

# City Council

## Regular Meeting Agenda

Monday, July 20, 2015  
7:00 p.m., Council Chambers



1. **Call to Order**
2. **Invocation – Mr. Art Ayers, Moderator at the First Congregational Church**
3. **Roll Call**
4. **Approval of Agenda**
5. **Consent Agenda: Items A thru E (Roll Call Vote Required)**  
(All matters listed under the Consent Agenda are considered to be routine by the City Council and will be enacted by one motion. Unless requested by a Council Member or a citizen, there will be no separate discussion on these items. If discussion is required regarding an item, that item will be removed from the Consent Agenda and considered separately.)
  - A. Council will be requested to approve the City Council Minutes for July 6, 2015.
  - B. Bills totaling \$460,385.34 for the period ending July 19, 2015 to be approved and forwarded to the Clerk and Treasurer for payment.
  - C. Council will be requested to review and approve Traffic Control Orders 15-001 through 15-006.
  - D. Council will be asked to approve Resolution 2015-33, a resolution recognizing the Ram Boosters as a nonprofit organization operating in the community for the purpose of obtaining charitable gaming licenses.
  - E. Council will be asked to approve the following minutes:
    - 1) 03-17-2015 SHARA minutes;
    - 2) 05-18-2015 ZBA minutes;
    - 3) 05-27-2015 Housing Commission minutes; and
    - 4) 06-17-2015 Airport Authority minutes.

*If a member of the public wishes to address any of the following items listed on the agenda they will be given a chance to speak prior to Council discussing the item. They will be given up to 5 minutes to address their concerns.*

### OLD BUSINESS

6. **Council will be updated on potential changes to the code of ordinances, related to the lawn mowing ordinance.**
7. **Council will be asked to consider approval of the utility rate ordinance, related to the proposed increases to the city's electric utility rates.**

### NEW BUSINESS

8. Council will be asked to approve Resolution 2015-34, a resolution to grant local government approval on the reclassification of Class B Hotel Liquor License to a Class C Resort Liquor License.
9. Council will be asked to approve Resolution 2015-35, a resolution to opt out of the electric utility surcharge for the LIEAF program, and to ensure compliance with PA 95 of 2013.
10. **Interested Citizens in the Audience Will be Heard on Items Not on the Agenda**  
*(You will be given up to 5 minutes to address your concerns.)*
11. **City Manager's Comments**
12. **Mayor and Councilperson's Comments**
13. **Adjourn**

RESPECTFULLY SUBMITTED,



**Brian Dissette, City Manager**

# City Council

## Regular Meeting Minutes

Monday, July 6, 2015  
7:00 p.m., Council Chambers



1. **Call to Order by Mayor Burr at 7:01 p.m.**
2. **Invocation – Reverend Curry Pikkaart of Hope Reformed Church**
3. **Proclamations for Josh Banks & Ryan Galyan**
4. **Roll Call**

Present: Arnold, Fitzgibbon, Gruber, Kozlik Wall, Patterson, and Burr  
Absent: Klavins

Moved by Arnold, seconded by Gruber to excuse Councilmember Klavins for personal reasons.  
Voted All: Yes. Motion carried.

5. **Approval of Agenda**

Moved by Patterson, seconded by Gruber to approve the agenda.  
Voted Yes: All. Motion carried.

6. **Consent Agenda: Items A thru E (Roll Call Vote Required)**

Moved by Fitzgibbon, seconded by Patterson to approve the Consent Agenda as follows:

- A. Council will be requested to approve the City Council Minutes for June 15, 2015.
- B. Council will be requested to approve the City Council Workshop Minutes for June 15, 2015.
- C. Bills totaling \$1,829,315.18 for the period ending July 5, 2015 to be approved and forwarded to the Clerk and Treasurer for payment.
- D. Council will be asked to award the Doorway Renovation project to Olsen Brothers Construction for the total contract amount of \$31,166.00 for improvements to the doorways at City Hall.
- E. Council will be asked to approve the proposal for the HVAC Upgrade Project at City Hall from Technical Energy Solutions in the amount of \$18,860.00.

A Roll Call Vote was taken:

Yeas: Fitzgibbon, Gruber, Klavins, Arnold, Kozlik Wall, Patterson, and Burr  
Nays: None.

Motion Carried.

## NEW BUSINESS

- 7. Council will be asked to consider Special Event 2015-22, South Haven Beach Volleyball Tournament on July 11<sup>th</sup> and 12<sup>th</sup> from 9:00 a.m. to 2:00 p.m. at the North Beach.**

*Background Information:*

The South Haven High School volleyball program is looking to host two separate volleyball tournaments each starting at 9:00 am and ending around 2:00 pm on North Beach. The cost will be \$30 per team. It will be a pool play to single elimination tournament. On 7/11/15 they will host a high school girl's doubles tournament and on 7/12/15 they will host a novice coed doubles tournament (no age limit). Winners and runners-up will receive trophies.

Moved by Fitzgibbon, seconded by Arnold to approve Special Event 2015-2, South Haven Beach Volleyball Tournament on July 11<sup>th</sup> and 12<sup>th</sup> from 9:00 a.m. to 2:00 p.m. at the North Beach.

Voted Yes: All. Motion carried.

- 8. Council will be asked to consider introduction of an ordinance amending the administrative fee for correcting long grass violations from \$50 to \$150.**

*Background Information:*

The City Code requires property owners to mow their property when grass exceeds a height of six inches. The Code Enforcement Officer mails out a courtesy notice, a first warning letter, and a letter providing notice that the grass will be mowed. The City Code currently specifies a \$50 administrative fee for correcting long grass violations. The administrative fee is only applied if the grass is mowed. The amount of the administrative fee was last updated in 1990.

A number of properties in the City are not maintained throughout the summer, and the City is required to mow properties multiple times during the summer. Eight properties were mowed more than one time in 2014. In the hope of reducing the amount of long grass violations which the City must correct, and in order to cover more of the cost of the City's code enforcement program, City staff is requesting raising the administrative fee from \$50 to \$150 for each time a contractor must be sent to a property to mow and correct a long grass violation.

The property owner is billed the actual cost of the mowing contractor plus the administrative fee. The total cost is invoiced to the property owner and if unpaid, is added to the property tax for that parcel.

In 2014, properties were mowed under the ordinance 31 times. At the current administrative fee of \$50, \$1,550 would be recovered. At the proposed administrative fee of \$150, \$4,650 would have been recovered. An estimate of code enforcement expenses related to long grass enforcement is \$5,000 per year.

Paul VandenBosch, Assistant City Manager, spoke briefly on the subject.

Moved by Fitzgibbon, seconded by Patterson to table the discussion on item #8 until the next meeting of the city council.

Voted Yes: All. Motion Carried.

**9. Council will be asked to consider introduction of a utility rate ordinance.**

*Background Information:*

During the month of June, 2015 the Board of Public Utilities (BPU) and the City Council approved an increase of 2% for the various components of the water and sewer utility rates to be effective July 1, 2015. At that time the BPU wanted to obtain more information about the actual energy cost charges proposed by our supplier for the upcoming year before making any recommendation for possible changes to the electric utility rates. Upon analysis of the data the BPU recommends a 4% increase in the residential energy rate, no change in the commercial energy rate and a 3% increase in the Commercial Power and Industrial energy rates. The Demand customers will also see an increase of 3.1% in the demand rate.

Electric customers have shared in the fluctuations in fuel charges being charged by our supplier by way of the "Fuel Adjustment" shown on the monthly utility bill. The Utility is also charged monthly by our supplier for fluctuations in a PJM open access transmission tariff that appears on our monthly power invoice. These PJM fees were historically an average of \$500,000 - \$600,000 annually and were absorbed by the existing energy rates in effect. The fees now exceed those levels so the BPU has recommended that we share the fluctuations in the PJM fees costs with the electric customers in excess of a base amount of \$500,000 annually. The PJM and fuel cost adjustments will be included on one line on the monthly utility bill called "Energy Cost Adjustment".

Moved by Fitzgibbon, seconded by Patterson to introduce a utility rate ordinance.

Voted Yes: All. Motion carried.

**10. Interested Citizens in the Audience Will be Heard on Items Not on the Agenda**

Mary Lynn Bugge of 70 Gabriel Drive South Haven, MI – Spoke to council regarding her concerns of zoning restrictions that allowed a car lot in the central business district.

**11. City Manager's Comments**

Compliments to Police Department, SHAES, and DPW for the outstanding work controlling crowds and cleaning up afterwards on July 3<sup>rd</sup> Fireworks and the July 4<sup>th</sup> holiday weekend.

**12. Mayor and Councilperson's Comments**

Arnold: No comment.  
Fitzgibbon: Thanked Mary Lynn Bugge for bringing her comments to City Council. Also thanked DPW crews for their outstanding job of cleaning up litter after Fireworks. Reported that residents of Brockway Street were

- pleased with the parking plan of having cars only park on the south side of the street for the fireworks.
- Gruber: Great job to staff.
- Kozlik Wall: Remarked that she had also received complaints about the car lot on the corner of Phoenix and Broadway as well as the banners over Broadway Street. Good job by Mayor on fireworks show. Kudos to Fire, Police, and Parks for work over the weekend.
- Patterson: Remarked on the great work making the weekend fabulous – thanks to all the staff. Reminder to dog owners that at the beach, dogs must stay on the sidewalk and cannot go on the sand.
- Burr: Thanked Fireworks donors for their contributions. South Haven Fireworks show was voted #1 by the Kalamazoo media. Also, South Beach was voted Best Beach by the Kalamazoo media.

### 13. Adjourn

Moved by Patterson, seconded by Fitzgibbon to adjourn the meeting.

Voted Yes: All. Motion carried. City Council meeting adjourned at 7:45 p.m.

RESPECTFULLY SUBMITTED,



Kate Hosier  
Deputy City Clerk  
City of South Haven

Approved by City Council: **DRAFT**

**CITY OF SOUTH HAVEN****July 20, 2015**

	<b>PREPAID</b>	<b>CURRENT</b>	<b>TOTAL</b>
<b>101-GENERAL FUND</b>	<b>\$ 20,711.56</b>	<b>\$ 64,978.65</b>	<b>\$ 85,690.21</b>
<b>202-MAJOR STREET FUND</b>	<b>\$ -</b>	<b>\$ 5.79</b>	<b>\$ 5.79</b>
<b>203-LOCAL STREET FUND</b>	<b>\$ -</b>	<b>\$ 248.27</b>	<b>\$ 248.27</b>
<b>204-STREET FUND</b>	<b>\$ 24.88</b>	<b>\$ 15,993.58</b>	<b>\$ 16,018.46</b>
<b>226-GARBAGE/REFUSE FUND</b>	<b>\$ -</b>	<b>\$ 34,206.64</b>	<b>\$ 34,206.64</b>
<b>250-DOWNTOWN DEVELOPMENT</b>	<b>\$ -</b>	<b>\$ 11,116.04</b>	<b>\$ 11,116.04</b>
<b>251-LDFA #1</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>
<b>252- LDFA #2</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>
<b>253-LDFA #3</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>
<b>260-BROWNFIELD AUTHORITY</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>
<b>265-NARCOTICS UNIT</b>	<b>\$ 79.00</b>	<b>\$ -</b>	<b>\$ 79.00</b>
<b>266-POLICE TRAINING</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>
<b>296-RIVER MAINTENANCE</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>
<b>363- CAPITAL BOND</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>
<b>370- BUILDING AUTHORITY #2</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>
<b>371-CAPITAL BOND DEBT SERV</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>
<b>372-WATER PLANT FUND</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>
<b>395-DDA DEBT SERVICE</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>
<b>396- DDA DISTRICT #2</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>
<b>401-CAPITAL PROJECTS</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>
<b>402-CAPITAL PROJECTS #2</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>
<b>466- PAVILION AND ICE RINK</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>
<b>545-BLACK RIVER PARK</b>	<b>\$ 500.00</b>	<b>\$ 3,227.92</b>	<b>\$ 3,727.92</b>
<b>577-BEACH FUND</b>	<b>\$ -</b>	<b>\$ 2,964.85</b>	<b>\$ 2,964.85</b>
<b>582-ELECTRIC FUND</b>	<b>\$ 9,842.22</b>	<b>\$ 76,221.37</b>	<b>\$ 86,063.59</b>
<b>591-WATER FUND</b>	<b>\$ 37,925.68</b>	<b>\$ 13,092.00</b>	<b>\$ 51,017.68</b>
<b>592-SEWER FUND</b>	<b>\$ 50,735.56</b>	<b>\$ 23,119.11</b>	<b>\$ 73,854.67</b>
<b>594-MUNICIPAL MARINA</b>	<b>\$ 5,581.89</b>	<b>\$ 12,055.52</b>	<b>\$ 17,637.41</b>
<b>636-INFORMATION SERVICES</b>	<b>\$ -</b>	<b>\$ 11,334.13</b>	<b>\$ 11,334.13</b>
<b>661-MOTOR POOL</b>	<b>\$ 904.98</b>	<b>\$ 13,791.70</b>	<b>\$ 14,696.68</b>
<b>677-SELF INSURANCE</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>
<b>703-TAX FUND</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>
<b>718-TRUST &amp; AGENCY</b>	<b>\$ 15,900.00</b>	<b>\$ 35,824.00</b>	<b>\$ 51,724.00</b>
<b>750-EMPLOYEE WITHHOLDING</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>
<b>TOTAL</b>	<b>\$ 142,205.77</b>	<b>\$ 318,179.57</b>	<b>\$ 460,385.34</b>

Check Date	Bank	Check	Vendor	Vendor Name	Description	Amount
Bank 1 FIFTH THIRD BANK						
07/10/2015	1	51530	MISC	CINDY PAVELEK	RIVERFRONT CONCERT SERIES	250.00
07/10/2015	1	51531	MISC	MARY BOONENBERG	RIVERFRONT CONCERT SERIES	250.00
07/13/2015	1	51547	000107	AMWAY GRAND PLAZA HOTEL	OLNEY LODGING 7/27-28	322.64
07/13/2015	1	51548	000463	CITY OF SOUTH HAVEN	15 SUMMER TAX	1,014.23
					SPEC ASSESS 743-100-00 DYCKMAN SEWER	8,097.49
					SPEC ASSESS 743-100-00 DYCKMAN WATER	6,101.69
					15 SUMMER TAX	70.54
					SPEC ASSESS 718-002-000 DYCKMAN SEWER	987.49
						<u>16,271.44</u>
07/13/2015	1	51549	MISC	DENNY SNYDER	RIVERFRONT CONCERT SERIES	500.00
07/13/2015	1	51550	000660	DOMESTIC LINEN-KALAMAZOO	CITY HALL RENTALS	381.44
07/13/2015	1	51551	000847	FUEL MANAGEMENT SYSTEM	FUEL	6,219.94
07/13/2015	1	51552	MISC	GERALD KIRSCH	EMPLOYEE REIMBURSEMENT	79.00
07/13/2015	1	51553	000994	HAPA LLC	BLACK RIVER PARK MANAGEMENT FEE	500.00
					MARINA MANAGER	5,581.89
						<u>6,081.89</u>
07/13/2015	1	51554	MISC	JAMES PEZZUTO	EMPLOYEE REIMBURSEMENT	61.30
07/13/2015	1	51555	MISC	KEVIN MCDANIEL	RIVERFRONT CONCERT SERIES	400.00
07/13/2015	1	51556	MISC	RODNEY HUTSELL	EMPLOYEE REIMBURSEMENT	25.00
07/13/2015	1	51557	002386	SOUTH HAVEN AREA CHAMBER	FARM MARKET SUPPLIES	136.60
07/13/2015	1	51558	002388	SOUTH HAVEN AREA RECREATION	PILGRIM HAVEN CONTRIBUTION	15,000.00
07/13/2015	1	51559	003131	SOUTH HAVEN FAMILY CAMPGROUND	ELECTRIC REBATE YR 1 & 2	9,040.18
07/13/2015	1	51560	002424	SOUTH HAVEN/CASCO	MONTHLY O & M CHARGES	9,469.90
					MONTHLY REU DEBT CHARGES	78,137.44
						<u>87,607.34</u>
07/13/2015	1	51561	MISC	VAN BUREN REMINDER	FARM MARKET AD	79.00
1 TOTALS:						
Total of 17 Checks:						142,705.77
Less 0 Void Checks:						0.00
Total of 17 Disbursements:						<u>142,705.77</u>

Check Date	Bank	Check	Vendor	Vendor Name	Description	Amount
Bank 1 FIFTH THIRD BANK						
07/20/2015	1	51562	000014	ABONMARCHE CONSULTANTS INC	2015 STREET RESURFACING PROJECTS - CENT CITY HALL DOORWAYS 15-0314 NORTH SHORE DRIVE 14-0890	20,737.45 935.49 <u>1,290.73</u> 22,963.67
07/20/2015	1	51563	000027	ADAMS REMCO, INC.	QUARTERLY MAINTENANCE 07/08-10/08/15	189.36
07/20/2015	1	51564	000050	ALEXANDER CHEMICAL CORP	CHLORINE CHEMICALS	1,460.00 <u>4,307.14</u> 5,767.14
07/20/2015	1	51565	003233	ALLEGAN COUNTY LAND INFORMATION SER	2014 AERIAL IMAGERY PROJECT	350.00
07/20/2015	1	51566	000065	ALLIED MECHANICAL SERVICES INC	RENEWAL OF ANNUAL MAINTENANCE AGREEMENT	1,120.00
07/20/2015	1	51567	000178	AUTOZONE, INC	HEADLAMP FOR 604	10.17
07/20/2015	1	51568	MISC	BAUMANN & DEGROOT, INC.	REFUND MECHANICAL PERMIT FEES	750.00
07/20/2015	1	51569	003373	BBC DISTRIBUTING	SUPPLIES SUPPLIES	744.26 <u>435.04</u> 1,179.30
07/20/2015	1	51570	000285	BLOOMINGDALE COMMUNICATIONS	BCI BUSINESS INTERNET	3,102.95
07/20/2015	1	51571	UB REFUND	BROWN, MARTIN R	UB refund for account: 30743600	245.14
07/20/2015	1	51572	003382	BRP BY BISON	REPLACEMENT BLAIR BENCH	906.50
07/20/2015	1	51573	000418	CDW GOVERNMENT INC	TONER & 16GB USB	427.06
07/20/2015	1	51574	000430	CENTURY LINK	LONG DISTANCE LONG DISTANCE	77.83 <u>5.80</u> 83.63
07/20/2015	1	51575	000453	CHIEF SUPPLY CORP	MUNITIONS FLEX-CUF RESTRAINTS	1,431.35 <u>111.49</u> 1,542.84
07/20/2015	1	51576	MISC	CHRIS BANER	PATCHES	25.00
07/20/2015	1	51577	000471	CITY PLUMBING & HEATING CO	MAINTENANCE AGREEMENT PREVENTIVE MAINTENANCE PREVENTIVE MAINTENANCE MAINTENANCE AGREEMENT MAITENANCE AGREEMENT	675.00 266.50 444.47 1,030.00 <u>1,982.00</u> 4,397.97
07/20/2015	1	51578	000484	COASTAL LANDSCAPING INC	LANDSCAPE SERVICES	3,720.00
07/20/2015	1	51579	000514	CONSTRUCTION ASSOCIATES INC	BUILDING INSPECTIONS	4,633.43
07/20/2015	1	51580	000538	CORRPRO COMPANIES, INC	ANNUAL ELEVATED TANK CATHOTIC PROTECTIO	3,240.00
07/20/2015	1	51581	UB REFUND	CRAIG, STEFAN B	UB refund for account: 41741801	503.22
07/20/2015	1	51582	000650	DIXON ENGINEERING INC	MAINTENANCE ROV INSPECTION	1,200.00
07/20/2015	1	51583	UB REFUND	DYKSTRA, JOHN	UB refund for account: 31455000	33.34
07/20/2015	1	51584	000718	ELECSYS INTERNATIONAL CORP	MONTHLY MAINTENANCE	267.00
07/20/2015	1	51585	000763	FARREN LAURENS	WELD HANDICAP RAILING PHOENIX ST PROJEC	935.00
07/20/2015	1	51586	000764	FASTENAL COMPANY	SUPPLIES SUPPLIES	20.29 <u>0.73</u>

Check Date	Bank	Check	Vendor	Vendor Name	Description	Amount
						21.02
07/20/2015	1	51587	000802	FLAGS USA	FLAGS	452.00
07/20/2015	1	51588	000843	FRONTIER	TELEPHONE 269-637-5493-070711-5	128.91
					TELEPHONE 269-637-3251-010165-5	170.13
					TELEPHONE 269-637-5084-060311-5	275.66
					TELEPHONE 269-639-8034-092904-5	40.93
					TELEPHONE 616-040-1864-120202-5	29.20
						<u>644.83</u>
07/20/2015	1	51589	UB REFUND	GOSS, PATRICIA D	UB deposit refund for account: 41124009	400.00
07/20/2015	1	51590	UB REFUND	GOSS, PATRICIA D	UB deposit refund for account: 41124009	200.00
07/20/2015	1	51591	000913	GRAINGER	MAINTENANCE SUPPLIES	795.50
					MAINTENANCE SUPPLIES	790.56
						<u>1,586.06</u>
07/20/2015	1	51592	003149	GRO AMERICA	WASTE HAULING	14,792.50
07/20/2015	1	51593	000994	HAPA LLC	MARINA & BLACK RIVER PARK OPERATIONS EX	9,436.44
					MARINA OPERATIONS EXPENSES	273.00
						<u>9,709.44</u>
07/20/2015	1	51594	003330	HASTINGS FIBER GLASS PRODUCTS, INC.	MAINTENANCE SUPPLIES	154.21
07/20/2015	1	51595	001031	HAVEN HEATING AND AIR CONDITIONING	MAINTENANCE & REPAIRS	75.00
07/20/2015	1	51596	001046	HERALD PALLADIUM	FARMERS MARKET ADVERTISING	69.00
07/20/2015	1	51597	001107	HULL LIFT TRUCK INC	PARTS	1,883.57
					PARTS	158.29
						<u>2,041.86</u>
07/20/2015	1	51598	001108	GORDON HULL	CONTRACTUAL SERVICES	2,405.67
07/20/2015	1	51599	001120	HYDRO DESIGNS INC	CROSS CONNECTION CONTROL PROGRAM	995.00
07/20/2015	1	51600	001141	INDIANA MICHIGAN POWER	COVERT ELECTRIC 044-832-292-1-9	38.73
					COVERT ELECTRIC 040-008-013-1-8	26.85
						<u>65.58</u>
07/20/2015	1	51601	001169	J & B LANDING	FLAGS	1,428.00
07/20/2015	1	51602	001186	JENSEN'S EXCAVATING INC	SEWER LINE REPAIR IN WALK B	2,736.00
07/20/2015	1	51603	MISC	JODY GUILFORD	MILEAGE REIMBURSEMENT APRIL - JUNE 2015	152.37
07/20/2015	1	51604	001195	JOHNNY'S LAKESHORE JEWELRY	PLAQUE FOR PARK BENCH	29.50
07/20/2015	1	51605	001246	KENDALL ELECTRIC INC	SUPPLIES	85.22
					SUPPLIES	143.86
					SUPPLIES	574.25
					SUPPLIES	(85.22)
						<u>718.11</u>
07/20/2015	1	51606	001252	KENT POWER INC	109 MS-J ST. JOSEPH STREET	46,030.77
					109 MS-J ST JOSEPH STREET	22,240.06
						<u>68,270.83</u>
07/20/2015	1	51607	UB REFUND	KLEIN, FERNON A	UB refund for account: 30453403	213.86
07/20/2015	1	51608	001288	KONE INC	ELEVATOR MAINTENANCE	276.00

Check Date	Bank	Check	Vendor	Vendor Name	Description	Amount
07/20/2015	1	51609	001343	LAKESHORE PAINT & ARTWORKS	STREET SUPPLIES	13.35
					PARKS SUPPLIES	33.50
					STREET SUPPLIES	7.10
					PARK SUPPLIES	125.48
					STREET SUPPLIES	1,160.00
						<u>1,339.43</u>
07/20/2015	1	51610	001358	LANGUAGE LINE SERVICES	OVER THE PHONE INTERPRETATION	5.83
07/20/2015	1	51611	001373	LAWN BOYS INC	IRRIGATION WORK	905.14
					NOXIUS WEED MOWING PER CODE ENFORCEMENT	885.00
						<u>1,790.14</u>
07/20/2015	1	51612	001412	LITTLE OSCAR'S SCREEN PRINTS	UNIFORMS	362.50
07/20/2015	1	51613	001467	MARK A MANNING	ATTORNEY SERVICES	6,040.00
					ATTORNEY SERVICES	2,100.00
						<u>8,140.00</u>
07/20/2015	1	51614	UB REFUND	MARTIN, BARBARA & DON	UB deposit refund for account: 13606600	100.00
07/20/2015	1	51615	UB REFUND	MARTIN, BARBARA & DON	UB deposit refund for account: 13606600	100.00
07/20/2015	1	51616	UB REFUND	MARTIN, BARBARA & DON	UB deposit refund for account: 10844700	900.00
07/20/2015	1	51617	UB REFUND	MARTIN, BARBARA J	UB deposit refund for account: 30786005	500.00
07/20/2015	1	51618	001543	MELROSE PYROTECHNICS INC	FIREWORKS DISPLAY	34,000.00
07/20/2015	1	51619	001544	MENARDS	MAINTENANCE SUPPLIES	217.80
					MAINTENANCE SUPPLIES	99.92
					MAINTENANCE SUPPLIES	165.92
					MAINTENANCE SUPPLIES	80.74
					MAINTENANCE SUPPLIES	112.79
					MAINTENANCE SUPPLIES	265.40
					MAINTENANCE SUPPLIES	30.82
					MAINTENANCE SUPPLIES	142.43
					MAINTENANCE SUPPLIES	24.14
					MAINTENANCE SUPPLIES	30.82
					MAINTENANCE SUPPLIES	48.25
					MAINTENANCE SUPPLIES	53.92
					MAINTENANCE SUPPLIES	113.88
					MAINTENANCE SUPPLIES	244.48
					MAINTENANCE SUPPLIES	55.72
					MAINTENANCE SUPPLIES	230.30
					MAINTENANCE SUPPLIES	17.97
					MAINTENANCE SUPPLIES	49.72
					MAINTENANCE SUPPLIES	218.44
						<u>2,203.46</u>
07/20/2015	1	51620	001657	MICHIGAN TOWNSHIP SERVICES	ELECTRICAL INSPECTIONS	1,385.25
07/20/2015	1	51621	001766	MUZZALL GRAPHICS	BUSINESS CARDS	55.99
07/20/2015	1	51622	003207	PARKMOBILE, LLC	2ND QTR END USER FEES	11.10
					2ND QTR END USER FEES	3.70
						<u>14.80</u>
07/20/2015	1	51623	001948	PAT'S PRONTO PRINT	PICTURE DIRECTORIES	286.04
					NOTARY STAMP-KRISTY JENKS	22.82
						<u>308.86</u>
07/20/2015	1	51624	002002	PLUMBER'S PORTABLE TOILETS	RENTALS	1,824.00

Check Date	Bank	Check	Vendor	Vendor Name	Description	Amount
07/20/2015	1	51625	002020	POWER LINE SUPPLY CO	MAINTENANCE SUPPLIES MAINTENANCE SUPPLIES	670.46 265.32 <u>935.78</u>
07/20/2015	1	51626	002033	PRI MAR PETROLEUM INC	CARS WASHED	35.00
07/20/2015	1	51627	002132	RELIABLE DISPOSAL INC #646	DISPOSAL SERVICES 3-646-1079814 DISPOSAL SERVICES 3-0646-9646005 DISPOSAL SERVICES 3-0646-1079813 DISPOSAL SERVICES 3-0646-1033150	142.31 31,162.71 3,147.26 881.94 <u>35,334.22</u>
07/20/2015	1	51628	003148	REVOLUTION DESIGN	SIGNS	1,400.00
07/20/2015	1	51629	003326	RICE'S LOCKSMITH SERVICE	MARINA WORK MARINA WORK	615.00 1,100.00 <u>1,715.00</u>
07/20/2015	1	51630	002155	RIDGE AND KRAMER AUTO PARTS	MAINTENANCE SUPPLIES MAINTENANCE SUPPLIES MAINTENANCE SUPPLIES	232.83 51.30 53.99 <u>338.12</u>
07/20/2015	1	51631	002182	ROCK 'N' ROAD CYCLE	BIKE PARTS	19.99
07/20/2015	1	51632	002267	SECANT TECHNOLOGIES	ANNUAL DOMAIN, EMAIL,NETPRO, FIREWALL, BASIC SUPPORT COVERAGE VMWARE 3 YRS REACTIVE SUPPORT	5,785.50 3,875.52 65.26 <u>9,726.28</u>
07/20/2015	1	51633	003132	SOUTH HAVEN HEALTH SYSTEM	PHYSICALS PHYSICALS	505.28 13.00 <u>518.28</u>
07/20/2015	1	51634	002416	SOUTH HAVEN ROTARY CLUB	MEMBERSHIP DUES	219.00
07/20/2015	1	51635	002453	SPENCER MANUFACTURING, INC	STRIPING & LIGHTS STRIPING & LIGHTS	3,875.00 2,995.00 <u>6,870.00</u>
07/20/2015	1	51636	002461	SPRING BROOK SUPPLY	PARTS	27.01
07/20/2015	1	51637	002478	STAPLES ADVANTAGE	SUPPLIES SUPPLIES	842.16 653.81 <u>1,495.97</u>
07/20/2015	1	51638	002513	STEEL CENTER SUPPLY CO	MAINTENANCE SUPPLIES MAINTENANCE SUPPLIES MAINTENANCE SUPPLIES	17.85 19.75 209.10 <u>246.70</u>
07/20/2015	1	51639	UB REFUND	STRATTON, STACY A	UB deposit refund for account: 20545003	420.00
07/20/2015	1	51640	UB REFUND	STRATTON, STACY A	UB deposit refund for account: 20545003	170.00
07/20/2015	1	51641	003390	TASER INTERNATIONAL	BODY CAMERA SYSTEM	18,157.70

Check Date	Bank	Check	Vendor	Vendor Name	Description	Amount
07/20/2015	1	51642	002589	TERMINIX PROCESSING CENTER	EXTERMINATING SERVICE	43.00
07/20/2015	1	51643	002599	THAYER INC	SUPPLIES	156.60
					SUPPLIES	127.23
					SUPPLIES	137.88
						<u>421.71</u>
07/20/2015	1	51644	UB REFUND	TODD, SARAH M	UB refund for account: 40341007	85.50
07/20/2015	1	51645	002637	TOTAL PARKING SOLUTIONS INC	PARKING TERMINAL RECEIPT PAPER	339.00
					PROX CHIP CARDS FOR BOAT RAMP	1,080.00
						<u>1,419.00</u>
07/20/2015	1	51646	002644	TRACE ANALYTICAL LAB INC	CHEMICAL ANALYSIS	240.00
07/20/2015	1	51647	002645	TRACTOR SUPPLY CREDIT PLAN	SUPPLIES ACCT#6035 3012 0321 1303	128.96
07/20/2015	1	51648	002701	ULINE	TRASH BAGS & SAFETY GLASS WIPES	6,908.10
07/20/2015	1	51649	002726	US BANK	PAYING AGENT FEE	500.00
07/20/2015	1	51650	002748	VAN BUREN COUNTY	DEED & LEGAL VERIFICATION, SPLIT & MAP	5,333.00
07/20/2015	1	51651	002777	VANDERZEE MOTORPLEX	MONGREL DOT TIRES	918.40
07/20/2015	1	51652	003169	VILLA ENVIRONMENTAL CONSULTANTS	229 ELKENBURG FINAL SERVICES FOR PHASE	1,495.00
07/20/2015	1	51653	UB REFUND	WILLIAMS, TINA	UB refund for account: 11209009	187.03
07/20/2015	1	51654	003220	WINGFOOT COMMERCIAL TIRE SYSTEMS	TIRES	818.94
07/20/2015	1	51655	002949	WOLVERINE HARDWARE	MAINTENANCE SUPPLIES	29.14
					MAINTENANCE SUPPLIES	38.98
					MAINTENANCE SUPPLIES	7.31
					MAINTENANCE SUPPLIES	27.80
					MAINTENANCE SUPPLIES	12.78
					MAINTENANCE SUPPLIES	7.99
					MAINTENANCE SUPPLIES	57.52
					MAINTENANCE SUPPLIES	9.99
					MAINTENANCE SUPPLIES	45.54
					MAINTENANCE SUPPLIES	28.58
					MAINTENANCE SUPPLIES	7.99
					MAINTENANCE SUPPLIES	5.79
					MAINTENANCE SUPPLIES	1.49
					MAINTENANCE SUPPLIES	32.94
					MAINTENANCE SUPPLIES	46.99
					MAINTENANCE SUPPLIES	39.97
					MAINTENANCE SUPPLIES	3.69
						<u>404.49</u>
07/20/2015	1	51656	002953	WOODHAMS, INC , DON	REPAIRS	2,103.00
					REPAIRS	67.09
					REPAIRS	258.33
					REPAIRS	246.00
					REPAIRS	263.44
					REPAIRS	498.22
						<u>3,436.08</u>
07/20/2015	1	51657	UB REFUND	WOODLAND HARBOR MARINA	UB refund for account: 10115401	151.49
						<u><u>151.49</u></u>
<b>1 TOTALS:</b>						
Total of 96 Checks:						318,179.57
Less 0 Void Checks:						0.00
Total of 96 Disbursements:						<u><u>318,179.57</u></u>



# City of South Haven

## Department of Public Works

DPW Building • 1199 8<sup>th</sup> Ave. • South Haven, Michigan 49090  
Telephone (269) 637-0737 • Fax (269) 637-4778

### MEMORANDUM

**To:** Brian Dissette, City Manager  
Roger Huff, PE, DPW Director  
Tom Martin, Chief of Police

**From:** Larry Halberstadt, PE, City Engineer

**Date:** July 13, 2015

**RE:** Council Adoption of Traffic Control Orders

### Background Information

On December 2, 2002, Council passed Ordinance No. 908, adopting the Uniform Traffic Code for Cities, Townships, and Villages as promulgated by the director of the Michigan State Police (UTC). R 28.1153 Rule 153 of the UTC describes the process for issuance and approval of traffic control orders. Traffic control orders are prepared and issued by the traffic engineer in accordance with standard and accepted engineering practices. Traffic control orders expire after a period of 90 days, unless they are adopted by the City Council.

On June 24, 2015, 5 traffic control orders were issued. The reason for issuing the traffic control orders is as follows:

*TCO 15-001: 3 Hour Parking Limit on Huron Street between School Street and Broadway Avenue.* This block contains 7 parallel parking spaces located on both sides of the street. The parking spaces in this area have been signed for 3 hour parking since 2011. The 3 hour parking limit for on street parking in the downtown area was adopted by Council as part of TCO 10-002, but did not include Huron Street.

*TCO 15-002: No Parking Zones on Oak Street between North Shore Drive and Park Avenue.* No parking zones on Oak Street have been extended further away from each cross street intersection. This block of Oak Street has served as overflow parking for the Oak Street beach access and for rental properties in this area. The street is 30 feet wide and is not suitable for parking vehicles on both sides. In addition, the cross streets are skewed at an angle of greater than 90 degrees. This has created problems with access and turning movements for school buses, emergency vehicles, or other vehicles larger than a passenger car. Restricting the parking as noted in TCO 15-002 will help to alleviate this issue.

*TCO 15-003: No Parking Zone on North Shore Drive south of Dyckman Avenue.* The no parking zone on the west side of North Shore Drive has been extended to a point 225 feet south of the intersection of Dyckman Avenue. In 2010, the City resurfaced North Shore Drive and the area near the intersection was restriped with a left turn lane and a thru/right turn lane for north

## **Memorandum**

July 13, 2015

Council Adoption of Traffic Control Orders

Page 2 of 2

bound traffic. As a result of this restriping, there is insufficient pavement width to permit parking for a distance of 225 feet south of the intersection.

*TCO 15-004: Parking Restrictions on Kentucky and Virginia Avenues.* The City completed resurfacing of Kentucky and Virginia Avenues in fall of 2014. This traffic control order prohibits parking on the north side of Virginia Avenue and on the west side of Kentucky Avenue for a distance of 175 feet north of Virginia Avenue. These no parking zones were in place at the time of the resurfacing project. However, staff has been unable to find prior traffic control order(s) covering these no parking zones. The no parking zone on Kentucky is necessary to permit access to the private roadway serving Island Harbor and River Pointe Estates Condominiums. Virginia Avenue has 90 degree parking located on the south side of the roadway. The parking restriction on the north side is necessary to permit vehicle maneuvering into the 90 degree parking spaces.

*TCO 15-005: Parking Restrictions on Dyckman Avenue.* The City recently completed reconstruction of Dyckman Avenue. The roadway was reconstructed at a width of 26 to 31 feet to match the former cross section. Dyckman Avenue is a major street. The width is too narrow to accommodate on street parking.

*TCO 15-006: 5 Minute Parking Limit on Williams Street.* Two parking spaces adjacent to Hotel Nichols will be limited to 5 minute parking. These will serve as loading and unloading spaces for clients of Hotel Nichols or other nearby businesses. The City has provided similar spaces for Old Harbor Inn.

## **Recommendation**

City Council should review and approve Traffic Control Orders 15-001 through 15-006 at their July 20, 2015 regular meeting.

## **Attachments**

Uniform Traffic Code for Cities, Townships, and Villages

TCO 15-001

Map of TCO 15-001

TCO 15-002

Map of TCO 15-002

TCO 15-003

Map of TCO 15-003

TCO 15-004

Map of TCO 15-004

TCO 15-005

Map of TCO 15-005

TCO 15-006

Map of TCO 15-006

# Uniform Traffic Code for Cities, Townships, and Villages



November, 2003

## PREFACE

The 2002 edition of the Uniform Traffic Code for Cities, Townships, and Villages (UTC) is a fundamentally different document than previous versions of the code. In 1999, Public Acts 253-260 were passed into law, allowing municipalities the ability to adopt the Michigan Vehicle Code (MVC), in addition to other state law, as local ordinance by reference. Because of the passage of these acts, and the substantial and time-consuming process necessary to keep the UTC current with the frequently changing vehicle statutes, a decision was made to eliminate the language in the UTC that was redundant with the MVC. The result is a much smaller document that will require less frequent amendment. In November, 2003, two minor typographical errors were found and corrected. R 28.1105 was corrected to reference section 252d of the act, and a capitalization error was corrected in R 28.1454.

Municipalities adopting previous versions of the UTC should adopt both the MVC and current UTC by reference, in addition to rescinding their ordinance adopting the previous version of the UTC. Municipalities that frequently enforce snowmobile law are encouraged to adopt Part 821 of the Natural Resources and Environmental Protection Act, 1994 PA 451, MCL 324.82101 to 324.82160.

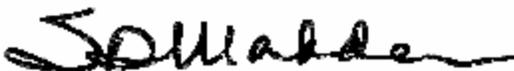
Assistance in adopting the MVC and UTC by reference can be obtained from the Michigan Municipal League or the Michigan Townships Association. Sample ordinances can be viewed at:

[http://www.mml.org/pdf/opp\\_adoption\\_by\\_reference.pdf](http://www.mml.org/pdf/opp_adoption_by_reference.pdf)

[http://www.mml.org/information/ordinances/ordinances\\_main.htm](http://www.mml.org/information/ordinances/ordinances_main.htm)

[http://www.michigantownships.org/sample\\_ordinances.htm](http://www.michigantownships.org/sample_ordinances.htm)

The Michigan Department of State Police acknowledges the following organizations and agencies for their participation and assistance in the process of updating this code: the Michigan Association of Chiefs of Police, the Michigan Legislative Service Bureau, the Michigan Municipal League, The Michigan Office of Regulatory Reform, and the Michigan Townships Association.



Col. Stephen D. Madden, Director  
Michigan Department of State Police

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## DEPARTMENT OF STATE POLICE SPECIAL OPERATIONS DIVISION

**UNIFORM TRAFFIC CODE FOR CITIES, TOWNSHIPS, AND VILLAGES** (By authority conferred on the director of the department of state police by 1956 PA 62, MCL 257.951 et seq.)

### PART 1. WORDS AND PHRASES DEFINED

#### R 28.1001 Rule 1. Words and phrases.

(1) As used in this code:

(a) "Act" means the Michigan vehicle code, 1949 PA 300, MCL 257.1 et seq.

(b) "Alley" means a minor thoroughfare, opened to public use, for the purpose of ingress and egress to service adjacent buildings.

(c) "Bicycle lane" means a portion of a street or highway that is adjacent to the roadway and that is established for the use of persons riding bicycles.

(d) "Bicycle path" means a portion of a street or highway that is separated from the roadway by an open, unpaved space or by a barrier and that is established for the use of persons riding bicycles.

(e) "Bus stand" or "bus stop" means a fixed area in the roadway, parallel and adjacent to the curb, to be occupied exclusively by buses for layover in operating schedules or by buses waiting for, loading, or unloading passengers.

(f) "Clerk" means the person who keeps the records and performs the regular business of a governmental unit.

(g) "Curb loading zone" means a space that is adjacent to a curb and that is reserved for the exclusive use of vehicles during the loading or unloading of passengers or materials.

(h) "Freight curb loading zone" means a space that is adjacent to a curb and that is provided for the exclusive use of vehicles during the loading or unloading of freight.

(i) "Governmental unit" or "municipality" means an incorporated city, an incorporated village, or a township.

(j) "Official time standard" means the hours named in this code are hours of standard time or daylight-saving time, whichever is in current use in this governmental unit.

(k) "Parking meter zone" means an area that is adjacent to a parking meter and that is set aside for the exclusive use of vehicles upon the deposit of a coin of United States currency in the parking meter as specified on the meter.

(l) "Passenger curb loading zone" means a place that is adjacent to a curb and that is reserved for the exclusive use of vehicles during the loading or unloading of passengers.

(m) "Stand" or "standing" means the halting of a vehicle, other than for the purpose of, and while actually engaged in, receiving or discharging passengers.

(n) "Stop," when required, means the complete cessation of movement.

(o) "Stop" or "stopping," when prohibited, means the halting, even momentarily, of a vehicle, whether occupied or not. The terms do not apply to the halting of a vehicle that is necessary to avoid conflict with other traffic or that is in compliance with the directions of a police officer or traffic-control sign or signal.

(p) "Taxicab" means a licensed public motor vehicle for hire that is designated and constructed to seat not more than 10 persons and that is operated as a common carrier on call or demand.

(q) "Taxicab stand" means a fixed area in the roadway that is set aside for taxicabs to stand or wait for passengers.

(r) "Tow-away zone" means a zone where parking, stopping, or standing is not permitted, as indicated by proper signs, and where vehicles parked in violation of the signs are towed away to keep the roadway clear for traffic movement.

(s) "U-turn" means a turn made on a roadway or in an intersection by a vehicle for the purpose of reversing its direction of travel.

(2) If any word or phrase used in this code is not defined in this code, but is defined in the Act, PA 300, MCL 257.1 to 257.923, then the definition in the act shall apply to the words and phrases used in this code.

## **PART 2. TRAFFIC ADMINISTRATION AND AUTHORITY**

### **R 28.1101 Rule 101. Police department; traffic duties.**

It is the duty of the chief of police and the officers of the police department to enforce the street traffic regulations of this governmental unit and all state vehicle laws that are applicable to street traffic in this governmental unit, including making arrests for certain traffic violations, issuing citations for civil infractions, investigating accidents, cooperating with the city traffic engineer and other officials of this governmental unit in the administration of the traffic laws and in developing ways and means to improve traffic conditions, and carrying out those duties specially imposed by this code and other traffic ordinances of this governmental unit.

### **R 28.1102 Rule 102. Authority of police directing traffic.**

Officers of the police department or those officers that are assigned by the chief of police are hereby authorized to direct all traffic by voice, hand, or signal in conformance with traffic laws. However, in case of a fire or other emergency or to expedite traffic or safeguard pedestrians, officers of the police department may direct traffic as conditions require, notwithstanding the provisions of the traffic laws.

### **R 28.1103 Rule 103. Authority of firemen directing traffic.**

Officers of the fire department, when at the scene of a fire, may direct or assist the police in directing traffic at the scene of the fire or in the immediate vicinity.

### **R 28.1104 Rescinded.**

### **R 28.1105 Rule 105. Impounding of vehicles; authority; procedure; public sale.**

(1) Notwithstanding section 252d of the act, a police agency may provide for the immediate removal of a vehicle from public property or any other place open to travel by the public and impound the vehicle in any of the following circumstances:

(a) When a vehicle is left unattended on a bridge, viaduct, causeway, subway, tube, or tunnel where the vehicle constitutes an obstruction to traffic.

(b) When a vehicle is found being driven on the streets or highways in an unsafe condition that endangers persons or property.

(c) When the driver of the vehicle is taken into custody by the police department and the vehicle would thereby be left unattended on the street.

(2) A police agency that authorizes the removal of a vehicle under subrule (1) of this rule shall comply with the requirements of section 252d(2) to (7) of the act.

### **R 28.1105a – R 28.1117d Rescinded.**

### **R 28.1118 Rule 118. Records of traffic violations; warrants.**

(1) The chief of police shall maintain, or cause to be maintained, a record of all warrants that are issued on traffic violation charges and that are delivered to the police department for service. The chief of police shall also maintain, or cause to be maintained, a record of the disposition of all these warrants.

(2) This rule shall not apply to municipalities in which the records listed in subrule (1) of this rule are maintained by another agency or district court pursuant to a local agreement.

### **R 28.1119 – R 28.1121 Rescinded.**

### **R 28.1122 Rule 122. Traffic accident studies.**

If the accidents at any particular location become numerous, the police department shall cooperate with the traffic engineer in conducting studies of the accidents and shall determine remedial measures.

### **R 28.1123 Rule 123. Drivers' files.**

(1) The police department shall maintain a suitable record of all traffic accidents, citations, arrests, dispositions, and complaints that are reported for each driver. The reported items shall be maintained in a manner that allows for retrieval by the name of the driver concerned. The records shall be maintained for not less than the most recent 5-year period.

(2) A photocopy or electronic image shall be maintained if the original document is sent to another agency or to a court, except as provided in subrule (3) of this rule.

(3) A photocopy or electronic image is not required to be maintained by the police department if the original document, photocopy, or electronic image is maintained by another office of the municipality.

**R 28.1124 Rule 124. Annual traffic safety report.**

The police department shall annually prepare a traffic report that shall be filed with the executive head of this governmental unit and the ordinance making body of this governmental unit. The report shall contain all of the following information on traffic matters in this municipality:

- (a) The number of traffic accidents.
- (b) The number of persons killed.
- (c) The number of persons injured.
- (d) The number of traffic accidents investigated.
- (e) The plans and recommendations of the police department for future traffic safety activities.
- (f) Other pertinent data on the safety activities of the police.
- (g) Other pertinent traffic accident data.

**R 28.1125 Rule 125. Traffic engineer.**

(1) The office of traffic engineer is hereby established. The traffic engineer shall be appointed in a manner prescribed by the ordinance making body and shall exercise the powers and duties provided in this code in a manner that is consistent with prevailing traffic engineering and safety practices and that is in the best interests of this governmental unit. If a traffic engineer is not appointed, then the authority of the engineer shall be vested in the chief of police.

(2) The traffic engineer shall be responsible for any duties specifically delegated to the local authority by the Act, unless another office is specifically designated by the Act or by this code or is by its nature the more appropriate office.

**R 28.1126 Rule 126. Duties of traffic engineer.**

(1) The general duties of the traffic engineer are as follows:

- (a) To plan and determine the installation and proper timing and maintenance of traffic-control devices.
- (b) To conduct engineering analysis of traffic accidents and to devise remedial measures.
- (c) To conduct engineering investigations of traffic conditions.
- (d) To plan the operation of traffic on the streets of this governmental unit, including parking areas.
- (e) To cooperate with other officials of this governmental unit in the development of ways and means to improve traffic conditions.
- (f) To carry out the additional powers and duties imposed by the act and ordinances of this governmental unit.
- (g) To otherwise regulate the movement and parking of vehicles within the municipality consistent with the act.

(2) All duties carried out by the traffic engineer shall be in accordance with standard and accepted engineering practices as found in the Traffic Engineering Handbook, Fifth Edition, which is adopted by reference in these rules. The Handbook may be reviewed at the East Lansing Headquarters of the Michigan State Police, Special Operations Division, Traffic Services Section. The Handbook may be purchased from the Institute of Transportation Engineers, 1099 14<sup>TH</sup> Street, N.W., Suite 300 West, Washington, DC 20005-3438, or from the Michigan Department of State Police, Special Operations Division, Traffic Services Section, 714 South Harrison Road, East Lansing, MI 48823, at a cost as of the time of adoption of these rules of \$110.00 each.

**R 28.1127 Rule 127. Emergency regulations.**

The chief of police is hereby empowered to make and enforce temporary regulations to cover emergencies or special conditions. Temporary regulations shall remain in effect for not more than 90 days.

**R 28.1128 Rule 128. Testing traffic-control devices.**

The traffic engineer may test or experiment with traffic-control devices under actual conditions of traffic in accordance with procedures contained in the Michigan manual of uniform traffic-control devices.

**R 28.1129 – R 28.1136a Rescinded.**

**R 28.1136b Rule 136b. Traffic-control devices on private property; violation as civil infraction.**

(1) With the consent, or at the request, of the owners or persons in charge of private property that is open to the general public for travel, the traffic engineer may determine controls of the movement of vehicles and pedestrians and the parking of vehicles as needed for the safety and convenience of the public and users of the property. The traffic engineer shall place and maintain whatever traffic-control devices are necessary to give notice of the controls determined to be necessary.

(2) A person who violates the directions of the traffic-control devices is responsible for a civil infraction.

**R 28.1137 Rule 137. Curb loading zones.**

The traffic engineer is hereby authorized to determine the location of passenger and freight curb loading zones and shall place and maintain appropriate signs that indicate the zones and that state the hours during which the zones are restricted for loading purposes.

**R 28.1138 Rule 138. Permits for curb loading zones.**

The traffic engineer shall not designate or sign any curb loading zone upon special request of any person unless the person makes application for a permit for the zone and for 2 signs to indicate the ends of each zone. When approved by the traffic engineer, the clerk, upon granting a permit and issuing the signs, shall collect from the applicant and deposit with the treasurer a service fee for 1 year or a fraction thereof in an amount specified by resolution of the ordinance making body. The governmental unit may, by regulation, impose conditions upon the use of the signs and provide for reimbursement for the value of the signs if they are lost or damaged and for return of the signs if they are misused or upon expiration of the permit. The permit shall expire at the end of 1 year.

**R 28.1139 Rule 139. Public carrier stands.**

The traffic engineer is hereby authorized to establish bus stops, bus stands, taxicab stands, and stands for other passenger common-carrier motor vehicles on public streets, in places, and in number as he or she shall determine to be of the greatest benefit and convenience to the public. Every bus stop, bus stand, taxicab stand, or other stand shall be designated by appropriate signs, which the traffic engineer shall cause to be erected.

**R 28.1140 Rule 140. Permit for loading or unloading at an angle to the curb.**

The traffic engineer may authorize the clerk to issue special permits to permit the backing of a vehicle to the curb for the purpose of loading or unloading merchandise or materials subject to the terms and conditions of the permit. A permit may be issued either to the owner or lessee of real property or to the owner of the vehicle. A permit shall grant to the owner or lessee of real property the privileges that are stated in the permit and that are authorized in this code.

**R 28.1141 Rule 141. Parking meter zones.**

The traffic engineer is hereby authorized, subject to the approval of the ordinance making body, to determine and designate metered parking zones and to install and maintain as many parking meters as necessary in the metered parking zones, if it is determined that the installation of parking meters is necessary to aid in the regulation, control, and inspection of the parking of vehicles.

**R 28.1142 Rule 142. Angle parking zones.**

The traffic engineer shall determine the location of angle parking zones and shall erect and maintain appropriate signs that indicate the location and that give notice thereof, except that these zones shall not be established on state trunkline highways.

**R 28.1143 Rescinded.**

**R 28.1144 Rule 144. Speed restrictions.**

Notwithstanding section 629 of the Act, The traffic engineer is hereby authorized to establish prima facie speed limits in alleys and cemeteries.

**R 28.1145, R 28.1146 Rescinded.**

**R 28.1147 Rule 147. Authority to sign 1-way streets and alleys.**

Where any 1-way street or alley is duly established, the traffic engineer shall place and maintain signs that give notice of the 1-way street or alley and the regulation shall not be effective unless the signs are in place. Signs that indicate the direction of lawful traffic movement shall be placed at every intersection where movement of traffic in the opposite direction is prohibited.

**R 28.1148 Rule 148. Authority to restrict direction of movement on streets during certain periods.**

The traffic engineer is hereby authorized to determine and designate streets, parts of streets, or specific lanes of streets on which vehicular traffic shall proceed in 1 direction during 1 period of the day and the opposite direction during another period of the day and shall place and maintain appropriate markings, signs, barriers, or other devices to give notice thereof. The traffic engineer may erect signs that temporarily designate lanes to be used by traffic moving in a particular direction, regardless of the center line of the roadway.

**R 28.1149, R 28.1150 Rescinded.**

**R 28.1151 Rule 151. Prohibiting certain traffic.**

The traffic engineer may, after an engineering and traffic investigation, designate any heavily traveled street under his or her jurisdiction as prohibited to a class or kind of traffic found to be incompatible with the normal and safe movement of traffic. The traffic engineer shall erect appropriate traffic-control devices that give notice of the determination.

**R 28.1152 Rescinded.**

**R 28.1153 Rule 153. Traffic-control orders.**

(1) The authority in the Act and this code to regulate traffic shall be exercised by the traffic engineer by the issuance of traffic-control orders that shall specify the rules and regulations adopted or established by him or her. The traffic-control orders shall become effective upon being filed with the clerk and upon erection of adequate signs or signals that give notice of the existence of the regulation, if signs or signals are required by the provisions of this code that pertain to the regulation.

(2) Traffic-control orders may be issued by the traffic engineer on his or her own authority, but when so issued shall be known as temporary traffic-control orders and shall not be effective after the expiration of 90 days from the date of filing and these temporary traffic-control orders shall not be renewed or extended, except upon approval by the ordinance making body.

(3) Permanent traffic-control orders shall be issued by the traffic engineer, approved by the ordinance making body, and filed with the clerk.

(4) Temporary orders shall become permanent orders upon being approved by the ordinance making body, and notice of the approval shall be filed with the clerk.

(5) All traffic-control orders and any actions that modify or repeal the orders shall be kept by the clerk in a separate book that shall be known as the traffic-control order book.

(6) A copy of a traffic-control order, certified by the clerk to be a true copy compared by him or her with the original in his or her office, shall be permitted into evidence in all courts and proceedings in the same manner as the original would be permitted into evidence if produced. If it appears that a traffic-control sign, signal, or device that conforms to the provisions of this code was erected or in place when the alleged violation of this code occurred, it shall be prima facie evidence of the existence of a lawful traffic-control order that authorizes the traffic control, sign, signal, or device, and it is not necessary for the prosecution to affirmatively show the existence of a valid traffic-control order in these cases, unless and until the presumption is rebutted by competent evidence.

(7) All traffic control orders issued by the traffic engineer, whether temporary or permanent, shall be in accordance with standard and accepted engineering practices as adopted in R 28.1126.

**R 28.1154 Rule 154. Clerk.**

The duties set forth in rules 155 to 158 of this code shall apply to the person who is elected or appointed to the office of clerk of this governmental unit.

**R 28.1155 Rule 155. Clerk to issue permit for loading or unloading at an angle to the curb.**

The clerk, upon receipt of a written application, shall issue, subject to the approval of the traffic engineer, permits to back a vehicle at right angles to the curb for the purpose of loading or unloading of merchandise or material. These permits shall be subject to the terms and conditions stated thereon. These permits shall expire at the end of each calendar year, but may be reissued.

**R 28.1156 Rule 156. Clerk to issue permit for curb loading zones.**

The clerk, upon receipt of a written application, shall issue, subject to the approval of the traffic engineer, permits for curb loading zones. These permits shall be subject to the terms and conditions stated thereon.

**R 28.1157 Rule 157. Clerks to provide traffic citation forms.**

(1) Traffic citation forms in serially numbered sets that notify alleged violators to appear and answer to charges of violating traffic laws and ordinances shall be provided by the clerk in books and in a form as provided in sections 727b and 727c of the act.

(2) This rule shall not apply to municipalities in which the traffic citation forms required in subrule (1) of this rule are provided by another department, agency, or court pursuant to a local agreement.

**R 28.1158 Rule 158. Issuance and record of traffic citation books.**

(1) The clerk shall be responsible for the issuance of traffic citation books to the chief of police and shall maintain a record of each book.

(2) This rule shall not apply to municipalities in which the records required in subrule (1) of this rule are maintained by another department, agency, or court pursuant to a local agreement.

**PART 3. OBEDIENCE TO TRAFFIC REGULATIONS**

**R 28.1201 Rule 201. Required obedience to traffic ordinances; parental responsibility; violation as civil infraction.**

(1) It is a violation of this code for any person to do any act that is forbidden, or to fail to perform any act that is required, by the act or this code.

(2) The parent of any child and the guardian of any ward shall not authorize or knowingly permit this child or ward to violate any of the provisions of the act or this code.

(3) Unless otherwise specified, violation of any rule of this code is a civil infraction.

**R 28.1202 Rule 202. Obedience to police and fire department officials; violation as misdemeanor.**

(1) A person shall not willfully fail or refuse to comply with any lawful order or direction of any police officer or member of the fire department, at the scene of or in the immediate vicinity of a fire, who is vested with authority under the act or this code to direct, control, or regulate traffic.

(2) A person who violates this rule is guilty of a misdemeanor.

**R 28.1202a Rescinded.**

**R 28.1203 Rule 203. Persons propelling push carts or riding animals subject to traffic regulations; violation as misdemeanor.**

(1) Persons who propel any push cart or who ride an animal upon a roadway and persons who drive any animal-drawn vehicle are subject to the provisions of this code that are applicable to the driver of any vehicle, except for the provisions of this code that by their very nature can have no application.

(2) A person who violates this rule is guilty of a misdemeanor.

**R 28.1204 Rule 204. Use of coasters, roller skates, and similar devices restricted; violation as civil infraction.**

(1) A person who is riding in, or by means of, any coasters, toy vehicle, or similar device shall not go on any roadway, except while crossing a street on a crosswalk. When crossing a street on a crosswalk, the person shall be granted all of the rights, and shall be subject to all of the duties, applicable to pedestrians.

(2) A person who is on a skateboard or roller skates, including in-line skates, shall be considered a pedestrian and is subject to all of the rights and duties of a pedestrian, except as provided in subrule (3) of this rule.

(3) The traffic engineer may designate those roadways and areas where the use of skateboards, roller skates, or in-line skates are prohibited and shall designate these areas through the posting of appropriate signs.

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

**R 28.1205 – R 28.1210 Rescinded.**

**R 28.1211 Rule 211. Code provisions; exclusive applicability to operation of vehicles on streets, except where otherwise referred to.**

The provisions of this code that relate to the operation of vehicles refer exclusively to the operation of vehicles on streets or highways, except where a different place is specifically referred to in a rule of this code.

**R 28.1212 Rule 212. Enforcing violation on private road.**

Notwithstanding any other provision of law, a police officer may enter upon a private road to enforce violations of the act or this code.

**PART 4. TRAFFIC-CONTROL DEVICES**

**R 28.1301 – R 28.1303 Rescinded.**

**R 28.1304 Rule 304. Obedience to official traffic-control devices; violation as civil infraction.**

(1) The driver of any vehicle shall obey the instructions of any official traffic-control device that is placed in accordance with a traffic control order or a traffic ordinance of any governmental unit having authority over that highway, unless otherwise directed by a police officer.

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

**R 28.1304a Rescinded.**

**R 28.1305 Rule 305. Provisions of code that require signs; enforceability.**

Provisions of this code that require signs shall not be enforced against an alleged violator if, at the time and place of the alleged violation, an official sign was not in proper position and was not sufficiently legible so as to be seen by an ordinarily observant person. When a particular rule does not state that signs are required, the rule shall be effective even though signs are not erected or in place.

**R 28.1306 – R 28.1312 Rescinded.**

**R 28.1313 Rule 313. Crosswalks.**

The traffic engineer is hereby authorized to designate and maintain, by appropriate devices, marks, or lines upon the surface of the roadway, crosswalks at intersections where, in his or her opinion, there is particular danger to pedestrians crossing the roadway and at other places as he or she may deem necessary.

**R 28.1314 Rule 314. Safety zones.**

The traffic engineer is hereby authorized to establish safety zones of a kind and character and at places as he or she may deem necessary for the protection of pedestrians.

**R 28.1315 – R 28.1319 Rescinded.**

**R 28.1320 Rule 320. Bicycle paths or bicycle lanes; establishment; traffic-control devices.**

(1) When the traffic engineer, after a traffic survey and engineering study, determines there is a need, he or she may establish a part of a street or highway under his or her jurisdiction as a bicycle path or lane.

(2) The bicycle path or lane shall be identified by official traffic-control devices that conform to the Michigan manual of uniform traffic-control devices.

**R 28.1321 Rule 321. Bicycle paths; vehicles prohibited; snowmobiles permitted under certain conditions; violation as misdemeanor.**

- (1) A person shall not operate a vehicle on or across a bicycle path, except to enter or leave adjacent property or as otherwise permitted in this rule.
- (2) A person may operate a snowmobile on a bicycle path that is snow-covered and that is not snowplowed for bicycle traffic.
- (3) A person shall not park a vehicle on a bicycle path.
- (4) A person who violates this rule is guilty of a misdemeanor.

**R 28.1322 Rule 322. Bicycle lanes; vehicles prohibited; parking permitted under certain conditions; violation as misdemeanor.**

- (1) A person shall not operate a vehicle on or across a bicycle lane, except to enter or leave adjacent property.
- (2) A person shall not park a vehicle on a bicycle lane, except where parking is permitted by official signs.
- (3) A person who violates this rule is guilty of a misdemeanor.

**PART 5. RIGHTS AND DUTIES OF DRIVERS AND OTHERS**

**R 28.1401 – R 28.1409 Rescinded.**

**R 28.1409a Rule 409a. Driving at slow speed; violation as a civil infraction.**

- (1) A person shall not drive a motor vehicle at a slow speed as to impede the normal and reasonable movement of traffic, except when reduced speed is necessary for safe operation or to comply with law.
- (2) A person who violates this rule is responsible for a civil infraction.

**R 28.1410, R 28.1411 Rescinded.**

**R 28.1412 Rule 412. Violation of signs; violation as civil infraction.**

- (1) It shall be prima facie unlawful to exceed the speed stated on signs erected in accordance with a traffic control order or a traffic ordinance of any governmental unit having authority over that highway.
- (2) A person who violates this rule is responsible for a civil infraction.

**R 28.1413 Rule 413. Manner of charging violation of speed restriction.**

In every charge of violating a speed restriction, the complaint and traffic citation shall specify the speed at which the defendant is alleged to have driven and the speed applicable within the district or at the location.

**R 28.1414 – R 28.1416b Rescinded.**

**R 28.1416c Rule 416c. Consumption of liquor on highways or on property open to public; violation as misdemeanor.**

- (1) Alcoholic liquor shall not be consumed on a highway, street, alley, or any public or private property that is open to the general public.
- (2) This rule does not apply to a premises operating under a license or permit issued pursuant to 1998 PA 58, MCL 436.1101 et seq.
- (3) A person who violates this rule is guilty of a misdemeanor.

**R 28.1417 – R 28.1423 Rescinded.**

**R 28.1424 Rule 424. One-way roadways; violation as civil infraction.**

- (1) On a roadway or alley that is designated and signposted for 1-way traffic, a vehicle shall be driven only in the direction designated.
- (2) A person who violates this rule is responsible for a civil infraction.

**R 28.1425 – R 28.1433 Rescinded.**

**R 28.1434 Rule 434. Limitations on turning around; violation as civil infraction.**

- (1) The driver of any vehicle shall not turn the vehicle so as to proceed in the opposite direction on any street in a business district and shall not, on any other street, so turn a vehicle unless the movement can be made in safety and without interfering with other traffic.
- (2) A person who violates this rule is responsible for a civil infraction.

**R 28.1435 – R 28.1436a Rescinded.**

**R 28.1437 Rule 437. Emerging from alley, driveway, or building; violation as civil infraction.**

- (1) The driver of a vehicle that is merging from an alley, driveway, or building shall stop the vehicle immediately before driving onto a sidewalk or onto the sidewalk area extending across any alleyway, shall yield the right-of-way to any pedestrian as may be necessary to avoid collision and, upon entering the roadway shall yield the right-of-way to all vehicles approaching on the roadway.
- (2) A person who violates this rule is responsible for a civil infraction.

**R 28.1438 Rule 438. Entering intersection or crosswalk; obstructing traffic prohibited; violation as civil infraction.**

- (1) A driver shall not enter an intersection or a marked crosswalk unless there is sufficient space on the other side of the intersection or crosswalk to accommodate the vehicle he or she is operating without obstructing the passage of other vehicles or pedestrians, notwithstanding any traffic-control signal indication to proceed.
- (2) A person who violates this rule is responsible for a civil infraction.

**R 28.1439 – R 28.1440a Rescinded.**

**R 28.1440b Rule 440b. Obstruction of vehicular traffic by successive train movements on highways or streets; violation as misdemeanor.**

- (1) It is unlawful for a railroad company to permit successive train movements to obstruct any vehicular traffic on any public streets or highways until all vehicular traffic previously delayed by these train movements has been cleared or until a period of 5 minutes has elapsed between train movements.
- (2) A railroad company that violates this rule is guilty of a misdemeanor.

**R 28.1440c – R 28.1445 Rescinded.**

**R 28.1446 Rule 446. Drivers in a procession; violation as civil infraction.**

- (1) Each driver in a funeral or other authorized procession shall drive as near the right-hand edge of the roadway as practical and shall follow the vehicle ahead as close as is practical and safe.
- (2) A person who violates this rule is responsible for a civil infraction

**R 28.1447 Rule 447. Parades and processions; permit required; violation as misdemeanor.**

- (1) A procession or parade, other than a procession or parade of the forces of the United States armed services, the military forces of this state, and the forces of the police and fire departments, shall not occupy, march, or proceed along any roadway, unless pursuant to a permit issued by the chief of police and unless the procession or parade is in accordance with other regulations as are set forth in this code.
- (2) A person who violates this rule is guilty of a misdemeanor.

**R 28.1448 Rule 448. Driving on sidewalk prohibited; violation as misdemeanor.**

- (1) The driver of a vehicle shall not drive on or within any sidewalk area, except at a driveway.
- (2) A person who violates this rule is guilty of a misdemeanor.

**R 28.1449 Rule 449. Limitations on backing; violation as civil infraction.**

- (1) The driver of a vehicle shall not back the vehicle unless the movement can be made with reasonable safety and without interfering with other traffic.
- (2) A vehicle shall not be backed a distance of more than 60 feet.

(3) A vehicle shall not be backed into an intersection; except that a vehicle may be backed into an intersection when it is not otherwise possible to turn about and when the movement can be made safely without interfering with other traffic.

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

**R 28.1450 , R 28.1451 Rescinded.**

**R 28.1452 Rule 452. Driving through or over a safety zone occupied by people prohibited; violation as civil infraction.**

(1) The driver of a vehicle shall not at any time drive through or over a safety zone when the safety zone contains any person therein.

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

**R 28.1453 Rescinded.**

**R 28.1454 Rule 454. Splashing prohibited; violation as civil infraction.**

(1) A driver of a motor vehicle shall not recklessly, willfully, wantonly, or carelessly operate his or her vehicle in a manner as to splash snow, rain, water, mud, dirt, or debris on any person who is on a sidewalk, crosswalk, or safety zone.

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

**R 28.1455 Rule 455. Deposit of litter on streets prohibited; violation as misdemeanor.**

(1) A person shall not, without the consent of the public authority having supervision of a street, deposit, place, dump, throw, or leave, or cause or permit the dumping, depositing, placing, throwing, or leaving of, any destructive or injurious material, any rubbish, refuse, waste material, garbage, offal, paper, glass, cans, bottles, trash, or debris on any street.

(2) A person who throws or drops, or permits to be thrown or dropped, on a street any of the material or matter listed in subrule (1) of this rule shall immediately remove it or cause it to be removed.

(3) The violation of this rule is punishable as a misdemeanor.

**R 28.1455a Rule 455a. Throwing objects at or into paths of vehicles prohibited; violation as misdemeanor.**

(1) A person shall not knowingly cause any litter or any object to fall or to be thrown into the path of or to hit a vehicle traveling on a street.

(2) The violation of this rule is punishable by a fine of not more than \$500.00 or not more than 1 year in county jail, or both. A person who violates this rule is guilty of a misdemeanor.

**R 28.1455b Rescinded.**

**R 28.1456 Rule 456. Removal of wrecked or damaged vehicles; violation as misdemeanor.**

(1) A person who removes a wrecked or damaged vehicle from a street shall remove any glass or other injurious substance dropped on the street from the vehicle.

(2) The violation of this rule is punishable as a misdemeanor.

**R 28.1457 Rescinded.**

**R 28.1458 Rule 458. Requirements when leaving motor vehicle unattended; violation as civil infraction.**

(1) A person who has control or charge of a motor vehicle shall not allow the vehicle to stand unattended on any street or any other place without first stopping the engine, locking the ignition, and removing and taking possession of the ignition key. The provisions of this rule that pertain to the locking of the ignition and removing and taking possession of the ignition key do not apply to motor vehicles that are manufactured with an ignition system that does not have a key and that is incapable of being locked.

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

**R 28.1459 – R 28.1490 Rescinded.**

**R 28.1490a Rule 490a. Operation of vehicle with unnecessary noise prohibited; violation as civil infraction.**

(1) A person shall not operate a motor vehicle with unnecessary noise and shall not start, move, or turn a motor vehicle or apply the brakes or the power on a motor vehicle or in any manner operate the vehicle so as to cause the tires to squeal or the tires or vehicle to make any noise not usually connected with the operation of the motor vehicle, except in case of an emergency.

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

**R 28.1491, R 28.1492 Rescinded.**

**R 28.1493 Rule 493. Display on vehicle of official designation, sign, or insignia prohibited; violation as misdemeanor.**

(1) An owner shall not display on any part of his or her vehicle, or knowingly permit the display of, any official designation, sign, or insignia of any public or quasi-public corporation; municipal, state, or national department; or government subdivision without authority of the agency.

(2) A person who violates this rule is guilty of a misdemeanor.

**R 28.1494 – R 28.1497 Rescinded.**

**R 28.1498 Rule 498. Opening vehicle doors so as to impede traffic prohibited; violation as civil infraction.**

(1) A person shall not open a door of a vehicle in a manner that interferes with or impedes the flow of traffic.

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

**R 28.1498a, R 28.1499 Rescinded.**

**PART 6. OPERATION OF BICYCLES, MOTORCYCLES, MOPEDS, AND TOY VEHICLES**

**R 28.1601, R 28.1602 Rescinded.**

**R 28.1603 Rule 603. Bicycles; ordinances applicable.**

The provisions of this code that are applicable to bicycles shall apply when a bicycle is operated on any street or on any public path set aside for the exclusive use of bicycles, subject to those exceptions stated in this code.

**R 28.1604 - R 28.1606 Rescinded.**

**R 28.1607 Rule 607. Obedience to pedestrian regulations when dismounted from a bicycle.**

When authorized signs are erected that indicate that right, left, or U-turns are not permitted, a person who operates a bicycle shall obey the direction of the sign, except where the person dismounts from the bicycle to make the turn, in which event the person shall then obey the regulations applicable to pedestrians.

**R 28.1608 - R 28.1614 Rescinded.**

**R 28.1615 Rule 615. Emerging from alley, driveway, or building; yielding right-of-way; violation as civil infraction.**

(1) The operator of a bicycle who emerges from an alley, driveway, or building shall, upon approaching a sidewalk or the sidewalk area extending across any alleyway, yield the right-of-way to all pedestrians approaching on the sidewalk area and, upon entering the roadway, shall yield the right-of-way to all vehicles approaching on the roadway.

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

**R 28.1616 Rescinded.**

**R 28.1617 Rule 617. Bicycles; parking on sidewalk; violation as civil infraction.**

(1) A person shall not park a bicycle on a sidewalk where bicycle parking is prohibited by official traffic-control devices. A person shall not park a bicycle on a sidewalk in a manner that would unreasonably obstruct pedestrian or other traffic.

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

**R 28.1617a Rule 617a. Bicycles; parking on roadway; violation as civil infraction.**

(1) Notwithstanding the provisions of part 8 of this code, and unless prohibited or restricted by traffic-control devices, a bicycle may be parked as follows:

(a) On the roadway at an angle to the curb or edge of the roadway at any location where the parking of vehicles is allowed.

(b) On the roadway abreast of another bicycle near the side of the roadway at any location where the parking of vehicles is allowed.

(2) In all other respects, a bicycle parked anywhere on a street shall conform with the provisions of part 8 of this code that regulates the parking of vehicles.

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

**R 28.1618 Rule 618. Obedience to signs prohibiting riding of bicycles; violation as civil infraction.**

(1) When a sign is erected on a sidewalk that prohibits the riding of bicycles thereon by any person, a person shall obey the sign.

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

**R 28.1619 - R 28.1627 Rescinded.**

**PART 7. PEDESTRIANS' RIGHTS AND DUTIES**

**R 28.1701 Rule 701. Pedestrians; traffic-control signals; privileges and restricts; violation as civil infraction.**

(1) Pedestrians are subject to traffic-control signals at intersections as provided in section 613 of the act and part 4 of this code. At all other places, pedestrians shall be accorded the privileges, and shall be subject to the restrictions, stated in this part.

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

**R 28.1702 Rule 702. Pedestrians; right-of-way in crosswalk; violation as civil infraction.**

(1) When traffic-control signals are not in place or are not in operation, the driver of a vehicle shall yield the right-of-way, slowing down or stopping if need be to so yield, to a pedestrian crossing the roadway within a crosswalk when the pedestrian is on the half of the roadway on which the vehicle is traveling or when the pedestrian is approaching so closely from the opposite half of the roadway as to be in danger, but a pedestrian shall not suddenly leave a curb or other place of safety and walk or run into a path of a vehicle that is so close that it is impossible for the driver to yield.

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

**R 28.1703 Rule 703. Passing vehicle stopped at intersection to permit pedestrian to cross prohibited; violation as civil infraction.**

(1) When any vehicle is stopped at a marked crosswalk or at any unmarked crosswalk at an intersection to permit a pedestrian to cross the roadway, the driver of any other vehicle approaching from the rear shall not overtake and pass the stopped vehicle.

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

**R 28.1703a , R 28.1704 Rescinded.**

**R 28.1705 Rule 705. Crossing roadway at right angles to curb required; violation as civil infraction.**

(1) A pedestrian shall not, except in a marked crosswalk, cross a roadway at any other place than by a route at right angles to the curb or by the shortest route to the opposite curb.

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

**R 28.1706 Rule 706. Pedestrians; yielding right-of-way; violation as civil infraction.**

(1) Every pedestrian who crosses a roadway at any point other than within a marked crosswalk at an intersection shall yield the right-of-way to all vehicles on the roadway.

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

**R 28.1707 Rule 707. Pedestrians; yielding right-of-way where tunnel or overhead crossing provided; violation as civil infraction.**

(1) Any pedestrian who crosses a roadway at a point where a pedestrian tunnel or overhead pedestrian crossing has been provided shall yield the right-of-way to all vehicles on the roadway, if signs prohibiting the crossing of the roadway by pedestrians at that point are in place.

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

**R 28.1708 Rule 708. Pedestrians; yielding right-of-way to emergency vehicles; violation as civil infraction.**

(1) A pedestrian shall yield the right-of-way to an authorized emergency vehicle under the conditions prescribed in the Act.

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

**R 28.1709 Rule 709. Pedestrians; crossing between adjacent intersections; violation as civil infraction.**

(1) Where traffic-control signals are in operation, pedestrians shall not cross the roadway except in a marked crosswalk.

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

**R 28.1710 Rule 710. Pedestrians; crossing roadway in business district; violation as civil infraction.**

(1) In any business district, a pedestrian shall not cross a roadway other than in a crosswalk.

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

**R 28.1711 Rule 711. Pedestrians; obedience to bridge and railroad barriers; violation as civil infraction.**

(1) A pedestrian shall not pass through, around, over, or under any crossing gate or barrier at a railroad grade crossing or bridge while the gate or barrier is closed or is being opened or closed.

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

**R 28.1712 Rescinded.**

**R 28.1713 Rule 713. Pedestrians; soliciting ride, employment, or business in roadway prohibited; violation as civil infraction.**

(1) A person shall not stand in a roadway for the purpose of soliciting a ride, employment, or business from the occupant of any vehicle.

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

**R 28.1714 Rule 714. Pedestrians; soliciting the watching or guarding of vehicle in street or highway prohibited; violation as civil infraction.**

(1) A person shall not stand on or in proximity to a street or highway for the purpose of soliciting the watching or guarding of any vehicle while parked or about to be parked on a street or highway.

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

**R 28.1715 Rule 715. Stopping for blind pedestrians; violation as misdemeanor.**

(1) Any driver of a vehicle who approaches within 10 feet of a person who is wholly or partially blind, who is carrying a cane or walking stick that is white or white tipped with red, or who is being led by a guide dog wearing a harness and walking on either side, or slightly in front, of the blind person shall immediately come to a full stop and shall take precautions before proceeding as may be necessary to avoid accident or injury to the wholly or partially blind person.

(2) A person who violates this rule is guilty of a misdemeanor.

**R 28.1716 Rule 716. Drivers; exercising due care; violation as civil infraction.**

(1) Notwithstanding the foregoing provisions of this part, every driver of a vehicle shall exercise due care to avoid colliding with any pedestrian on any roadway, shall give warning by sounding the horn when necessary, and shall exercise proper precaution upon observing any child or any confused or incapacitated person on a roadway.

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

**PART 8. STOPPING, STANDING, AND PARKING**

**R 28.1801 Rule 801. Standing or parking close to curb; violation as civil infraction.**

(1) A person shall not stand or park a vehicle in a roadway other than parallel with the edge of the roadway, headed in the direction of lawful traffic movement, and with the right-hand wheels of the vehicle within 12 inches of the curb or edge of the roadway, except as otherwise provided in this part.

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

**R 28.1802 Rule 802. Parking on 1-way streets; violation as civil infraction.**

(1) Vehicles may park with the left-hand wheels adjacent to, and within 12 inches of, the left-hand curb of properly signed 1-way streets.

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

**R 28.1803 Rule 803. Stopping, standing, or parking on streets signed for angle parking; violation as civil infraction.**

(1) On those streets that have been signed or marked for angle parking, a person shall not stop, stand, or park a vehicle other than at the angle to the curb or edge of the roadway indicated by the signs or markings.

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

**R 28.1804 Rule 804. Violating terms of permit for backing vehicle to load or unload at a curb prohibited; violation as civil infraction.**

(1) It is unlawful for any permittee or any other person to violate any of the special terms or conditions of any special permit issued to permit the backing of a vehicle to the curb for the purpose of loading or unloading.

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

**R 28.1805 Rescinded.**

**R 28.1806 Rule 806. Vehicle starting from parked position; violation as civil infraction.**

(1) A vehicle starting from a parked position shall yield to moving vehicles the right-of-way, and the operator of the vehicle shall give a timely and visible warning signal before so starting.

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

**R 28.1807 Rule 807. Vehicle parked at angle to curb and about to start; yielding right-of-way; backing into lane of moving traffic; violation as civil infraction.**

(1) A vehicle that is parked at an angle to the curb and that is about to start shall yield to moving vehicles the right-of-way, and the operator of the vehicle shall not back the vehicle from the curb into the lane of moving traffic unless the maneuver can be made in safety and without conflict with moving vehicles.

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

**R 28.1808 Rescinded.**

**R 28.1809 Rule 809. Headlights on parked vehicles; violation as civil infraction.**

(1) Any lighted headlights on a parked vehicle shall be depressed or dimmed.

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

**R 28.1810 - R 28.1812 Rescinded.**

**R 28.1813 Rule 813. Parking in alley prohibited; exception; stopping or standing in alley prohibited; exception; violation as civil infraction.**

(1) A person shall not park a vehicle in an alley, except when authorized by official signs. A person shall not stop or stand a vehicle in any alley, except while actually in the process of loading or unloading the vehicle.

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

**R 28.1814 Rule 814. Parking for certain purposes prohibited; violation as civil infraction.**

(1) A person shall not park a vehicle on any street for the principal purpose of doing any of the following:

(a) Displaying the vehicle for sale.

(b) Washing, polishing, greasing, or repairing the vehicle, except for repairs necessitated by an emergency.

(c) Displaying advertising.

(d) Selling merchandise from the vehicle, except in a duly established market place or when so authorized or licensed under the ordinances of this governmental unit.

(e) Storage for more than 48 continuous hours.

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

**R 28.1815 Rule 815. Standing or parking on 1-way roadways prohibited; exception; violation as civil infraction.**

(1) If a street includes 2 or more separate roadways and traffic is restricted to 1 direction on the roadway, a person shall not stand or park a vehicle on the left-hand side of the 1-way roadway, unless signs are erected to permit that standing or parking.

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

**R 28.1816, R 28.1817 Rescinded.**

**R 28.1818 Rule 818. Temporary stop at freight curb loading zone permitted; violation as civil infraction.**

(1) The driver of a vehicle may stop temporarily at a place marked as a freight curb loading zone for the purpose of, and while actually engaged in, loading or unloading passengers, if the stopping does not interfere with any motor vehicle used for the transportation of materials, which is waiting to enter or about to enter the zone.

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

**R 28.1819 Rule 819. Stopping, standing, or parking of buses and taxicabs restricted; exception; violation as civil infraction.**

(1) The operator of a bus or taxicab shall not stop, stand, or park on any street in any business district at any place other than at a bus stop or taxicab stand, respectively, except that this provision does not prevent the operator of the vehicle from temporarily stopping in accordance with other stopping, standing, or parking regulations at any place for the purpose of, and while engaged in, the expeditious unloading or loading of passengers.

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

**R 28.1820 Rule 820. Restricted use of bus and taxicab stands; violation as civil infraction.**

(1) A person shall not stop, stand, or park a vehicle other than a bus in a bus stop or other than a taxicab in a taxicab stand when the stop or stand has been officially designated and appropriately signed, except that the driver of a passenger vehicle may temporarily stop therein for the purpose of, and while actually engaged in, the expeditious loading or unloading of passengers, if the stopping does not interfere with any bus or taxicab waiting to enter or about to enter the zone.

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

**R 28.1821 Rule 821. Metered parking zones; violation as civil infraction.**

(1) When a parking meter is erected adjacent to a space marked for parking, the space shall be a metered parking zone, and a person shall not stop a vehicle in this zone for a period of time longer than

that designated on the parking meter after depositing a coin of United States currency of a denomination designated on the meter on the days and during the time the regulations on the meter are in force.

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

**R 28.1822 Rule 822. Drivers to park within metered parking spaces; violation as civil infraction.**

(1) Every vehicle shall be parked wholly within the metered parking space for which the meter shows a parking privilege has been granted, except that a vehicle that is too large to be parked within a single designated parking meter zone shall be permitted to occupy 2 adjoining parking meter spaces if coins are deposited in the parking meter for each space occupied, as required in this code for the parking of other vehicles in that space.

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

**R 28.1823 - R 28.1824 Rescinded.**

**PART 9. MISCELLANEOUS**

**R 28.1901 Rule 901. Short title.**

This code shall be known and cited as the "Uniform Traffic Code."

**R 28.1902 Rule 902. Invalidity or unconstitutionality of code; severability.**

If any part or parts of the Act or this code are for any reason held to be invalid or unconstitutional, the decision shall not affect the validity or constitutionality of the remaining portions of these rules. The ordinance-making body hereby declares that it would have passed this code and each part or parts thereof, irrespective of the fact that any 1 part or parts be declared invalid or unconstitutional.

**R 28.1903 Rule 903. Penalties; civil infraction and misdemeanor.**

(1) Civil infraction: A violation of this code or rules substantially corresponding to the Act that is designated a civil infraction is not a crime and shall not be punishable by imprisonment or a penal fine. A civil infraction shall not be considered a lesser included offense of any criminal offense.

(2) Misdemeanor: Unless another penalty is expressly provided by the ordinances of this governmental unit, every person who is convicted of a misdemeanor violation of any provision of this code shall be punished by a fine of not more than \$100.00 or by imprisonment for not more than 90 days, or both.

**R 28.1904 Rule 904. Saving clause.**

All proceedings pending and all rights and liabilities existing, acquired, or incurred at the time this code takes effect are hereby saved, and these proceedings may be consummated under and according to the ordinance in force at the time the proceedings are or were commenced. This code shall not be construed to alter, affect, or abate any pending prosecution or prevent prosecution hereafter instituted under any ordinance specifically or impliedly repealed by the ordinance adopting this uniform traffic code for offenses committed before the effective date of this code; and all prosecutions pending at the effective date of this code and all prosecutions instituted after the effective date of this code for offenses committed before the effective date of this code may be continued or instituted under and in accordance with the provisions of any ordinance in force at the time of the commission of the offense.

**R 28.1905 Rule 905. Adoption of code by reference.**

If the commissioner of the state police shall thereafter amend its code, any city, township, or village that has adopted the code by reference may adopt the amendment by reference by the same procedure as required for the adoption of the original code, or the amendment may be adopted by enacting an ordinance setting forth the entire text of the amendment.

**PART 10. SNOWMOBILES**

**R 28.2001 - R 28.2075 Rescinded.**

**CITY OF SOUTH HAVEN  
TRAFFIC CONTROL ORDER**

ORDER NO. 15-001

DATE OF FILING: June 24, 2015

In accordance with Section 82-26 of the Code of Ordinances of the City of South Haven, same being the Uniform Traffic Code for Cities, Townships and Villages of Michigan; and in the interest of Public Safety and Convenience, we have made an investigation of traffic conditions on Huron Street between School Street and Broadway Street; and as a result of said investigation do hereby direct that:

Parking within the marked parallel parking spaces be limited to three continuous hours between the hours of 9:00 AM and 5:00 PM, excluding Sundays and Holidays, and that the remainder of the area of investigation shall be a No Parking Zone on both sides.

All previous traffic control orders and/or parts of resolutions are, to the extent of any conflict with this traffic control order, rescinded.

This order shall expire 90 days from the date of filing except upon its approval by the City Council, it shall not so expire.

  
\_\_\_\_\_  
Larry Halberstadt, PE, City Engineer

June 24, 2015  
Date of Filing with City Clerk

-----  
Received for filing (date)

by: -----  
City Clerk

Approved by City Council: -----  
(date)

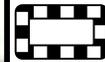
by: -----  
Mayor

# Traffic Control Order 15-001

## ***Huron Street between School Street and Broadway Street***

Parking within the marked parallel parking spaces be limited to three continuous hours between the hours of 9:00 AM and 5:00 PM, excluding Sundays and Holidays, and that the remainder of the area of investigation shall be No Parking Zone on both sides.

### Legend



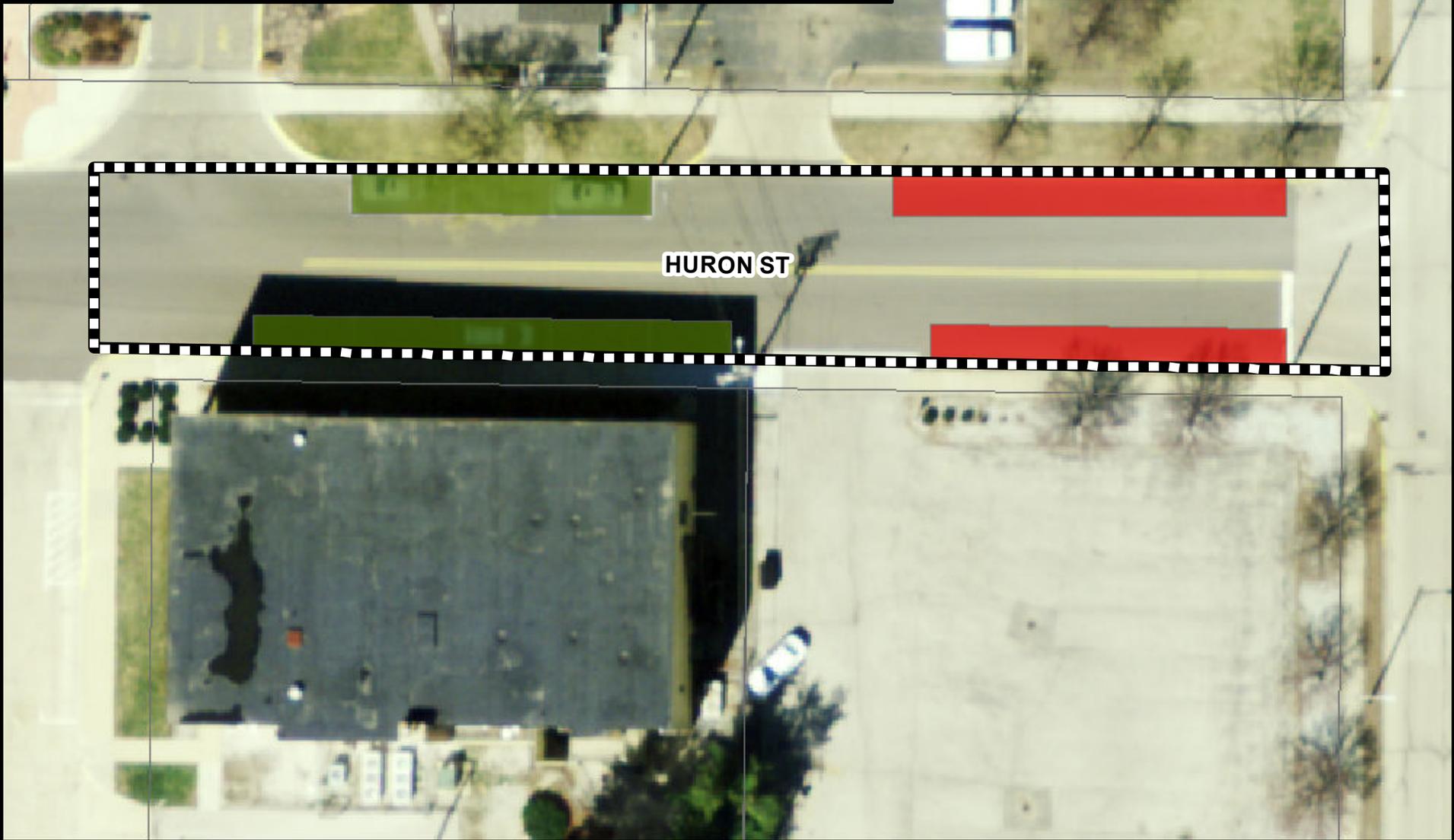
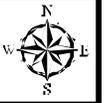
TCO 15-001



Parking



No Parking



**CITY OF SOUTH HAVEN  
TRAFFIC CONTROL ORDER**

ORDER NO. 15-002

DATE OF FILING: June 24, 2015

In accordance with Section 82-26 of the Code of Ordinances of the City of South Haven, same being the Uniform Traffic Code for Cities, Townships and Villages of Michigan; and in the interest of Public Safety and Convenience, we have made an investigation of traffic conditions on Oak Street between North Shore Drive and Park Avenue; and as a result of said investigation do hereby direct that:

No Parking Zones shall be located on the north side of Oak Street from North Shore Drive to 150 feet east of North Shore Drive and on the south side of Oak Street from Park Avenue to 140 feet west of Park Avenue.

All previous traffic control orders and/or parts of resolutions are, to the extent of any conflict with this traffic control order, rescinded.

This order shall expire 90 days from the date of filing except upon its approval by the City Council, it shall not so expire.

  
\_\_\_\_\_  
Larry Halberstadt, PE, City Engineer

June 24, 2015  
Date of Filing with City Clerk

-----  
Received for filing (date)

by: -----  
City Clerk

Approved by City Council: -----  
(date)

by: -----  
Mayor

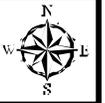
# Traffic Control Order 15-002

## ***Oak Street between North Shore Drive and Park Avenue***

No Parking Zones shall be located on the north side of Oak Street from North Shore Dr to 150 feet east of North Shore Drive and on the south side of Oak Street from Park Avenue to 140 feet west of Park Avenue.

### Legend

-  TCO 15-002
-  Parking
-  No Parking



**CITY OF SOUTH HAVEN  
TRAFFIC CONTROL ORDER**

ORDER NO. 15-003

DATE OF FILING: June 24, 2015

In accordance with Section 82-26 of the Code of Ordinances of the City of South Haven, same being the Uniform Traffic Code for Cities, Townships and Villages of Michigan; and in the interest of Public Safety and Convenience, we have made an investigation of traffic conditions on North Shore Drive between Woodman Street and Dyckman Avenue; and as a result of said investigation do hereby direct that:

No Parking Zones shall be located on the westerly side of North Shore Drive from Dyckman Avenue to 225 feet south of Dyckman Avenue.

All previous traffic control orders and/or parts of resolutions are, to the extent of any conflict with this traffic control order, rescinded.

This order shall expire 90 days from the date of filing except upon its approval by the City Council, it shall not so expire.



Larry Halberstadt, PE, City Engineer

June 24, 2015

Date of Filing with City Clerk

-----  
Received for filing (date)

by: -----  
City Clerk

Approved by City Council: -----  
(date)

by: -----  
Mayor

# Traffic Control Order 15-003



**North Shore Drive between Woodman Street and Dyckman Avenue**  
No Parking Zones shall be located on the westerly side of North Shore Dr from Dyckman Avenue to 225 feet south of Dyckman Avenue.

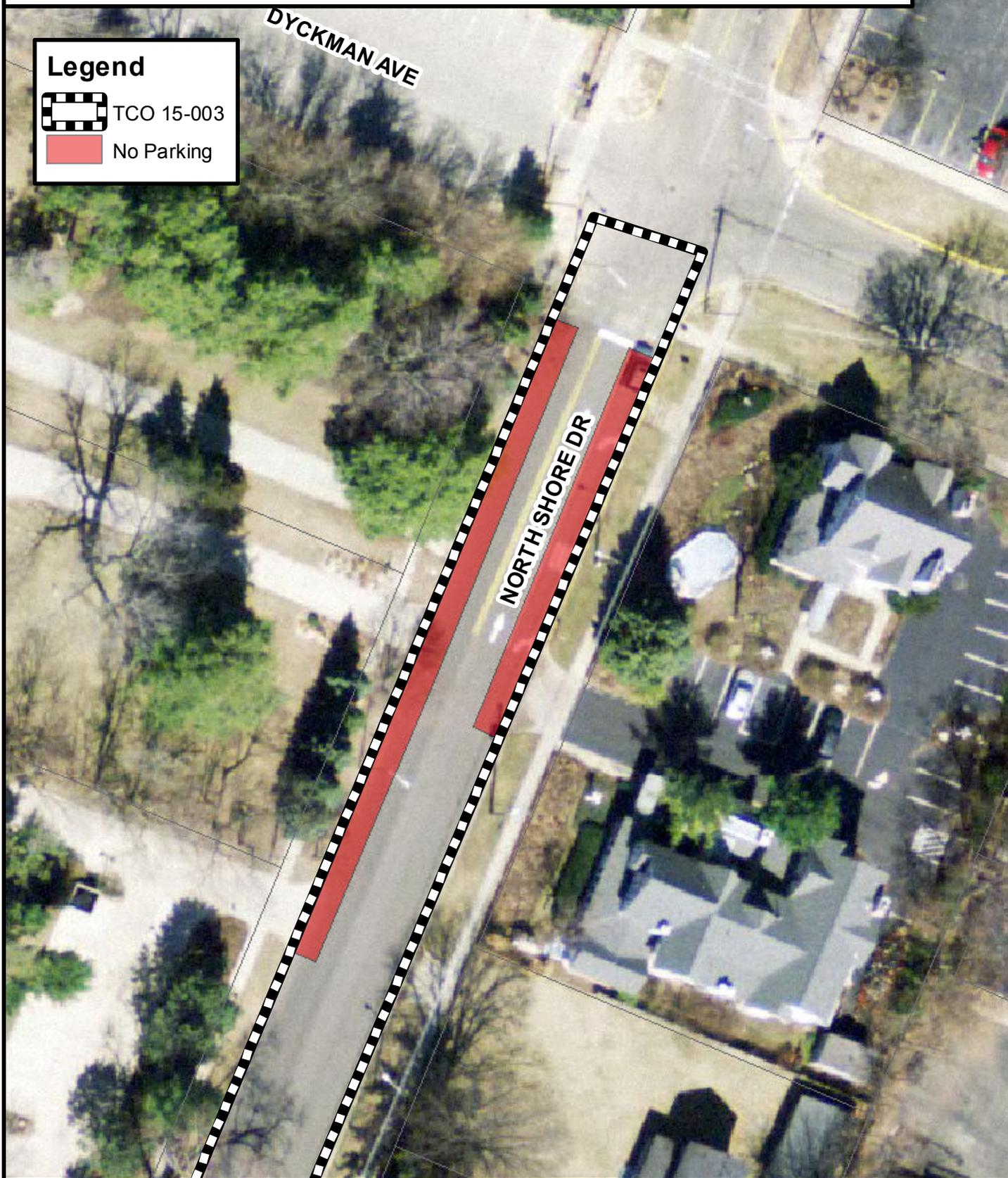
## Legend



TCO 15-003



No Parking



**CITY OF SOUTH HAVEN  
TRAFFIC CONTROL ORDER**

ORDER NO. 15-004

DATE OF FILING: June 24, 2015

In accordance with Section 82-26 of the Code of Ordinances of the City of South Haven, same being the Uniform Traffic Code for Cities, Townships and Villages of Michigan; and in the interest of Public Safety and Convenience, we have made an investigation of traffic conditions on Kentucky Avenue between Virginia Avenue and Baseline Road and Virginia Avenue between Kentucky Avenue and the Dead End; and as a result of said investigation do hereby direct that:

No Parking Zones shall be located on the westerly side of Kentucky Avenue from Virginia Avenue to 175 feet north of Virginia Avenue and on the north side of Virginia Avenue from Kentucky Avenue to the Dead End.

All previous traffic control orders and/or parts of resolutions are, to the extent of any conflict with this traffic control order, rescinded.

This order shall expire 90 days from the date of filing except upon its approval by the City Council, it shall not so expire.

  
\_\_\_\_\_  
Larry Halberstadt, PE, City Engineer

June 24, 2015  
Date of Filing with City Clerk

-----  
Received for filing (date)

by: -----  
City Clerk

Approved by City Council: -----  
(date)

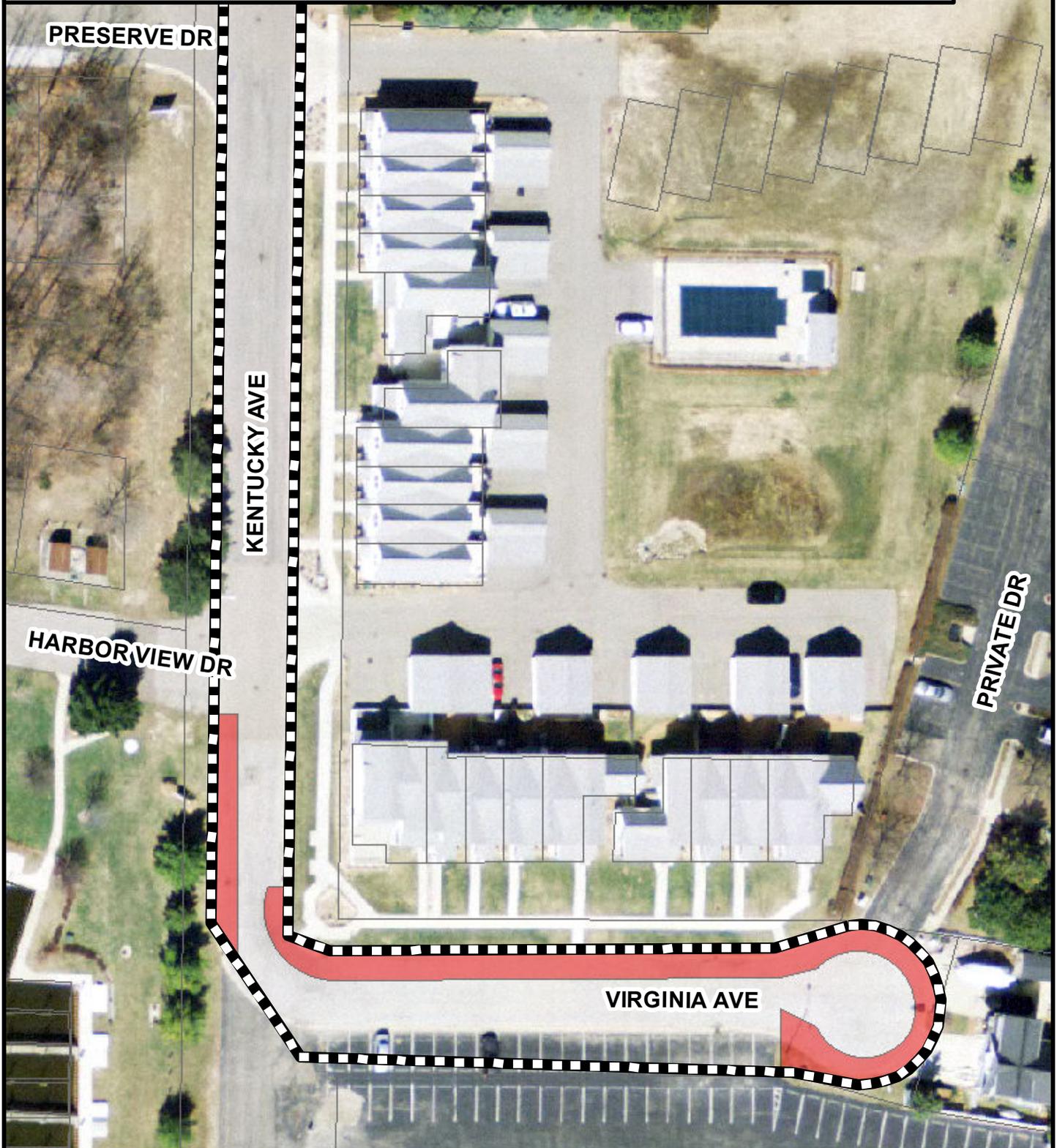
by: -----  
Mayor

# Traffic Control Order 15-004



***Kentucky Avenue between Virginia Avenue and Baseline Road  
and Virginia Avenue between Kentucky Avenue and the Dead End***

No Parking Zones shall be located on the westerly side of Kentucky Avenue from Virginia Avenue to 175 feet north of Virginia Avenue and on the north side of Virginia Avenue from Kentucky Avenue to Dead End.



**CITY OF SOUTH HAVEN  
TRAFFIC CONTROL ORDER**

ORDER NO. 15-005

DATE OF FILING: June 24, 2015

In accordance with Section 82-26 of the Code of Ordinances of the City of South Haven, same being the Uniform Traffic Code for Cities, Townships and Villages of Michigan; and in the interest of Public Safety and Convenience, we have made an investigation of traffic conditions on Dyckman Avenue between North Shore Drive and Broadway Street; and as a result of said investigation do hereby direct that:

Parking on the south side between the Black River and Williams Street be reserved for City Personnel Only (Bridge Tenders).

90 degree parking is permitted on the south side of Dyckman Avenue between North Shore Drive and Park Avenue in marked spaces only.

No Parking Zones shall be located on the both sides of Dyckman Avenue throughout the remainder of the area of investigation.

All previous traffic control orders and/or parts of resolutions are, to the extent of any conflict with this traffic control order, rescinded.

This order shall expire 90 days from the date of filing except upon its approval by the City Council, it shall not so expire.

  
\_\_\_\_\_  
Larry Halberstadt, PE, City Engineer

June 24, 2015  
Date of Filing with City Clerk

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Received for filing (date)

by: -----  
City Clerk

Approved by City Council: \_\_\_\_\_  
(date)

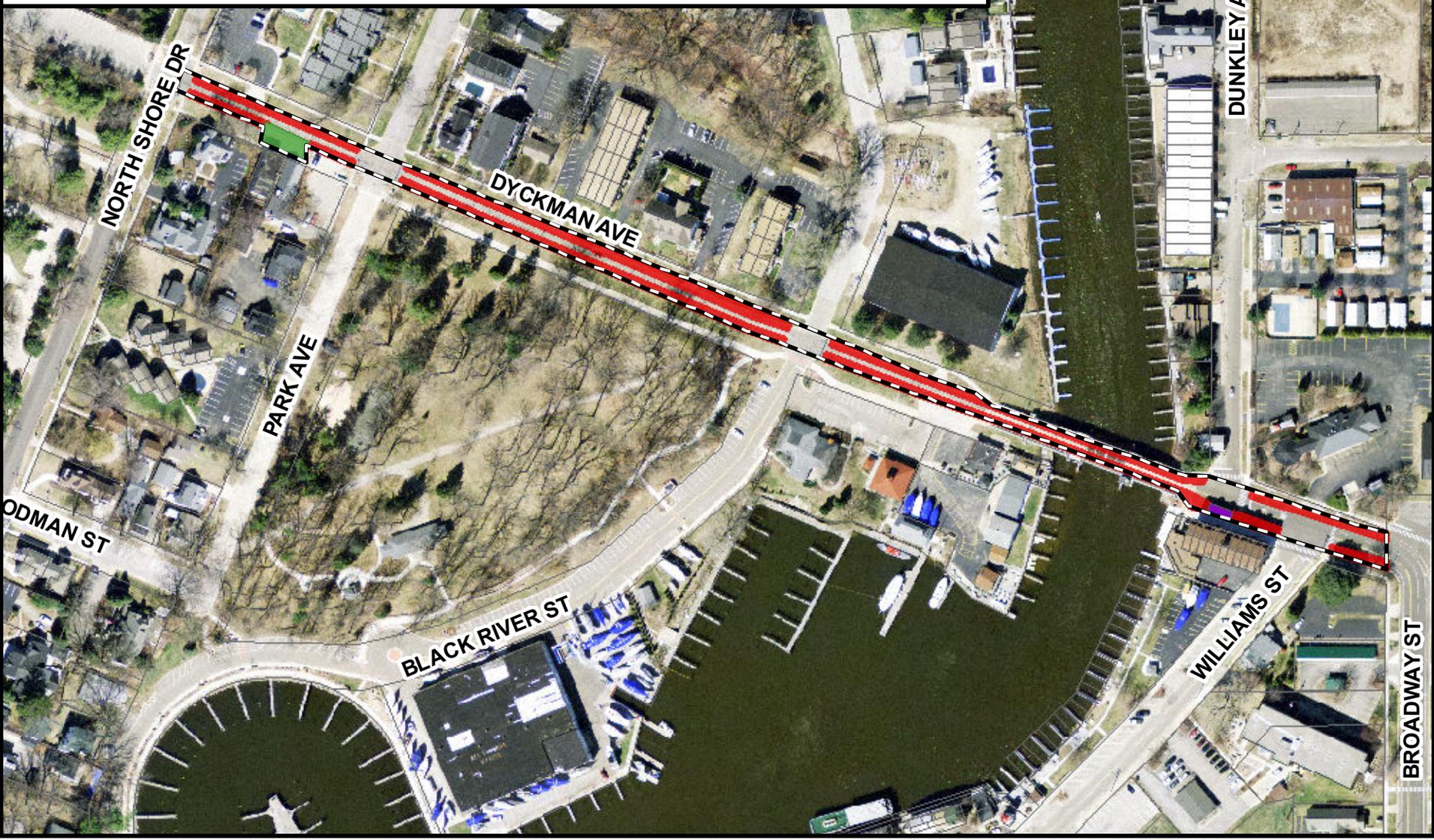
by: \_\_\_\_\_  
Mayor

# Traffic Control Order 15-005

**Dyckman Avenue between North Shore Drive and Broadway Street**  
Parking on the south side between the Black River and Williams Street be reserved for City Personnel Only (Bridge Tenders). No Parking Zones shall be located on both sides of Dyckman Avenue throughout the remainder of the area of investigation.

**Legend**

-  TCO 15-005
-  Parking
-  No Parking
-  City Personnel



**CITY OF SOUTH HAVEN  
TRAFFIC CONTROL ORDER**

ORDER NO. 15-006

DATE OF FILING: July 14, 2015

In accordance with Section 82-26 of the Code of Ordinances of the City of South Haven, same being the Uniform Traffic Code for Cities, Townships and Villages of Michigan; and in the interest of Public Safety and Convenience, we have made an investigation of traffic conditions on Williams Street between Center Street and Dyckman Avenue; and as a result of said investigation do hereby direct that:

Parking be limited to five continuous minutes on the southerly side of Williams Street at the two spaces closest to Center Street, adjacent to Hotel Nichols, 201 Center Street.

All previous traffic control orders and/or parts of resolutions are, to the extent of any conflict with this traffic control order, rescinded.

This order shall expire 90 days from the date of filing except upon its approval by the City Council, it shall not so expire.



Larry Halberstadt, PE, City Engineer

July 21, 2015

Date of Filing with City Clerk

-----  
Received for filing (date)

by: -----  
City Clerk

Approved by City Council: -----  
(date)

by: -----  
Mayor

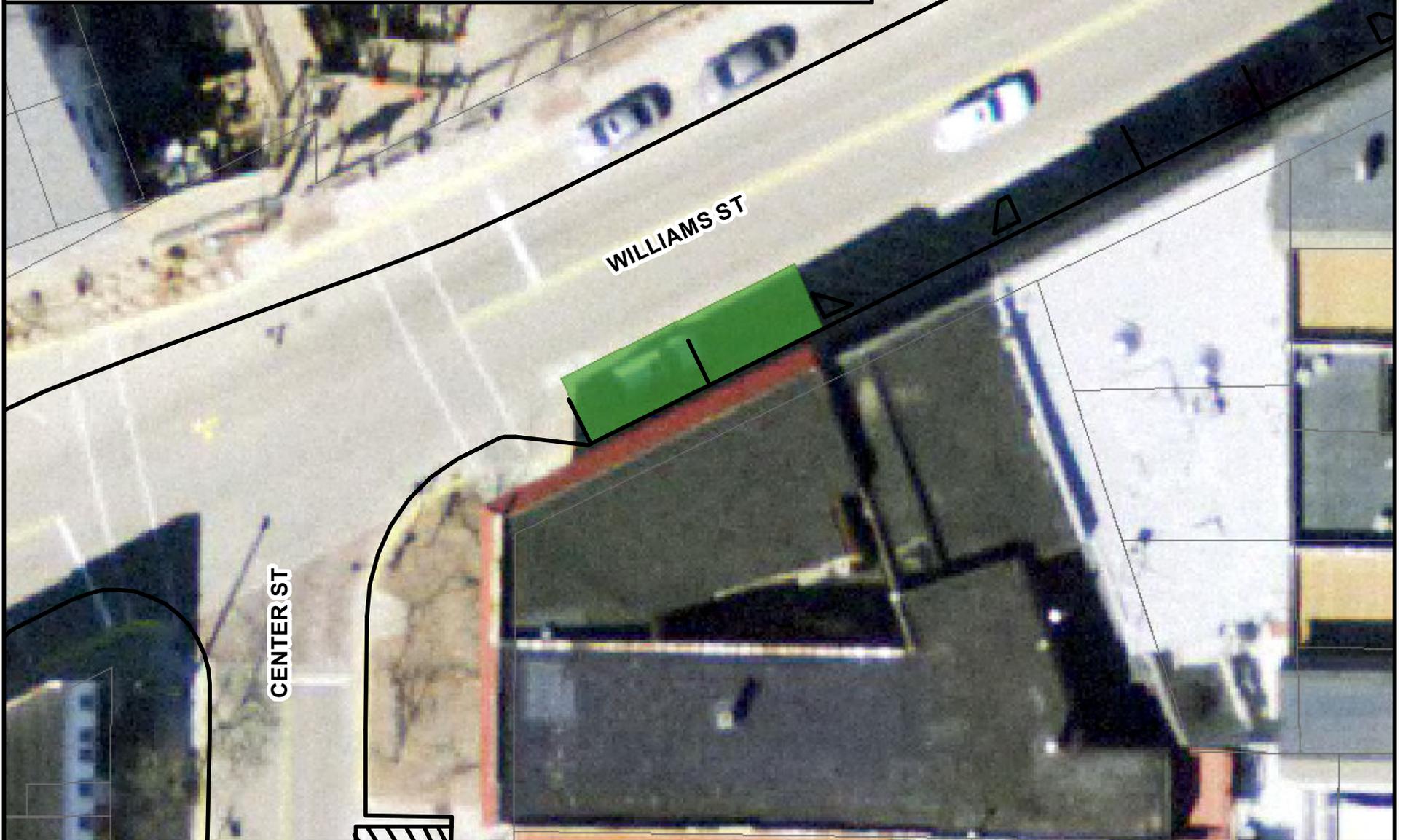
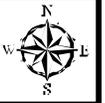
# Traffic Control Order 15-006

## ***Williams Street between Center Street and Dyckman Avenue***

Parking be limited to five continuous minutes on the southerly side of Williams Street at the two spaces closest to Center Street, adjacent to Hotel Nichol's, 201 Center Street.

### Legend

 Five Minute Parking





# City of South Haven

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City Hall • 539 Phoenix Street • South Haven, Michigan 49090-1499  
Telephone (269) 637-0700 • Fax (269) 637-5319

Date: July 15, 2015  
To: Brian Dissette, City Manager  
From: Kate Hosier, Deputy City Clerk  
Re: Ram Boosters Charitable Gaming License

## **Background Information**

The Ram Boosters are a local nonprofit organization whose purpose is to promote, support, encourage, and aid the athletic program of the South Haven High School. The organization raises revenue through fundraisers, ticket sales, concession sales and charitable gaming proceeds, e.g. 50/50 raffle. However, in order to continue collecting charitable gaming proceeds, the Ram Boosters must comply with the requirements of the Michigan Lottery Charitable Gaming Division. Charitable Gaming Division requires the local governing body to recognize the nonprofit organization for the purpose of obtaining the charitable gaming license.

## **Recommendation**

Council will be asked to approve Resolution 2015-33, a resolution to recognize the Ram Boosters as a nonprofit organization operating in the community for the purpose of obtaining charitable gaming license.

## **Support**

Resolution 2015-33  
Bylaws of the Rams Boosters



Charitable Gaming Division  
 Box 30023, Lansing, MI 48909  
 OVERNIGHT DELIVERY:  
 101 E. Hillsdale, Lansing MI 48933  
 (517) 335-5780  
 www.michigan.gov/cg

**LOCAL GOVERNING BODY RESOLUTION FOR CHARITABLE GAMING LICENSES**  
 (Required by MCL.432.103(K)(ii))

At a \_\_\_\_\_ meeting of the \_\_\_\_\_  
REGULAR OR SPECIAL TOWNSHIP, CITY, OR VILLAGE COUNCIL/BOARD

called to order by \_\_\_\_\_ on \_\_\_\_\_  
DATE

at \_\_\_\_\_ a.m./p.m. the following resolution was offered:  
TIME

Moved by \_\_\_\_\_ and supported by \_\_\_\_\_

that the request from \_\_\_\_\_ of \_\_\_\_\_,  
NAME OF ORGANIZATION CITY

county of \_\_\_\_\_, asking that they be recognized as a  
COUNTY NAME

nonprofit organization operating in the community for the purpose of obtaining charitable

gaming licenses, be considered for \_\_\_\_\_  
APPROVAL/DISAPPROVAL

**APPROVAL**

**DISAPPROVAL**

Yeas: \_\_\_\_\_

Yeas: \_\_\_\_\_

Nays: \_\_\_\_\_

Nays: \_\_\_\_\_

Absent: \_\_\_\_\_

Absent: \_\_\_\_\_

I hereby certify that the foregoing is a true and complete copy of a resolution offered and

adopted by the \_\_\_\_\_ at a \_\_\_\_\_  
TOWNSHIP, CITY, OR VILLAGE COUNCIL/BOARD REGULAR OR SPECIAL

meeting held on \_\_\_\_\_  
DATE

SIGNED: \_\_\_\_\_  
TOWNSHIP, CITY, OR VILLAGE CLERK

PRINTED NAME AND TITLE

ADDRESS

COMPLETION: Required.  
 PENALTY: Possible denial of application.  
 BSL-CG-1153(R6/09)

# **Bylaws of the Rams Boosters**

As revised July 2015

## **Article I: Name**

**Section 1:** The name of this organization shall be the Rams Boosters.

## **Article II: Purpose**

**Section 1:** The purpose of this organization shall be to promote, support, encourage, and aid the athletic program of the South Haven High School.

**Section 2:** This club shall not participate in or otherwise aid any movement or campaign the purposes of which may be to interfere with the policies, practices, tactics, or coaching methods of the athletic department of South Haven Public Schools.

## **Article III: Membership and Dues**

**Section 1:** Membership in this organization shall be open to: Parents of students engaged in school supervised athletic programs, Athletic Director, Senior Student Representative, if available and to any other community members over high school age, who are interested in the purposes of this organization and in participating in the projects sponsored by this organization.

**Section 2:** There will be no set dues for membership.

## **Article IV: Officers, Election, Duties**

**Section 1:** The officers of this organization shall consist of a president, vice-president, secretary, and treasurer.

**Section 2:** A slate of officers will be proposed at the April meeting, voted on at the May meeting, and will assume their duties fully at the August meeting.

**Section 3:** The president shall preside at all meetings of the organization; call special meetings whenever deemed necessary; work up monthly meeting agendas and keep a copy; work at fundraisers; fill in when necessary for other officers and volunteers, sometimes at a moment's notice; work with the Boosters, the Athletic Director, other school officials, and the community of South Haven as needed to aid in the support of the athletes and athletic programs at S.H.H.S.; work with coaches and parent representatives; help with the scheduling of concessions; be flexible and willing to take phone calls at home from the community with their concerns (don't make value judgments, support school policies); and carry out such other duties as usually pertain to this office.

**Section 4:** The vice president shall perform the duties of the president in the event of his/her absence, resignation, or inability to perform his/her duties; work at fundraisers; fill in when necessary for other officers and volunteers, sometimes at a moment's notice; work with the Boosters, the Athletic Director, other school officials, and the community of South Haven as needed to aid in the support of the athletes and athletic programs at S.H.H.S.; work with coaches and parent representatives; help with the scheduling of concessions; and give other such assistance to the president as is requested.

**Section 5:** The secretary shall give notice of all meetings; keep records and minutes of all meetings of this organization; present and read these minutes at the next regularly scheduled meeting of the Rams Boosters; write letters of thanks or other letters when needed on behalf of the Rams Boosters; work on fundraisers; fill in when necessary for other officers and volunteers, sometimes at a moment's notice; and help with concessions.

**Section 6:** The treasurer shall have custody of all funds of the organization and pay out the same upon the direction and warrant of the membership after vote; shall maintain records of Rams Boosters finances; present a report at each regularly scheduled meeting; work with the Athletic Director in necessary fiscal matters when needed; work on fundraisers; fill in when necessary for other officers and volunteers, sometimes at a moment's notice; and help with concessions.

#### **Article V: Meetings**

**Section 1:** The monthly meeting of this organization shall be held on the second Monday of the month at the L.C. Mohr High School library or at such other time as the membership shall determine to be most convenient for a majority of the membership.

#### **Article VI: Fiscal Year**

**Section 1:** The fiscal year of this organization shall run from August to July.

#### **Article VII: Quorum**

**Section 1:** A quorum for any meeting of the membership shall consist of six (6) members, two of which must be officers.

#### **Article VIII: Amendments**

**Section 1:** These bylaws may be amended as proposed and voted on by the membership at any regular or special meeting of the membership by a majority vote of those present, provided that notice of intention to amend or repeal these bylaws was stated in the notice of the meeting.

#### **Article IX: Dissolution Clause**

**Section 1:** Rams Boosters will remain a nonprofit organization forever. In the event this organization dissolves, all assets will revert to the South Haven Public Schools, and will be used to benefit the South Haven High School Athletic Department.

**South Haven Area Recreation Authority  
(SHARA) Regular Meeting**

**Tuesday, March 17, 2015  
3:00 p.m., South Haven Charter Township Hall**

**MINUTES**

**1. Call to Order**

Meeting Opened at 3:00 p.m.

**2. Roll Call**

Members Present: Mr. Ross Stein, Mr. Dennis Fitzgibbon, Mr. Dana Getman, Mr. Mark McClendon

Absent: Dr. Robert Herrera

Guests: Mr. Roger Huff, Director of Department of Public Works, Ms. Michelle Coffey, Department of Public Works Assistant, Mrs. Maureen Lewandowski

**3. Approval of Meeting Minutes:**

**November 25, 2014 Board Meeting: Motion by McClendon, seconded by Fitzgibbon to approve the minutes as presented. All in favor, motion carried.**

**4. Approval of Agenda:**

**Motion by Fitzgibbon, seconded by McClendon to approve the agenda of the, March 17, 2015 meeting with the addition of d) Approval to pay insurance bill of \$170.00. All in favor, motion carried.**

**5. Interested Citizens in the Audience Will Be Heard on Items Not on the Agenda:**

Maureen Lewandowski – Spoke about the final plan for Pilgrim Haven.

**6. Approval of the SHARA Finance Reports:**

- a) The board discussed the SHARA Finance Report, noting the SHARA account now has a balance of \$111,952.91.

**Motion by Fitzgibbon, seconded by McClendon to approve the SHARA finance report. All in favor, motion carried.**

- b) The board was updated on the SHARP account, which now has a balance of \$24,393.06.

- c) The board received an update on the proposed Fiscal Year 2015 budget proposal.

**Motion by Fitzgibbon seconded by McClendon to approve the SHARA Fiscal Year 2015 budget proposal. All in favor, motion carried.**

- d)The board will approve the payment of the insurance bill in the amount of \$170.00.

**Motion by McClendon seconded by Fitzgibbon to approve the payment of insurance bill in the amount of \$170.00. All in favor, motion carried.**

**7. The SHARA Board should consider approval of the conservation, recreation, and public easement agreement with Southwest Michigan Land Conservancy for access and development rights to the Pilgrim Haven Natural Area.**

The board called Mr. Pete Ter Louw, Southwest Michigan Land Conservancy, and discussed questions and concerns regarding specifics of the agreement.

**Motion by Getman, seconded by McClendon to approve the conservation, recreation, and public easement agreement with Southwest Michigan Land Conservancy for access and development rights to the Pilgrim Haven Natural Area. All in favor, motion carried.**

**8. Authority will be provided an update on the status of the SHARP project:**

- A. Authority will be updated on the 2015 SHARP farm lease agreement**
- B. Authority will be updated on the review of potential alternate SHARP locations**

The board was provided an update on the status of the SHARP project. The board discussed the locations reviewed in the staff report. The board discussed the potential for upgrading the school's existing fields. The board discussed the possibility of reassessing the project and determining the target audience for the field development.

**9. Staff member comments:**

No comments.

**10. Board member comments:**

Getman – Spoke about millage for recreation in township.

**11. Adjourn**

**Motion by McClendon, seconded by Getman to adjourn the meeting. All in**

**favor, motion carried. The meeting was adjourned at 4:30 p.m.**

Respectfully submitted by,

Michelle Coffey  
DPW Assistant, City of South Haven

# Zoning Board of Appeals

## Regular Meeting Minutes

Monday, May 18, 2015  
7:00 p.m., City Hall Basement



City of South Haven

### 1. Call to Order by Lewis at 7:00 p.m.

### 2. Roll Call

Present: Bugge, Miller, Paull, Wheeler, Lewis  
Absent: Boyd

### 3. Approval of Agenda

Motion by Paull, second by Bugge to approve the May 18, 2015 regular meeting agenda as presented.

All in favor. Motion carried.

### 4. Approval of Minutes – April 27, 2014

Motion by Bugge, second by Paull to approve the April 27, 2014 regular meeting minutes as clarified.

All in favor. Motion carried.

### 5. Interested Citizens in the Audience Will be Heard on Items Not on the Agenda

None at this time.

### 6. New Business – Public Hearings

- a. *Haraldur and Grace Borgfjord, 9802 Sunnywood Drive, Kalamazoo, are seeking a variance to build a residence at 302 Michigan which will have 50% lot coverage where 40% lot coverage is the maximum allowed. The site plans indicate that the setbacks comply with the zone requirements for R1-A. The applicants state that they would like to build a home which is large enough to accommodate future barrier-free needs.*

Anderson noted there was some discussion about the indication of two fronts and two sides and Bugge pointed out that the ordinance states that you have to have a rear yard. If the

applicant were to make one of the side yards be a rear yard the setback requirements cannot be met. This lot is larger than other lots in that zone and the Borgfjords noted they prefer to have the larger house. There was one letter of opposition from a neighbor who felt this plan did not fit the character of this area.

Discussion ensued among the board regarding the Zoning Ordinance requirement of a rear yard. Lewis clarified that if we granted this variance for lot coverage the setback requirements would not be met.

Motion by Miller, second by Wheeler to open the public hearing.

All in favor. Motion carried.

Grace Borgfjord, 9802 Sunnywood Drive, Kalamazoo. Thanked the members for being here tonight. Distributed a handout regarding the history of the parcel. Noted that the applicants both live and work in Kalamazoo and are planning for the next phase of life. Stated this has been a journey because she wanted a smaller home and lot and her husband did not want a condo. Noted this will be a permanent residence in which will provide stability in the neighborhood; many of the other houses are seasonal rentals. Requested the board's consideration to allow them to move forward.

Lewis asked if the stairway on the plan goes to a basement to which Borgfjord responded that it does and noted there is no second story.

Lewis questioned the rear yard issue. The Borgfjord's builder stated that he thought there would be two front and two side yards which Anderson noted was a misunderstanding. Regarding a question by the builder regarding whether the discrepancy could be part of the discussion tonight, Lewis responded, "No, it was advertised as just the lot coverage variance." Wheeler suggested that the board's hands may be tied. Lewis noted that if the board granted the fifty percent (50%) lot coverage variance the applicants would still need a variance for a rear yard setback.

Wheeler questioned whether the request for a second variance would be a full submission and a new fee, to which Anderson responded that she would not charge another fee due to a plausible misunderstanding of ordinance requirements. Anderson said the variance would need to be on the south side. Lewis asked if the two side yard setbacks are in compliance and Anderson responded, "Yes, the setbacks are three feet (3') and fifteen (15') so they actually have three (3) feet extra there."

Miller asked if it would be appropriate to ask the applicants to reconsider and resubmit with the appropriate rear yard and consider both requests at the same time. Lewis noted that the board can always grant a variance less than requested but "we don't know what that variance would be at this time." Lewis suggested continuing this request until the applicant can determine what they want to do.

After a question from the builder, Anderson noted that in this case the rear yard would be opposite the driveway. The Borgfjord's builder asked if the fifty percent (50%) variance were granted tonight, then the applicants should still continue to ask for the setback variance. Wheeler still feels it would be better to look at it all at one time. Bugge noted it needs to be reconfigured regardless.

Kathleen Craig, 312 Michigan Avenue. Identified herself as a neighbor and stated she met with the applicants yesterday. Was thrilled to hear, regardless of lot coverage or variances that it is going to be a permanent residence as 312 Michigan Avenue is the only permanent residence on that side of the block. Stated she is a little surprised at what seems to be a rigid attitude towards variances because when she looks around South Haven every new build seems to be over 50% lot coverage.

Motion by Paull, second by Wheeler to close the public hearing.

All in favor. Motion carried.

Motion by Bugge, second by Miller to continue this item after Item 6b to allow the applicants time to privately discuss the matter.

All in favor. Motion carried.

Motion by Wheeler, second by Paull to continue this item until later in the agenda.

All ayes.

*b. Ben Brush of South Haven is requesting a driveway variance from zoning ordinance section 1716, 1-c to allow construction of an industrial driveway which will be closer than 200 feet to an existing driveway on the property. The address for the property is 1400 Kalamazoo Street and the property owner of record is Bernard Pero.*

Anderson explained that the building in question has been in the Industrial Park and for a long time used for boat storage. The applicant is looking for a place to do large engine repair and has worked with our building official and the fire marshall to work out the requirements for fire safety. The applicant needs to be able to drive the trucks around rather than having them back up onto the street. They want to have a second driveway and the city engineer said it would not be a problem since it is in the Industrial Park and there is not going to be a constant stream of deliveries.

Miller asked if the driveway proposed is on the north side to which Brush responded that the proposed driveway is on the east side.

Bugge asked if the two existing driveways are nonconforming and a brief discussion ensued.

Motion by Miller, second by Bugge to open the public hearing.

Ben Brush, C. R. 689, South Haven. Stated he needs to grow his business and has outgrown the current building. Explained that to utilize the building he needs to drive the trucks into the building and on out rather than backing out over two hundred (200) feet. Explained the flow through the lot and building. There would be five or ten trucks a day that would come through. Noted he has four full time mechanics, plus himself and his wife.

Bugge asked what he is working on, the cab or the trailer. Brush responded that he works on both. Bugge asked what happens to the trucks when he is done with them and pulls them out. Brush explained the way he plans to lay the property out for the site plan.

Bugge asked questions about the radius needed to make a turn to which Brush answered he does not know the exact radius but it would be no different than turning at an intersection. Brush also noted that if his request is turned down he is not going to buy the building.

Motion by Wheeler, second by Miller to close the public hearing.

All in favor. Motion carried.

Lewis thinks it is a good reuse of this building and has no objections. Wheeler commented that he is ready to vote on this any time. Lewis reminded that the motion should include reasons.

Motion by Wheeler that we approve the variance request by Ben Brush because it is a good use of the property.

During the boards' discussion of the nine standards, the following were identified:

This is not a self-created problem.

Approval of the driveway will not be detrimental to the adjacent property.

This request is not of a general or recurrent nature.

It is the minimum variance needed.

The motion by Wheeler was amended as follows:

Motion by Wheeler to approve the variance request by Ben Brush because it is a good reuse of the property; it is not a self-created problem; it is not detrimental to the adjacent property; this is not a general or recurrent situation and is the minimum variance needed. Second by Miller.

All in favor. Motion carried.

***6a. Borgfjord Variance Request Revisited.***

After a brief discussion with the Borgfjords and their builder the board agreed to continue Item 6a and the following motion was offered:

Motion by Wheeler, second by Paull to continue Item 6a to the next regular meeting. Any changes made to the original variance will need to be readvertised

All in favor. Motion carried.

**7. Commissioner comments**

Lewis: Wittkop resigned. A new board member is being appointed at City Council tonight.

There were no other comments.

**9. Adjourn**

Motion by Paull, second by Miller to adjourn at 7:39 p.m.

All in favor. Motion carried.

RESPECTFULLY SUBMITTED,

Marsha Ransom  
Recording Secretary

**SOUTH HAVEN HOUSING COMMISSION**  
**Regular Meeting**  
**Warren Senior Community Center**  
**540 Williams Street, South Haven, Michigan 49090**  
**May 27, 2015**

**CALL TO ORDER:** The Regular Meeting of the South Haven Housing Commission was called to order at 5:02 p.m. by Chairperson Eugene Ladewski at the South Haven Housing Commission Warren Senior Community Center, 540 Williams Street, South Haven, Michigan.

**ROLL CALL:** Present: Chairperson Eugene Ladewski, Commissioner Rev. Aaron Cobbs, Resident Commissioner Tom Thomson and City Council Representative Gail Patterson. Absent: Vice-Chairperson Sandra Seroke and Commissioner Teresa Mahone-Jordan. Also present: Executive Director and Secretary Charles Fullar.

**INVOCATION:** Commissioner Rev. Cobbs delivered the invocation.

**PUBLIC COMMENTS:** None.

**CONSENT AGENDA:** 1) Minutes of the Regular Meeting April 22, 2015. 2) Current Operating Expenses - \$63,857.16. 3) Homeownership Expenses - \$0.00; 2011 Capital Fund - \$0.00; 2012 Capital Fund - \$0.00; 2013 Capital Fund - \$0.00; and 2014 Capital Fund - \$0.00. 4) Administrative Reports for Approval: Occupancy and Waiting List Reports; Monthly Investment Report; Delinquent Accounts Report; Accounts Receivable Balance Due Report; and Income and Expenditures Report for April 2015; Petty Cash Report. 5) Material Disposition. 6) Correspondence: None. 7) Other Reports: None.

It was moved by Commissioner Rev. Cobbs to approve the Consent Agenda; the motion was seconded by Commissioner Thomson. All votes in favor. Motion carried.

**UNFINISHED BUSINESS:** 1) Status Report Updating and Adapting the HDC: Executive Director Fullar reported that work continues on putting the HDC administrative records in order. This process will be completed in June. The Articles of Incorporation have been revised by the attorney. The Articles of Incorporation will need to be adapted by the current HDC Board in June to allow the organizational transfer to the Housing Commission. New HDC Board members will be appointed by the Housing Commission. The new HDC Board Members will adapt a new set of By Laws.

2) Status of the FY15 Emergency Safety and Security Grant Application: Executive Director Fullar reported that application status notification has not been received.

**NEW BUSINESS:** 1) Resolution No. 15-09, Operating Budget for FYE June 30, 2016:

Resolution No. 15-09

Operating Budget for FYE 2016

WHEREAS, the Housing Commission's accountants, Loucks & Schwartz have prepared, and the Housing Commission Board has reviewed, our Operating Budget for FYE June 30, 2016, with Total Operating Receipts of \$473,680, Total Operating Expenditures of \$676,010, Total HUD Operating Subsidies in the amount of \$171,070, Total Provision for use of Operating Reserves in the amount of \$31,260; and

WHEREAS,

1. All regulatory and statutory requirements have been met;
2. The PHA has sufficient operating reserves to meet the working capital needs of it's developments;

3. Proposed budget expenditures are necessary in the efficient and economical operation of the housing for the purpose of service to low-income residents;
4. The budget includes a source of funds adequate to cover all proposed expenditures;
5. The PHA will comply with the wage rate requirement under 24 CFR 968.110(c) and (f);
6. The PHA will comply with the requirements for access to records and audits under 24 CFR 968.110(i);
7. The calculation of eligibility for Federal funding is in accordance with the provisions of the regulations;
8. All proposed rental charges and expenditures will be consistent with the provisions of law;
9. The PHA will comply with the requirements for the reexamination of family income and composition.

NOW THEREFORE BE IT RESOLVED, by the Board of the South Haven Housing Commission that this Resolution and form HUD-52574, approving the budget for FYE June 30, 2016, as prepared by the SHHC accountants, Loucks & Schwartz shall be submitted to the U.S. Department of Housing and Urban Development.

It was moved by Commissioner Rev. Cobbs to approve the foregoing Resolution No. 15-09 as introduced and read; Seconded by Commissioner Thomson. All votes in favor. Thereupon Chairperson Ladewski declared said motion carried.

2) Resolution No. 15-10, No Conflict of Interest:

Resolution No. 15-10

Statement of No Conflict of Interest

WHEREAS, PHAs must observe the following conflict of interest prohibitions; and

WHEREAS, no South Haven Housing Commission employee, officer, or agent shall participate in the selection, award or administration of a contract supported by Federal funds if a conflict of interest, financial or otherwise, real or apparent, would be involved. Such a conflict would arise when the employee, officer or agent, any member of his or her immediate family; his or her partner; or an organization which employs or is about to employ any of the above, has a financial or other interest in the firm selected for the award; and

WHEREAS, in addition to any other applicable conflict of interest requirements, neither the South Haven Housing Commission nor any of its contractors or their subcontractors may enter into any contract, subcontract, or arrangement in connection with a project under the ACC in which any of the following classes of people have an interest, direct or indirect, during his or her tenure or for one year thereafter: 1. Any present or former member or officer of the governing body of the South Haven Housing Commission, or any member of the officer's immediate family. There shall be excepted from this prohibition any present or former tenant commissioner who does not serve on the governing body of a resident corporation, and who otherwise does not occupy a policy making position with the resident corporation, the South Haven Housing Commission or a business entity; 2. Any employee of the South Haven Housing Commission who formulates policy or who influences decisions with respect to the project(s), or any member of the employee's immediate family, or the employee's partner; 3. Any public official, member of the local governing body, or State or local legislator, or any member of such individuals' immediate family, who exercises functions or responsibilities with respect to the project(s) of the South Haven Housing Commission; and

WHEREAS, no present or former South Haven Housing Commission employee, officer, or agent shall engage in selling or attempting to sell supplies, services, or construction to the South Haven Housing Commission for one year following the date such employment ceased (see Sections 515 of the old ACC, form HUD-53011, dated 11/69, and Section 19 of the new ACC, form HUD-53012A, dated 7/95). The term "sell" means signing a bid or proposal, negotiating a contract, contacting any South Haven Housing Commission employee, officer, or agent for the purpose of obtaining, negotiating, or discussing changes in specifications, price, cost allowances, or other terms of a contract; settling contract disputes; or any other liaison activity with a view toward the ultimate consummation of a sale, although the actual contract is negotiated by another person,

NOW THEREFORE BE IT RESOLVED, by the Board of the South Haven Housing Commission that this Resolution No. 15-10 is adopted, and will be effective upon adopting this resolution on May 27, 2015.

It was moved by Commissioner Rev. Cobbs to approve the foregoing Resolution No. 15-10 as introduced and read; Seconded by Commissioner Thomson. All votes in favor. Thereupon Chairperson Ladewski declared said motion carried.

3) Resolution No. 15-11, Grant Submission to MML for Risk Management:

Resolution No. 15-11

Michigan Township Participating Plan RRGP Application

WHEREAS, The South Haven Housing Commission has its property and liability insurance with the Michigan Township Participating Plan (Par Plan); and

WHEREAS, the Par Plan has a Risk Reduction Grant Program (RRGP) available for its members; and

WHEREAS, the current grant cycle is available April 1, 2015, through May 31, 2015; and

WHEREAS, the RRGP assists Par Plan members in their efforts to apply effective risk management and loss control techniques covered by the Par Plan Program; and

WHEREAS; installing security cameras is the type of project that can be considered for RRGP funding up to the amount of \$5,000.00; and

WHEREAS, the South Haven Housing Commission designates the Executive Director, Charles R. Fullar, as the Grant Manager and to submit the RRGP Application to the Par Plan in the amount of \$5,000 to provide project funding for the installation of security cameras at Harbor View Senior Apartments located at 325 Indiana Avenue, South Haven, Michigan,

NOW THEREFORE BE IT RESOLVED, by the Board of the South Haven Housing Commission that this Resolution No. 15-11 is adopted, and will be effective upon adopting this resolution on May 27, 2015.

It was moved by Commissioner Thomson to approve the foregoing Resolution No. 15-11 as introduced and read; Seconded by Commissioner Rev. Cobbs. All votes in favor. Thereupon Chairperson Ladewski declared said motion carried.

4) Executive Director's Evaluation: Evaluation forms were supplied with the agenda packet. Chairperson Ladewski requested that the completed forms be forwarded to him in order to complete the evaluation process.

**EXECUTIVE DIRECTOR'S REPORT:** Executive Director Fullar reported the upcoming CFP project for River Terrace and Harbor View to include apartment ceiling fans, thermostats, kitchen light fixtures and the elimination of the pull cord systems in both buildings; the next RAB meeting is June 18, 2015; Three residents have shown interest in homeownership, two applications have been received, one resident is eligible for the program; the next CDC meeting is scheduled for June 10, 2015; the Down Town Rental Rehabilitation Program is fully a part of the City's Administration.

**COMMISSIONER'S COMMENTS:** Commissioner Rev. Cobbs reported that he will not renew his term on the Housing Commission and provided a letter of resignation to the Commissioners. Appreciation of his years of service was expressed by fellow commissioners.

**ADJOURNMENT:** It was moved by Commissioner Rev. Cobbs to adjourn; the motion was seconded by Commissioner Thomson. All votes in favor. Motion carried. Meeting adjourned at 6:32 p.m.

Respectfully submitted:



Charles R. Fullar, Secretary

Approved June 24, 2015

Eugene Ladewski, Chairperson

## **SOUTH HAVEN AREA REGIONAL AIRPORT AUTHORITY MINUTES**

June 17, 2015

The Chairman, Ren Wright called a regular meeting of the South Haven Area Regional Airport Authority Board to order at 7:30 PM in the terminal building.

Roll Call: Barbara Rose, Clark Gruber, Ken Ratzlaff, Dave Johnson, and Ren Wright. Excused: Fred Bower, Todd Jensen, Jon Woodhams, Ross Woodhams, and Charles E. Smith.

Agenda: Moved by Ren Wright, seconded by Clark Gruber to approve the Agenda, approved.

Public Comments: Mrs. Goldner reported that a red and white airplane was circling her neighbor's house across 72<sup>nd</sup> St.

Ken Ratzlaff moved and Barbara Rose seconded to approve the Consent Agenda:

- A. Minutes of the May 20, 2015 Authority meeting be approved.
- B. Bills from May 21, 2015 through June 17, 2015 totaling \$30,761.69 be approved.
- C. Manager's report dated June 17, 2015 be approved.

A roll call vote was taken; Yeas: Rose, Gruber, Ratzlaff, Johnson, and Wright. Nays: None. Approved.

Committee Reports: None.

Old Business: None

New Business: None.

Member Comments: Clark Gruber announced that Ross Woodhams is replacing Don Woodhams on the board representing South Haven City. Dave Johnson reported that the intergovernmental millage for 2015-2016 is .1115. Barbara Rose gave a status report on the taxing rate for the Covert Generating Plant and goes to the Michigan Court of Appeals July 8, 2015.

Clark Gruber moved to adjourn the meeting at 7:50 pm, seconded by Barbara Rose, adjourned.



## Agenda Item #6

### Long Grass Ordinance

#### Background Information:

The City Council will be asked to take no action on the city's adopted long grass code.

At the July 6<sup>th</sup> regular meeting of the City Council, the Council discussed potential changes to the city's long grass ordinance. At that meeting, the Council discussed a desire to increase the long grass threshold for enforcement from 6" to 9". Further, the Council discussed a desire to expedite the enforcement process, in an effort to reduce the time needed for the city to take enforcement efforts. Finally, the Council discussed a desire to increase the administrative fee from \$50 per occurrence to \$150 per occurrence.

The city's staff is currently working to develop an updated code amendment, for the City Council's consideration, related to the long grass enforcement ordinance. At this time, the city's staff has completed a review of enforcement procedures from other West Michigan communities. Staff has found a variety of enforcement procedures which are embraced by other communities. Staff are now working with the city's attorney to develop an updated code amendment draft for the City Council's review and consideration.

The city's staff anticipates having a code amendment draft ready for the City Council's review at the August 3<sup>rd</sup> regular meeting.

#### Recommendation:

At this time, no action is needed on the city's adopted long grass code.

#### Support Material:



## Agenda Item #7

### Electric Utility Rate Ordinance

#### Background Information:

The City Council will be asked to approve a motion to implement the electric utility rate ordinance as presented.

During the month of June, 2015 the Board of Public Utilities (BPU) and the City Council approved an increase of 2% for the various components of the water and sewer utility rates to be effective July 1, 2015. At that time the BPU wanted to obtain more information about the actual energy cost charges proposed by our supplier for the upcoming year before making any recommendation for possible changes to the electric utility rates. Upon analysis of the data the BPU recommends a 4% increase in the residential energy rate, no change in the commercial energy rate and a 3% increase in the Commercial Power and Industrial energy rates. The Demand customers will also see an increase of 3.1% in the demand rate.

Electric customers have shared in the fluctuations in fuel charges being charged by our supplier by way of the "Fuel Adjustment" shown on the monthly utility bill. The Utility is also charged monthly by our supplier for fluctuations in a PJM open access transmission tariff that appears on our monthly power invoice. These PJM fees were historically an average of \$500,000 - \$600,000 annually and were absorbed by the existing energy rates in effect. The fees now exceed those levels so the BPU has recommended that we share the fluctuations in the PJM fees costs with the electric customers in excess of a base amount of \$500,000 annually. The PJM and fuel cost adjustments will be included on one line on the monthly utility bill called "Energy Cost Adjustment".

At the July 6<sup>th</sup> regular meeting of the City Council, the Council approved a motion to introduce the electric utility rate ordinance. For tonight's meeting, the Council is encouraged to adopt the electric utility rate ordinance.

#### Recommendation:

Staff and the city's Board of Public Utilities recommend that the City Council consider a motion to approve the electric utility rate ordinance as presented.

#### Support Material:

- Electric Utility Rate Ordinance
- Electric Rates Changes
- Demand Rate Changes
- FY 2016 Electric Rate Comparisons
- Chart of Annual PJM Transmission fees
- PJM Cost Recovery Analysis

CITY OF SOUTH HAVEN  
VAN BUREN AND ALLEGAN COUNTIES, MICHIGAN

ORDINANCE NO.1019

AN ORDINANCE TO AMEND RATES FOR THE CITY OF SOUTH HAVEN ELECTRIC  
UTILITIES

The City of South Haven Ordains:

SECTION 1

That Section 86-36 regarding electric rates of the Code of Ordinances for the City of South Haven is hereby amended to read as follows:

**Sec. 86-36. Electric rate structure.**

The following are the electrical charges and rates for electrical service customers:

- (1) *Residential customers.* Basic electric charge: \$5.50/month; power usage rate: \$0.104/kWH; energy optimization surcharge \$0.001612/kWH.
- (2) *Commercial customers.* Basic electric charge: \$6.80/month; power usage rate: \$0.1100/kWH; energy optimization surcharge \$0.002126/kWH.
- (3) *Commercial power customers.* Power usage rate: .0580/kWH; demand charge: \$12.32/kw; minimum demand: 15 kw/month; primary metered customers: rebate of two percent of kWH usage; energy optimization surcharge \$0.002126/kWH.
- (4) *Industrial and municipal customers.* Power usage rate: .0482/kWH; demand charge: \$12.32/kw; minimum demand: 15 kw/month; primary metered customers: rebate of two percent of kWH usage; energy optimization surcharge \$0.002126/kWH.
- (5) *Unmetered Security/Street Lighting.* 150 Watt Lights - \$9.00/Month. 250 Watt Lights - \$15.00/Month.

The Energy Optimization Surcharge shall terminate on December 31, 2015. Monthly electric bills will be increased or decreased to offset fuel charge adjustments billed to the City by the supplier and for PJM open access transmission tariff charges that exceed \$500,000 per year as billed to the City by the supplier.

SECTION 2

If any portion of this ordinance is for any reason held invalid, such decision shall not affect the validity of the remaining provisions of this ordinance.

SECTION 3

This ordinance shall be in full force and effect from and after its passage and publication as provided by law.

SECTION 4

This ordinance shall take effect ten (10) days after its adoption or upon its publication in the *South Haven Tribune*, whichever occurs later.

INTRODUCED by the City Council of the CITY OF SOUTH HAVEN, MICHIGAN on this 20<sup>th</sup> day of July, 2015.

ADOPTED by the City Council of the CITY OF SOUTH HAVEN, MICHIGAN on this \_\_\_\_ day of August, 2015.

\_\_\_\_\_  
Robert G. Burr, Mayor

CERTIFICATION

I, Amanda Morgan, Clerk of the City of South Haven, Van Buren County, Michigan do hereby certify that the above Ordinance was adopted by the South Haven City Council on the \_\_\_\_ day of August, 2015; and the same was published in a paper of general circulation in the City, being the *South Haven Tribune*, on the \_\_\_\_ day of August, 2015.

\_\_\_\_\_  
Amanda Morgan, City Clerk

City of South Haven  
Electric Rate Study

Using Calendar Year 2013 & 2014 Data

Class	Customers	Percent of Customers by Class	Average Annual Billings in KWH	Average Annual Billings in Dollars	Average Charge Per KWH	Percent of Billings \$ by Class
Residential	6,936	84.73%	47,919,999	\$ 4,800,347	0.100	45.57%
Commercial	1,128	13.78%	19,852,510	\$ 2,265,779	0.1141	21.51%
Commercial Power	102	1.25%	43,585,373	\$ 2,422,995	0.0556	23.00%
Industrial	20	0.24%	22,422,960	\$ 1,044,593	0.0466	9.92%
<b>Total</b>	<b>8,186</b>	<b>100.00%</b>	<b>133,780,841</b>	<b>\$ 10,533,713</b>		<b>100.00%</b>

	Residential	Commercial	Commercial Power	Industrial
Avg Charge per KWH	0.100	0.1141	0.0556	0.0466
Proposed increase	0.0040	0.0000	0.0024	0.0016
	0.104	0.1141	0.0580	0.0482
<b>New Energy rate</b>	<b>0.104</b>	<b>0.1141</b>	<b>0.0580</b>	<b>0.0482</b>
	4%	0%	3%	3%

\*\* Rate was reduced from .1150 to .1100 for FY 2015

Projected Revenue	\$ 4,978,888	\$ 2,227,452	\$ 2,526,195	\$ 1,080,415	\$ 10,812,949
Increased Revenue	\$ 178,541	\$ 43,676	\$ 103,200	\$ 35,822	\$ 361,238

Demand Rate Study		Using Calendar Year 2013 & 2014 Data						
Class	2014 Demand in KW	2013 Demand in KW	Average Annual Demand in KW	Average % of Demand KW Billed	2014 Demand in Dollars	2013 Demand in Dollars	Average Annual Demand in Dollars	Average Demand Per KW
Commercial Power	117,653	115,710	116,681	72.63%	\$ 1,493,638	\$ 1,403,690	\$ -	12.416
Industrial	44,189	43,750	43,970	27.37%	\$ 529,777	\$ 524,266	\$ 527,021	11.986
	<b>161,842</b>	<b>159,460</b>	<b>160,651</b>	<b>100.00%</b>	<b>\$ 2,023,415</b>	<b>\$ 1,927,956</b>	<b>\$ 1,975,685</b>	

Class	Average Annual Demand in KW	Additional Needed	Necessary Unit Price Increase	Current Demand Rate	Proposed Demand Rate	Percent Increase	
Commercial	116,681	\$ 43,578	<b>0.3735</b>	\$ 11.95	\$ 12.32	3.13%	<b>USED 3.1% in Ordinance</b>
Commercial Power	43,970	\$ 16,422	<b>0.3735</b>	\$ 11.95	\$ 12.32	3.13%	
Industrial	160,651	\$ 60,000					

Electric Rate Comparison  
 PROPOSED RATES EFFECTIVE AUGUST 1, 2015

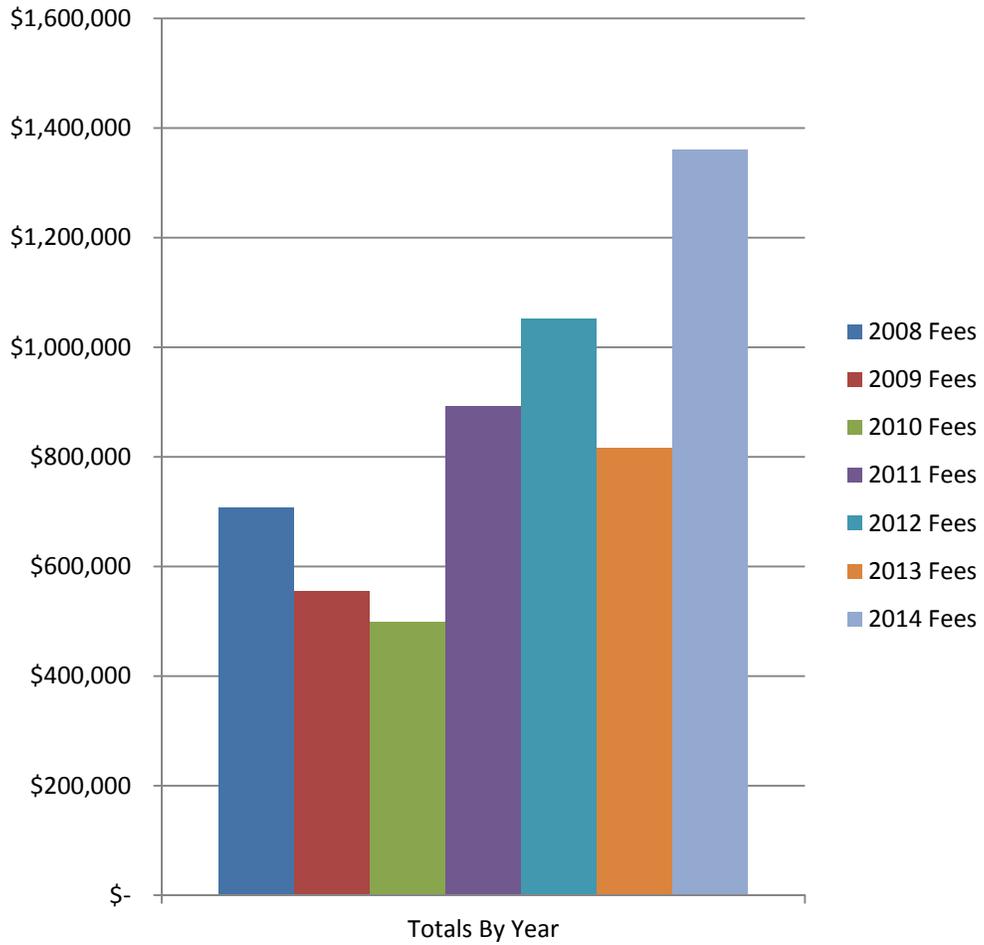
6/24/2015

<b>Residential</b>	<u>Current</u>	<u>Proposed</u>	<u>Change</u>	<u>Percent Change</u>
Electric Usage	0.1000	0.104	0.004	4.0%
Basic Electric Charge	5.50	5.50	-	0.0%
<b>Commercial</b>	<u>Current</u>	<u>Proposed</u>	<u>Change</u>	<u>Change</u>
Electric Usage	0.1100	0.1100	0	0.0%
Basic Electric Charge	6.80	6.80	-	0.0%
<b>Commercial Power</b>	<u>Current</u>	<u>Proposed</u>	<u>Change</u>	<u>Percent Change</u>
Electric Usage	0.0563	0.0580	0.0017	3.0%
Basic Electric Charge	6.80	6.80	-	0.0%
Demand Charge	11.95	12.32	0.37	3.1%
<b>Industrial &amp; Municipal</b>	<u>Current</u>	<u>Proposed</u>	<u>Change</u>	<u>Percent Change</u>
Electric Usage	0.0468	0.0482	0.0014	3.0%
Basic Electric Charge	6.80	6.80	-	0.0%
Demand Charge	11.95	12.32	0.37	3.1%

Minimum Demand 15 KWH

Minumum Increase of \$5.55 per month

COMPARISON OF TOTAL PJM TRANSMISSION FEES BY YEAR FROM 2008 TO 2014



FROM AEP Electric Bill - All Charges 2014	PJM Annual Transmission Costs	2014	\$ 1,360,636.99
	**Less Annual Base Cost		(500,000.00)
	Total		860,636.99
FROM AEP Electric Bill - All Charges 2014	Annual KWH Purch	2014	144,880,029.00
	PJM Adjustment/KWH		0.0059403

**\*\* Used \$500,000 annual base transmission cost built into kwh rate**

	<u>Residential</u>	<u>Commercial</u>	<u>Commercial Power</u>	<u>Industrial</u>	<u>Total</u>
Avg Billings in KWH	47,919,999	19,852,510	43,585,373	22,422,960	133,780,841
PJM Adjustment/KWH	0.0059403	0.0059403	0.0059403	0.0059403	
PJM Annual Cost Recovery \$	<b>284,661</b>	<b>\$ 117,931</b>	<b>\$ 258,912</b>	<b>\$ 133,200</b>	<b>\$ 794,704</b>
Percent of PJM Cost Recovery	<b>36%</b>	<b>15%</b>	<b>33%</b>	<b>17%</b>	

**Top 10 Electric Customers - Usage for Bills for Calendar year 2014**

<u>Account #</u>	<u>Customer Name</u>	<u>KWH Usage</u>		<u>Annual PJM cost adj</u>	<u>Average Monthly PJM cost adj</u>
42025001	Albemarle	13,860,000	x	0.0059403 = \$ 82,333	\$ 6,861
22009500	Walmart	5,284,800	x	0.0059403 = \$ 31,394	\$ 2,616
42023001	East Jordan Plastics	3,984,000	x	0.0059403 = \$ 23,666	\$ 1,972
42026000	SH Comm Hosp	3,960,600	x	0.0059403 = \$ 23,527	\$ 1,961
22009600	Menards	2,920,960	x	0.0059403 = \$ 17,352	\$ 1,446
42028000	SH Rubber	2,487,600	x	0.0059403 = \$ 14,777	\$ 1,231
12023500	Village Market	2,125,760	x	0.0059403 = \$ 12,628	\$ 1,052
42023502	East Jordan Plastics	1,581,600	x	0.0059403 = \$ 9,395	\$ 783
42016000	City of SH	1,114,720	x	0.0059403 = \$ 6,622	\$ 552
31489501	Shoreline Wellness	1,038,240	x	0.0059403 = \$ 6,168	\$ 514
Average Residential Usage		12,000	x	0.0059403 = \$ 71.28	\$ 6



# City of South Haven

City Hall • 539 Phoenix Street • South Haven, Michigan 49090-1499  
Telephone (269) 637-0700 • Fax (269) 637-5319

Date: July 14, 2015  
To: Brian Dissette, City Manager  
From: Kate Hosier, Deputy City Clerk  
Re: City Approval to Reclassify Liquor License

## **Background Information**

Ballock Holdings, LLC is requesting city approval for the reclassification of the liquor license for the bar and restaurant located at 515 Williams, formerly known as York's Tavern, which has been closed due to bankruptcy proceedings. Ballock Holdings, LLC is purchasing this bar and restaurant from the bankruptcy trustee and, as part of the purchase, they've submitted an application requesting the transfer of the current liquor license attached to that location. However, in the approval process it was determined that due to the sale of condo units and a change in ownership, the Class B Hotel license that York's was operating under no longer conformed to the requirements of the Michigan Liquor Control Commission (MLCC).

As such, the current license must be reclassified to the more appropriate license, a Class C Resort license which requires an establishment to be open 5 days a week, for at least 5 hours a day, with 50% of its revenue generated from food sales. To complete the property purchase and MLCC licensing, the MLCC has requested that the City of South Haven approve the reclassification of this location from a Class B Hotel to a Class C Resort license.

Detective Adam DeBoer reviewed the materials and found no problems with the reclassification request. Wendy Hochstedler, the Finance Director, did note that there are outstanding taxes on the property under two accounts in the following amounts: \$42.37 and \$1,680.29.

## **Staff Recommendation**

Approve the Resolution 2015-33, a resolution giving local government approval to the reclassification of Class B Hotel Liquor License to a Class C Resort Liquor License to Ballock Holdings, LLC.

## **Support**

Resolution 2015-33  
Ballock Holdings, LLC Attorney Letter  
Delinquent Tax Notice, Sue York, 515 Williams  
Delinquent Tax Notice, York's Landing, 515 Williams



Michigan Department of Licensing and Regulatory Affairs  
 Liquor Control Commission (MLCC)  
 Constitution Hall - 525 W. Allegan, Lansing, MI 48933  
 Mailing Address: PO Box 30005, Lansing, MI 48909  
 Toll Free (866) 813-0011 • [www.michigan.gov/lcc](http://www.michigan.gov/lcc)

Business ID: \_\_\_\_\_  
 Request ID: \_\_\_\_\_  
 (For MLCC use only)

**Local Government Approval**  
 (Authorized by MCL 436.1501)

**Instructions for Applicants:**

- You must obtain a recommendation from the local legislative body for a new license application and/or a new banquet facility permit.

**Instructions for Local Legislative Body:**

- Complete this resolution, or provide a resolution, along with certification from the clerk, or adopted minutes from the meeting at which this request was considered.

At a \_\_\_\_\_ meeting of the \_\_\_\_\_ City of South Haven \_\_\_\_\_ council/board  
(regular or special) (township, city, village)  
 called to order by \_\_\_\_\_ on \_\_\_\_\_ at \_\_\_\_\_  
(date) (time)  
 the following resolution was offered:

Moved by \_\_\_\_\_ and supported by \_\_\_\_\_  
 that the application from Ballock Holdings, LLC  
(name of applicant)

for the following license(s): Reclassification of Class B Hotel Liquor License to a Class C Resort Liquor License

to be located at 515 Williams Unit 23 and 25 South Haven, MI 49090

and the following permit, if applied for:

Banquet Facility Permit Address of Banquet Facility: \_\_\_\_\_

It is the consensus of this body that it \_\_\_\_\_ this application be considered for  
(recommends/does not recommend)  
 approval by the Michigan Liquor Control Commission.

If disapproved, the reasons for disapproval are \_\_\_\_\_

**Vote**

Yeas: \_\_\_\_\_

Nays: \_\_\_\_\_

Absent: \_\_\_\_\_

I hereby certify that the foregoing is true and is a complete copy of the resolution offered and adopted by the \_\_\_\_\_  
 council/board at a \_\_\_\_\_ meeting held on \_\_\_\_\_  
(regular or special) (date) (township, city, village)

Name and title of authorized clerk (please print): \_\_\_\_\_

Signature of authorized clerk and date: \_\_\_\_\_

Phone number and e-mail of authorized officer: \_\_\_\_\_

Under Article IV, Section 40, of the Constitution of Michigan (1963), the Commission shall exercise complete control of the alcoholic beverage traffic within this state, including the retail sales thereof, subject to statutory limitations. Further, the Commission shall have the sole right, power, and duty to control the alcoholic beverage traffic and traffic in other alcoholic liquor within this state, including the licensure of businesses and individuals.



07/09/2015

City Clerk of South Haven  
Attn: Kate Hosier, Deputy Clerk or any South Haven Clerk  
539 Phoenix Street  
South Haven, MI 49090

RE: Local Government Approval – MLCC Request  
Ballock Holdings, LLC  
For Reclassification of License

Dear City Clerk and City Counsel;

Reed Law represents Ballock Holdings, LLC. This letter is a formal request seeking city approval for the reclassification of the liquor license for the bar and restaurant located at 515 Williams. Currently, this bar and restaurant has been closed due to bankruptcy proceedings. It was formerly known as York's Tavern and is a part of the Old Harbor Inn. Ballock Holdings, LLC is purchasing this bar and restaurant from the bankruptcy trustee with hopes of increasing the quality of the location and running a bar and restaurant that will serve the citizens of South Haven as well as its visitors. As part of this purchase, Ballock Holdings, LLC submitted an application requesting the transfer of the current liquor license attached to this location. Through the approval process, it was discovered that due to the sale of condo units and a change in ownership the Class B Hotel license that York's was operating under no longer conforms to MLCC requirements. Due to these changes, the current license must be reclassified appropriately to a Class C resort license.

A class C resort license requires an establishment to be open 5 days a week, for at least 5 hours a day, with 50% of its revenue generated from food sales. Ballock Holdings, LLC is excited about this opportunity and reclassification. In order to complete this purchase and complete MLCC licensing, MLCC has requested that the City of South Haven approve the reclassification of this location from a Class B Hotel to a Class C Resort. This approval will allow this location to operate in conformity with MLCC. We would like to thank you in advance for your attention to this matter, and if there are any questions, please contact Attorney Phillip Reed at Reed Law Office to answer any all questions that you may have.

Regards,

*Phillip J. Reed*  
Phillip J. Reed

7200 Angling Rd. Suite G. Portage, MI 49024  
P.O. Box 1088 – Portage – Michigan – 49081  
Direct - 269-217-3642 – Fax -269-585-6047  
[www.ReedLawPLC.com](http://www.ReedLawPLC.com)



**CITY OF SOUTH HAVEN  
DELINQUENT TAX NOTICE**

539 PHOENIX ST SOUTH HAVEN, MI 49090  269-637-0714  SOUTH-HAVEN.COM   YORK'S LANDING  515 WILLIAMS ST SOUTH HAVEN MI 49090	<b>DELINQUENT TAXES DUE</b>				
			TOTAL DUE	TOTAL DUE	TOTAL DUE
			IF PAID BY	IF PAID BY	IF PAID BY
			07/31/15	08/31/15	09/30/15
	TAX YEAR	TAX DUE			
	2014	293.83	334.40	337.34	340.28
	2013	284.06	357.25	360.09	362.93
	2012	225.78	311.06	313.31	315.57
	2011	176.00	263.95	265.71	267.47
	2010	139.48	218.98	220.36	221.76
2009	112.02	194.65	195.77	196.89	
	<b>TOTAL</b>	<b>1,231.17</b>	<b>1,680.29</b>	<b>1,692.58</b>	<b>1,704.90</b>
<p align="center"><b>PROPERTY INFORMATION</b></p> Property Number: 80-53-900-681-00 School Dist: 80010 Property Address: 515 WILLIAMS ST SOUTH HAVEN MI 49090  LEGAL DESCRIPTION:  1-17 PERSONAL PROPERTY					
PLEASE REMIT THE APPROPRIATE AMOUNT DUE IN ORDER TO AVOID PROPERTY SEIZURE BY THE CITY TREASURER.					

Please detach along perforation. Keep the top portion for your records.

Pay this tax to:

PLEASE RETURN THIS PORTION WITH YOUR PAYMENT. THANK YOU.

539 PHOENIX ST  
SOUTH HAVEN, MI 49090

Delinquent Tax for Property Number:

**80-53-900-681-00**

TAXPAYER NOTE: Are your name & mailing address correct? If not, please make corrections below. Thank You.

Due if paid by 07/31/15	1,680.29
Due if paid by 08/31/15	1,692.58
Due if paid by 09/30/15	1,704.90

Property Address:  
515 WILLIAMS ST  
SOUTH HAVEN MI 49090

Make check payable to:

**YORK'S LANDING**

515 WILLIAMS ST  
SOUTH HAVEN MI 49090

Amount Remitted: \_\_\_\_\_



# City of South Haven

## Department of Public Works

DPW Building • 1199 8<sup>th</sup> Ave. • South Haven, Michigan 49090  
Telephone (269) 637-0737 • Fax (269) 637-4778

### MEMORANDUM

**To:** Brian Dissette, City Manager  
Roger Huff, DPW Director

**From:** Larry Halberstadt, PE, City Engineer

**Date:** June 29, 2015

**RE:** Public Act 95 of 2013

### Background Information

On July 1, 2013, Gov. Snyder signed Senate Bill 284 creating Public Act 95 of 2013. The bill authorizes the Public Service Commission to raise up to \$50 million annually for low income energy assistance in Michigan. The money will be placed in the Low Income Energy Assistance Fund (LIEAF) and will be dispensed by the Department of Human Services. The legislation requires that the money collected from a geographic area is returned, to the extent possible, to that geographic area. Low income customers will be able to receive State assistance to pay electric, natural gas, and propane bills.

In order to raise the \$50 million annual stipend, the legislation requires all electric utilities in Michigan, including municipal utilities, to place a monthly surcharge on customer bills and send the collected money to the State on a monthly basis. The monthly surcharge will be established by the State but will not be more than \$1.00 per customer. A customer who has multiple meters at their residence is to be billed the surcharge on only one meter.

The legislation does include an opt-out provision for all utilities. Each year, a utility may file a notice with the Public Service Commission by July 1 indicating that they desire to opt out of collecting the surcharge. A utility that opts out may not shut off service to any residential customer from November 1 to April 15 for nonpayment of a delinquent account. Michigan's two largest electric providers, Consumers Energy and DTE, both intend to collect the surcharge.

In 2009, the legislature passed a series of bills that placed winter shutoff restrictions on municipal utilities. These bills place restrictions on performing winter shutoffs for certain customers. Eligible military customers, critical care customers, and senior citizens are provided certain shutoff protections by these bills. In addition, there are specific steps outlined that must be followed by the City to legally shut off a residential customer during the heating season (defined as November 1 through March 31). Due to the complexity of the legislation, the City's practice has been to restrict all residential shutoffs during the heating season. If the City elects to opt out of collecting the low income surcharge, we will not be permitted to shut off service to any residential customer from November 1 to April 15 for nonpayment of a delinquent account. Since we already limit winter shutoffs, utility operations will not be substantially changed if the City elects to opt out.

## Memorandum

June 29, 2015

Public Act 95 of 2013

Page 2 of 3

On July 15, 2013, Council passed Resolution 2013-44, electing to not collect the low income energy assistance funding factor between July 1, 2013 and June 30, 2014. As a result, the City was restricted from performing residential electric shutoffs between November 1, 2013 and April 15, 2014. On May 5, 2014, Council passed Resolution 2014-18, electing to not collect the low income energy assistance funding factor between July 1, 2014 and June 30, 2015. As a result, the City was restricted from performing residential electric shutoffs between November 1, 2014 and April 15, 2015.

Council cited the following three primary reasons for adoption of Resolutions 2013-44 and 2014-18:

1. Council was concerned that a portion of the surcharge would be used to assist customers outside of the City's service territory.
2. Council felt that it was unfair to subsidize customers of the investor owned gas utility operating in the City's service territory.
3. Since 2009, the City has implemented an unwritten policy restricting residential customer shutoffs during the heating season.

At the beginning of the 2013-14 heating season, there was some confusion related to the types of assistance available to City electric customers. The Michigan Department of Human Services (DHS) denied State Emergency Relief (SER) funding to customers of any electric utility that elected to opt out of collecting the surcharge. The SER program is funded with federal Low Income Home Energy Assistance Program (LIHEAP) dollars and not through the LIEAF program. DHS determined that City customers seeking SER funding were not in threat of shutoff and ineligible to receive SER funds.

The \$50 million collected through the LIEAF program is distributed to customers via the Michigan Energy Assistance Program (MEAP) established by Public Act 615 of 2012. The purpose of the Michigan Energy Assistance Program is to implement preventative programs designed to help low-income customers reach energy self-sufficiency. This program distributes \$50 million of LIEAF money and \$40 million in LIHEAP funds via grants to 14 various entities. South Haven electric customers are eligible to seek assistance from the following six agencies providing services in Van Buren County:

DHS - Bureau of Community Action and Economic Opportunity  
Michigan Community Action Agency Association  
The Salvation Army  
SEMCO Energy Gas Company  
The Heat and Warmth Fund  
True North Community Services

MEAP Grant Program Fact Sheets can be downloaded from the State's website: [http://www.michigan.gov/mpsc/0,4639,7-159-52493\\_52588-317123--,00.html](http://www.michigan.gov/mpsc/0,4639,7-159-52493_52588-317123--,00.html).

During the 2013-2014 heating season, 14 municipal electric utilities elected to collect the surcharge while 27 elected to opt out. The Michigan Public Service Commission requires an

**Memorandum**

June 29, 2015

Public Act 95 of 2013

Page 3 of 3

annual filing on each utility's opt-out choice. If the City does not opt out, approximately \$100,000 will be paid to the state in the upcoming fiscal year.

At their June 29, 2015 regular meeting, the Board of Public Utilities reviewed PA 95 and passed a motion recommending that Council elect to opt out of collecting the surcharge for the upcoming 12 month period.

**Recommendation**

It is recommended that Council consider the attached resolution 2015-35 at their July 20, 2015 regular meeting.

**Attachments**

Resolution 2015-35

2013 Senate Bill 0284

Legislative Analysis

Michigan Energy Assistance Program – Frequently Asked Questions

CITY OF SOUTH HAVEN  
VAN BUREN AND ALLEGAN COUNTIES, MICHIGAN

RESOLUTION NO. 2015-35

A RESOLUTION TO ENSURE COMPLIANCE WITH PUBLIC ACT 95 OF 2013  
BY THE CITY OF SOUTH HAVEN ELECTRIC UTILITY

Minutes of a regular meeting of the City Council of the City of South Haven, Van Buren and Allegan Counties, Michigan, held in the City Hall, 539 Phoenix Street, South Haven, Michigan 49090 on July 6, 2015 at 7:00 p.m. local time.

PRESENT: \_\_\_\_\_

ABSENT: \_\_\_\_\_

The following preamble and resolution was offered by Member \_\_\_\_\_ and supported by Member \_\_\_\_\_.

WHEREAS, on July 1, 2013, Governor Snyder signed into law Public Act 95 of 2013 establishing a low-income energy assistance fund within the state treasury; and

WHEREAS, Public Act 95 of 2013 requires all electric utilities in Michigan, including municipal utilities, to collect a monthly low income energy assistance funding factor (surcharge) from each customer and to provide the revenues collected to the state treasurer on a monthly basis; or

WHEREAS, Public Act 95 of 2013 permits an electric utility to not collect the low income energy assistance funding factor by annually filing notice with the public service commission by July 1 of each year; and

WHEREAS, an electric utility that elects not to collect the low income energy assistance funding factor may not shut off service to any residential customer from November 1 to April 15 for nonpayment of a delinquent account.

NOW, THEREFORE BE IT RESOLVED that the City of South Haven elects to not collect the low income energy assistance funding factor between July 1, 2015 and June 30, 2016.

BE IT FURTHER RESOLVED that the City Manager is instructed to notify the public service commission of the City's intention to not collect the low income energy assistance funding factory no later than July 1, 2015.

BE IT FURTHER RESOLVED that the City of South Haven will not shut off service to any residential customer between November 1, 2015 and April 15, 2016 for nonpayment of a delinquent account.

BE IT FURTHER RESOLVED, that this resolution shall take effect upon passage by the City Council.

RECORD OF VOTE:

Yeas: \_\_\_\_\_

Nays: \_\_\_\_\_

RESOLUTION DECLARED ADOPTED

\_\_\_\_\_  
Robert G. Burr, Mayor

CERTIFICATION

I hereby certify that the foregoing is a true and complete copy of a resolution adopted by the City Council at a meeting held on the 20<sup>th</sup> day of July, 2015, at which meeting a quorum was present, and that this resolution was ordered to take immediate effect. Public notice of said meeting was give pursuant to and in compliance with the Open Meetings Act, Act No. 167 of the Public Acts of Michigan 1976 (MCL 15.261 *et seq*).

\_\_\_\_\_  
Amanda Morgan, City Clerk

**STATE OF MICHIGAN**  
**97TH LEGISLATURE**  
**REGULAR SESSION OF 2013**

**Introduced by Senators Nofs, Bieda, Caswell, Hopgood, Proos, Young, Anderson, Brandenburg, Jones,  
Schuitmaker, Walker, Marleau and Pappageorge**

**ENROLLED SENATE BILL No. 284**

AN ACT to amend 1939 PA 3, entitled "An act to provide for the regulation and control of public and certain private utilities and other services affected with a public interest within this state; to provide for alternative energy suppliers; to provide for licensing; to include municipally owned utilities and other providers of energy under certain provisions of this act; to create a public service commission and to prescribe and define its powers and duties; to abolish the Michigan public utilities commission and to confer the powers and duties vested by law on the public service commission; to provide for the continuance, transfer, and completion of certain matters and proceedings; to abolish automatic adjustment clauses; to prohibit certain rate increases without notice and hearing; to qualify residential energy conservation programs permitted under state law for certain federal exemption; to create a fund; to provide for a restructuring of the manner in which energy is provided in this state; to encourage the utilization of resource recovery facilities; to prohibit certain acts and practices of providers of energy; to allow for the securitization of stranded costs; to reduce rates; to provide for appeals; to provide appropriations; to declare the effect and purpose of this act; to prescribe remedies and penalties; and to repeal acts and parts of acts," (MCL 460.1 to 460.11) by adding section 9t.

*The People of the State of Michigan enact:*

Sec. 9t. (1) The low-income energy assistance fund is created within the state treasury.

(2) The state treasurer may receive money or other assets from any source for deposit into the fund. The state treasurer shall direct the investment of the fund. The state treasurer shall credit to the fund interest and earnings from fund investments.

(3) Money in the fund at the close of the fiscal year shall remain in the fund and shall not lapse to the general fund.

(4) The department of licensing and regulatory affairs shall be the administrator of the fund for auditing purposes.

(5) Subject to the limitations imposed in this section, the department of human services shall expend money from the fund, upon appropriation, as provided in the Michigan energy assistance act, 2012 PA 615, MCL 400.1231 to 400.1236. The department of human services, in consultation with the public service commission, shall ensure that all money collected for the fund from a geographic area is returned, to the extent possible, to that geographic area.

(6) Subject to the limitations imposed in this subsection, the public service commission may, after an opportunity to comment, annually approve a low-income energy assistance funding factor no later than July 31 of each year for the subsequent fiscal year. The low-income energy assistance funding factor shall be the same across all customer classes and shall not exceed \$1.00. The amount used by the public service commission to calculate a low-income energy assistance funding factor during each fiscal year shall not exceed \$50,000,000.00 minus both the amount appropriated from the general fund in that fiscal year for home energy assistance and the amount remaining in the fund from the prior fiscal year. An electric utility, municipally owned electric utility, or cooperative electric utility that collects money under this subsection shall remit that money to the state treasurer for deposit in the fund on a monthly basis no later than 30 days

after the last day in each calendar month. The electric utility, municipally owned electric utility, or cooperative electric utility shall list the low-income energy assistance funding factor as a separate line item on each customer's bill.

(7) An electric utility, municipally owned electric utility, or cooperative electric utility may elect to not collect a low-income energy assistance funding factor under this section by annually filing a notice with the public service commission by July 1. Notwithstanding any other provision of this act, an electric utility, municipally owned electric utility, or cooperative electric utility that elects to not collect a low-income energy assistance funding factor under this section shall not shut off service to any residential customer from November 1 to April 15 for nonpayment of a delinquent account.

(8) An electric utility, municipally owned electric utility, or cooperative electric utility that does not opt out under subsection (7), or an association representing a municipally owned electric utility or cooperative electric utility that does not opt out under subsection (7), shall annually provide to the public service commission by July 1 the number of retail billing meters it serves in this state that are subject to the low-income energy assistance funding factor.

(9) Nothing in this act gives the public service commission the power to regulate a municipally owned electric utility.

(10) As used in this section:

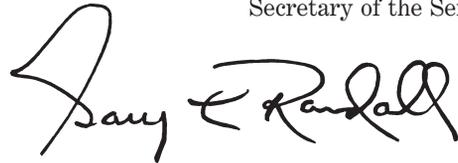
(a) "Fund" means the low-income energy assistance fund created in subsection (1).

(b) "Low-income energy assistance funding factor" means a nonbypassable surcharge on each retail billing meter payable monthly by every customer receiving a retail distribution service from an electric utility, municipally owned electric utility, or cooperative electric utility that does not opt out under subsection (7), regardless of the identity of the customer's electric generation supplier. The low-income energy assistance funding factor shall not be charged on more than 1 residential meter per residential site.

This act is ordered to take immediate effect.



Secretary of the Senate



Clerk of the House of Representatives

Approved .....

.....  
Governor

## LOW-INCOME ENERGY ASSISTANCE PROGRAM

Mary Ann Cleary, Director  
Phone: (517) 373-8080  
<http://www.house.mi.gov/hfa>

**Senate Bill 284 (Proposed H-1 Substitute)**

**Sponsor: Sen. Mike Nofs**

**House Committee: Energy and Technology**

**Senate Committee: Energy and Technology**

**Complete to 6-11-13**

## A REVISED SUMMARY OF PROPOSED H-1 SUBSTITUTE FOR SENATE BILL 284

Briefly, Senate Bill 284 would do the following:

- Create the Low-Income Energy Assistance Fund.
- Charge DHS with expending money from the Fund as provided in the Michigan Energy Assistance Act.
- Allow the MPSC to annually approve a low-income energy assistance funding factor (as a surcharge on an electric customer's bill) no greater than \$1 per month, and to cap the amount that could be collected each year.
- Allow an electric utility to opt out of the program, but then prohibit it from shutting off service to a residential customer from November 1 to April 15.
- Specify that the bill would not grant the MPSC power to regulate a municipally owned electric utility.

Senate Bill 284 would add Section 9t to Public Act 3 of 1939, which created the Michigan Public Service Commission (MPSC) and authorizes it to regulate public utilities (except municipally-owned utilities). The bill would create a long-term program to replace the now-defunct Low Income and Energy Efficiency Fund (LIEEF). In short, the bill would allow electric utilities to place a small surcharge (no more than \$1) on an electric customer's bill to generate funds to provide heating assistance to low-income individuals. (The bill would specify that nothing in PA 3 would give the MPSC the power to regulate a municipally owned electric utility.)

### Low-Income Energy Assistance Fund

The Fund would be created in the state treasury, investments directed by the state treasurer, and money in the fund at the close of a fiscal year would remain and not lapse to the General Fund. The Department of Licensing and Regulatory Affairs would be the administrator of the fund for auditing purposes.

Subject to limitations imposed by the bill, the Department of Human Services (DHS) would expend money from the fund, upon appropriation, as provided in the Michigan Energy Assistance Act (Public Act 615 of 2012). DHS, in consultation with the MPSC, would have to ensure that all money collected for the fund from a geographic area be returned, to the extent possible, to that geographic area.

### Low-Income Energy Assistance Funding Factor

After an opportunity to comment, the MPSC could annually approve a low-income energy assistance funding factor no later than July 31 of each year for the subsequent fiscal year. The term would be defined as a non-bypassable surcharge on each retail billing meter payable monthly by every customer receiving a retail distribution service from an electric utility, municipally owned electric utility, or cooperative electric utility that does not opt out under provisions of the bill, regardless of the identity of the customer's electric generation supplier. (In this sense, "retail" generally refers to an end user and thus includes both residential and commercial electric customers.) The LIEA funding factor could not be charged on more than one residential meter per residential site (for example, if a residential customer had a separate meter in a large garage or pole barn, only one LIEA funding factor would be attached to the monthly electric bill).

The LIEA funding factor would have to be the same across all customer classes and could not exceed \$1 per month. The amount used by the MPSC to calculate a LIEA funding factor during each fiscal year could not exceed \$50 million minus both the amount appropriated from the General Fund in that fiscal year for home energy assistance and the amount remaining in the fund from the prior fiscal year.

### Electric Utilities Collections & Opt Out

The bill would allow an electric utility, municipally owned electric utility, or cooperative electric utility to collect money under the above provisions. Any of these utilities could also choose to opt out of collecting the LIEA funding factor. To opt out, the utility would have to annually file a notice with the MPSC by July 1. If a utility opted out, it could not shut off service to any residential customer from November 1 to April 15 for nonpayment of a delinquent account (generally speaking, shut-off for nonpayment is prohibited only for certain categories of customers, such as low-income, seniors, and persons with a disability).

If a utility collects the LIEA funding factor, the money must be remitted to the state treasurer on a monthly basis no later than 30 days after the last day in each calendar month. The utility would have to list the LIEA funding factor as a separate line item on each customer's bill. In addition, the utility, or an association representing a municipally owned electric utility or cooperative electric utility, would have to provide to the MPSC by July 1 the number of retail billing meters it serves in the state that are subject to the LIEA funding factor.

## **FISCAL IMPACT:**

Senate Bill 284 would have a minimal fiscal impact on the Department of Human Services (DHS). The FY 2013-14 DHS budget appropriates \$60.0 million in low-income energy assistance funds for the new Michigan Energy Assistance Program (2012 PA 615), and this bill would provide the funding mechanism for up to \$50.0 million in low-income energy assistance funding<sup>1</sup>. The Governor did request, and the Legislature

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<sup>1</sup> Revenues drive the amount of funding available to appropriate, so the FY 2013-14 DHS budget would be overstating how much low-income energy assistance funding is available.

provided, 1.0 additional FTE funded with low-income energy assistance funds to administer the Michigan Energy Assistance Program.

Senate Bill 284 (H-1) would have a fiscal impact on the Michigan Public Service Commission (PSC) to the extent that the PSC would have to utilize staff to approve and oversee the collection of the Low-Income Energy Assistance (LIEA) Funding Factor and ensure, to the extent possible, that the revenue generated by the LIEA Funding Factor is expended for low-income energy assistance within the geographical area from which it was collected.<sup>2</sup> SB 284 (H-1) does not include a separate appropriation for the PSC to administer the LIEA program.<sup>3</sup>

SB 284 (H-1) would also have a nominal, yet indeterminate, fiscal impact on municipally-owned electric utilities to the extent that such utilities would either have to: 1) collect and remit revenue generated by the LIEA Funding Factor to the PSC on a monthly basis, or 2) annually file a notice with the PSC to opt out of the LIEA program and thus forfeit its ability to shut-off service to any residential customer during the heating season.

The PSC estimates that there are approximately 5.0 million electric customers in Michigan, with a roughly similar number of meters for the purposes of estimating a LIEA Funding Factor, and that the number of residential (i.e. single-family detached home) customers with more than one meter is negligible. Dividing the total annual amount, stipulated by SB 284 (H-1), that may be generated by the LIEA Funding Factor (\$50.0 million) by the estimated number of electric meters (5.0 million) in the state, results in a per customer LIEA Funding Factor of \$10 per year, or \$0.83 per month, assuming that no electric utilities opt out of collecting the LIEA Funding Factor.

Legislative Analyst: Susan Stutzky  
Fiscal Analyst: Paul Holland  
Kevin Koorstra

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■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.

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<sup>2</sup> It is not entirely clear by what means or with what statutory authority the PSC would be able to "ensure" that revenue generated by the LIEA Funding Factor was expended in area from which it was collected, since SB 284 (H-1) appropriates the LIEA Funding Factor revenue to the Department of Human Services (DHS) pursuant to 2012 PA 615. 2012 PA 615 does stipulate that, if DHS contracts with public or private entities to provide energy assistance, it shall do so in consultation with the PSC.

<sup>3</sup> Under the now defunct Low-Income Energy Efficiency Fund program (LIEEF), administrative costs of the PSC were not supported with the LIEEF funds but rather with public utility assessments levied on utilities by the PSC under the Costs of Regulating Public Utilities act of 1972. The PSC did not separately account for the administrative costs of the LIEEF program which was administered by PSC staff who were also engaged in administering unrelated responsibilities. As of the date this analysis was prepared, the PSC has not provided an estimate of the costs to administer the LIEA program if SB 284 (H-1) is enacted.

## **Michigan Energy Assistance Program Frequently Asked Questions**

**Q. What is the Michigan Energy Assistance Program?**

- A. On March 28, 2013 [Public Act 615](#) of the Michigan Public Acts of 2012 was enacted creating the Michigan Energy Assistance Act that requires the Michigan Department of Human Services (DHS) to establish and administer the Michigan Energy Assistance Program (MEAP). The purpose of the MEAP is to establish and administer programs statewide that provide energy assistance to eligible low-income households. Energy assistance programs must include services that enable participants to become or move toward becoming self-sufficient, including assisting participants in paying their energy bills on time, assisting participants in budgeting for and contributing to their ability to provide for energy expenses, and assisting participants in utilizing energy services to optimize on energy efficiency.

On July 1, 2013 [Public Act 95](#) of the Michigan Public Acts of 2013 was enacted creating the Low-Income Energy Assistance Fund (LIEAF) charging the Michigan Department of Human Services with expending money from the fund as provided by the Michigan Energy Assistance Act. The Act allows the Michigan Public Service Commission (MPSC) to annually approve a low-income energy assistance funding factor, not to exceed \$50,000,000, to support the LIEAF.

On July 29, 2013, in Case No. [U-17377](#), the MPSC adopted a funding factor of 99 cents per meter per month for all Michigan electric utilities that have opted to participate in the funding of the LIEAF, effective for the September 2013 billing month.

**Q. What is the DHS State Emergency Relief (SER) Program?**

- A. The State Emergency Relief (SER) Program provides immediate help to individuals and families facing conditions of extreme hardship or for emergencies that threaten health and safety. Through a combination of direct financial assistance and contracts with a network of non-profit organizations SER helps low-income households meet emergency needs such as:

- Heat & Utilities
- Home Repairs
- Relocation Assistance
- Home Ownership Services
- Burial

The SER program is primarily designed to maintain low-income households who are normally able to meet their needs but occasionally need help when unexpected emergency situations arise. The SER program is not an appropriate solution to ongoing or chronic financial difficulties.

**Q. What is the difference between SER and MEAP?**

- A. SER is supported by federal LIHEAP (Low-Income Home Energy Assistance Program) funds. The SER funds administered by DHS are intended to avoid emergency situations (i.e., loss of a utility connection posing a risk to health and safety). Under DHS policy, SER funds are only available when there has been a shut off or threat of a shut off. DHS policy provides as follows: “When the group’s heat or electric service for their current residence is in past due status, in threat of shut off or is already shut off and must be restored, payment may be authorized to the enrolled provider. The amount of the payment is the minimum necessary to prevent shut off or restore service, not to exceed the fiscal year cap. Payment must

resolve the emergency by restoring or continuing the service for at least 30 calendar days. Current bills that are not subject to shut off should not be included in the amount needed.”

To be eligible to receive SER benefits an individual must be at or below 150% of the federal poverty level, and be in threat of having his/her power shut off or loss of utility connection due to shut off. The SER cap per household is \$450 each for natural gas and non-heat electric service.

MEAP is supported by a combination of LIEAF and LIHEAP funds. MEAP funds are intended for preventative programs designed to help low-income customers reach energy self-sufficiency. These funds are subject to the limitations set forth in 2012 PA 615. To be eligible to receive assistance from a MEAP provider an individual must be at or below 150% of federal poverty level, and must have a past due notice an energy bill for his or her household. The amount of energy assistance available per household varies from one MEAP provider to another.

**Q. How does a low-income household apply for or gain access to MEAP assistance?**

A. Below is a list of MEAP providers; click on the organization name for additional information. Low-income households can also contact [United Way 2-1-1](#) for information regarding MEAP providers in their county.

- [Barry County United Way](#)
- [Consumers Energy Company](#)
- [DHS – Bureau of Community Action and Economic Opportunity](#)
- [Downriver Community Conference](#)
- [DTE Energy](#)
- [Flat River Outreach Ministries, Inc.](#)
- [Lighthouse Emergency Services](#)
- [Michigan Community Action Agency Association](#)
- [SEMCO ENERGY Gas Company](#)
- [Society of St. Vincent de Paul of the Archdiocese of Detroit](#)
- [Superior Watershed Partnership](#)
- [The Heat and Warmth Fund](#)
- [The Salvation Army](#)
- [TrueNorth Community Services](#)

**Q. What is the “crisis season,” what is the “heating season,” and when are customers of opt-out utilities protected from shut off?**

A. The “crisis season” is the period from November 1 through May 31. State law requires that 70% of MEAP grant funds must be spent during that time.

The “heating season” is the period from November 1 through March 31. The MPSC rules and state law require all regulated natural gas and electric companies, municipally owned utilities and some electric cooperatives to provide shutoff protection for senior citizens and low-income customers who are enrolled and meeting the requirements of a Winter Protection Program.

From November 1 through April 15 residential customers of electric utilities, municipally owned electric utilities, or cooperative electric utilities that elected to not collect a low-income energy assistance funding factor are protected from shut off.

**Q. Is a DHS decision letter required before a low-income household can seek energy assistance from a MEAP provider?**

A. No, that is a benefit of MEAP; a decision letter from DHS is NOT required.

**Q. Are low-income households required to seek energy assistance services from SER prior to seeking energy assistance from a MEAP provider?**

A. No. In the past low-income households were required to seek SER assistance prior to seeking energy assistance from other agencies.

With the creation of the MEAP, low-income households are encouraged to first seek energy assistance from MEAP providers and continue working with one MEAP provider through the heating season.

**Q. Can a low-income household receive SER benefits and subsequent MEAP energy assistance?**

A. MEAP providers may assist DHS customers who have received SER benefits at their discretion and according to their program requirements.

There are instances where the DHS-established SER cap for fiscal year 2014 may not resolve the emergency; in these cases the low-income household would be referred to a MEAP provider if additional assistance is needed.

Low-income households enrolled in Consumers Energy's CARE program cannot apply for SER energy benefits from DHS for their Consumers Energy bill until November 1, 2014; and likewise if a CARE participant is removed from the CARE program for non-payment he/she cannot apply for SER energy benefits until November 1, 2014.

Low-income households enrolled in DTE's LSP program that are struggling to make payments or that have been terminated from the LSP program may not be eligible for fiscal year 2014 SER benefits. However, they could be eligible for assistance from other MEAP agencies if an agency determines extenuating circumstances or hardship.

If a low-income household needs additional SER support after seeking assistance from a MEAP energy assistance provider, efforts to access those funds should be coordinated between the MEAP agency, DHS and the client.

It is anticipated that if a household works first with a MEAP service provider, the household will continue working with that agency for any energy assistance needed during the 2014 heating season.

The ultimate goal is that one MEAP service provider will resolve a low-income household's energy crisis in full resulting in a convenient, customer-friendly system for distributing energy assistance to eligible low-income households.

**Q. Is there a cap on the dollar amount of MEAP assistance a low-income household can receive?**

A. 2012 PA 615 does not impose a cap on the dollar amount of energy assistance available to an eligible low-income household. The dollar amount of energy assistance available per household varies from one MEAP provider to another.

**Q. Can a low-income household be assisted more than one time during the crisis season?**

A. The number of times a low-income household can be assisted during the crisis season varies from one MEAP provider to another.

**Q. Can a low-income household be assisted with an electric crisis whose home is not heated with electricity?**

A. Yes, the intent of the grant is to provide energy assistance program services that will help eligible low-income households meet home energy costs for their primary residence through payment or partial payment of bills for one or more of the following: 1) electricity; 2) natural gas; 3) propane; 4) heating oil; or 5) any other deliverable fuel used to provide heat.

**Q. If a low-income household fails to complete a MEAP provider's program, would the household be eligible for the Winter Protection Program?**

A. Enrollment in a MEAP provider's program or failure to complete a program does not preclude a low-income household from enrolling in a Winter Protection Program.

**Q. Are low-income customers limited to receiving assistance from a certain number of agencies, including not-for-profit and DHS, during the heating season?**

A. Low-income households are not required to seek energy assistance services from SER prior to seeking energy assistance from a MEAP energy provider.

It is anticipated that eligible low-income households will work with a single MEAP provider throughout the entire heating season. This will enable the MEAP provider to identify the needs of the household and work with the household to provide energy assistance and other wrap around services, as needed.

**Q. Are low-income households limited to receiving assistance from two agencies only, e.g., if a low-income household receives SER assistance and the cap is met, can the low-income household seek help from only one other agency?**

A. The MEAP does not include a specific policy stating that a household may or may not work with more than one MEAP provider.

There are instances where the DHS-established SER cap for fiscal year 2014 may not resolve the emergency; in these cases the low-income household would be referred to a MEAP provider if additional assistance is needed.

Low-income households enrolled in Consumers Energy's CARE program cannot apply for SER energy benefits from DHS for their Consumers Energy bill until November 1, 2014; and likewise if a CARE participant is removed from the CARE program for non-payment he/she cannot apply for SER energy benefits until November 1, 2014.

Low-income households enrolled in DTE's LSP program that are struggling to make payments or that have been terminated from the LSP program may not be eligible for fiscal year 2014 SER benefits. However, they could be eligible for assistance from other MEAP agencies if an agency determines extenuating circumstances or hardship.

If a low-income household needs additional SER support after seeking assistance from a MEAP energy assistance provider, efforts to access those funds should be coordinated between the MEAP agency, DHS and the client.

It is anticipated that if a household works first with a MEAP service provider, the household will continue working with that agency for any energy assistance needed during the 2014 heating season.

The ultimate goal is that one MEAP service provider will resolve a low-income household's energy crisis in full resulting in a convenient, customer-friendly system for distributing energy assistance to eligible low-income households.

**Q. Are customers who are served by opt-out utilities eligible to receive SER assistance?**

A. The SER funds administered by DHS are intended to avoid emergency situations (i.e., the loss of a utility connection posing a risk to health and safety). Under DHS policy, these funds are only available when there has been a shut off or the threat of a shut off, except in special cases involving health and safety concerns. DHS policy applicable to SER (ERM 301) provides in pertinent part:

“When the group's heat or electric service for their current residence is in past due status, in threat of shut off or is already shut off and must be restored, payment may be authorized to the enrolled provider. The amount of the payment is the minimum necessary to prevent shut off or restore service, not to exceed the fiscal year cap. Payment must resolve the emergency by restoring or continuing the service for at least 30 calendar days. Current bills that are not subject to shut off should not be included in the amount needed.”

In some situations, a customer with a past due notice may be in threat of shut off, but that would not be the case if the provider is legally precluded from disconnecting the customer. Accordingly, DHS does not provide emergency relief in these situations. Rather, a customer in that situation would be advised to seek assistance from the MEAP funds. This is not a new policy. What is new is the number of providers who are legally precluded from shutting off customers during the winter months. In past years, a provider on the Wisconsin-Michigan border was under the same restriction and DHS did not provide SER during the time period when disconnection was not possible.

If the MEAP funds are properly utilized as preventative measures, then DHS should not be “swamped” with SER requests in April, and providers will not have to wait until April, or shut off customers, in order to obtain payment.

**Q. Are customers who are served by opt-out utilities eligible to receive MEAP assistance?**

A. Low-income customers of opt-out utilities are eligible to receive MEAP assistance. It does not matter if the utility is participating or opting out of the LIEAF funding factor, all utility customers are eligible to receive assistance through the MEAP grants as long as they meet the eligibility criteria. An electric utility, municipally owned electric utility, or cooperative electric utility that elects to not collect a low-income energy assistance funding factor under this section shall not shut off service to any residential customer from November 1 to April 15 for nonpayment of a delinquent account.

**Q. Is the dollar amount of assistance ultimately available to a low-income customer the same regardless of whether or not he/she is a customer of an opt-out utility?**

A. The dollar amount of energy assistance available to eligible low-income households is the same regardless of whether or not the household is a customer of an opt-in or opt-out utility.

The MEAP requires that any payment made on behalf of an energy customer must resolve the crisis/emergency for at least 30 days.

The MEAP does not impose a cap on the dollar amount of energy assistance that can be provided to a low-income household, and does not impose a cap on the number of times a payment can be made on behalf of a low-income household. Individual MEAP providers, based on their specific program, may have a cap on the dollar amount of assistance provided or the number of payments that can be made on behalf of a household.

**Q. Do the local DHS case workers understand the MEAP program and how a low-income customer can gain access to MEAP assistance?**

A. Information has been distributed to DHS local office staff and management. They have received the MEAP provider fact sheets and other procedural information. The MEAP provider fact sheets are available on the MPSC website at [www.michigan.gov/MPSC](http://www.michigan.gov/MPSC).

**Q. Are DHS case workers advising low income customers of opt-out utilities they are not eligible for SER funds but not to worry, the utility cannot disconnect until April 15?**

A. The local offices have been provided the list of providers who opted out of the surcharge and have been instructed to refer those customers to the participating MEAP providers in their area for help with the utility bill prior to April 15th. Local offices are not telling clients not to worry but telling them to contact the MEAP provider in their area for assistance prior to April 15.

**Q. Some opt-out utilities have had caseworkers tell them to continue referring low income customers to them and they will direct them to possible other agencies. They have been told by other caseworkers that they cannot refer these customers to other agencies because in April they will not be eligible for DHS funds if they have received funding from other agencies. Which caseworker is correct?**

A. Customers do not have to seek DHS assistance (or receive a denial for SER), prior to requesting assistance from a MEAP provider. DHS has not released any policy prohibiting a customer from receiving MEAP assistance and SER (LIHEAP) assistance.

**Q. What are DHS' plans for dealing with low-income households that come off shut off protection in April with large arrearages that apply for SER?**

A. It is anticipated that customers will seek assistance from MEAP providers, as needed, and prior to April. Energy providers may want to refer customers with large account arrearages to participating MEAP providers in their service territory. From a SER perspective, this is no different than it has been in the past for those coming off winter protection or senior protection plans, except with the benefit that MEAP funding is available to qualifying households prior to the end of winter protection programs.

**Q. Will there be adequate funding?**

A. The amount of SER/LIHEAP crisis funds is less than previous years since money was allocated to the MEAP program.

- Q. Is there information that opt-out utilities should be including in delinquent customers' utility bills that would increase their chances of accessing the SER funds in April?**
- A. As previously stated, energy providers should advise customers that assistance is currently available through MEAP providers.
- Q. How far in advance of the April 16, 2014 date can low-income customers from opt-out utilities go to DHS for assistance?**
- A. April 1, 2014.
- Q. DHS normally requires a 10 day hold period to determine eligibility. When will the 10-day clock start for opt-out utilities?**
- A. The Standard of Promptness for a SER application is 10 days which starts the date DHS receives the application.
- Q. Should opt-out utilities advise their low-income customers to contact their DHS caseworker for a "denial" before they contact possible other agencies for help?**
- A. No, that is a benefit of MEAP; a DHS denial is not needed to receive assistance.
- Q. Are MEAP providers allowed to exclude Medicare premiums when calculating a low-income household's income?**
- A. MEAP providers are allowed to deduct Medicare premiums when calculating a low-income household's income for eligibility purposes.
- Q. Are MEAP providers allowed to exclude Foster Care payments when calculating a low-income household's income?**
- A. MEAP providers are allowed to deduct Foster Care payments (made by the State of Michigan) when calculating a low-income household's income for eligibility purposes.
- Q. Are MEAP providers allowed to exclude DHS food assistance benefits when calculating a low-income household's income?**
- A. MEAP providers are allowed to deduct DHS food assistance benefits when calculating a low-income household's income for eligibility purposes.
- Q. Can MEAP providers assist eligible low-income individuals that receive and pay their utility bills through a third-party utility bill management company?**
- A. Payment to a third-party billing company is not allowed. All payments must be in the form of a voucher or direct payment to the utility provider, cooperative, or distributor of deliverable fuel. Specifically, MEAP payments to residential landlords, residential management companies, billing service agencies, or collection agencies are not allowed.

**Q. Can MEAP providers use a portion of the funds allowed to be used outside of the crisis season to pay for utility bills for services provided to the customer outside of the crisis season, e.g., if a low-income customer is unable to pay for utility service provided in the month of July, can they be assisted using MEAP funds?**

A. The MEAP does not include a specific policy addressing these circumstances; however, 2012 PA 615 does specifically state that the intent is to assist low-income households with payment of bills for all sources of energy used to provide heat.

The requirement that not more than 30% of the funds received by the MEAP provider shall be spent outside of the crisis season means that “actual grant funds spent” after May 31 will count toward the 30%. Bills that are paid in November do not count toward the 30% because the grant funds are being spent between November 1 and May 31. However, bills paid in June will count toward the 30% because the grant funds are being spent after May 31.

**Q. Can MEAP funds be used for cooling assistance?**

A. The MEAP does not specifically indicate that funding cannot be used for cooling assistance; however the act describes energy assistance as “a program to assist eligible low-income households in meeting their home energy costs for their primary residence through payment or partial payment of bills for one or more of the following:

- (i) Electricity
- (ii) Natural gas
- (iii) Propane
- (iv) Heating oil
- (v) Any other deliverable fuel used to provide heat.”

**Q. If a propane provider fills an eligible low-income household’s heating fuel/propane tank that is over 25% capacity, can the fill be paid with MEAP funds?**

A. MEAP standards for receiving funds do not define the fuel/propane tank capacity level as a determining factor for providing assistance.

2012 PA 615 states if a residential fuel tank is “estimated to contain not more than 25% of its heating fuel capacity” (key word being estimated).

Determining the level of fuel remaining in a propane tanks is not an exact science. Since the capacity in fuel tanks changes based on the weather, there is no real way to determine the fuel capacity accurately based on the amount of capacity filled during delivery.

Based on information received from the Michigan Propane Association, a propane company, and other sources, the following trends are customary for propane customers:

- In order to accommodate for propane’s tendency to expand as the temperature warms, propane tanks are generally filled only to 80% - 85% capacity. This is standard practice in the propane industry. A MEAP provider may assume from a bill that states 55% of the tank capacity was delivered that the tank was at 45% (100% minus 55% equals 45%). However, 55% delivered plus 25% before the fill equals 80% capacity, which is the guideline used by propane companies.

- “Will call customers” are asked to schedule delivery when their gauge reaches 30%.
- If the tank runs out there is a \$75 charge because lines must be re-pressurized.
- Propane companies generally charge a fee (around \$75) when a customer requests same day or next day refueling services.
- Generally at least 50% of customers are on automatic fill.
- Budget billing is designed to evenly spread propane costs throughout the year. Rather than allowing a large balance to build up in the colder months when budgets might already be stretched thin.

**Q. What are the TANF eligibility requirements?**

A. TANF eligible clients are low-income households with:

- (a) a related child under age 18,
- (b) an unemancipated child, age 18 or under, who is a full-time high school student living with an adult caretaker; or
- (c) a pregnant woman living in the home.

**Q. What utilities opted out of the LIEAF funding factor?**

A. The following utilities opted out:

- Alpena Power Company
- Bayfield Electric Cooperative
- Charlevoix, City of
- Cloverland Electric Cooperative
- Coldwater Board of Public Utilities
- Croswell Municipal Light & Power Department
- Crystal Falls, City of
- Daggett Electric Department
- Detroit Public Lighting Department
- Dowagiac, City of
- Eaton Rapids, City of
- Escanaba, City of
- Gladstone, City of
- Grand Haven Board of Light and Power
- Great Lakes Energy Cooperative
- Harbor Springs, City of
- Hart Hydro, City of
- Holland Board of Public Works
- HomeWorks Tri-County Electric Cooperative
- L’Anse, Village of
- Lansing Board of Water & Light

- Marquette Board of Light and Power
- Ontonagon Co. Rural Electrification Association
- Paw Paw, City of
- Portland, City of
- Sebawaing, City of
- South Haven, City of
- Stephenson, City of
- Sturgis, City of
- Traverse City Light & Power
- Upper Peninsula Power Company
- Wakefield, City of
- Wisconsin Public Service Corporation
- Wisconsin-Electric Power Company d/b/a/ We Energies
- Wyandotte Department of Municipal Service
- Zeeland Board of Public Works

**Q. What utilities are participating in the LIEAF funding factor?**

A. The following utilities are participating:

- Alger-Delta Cooperative Electric Association
- Baraga, Village of
- Bay City, City of
- Chelsea Department of Electric and Water
- Cherryland Electric Cooperative
- Clinton, Village of
- Consumers Energy Company
- DTE Electric Co. f/k/a Detroit Edison Company
- Hillsdale Board of Public Utilities
- Indiana Michigan Power Company
- Lowell Light and Power
- Marshall Electric Department
- Midwest Energy Cooperative
- Negaunee Department of Public Works
- Newberry Water and Light Board
- Niles Utility Department
- Northern States Power Company-Wisconsin
- Norway, City of
- Petoskey, City of
- Presque Isle Electric and Gas Co-op
- St. Louis, City of
- Thumb Electric Cooperative
- Union City Electric Department