								
Baaki, D.	36.2879	252.00	26.00	\$ 9,144.55	\$ 1,445.23		\$ 10,589.78	
Baker, A.	33.5999	248.00	25.00	\$ 8,332.78	\$ 1,288.84		\$ 9,621.62	
Baker, J.	36.2879	244.00	42.50	\$ 8,854.25	\$ 2,353.20		\$ 11,207.45	
Barbour, R.	33.5999	248.00	22.00	\$ 8,332.78	\$ 1,129.42		\$ 9,462.20	
Brooks, T.	33.5999	240.00	27.50	\$ 8,063.98	\$ 1,417.73		\$ 9,481.70	
Collins, L.				\$ 11,121.69		\$ 482.49	\$ 11,604.18	Ins. Stipend
Faught, C.	36.2879	240.00	27.00	\$ 8,709.10	\$ 1,494.97		\$ 10,204.07	
Garris, G.	17.0300			\$ -			\$ -	
Hoydic, S	33.5999	248.00	34.50	\$ 8,332.78	\$ 1,778.60		\$ 10,111.38	
Krettlin, F.	17.5400	19.00		\$ 333.26			\$ 333.26	
LaChance, J.	10.3000	168.00		\$ 1,730.40			\$ 1,730.40	
Lambi, A.	11.6400			\$ -			\$ -	
Laraway, P.	17.5400	20.00		\$ 350.80			\$ 350.80	
Ley, K.	17.5400	19.00		\$ 333.26			\$ 333.26	
Raap, T.	33.5999	240.00	22.50	\$ 8,063.98	\$ 1,155.09		\$ 9,219.07	
Regentik, C.	19.1500	240.00		\$ 4,596.00	\$ -	\$ 1,782.49	\$ 6,378.49	Ins. Stipend, Longevity
Sederlund, C.	36.2879	248.00	29.50	\$ 8,999.40	\$ 1,639.78		\$ 10,639.18	
Sovik, C.	38.8281	240.00	36.50	\$ 9,318.74	\$ 2,167.95		\$ 11,486.69	
Sroufe, T.	33.5999	240.00		\$ 8,063.98	\$ -	\$ 482.49	\$ 8,546.47	Ins. Stipend
Stevens, T.	33.5999	240.00		\$ 8,063.98	\$ -		\$ 8,063.98	
Tomanek, J.	33.5999	240.00	22.50	\$ 8,063.98	\$ 1,159.96		\$ 9,223.93	
Walton, T.	33.5999	240.00	4.00	\$ 8,063.98	\$ 205.35		\$ 8,269.33	
Wilcox, W.	12.5000	32.50		\$ 406.25	\$ -		\$ 406.25	
Wilcox, W.	17.5400	18.50		\$ 324.49	\$ -		\$ 324.49	
Wittrock, M.	33.5999	240.00		\$ 8,063.98	\$ -		\$ 8,063.98	
Total: Police		4165.00	319.50	\$ 145,668.35	\$ 17,236.12	\$ 2,747.47	\$ 165,651.94	

Department	Pay Rate	Reg Hours	O.T. Hours	Reg Pay	O.T. Pay	Misc.	Total Pay	Notes
<b>Fire</b>								
Armstrong, C.	22.3900	33.75		\$ 755.66			\$ 755.66	
Bach, R.	15.3300			\$ -			\$ -	
Boisvert, R.	21.2200	23.25		\$ 493.37			\$ 493.37	
Carlington, L.	18.7400			\$ -			\$ -	
Carlington, R.	21.2200			\$ -			\$ -	
Conrad, C.	18.7400	194.25		\$ 3,640.25			\$ 3,640.25	
Dobrick, Zach	9.9800	84.50		\$ 843.31			\$ 843.31	
Dobrick, Nathaniel	9.1700	13.00		\$ 119.21			\$ 119.21	
Dziurgot, A.	9.9800	71.75		\$ 716.07			\$ 716.07	
Francis, Ryan W.	9.1700			\$ -			\$ -	
Good, Alexander	15.3300	86.75		\$ 1,329.88			\$ 1,329.88	
Kennedy, M.				\$ 4,284.39			\$ 4,284.39	
Laitinen, Daniel	15.3300	34.75		\$ 532.72			\$ 532.72	
Madsen, W.	9.1700	51.25		\$ 469.96			\$ 469.96	
Maher, John P.	9.1700	33.25		\$ 304.90			\$ 304.90	
McGahan, K.	9.9800	147.50		\$ 1,472.05			\$ 1,472.05	
McGillen, T.	17.6900	29.50		\$ 521.86			\$ 521.86	
McGowan, Cain	9.9800	20.65		\$ 206.09			\$ 206.09	
Moreno, Zachary T.	9.1700	104.25		\$ 955.97			\$ 955.97	
Moynihan, B.	21.2200	109.50		\$ 2,323.59			\$ 2,323.59	
Noechel, J.	21.2200	135.00		\$ 2,864.70			\$ 2,864.70	
Olando, Michael	18.7400	137.25		\$ 2,572.07			\$ 2,572.07	
Tooman, Brittany	15.3300	94.75		\$ 1,452.52			\$ 1,452.52	
Vliet, A.	9.9800	61.50		\$ 613.77			\$ 613.77	
Weir, M.	23.5800	94.50		\$ 2,228.31			\$ 2,228.31	
Wilson, T.	21.2200	80.75		\$ 1,713.52			\$ 1,713.52	
<b>Total: Fire</b>		<b>1641.65</b>		<b>\$ 30,414.14</b>		<b>\$ -</b>	<b>\$ 30,414.14</b>	
Department	Pay Rate	Reg Hours	O.T. Hours	Reg Pay	O.T. Pay	Misc.	Total Pay	Notes
<b>D.P.W.</b>								
Abramowicz, J.	20.2300	240.00	10	\$ 4,793.61	\$ 303.45	\$ 315.00	\$ 5,412.06	On-Call Pay
Archey, Je.	24.3500	240.00	13.50	\$ 5,776.01	\$ 494.17		\$ 6,270.18	
Brock, R.	25.8900	240.00	24.00	\$ 6,144.80	\$ 954.35	\$ 225.00	\$ 7,324.15	On-Call Pay
Buers, D.	24.1300	240.00		\$ 5,723.20	\$ -	\$ 1,600.00	\$ 7,323.20	Longevity
Dentai, F.	22.6900	240.00	31.00	\$ 5,252.98	\$ 1,006.28	\$ 2,105.20	\$ 8,364.46	On-Call Pay, Vacation Pay-Out
Jamison, M.	19.1500	240.00	4.00	\$ 4,596.00	\$ 119.52		\$ 4,715.52	
Moritz, M.	22.7500	240.00	3.00	\$ 5,392.00	\$ 104.55		\$ 5,496.55	
Paver, V.	22.3500	240.00	1.00	\$ 5,296.01	\$ 33.40	\$ 80.00	\$ 5,409.41	On-Call Pay
Piasecki, T.	22.3500	240.00	13.50	\$ 5,296.00	\$ 446.61	\$ 280.00	\$ 6,022.61	On-Call Pay
Race, J.	19.4000	240.00	25.50	\$ 4,596.80	\$ 737.06	\$ 315.00	\$ 5,648.86	On-Call Pay
Valencia, A.	19.0000	240.00	7.00	\$ 4,500.80	\$ 199.50	\$ 315.00	\$ 5,015.30	On-Call Pay
<b>Total: D.P.W.</b>		<b>2,640.00</b>	<b>132.50</b>	<b>\$ 57,368.21</b>	<b>\$ 4,398.87</b>	<b>\$ 5,235.20</b>	<b>\$ 67,002.28</b>	
Department	Pay Rate	Reg Hours	O.T. Hours	Reg Pay	O.T. Pay	Misc.	Total Pay	Notes
<b>W. &amp; W.W.</b>								
Archey, Ju.	19.1500	240		\$ 4,596.00	\$ -		\$ 4,596.00	
Armstrong, C.	20.2700	240	12.00	\$ 4,820.00	\$ 364.86		\$ 5,184.86	
Beason, R.	27.8700	240	14.00	\$ 6,631.20	\$ 601.44	\$ 315.00	\$ 7,547.64	On-Call Pay
Blankstrom, D.	18.7100	240	8.00	\$ 4,448.80	\$ 224.52	\$ 610.00	\$ 5,283.32	On-Call Pay
Caramitaro, J.	26.2200	240	9.50	\$ 6,240.00	\$ 382.57	\$ 1,780.00	\$ 8,402.57	Longevity & On-Call Pay
Erdmann, Kevin	20.2700	240	4.00	\$ 4,820.00	\$ 121.62	\$ 355.00	\$ 5,296.62	On-Call Pay
Gehring, D.	25.6200	240	9.50	\$ 6,096.00	\$ 369.84	\$ 550.00	\$ 7,015.84	On-Call Pay
Martin, R.				\$ 3,465.04	\$ -	\$ 28,906.01	\$ 32,371.05	Payout
Popravsky, P.	21.2400	208		\$ 4,417.92	\$ -		\$ 4,417.92	
<b>Total: W. &amp; W.W.</b>		<b>1888.00</b>	<b>57.00</b>	<b>\$ 45,534.96</b>	<b>\$ 2,064.84</b>	<b>\$ 32,516.01</b>	<b>\$ 80,115.81</b>	
<b>Grand Total</b>		<b>11,716.15</b>	<b>509.00</b>	<b>\$ 332,402.43</b>	<b>\$ 23,699.83</b>	<b>\$ 40,498.68</b>	<b>\$ 396,600.94</b>	

PERIOD ENDING 09/30/2017

FINANCIAL REPORT FOR SEPTEMBER 2017

GL NUMBER	DESCRIPTION	2017-18		YTD BALANCE 09/30/2017 NORM (ABNORM)	ACTIVITY FOR		AVAILABLE		% BDGT USED
		ORIGINAL BUDGET	AMENDED BUDGET		MONTH 09/30/17 INCR (DECR)	BALANCE NORM (ABNORM)			
Fund 101 - GENERAL FUND									
Revenues									
Dept 000.000									
101-000.000-402.000	REAL PROPERTY TAX	3,782,216.00	3,782,216.00	666,866.88	217,265.18	3,115,349.12	17.63		
101-000.000-423.000	SOUTH LYON WOODS TAX	920.00	920.00	747.00	92.50	173.00	81.20		
101-000.000-446.000	PENALTIES AND INTEREST	9,500.00	9,500.00	0.00	0.00	9,500.00	0.00		
101-000.000-451.000	BUILDING PERMITS	150,000.00	150,000.00	88,875.50	13,387.00	61,124.50	59.25		
101-000.000-452.000	HEATING & PLUMB. REFG. PERMI	35,000.00	35,000.00	6,114.00	2,219.00	28,886.00	17.47		
101-000.000-453.000	ELECTRICAL PERMITS	14,500.00	14,500.00	10,594.00	4,206.00	3,906.00	73.06		
101-000.000-454.000	LICENSES & BUSINESS MISC.	4,000.00	4,000.00	1,100.00	605.00	2,900.00	27.50		
101-000.000-570.000	STATE SHARED REV.	954,016.00	954,016.00	170,503.90	170,503.90	783,512.10	17.87		
101-000.000-600.000	BOARD OF APPEALS	0.00	0.00	900.00	0.00	(900.00)	100.00		
101-000.000-630.000	ADMIN FEE PROPERTY TAX	93,000.00	93,000.00	11,397.13	0.00	81,602.87	12.25		
101-000.000-634.000	GRAVE OPENINGS & FOUNDATIONS	35,000.00	35,000.00	17,050.00	3,815.00	17,950.00	48.71		
101-000.000-642.000	POLICE	45,000.00	45,000.00	5,902.90	4,723.51	39,097.10	13.12		
101-000.000-661.000	PARKING VIOLATION	750.00	750.00	140.00	0.00	610.00	18.67		
101-000.000-662.000	LOCAL COURT FINES	30,000.00	30,000.00	6,586.68	4,169.13	23,413.32	21.96		
101-000.000-664.000	INTEREST	4,000.00	4,000.00	1,102.36	0.00	2,897.64	27.56		
101-000.000-664.200	PARK AND REC. INTEREST	0.00	0.00	227.48	0.00	(227.48)	100.00		
101-000.000-666.000	INTEREST-EQUALIZ. & CONTINGENC	0.00	0.00	83.75	0.00	(83.75)	100.00		
101-000.000-668.200	RENTS AND ROYALTIES-CABLE	150,000.00	150,000.00	36,358.41	0.00	113,641.59	24.24		
101-000.000-668.300	LEASE--ANTENNA	45,000.00	45,000.00	9,805.21	3,295.77	35,194.79	21.79		
101-000.000-668.400	RENTAL PROPERTIES	8,800.00	8,800.00	2,286.09	762.03	6,513.91	25.98		
101-000.000-675.200	CONTRIBUTIONS-COOL YULE	0.00	0.00	350.00	0.00	(350.00)	100.00		
101-000.000-675.600	CULTURAL ARTS REVENUES	1,000.00	1,000.00	0.00	0.00	1,000.00	0.00		
101-000.000-698.000	MISCELLANEOUS	130,000.00	130,000.00	11,777.01	953.23	118,222.99	9.06		
101-000.000-698.900	GRANT MONIES-CULTURAL ARTS	1,400.00	1,400.00	0.00	0.00	1,400.00	0.00		
Total Dept 000.000		5,494,102.00	5,494,102.00	1,048,768.30	425,997.25	4,445,333.70	19.09		
TOTAL REVENUES		5,494,102.00	5,494,102.00	1,048,768.30	425,997.25	4,445,333.70	19.09		
Fund 101 - GENERAL FUND:									
TOTAL REVENUES		5,494,102.00	5,494,102.00	1,048,768.30	425,997.25	4,445,333.70	19.09		

PERIOD ENDING 09/30/2017

FINANCIAL REPORT FOR SEPTEMBER 2017

GL NUMBER	DESCRIPTION	2017-18		2017-18		YTD BALANCE		ACTIVITY FOR		AVAILABLE		% BDGT USED
		ORIGINAL BUDGET	AMENDED BUDGET	2017-18	2017-18	09/30/2017	09/30/2017	MONTH 09/30/17	INCR (DECR)	NORM (ABNORM)	BALANCE	
Fund 101 - GENERAL FUND												
200.000-ADMINISTRATION		1,250,429.00	1,250,429.00			364,849.62		91,748.33		885,579.38		29.18
276.000-CEMETERY		100,964.00	100,964.00			39,980.41		13,898.27		60,983.59		39.60
295.000-SENIOR TRANSPORTATION		76,359.00	76,359.00			18,890.00		12,525.00		57,469.00		24.74
300.000-POLICE		2,585,880.00	2,585,880.00			628,154.42		177,507.45		1,957,725.58		24.29
335.000-FIRE		468,130.00	468,130.00			133,281.18		40,753.99		334,848.82		28.47
346.000-AMBULANCE		2,075.00	2,075.00			30.55		0.00		2,044.45		1.47
440.000-DEPT. OF PUBLIC WORKS		807,000.00	807,000.00			146,618.75		40,169.22		660,381.25		18.17
690.000-PARKS AND RECREATION		162,260.00	162,260.00			41,103.15		12,573.10		121,156.85		25.33
732.000-HISTORICAL DEPOT		31,375.00	31,375.00			6,369.55		2,036.59		25,005.45		20.30
800.000-CABLE COMMISSION		4,275.00	4,275.00			0.00		0.00		4,275.00		0.00
802.000-CULTURAL ARTS		4,720.00	4,720.00			463.47		51.39		4,256.53		9.82
TOTAL EXPENDITURES		5,493,467.00	5,493,467.00			1,379,741.10		391,263.34		4,113,725.90		25.12
Fund 101 - GENERAL FUND:												
TOTAL EXPENDITURES		5,493,467.00	5,493,467.00			1,379,741.10		391,263.34		4,113,725.90		25.12

PERIOD ENDING 09/30/2017

FINANCIAL REPORT FOR SEPTEMBER 2017

GL NUMBER	DESCRIPTION	2017-18	2017-18		YTD BALANCE	ACTIVITY FOR	AVAILABLE		% BDGT USED
		ORIGINAL BUDGET	AMENDED BUDGET	09/30/2017 NORM (ABNORM)	MONTH 09/30/17 INCR (DECR)	BALANCE NORM (ABNORM)			
Fund 202 - MAJOR STREETS									
212.000-ACCOUNTANT		4,080.00	4,080.00	3,200.00	1,210.00	880.00		78.43	
451.000		8,000.00	8,000.00	0.00	0.00	8,000.00		0.00	
463.000-STREET-ROUTINE MAINT.		164,600.00	164,600.00	36,772.08	10,561.88	127,827.92		22.34	
474.000-TRAFFIC SERVICES		27,825.00	27,825.00	1,686.22	627.35	26,138.78		6.06	
478.000-SNOW PLOWING		86,500.00	86,500.00	689.93	(84.69)	85,810.07		0.80	
479.000-SNOW REMOVAL		3,700.00	3,700.00	172.75	0.00	3,527.25		4.67	
485.000-TRANSFER BETWEEN FUNDS		146,113.00	146,113.00	0.00	0.00	146,113.00		0.00	
491.000-STORM SEWER		9,925.00	9,925.00	1,312.71	300.10	8,612.29		13.23	
TOTAL EXPENDITURES		450,743.00	450,743.00	43,833.69	12,614.64	406,909.31		9.72	
Fund 202 - MAJOR STREETS:									
TOTAL EXPENDITURES		450,743.00	450,743.00	43,833.69	12,614.64	406,909.31		9.72	
Fund 203 - LOCAL STREETS									
212.000-ACCOUNTANT		4,100.00	4,100.00	3,200.00	1,210.00	900.00		78.05	
451.000		475,000.00	475,000.00	0.00	0.00	475,000.00		0.00	
463.000-STREET-ROUTINE MAINT.		158,895.00	158,895.00	31,264.94	10,360.80	127,630.06		19.68	
474.000-TRAFFIC SERVICES		6,500.00	6,500.00	1,038.02	403.61	5,461.98		15.97	
478.000-SNOW PLOWING		71,900.00	71,900.00	423.15	(77.29)	71,476.85		0.59	
491.000-STORM SEWER		16,375.00	16,375.00	1,091.96	181.70	15,283.04		6.67	
TOTAL EXPENDITURES		732,770.00	732,770.00	37,018.07	12,078.82	695,751.93		5.05	
Fund 203 - LOCAL STREETS:									
TOTAL EXPENDITURES		732,770.00	732,770.00	37,018.07	12,078.82	695,751.93		5.05	

EXPENDITURE REPORT FOR CITY OF SOUTH LYON

PERIOD ENDING 09/30/2017

FINANCIAL REPORT FOR SEPTEMBER 2017

GL NUMBER	DESCRIPTION	2017-18		YTD BALANCE 09/30/2017 NORM (ABNORM)	ACTIVITY FOR MONTH 09/30/17 INCR (DECR)		AVAILABLE BALANCE NORM (ABNORM)		% BDGT USED
		2017-18 ORIGINAL BUDGET	2017-18 AMENDED BUDGET						
Fund 592 - WATER & SEWER									
452.000		0.00	0.00	2,451.22	451.22	(2,451.22)			100.00
540.000-WATER / REPAIR		145,500.00	145,500.00	21,287.54	6,778.15	124,212.46			14.63
550.000-SEWER / REPAIR		258,300.00	258,300.00	19,869.23	6,244.24	238,430.77			7.69
555.000-REFUSE COLLECTION		534,240.00	534,240.00	125,979.44	42,010.04	408,260.56			23.58
556.000-WATER		1,142,554.00	1,142,554.00	197,923.95	45,283.30	944,630.05			17.32
557.000-WASTEWATER		1,649,650.00	1,649,650.00	235,278.77	61,713.98	1,414,371.23			14.26
TOTAL EXPENDITURES		3,730,244.00	3,730,244.00	602,790.15	162,480.93	3,127,453.85			16.16
Fund 592 - WATER & SEWER:									
TOTAL EXPENDITURES		3,730,244.00	3,730,244.00	602,790.15	162,480.93	3,127,453.85			16.16



**ORDINANCE NO. \_\_-17**

**CITY OF SOUTH LYON  
OAKLAND COUNTY, MICHIGAN**

**AN ORDINANCE TO AMEND THE OFFICIAL ZONING MAP OF  
THE CITY OF SOUTH LYON REZONING PARCEL NO. 21-30-  
126-003, WEST END INDUSTRIAL PARK, FROM THE I-1  
DISTRICT (LIGHT INDUSTRIAL) TO THE RM-1 DISTRICT  
(MULTIPLE-FAMILY RESIDENTIAL)**

**THE CITY OF SOUTH LYON ORDAINS:**

**PART I. Amendment of Official Zoning Map.** The Official Zoning Map of the City of South Lyon incorporated into the South Lyon Zoning Ordinance by Section 102-182 is hereby amended to rezone the Property generally located on the east side of Dixboro Road between 10 Mile and 9 Mile Road, South Lyon, MI 48178, Tax ID: 21-30-126-003 and more fully described as:

That part of the Southwest  $\frac{1}{4}$  of Section 19 lying South of Ten Mile Road and the North 32 acres of the Northwest fractional  $\frac{1}{4}$  of Section 30, except: Beginning at a point in the West line of Section 30, distant North 679.5 feet from the Southwest corner of the North 32 acres of the Northwest fractional  $\frac{1}{4}$  of said Section 30, also distant South 448.5 feet from the center line of Ten Mile Road; thence North 70 feet; thence South 89 degrees 46 minutes East 223 feet; thence South 70 feet; thence North 89 degrees 46 minutes West 223 feet to the point of beginning. Except: also a part of the Southwest fractional  $\frac{1}{4}$ , Section 19 and a part of the Northwest fractional  $\frac{1}{4}$  of Section 30, beginning at intersection of the center line of said road and the North and South line on curve to right, radius 1535.89 feet distant 418.03 feet; thence South 0 degrees 24 minutes East 532.45 feet; thence North 89 degrees 13 minutes 47 seconds West 198.47 feet; thence North 0 degrees 55 minutes East 70 feet; thence North 89 degrees 13 minutes 47 seconds West 223 feet; thence North 0 degrees 55 minutes East along County line to beginning.

from the I-1 District (Light Industrial) to the RM-1 District (Multiple-Family Residential).

**PART II. Severability.** Should any section, subdivision, clause, or phrase of this Ordinance be declared by the courts to be invalid, the validity of the Ordinance as a whole, or in part, shall not be affected other than the part invalidated.

**PART III. Savings Clause.** This Ordinance amends the Zoning Ordinance only as specified herein, and the Zoning Ordinance shall remain in full force and effect.

**PART IV. Repealer.** All other Ordinances or parts of Ordinances in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

**PART V. Publication.** The City Clerk shall publish this Ordinance in the manner required by law and shall publish at the same time, a notice of the adoption of this Ordinance and stating that a copy of the Ordinance is available to the public at the office of the City Clerk for inspection.

**PART VI. Effective Date.** This ordinance shall take effect upon the later of ten (10) days after adoption or upon publication thereof as provided by the Charter of the City of South Lyon.

Made, passed and adopted by the South Lyon City Council this \_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
John Galeas, Jr., Mayor

\_\_\_\_\_  
Lisa Deaton, City Clerk

**Certificate of Adoption**

I hereby certify that the foregoing is a true and complete copy of the ordinance adopted at the regular meeting of the South Lyon City Council held on the \_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
Lisa Deaton, City Clerk

Adopted:  
Published:  
Effective:

16086 DIXBORO ROAD, SOUTH LYON, MI 48178

**ERIC SZERLAG**  
Senior Associate  
eszerlag@thomsonduke.com

**THOMAS DUKE COMPANY**  
COMMERCIAL PROPERTY

**EXECUTIVE SUMMARY: 32+- Acres Ten Mile & Dixboro | South Lyon, MI 48178**



**OFFERING SUMMARY**

**Sale Price:** \$1,800,000.00  
**Price / Acre:** \$56,250.00  
**Lot Size:** 32 Acres  
**Location Description:** Located on the southeast corner of  
 10 Mile Road and Dixboro Road  
**APN:** 21-31-128-003  
**Zoning:** I-1 Light Industrial  
**Utilities:** City Water & Sanitary Sewer  
**Surrounding Businesses:** Downtown South Lyon  
 Businesses

**PROPERTY HIGHLIGHTS**

- Close proximity to Downtown South Lyon
- South Lyon Community Schools

DEMOGRAPHICS	1 Mile	3 Miles	5 Miles
Total Households:	139	4,380	13,897
Total Population:	353	11,722	38,608
Average HH Income:	\$90,801	\$81,604	\$81,088

**THOMAS DUKE COMPANY**  
COMMERCIAL PROPERTY

**PROPERTY DETAILS: 32+/- Acres Ten Mile & Dixboro | South Lyon, MI 48178**

**PROPERTY NAME:** 32+/- Acres Ten Mile & Dixboro

**PROPERTY ADDRESS:** 10066 Dixboro Road  
South Lyon, MI 48178

**APN:** 21-31-126-003

**ZONING:** I-1 Light Industrial  
(Zoning Ordinance available upon request)

**TAXES:** \$7,468.00

**SURROUNDING BUSINESSES:** Downtown South Lyon Businesses

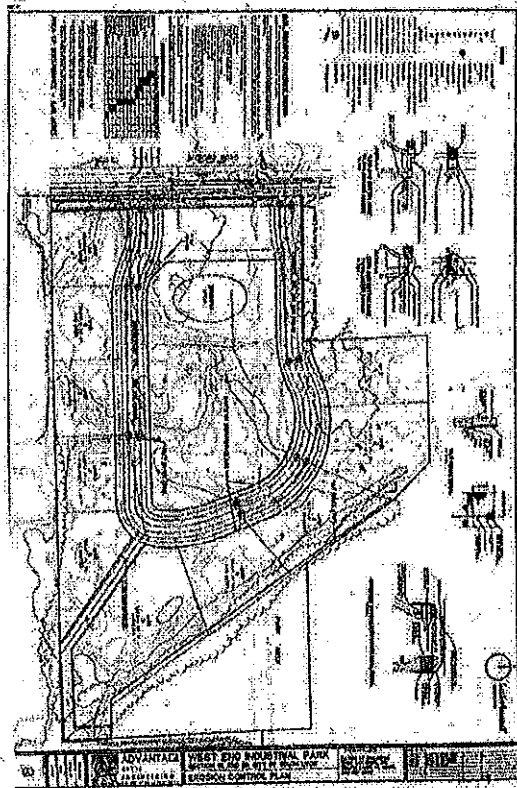
**LEGAL DESCRIPTION:** T1N, R7E, SEC 30 THAT PART OF SW 1/4 OF SEC 19 LYING SLY OF CEN LINE OF TEN MILE RD, ALSO N 32 ACRES OF NW 1/4 OF SEC 30, EXC BEG AT PT DIST N 878.60 FT FROM SW COR OF SD 32 ACRE PARCEL, TH N TO CEN LINE OF TEN MILE RD, TH ALG CEN LINE OF TEN MILE RD ALG CURVE TO RIGHT, RAD 1535.89 FT, CHORD BEARS N 88-01-00 E 419.35 FT, DIST 418.03 FT, TH S 00-24-00 E 632.46 FT, TH N 89-13-47 W 421.47 FT TO BEG 32.23 A CJ18B

**UTILITIES DESCRIPTION:** City Water & Sanitary Sewer

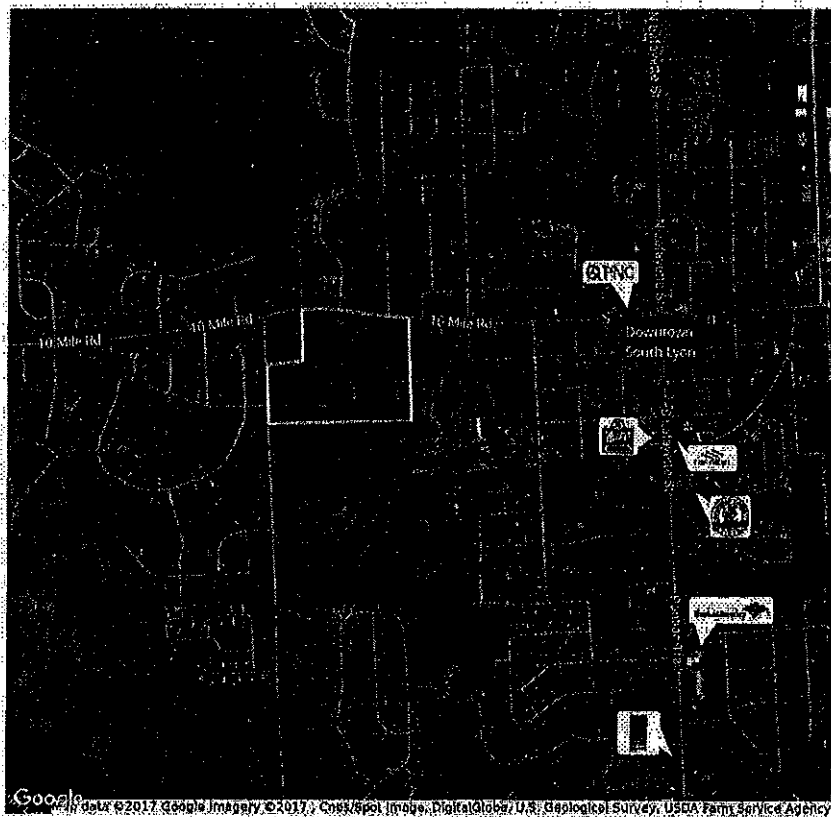
**TRAFFIC COUNT & STREETS:** 10 Mile = 9049; Dixboro = 1569

**SCHOOL DISTRICT:** South Lyon Community Schools

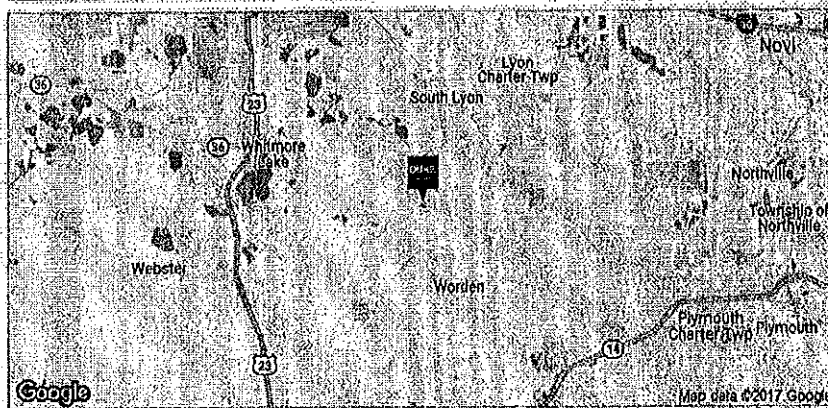
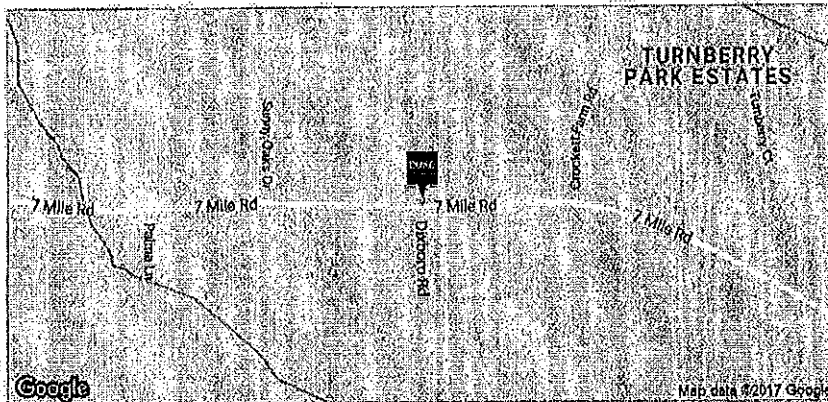
CONCEPTUAL PLAN: 32+/- Acres Ten Mile & Dixboro | South Lyon, MI 48178



AERIAL: 424/- Acres Ten Mile & Dixboro | South Lyon, MI 48178

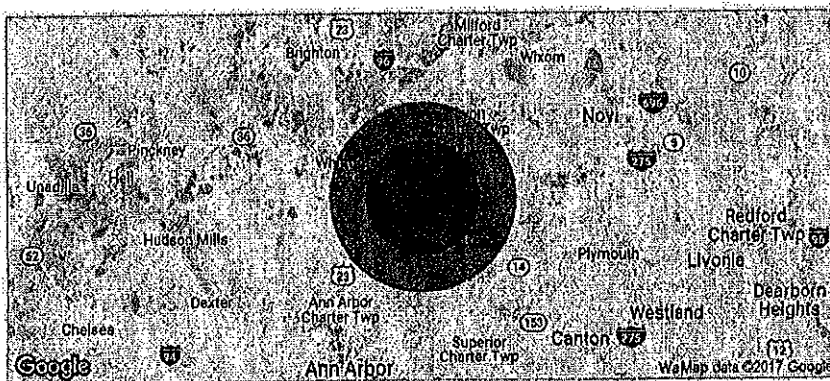


LOCATION MAPS: 32+/- Acres Ten Mile & Dixboro | South Lyon, MI 48178





DEMOGRAPHICS MAP: 32+/- Acres Ten Mile & Dixboro | South Lyon, MI 48178



POPULATION	1 MILE	5 MILES	10 MILES
TOTAL POPULATION	999	11,722	38,506
MEDIAN AGE	44.9	40.0	39.6
MEDIAN AGE (MALE)	43.0	38.8	38.3
MEDIAN AGE (FEMALE)	46.6	40.9	40.8
HOUSEHOLDS & INCOME	1 MILE	5 MILES	10 MILES
TOTAL HOUSEHOLDS	139	4,486	13,897
# OF PERSONS PER HH	2.8	2.8	2.8
AVERAGE HH INCOME	\$90,501	\$81,604	\$81,088
AVERAGE HOUSE VALUE	\$324,699	\$306,972	\$285,759

Source: 2010 Census, 2010 Census, 2010 Census

MINIMUM YARD SETBACK			
FRONT	SIDE	REAR	WETLAND
40 FT	20 FT	20 FT	0 FT



PARCEL KEY			
UNIT	SIZE (SQFT)*	BUILDING SIZE (SQFT)*	PARKING SPACES REQUIRED*
1	57,225	10,900	28
2	63,147	16,000	40
3	55,703	17,200	29
4	51,691	14,800	36
5	114,652	57,900	131
6	50,431	12,200	30
7	38,359	11,600	28
8	37,401	11,600	28
9	37,401	11,600	28
10	37,459	10,800	25
11	43,927	9,300	21
12	"	9,800	22
13	"	9,200	21
14	"	9,300	21
15	"	8,800	20
16	"	9,700	22
17	"	10,300	24
18	"	8,800	20

\*ALL SIZES ARE APPROXIMATE.  
-TOTAL SIZE IS 587,396 SQFT. ALL SIZES COME FROM WEST  
END INDUSTRIAL PARK SITE CONDOMINIUM SITE PLAN.

- NOTES:
1. DIXBORO / 10 MILE AREA PLAN CONCEPTUAL AREA PLAN IS FOR GENERAL DISCUSSION PURPOSES ONLY.
  2. PAVEMENT LAYOUTS, PATHWAYS, AND BUILDING LOCATIONS ARE CONCEPTUAL/GENERAL REPRESENTATIONS OF A POTENTIAL LAYOUT SCHEME. MARKETING RESEARCH AND ANY SPECIFIC SITE PLANNING AND DESIGN SHALL BE PERFORMED BY INDIVIDUAL APPLICANTS.
  3. PARKING REQUIREMENTS ARE BASED ON CITY OF SOUTH LYON CODE OF ORDINANCE INDUSTRIAL PARKING SPACE LAYOUT STANDARDS FOR AN INDUSTRIAL OR RESEARCH ESTABLISHMENTS AND RELATED ACCESSORY OFFICES OR 1 PARKING SPACE FOR EACH 450 SQFT OF USABLE FLOOR AREA.
  4. PARKING LAYOUT IS CONCEPTUAL ONLY AND BASED OF CITY OF SOUTH LYON CODE OF ORDINANCE PARKING STANDARDS FOR 90 DEGREE PARKING WHICH REQUIRES 9 FT X 20FT PARKING SPACE WITH 20 FT MANEUVERING LANE.
  5. AREA USES ON ANY PARCEL SHALL BE PREPARED IN ACCORDANCE WITH CITY ORDINANCES AND ZONING REQUIREMENTS.
  6. NO DIRECTIVE REQUIREMENTS ARE TO BE INTERPRETED FROM THIS CONCEPTUAL AREA PLAN. ALL INFORMATION SHOWN IS FOR GENERAL INFORMATIONAL PURPOSES AND DISCUSSION ONLY.
  7. PLANNED UNIT DEVELOPMENT THAT MAY BE PROPOSED BY ANY APPLICANT WOULD BE CONSISTENT WITH CITY OF SOUTH LYON GUIDELINES.



PLAN SUBMITTALS AND CHANGES	
PRELIMINARY PLANS - **NOT FOR CONSTRUCTION**	
DATE	DESCRIPTION
///	///
///	///
///	///
///	///

REV: \_\_\_\_\_  
SHT# 1 OF 1  
JOB No: 17F0010



PLAN DATE: SEPTEMBER 2017  
PROJECT MGR: SJM  
REVIEWER: DRS  
SCALE: 1"=100'

ROWE PROFESSIONAL SERVICES COMPANY

O: (248) 875-1096  
F: (800) 974-1704  
www.rowepsc.com

27260 Haggerty Road, Suite A-7  
Farmington Hills, MI 48331

PREPARED FOR  
CITY OF SOUTH LYON  
CONCEPT PLAN  
DIXBORO/10 MILE ROAD

# AGENDA NOTE

**MEETING DATE:** October 9, 2017

**PERSON PLACING ITEM ON AGENDA:** Police Chief / City Attorney

**AGENDA TOPIC:** Second reading of Ordinance to repeal Section 58-83 criminalizing the possession of a switchblade knife.

**EXPLANATION OF TOPIC:**

Public Act 96 of 2017 was adopted and, in part, it repeals MCL 750.226a of the Michigan Penal Code which criminalizes the possession and sale of switchblade knives.

Section 58-83 of the Code of Ordinances criminalizes the possession of a switchblade knife. To make the City's Code consistent with State law, an ordinance to repeal Section 58-83 is presented.

No changes after first reading.

**MATERIALS ATTACHED AS SUPPORTING DOCUMENTS:**

- Proposed ordinance amendment
- Section 58-83 of the Code of Ordinances
- Public Act 96 of 2017
- Senate Fiscal Agency Bill Analysis of SB 245 which became PA 96 of 2017

**POSSIBLE COURSES OF ACTION:** approve/deny/revise/postpone

**RECOMMENDATION:** approve second reading

**SUGGESTED MOTION:** Motion to approve the second reading of the Ordinance to Repeal Section 58-83 - Possession of a Switchblade Knife, of the City of South Lyon Code of Ordinances

ORDINANCE NO. \_\_-17

CITY OF SOUTH LYON  
OAKLAND COUNTY, MICHIGAN

AN ORDINANCE TO REPEAL SECTION 58-83 – POSSESSION OF A SWITCHBLADE KNIFE, OF THE CITY OF SOUTH LYON CODE OF ORDINANCES, CHAPTER 58 – OFFENSES AND MISCELLANEOUS PROVISIONS – ARTICLE II - OFFENSES AGAINST PUBLIC PEACE – DIVISION 2 – DISORDERLY PERSONS, TO MAKE THE CITY CODE OF ORDINANCES CONSISTENT WITH THE MICHIGAN PENAL CODE AND PUBLIC ACT 96 OF 2017 WHICH REPEALS MCL 750.226a CRIMINALIZING THE POSSESSION OR SALE OF SWITCHBLADE KNIVES.

THE CITY OF SOUTH LYON ORDAINS:

**PART I. Repeal of Existing Section 58-83, Chapter 58, Article II, Division 2.** Existing Section 58-83 in Chapter 58 – Offenses and Miscellaneous, Article II – Offenses Against Public Peace, Division 2 – Disorderly Persons, is hereby repealed.

**PART II. Severability.** Should any division, section, subsection, clause, or phrase of this Ordinance be declared by the courts to be invalid, the validity of the Ordinance as a whole, or in part, shall not be affected other than the part invalidated.

**PART III. Savings Clause.** The amendment of the City of South Lyon Code of Ordinances set forth in this Ordinance does not affect or impair any act done, offense committed, or right accruing, accrued, or acquired or liability, penalty, forfeiture or punishment, pending or incurred prior to the amendment of the City of South Lyon Code of Ordinances set forth in this Ordinance.

**PART IV. Repealer.** All other Ordinances or parts of Ordinances in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

**PART V. Effective Date; Publication.** This ordinance shall take effect upon the later of ten (10) days after adoption or upon publication thereof as provided by the Charter of the City of South Lyon.

Made, Passed and Adopted by the South Lyon City Council this \_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
John Galeas, Jr., Mayor

\_\_\_\_\_  
Lisa Deaton, City Clerk

Certificate of Adoption

I hereby certify that the foregoing is a true and complete copy of the ordinance adopted at the regular meeting of the South Lyon City Council held on the \_\_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
Lisa Deaton, City Clerk

Adopted:  
Published:  
Effective:

# AGENDA NOTE

**MEETING DATE:** October 9, 2017

**PERSON PLACING ITEM ON AGENDA:** City Attorney

**AGENDA TOPIC:** First reading of Ordinance to amend Code of Ordinances, Chapter 58, Article V, Division 2, Sections 58-239, 240, 242, 243 to conform with State law changes relating to minors that purchase, possess or consume alcohol

**EXPLANATION OF TOPIC:** Under Public Acts 357 and 358 of 2016 the first offense by a person under age 21 for purchasing, possessing or consuming alcohol will be a civil infraction rather than a misdemeanor subject to a \$100 fine while subsequent and repeat offenses will remain misdemeanors. A second offense remains a misdemeanor subject to 30 days in jail and a \$200 fine, and third or subsequent offenses can be subject to a maximum of 60 days in jail and a \$500 fine.

The laws also amend the provisions relating to the court's authority to defer and dismiss proceedings and place the person on probation pending successful completion of substance abuse treatment, community service or other terms of probation.

The laws also amends provisions relating to the administration and use of preliminary chemical breath analyses for minor in possession offenses.

The laws' sponsor, State Senator Rick Jones, explained the purpose of the changes: "The problem with the old Minor in Possession law was that it was clogging up our courts, putting kids in jail and jeopardizing the chances of some young people to get into college or get a job. Under this new law, we will give young people one — and only one — chance to get their lives in order and avoid a criminal record."

## **MATERIALS ATTACHED AS SUPPORTING DOCUMENTS:**

- Proposed Ordinance amendment (clean)
- Ordinance amendment (redline showing changes)
- JRSJ letter dated October 2, 2017
- Senate Fiscal Agency Bill Analysis of PA 357 and 358 of 2016
- PA 357 and 358
- Senate Fiscal Agency Bill Analysis of HB 4213 (PA 89)
- PA 89

**POSSIBLE COURSES OF ACTION:** approve/deny/postpone/no action

**RECOMMENDATION:** Approve first reading of ordinance amendment as presented

**SUGGESTED MOTION:** Motion to approve the first reading of ordinance to amend City of South Lyon Code of Ordinances, Chapter 58 – Offenses and Miscellaneous Provisions, Article V – Offenses Involving Minors, Division 2 – Alcoholic Beverages, to conform to changes in State law.

**CITY OF SOUTH LYON  
OAKLAND COUNTY, MICHIGAN**

**AN ORDINANCE TO AMEND THE CITY OF SOUTH LYON  
CODE OF ORDINANCES, CHAPTER 58, "OFFENSES AND  
MISCELLANEOUS PROVISIONS," ARTICLE V, "OFFENSES  
INVOLVING MINORS," DIVISION 2, "ALCOHOLIC  
BEVERAGES," TO CONFORM TO CHANGES MADE IN STATE  
LAW.**

**THE CITY OF SOUTH LYON ORDAINS:**

**PART I: Amendment of Section 58-239.** Section 58-239, "Furnishing false information or evidence of age to a person under 21" in Division 2, "Alcoholic Beverages," Article V, "Offenses Involving Minors," Chapter 58, "Offenses and Miscellaneous Provisions," of the City of South Lyon Code of Ordinances is amended to read as follows:

Sec. 58-239. - Furnishing false information or evidence of age to a person under 21.

Any person who furnishes false information regarding the age of another person under the age of 21 years for the purpose of procuring the sale of alcoholic beverages to said other person, or who furnishes false documentary evidence to a person under the age of 21 years who uses the evidence to purchase alcoholic beverages shall be guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than \$100.00, or both.

**PART II: Amendment of Section 58-240.** Section 58-240, "Misrepresenting age to secure purchase of alcoholic beverages by person under 21 years of age" in Division 2, "Alcoholic Beverages," Article V, "Offenses Involving Minors," Chapter 58, "Offenses and Miscellaneous Provisions," of the City of South Lyon Code of Ordinances is amended to read as follows:

Sec. 58-240. - Misrepresenting age to secure purchase of alcoholic beverages by person under 21 years of age.

Any person under 21 years of age who falsely represents himself or herself to be 21 years of age or older through the furnishing of documentary evidence or the giving of other false information regarding his or her age, to any person selling alcoholic beverages, for the purpose of purchasing or attempting to purchase any alcoholic beverage shall be guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than \$100.00, or both.

**PART III: Amendment of Section 58-242.** Section 58-242, "Purchasing, consuming, or possession of alcoholic beverages by persons under 21 years of age" in Division 2, "Alcoholic Beverages," Article V, "Offenses Involving Minors," Chapter 58, "Offenses and Miscellaneous Provisions," of the City of South Lyon Code of Ordinances is amended to read as follows:

Sec. 58-242. - Purchasing, consuming, or possession of alcoholic beverages by persons under 21 years of age.

It shall be unlawful for any person under the age of 21 years to purchase or attempt to purchase alcoholic liquor, consume or attempt to consume alcoholic liquor, or possess or attempt to possess alcoholic liquor or have any bodily alcohol content, except as provided in MCL 436.1703 and this section. For purposes of this section, a person under the age of 21 is deemed a "minor." This section shall not apply to the following:

- (1) A person less than 21 years of age who possesses alcoholic liquor during regular working hours and in the course of his or her employment if employed by a person licensed by under the Michigan Liquor Control Code of 1998, Public Act 58 of 1998, as amended, by the state liquor control commission, or by an agent of that commission, if the alcoholic liquor is not possessed for his or her personal consumption.
- (2) The consumption of alcoholic liquor by a person less than 21 years of age who is enrolled in a course offered by an accredited post-secondary educational institution in an academic building of the institution under the supervision of a faculty member if the purpose of the consumption is solely educational and is a necessary ingredient of the course.
- (3) The consumption by a person less than 21 years of age of sacramental wine in connection with religious services at a church, synagogue, or temple.
- (4) A minor who participates in an undercover operation in which the minor purchases or receives alcoholic liquor under the direction of the state police, the commission, or a local police agency as part of an enforcement action unless the initial or contemporaneous purchase or receipt of alcoholic liquor by the minor was not under the direction of the state police, the commission, or the local police agency and was not part of the undercover operation.
- (5) A minor who participates in an undercover operation in which the minor purchases or receives alcoholic liquor under the direction of the person's employer and with the prior approval of the local prosecutor's office as part of an employer-sponsored internal enforcement action
- (6) As used in this section, "any bodily alcohol content" means either of the following:
  - a. An alcohol content of 0.02 grams or more per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine.
  - b. Any presence of alcohol within a person's body resulting from the consumption of alcoholic liquor, other than consumption of alcoholic liquor as a part of a generally recognized religious service or ceremony.

**PART IV: Amendment of Section 58-243.** Division 2, "Alcoholic Beverages," Article V, "Offenses Involving Minors," Chapter 58, "Offenses and Miscellaneous Provisions," of the City of South Lyon Code of Ordinances is amended to amend Section 58-243, "Penalties, sanctions, submission to preliminary chemical breath analysis" to read as follows in its entirety:

Sec. 58-243. - Penalties, sanctions, submission to preliminary chemical breath analysis.



Notwithstanding the penalties provided in section 1-14, any minor who violates section 58-242 is responsible for a municipal civil infraction or guilty of a misdemeanor punishable by the following civil fines and sanctions and is not subject to the penalties prescribed in section 1-14:

- (1) For a first violation of section 58-242, MCL 436.1703(1), or other local ordinance substantially corresponding to that statute, the minor is responsible for a municipal civil infraction, shall be fined not more than \$100.00 and may be ordered to participate in substance use disorder services as defined in MCL 333.6230, and designated by the administrator of substance abuse services, to perform community service, and to undergo screening and assessment as provided in MCL 436.1703(5) at his or her own expense as described in subsection (7). A minor may be found responsible or admit responsibility only once under this subsection (1), MCL 436.1703(1)(a), or other local ordinance substantially corresponding to that statute
- (2) If a violation of section 58-242, MCL 436.1703(1), or other local ordinance substantially corresponding to that statute occurs after one (1) prior judgment for an alcohol or controlled substance violation identified in subsection (5), the minor is guilty of a misdemeanor, which is punishable by imprisonment for not more than 30 days but only if the minor has been found by the court to have violated an order of probation, failed to successfully complete any treatment, screening, or community service ordered by the court, or failed to pay any fine for that conviction or juvenile adjudication, a fine of not more than \$200.00 or both, and may be ordered to participate in substance use disorder services as defined in MCL 333.6230, and designated by the administrator of substance abuse services, to perform community service, and to undergo screening and assessment at his or her own expense as described in subsection (7). A minor who pleads guilty, or admits in a juvenile delinquency proceeding to a violation of section 58-242 under this subsection (2), may request deferral of proceedings and placement on probation under subsection (6).
- (3) If a violation of this section 58-242, MCL 436.1703(1), or other local ordinance substantially corresponding to that statute occurs after two or more prior judgments for an alcohol or controlled substance violation identified in subsection (a)(5), the minor is guilty of a misdemeanor, which is punishable by imprisonment for not more than 60 days but only if the minor has been found by the court to have violated an order of probation, failed to successfully complete any treatment, screening, or community service ordered by the court, or failed to pay any fine for that conviction or juvenile adjudication, a fine of not more than \$500.00, or both, and may be ordered to participate in substance use services as defined in MCL 333.6230, and designated by the administrator of substance abuse services, to perform community service, and to undergo screening and assessment at his or her own expense as described in subsection (7).
- (4) A minor that is subject to a misdemeanor conviction or juvenile adjudication of, or placed on probation regarding, a violation of section 58-242 under subsections (2) or (3), may be ordered by court to submit to random or regular preliminary chemical breath analysis, which may be requested by the minor's parent, guardian, or custodian as provided in MCL 436.1703(5).
- (5) For purposes of subsections (2) and (3), "prior judgment" means a conviction, juvenile adjudication, or finding or admission of responsibility for a violation of the statutes

listed in this subsection, or any federal or state law or local ordinance that substantially corresponds to any of those listed statutes:

- a. MCL 436.1703(1), or former MCL 436.33b.
  - b. A misdemeanor violation that is dismissed under subsection (6), MCL 436.1703(3), or other local ordinance substantially corresponding to that statute.
  - c. MCL 436.1701 (Sale/furnish alcohol to minors.)
  - d. MCL 436.1707 (Sale/service/furnish alcohol to intoxicated persons.)
  - e. MCL 257.624a (Transport/possess open alcohol in motor vehicle.)
  - f. MCL 257.624b (Transport/possess open alcohol in motor vehicle by minor.)
  - g. MCL 257.625 (Operating motor vehicle while intoxicated/impaired.)
  - h. MCL 324.80176 (Operating boat while under influence.)
  - i. MCL 324.81134 (Operating off-road vehicle while under influence.)
  - j. MCL 324.82127 (Operating snowmobile while under influence.)
  - k. MCL 750.167a (Hunting with firearm/weapon while intoxicated.)
  - l. MCL 750.237 (Carry/possess/use/discharge firearm while under influence.)
- (6) If a minor pleads guilty, or admits in a juvenile delinquency proceeding to a violation of section 58-242 under subsection (2), the court may defer further proceedings and place the minor on probation under MCL 436.1703(3), which provides for dismissal of the proceedings upon the terms and conditions of probation being fulfilled. An individual may only obtain one (1) dismissal under MCL 436.1703(3).
- (7) The court may order the person found responsible for or convicted of violating section 58-242 to undergo screening and assessment to determine whether the person is likely to benefit from rehabilitative services, including alcohol or drug education and alcohol or drug treatment programs as provided in MCL 436.1703(5).
- (8) A peace officer who has reasonable cause to believe a minor has consumed alcoholic liquor or has any bodily alcohol content may request the person to submit to a preliminary chemical breath analysis. If a minor does not consent to a preliminary chemical breath analysis, the analysis shall not be administered without a court order, but a peace officer may seek to obtain a court order. A peace officer may initiate municipal civil infraction or misdemeanor charges for a violation of section 58-242 based in whole or in part upon the results of a preliminary chemical breath analysis. The results of a preliminary chemical breath analysis or other acceptable blood alcohol test are admissible in a municipal civil infraction or criminal prosecution to determine whether the minor has consumed or possessed alcoholic liquor or had any bodily alcohol content.
- (9) A law enforcement agency, upon determining that a person less than 18 years of age who is not emancipated pursuant to Act No. 293 of the Public Acts of 1968, being MCL 772.1—772.6, allegedly consumed, possessed, purchased, or attempted to consume possess, or purchase alcoholic liquor in violation of section 58-242, shall notify the parent or parents, custodian, or guardian of the person as to the nature of the violation if the name of the parent, guardian, or custodian is reasonably ascertainable by the law enforcement agency. The notice required by this subsection shall be made not later than 48 hours after the law enforcement agency determines that the person who allegedly violated section 58-242 is less than 18 years of age and not emancipated under MCL 722.1 to 722.6. The notice may be made by any means reasonably calculated to give prompt actual notice including, but not limited to, notice

in person, by telephone, or by first class mail. If a person less than 17 years of age is incarcerated for violating section 58-242, then his or her parents or legal guardian shall be notified immediately as provided in this subsection.

- (10) This section shall not be construed to limit the civil and criminal liability of the vendor or the vendor's clerk, servant, agent, or employee for violation of this section.
- (11) In a municipal civil infraction proceeding or criminal prosecution for the violation of section 58-242 concerning a minor having any bodily alcohol content, it is an affirmative defense that the minor consumed the alcoholic liquor in a venue or location where that consumption is legal.
- (12) As used in this section, "any bodily alcohol content" means either of the following:
- a. An alcohol content of 0.02 grams or more per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine.
  - b. Any presence of alcohol within a person's body resulting from the consumption of alcoholic liquor, other than consumption of alcoholic liquor as a part of a generally recognized religious service or ceremony.

**PART V. Severability.** Should any section, subdivision, clause, or phrase of this Ordinance be declared by the courts to be invalid, the validity of the Ordinance as a whole, or in part, shall not be affected other than the part invalidated.

**PART VI. Savings Clause.** The amendment of the City of South Lyon Code of Ordinances set forth in this Ordinance does not affect or impair any act done, offense committed, or right accruing, accrued, or acquired or liability, penalty, forfeiture or punishment, pending or incurred prior to the amendment of the South Lyon Code of Ordinances set forth in this Ordinance.

**PART VII. Repealer.** All other Ordinances or parts of Ordinances in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

**PART VIII. Effective Date: Publication.** This Ordinance shall be effective on the first date on or after November 2, 2017, that it has been published.

Made, Passed and Adopted by the South Lyon City Council this \_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
John Galeas Jr., Mayor

\_\_\_\_\_  
Lisa Deaton, City Clerk

**Certificate of Adoption**

I hereby certify that the foregoing is a true and complete copy of the ordinance adopted at the regular meeting of the South Lyon City Council held on the \_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
Lisa Deaton, City Clerk

Adopted:  
Published:  
Effective:

**CITY OF SOUTH LYON  
OAKLAND COUNTY, MICHIGAN**

**AN ORDINANCE TO AMEND THE CITY OF SOUTH LYON  
CODE OF ORDINANCES, CHAPTER 58, "OFFENSES AND  
MISCELLANEOUS PROVISIONS," ARTICLE V, "OFFENSES  
INVOLVING MINORS," DIVISION 2, "ALCOHOLIC  
BEVERAGES," TO CONFORM TO CHANGES MADE IN STATE  
LAW.**

**THE CITY OF SOUTH LYON ORDAINS:**

**PART I: Amendment of Section 58-239.** Section 58-239, "Furnishing false information or evidence of age to a person under 21" in Division 2, "Alcoholic Beverages," Article V, "Offenses Involving Minors," Chapter 58, "Offenses and Miscellaneous Provisions," of the City of South Lyon Code of Ordinances is amended to read as follows:

Sec. 58-239. - Furnishing false information or evidence of age to a person under 21.

~~It shall be unlawful for a~~Any person ~~to who~~ furnishes false information regarding the age of another person under the age of 21 years for the purpose of procuring the sale of alcoholic beverages to said other person, or ~~to who~~ furnishes false documentary evidence to a person under the age of 21 years who uses the evidence to purchase alcoholic beverages shall be guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than \$100.00, or both.

**PART II: Amendment of Section 58-240.** Section 58-240, "Misrepresenting age to secure purchase of alcoholic beverages by person under 21 years of age" in Division 2, "Alcoholic Beverages," Article V, "Offenses Involving Minors," Chapter 58, "Offenses and Miscellaneous Provisions," of the City of South Lyon Code of Ordinances is amended to read as follows:

Sec. 58-240. - Misrepresenting age to secure purchase of alcoholic beverages by person under 21 years of age.

~~It shall be unlawful for a~~Any person under 21 years of age ~~to who~~ falsely represents himself or herself to be 21 years of age or older through the furnishing of documentary evidence or the giving of other false information regarding his or her age, to any person selling alcoholic beverages, for the purpose of purchasing or attempting to purchase any alcoholic beverage shall be guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than \$100.00; or both.

**PART III: Amendment of Section 58-242.** Section 58-242, "Purchasing, consuming, or possession of alcoholic beverages by persons under 21 years of age" in Division 2, "Alcoholic Beverages," Article V, "Offenses Involving Minors," Chapter 58, "Offenses and Miscellaneous Provisions," of the City of South Lyon Code of Ordinances is amended to read as follows:

Sec. 58-242. - Purchasing, consuming, or possession of alcoholic beverages by persons under

21 years of age.

It shall be unlawful for any person under the age of 21 years to purchase or attempt to purchase alcoholic liquor, consume or attempt to consume alcoholic liquor, or possess or attempt to possess alcoholic liquor or have any bodily alcohol content, except as provided in MCL 436.170333a(1) and this section. For purposes of this section, a person under the age of 21 is deemed a "minor." This section shall not apply to the following:

- (1) A person less than 21 years of age who possesses alcoholic liquor during regular working hours and in the course of his or her employment if employed by a person licensed by ~~Act No. 8 of the Public Acts of the Extra Session of 1933~~ under the Michigan Liquor Control Code of 1998, Public Act 58 of 1998, as amended, by the state liquor control commission, or by an agent of that commission, if the alcoholic liquor is not possessed for his or her personal consumption.
- (2) The consumption of alcoholic liquor by a person less than 21 years of age who is enrolled in a course offered by an accredited post-secondary educational institution in an academic building of the institution under the supervision of a faculty member if the purpose of the consumption is solely educational and is a necessary ingredient of the course.
- (3) The consumption by a person less than 21 years of age of sacramental wine in connection with religious services at a church, synagogue, or temple.
- (4) A minor who participates in an undercover operation in which the minor purchases or receives alcoholic liquor under the direction of the state police, the commission, or a local police agency as part of an enforcement action unless the initial or contemporaneous purchase or receipt of alcoholic liquor by the minor was not under the direction of the state police, the commission, or the local police agency and was not part of the undercover operation.
- (5) A minor who participates in an undercover operation in which the minor purchases or receives alcoholic liquor under the direction of the person's employer and with the prior approval of the local prosecutor's office as part of an employer-sponsored internal enforcement action
- (65) As used in this section, "any bodily alcohol content" means either of the following:
  - a. An alcohol content of 0.02 grams or more per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine.
  - b. Any presence of alcohol within a person's body resulting from the consumption of alcoholic liquor, other than consumption of alcoholic liquor as a part of a generally recognized religious service or ceremony.

**PART IV: Amendment of Section 58-243.** Division 2, "Alcoholic Beverages," Article V, "Offenses Involving Minors," Chapter 58, "Offenses and Miscellaneous Provisions," of the City of South Lyon Code of Ordinances is amended to amend Section 58-243, "Penalties, sanctions, submission to preliminary chemical breath analysis" to read as follows in its entirety:

Sec. 58-243. - Penalties, sanctions, submission to preliminary chemical breath analysis.

Notwithstanding the penalties provided in section 1-14, any ~~person~~ minor who violates section 58-242 ~~shall be is~~ responsible for a municipal civil infraction or guilty of a misdemeanor punishable by the following civil fines and sanctions and is not subject to the penalties prescribed in section 1-14:

- (1) For a first violation ~~of a~~ section 58-242, MCL 436.1703(1), or other local ordinance substantially corresponding to that statute, the minor is responsible for a municipal civil infraction, shall be fined ~~of~~ not more than \$100.00 and may be ordered to participate in substance abuse ~~prevention disorder services or substance abuse treatment and rehabilitation services as defined in MCL 333.6230~~ Section 6107 of the Public Health Code, 1978 PA 368, MCL 333.6107, and designated by the administrator of substance abuse services, and may be ordered to perform community service, and to undergo substance abuse screening and assessment as provided in MCL 436.1703(5) at his or her own expense as described in subsection (74). A minor may be found responsible or admit responsibility only once under this subsection (1), MCL 436.1703(1)(a), or other local ordinance substantially corresponding to that statute
- (2) ~~For~~ If a violation of section 58-242, MCL 436.1703(1), or other local ordinance substantially corresponding to that statute occurs after this subsection following a one (1) prior judgment for an alcohol or controlled substance violation identified in subsection (5), the minor is guilty of a misdemeanor, which is punishable prior conviction or juvenile adjudication for a violation of this subsection, Section 33b(1) of Former 1933 (Ex Sess) PA 8, or a local ordinance substantially corresponding to this subsection or Section 33b(1) of Former 1933 (Ex Sess) PA 8, by imprisonment for not more than 30 days but only if the minor has been found by the court to have violated an order of probation, failed to successfully complete any treatment, screening, or community service ordered by the court, or failed to pay any fine for that conviction or juvenile adjudication, a fine of not more than \$200.00 or both, and may be ordered to participate in substance abuse ~~disorder prevention services or substance abuse treatment and rehabilitation services as defined in MCL 333.6230~~ Section 6107 of the Public Health Code, 1978 PA 368, MCL 333.6107, and designated by the administrator of substance abuse services, to perform community service, and to undergo substance abuse screening and assessment at his or her own expense as described in subsection (74). A minor who pleads guilty, or admits in a juvenile delinquency proceeding to a violation of section 58-242 under this subsection (2), may request deferral of proceedings and placement on probation under subsection (6).
- (3) ~~For~~ If a violation of this section 58-242, MCL 436.1703(1), or other local ordinance substantially corresponding to that statute occurs after subsection following two or more prior convictions judgments for an alcohol or controlled substance violation identified in subsection (a)(5), the minor is guilty of a misdemeanor, which is punishable or juvenile adjudications for a violation of this subsection, Section 33b(1) of Former 1933 (Ex Sess) PA 8, or a local ordinance substantially corresponding to this subsection or Section 33b(1) of Former 1933 (Ex Sess) PA 8, by imprisonment for not more than 60 days but only if the minor has been found by the court to have violated an order of probation, failed to successfully complete any treatment, screening, or community service ordered by the court, or failed to pay any fine for that conviction or juvenile adjudication, a fine of not more than \$500.00, or both, and may be ordered to participate in substance abuse ~~prevention services or substance abuse treatment and rehabilitation services as defined in MCL 333.6230, Section 6107 of the Public Health~~

Code, 1978 PA 368, MCL 333.6107, and designated by the administrator of substance abuse services, to perform community service, and to undergo substance abuse screening and assessment at his or her own expense as described in subsection (74).

- (4) A minor that is subject to a misdemeanor conviction or juvenile adjudication of, or placed on probation regarding, a violation of section 58-242 under subsections (2) or (3), may be ordered by court to submit to random or regular preliminary chemical breath analysis, which may be requested by the minor's parent, guardian, or custodian as provided in MCL 436.1703(5).
- (5) For purposes of subsections (2) and (3), "prior judgment" means a conviction, juvenile adjudication, or finding or admission of responsibility for a violation of the statutes listed in this subsection, or any federal or state law or local ordinance that substantially corresponds to any of those listed statutes:
- a. MCL 436.1703(1), or former MCL 436.33b.
  - b. A misdemeanor violation that is dismissed under subsection (6), MCL 436.1703(3), or other local ordinance substantially corresponding to that statute.
  - c. MCL 436.1701 (Sale/furnish alcohol to minors.)
  - d. MCL 436.1707 (Sale/service/furnish alcohol to intoxicated persons.)
  - e. MCL 257.624a (Transport/possess open alcohol in motor vehicle.)
  - f. MCL 257.624b (Transport/possess open alcohol in motor vehicle by minor.)
  - g. MCL 257.625 (Operating motor vehicle while intoxicated/impaired.)
  - h. MCL 324.80176 (Operating boat while under influence.)
  - i. MCL 324.81134 (Operating off-road vehicle while under influence.)
  - j. MCL 324.82127 (Operating snowmobile while under influence.)
  - k. MCL 750.167a (Hunting with firearm/weapon while intoxicated.)
  - l. MCL 750.237 (Carry/possess/use/discharge firearm while under influence.)
- (6) If a minor pleads guilty, or admits in a juvenile delinquency proceeding to a violation of section 58-242 under subsection (2), the court may defer further proceedings and place the minor on probation under MCL 436.1703(3), which provides for dismissal of the proceedings upon the terms and conditions of probation being fulfilled. An individual may only obtain one (1) dismissal under MCL 436.1703(3).
- (74) The court may order the person found responsible for or convicted of violating section 58-242 to undergo screening and assessment by a person or agency as designated by the substance abuse coordinating agency as defined in Section 6103 of Act No. 368 of the Public Acts of 1978, being MCL 333.6103, in order to determine whether the person is likely to benefit from rehabilitative services, including alcohol or drug education and alcohol or drug treatment programs as provided in MCL 436.1703(5).
- (85) A peace officer who has reasonable cause to believe a minor has consumed alcoholic liquor or has any bodily alcohol content may request the person to submit to a preliminary chemical breath analysis. If a minor does not consent to a preliminary chemical breath analysis, the analysis shall not be administered without a court order, but a peace officer may seek to obtain a court order. A peace officer may initiate municipal civil infraction or misdemeanor charges for a violation of section 58-242 arrest a person based in whole or in part upon the results of a preliminary chemical breath analysis. The results of a preliminary chemical breath analysis or other acceptable blood alcohol test are admissible in a municipal civil infraction or criminal



prosecution to determine whether the minor has consumed or possessed alcoholic liquor or had any bodily alcohol content.

(96) A law enforcement agency, upon determining that a person less than 18 years of age who is not emancipated pursuant to Act No. 293 of the Public Acts of 1968, being MCL 772.1—772.6, allegedly consumed, possessed, purchased, or attempted to consume possess, or purchase alcoholic liquor in violation of section 58-242, shall notify the parent or parents, custodian, or guardian of the person as to the nature of the violation if the name of the parent, guardian, or custodian is reasonably ascertainable by the law enforcement agency. The notice required by this subsection shall be made not later than 48 hours after the law enforcement agency determines that the person who allegedly violated section 58-242 is less than 18 years of age and not emancipated under MCL 722.1 to 722.6 pursuant to Act No. 293 of the Public Acts of 1968. The notice may be made by any means reasonably calculated to give prompt actual notice including, but not limited to, notice in person, by telephone, or by first class mail. If a person less than 17 years of age is incarcerated for violating section 58-242, then his or her parents or legal guardian shall be notified immediately as provided in this subsection.

(107) This section shall not be construed to limit the civil and criminal liability of the vendor or the vendor's clerk, servant, agent, or employee for violation of this section.

(118) In a municipal civil infraction proceeding or criminal prosecution for the violation of subsection 58-242(1) concerning a minor having any bodily alcohol content, it is an affirmative defense that the minor consumed the alcoholic liquor in a venue or location where that consumption is legal.

(129) As used in this section, "any bodily alcohol content" means either of the following:

- a. An alcohol content of 0.02 grams or more per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine.
- b. Any presence of alcohol within a person's body resulting from the consumption of alcoholic liquor, other than consumption of alcoholic liquor as a part of a generally recognized religious service or ceremony.

**PART V. Severability.** Should any section, subdivision, clause, or phrase of this Ordinance be declared by the courts to be invalid, the validity of the Ordinance as a whole, or in part, shall not be affected other than the part invalidated.

**PART VI. Savings Clause.** The amendment of the City of South Lyon Code of Ordinances set forth in this Ordinance does not affect or impair any act done, offense committed, or right accruing, accrued, or acquired or liability, penalty, forfeiture or punishment, pending or incurred prior to the amendment of the South Lyon Code of Ordinances set forth in this Ordinance.

**PART VII. Repealer.** All other Ordinances or parts of Ordinances in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

**PART VIII. Effective Date: Publication.** This Ordinance shall be effective on the first date on or after November 2, 2017, that it has been published.

Made, Passed and Adopted by the South Lyon City Council this \_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
John Galeas Jr., Mayor

\_\_\_\_\_  
Lisa Deaton, City Clerk

**Certificate of Adoption**

I hereby certify that the foregoing is a true and complete copy of the ordinance adopted at the regular meeting of the South Lyon City Council held on the \_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
Lisa Deaton, City Clerk

Adopted:  
Published:  
Effective:



JOHNSON ROSATI SCHULTZ JOPPICH PC

27555 Executive Drive Suite 250 ~ Farmington Hills, Michigan 48331  
Phone: 248.489.4100 | Fax: 248.489.1726

Timothy S. Wilhelm  
twilhelm@jrsjlaw.com

www.jrsjlaw.com

October 2, 2017

Mayor John Galeas, Jr. and City Council  
City of South Lyon  
335 S. Warren Street  
South Lyon, MI 48178

RE: Proposed Amendment to Minors in Possession/Consuming Alcohol Ordinance

Dear Mayor Galeas and City Council Members:

Provided with this letter is an Ordinance Amendment that is presented for first reading at the meeting October 9, 2017. A mark-up version showing proposed changes from the current Ordinance Code Sections 58-239, 58-240, 58-242, and 58-243 is also provided. This Ordinance Amendment is to conform the City Code of Ordinances to changes in state law regarding minors that purchase, possess or consume alcohol, to maintain consistency with this area of uniform state-wide regulation. While those changes under state law, Public Act No. 357 of 2016, were given an effective date of January 1, 2018, we recently learned that Public Act No. 89 of 2017 (which added provisions for court ordered breath tests) essentially reenacted the 2016 changes but with an accelerated, October 10, 2017, effective date.

As for the changes in state law, the most significant was to make first offenses a civil infraction. Second and subsequent offenses remain misdemeanors, with the maximum term of imprisonment and fine for third and subsequent offenses (60 days/\$500) being higher than for second offenses (30 days/\$200).

The second significant change was to the provision that allows a court to place first offenders pleading guilty on a probationary status pending completion substance abuse treatment or community service, which if successful, will result in dismissal of the charge and the defendant having no criminal record. That process remains available for the first misdemeanor charge (a second offense since first offenses are civil infractions), but with a narrowing of the eligibility for that status. Under the old statute, only a prior conviction for minor in possession/consuming alcohol would disqualify a minor from eligibility for the probationary/dismissal program. Under the new statute, the types of prior convictions that would prevent probationary/dismissal status has been expanded to encompass other alcohol/controlled substance related violations you will find listed in Section 58-243(5) of the proposed ordinance amendment.

Mayor John Galeas, Jr. and City Council  
Minor In Possession Ordinance Amendment  
October 2, 2017  
Page 2

With respect to timing and the effective date, we recommend that the proposed ordinance amendment be scheduled for a second reading and enactment at the October 23, 2017 regular Council meeting. If the Ordinance is published immediately after your meeting on the 23<sup>rd</sup>, the earliest that the Ordinance could then become effective would be on November 2, 2017.

Sincerely yours,

JOHNSON, ROSATI, SCHULTZ & JOPPICH, P.C.



Timothy S. Wilhelm

Encl.  
Enclosures

cc: Lynne Ladner, City Manager  
Lisa Deaton, City Clerk  
Lloyd Collins, City Police Chief



Senate Fiscal Agency  
P. O. Box 30036  
Lansing, Michigan 48909-7536

BILL



ANALYSIS

Telephone: (517) 373-5383  
Fax: (517) 373-1886

Senate Bills 332 and 333 (as enacted)  
Sponsor: Senator Rick Jones  
Senate Committee: Judiciary  
House Committee: Criminal Justice

**PUBLIC ACTS 357 & 358 of 2016**

Date Completed: 3-27-17

**CONTENT**

**Senate Bill 332 amends the Michigan Liquor Control Code to do the following:**

- Designate a minor's first violation for purchasing, possessing, or consuming alcohol, or having any bodily alcohol content (i.e., a minor in possession or MIP), as a State civil infraction rather than a misdemeanor.
- Allow the deferral and dismissal of an MIP violation only for a misdemeanor violation that occurs after one prior judgment for MIP or another specified alcohol-related violation.
- Limit a court's ability to order random or regular preliminary chemical breath analysis for an MIP violation to a person subject to a misdemeanor conviction or juvenile adjudication.
- Allow a peace officer to request, rather than require, a minor to submit to a preliminary chemical breath analysis if the officer has reasonable cause to believe that the minor has consumed alcohol.
- Allow the results of a preliminary chemical breath analysis or other acceptable blood alcohol test to be admitted in a State civil infraction proceeding or criminal prosecution.
- Delete authorization for a peace officer to arrest a person based on the results of a preliminary chemical breath analysis.
- Delete a provision specifying that it is a State civil infraction, subject to a civil fine, for a minor to refuse to submit to a breath analysis.

**Senate Bill 333 amends the Michigan Vehicle Code to define "prior conviction" as a misdemeanor conviction or a civil infraction determination for an MIP violation, for purposes of a required driver license suspension for a person who commits certain alcohol-related violations or an MIP violation and has one or more prior convictions.**

The bills will take effect on January 1, 2018.

Under the Michigan Liquor Control Code, "minor" means an individual under 21 years of age.

**Senate Bill 332****MIP Penalties**

Section 703(1) of the Liquor Control Code prohibits a minor from purchasing or attempting to purchase, consuming or attempting to consume, or possessing or attempting to possess alcoholic liquor, or from having any bodily alcohol content, except as otherwise provided. (These violations, collectively, are often referred to as MIP violations.)

An MIP violation is a misdemeanor punishable by a maximum fine of \$100. A second violation is a misdemeanor punishable by a maximum fine of \$200 and/or up to 30 days' imprisonment. The term of imprisonment applies, however, only if the court finds that the minor violated an order of probation, failed to successfully complete any court-ordered treatment, screening, or community service, or failed to pay any fine for the conviction or juvenile adjudication. A third or subsequent violation is a misdemeanor punishable by up to 60 days' imprisonment, but only if the court finds that the minor violated an order or failed to pay a fine (as described for a second violation), and/or a maximum fine of \$500.

Under the bill, for a first MIP violation, a minor is responsible for a State civil infraction and must be fined up to \$100. A minor may be found responsible or admit responsibility for an MIP violation that is a State civil infraction only once.

The bill retains the misdemeanor penalties for a second, third, or subsequent violation but refers to an MIP violation that occurs after one "prior judgment" or after two or more prior judgments.

The bill defines "prior judgment" as a conviction, juvenile adjudication, finding of responsibility, or admission of responsibility for any of the following, whether under a Michigan law, or a substantially corresponding local ordinance, U.S. law, or law of another state:

- MIP; furnishing fraudulent ID to a minor, or a minor's use of fraudulent ID, to purchase alcohol; selling or furnishing alcohol to a minor; or selling, serving, or furnishing alcohol to an intoxicated person.
- Possessing open alcohol in a vehicle; transporting or possessing alcohol in a vehicle by a person under 21 years of age; or operating a motor vehicle while under the influence of or impaired by alcohol, a controlled substance, or a combination of both.
- Operating a motorboat, off-road vehicle, or snowmobile while under the influence of alcohol and/or a controlled substance.
- Hunting while drunk or intoxicated, or possession or use of a firearm by a person who is under the influence of or impaired by alcohol and/or a controlled substance.

#### Deferral & Dismissal

Under the Code, if a person who has not previously been convicted of or received a juvenile adjudication for a violation of Section 703(1) pleads guilty to or offers a plea of admission in a juvenile delinquency proceeding for a violation of that provision, the court may defer proceedings and place the person on probation without entering a judgment of guilt in a criminal proceeding or a determination in a juvenile proceeding. If the person fulfills the terms and conditions of the probation, the court must discharge the individual and dismiss the proceedings without adjudication of guilt or a determination in a juvenile proceeding.

Under the bill, the deferral and dismissal provision applies only for a misdemeanor violation of Section 703(1) that occurs after one prior judgment. The terms and conditions of probation under the deferral provision must include the sanctions set forth for an MIP violation that occurs after two or more prior judgments.

#### Breath Analysis

The Code allows a court to order a person subject to a conviction or juvenile adjudication of, or placed on probation regarding, an MIP violation to submit to a random or regular preliminary chemical breath analysis. Under the bill, that provision applies to a person subject to a misdemeanor conviction or juvenile adjudication of, or placed on probation regarding, an MIP violation.

Under the Code, if a peace officer has reasonable cause to believe that a minor has consumed alcoholic liquor or has any bodily alcohol content, the officer may require the minor to submit to a preliminary chemical breath analysis. The bill allows a peace officer to request, rather than require, the minor to submit to the breath analysis.

The Code provides that the results of a preliminary chemical breath analysis or other acceptable blood alcohol test are admissible in a criminal prosecution to determine whether the minor has consumed or possessed alcoholic liquor or had any bodily alcohol content. Under the bill, those results also will be admissible in a State civil infraction proceeding.

The Code allows a peace officer to arrest an individual based in whole or in part upon the results of a preliminary chemical breath analysis. A minor who refuses to submit to a breath analysis is responsible for a State civil infraction and may be ordered to pay a civil fine of up to \$100. The bill deletes those provisions.

### **Senate Bill 333**

The Vehicle Code requires the Secretary of State (SOS) to suspend a person's driver license for 90 days for any of the following offenses, if the person has one prior conviction for any of those offenses:

- Transportation or possession of alcoholic liquor in a container that is open or uncapped or upon which the seal has been broken, within the passenger area of a vehicle.
- Transportation or possession of alcoholic liquor in a motor vehicle by a person under 21 years of age.
- Minor in possession.

Under the bill, for purposes of that provision, "prior conviction" means either a misdemeanor conviction or a civil infraction determination for a violation of Section 703(1) of the Liquor Control Code (MIP).

MCL 436.1703 (S.B. 332)  
257.319 (S.B. 333)

Legislative Analyst: Patrick Affholter

### **FISCAL IMPACT**

#### **Senate Bill 332**

The bill may reduce total incarceration and court costs for State and local government. According to Michigan State Police data, between 2009 and 2013, a total of approximately 40,000 arrests were made for the purchase, consumption, or possession of alcohol by a minor for a first, second, third, or subsequent offense. According to the State Court Administrative Office, for calendar year 2014, for the courts that submitted data, there were approximately 9,300 convictions for a first offense, 365 convictions for a second offense, and 176 convictions for a third offense. If the change in offense classification results in lower court and incarceration costs, and civil infraction revenue remains the same, there may be a net benefit to local law enforcement entities.

#### **Senate Bill 333**

The bill will result in the loss of an estimated \$170,800 in restricted revenue annually for the Department of State. According to fiscal year 2014-15 data, the Department collected nearly \$171,000 in reinstatement fees from approximately 1,367 drivers whose driver licenses were suspended due to having one prior conviction for an MIP violation. The Department collects a

\$125 reinstatement fee from people whose driver licenses have been revoked or suspended. Revenue from the reinstatement fee is used to fund the Department's operations. The estimated loss in revenue from the bill's deletion of the required license suspension for a person with one prior MIP conviction cannot be absorbed within current annual appropriations and may result in the delay of future improvements or the layoff of up to 2.0 FTE employees.

Fiscal Analyst: Ryan Bergan  
Joe Carrasco

SAS\S1516\sb332es

This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.



Act No. 357  
Public Acts of 2016  
Approved by the Governor  
December 21, 2016  
Filed with the Secretary of State  
December 21, 2016  
EFFECTIVE DATE: January 1, 2018

**STATE OF MICHIGAN**  
**98TH LEGISLATURE**  
**REGULAR SESSION OF 2016**

Introduced by Senators Jones, Bieda, Stamas and Horn

**ENROLLED SENATE BILL No. 332**

AN ACT to amend 1998 PA 58, entitled "An act to create a commission for the control of the alcoholic beverage traffic within this state, and to prescribe its powers, duties, and limitations; to provide for powers and duties for certain state departments and agencies; to impose certain taxes for certain purposes; to provide for the control of the alcoholic liquor traffic within this state and to provide for the power to establish state liquor stores; to prohibit the use of certain devices for the dispensing of alcoholic vapor; to provide for the care and treatment of alcoholics; to provide for the incorporation of farmer cooperative wineries and the granting of certain rights and privileges to those cooperatives; to provide for the licensing and taxation of activities regulated under this act and the disposition of the money received under this act; to prescribe liability for retail licensees under certain circumstances and to require security for that liability; to provide procedures, defenses, and remedies regarding violations of this act; to provide for the enforcement and to prescribe penalties for violations of this act; to provide for allocation of certain funds for certain purposes; to provide for the confiscation and disposition of property seized under this act; to provide referenda under certain circumstances; and to repeal acts and parts of acts," by amending section 703 (MCL 436.1703), as amended by 2012 PA 125.

*The People of the State of Michigan enact:*

Sec. 703. (1) A minor shall not purchase or attempt to purchase alcoholic liquor, consume or attempt to consume alcoholic liquor, possess or attempt to possess alcoholic liquor, or have any bodily alcohol content, except as provided in this section. A minor who violates this subsection is responsible for a state civil infraction or guilty of a misdemeanor as follows and is not subject to the penalties prescribed in section 909:

(a) For the first violation, the minor is responsible for a state civil infraction and shall be fined not more than \$100.00. A court may order a minor under this subdivision to participate in substance use disorder services as defined in section 6230 of the public health code, 1978 PA 368, MCL 333.6230, and designated by the administrator of the office of substance abuse services, and may order the minor to perform community service and to undergo substance abuse screening and assessment at his or her own expense as described in subsection (5). A minor may be found responsible or admit responsibility only once under this subdivision.

(b) If a violation of this subsection occurs after 1 prior judgment, the minor is guilty of a misdemeanor. A misdemeanor under this subdivision is punishable by imprisonment for not more than 30 days if the court finds that the minor violated an order of probation, failed to successfully complete any treatment, screening, or community service ordered by the court, or failed to pay any fine for that conviction or juvenile adjudication, by a fine of not more than \$200.00, or both. A court may order a minor under this subdivision to participate in substance use disorder services as defined in section 6230 of the public health code, 1978 PA 368, MCL 333.6230, and designated by the administrator of the office of substance abuse services, to perform community service, and to undergo substance abuse screening and assessment at his or her own expense as described in subsection (5).

(c) If a violation of this subsection occurs after 2 or more prior judgments, the minor is guilty of a misdemeanor. A misdemeanor under this subdivision is punishable by imprisonment for not more than 60 days, if the court finds that the minor violated an order of probation, failed to successfully complete any treatment, screening, or community service ordered by the court, or failed to pay any fine for that conviction or juvenile adjudication, by a fine of not more than \$500.00, or both, as applicable. A court may order a minor under this subdivision to participate in substance use disorder services as defined in section 6230 of the public health code, 1978 PA 368, MCL 333.6230, and designated by the administrator of the office of substance abuse services, to perform community service, and to undergo substance abuse screening and assessment at his or her own expense as described in subsection (5).

(2) An individual who furnishes fraudulent identification to a minor or, notwithstanding subsection (1), a minor who uses fraudulent identification to purchase alcoholic liquor, is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than \$100.00, or both.

(3) If an individual who pleads guilty to a misdemeanor violation of subsection (1)(b) or offers a plea of admission in a juvenile delinquency proceeding for a misdemeanor violation of subsection (1)(b), the court, without entering a judgment of guilt in a criminal proceeding or a determination in a juvenile delinquency proceeding that the juvenile has committed the offense and with the consent of the accused, may defer further proceedings and place the individual on probation. The terms and conditions of that probation include, but are not limited to, the sanctions set forth in subsection (1)(c), payment of the costs including minimum state cost as provided for in section 18m of chapter XIIA of the probate code of 1939, 1939 PA 288, MCL 712A.18m, and section 1j of chapter IX of the code of criminal procedure, 1927 PA 175, MCL 769.1j, and the costs of probation as prescribed in section 8 of chapter XI of the code of criminal procedure, 1927 PA 175, MCL 771.3. If a court finds that an individual violated a term or condition of probation or that the individual is utilizing this subsection in another court, the court may enter an adjudication of guilt, or a determination in a juvenile delinquency proceeding that the individual has committed the offense, and proceed as otherwise provided by law. If an individual fulfills the terms and conditions of probation, the court shall discharge the individual and dismiss the proceedings. A discharge and dismissal under this section is without adjudication of guilt or without a determination in a juvenile delinquency proceeding that the individual has committed the offense and is not a conviction or juvenile adjudication for purposes of disqualifications or disabilities imposed by law on conviction of a crime. An individual may obtain only 1 discharge and dismissal under this subsection. The court shall maintain a nonpublic record of the matter while proceedings are deferred and the individual is on probation and if there is a discharge and dismissal under this subsection. The secretary of state shall retain a nonpublic record of a plea and of the discharge and dismissal under this subsection. These records shall be furnished to any of the following:

(a) To a court, prosecutor, or police agency on request for the purpose of determining if an individual has already utilized this subsection.

(b) To the department of corrections, a prosecutor, or a law enforcement agency, on the department's, a prosecutor's, or a law enforcement agency's request, subject to all of the following conditions:

(i) At the time of the request, the individual is an employee of the department of corrections, the prosecutor, or the law enforcement agency, or an applicant for employment with the department of corrections, the prosecutor, or the law enforcement agency.

(ii) The record is used by the department of corrections, the prosecutor, or the law enforcement agency only to determine whether an employee has violated his or her conditions of employment or whether an applicant meets criteria for employment.

(4) A misdemeanor violation of subsection (1) successfully deferred, discharged, and dismissed under subsection (3) is considered a prior judgment for the purposes of subsection (1)(c).

(5) A court may order an individual found responsible for or convicted of violating subsection (1) to undergo screening and assessment by a person or agency as designated by the department-designated community mental health entity as defined in section 100a of the mental health code, 1974 PA 258, MCL 330.1100a, to determine whether the individual is likely to benefit from rehabilitative services, including alcohol or drug education and alcohol or drug treatment programs. A court may order an individual subject to a misdemeanor conviction or juvenile adjudication of, or placed on probation regarding, a violation of subsection (1) to submit to a random or regular preliminary chemical breath analysis. The parent, guardian, or custodian of a minor who is less than 18 years of age and not emancipated under 1968 PA 293, MCL 722.1 to 722.6, may request a random or regular preliminary chemical breath analysis as part of the probation.

(6) The secretary of state shall suspend the operator's or chauffeur's license of an individual convicted of a second or subsequent violation of subsection (1) or of violating subsection (2) as provided in section 319 of the Michigan vehicle code, 1949 PA 300, MCL 257.319.

(7) A peace officer who has reasonable cause to believe a minor has consumed alcoholic liquor or has any bodily alcohol content may request that individual to submit to a preliminary chemical breath analysis. The results of a preliminary chemical breath analysis or other acceptable blood alcohol test are admissible in a state civil infraction proceeding or criminal prosecution to determine if the minor has consumed or possessed alcoholic liquor or had any bodily alcohol content.

(8) A law enforcement agency, on determining that an individual who is less than 18 years of age and not emancipated under 1968 PA 293, MCL 722.1 to 722.6, allegedly consumed, possessed, or purchased alcoholic liquor, attempted to consume, possess, or purchase alcoholic liquor, or had any bodily alcohol content in violation of subsection (1) shall notify the parent or parents, custodian, or guardian of the individual as to the nature of the violation if the name of a parent, guardian, or custodian is reasonably ascertainable by the law enforcement agency. The law enforcement agency shall notify the parent, guardian, or custodian not later than 48 hours after the law enforcement agency determines that the individual who allegedly violated subsection (1) is less than 18 years of age and not emancipated under 1968 PA 293, MCL 722.1 to 722.6. The law enforcement agency may notify the parent, guardian, or custodian by any means reasonably calculated to give prompt actual notice including, but not limited to, notice in person, by telephone, or by first-class mail. If an individual less than 17 years of age is incarcerated for violating subsection (1), his or her parents or legal guardian shall be notified immediately as provided in this subsection.

(9) This section does not prohibit a minor from possessing alcoholic liquor during regular working hours and in the course of his or her employment if employed by a person licensed by this act, by the commission, or by an agent of the commission, if the alcoholic liquor is not possessed for his or her personal consumption.

(10) The following individuals are not considered to be in violation of subsection (1):

(a) A minor who has consumed alcoholic liquor and who voluntarily presents himself or herself to a health facility or agency for treatment or for observation including, but not limited to, medical examination and treatment for any condition arising from a violation of sections 520b to 520g of the Michigan penal code, 1931 PA 328, MCL 750.520b to 750.520g, committed against a minor.

(b) A minor who accompanies an individual who meets both of the following criteria:

(i) Has consumed alcoholic liquor.

(ii) Voluntarily presents himself or herself to a health facility or agency for treatment or for observation including, but not limited to, medical examination and treatment for any condition arising from a violation of sections 520b to 520g of the Michigan penal code, 1931 PA 328, MCL 750.520b to 750.520g, committed against a minor.

(c) A minor who initiates contact with a peace officer or emergency medical services personnel for the purpose of obtaining medical assistance for a legitimate health care concern.

(11) If a minor who is less than 18 years of age and who is not emancipated under 1968 PA 293, MCL 722.1 to 722.6, voluntarily presents himself or herself to a health facility or agency for treatment or for observation as provided under subsection (10), the health facility or agency shall notify the parent or parents, guardian, or custodian of the individual as to the nature of the treatment or observation if the name of a parent, guardian, or custodian is reasonably ascertainable by the health facility or agency.

(12) This section does not limit the civil or criminal liability of a vendor or the vendor's clerk, servant, agent, or employee for a violation of this act.

(13) The consumption of alcoholic liquor by a minor who is enrolled in a course offered by an accredited postsecondary educational institution in an academic building of the institution under the supervision of a faculty member is not prohibited by this act if the purpose of the consumption is solely educational and is a requirement of the course.

(14) The consumption by a minor of sacramental wine in connection with religious services at a church, synagogue, or temple is not prohibited by this act.

(15) Subsection (1) does not apply to a minor who participates in either or both of the following:

(a) An undercover operation in which the minor purchases or receives alcoholic liquor under the direction of the person's employer and with the prior approval of the local prosecutor's office as part of an employer-sponsored internal enforcement action.

(b) An undercover operation in which the minor purchases or receives alcoholic liquor under the direction of the state police, the commission, or a local police agency as part of an enforcement action unless the initial or contemporaneous purchase or receipt of alcoholic liquor by the minor was not under the direction of the state police, the commission, or the local police agency and was not part of the undercover operation.

(16) The state police, the commission, or a local police agency shall not recruit or attempt to recruit a minor for participation in an undercover operation at the scene of a violation of subsection (1), section 701(1), or section 801(2).

(17) In a prosecution for the violation of subsection (1) concerning a minor having any bodily alcohol content, it is an affirmative defense that the minor consumed the alcoholic liquor in a venue or location where that consumption is legal.

(18) As used in this section:

(a) "Any bodily alcohol content" means either of the following:

(i) An alcohol content of 0.02 grams or more per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine.

(ii) Any presence of alcohol within a person's body resulting from the consumption of alcoholic liquor, other than consumption of alcoholic liquor as a part of a generally recognized religious service or ceremony.

(b) "Emergency medical services personnel" means that term as defined in section 20904 of the public health code, 1978 PA 368, MCL 333.20904.

(c) "Health facility or agency" means that term as defined in section 20106 of the public health code, 1978 PA 368, MCL 333.20106.

(d) "Prior judgment" means a conviction, juvenile adjudication, finding of responsibility, or admission of responsibility for any of the following, whether under a law of this state, a local ordinance substantially corresponding to a law of this state, a law of the United States substantially corresponding to a law of this state, or a law of another state substantially corresponding to a law of this state:

(i) This section or section 701 or 707.

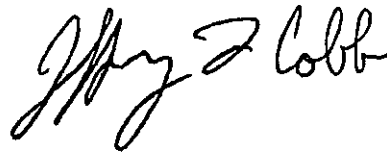
(ii) Section 624a, 624b, or 625 of the Michigan vehicle code, 1949 PA 300, MCL 257.624a, 257.624b, and 257.625.

(iii) Section 80176, 81134, or 82127 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.80176, 324.81134, and 324.82127.

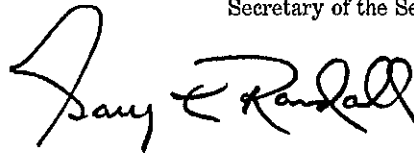
(iv) Section 167a or 237 of the Michigan penal code, 1939 PA 328, MCL 750.167a and 750.237.

Enacting section 1. This amendatory act takes effect January 1, 2018.

This act is ordered to take immediate effect.



Secretary of the Senate



Clerk of the House of Representatives

Approved .....

.....  
Governor

Act No. 358  
Public Acts of 2016  
Approved by the Governor  
December 21, 2016  
Filed with the Secretary of State  
December 21, 2016  
EFFECTIVE DATE: January 1, 2018

**STATE OF MICHIGAN  
98TH LEGISLATURE  
REGULAR SESSION OF 2016**

Introduced by Senator Jones

**ENROLLED SENATE BILL No. 333**

AN ACT to amend 1949 PA 300, entitled "An act to provide for the registration, titling, sale, transfer, and regulation of certain vehicles operated upon the public highways of this state or any other place open to the general public or generally accessible to motor vehicles and distressed vehicles; to provide for the licensing of dealers; to provide for the examination, licensing, and control of operators and chauffeurs; to provide for the giving of proof of financial responsibility and security by owners and operators of vehicles; to provide for the imposition, levy, and collection of specific taxes on vehicles, and the levy and collection of sales and use taxes, license fees, and permit fees; to provide for the regulation and use of streets and highways; to create certain funds; to provide penalties and sanctions for a violation of this act; to provide for civil liability of manufacturers, the manufacturers of certain devices, the manufacturers of automated technology, upfitters, owners, and operators of vehicles and service of process on residents and nonresidents; to regulate the introduction and use of certain evidence; to regulate and certify the manufacturers of certain devices; to provide for approval and certification of installers and servicers of certain devices; to provide for the levy of certain assessments; to provide for the enforcement of this act; to provide for the creation of and to prescribe the powers and duties of certain state and local agencies; to impose liability upon the state or local agencies; to provide appropriations for certain purposes; to repeal all other acts or parts of acts inconsistent with this act or contrary to this act; and to repeal certain parts of this act on a specific date," by amending section 319 (MCL 257.319), as amended by 2016 PA 32.

*The People of the State of Michigan enact:*

Sec. 319. (1) The secretary of state shall immediately suspend a person's license as provided in this section on receiving a record of the person's conviction for a crime described in this section, whether the conviction is under a law of this state, a local ordinance substantially corresponding to a law of this state, a law of another state substantially corresponding to a law of this state, or, beginning October 31, 2010, a law of the United States substantially corresponding to a law of this state.

- (2) The secretary of state shall suspend the person's license for 1 year for any of the following crimes:
- (a) Fraudulently altering or forging documents pertaining to motor vehicles in violation of section 257.
  - (b) A violation of section 413 of the Michigan penal code, 1931 PA 328, MCL 750.413.
  - (c) A violation of section 1 of former 1931 PA 214, MCL 752.191, or former section 626c.
  - (d) A felony in which a motor vehicle was used. As used in this section, "felony in which a motor vehicle was used" means a felony during the commission of which the person convicted operated a motor vehicle and while operating the vehicle presented real or potential harm to persons or property and 1 or more of the following circumstances existed:
    - (i) The vehicle was used as an instrument of the felony.
    - (ii) The vehicle was used to transport a victim of the felony.
    - (iii) The vehicle was used to flee the scene of the felony.
    - (iv) The vehicle was necessary for the commission of the felony.
  - (e) A violation of section 602a(2) or (3) of this act or section 479a(2) or (3) of the Michigan penal code, 1931 PA 328, MCL 750.479a.
  - (f) Beginning October 31, 2010, a violation of section 601d.
- (3) The secretary of state shall suspend the person's license for 90 days for any of the following crimes:
- (a) Failing to stop and disclose identity at the scene of an accident resulting in injury in violation of section 617a.
  - (b) A violation of section 601b(2), section 601c(1), section 653a(3), section 626 before October 31, 2010, or, beginning October 31, 2010, section 626(2).
  - (c) Malicious destruction resulting from the operation of a vehicle under section 382(1)(b), (c), or (d) of the Michigan penal code, 1931 PA 328, MCL 750.382.
  - (d) A violation of section 703(2) of the Michigan liquor control code of 1998, 1998 PA 58, MCL 436.1703.
- (4) The secretary of state shall suspend the person's license for 30 days for malicious destruction resulting from the operation of a vehicle under section 382(1)(a) of the Michigan penal code, 1931 PA 328, MCL 750.382.
- (5) For perjury or making a false certification to the secretary of state under any law requiring the registration of a motor vehicle or regulating the operation of a vehicle on a highway, or for conduct prohibited under section 324(1) or a local ordinance substantially corresponding to section 324(1), the secretary of state shall suspend the person's license as follows:
- (a) If the person has no prior conviction for an offense described in this subsection within 7 years, for 90 days.
  - (b) If the person has 1 or more prior convictions for an offense described in this subsection within 7 years, for 1 year.
- (6) For a violation of section 414 of the Michigan penal code, 1931 PA 328, MCL 750.414, the secretary of state shall suspend the person's license as follows:
- (a) If the person has no prior conviction for that offense within 7 years, for 90 days.
  - (b) If the person has 1 or more prior convictions for that offense within 7 years, for 1 year.
- (7) For a violation of section 624a or 624b of this act or section 703(1) of the Michigan liquor control code of 1998, 1998 PA 58, MCL 436.1703, the secretary of state shall suspend the person's license as follows:
- (a) Subject to subsection (24), if the person has 1 prior conviction for an offense described in section 624a or 624b of this act or section 33b(1) of former 1933 (Ex Sess) PA 8, for 90 days. The secretary of state may issue the person a restricted license after the first 30 days of suspension.
  - (b) Subject to subsection (24), if the person has 2 or more prior convictions for an offense described in this subsection or section 33b(1) of former 1933 (Ex Sess) PA 8, for 1 year. The secretary of state may issue the person a restricted license after the first 60 days of suspension.
- (8) The secretary of state shall suspend the person's license for a violation of section 625 or 625m as follows:
- (a) For 180 days for a violation of section 625(1) or (8) before October 31, 2010 or, beginning October 31, 2010, section 625(1)(a) or (b) or (8) if the person has no prior convictions within 7 years. The secretary of state may issue the person a restricted license during a specified portion of the suspension, except that the secretary of state shall not issue a restricted license during the first 30 days of suspension.
  - (b) For 90 days for a violation of section 625(3) if the person has no prior convictions within 7 years. However, if the person is convicted of a violation of section 625(3), for operating a vehicle when, due to the consumption of a controlled substance or a combination of alcoholic liquor and a controlled substance, the person's ability to operate the vehicle was visibly impaired, the secretary of state shall suspend the person's license under this subdivision for 180 days. The secretary of state may issue the person a restricted license during all or a specified portion of the suspension.
  - (c) For 30 days for a violation of section 625(6) if the person has no prior convictions within 7 years. The secretary of state may issue the person a restricted license during all or a specified portion of the suspension.

(d) For 90 days for a violation of section 625(6) if the person has 1 or more prior convictions for that offense within 7 years.

(e) For 180 days for a violation of section 625(7) if the person has no prior convictions within 7 years. The secretary of state may issue the person a restricted license after the first 90 days of suspension.

(f) For 90 days for a violation of section 625m if the person has no prior convictions within 7 years. The secretary of state may issue the person a restricted license during all or a specified portion of the suspension.

(g) Beginning October 31, 2010, for 1 year for a violation of section 625(1)(c) if the person has no prior convictions within 7 years or not more than 2 convictions within 10 years. The secretary of state may issue the person a restricted license, except that the secretary of state shall not issue a restricted license during the first 45 days of suspension.

(h) Beginning October 31, 2010, the department shall order a person convicted of violating section 625(1)(c) not to operate a motor vehicle under a restricted license issued under subdivision (g) unless the vehicle is equipped with an ignition interlock device approved, certified, and installed as required under sections 625k and 625l. The ignition interlock device may be removed after the interlock device provider provides the department with verification that the person has operated the vehicle with no instances of reaching or exceeding a blood alcohol level of 0.025 grams per 210 liters of breath. This subdivision does not prohibit the removal of the ignition interlock device for any of the following:

(i) A start-up test failure that occurs within the first 2 months after installation of the device. As used in this subdivision, "start-up test failure" means that the ignition interlock device has prevented the motor vehicle from being started. Multiple unsuccessful attempts at 1 time to start the vehicle are treated as 1 start-up test failure only under this subparagraph.

(ii) A start-up test failure occurring more than 2 months after installation of the device, if not more than 15 minutes after detecting the start-up test failure the person delivers a breath sample that the ignition interlock device analyzes as having an alcohol level of less than 0.025 grams per 210 liters of breath.

(iii) A retest prompted by the device, if not more than 5 minutes after detecting the retest failure the person delivers a breath sample that the ignition interlock device analyzes as having an alcohol level of less than 0.025 grams per 210 liters of breath.

(i) Beginning October 31, 2010, if an individual violates the conditions of the restricted license issued under subdivision (g) or operates or attempts to operate a motor vehicle with a blood alcohol level of 0.025 grams per 210 liters of breath, the secretary of state shall impose an additional like period of suspension and restriction as prescribed under subdivision (g). This subdivision does not require an additional like period of suspension and restriction for any of the following:

(i) A start-up test failure within the first 2 months after installation of the ignition interlock device. As used in this subdivision, "start-up test failure" means that the ignition interlock device has prevented the motor vehicle from being started. Multiple unsuccessful attempts at 1 time to start the vehicle are treated as 1 start-up test failure only under this subparagraph.

(ii) A start-up test failure occurring more than 2 months after installation of the device, if not more than 15 minutes after detecting the start-up test failure the person delivers a breath sample that the ignition interlock device analyzes as having an alcohol level of less than 0.025 grams per 210 liters of breath.

(iii) Any retest prompted by the device, if not more than 5 minutes after detecting the retest failure the person delivers a breath sample that the ignition interlock device analyzes as having an alcohol level of less than 0.025 grams per 210 liters of breath.

(9) For a violation of section 367c of the Michigan penal code, 1931 PA 328, MCL 750.367c, the secretary of state shall suspend the person's license as follows:

(a) If the person has no prior conviction for an offense described in this subsection within 7 years, for 6 months.

(b) If the person has 1 or more convictions for an offense described in this subsection within 7 years, for 1 year.

(10) For a violation of section 315(4), the secretary of state may suspend the person's license for 6 months.

(11) For a violation or attempted violation of section 411a(2) of the Michigan penal code, 1931 PA 328, MCL 750.411a, involving a school, the secretary of state shall suspend the license of a person 14 years of age or over but less than 21 years of age until 3 years after the date of the conviction or juvenile disposition for the violation. The secretary of state may issue the person a restricted license after the first 365 days of suspension.

(12) For a second or subsequent violation of section 701(1) of the Michigan liquor control code of 1998, 1998 PA 58, MCL 436.1701, by an individual who is not a retail licensee or a retail licensee's clerk, agent, or employee, the secretary of state shall suspend the person's license for 180 days. The secretary of state may issue a person a restricted license during all or a specified portion of the suspension.

(13) Except as provided in subsection (15), a suspension under this section shall be imposed notwithstanding a court order unless the court order complies with section 323.

(14) If the secretary of state receives records of more than 1 conviction of a person resulting from the same incident, a suspension shall be imposed only for the violation to which the longest period of suspension applies under this section.

(15) The secretary of state may waive a restriction, suspension, or revocation of a person's license imposed under this act if the person submits proof that a court in another state revoked, suspended, or restricted his or her license for a period equal to or greater than the period of a restriction, suspension, or revocation prescribed under this act for the violation and that the revocation, suspension, or restriction was served for the violation, or may grant a restricted license.

(16) The secretary of state shall not issue a restricted license to a person whose license is suspended under this section unless a restricted license is authorized under this section and the person is otherwise eligible for a license.

(17) The secretary of state shall not issue a restricted license to a person under subsection (8) that would permit the person to operate a commercial motor vehicle.

(18) Except as provided in subsection (17), a restricted license issued under this section shall permit the person to whom it is issued to take any driving skills test required by the secretary of state and to operate a vehicle under 1 or more of the following circumstances:

(a) In the course of the person's employment or occupation.

(b) To and from any combination of the following:

(i) The person's residence.

(ii) The person's work location.

(iii) An alcohol or drug education or treatment program as ordered by the court.

(iv) The court probation department.

(v) A court-ordered community service program.

(vi) An educational institution at which the person is enrolled as a student.

(vii) A place of regularly occurring medical treatment for a serious condition for the person or a member of the person's household or immediate family.

(viii) An ignition interlock service provider as required.

(19) While driving with a restricted license, the person shall carry proof of his or her destination and the hours of any employment, class, or other reason for traveling and shall display that proof upon a peace officer's request.

(20) Subject to subsection (22), as used in subsection (8), "prior conviction" means a conviction for any of the following, whether under a law of this state, a local ordinance substantially corresponding to a law of this state, or a law of another state substantially corresponding to a law of this state:

(a) Except as provided in subsection (21), a violation or attempted violation of any of the following:

(i) Section 625, except a violation of section 625(2), or a violation of any prior enactment of section 625 in which the defendant operated a vehicle while under the influence of intoxicating or alcoholic liquor or a controlled substance, or a combination of intoxicating or alcoholic liquor and a controlled substance, or while visibly impaired, or with an unlawful bodily alcohol content.

(ii) Section 625m.

(iii) Former section 625b.

(b) Negligent homicide, manslaughter, or murder resulting from the operation of a vehicle or an attempt to commit any of those crimes.

(c) Beginning October 31, 2010, a violation of section 601d or section 626(3) or (4).

(21) Except for purposes of the suspensions described in subsection (8)(c) and (d), only 1 violation or attempted violation of section 625(6), a local ordinance substantially corresponding to section 625(6), or a law of another state substantially corresponding to section 625(6) may be used as a prior conviction.

(22) If 2 or more convictions described in subsection (20) are convictions for violations arising out of the same transaction, only 1 conviction shall be used to determine whether the person has a prior conviction.

(23) Any period of suspension or restriction required under this section is not subject to appeal to the secretary of state.

(24) For purposes of subsection (7), "prior conviction" means either a misdemeanor conviction or a civil infraction determination for a violation of section 703(1) of the liquor control code of 1998, 1998 PA 58, MCL 436.1703.

Enacting section 1. This amendatory act takes effect January 1, 2018.

Enacting section 2. This amendatory act does not take effect unless Senate Bill No. 332 of the 98th Legislature is enacted into law.



This act is ordered to take immediate effect.

*Wm J Cobb*

Secretary of the Senate

*Sam E Randall*

Clerk of the House of Representatives

Approved .....

.....  
Governor



Senate Fiscal Agency  
P. O. Box 30036  
Lansing, Michigan 48909-7536

BILL



ANALYSIS

Telephone: (517) 373-5383  
Fax: (517) 373-1986

House Bill 4213 (as reported without amendment)  
Sponsor: Representative Peter J. Lucido  
House Committee: Law and Justice  
Senate Committee: Judiciary

### **CONTENT**

The bill would amend the Michigan Liquor Control Code to prohibit the administration of a preliminary chemical breath analysis if a minor did not consent to it, and allow a peace officer to seek a court order for such a test.

Generally, a peace officer who has reasonable cause to believe that a minor has consumed alcoholic liquor or has any bodily alcohol content may request that individual to submit to a preliminary chemical breath analysis. The results of the analysis or other acceptable blood alcohol test are admissible in a State civil infraction proceeding or criminal prosecution to determine if the minor has consumed or possessed alcoholic liquor or had any bodily alcohol content.

Under the bill, if a minor did not consent to preliminary chemical breath analysis, the analysis could not be administered without a court order, but a peace officer could seek to obtain a court order.

MCL 436.1703

Legislative Analyst: Jeff Mann

### **FISCAL IMPACT**

The bill would have no fiscal impact on State or local government.

Date Completed: 5-4-17

Fiscal Analyst: Ryan Bergan

Act No. 89  
Public Acts of 2017  
Approved by the Governor  
July 12, 2017  
Filed with the Secretary of State  
July 12, 2017  
EFFECTIVE DATE: October 10, 2017

**STATE OF MICHIGAN  
99TH LEGISLATURE  
REGULAR SESSION OF 2017**

Introduced by Rep. Lucido

## **ENROLLED HOUSE BILL No. 4213**

AN ACT to amend 1998 PA 58, entitled "An act to create a commission for the control of the alcoholic beverage traffic within this state, and to prescribe its powers, duties, and limitations; to provide for powers and duties for certain state departments and agencies; to impose certain taxes for certain purposes; to provide for the control of the alcoholic liquor traffic within this state and to provide for the power to establish state liquor stores; to prohibit the use of certain devices for the dispensing of alcoholic vapor; to provide for the care and treatment of alcoholics; to provide for the incorporation of farmer cooperative wineries and the granting of certain rights and privileges to those cooperatives; to provide for the licensing and taxation of activities regulated under this act and the disposition of the money received under this act; to prescribe liability for retail licensees under certain circumstances and to require security for that liability; to provide procedures, defenses, and remedies regarding violations of this act; to provide for the enforcement and to prescribe penalties for violations of this act; to provide for allocation of certain funds for certain purposes; to provide for the confiscation and disposition of property seized under this act; to provide referenda under certain circumstances; and to repeal acts and parts of acts," by amending section 703 (MCL 436.1703), as amended by 2016 PA 357.

*The People of the State of Michigan enact:*

Sec. 703. (1) A minor shall not purchase or attempt to purchase alcoholic liquor, consume or attempt to consume alcoholic liquor, possess or attempt to possess alcoholic liquor, or have any bodily alcohol content, except as provided in this section. A minor who violates this subsection is responsible for a state civil infraction or guilty of a misdemeanor as follows and is not subject to the penalties prescribed in section 909:

(a) For the first violation, the minor is responsible for a state civil infraction and shall be fined not more than \$100.00. A court may order a minor under this subdivision to participate in substance use disorder services as defined in section 6230 of the public health code, 1978 PA 368, MCL 333.6230, and designated by the administrator of the office of substance abuse services, and may order the minor to perform community service and to undergo substance abuse screening and assessment at his or her own expense as described in subsection (5). A minor may be found responsible or admit responsibility only once under this subdivision.

(b) If a violation of this subsection occurs after 1 prior judgment, the minor is guilty of a misdemeanor. A misdemeanor under this subdivision is punishable by imprisonment for not more than 30 days if the court finds that the minor violated an order of probation, failed to successfully complete any treatment, screening, or community service ordered by the court, or failed to pay any fine for that conviction or juvenile adjudication, or by a fine of not more than \$200.00, or both. A court may order a minor under this subdivision to participate in substance use disorder services as defined in section 6230 of the public health code, 1978 PA 368, MCL 333.6230, and designated by the administrator of the office of substance abuse services, to perform community service, and to undergo substance abuse screening and assessment at his or her own expense as described in subsection (5).

(c) If a violation of this subsection occurs after 2 or more prior judgments, the minor is guilty of a misdemeanor. A misdemeanor under this subdivision is punishable by imprisonment for not more than 60 days, if the court finds that the minor violated an order of probation, failed to successfully complete any treatment, screening, or community service ordered by the court, or failed to pay any fine for that conviction or juvenile adjudication, or by a fine of not more than \$500.00, or both, as applicable. A court may order a minor under this subdivision to participate in substance use disorder services as defined in section 6230 of the public health code, 1978 PA 368, MCL 333.6230, and designated by the administrator of the office of substance abuse services, to perform community service, and to undergo substance abuse screening and assessment at his or her own expense as described in subsection (5).

(2) An individual who furnishes fraudulent identification to a minor or, notwithstanding subsection (1), a minor who uses fraudulent identification to purchase alcoholic liquor, is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than \$100.00, or both.

(3) If an individual who pleads guilty to a misdemeanor violation of subsection (1)(b) or offers a plea of admission in a juvenile delinquency proceeding for a misdemeanor violation of subsection (1)(b), the court, without entering a judgment of guilt in a criminal proceeding or a determination in a juvenile delinquency proceeding that the juvenile has committed the offense and with the consent of the accused, may defer further proceedings and place the individual on probation. The terms and conditions of that probation include, but are not limited to, the sanctions set forth in subsection (1)(c), payment of the costs including minimum state cost as provided for in section 18m of chapter XIIA of the probate code of 1939, 1939 PA 288, MCL 712A.18m, and section 1j of chapter IX of the code of criminal procedure, 1927 PA 175, MCL 769.1j, and the costs of probation as prescribed in section 3 of chapter XI of the code of criminal procedure, 1927 PA 175, MCL 771.3. If a court finds that an individual violated a term or condition of probation or that the individual is utilizing this subsection in another court, the court may enter an adjudication of guilt, or a determination in a juvenile delinquency proceeding that the individual has committed the offense, and proceed as otherwise provided by law. If an individual fulfills the terms and conditions of probation, the court shall discharge the individual and dismiss the proceedings. A discharge and dismissal under this section is without adjudication of guilt or without a determination in a juvenile delinquency proceeding that the individual has committed the offense and is not a conviction or juvenile adjudication for purposes of disqualifications or disabilities imposed by law on conviction of a crime. An individual may obtain only 1 discharge and dismissal under this subsection. The court shall maintain a nonpublic record of the matter while proceedings are deferred and the individual is on probation and if there is a discharge and dismissal under this subsection. The secretary of state shall retain a nonpublic record of a plea and of the discharge and dismissal under this subsection. These records shall be furnished to any of the following:

(a) To a court, prosecutor, or police agency on request for the purpose of determining if an individual has already utilized this subsection.

(b) To the department of corrections, a prosecutor, or a law enforcement agency, on the department's, a prosecutor's, or a law enforcement agency's request, subject to all of the following conditions:

(i) At the time of the request, the individual is an employee of the department of corrections, the prosecutor, or the law enforcement agency, or an applicant for employment with the department of corrections, the prosecutor, or the law enforcement agency.

(ii) The record is used by the department of corrections, the prosecutor, or the law enforcement agency only to determine whether an employee has violated his or her conditions of employment or whether an applicant meets criteria for employment.

(4) A misdemeanor violation of subsection (1) successfully deferred, discharged, and dismissed under subsection (3) is considered a prior judgment for the purposes of subsection (1)(c).

(5) A court may order an individual found responsible for or convicted of violating subsection (1) to undergo screening and assessment by a person or agency as designated by the department-designated community mental health entity as defined in section 100a of the mental health code, 1974 PA 258, MCL 330.1100a, to determine whether the individual is likely to benefit from rehabilitative services, including alcohol or drug education and alcohol or drug treatment programs. A court may order an individual subject to a misdemeanor conviction or juvenile adjudication of, or placed on probation regarding, a violation of subsection (1) to submit to a random or regular preliminary chemical breath analysis. The parent, guardian, or custodian of a minor who is less than 18 years of age and not emancipated under 1968 PA 293, MCL 722.1 to 722.6, may request a random or regular preliminary chemical breath analysis as part of the probation.

(6) The secretary of state shall suspend the operator's or chauffeur's license of an individual convicted of a second or subsequent violation of subsection (1) or of violating subsection (2) as provided in section 319 of the Michigan vehicle code, 1949 PA 300, MCL 257.319.

(7) A peace officer who has reasonable cause to believe a minor has consumed alcoholic liquor or has any bodily alcohol content may request that individual to submit to a preliminary chemical breath analysis. If a minor does not consent to a preliminary chemical breath analysis, the analysis shall not be administered without a court order, but a peace officer may seek to obtain a court order. The results of a preliminary chemical breath analysis or other acceptable blood alcohol test are admissible in a state civil infraction proceeding or criminal prosecution to determine if the minor has consumed or possessed alcoholic liquor or had any bodily alcohol content.

(8) A law enforcement agency, on determining that an individual who is less than 18 years of age and not emancipated under 1968 PA 293, MCL 722.1 to 722.6, allegedly consumed, possessed, or purchased alcoholic liquor, attempted to consume, possess, or purchase alcoholic liquor, or had any bodily alcohol content in violation of subsection (1) shall notify the parent or parents, custodian, or guardian of the individual as to the nature of the violation if the name of a parent, guardian, or custodian is reasonably ascertainable by the law enforcement agency. The law enforcement agency shall notify the parent, guardian, or custodian not later than 48 hours after the law enforcement agency determines that the individual who allegedly violated subsection (1) is less than 18 years of age and not emancipated under 1968 PA 293, MCL 722.1 to 722.6. The law enforcement agency may notify the parent, guardian, or custodian by any means reasonably calculated to give prompt actual notice including, but not limited to, notice in person, by telephone, or by first-class mail. If an individual less than 17 years of age is incarcerated for violating subsection (1), his or her parents or legal guardian shall be notified immediately as provided in this subsection.

(9) This section does not prohibit a minor from possessing alcoholic liquor during regular working hours and in the course of his or her employment if employed by a person licensed by this act, by the commission, or by an agent of the commission, if the alcoholic liquor is not possessed for his or her personal consumption.

(10) The following individuals are not considered to be in violation of subsection (1):

(a) A minor who has consumed alcoholic liquor and who voluntarily presents himself or herself to a health facility or agency for treatment or for observation including, but not limited to, medical examination and treatment for any condition arising from a violation of sections 520b to 520g of the Michigan penal code, 1931 PA 328, MCL 750.520b to 750.520g, committed against a minor.

(b) A minor who accompanies an individual who meets both of the following criteria:

(i) Has consumed alcoholic liquor.

(ii) Voluntarily presents himself or herself to a health facility or agency for treatment or for observation including, but not limited to, medical examination and treatment for any condition arising from a violation of sections 520b to 520g of the Michigan penal code, 1931 PA 328, MCL 750.520b to 750.520g, committed against a minor.

(c) A minor who initiates contact with a peace officer or emergency medical services personnel for the purpose of obtaining medical assistance for a legitimate health care concern.

(11) If a minor who is less than 18 years of age and who is not emancipated under 1968 PA 293, MCL 722.1 to 722.6, voluntarily presents himself or herself to a health facility or agency for treatment or for observation as provided under subsection (10), the health facility or agency shall notify the parent or parents, guardian, or custodian of the individual as to the nature of the treatment or observation if the name of a parent, guardian, or custodian is reasonably ascertainable by the health facility or agency.

(12) This section does not limit the civil or criminal liability of a vendor or the vendor's clerk, servant, agent, or employee for a violation of this act.

(13) The consumption of alcoholic liquor by a minor who is enrolled in a course offered by an accredited postsecondary educational institution in an academic building of the institution under the supervision of a faculty member is not prohibited by this act if the purpose of the consumption is solely educational and is a requirement of the course.

(14) The consumption by a minor of sacramental wine in connection with religious services at a church, synagogue, or temple is not prohibited by this act.

(15) Subsection (1) does not apply to a minor who participates in either or both of the following:

(a) An undercover operation in which the minor purchases or receives alcoholic liquor under the direction of the person's employer and with the prior approval of the local prosecutor's office as part of an employer-sponsored internal enforcement action.

(b) An undercover operation in which the minor purchases or receives alcoholic liquor under the direction of the state police, the commission, or a local police agency as part of an enforcement action unless the initial or contemporaneous purchase or receipt of alcoholic liquor by the minor was not under the direction of the state police, the commission, or the local police agency and was not part of the undercover operation.

(16) The state police, the commission, or a local police agency shall not recruit or attempt to recruit a minor for participation in an undercover operation at the scene of a violation of subsection (1), section 701(1), or section 801(2).

(17) In a prosecution for the violation of subsection (1) concerning a minor having any bodily alcohol content, it is an affirmative defense that the minor consumed the alcoholic liquor in a venue or location where that consumption is legal.

(18) As used in this section:

(a) "Any bodily alcohol content" means either of the following:

(i) An alcohol content of 0.02 grams or more per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine.

(ii) Any presence of alcohol within a person's body resulting from the consumption of alcoholic liquor, other than consumption of alcoholic liquor as a part of a generally recognized religious service or ceremony.

(b) "Emergency medical services personnel" means that term as defined in section 20904 of the public health code, 1978 PA 368, MCL 333.20904.

(c) "Health facility or agency" means that term as defined in section 20106 of the public health code, 1978 PA 368, MCL 333.20106.

(d) "Prior judgment" means a conviction, juvenile adjudication, finding of responsibility, or admission of responsibility for any of the following, whether under a law of this state, a local ordinance substantially corresponding to a law of this state, a law of the United States substantially corresponding to a law of this state, or a law of another state substantially corresponding to a law of this state:

(i) This section or section 701 or 707.

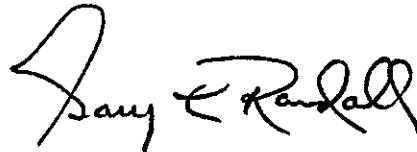
(ii) Section 624a, 624b, or 625 of the Michigan vehicle code, 1949 PA 300, MCL 257.624a, 257.624b, and 257.625.

(iii) Section 80176, 81134, or 82127 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.80176, 324.81134, and 324.82127.

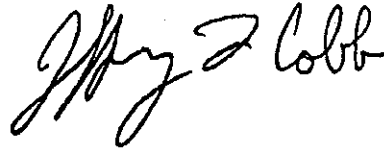
(iv) Section 167a or 237 of the Michigan penal code, 1939 PA 328, MCL 750.167a and 750.237.

Enacting section 1. This amendatory act takes effect 90 days after the date it is enacted into law.

This act is ordered to take immediate effect.



Clerk of the House of Representatives



Secretary of the Senate

Approved.....

.....  
Governor



JOHNSON ROSATI SCHULTZ JOPPICH PC

27555 Executive Drive Suite 250 ~ Farmington Hills, Michigan 48331  
Phone: 248.489.4100 | Fax: 248.489.1726

Timothy S. Wilhelm  
twilhelm@jrsjlaw.com

www.jrsjlaw.com

October 5, 2017

Mayor John Galeas, Jr. and City Council  
City of South Lyon  
335 S. Warren Street  
South Lyon, MI 48178

RE: Minors in Possession Ordinance Amendment – Revision to Effective Date

Dear Mayor Galeas and City Council Members:

We just learned that on September 27, 2017, the State House and Senate passed House Bill 4939 (enclosed), which if signed by the Governor, would change the October 10, 2017 effective date for the state law changes to, among others, the minor in possession provisions in Public Act 89 of 2017 to January 1, 2018 under PA 357 of 2016.

To address this timing issue, we have revised effective date language in the proposed MIP ordinance amendment to allow for the earliest possible effective date if the Governor does not sign HB 4939, or alternatively, to match the effective date of the ordinance to the effective date of the state law changes, that being January 1, 2018. A clean copy of the proposed ordinance amendment containing the revised effective date language is enclosed.

If the Governor signs HB 4939 before the second reading of the ordinance, the effective date language can be revised to clarify the January 1, 2018 effective date.

Sincerely yours,

JOHNSON, ROSATI, SCHULTZ & JOPPICH, P.C.

Timothy S. Wilhelm

Encl.

cc: Lynne Ladner, City Manager  
Lisa Deaton, City Clerk  
Lloyd Collins, City Police Chief

**STATE OF MICHIGAN  
99TH LEGISLATURE  
REGULAR SESSION OF 2017**

Introduced by Rep. Lucido

**ENROLLED HOUSE BILL No. 4939**

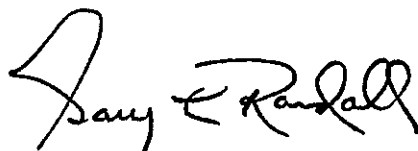
AN ACT to amend 2017 PA 89, entitled "An act to amend 1998 PA 58, entitled "An act to create a commission for the control of the alcoholic beverage traffic within this state, and to prescribe its powers, duties, and limitations; to provide for powers and duties for certain state departments and agencies; to impose certain taxes for certain purposes; to provide for the control of the alcoholic liquor traffic within this state and to provide for the power to establish state liquor stores; to prohibit the use of certain devices for the dispensing of alcoholic vapor; to provide for the care and treatment of alcoholics; to provide for the incorporation of farmer cooperative wineries and the granting of certain rights and privileges to those cooperatives; to provide for the licensing and taxation of activities regulated under this act and the disposition of the money received under this act; to prescribe liability for retail licensees under certain circumstances and to require security for that liability; to provide procedures, defenses, and remedies regarding violations of this act; to provide for the enforcement and to prescribe penalties for violations of this act; to provide for allocation of certain funds for certain purposes; to provide for the confiscation and disposition of property seized under this act; to provide referenda under certain circumstances; and to repeal acts and parts of acts," by amending section 703 (MCL 436.1703), as amended by 2016 PA 357," by amending enacting section 1.

*The People of the State of Michigan enact:*

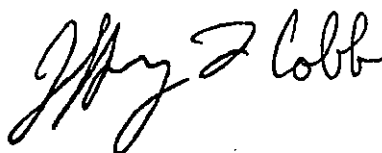
Enacting section 1. This amendatory act takes effect January 1, 2018.



This act is ordered to take immediate effect.



.....  
Clerk of the House of Representatives



.....  
Secretary of the Senate

Approved .....

.....  
Governor

**CITY OF SOUTH LYON  
OAKLAND COUNTY, MICHIGAN**

**AN ORDINANCE TO AMEND THE CITY OF SOUTH LYON  
CODE OF ORDINANCES, CHAPTER 58, "OFFENSES AND  
MISCELLANEOUS PROVISIONS," ARTICLE V, "OFFENSES  
INVOLVING MINORS," DIVISION 2, "ALCOHOLIC  
BEVERAGES," TO CONFORM TO CHANGES MADE IN STATE  
LAW.**

**THE CITY OF SOUTH LYON ORDAINS:**

**PART I: Amendment of Section 58-239.** Section 58-239, "Furnishing false information or evidence of age to a person under 21" in Division 2, "Alcoholic Beverages," Article V, "Offenses Involving Minors," Chapter 58, "Offenses and Miscellaneous Provisions," of the City of South Lyon Code of Ordinances is amended to read as follows:

Sec. 58-239. - Furnishing false information or evidence of age to a person under 21.

Any person who furnishes false information regarding the age of another person under the age of 21 years for the purpose of procuring the sale of alcoholic beverages to said other person, or who furnishes false documentary evidence to a person under the age of 21 years who uses the evidence to purchase alcoholic beverages shall be guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than \$100.00, or both.

**PART II: Amendment of Section 58-240.** Section 58-240, "Misrepresenting age to secure purchase of alcoholic beverages by person under 21 years of age" in Division 2, "Alcoholic Beverages," Article V, "Offenses Involving Minors," Chapter 58, "Offenses and Miscellaneous Provisions," of the City of South Lyon Code of Ordinances is amended to read as follows:

Sec. 58-240. - Misrepresenting age to secure purchase of alcoholic beverages by person under 21 years of age.

Any person under 21 years of age who falsely represents himself or herself to be 21 years of age or older through the furnishing of documentary evidence or the giving of other false information regarding his or her age, to any person selling alcoholic beverages, for the purpose of purchasing or attempting to purchase any alcoholic beverage shall be guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than \$100.00, or both.

**PART III: Amendment of Section 58-242.** Section 58-242, "Purchasing, consuming, or possession of alcoholic beverages by persons under 21 years of age" in Division 2, "Alcoholic Beverages," Article V, "Offenses Involving Minors," Chapter 58, "Offenses and Miscellaneous Provisions," of the City of South Lyon Code of Ordinances is amended to read as follows:

Sec. 58-242. - Purchasing, consuming, or possession of alcoholic beverages by persons under 21 years of age.

It shall be unlawful for any person under the age of 21 years to purchase or attempt to purchase alcoholic liquor, consume or attempt to consume alcoholic liquor, or possess or attempt to possess alcoholic liquor or have any bodily alcohol content, except as provided in MCL 436.1703 and this section. For purposes of this section, a person under the age of 21 is deemed a "minor." This section shall not apply to the following:

- (1) A person less than 21 years of age who possesses alcoholic liquor during regular working hours and in the course of his or her employment if employed by a person licensed by under the Michigan Liquor Control Code of 1998, Public Act 58 of 1998, as amended, by the state liquor control commission, or by an agent of that commission, if the alcoholic liquor is not possessed for his or her personal consumption.
- (2) The consumption of alcoholic liquor by a person less than 21 years of age who is enrolled in a course offered by an accredited post-secondary educational institution in an academic building of the institution under the supervision of a faculty member if the purpose of the consumption is solely educational and is a necessary ingredient of the course.
- (3) The consumption by a person less than 21 years of age of sacramental wine in connection with religious services at a church, synagogue, or temple.
- (4) A minor who participates in an undercover operation in which the minor purchases or receives alcoholic liquor under the direction of the state police, the commission, or a local police agency as part of an enforcement action unless the initial or contemporaneous purchase or receipt of alcoholic liquor by the minor was not under the direction of the state police, the commission, or the local police agency and was not part of the undercover operation.
- (5) A minor who participates in an undercover operation in which the minor purchases or receives alcoholic liquor under the direction of the person's employer and with the prior approval of the local prosecutor's office as part of an employer-sponsored internal enforcement action
- (6) As used in this section, "any bodily alcohol content" means either of the following:
  - a. An alcohol content of 0.02 grams or more per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine.
  - b. Any presence of alcohol within a person's body resulting from the consumption of alcoholic liquor, other than consumption of alcoholic liquor as a part of a generally recognized religious service or ceremony.

**PART IV: Amendment of Section 58-243.** Division 2, "Alcoholic Beverages," Article V, "Offenses Involving Minors," Chapter 58, "Offenses and Miscellaneous Provisions," of the City of South Lyon Code of Ordinances is amended to amend Section 58-243, "Penalties, sanctions, submission to preliminary chemical breath analysis" to read as follows in its entirety:

Sec. 58-243. - Penalties, sanctions, submission to preliminary chemical breath analysis.

Notwithstanding the penalties provided in section 1-14, any minor who violates section 58-242 is responsible for a municipal civil infraction or guilty of a misdemeanor punishable by the following civil fines and sanctions and is not subject to the penalties prescribed in section 1-14:

- (1) For a first violation of section 58-242, MCL 436.1703(1), or other local ordinance substantially corresponding to that statute, the minor is responsible for a municipal civil infraction, shall be fined not more than \$100.00 and may be ordered to participate in substance use disorder services as defined in MCL 333.6230, and designated by the administrator of substance abuse services, to perform community service, and to undergo screening and assessment as provided in MCL 436.1703(5) at his or her own expense as described in subsection (7). A minor may be found responsible or admit responsibility only once under this subsection (1), MCL 436.1703(1)(a), or other local ordinance substantially corresponding to that statute
- (2) If a violation of section 58-242, MCL 436.1703(1), or other local ordinance substantially corresponding to that statute occurs after one (1) prior judgment for an alcohol or controlled substance violation identified in subsection (5), the minor is guilty of a misdemeanor, which is punishable by imprisonment for not more than 30 days but only if the minor has been found by the court to have violated an order of probation, failed to successfully complete any treatment, screening, or community service ordered by the court, or failed to pay any fine for that conviction or juvenile adjudication, a fine of not more than \$200.00 or both, and may be ordered to participate in substance use disorder services as defined in MCL 333.6230, and designated by the administrator of substance abuse services, to perform community service, and to undergo screening and assessment at his or her own expense as described in subsection (7). A minor who pleads guilty, or admits in a juvenile delinquency proceeding to a violation of section 58-242 under this subsection (2), may request deferral of proceedings and placement on probation under subsection (6).
- (3) If a violation of this section 58-242, MCL 436.1703(1), or other local ordinance substantially corresponding to that statute occurs after two or more prior judgments for an alcohol or controlled substance violation identified in subsection (a)(5), the minor is guilty of a misdemeanor, which is punishable by imprisonment for not more than 60 days but only if the minor has been found by the court to have violated an order of probation, failed to successfully complete any treatment, screening, or community service ordered by the court, or failed to pay any fine for that conviction or juvenile adjudication, a fine of not more than \$500.00, or both, and may be ordered to participate in substance use services as defined in MCL 333.6230, and designated by the administrator of substance abuse services, to perform community service, and to undergo screening and assessment at his or her own expense as described in subsection (7).
- (4) A minor that is subject to a misdemeanor conviction or juvenile adjudication of, or placed on probation regarding, a violation of section 58-242 under subsections (2) or (3), may be ordered by court to submit to random or regular preliminary chemical breath analysis, which may be requested by the minor's parent, guardian, or custodian as provided in MCL 436.1703(5).
- (5) For purposes of subsections (2) and (3), "prior judgment" means a conviction, juvenile adjudication, or finding or admission of responsibility for a violation of the statutes

listed in this subsection, or any federal or state law or local ordinance that substantially corresponds to any of those listed statutes:

- a. MCL 436.1703(1), or former MCL 436.33b.
- b. A misdemeanor violation that is dismissed under subsection (6), MCL 436.1703(3), or other local ordinance substantially corresponding to that statute.
- c. MCL 436.1701 (Sale/furnish alcohol to minors.)
- d. MCL 436.1707 (Sale/service/furnish alcohol to intoxicated persons.)
- e. MCL 257.624a (Transport/possess open alcohol in motor vehicle.)
- f. MCL 257.624b (Transport/possess open alcohol in motor vehicle by minor.)
- g. MCL 257.625 (Operating motor vehicle while intoxicated/impaired.)
- h. MCL 324.80176 (Operating boat while under influence.)
- i. MCL 324.81134 (Operating off-road vehicle while under influence.)
- j. MCL 324.82127 (Operating snowmobile while under influence.)
- k. MCL 750.167a (Hunting with firearm/weapon while intoxicated.)
- l. MCL 750.237 (Carry/possess/use/discharge firearm while under influence.)

- (6) If a minor pleads guilty, or admits in a juvenile delinquency proceeding to a violation of section 58-242 under subsection (2), the court may defer further proceedings and place the minor on probation under MCL 436.1703(3), which provides for dismissal of the proceedings upon the terms and conditions of probation being fulfilled. An individual may only obtain one (1) dismissal under MCL 436.1703(3).
- (7) The court may order the person found responsible for or convicted of violating section 58-242 to undergo screening and assessment to determine whether the person is likely to benefit from rehabilitative services, including alcohol or drug education and alcohol or drug treatment programs as provided in MCL 436.1703(5).
- (8) A peace officer who has reasonable cause to believe a minor has consumed alcoholic liquor or has any bodily alcohol content may request the person to submit to a preliminary chemical breath analysis. If a minor does not consent to a preliminary chemical breath analysis, the analysis shall not be administered without a court order, but a peace officer may seek to obtain a court order. A peace officer may initiate municipal civil infraction or misdemeanor charges for a violation of section 58-242 based in whole or in part upon the results of a preliminary chemical breath analysis. The results of a preliminary chemical breath analysis or other acceptable blood alcohol test are admissible in a municipal civil infraction or criminal prosecution to determine whether the minor has consumed or possessed alcoholic liquor or had any bodily alcohol content.
- (9) A law enforcement agency, upon determining that a person less than 18 years of age who is not emancipated pursuant to Act No. 293 of the Public Acts of 1968, being MCL 772.1—772.6, allegedly consumed, possessed, purchased, or attempted to consume possess, or purchase alcoholic liquor in violation of section 58-242, shall notify the parent or parents, custodian, or guardian of the person as to the nature of the violation if the name of the parent, guardian, or custodian is reasonably ascertainable by the law enforcement agency. The notice required by this subsection shall be made not later than 48 hours after the law enforcement agency determines that the person who allegedly violated section 58-242 is less than 18 years of age and not emancipated under MCL 722.1 to 722.6. The notice may be made by any means reasonably calculated to give prompt actual notice including, but not limited to, notice

in person, by telephone, or by first class mail. If a person less than 17 years of age is incarcerated for violating section 58-242, then his or her parents or legal guardian shall be notified immediately as provided in this subsection.

- (10) This section shall not be construed to limit the civil and criminal liability of the vendor or the vendor's clerk, servant, agent, or employee for violation of this section.
- (11) In a municipal civil infraction proceeding or criminal prosecution for the violation of section 58-242 concerning a minor having any bodily alcohol content, it is an affirmative defense that the minor consumed the alcoholic liquor in a venue or location where that consumption is legal.
- (12) As used in this section, "any bodily alcohol content" means either of the following:
- a. An alcohol content of 0.02 grams or more per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine.
  - b. Any presence of alcohol within a person's body resulting from the consumption of alcoholic liquor, other than consumption of alcoholic liquor as a part of a generally recognized religious service or ceremony.

**PART V. Severability.** Should any section, subdivision, clause, or phrase of this Ordinance be declared by the courts to be invalid, the validity of the Ordinance as a whole, or in part, shall not be affected other than the part invalidated.

**PART VI. Savings Clause.** The amendment of the City of South Lyon Code of Ordinances set forth in this Ordinance does not affect or impair any act done, offense committed, or right accruing, accrued, or acquired or liability, penalty, forfeiture or punishment, pending or incurred prior to the amendment of the South Lyon Code of Ordinances set forth in this Ordinance.

**PART VII. Repealer.** All other Ordinances or parts of Ordinances in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

**PART VIII. Effective Date: Publication.** This Ordinance shall be effective on the later of the following: I) on any amended effective date of Public Act 89 of 2017; or II) ten (10) days after its adoption or on the ordinance publication date, whichever is later.

Made, Passed and Adopted by the South Lyon City Council this \_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
John Galeas Jr., Mayor

\_\_\_\_\_  
Lisa Deaton, City Clerk

**Certificate of Adoption**

I hereby certify that the foregoing is a true and complete copy of the ordinance adopted at the regular meeting of the South Lyon City Council held on the \_\_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
Lisa Deaton, City Clerk

Adopted:  
Published:  
Effective:

JOHNSON, ROSATI, SCHULTZ & JOPPICH, P.C.  
27555 Executive Drive, Suite 250  
Farmington Hills, MI 48331  
(248) 489-4100 Tax ID# 38-3107356

September 14, 2017

City of South Lyon  
Attn: Lisa Deaton, Clerk/Treasurer  
335 S. Warren Street  
South Lyon, MI 48178

Invoice # 1069305

In Reference To: General Labor Matters

Professional Services Rendered Through August 31, 2017

		<u>Hrs/Rate</u>	<u>Amount</u>
8/1/2017 PAA	Receipt/review correspondence from and correspondence to City Manager	0.10 160.00/hr	16.00
8/2/2017 PAA	Correspondence to union business agent and FMCS regarding arbitration	0.40 160.00/hr	64.00
8/3/2017 PAA	Edit/revise correspondence to police unions regarding healthcare grievance	0.30 160.00/hr	48.00
8/7/2017 PAA	Receipt/review correspondence from FMCS regarding POLC Arbitration	0.10 160.00/hr	16.00
8/10/2017 PAA	Correspondence to City Manager regarding council meeting	0.30 160.00/hr	48.00
8/11/2017 PAA	Work on Collective Bargaining Agreement assimilation	0.60 160.00/hr	96.00
PAA	Telephone conference with City Manager regarding ratification	0.20 160.00/hr	32.00
PAA	Telephone conference with P. Long regarding ratification	0.20 160.00/hr	32.00

Johnson, Rosati, Schultz & Joppich, P.C.



		<u>Hrs/Rate</u>	<u>Amount</u>
8/16/2017	PAA Correspondence to Council regarding Collective Bargaining Agreement ratification	0.10 160.00/hr	16.00
8/25/2017	PAA Telephone conference with Union regarding Arbitration of healthcare grievance	0.20 160.00/hr	32.00
8/28/2017	PAA Correspondence to POLC regarding arbitration hearing	0.30 160.00/hr	48.00
	PAA Preparation for City Council meeting; Correspondence to City Manager	0.40 160.00/hr	64.00
	PAA Attend City Council meeting regarding ratification of Collective Bargaining Agreement	2.80 160.00/hr	448.00
8/29/2017	PAA Edit/revise final draft of Collective Bargaining Agreement for signature copies	0.40 160.00/hr	64.00
8/30/2017	PAA Edit/revise final draft of Collective Bargaining Agreement for signature copies	0.90 160.00/hr	144.00
	PAA Telephone conference with City Manager regarding Collective Bargaining Agreement status	0.30 160.00/hr	48.00
	For professional services rendered	<u>7.60</u>	<u>\$1,216.00</u>
	Previous balance		\$2,864.00
8/17/2017	Payment - thank you. Check No. 72324		<u>(\$2,864.00)</u>
	Balance due		<u><u>\$1,216.00</u></u>

Please include your Invoice Number on your payment. All payments should be mailed to the Farmington Hills' office listed above. Thank you.

JOHNSON, ROSATI, SCHULTZ & JOPPICH, P.C.  
27555 Executive Drive, Suite 250  
Farmington Hills, MI 48331  
(248) 489-4100 Tax ID# 38-3107356

September 14, 2017

City of South Lyon  
Attn: Lisa Deaton, Clerk/Treasurer  
335 S. Warren Street  
South Lyon, MI 48178

Invoice # 1069306

In Reference To: Michigan Tax Tribunal Matters

Professional Services Rendered Through August 31, 2017

	<u>Hrs/Rate</u>	<u>Amount</u>
<u>McDonald's/Docket 17-001243</u>		
8/24/2017 SSM File review; Preparation of Motion to Compel and correspondence regarding same	0.60 130.00/hr	78.00
Subtotal:	[ 0.60	78.00]
<u>Rite Aid of Mich (#4230-02)/Docket 16-2674</u>		
8/15/2017 SSM Receipt/review of Order Awarding Costs; Correspondence regarding same	0.30 130.00/hr	39.00
Subtotal:	[ 0.30	39.00]
For professional services rendered	0.90	\$117.00

Johnson, Rosati, Schultz & Joppich, P.C.

## Additional Charges :

	<u>Qty/Price</u>	<u>Amount</u>
<u>McDonald's/Docket 17-001243</u>		
8/30/2017 Motion Fee - Motion to Compel	1 50.00	50.00
Photocopies - Motion to Compel	15 0.20	3.00
Subtotal:		[ 53.00]
Total additional charges		\$53.00
Total amount of this bill		\$170.00
Previous balance		\$741.00
8/17/2017 Payment - thank you. Check No. 72324		(\$741.00)
Balance due		\$170.00

Please include your Invoice Number on your payment. All payments should be mailed to the Farmington Hills' office listed above. Thank you.

JOHNSON, ROSATI, SCHULTZ & JOPPICH, P.C.  
27555 Executive Drive, Suite 250  
Farmington Hills, MI 48331  
(248) 489-4100 Tax ID# 38-3107356

September 14, 2017

City of South Lyon  
Attn: Lisa Deaton, Clerk/Treasurer  
335 S. Warren Street  
South Lyon, MI 48178

Invoice # 1069307

In Reference To: City Attorney Retainer Work

Professional Services Rendered Through August 31, 2017

	<u>Hours</u>
<u>City Council</u>	
8/14/2017 TSW Review of Council Agenda and Packet	0.70
TSW Attend Council meeting	2.00
8/25/2017 TSW Review Council agenda and packet; Review minutes of August 14, 2017	0.40
8/28/2017 TSW Attend Council meeting	2.70
 SUBTOTAL:	 [ 5.80 ]
<u>District Court Prosecutions</u>	
8/1/2017 CDS Receipt/review of Judge Law's 8/7/17 Docket	0.10

Johnson, Rosati, Schultz & Joppich, P.C.

			<u>Hours</u>
8/1/2017	CDS	Receipt/review of Notice to Appear ( )	0.20
	CDS	Receipt/review of Judge Law's 8/8/17 Docket	0.10
	CDS	Receipt/review of Judge Reed's 8/8/17 Docket	0.10
	SGM	Prosecute morning docket of Pretrials and Pre-Formal Hearings	4.00
8/3/2017	CDS	Telephone conference with ( )	0.10
8/4/2017	CDS	Receipt/review of Request for Discovery ( )	0.20
8/7/2017	CDS	Review of files for 8/8/17 Docket	0.30
8/8/2017	CDS	Prosecute morning docket	3.50
8/9/2017	CDS	Receipt/review of Notice to Appear ( )	0.20
	CDS	Telephone conference with ( )	0.20
8/14/2017	CDS	Receipt/review of Judge Bondy's 8/22/17 Docket	0.10
	CDS	Receipt/review of Judge Law's 8/22/17 Docket	0.10
8/15/2017	CDS	Receipt/review of Order - Deceased Defendant ( )	0.20
8/18/2017	CDS	Receipt/review of Judgment of Sentence ( )	0.20

	<u>Hours</u>
8/18/2017 CDS Telephone conference with ( )	0.20
8/21/2017 CDS Review of files for 8/22/17 Docket	0.30
8/22/2017 CDS Receipt/review of Notice to Appear ( )	0.20
CDS Prosecute morning docket	4.00
CDS Review of Driver's License ( )	0.20
CDS Review of Death Certificate / Dismissal ( )	0.20
CDS Review of Death Certificate / Dismissal ( )	0.20
CDS Review of Death Certificate / Dismissal ( )	0.20
8/24/2017 CDS Telephone conference with Court ( )	0.20
CDS Receipt/review of Judge Bondy's 8/29/17 Docket	0.10
CDS Receipt/review of Judge Law's 8/29/17 Docket	0.10
CDS Receipt/review of Judge Reed's 8/29/17 Docket	0.10
8/28/2017 CDS Telephone conference with client ( )	0.10
CDS Telephone conference with client ( )	1.00

			<u>Hours</u>
8/28/2017	CDS	Review of files for 8/29/17 Docket	0.40
8/29/2017	CDS	Receipt/review of Judge Bondy's 9/5/17 Docket	0.10
	CDS	Prosecute morning docket	3.70
	CDS	Telephone conference with client	0.10
	CDS	Receipt/review of Request for Discovery ( )	0.20
8/30/2017	CDS	Correspondence to South Lyon Police Department and Defense Counsel regarding Discovery ( )	0.10
	CDS	Preparation of Trial Subpoenas to Officer , Victim, and Witnesses ( )	0.30
SUBTOTAL:			<hr/> [ 21.60 ]
<u>General City Attorney Work</u>			
8/1/2017	TSW	Legal research regarding liquor licensing ordinance, including recommendation above all others and effect of Deloney opinion on permitting dance and entertainment permits	2.60
	TSW	Telephone conference with City Manager regarding personnel matter, MMRMA renewal and Housing Commission property	0.50
	TSW	Correspondence to City Manager regarding Planning Commission resignation	0.10
	TSW	Receipt/review correspondence from Economic Development Director regarding resolution to approve elimination of Truck Turns at downtown four corners	0.10

<u>Hours</u>		
8/1/2017	TSW Receipt/review correspondence from Planning Director regarding resignation of Planning Commission members; receipt and review multiple correspondence from Planning Director and Planning Consultant regarding reducing membership on Planning Commission; correspondence to Planning Director regarding basis for reduction	0.20
	TSW Receipt/review correspondence from City Manager regarding POAM choice of arbitrator	0.10
		No Charge
8/2/2017	TSW Investigation regarding other communities' liquor licensing ordinances	1.00
	TSW Preparation of liquor licensing ordinance	3.80
	TSW Investigation and research regarding reduction in Planning Commission membership	0.60
	TSW Receipt/review correspondence from City requesting audit response	0.10
		No Charge
	TSW Receipt/review of multiple correspondence to and from City Manager to Housing Commission Executive Director regarding property insurance	0.10
8/3/2017	TSW Continued preparation of liquor licensing ordinance	4.30
	TSW Continued review of liquor control act, administrative rules, other communities' ordinances	0.50
8/4/2017	TSW Review draft resolution to eliminate truck turns downtown and correspondence to Economic Development Director regarding TIA report and recommendations and additional supporting information	0.40
	TSW Continued preparation of liquor control ordinance	1.60



			<u>Hours</u>
8/7/2017	TSW	Review zoning ordinance for liquor establishment uses and zones districts where such use is permitted or special use	0.40
	TSW	Continued preparation of Liquor Licensing ordinance amendment and correspondence to City Manager and staff regarding same	1.90
	TSW	Review of sign definitions in zoning ordinance for sign ordinance amendments	0.10
8/8/2017	TSW	Receipt/review correspondence from Economic Development Director regarding draft resolution to eliminate truck turns at Downtown intersection	0.20
8/9/2017	TSW	Multiple correspondence to and from City Manager and staff regarding reduction of Planning Commission membership	0.20
	TSW	Correspondence to City Manager regarding council agenda and packet items	0.10
			No Charge
8/10/2017	TSW	Receipt/review correspondence from Police Chief regarding provisions of Michigan Manual on Uniform Traffic Control Devices relating to decorative street signs	0.30
	TSW	Receipt/review of Council packet	0.10
	TSW	Receipt/review correspondence from Economic Development Director regarding revised resolution to eliminate truck turns in downtown intersection	0.20
8/14/2017	TSW	Telephone conference with Fire Chief regarding special event applications	0.10
	TSW	Telephone conference with Police Chief regarding special events, MLCC applications, resolution to eliminate truck turns, Hidden Creek decorative traffic control signs	0.20

		<u>Hours</u>
8/14/2017	TSW Correspondence to and from Mayor regarding DPW Director / Water and Wastewater Superintendent replacement status	0.10
	TSW Telephone conference with Economic Development Director regarding Veterans Memorial relocation and liquor licensing ordinance	0.20
	TSW Telephone conference with Labor Attorney regarding status of AFSCME negotiations	0.10
		No Charge
8/15/2017	TSW Receipt/review of multiple correspondence from City Bookkeeper regarding Parks and Rec funds and Lions Club donation for park use	0.10
	TSW Review Zoning and Planning Enabling Acts and Zoning Ordinance and Code for Planning Commission	0.70
	TSW Correspondence to Planning Director regarding Planning Commission members terms and vacancies	0.10
8/17/2017	TSW Review and research for revisions to purchasing ordinance	0.80
	TSW Correspondence to City Manager regarding objectives for revisions to purchasing ordinance	0.30
	TSW Telephone conference with Building Official regarding permitting issue	0.20
	TSW Receipt/review correspondence from Building Official regarding permitting issue and relevant code sections	0.20
8/21/2017	TSW Preparation of ordinance amendment to reduce number of Planning Commission members and correspondence to City Manager regarding same	1.10
	TSW Review Michigan Residential Code and International Fire Code versions for renovation alteration requirements including emergency egress window	0.80

		<u>Hours</u>
8/21/2017	TSW Multiple correspondence to and from Building Official regarding after the fact permit issue	0.30
	TSW Correspondence to and from City Manager regarding resident complaint	0.10
8/22/2017	TSW Continued review of Michigan Residential Code and applicability of codes for after the fact permits; mc to and from telephone conference with Building Official regarding same	0.80
	TSW Begin preparation of amendment to purchasing ordinance	0.40
	TSW Review of Planning Commission Bylaw for quorum requirement in connection with ordinance amendment ot reduce Planning Commission membership	0.10
8/24/2017	TSW Telephone conference with City Manager regarding items for Council agenda and resident issue	0.30
	TSW Preparation of Agenda Note for ordinance amendment reducing Planning Commission membership	0.50
	TSW Revise purchasing ordinance amendment	0.20
	TSW Preparation of Agenda Note for purchasing ordinance amendment	0.50
8/25/2017	TSW Correspondence to and from City Manager regarding resident issue	0.10
8/27/2017	TSW Review update regarding AFSCME contract and revised contract provisions	0.20
8/28/2017	TSW Review HRC proposal and recommendation on interim License B operator for WWTP recommendation	0.20
	TSW Correspondence to and from City Manager and City Engineer regarding interim License B operator for WWTP recommendation	0.20

		<u>Hours</u>	
8/28/2017	TSW Review of Planning Commission roster and term expirations and correspondence to City Manager regarding same	0.20	
8/31/2017	TSW Edit/revise amendment to purchasing ordinance per Council comments	0.20	
	TSW Correspondence to City Manager regarding status of Wastewater Treatment Plant Class B Operator License services	0.10	
SUBTOTAL:		<u>28.90</u>	[ ]
<u>Ordinance Amendment</u>			
8/4/2017	MJZ Review of materials on telecom law and proposed ordinances	0.60	
8/28/2017	MJZ Begin review of Streets, Building, Telecom, and Zoning ordinances to identify areas for updating regarding wireless facility standards	0.50	
	MJZ Begin preparation of Streets ordinance to address wireless facilities	0.90	
	MJZ Begin preparation of revisions to Building Ordinance to address wireless facilities	0.50	
	MJZ Begin preparation of revisions to Telecommunications Ordinance to address wireless facilities in right of way	0.70	
	MJZ Begin preparation of revisions to Zoning Ordinance to add and amend wireless facilities regulations	0.80	
8/30/2017	MJZ Conference with T. Wilhelm regarding Zoning and Telecom Ordinances regarding OCA - telecom/wireless facilities	0.20	No Charge
8/31/2017	MJZ Begin preparation of Zoning Ordinance revisions regarding OCA - telecom/wireless facilities	0.90	

		<u>Hours</u>	
8/31/2017	MJZ Edit/revise Telecom Ordinance regarding OCA - telecom/wireless facilities	0.40	
SUBTOTAL:		<u>5.50</u>	[ ]
<u>Planning Commission</u>			
8/16/2017	TSW Continued preparation of ordinance amendment to reduce number of planning commissioners and comply with Michigan Planning Enabling Act	1.30	
	TSW Investigation regarding 2008 zoning ordinance amendments and effect on Planning Commission	0.70	
8/17/2017	TSW Continued preparation of ordinance amendment to reduce number of Planning Commission members and comply with Michigan Planning Enabling Act	2.00	
SUBTOTAL:		<u>4.00</u>	[ ]
<u>West End Industrial</u>			
8/28/2017	TSW Correspondence to Planning Commission regarding West End and site layout plan	0.10	No Charge
SUBTOTAL:		<u>0.10</u>	[ ]
<u>Zoning Board of Appeals</u>			
8/11/2017	TSW Receipt/review correspondence from Planning Director regarding information for Zoning Board of Appeals meeting	0.10	
8/14/2017	TSW Correspondence to and from Planning Director regarding Zoning Board of Appeals cases	0.20	
8/15/2017	TSW Review Zoning Board of Appeals cases for upcoming meeting	0.80	

		<u>Hours</u>	
8/15/2017	TSW Review of past Zoning Board of Appeals variance requests regarding pools and correspondence to Planning Director and Consultant regarding same	0.40	
	TSW Correspondence to Zoning Board of Appeals regarding suggested revisions to minutes of June 15, 2017 meeting	0.30	
8/16/2017	TSW Continued review of Zoning Board of Appeals Case 17-007 and compliance with Section 102-203(14)((d) relating to distancing requirement for pools, Trotters Pointe Master Deed	1.50	
	TSW Multiple correspondence to and from Planning Director, Planning Consultant regarding Section 102-203(14)(d) and distancing requirement for pools	0.40	
	TSW Multiple telephone conferences with Planning Director and Zoning Board of Appeals Chair regarding Zoning Board of Appeals Case 17-007 and Section 102-203(14)((d) and draft minutes of June 15, 2017 meeting	0.60	
8/17/2017	TSW Telephone conference with Planning Director regarding Zoning Board of Appeals Case 17-007	0.50	
	TSW Attend Zoning Board of Appeals meeting	1.10	
	SUBTOTAL:	<u>5.90</u>	[ ]
			<u>Amount</u>
	For professional services rendered	71.80	\$9,000.00
	Previous balance		\$9,000.00
8/17/2017	Payment - thank you. Check No. 72324		(\$9,000.00)
	Balance due		<u>\$9,000.00</u>

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Please include your Invoice Number on your payment. All payments should be mailed to the Farmington Hills' office listed above. Thank you.

Monthly flat fee of \$9,000.00 for first 80 hours of work. Anything over 80 hours to be billed at the hourly rate of \$135.00

## **Lynne Ladner**

---

**From:** Fire Chief  
**Sent:** Sunday, October 01, 2017 7:18 PM  
**To:** Lynne Ladner  
**Subject:** FD email - Council packet

Lynne,

I would appreciate if you could include the below email in the information section of the next council packet. The staff on this incident were Firefighters Mike Olando, Brittany Tooman, Zach Dobrick, and Zach Moreno. Thank you.

### **Mike Kennedy**

Fire Chief - South Lyon Fire Department  
217 Whipple Street, South Lyon, MI 48178  
(248)437-2616 office (810)333-8114 cell

This communication may contain confidential and/or privileged information and is intended for the exclusive use of the intended recipient. Any unauthorized review, use, disclosure, or distribution is prohibited. This communication is intended solely for informational purposes only and may contain inaccuracies. If you are not the intended recipient, please contact sender and destroy all copies of this communication.

**From:** M Connell [mailto:mconnell@provide.net]  
**Sent:** Friday, September 29, 2017 8:02 PM  
**To:** Fire Chief  
**Subject:** Nice job

Hello Chief Kennedy.

One of your trucks and Huron Valley Ambulance just left my neighbor's home (in Colonial Acres) and I wanted to extend my thanks to you and your crew. I hope I never need your services, but if that day comes, I know I will be in good hands.

As your crew was going through their duties, they were all very attentive and their comments were kind and reassuring. When you're that ill and when you're the spouse of someone in that position, kind words make all the difference. In fact, I think that kind words help the healing process.

Many of us were standing outside. We all witnessed the great job and the courtesy shown. Thank you so much. Thank you for your service and everything you do. You are appreciated.

Marge Connell  
Raleigh Court





## SOUTH LYON POLICE DEPARTMENT

219 Whipple  
South Lyon, Michigan 48178  
Ph: (248)437-1773 / Fax: (248)437-0459  
Lloyd T. Collins  
Chief of Police

### PARADE / DEMONSTRATION/EVENT APPLICATION

Date Application Submitted: 10/02/17 Requested Date of Event: 10/15/17  
Applicant / Contact's Name: BEN LUTHER PH #: 248.431.5596  
Applicant Address: 341 Lyon Blvd South Lyon, MI  
Name of Event(s): Fatima Procession  
Business / Organizations Name (if Applicable): Saint Joseph Catholic Church  
Bus. Ph#: 248.446.8700 Bus. Address: 830 S. Lafayette St. South Lyon, MI  
President / CEO (Responsible for Event): Linda Williams Direct Ph#: \_\_\_\_\_

Event START Time: 2:00 a.m. / (p.m.) Event END Time: 3:00 a.m. / (p.m.)

Approximate Number of PERSONS: 30-50 Organization Names: Saint Joseph Catholic Church Members

Approximate Number of VEHICLES: 0 Types of Vehicles: —

Approximate Number of ANIMALS: 0 SPECIFIC Animals: —

Amount of space to be maintained between and /all units in Parade: N.A. people on sidewalk

Route to be traveled (Include Street Names and Turning Directions) or area to be utilized:

PROCESSION STARTS AT 830 S. LAFAYETTE AND GOES NORTH THROUGH TOWN UNTIL IT REACHES THE CORNER OF ABEL STREET AND N. LAFAYETTE. (SEE MAP) THE PROCESSION THEN RETURNS ON THE SAME ROUTE TO 830 S. LAFAYETTE WHERE IT WILL CONCLUDE. THE PROCESSION WILL HAPPEN ON PUBLIC SIDE WALKS AND A CROSSING HELPER WILL BE STATIONED AT 10-MILE RD AND LAFAYETTE.

Ben Luther  
Applicant's SIGNATURE

Linda Williams, Parish Manager 10/2/17  
Responsible Party's SIGNATURE

APPROVED [✓]

DENIED [ ]

Chief Lloyd T. Collins 10/04/17  
Lloyd T. Collins, Chief of Police

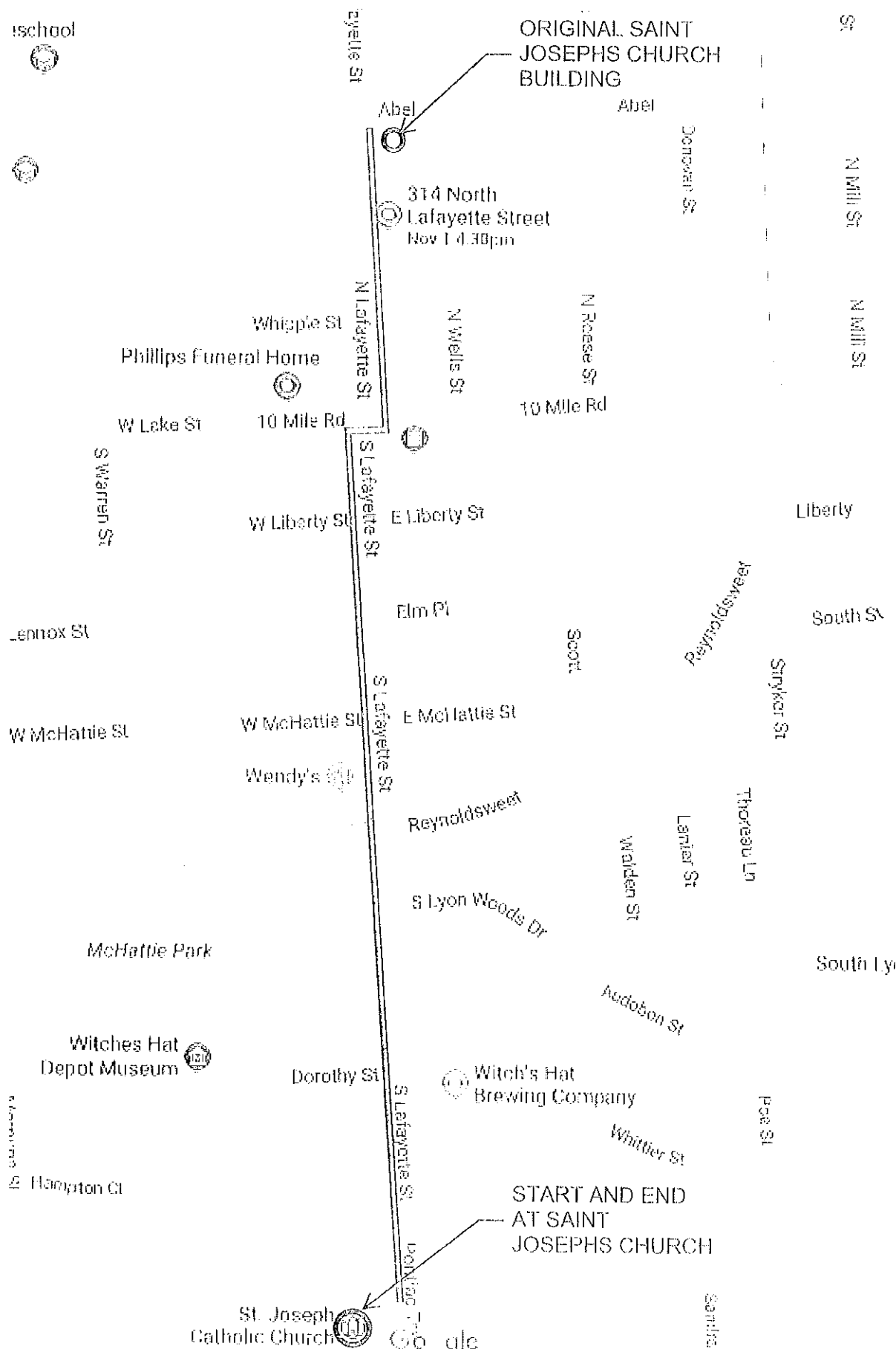
## **HOLD HARMLESS**

To the fullest extent permitted by law the Saint Joseph Catholic Church  
(Name of Applicant/Organization)

agrees to defend, pay on behalf of, indemnify, and hold harmless the City of South Lyon, its elected and appointed officials, employees and volunteers, and others working on behalf of the City of South Lyon against any and all claims, demands, suits, or loss, including all costs connected therewith, and for any damages which may be asserted, claimed, or recovered against or from the City of South Lyon by reason of personal injury, including bodily injury or death and/or property damage, including loss of use thereof, which arises out of, or is in any way connected or associated with this event.

Linda Williams, Parish Manager  
Signature

10/2/17  
Date



FATIMA PROCESSION - MAP