



Plymouth City Commission

Regular Meeting Agenda

Monday, December 16, 2024 7:00 p.m.
Plymouth City Hall & Online Zoom Webinar

City of Plymouth
201 S. Main St.
Plymouth, Michigan 48170-1637

www.plymouthmi.gov
Phone 734-453-1234
Fax 734-455-1892

Join Zoom Webinar: Dec 16 <https://us02web.zoom.us/j/86266757839>

Passcode: 393675 Webinar ID: 862 6675 7839

1. CALL TO ORDER

- a. Pledge of Allegiance
- b. Roll Call

2. APPROVAL OF MINUTES

- a. December 2, 2024 City Commission Regular Meeting Minutes

3. APPROVAL OF THE AGENDA

4. ENACTMENT OF THE CONSENT AGENDA

- a. Approval of November 2024 Bills
- b. Special Event: Hanukkah Candle Lighting and Celebration – December 26, 2024

5. CITIZEN COMMENTS

6. COMMISSION COMMENTS

7. OLD BUSINESS

8. NEW BUSINESS

- a. First Reading of Ordinance Changes for Police Department
- b. Police Training Contract Authorization
- c. Annual State Highway Permit – 2025

9. REPORTS AND CORRESPONDENCE

- a. Required Receiving and Posting Pension/OPEB Reports
- b. Liaison Reports
- c. Appointments

10. ADJOURNMENT

Consent Agenda - The items on the Consent Agenda will be approved by one motion as Agenda Item #4. There will be no separate discussion of these items unless a Commissioner or citizen so requests, in which case that item will then be placed on the regular agenda.

Citizen Comments - This section of the agenda allows up to 3 minutes to present information or raise issues for items not on the agenda. Upon arising to address the Commission, speakers should first identify themselves by clearly stating their name and address. Comments must be limited to the subject of the item.

Meetings of the City of Plymouth are open to all without regard to race, sex, color, age, national origin, religion, height, weight, marital status, disability, or any other trait protected under applicable law. Any individual planning to attend the meeting who has need of special assistance under the Americans with Disabilities Act (ADA) should submit a request to the ADA Coordinator at 734-453-1234 ext. 234 at least two working days in advance of the meeting so an attempt can be made to make reasonable accommodations. The request may also be submitted via mail at 201 S. Main St. Plymouth, MI 48170, or email to clerk@plymouthmi.gov.

City of Plymouth Strategic Plan 2022-2026

GOAL AREA ONE - SUSTAINABLE INFRASTRUCTURE

OBJECTIVES

1. Identify and establish sustainable financial model(s) for major capital projects, Old Village business district, 35th District Court, recreation department, and public safety
2. Incorporate eco-friendly, sustainable practices into city assets, services, and policies; including more environmentally friendly surfaces, reduced impervious surfaces, expanded recycling and composting services, prioritizing native and pollinator-friendly plants, encouraging rain gardens, and growing a mature tree canopy
3. Partner with or become members of additional environmentally aware organizations
4. Increase technology infrastructure into city assets, services, and policies
5. Continue sustainable infrastructure improvement for utilities, facilities, and fleet
6. Address changing vehicular habits, including paid parking system /parking deck replacement plan, electric vehicle (EV) charging stations, and one-way street options

GOAL AREA TWO – STAFF DEVELOPMENT, TRAINING, AND SUCCESSION

OBJECTIVES

1. Create a 5-year staffing projection
2. Review current recruitment strategies and identify additional resources
3. Identify/establish flex scheduling positions and procedures
4. Develop a plan for an internship program
5. Review potential department collaborations
6. Hire an additional recreation professional
7. Review current diversity, equity, and inclusion training opportunities
8. Seek out training opportunities for serving diverse communities

GOAL AREA THREE - COMMUNITY CONNECTIVITY

OBJECTIVES

1. Engage in partnerships with public, private and non-profit entities
2. Increase residential/business education programs for active citizen engagement
3. Robust diversity, equity, and inclusion programs
4. Actively participate with multi-governmental lobbies (Michigan Municipal League, Conference of Western Wayne, etc.)

GOAL AREA FOUR - ATTRACTIVE, LIVABLE COMMUNITY

OBJECTIVES

1. Create vibrant commercial districts by seeking appropriate mixed-use development, marketing transitional properties, and implementing Redevelopment Ready Communities (RRC) practices
2. Improve existing and pursue additional recreational and public green space opportunities and facilities for all ages
3. Develop multi-modal transportation plan which prioritizes pedestrian and biker safety
4. Improve link between Hines Park, Old Village, Downtown Plymouth, Plymouth Township, and other regional destinations
5. Maintain safe, well-lit neighborhoods with diverse housing stock that maximizes resident livability and satisfaction
6. Modernize and update zoning ordinance to reflect community vision
7. Implement Kellogg Park master plan

“The government in this community is small and accessible to all concerned.”



City of Plymouth
City Commission Regular Meeting Minutes
Monday, December 2, 2024, 7:00 p.m.
Plymouth City Hall 201 S. Main Street

City of Plymouth
201 S. Main St.
Plymouth, Michigan 48170-1637

www.plymouthmi.gov
Phone 734-453-1234
Fax 734-455-1892

1. CALL TO ORDER

- a. Mayor Suzi Deal called the meeting to order at 7:00 p.m. and led the Pledge of Allegiance.
- b. Roll Call
Present: Mayor Suzi Deal, Mayor ProTem Kelly O'Donnell, Commissioners Linda Filipczak, Jennifer Kehoe, Alanna Maguire, Brock Minton, Nick Moroz
Excused: None
Also present: City Manager Paul Sincock, City Attorney Bob Marzano, and various members of the city administration

2. AUDIT PRESENTATION

Rana Emmons of PSLZ PLLC, reviewed the City's Financial Report, providing an overall clean, positive Audit.

3. APPROVAL OF MINUTES

Maguire offered a motion, seconded by Minton to approve the November 18, 2024 City Commission Regular Meeting minutes.

There was a voice vote.

MOTION PASSED UNANIMOUSLY

4. APPROVAL OF THE AGENDA

Filipczak offered a motion, seconded by O'Donnell to approve the agenda for the December 2, 2024 meeting.

There was a voice vote.

MOTION PASSED UNANIMOUSLY

5. ENACTMENT OF THE CONSENT AGENDA

- a. Special Event: Ice Festival – January 31, February 1 & 2 2025

Minton offered a motion, seconded by Kehoe to approve the consent agenda for December 2, 2024.

There was a voice vote.

MOTION PASSED UNANIMOUSLY

6. CITIZEN COMMENTS

Lisa Capatina, 634 S. Harvey, election inspector and canvasser, spoke about elections and recognized the City for having a superior election staff.

7. COMMISSION COMMENTS

Moroz Thanks staff/DMS for tree services on Burroughs St.

Deal Thanks administration, DMS, PD, DDA, JAG Entertainment for organizing an excellent Santa Parade event. Also Christmas in Plymouth and Mistletoe Market start Thursday.

She also recognized employee anniversaries: Don Schnettler, Elect Insp–27 Yrs; Michelle VanDenbeurgeury, Rec Clerk– 17 Yrs; Brandon Haarala, Ops Tech– 11 Yrs; Reiko Misumi-Schelm, Asst DDA Dir– 1 Yr; Ethan Buzuvis, Bldg Att- 1 Yr; Bradan McCorry, Bldg Att– 1 Yr; Susan Messina, DMS Admin Asst– 1 Yr; Martin Mcgaha, Ops Tech– 1 Yr

8. OLD BUSINESS

None

9. NEW BUSINESS

a. Annual County Right of Way Maintenance Permit A-25125

The following motion was offered by Filipczak and seconded by Maguire:

RESOLUTION 2024-97

At a Regular Meeting of the Plymouth City Commission on Monday, December 2, 2024, the following resolution was offered:

WHEREAS, The City of Plymouth periodically applies to the County of Wayne Department of Public Services, Engineering Division Permit Office (hereinafter the "County") for permits to conduct emergency repairs, annual maintenance work, and for other purposes on local and County roads located entirely within the boundaries of the Community, as needed from time to time to maintain the roads in a condition reasonably safe and convenient for public travel;

WHEREAS, pursuant to Act 51 of 1951, being MCL 247.651 et seq., the County permits and regulates such activities noted above and related temporary road closures;

NOW THEREFORE, BE IT RESOLVED, in consideration of the County granting such permit (hereinafter the "Permit"), the Community agrees and resolves that:

Any work performed for the Community by a contractor or subcontractor will be solely as a contractor for the Community and not as a contractor or agent of the County. Any claims by any contractor or subcontractor will be the sole responsibility of the Community. The County shall not be subject to any obligations or liabilities by vendors and contractors of the Community, or their subcontractors.

The Community shall take no unlawful action or conduct, which arises either directly or indirectly out of its obligations, responsibilities, and duties under the Permit which results in claims being asserted against or judgment being imposed against the County, and all officers, agents and employees thereof pursuant to a maintenance contract. In the event that same occurs, for the purposes of the Permit, it will be considered a breach of the Permit thereby giving the County a right to seek and obtain any necessary relief or remedy, including, but not by way of limitation, a judgment for money damages.

With respect to any activities authorized by Permit, when the Community requires insurance on its own or its contractor's behalf, it shall also require that such policy include as named insured the County of Wayne and all officers, agents and employees thereof.

The incorporation by the County of this Resolution as part of a permit does not prevent the County from requiring additional performance security or insurance before issuance of a Permit.

This Resolution stipulates that the requesting Community shall, at no expense to Wayne County, provide necessary police supervision, establish detours and post all necessary signs and other traffic control devices in accordance with the Michigan Manual of Uniform Traffic Control Devices.

This Resolution stipulates that the requesting Community shall assume full responsibility for the cost of repairing damage done to the County road during the period of road closure or partial closure.

This Resolution shall continue in force from the date of execution until cancelled by the Community or the County with no less than thirty (30) days prior written notice to the other party. It will not be cancelled or otherwise terminated by the Community with regard to any Permit which has already been issued or activity which has already been undertaken.

The Community stipulates that it agrees to the terms of the County of Wayne permit at the time a permit is signed by the Community's authorized representative.

BE IT FURTHER RESOLVED, that the following individual(s) is/are authorized in their official capacity as the Community's authorized representative to sign and so bind the Community to the provisions of any and all permits applied for to the County of Wayne, Department of Public Services Engineering Division Permit Office

for necessary permits from time to time to work within County road right-of-way or local roads on behalf of the Community.

Name	Title
Chris Porman	Municipal Services Director
Nick Johns	Municipal Services
Adam Gerlach	Municipal Services
Al Cox	Director of Public Safety
Paul Sincock	City Manager

I, Maureen A. Brodie, City Clerk for the City of Plymouth, Michigan, do hereby certify the foregoing to be a true and correct copy of a resolution approved by the Plymouth City Commission at their regular meeting scheduled on Monday, December 2, 2024.

MAUREEN A. BRODIE, CMC, MiPMC
CITY CLERK
CITY OF PLYMOUTH, MICHIGAN

There was a voice vote.

MOTION PASSED UNANIMOUSLY

b. Radio System Upgrades for Police Department

The following motion was offered by Filipcak and seconded by Minton:

RESOLUTION 2024-98

WHEREAS The City of Plymouth maintains a police department in accordance with the City Charter and in order to help protect the public health, safety, and welfare; and

WHEREAS The use of two way radios is mission critical to the department and the city, as well as surrounding communities use the state radio network; and

WHEREAS The State of Michigan is requiring that we upgrade our radio system for the Police Department; and

WHEREAS This upgrade will include some programming changes on some existing radios and some replacement radio purchases, using the MI-Deal state purchasing plan.

NOW THEREFORE IT BE RESOLVED THAT the City Commission of the City of Plymouth does hereby authorize the following from Mi-Deal vendor Digicom Global, Inc. in the amount of \$48,925.32 for upgrades to the City Police Radio System. Funding for this purchase is authorized from the police budget.

- Retrofit to encrypt 15 portable radios and one mobile radio - \$5,253.40
- Purchase seven VM6930BF Mobile Radios - \$30,267.44
- Purchase on Mobile Desk Base Radio set - \$2,732.16
- Purchase three Portable Radios - \$10,672.32

There was a voice vote.

MOTION PASSED UNANIMOUSLY

c. HVAC Contract Bid Award

The following motion was offered by Minton and seconded by Kehoe:

RESOLUTION 2024-99

WHEREAS The City of Plymouth maintains a number of properties to assist with the mission of helping to protect the public health, safety, and welfare; and

WHEREAS Many of these facilities have heating, ventilation, and air conditioning (HVAC) systems that need regular maintenance and repair; and

WHEREAS The City Administration did accept bids for the HVAC maintenance contract and the lowest best bidder is Miller Boldt, Inc.

NOW THEREFORE BE IT RESOLVED THAT the City Commission of the City of Plymouth does hereby authorize a contract with Miller Boldt, Inc. for HVAC services in accordance with their bid. Funding for these services will

come from a variety of different city funds, depending on where the work is being performed. MOTION PASSED UNANIMOUSLY

There was a voice vote.

MOTION PASSED UNANIMOUSLY

d. City Hall Roof Drain Repairs

Minton offered a motion, supported by Maguire, to recuse himself from voting on this item due to spouse being on the Library Board.

The following motion was offered by Filipczak and seconded by Moroz:

RESOLUTION 2024-100

WHEREAS The City of Plymouth maintains a number of buildings as part of their mission to help protect the public health, safety and welfare; and

WHEREAS From time to time it is necessary to do maintenance and make repairs to the buildings; and

WHEREAS Construction of the library amphitheater and installation of a new roof at City Hall caused storm water to seep into the City Hall; and

WHEREAS Upon investigation the Department of Municipal Services found a number of issues that was causing the water to seep into the City Hall and they developed a plan to install a new storm pipe to carry storm water away from the City Hall and direct it to the Main Street storm sewer line.

NOW THEREFORE BE IT RESOLVED THAT the City Commission of the City of Plymouth does hereby authorize Perlongo Excavating to complete this project in the amount of \$34,500. Further, the City Commission authorizes up to \$7,000 as a project contingency to meet any unexpected costs associated with the project and restoration. Funding is authorized from the Capital Improvement Fund.

There was a voice vote.

MOTION PASSED UNANIMOUSLY

10. REPORTS AND CORRESPONDENCE

a. Liaison Reports

Filipczak: The next HDC meeting is Wednesday at 7pm.

Kehoe: Reported on the OVA.

Minton: The next ZBA meeting is December 5 at 7pm. The next PC meeting is December 11 at 7pm.

b. Appointments – None

11. ADJOURNMENT

*The next regular City Commission meeting is 7:00 pm on Monday December 16 at Plymouth City Hall.

O'Donnell offered a motion, seconded by Kehoe to adjourn the meeting at 7:29 p.m.

There was a voice vote.

MOTION PASSED UNANIMOUSLY

SUZI DEAL
MAYOR

MAUREEN A. BRODIE, CMC, MiPMC
CITY CLERK



Special Event Application

City of Plymouth
201 S. Main
Plymouth, Michigan 48170-1637

www.plymouthmi.gov
Phone 734-453-1234
Fax 734-455-1892

Complete this application in accordance with the City of Plymouth Special Events Policy, and return it to the City Manager's Office at least 21 calendar days prior to the starting date of the event.

FEES WILL BE CHARGED FOR ALL SPECIAL EVENTS. SEE ATTACHMENT B.

Sponsoring Organization's Legal Name Temple Beth Emeth - Ann Arbor

Ph# 734-665-4744 Fax# _____ Email rabblwhinston@templebethemeth.org Website templebethemeth.org

Address 2309 Packard St. City Ann Arbor State MI Zip 48104

Sponsoring Organization's Agent's Name Jennifer Kehoe Title _____

Ph# 734-972-4834 Fax# _____ Email jen@jennypie.com Cell# 734-972-4834

Address 418 Blunk St. City Plymouth State MI Zip 48170

Event Name Hanukkah Candle Lighting and Celebration

Event Purpose Celebrate Hanukkah

Event Date(s) December 26th, 2024

Event Times 6-7pm

Event Location Kellogg Park

What Kind Of Activities? Candle lighting, singing, story telling

What is the Highest Number of People You Expect in Attendance at Any One Time? 25

Coordinating With Another Event? YES NO If Yes, Event Name: _____

Event Details: (Provide a detailed description of all activities that will take place. Attach additional sheets if necessary.)
We will be lighting Hanukkah candles, singing songs, and celebrating Hanukkah.

RECEIVED
DEC 09 2024
City of Plymouth

1. **TYPE OF EVENT:** Based on Policy 12.2, this event is: *(Weddings Ceremonies – Please Review Section 12.2 f.)*
City Operated Co-sponsored Event Other Non-Profit Other For-Profit Political or Ballot Issue

2. **ANNUAL EVENT:** Is this event expected to occur next year? YES NO

If Yes, you can reserve a date for next year with this application (see Policy 12.15). To reserve dates for next year, please provide the following information:

Normal Event Schedule (e.g., third weekend in July): not sure

Next year's specific dates: _____

See section 12.13 for license & insurance requirements for vendors

3. **FOOD VENDORS/ CONCESSIONS?** YES NO **OTHER VENDORS?** YES NO

4. **DO YOU PLAN TO HAVE ALCOHOL SERVED AT THIS EVENT?** YES NO

5. **WILL ALCOHOL BE SERVED ON PRIVATE PROPERTY AS PART OF THIS EVENT?** YES NO

6. **WILL YOU NEED ELECTRICITY AND/OR WATER?** YES NO

CITY SERVICES REQUIRED? If needed, please attach a letter indicating all requests for City Services.
(see Attachment B)

None

7. **AN EVENT MAP IS** **IS NOT** attached. If your event will use streets and/or sidewalks (for a parade, run, etc.), or will use multiple locations, please attach a complete map showing the assembly and dispersal locations and the route plan. Also show any streets or parking lots that you are requesting to be blocked off.

8. **EVENT SIGNS:** Will this event include the use of signs? YES NO
If Yes, refer to Policy 12.8 for requirements, and describe the size and location of your proposed signs: **Please complete a sign illustration / description sheet and include with the application.**

Signs or banners approved by the City of Plymouth for Special Events shall be designed and made in an artistic and workman like manner. THE CITY MANAGER MUST APPROVE ALL SIGNS. SIGNS CANNOT BE ERECTED UNTIL APPROVAL IS GIVEN.

Signs and/or Banners may be used during the event only. Please refer to Special Event Policy for information related to the installation of banners on Downtown Street Light Poles in advance of event. NO SIGNS ARE ALLOWED IN THE PARK IN ADVANCE OF THE EVENT.

9. **UNLIMITED PARKING:** Are you requesting the removal of time limits on parking (see Policy 12.5)?

YES NO

If Yes, list the lots or locations where/why this is requested:

11. **INDEMNIFICATION AGREEMENT**

INDEMNIFICATION AGREEMENT

The Temple Beth Emeth (*organization name*) agree(s) to defend, indemnify, and hold harmless the City of Plymouth, Michigan, from any claim, demand, suit, loss, cost of expense, or any damage which may be asserted, claimed or recovered against or from the Hanukkah Celebration (*event name*) by reason of any damage to property, personal injury or bodily injury, including death, sustained by any person whomsoever and which damage, injury or death arises out of or is incident to or in any way connected with the performance of this contract, and regardless of which claim, demand, damage, loss, cost of expense is caused in whole or in part by the negligence of the City of Plymouth or by third parties, or by the agents, servants, employees or factors of any of them.

Signature 

Date 12/6/2024

Witness _____

Date _____

EVENT REVIEW FORM

EVENT NAME: NANUUKAH Candle Lighting Celebration TOTAL ESTIMATED FEE: _____

(Note: All fees are only initial estimates and can increase upon assessment of services after the close of the event).

MUNICIPAL SERVICES:	<input checked="" type="radio"/> Approved	<input type="radio"/> Denied	(list reason for denial)	Initial <u>CP</u>
<u>NO SERVICES NEEDED</u>				
\$250 Bathroom Cleaning Fee Per Day of Event? YES <input type="radio"/> NO <input checked="" type="radio"/>				
Labor Costs: \$	Equipment Costs: \$	Materials Costs	\$	
POLICE:	<input checked="" type="radio"/> Approved	<input type="radio"/> Denied	(list reason for denial)	Initial <u>gpc</u>
<u>NO SERVICES NEEDED</u>				
Labor Costs \$	Equipment Costs \$	Materials Costs	\$	
FIRE:	<input checked="" type="radio"/> Approved	<input type="radio"/> Denied	(list reason for denial)	Initial <u>MS</u>
<u>NO SERVICES NEEDED</u>				
Labor Costs \$	Equipment Costs \$	Materials Costs	\$	
HVA:	<input type="radio"/> Approved	<input type="radio"/> Denied	(list reason for denial)	Initial
<u>NO SERVICES NEEDED</u>				
DDA:	<input checked="" type="radio"/> Approved	<input type="radio"/> Denied	(list reason for denial)	Initial <u>SBP</u>
<u>NO SERVICES NEEDED</u>				
Labor Costs \$	Equipment Costs \$	Materials Costs	\$	
RISK MANAGEMENT:	<input type="radio"/> Approved	<input type="radio"/> Denied	(list reason for denial)	Initial
Class I – Low Hazard	Event Sponsors must provide current Certificate of Insurance naming City			
Class II – Moderate Hazard	of Plymouth as 'Additional Insured' including in the Description Box/Area.			
Class III – High Hazard	Food vendor/service requirements per Special Event Policy, must also be			
Class IV – Severe Hazard	met for any food. <u>Insurance needed 9THU</u>			
SITE FEE APPLIED TO ALL EVENTS IS \$100 PER DAY. TOTAL EVENT SITE FEE \$ _____				
APPROVED _____ NOT APPROVED _____ DATE _____				



Administrative Recommendation

City of Plymouth
201 S. Main
Plymouth, Michigan 48170-1637

www.plymouthmi.gov
Phone 734-453-1234
Fax 734-455-1892

To: Mayor & City Commission
From: Paul J. Sincock, City Manager
CC: S:\Manager\Sincock Files\Memorandum - First Reading of Ordinance Changes for Police Department - 12-16-24.docx
Date: December 6, 2024
RE: First Reading of Ordinance Changes Police Department

Background

From time to time, it is necessary to update our City Ordinances to address changes in State or Federal law or even changes in technology can impact our Ordinances. Police Chief and Director of Public Safety Al Cox has proposed a number of changes to our ordinances. If we had Ordinances on the books that are "dated" it becomes much more difficult to prosecute. Ordinances that conflict with State or Federal law are impossible to enforce and prosecute.

We are proposing changes in 15 sections of our Ordinances and Director Al Cox has provided a very detailed outline of the proposed changes. These changes in our Ordinances will require two readings before the City Commission, the first reading will be tonight, and the second reading will occur on January 6, 2025.

There is a memorandum attached from Police Chief Director of Public Safety Al Cox which further outlines all of the proposed changes.

Recommendation

The City Administration recommends that the City Commission approve the 15 changes in our Ordinances that the Police Department is requesting. Many of these changes are being made to match changes in state law and technology or to make the Ordinance more specific.

We have attached a proposed Resolution for the City Commission to consider regarding this matter. If you have any questions in advance of the meeting, please feel free to contact either Al Cox or myself.

PLYMOUTH POLICE DEPARTMENT MEMORANDUM

TO: PAUL SINCOCK, CITY MANAGER
FROM: A.L. COX, DIRECTOR OF PUBLIC SAFETY *A.L. Cox*
SUBJECT: PROPOSED ORDINANCE AMENDMENTS & ADDITIONS
DATE: 11/15/2024

BACKGROUND

Like policy and procedure, it is important to periodically review and sometimes update City Ordinance language. Changes in State or Federal law, as well as changes in technology, can negatively impact enforcement, and therefore require these language changes. Over the course of the last several months, with the help of the local prosecutor, we have identified the following ordinances that require amendments and/or would simply make prosecution easier when a violation results in a trial or formal hearing:

Sec. 54-76: Public Intoxication- changed to match the language of the MLCC standard for on premise licensee

Sec. 54-78: Trespass at Night- time of the trespass was made more specific

Sec. 54-233: Malicious Use of Service Provided by Telecommunications Service Providers- changed to include more than simply use of a telephone

Sec. 54-276: General Prohibition- removed marijuana from our *Controlled Substances* division

Sec. 54-278: Paraphernalia- expanded the list of controlled substances for which the paraphernalia is intended and removed marijuana from the list

Sec. 54-327: Minors Under 18 Years of Age- changed to reflect State law change defining an adult

Sec. 54-328: Aiding, Abetting Prohibited.- changed to reflect State law change defining an adult

Sec. 54-361: Use or Possession of Tobacco Products by Minors.- changed to reflect State law changes

Sec. 54-362: Sale of Tobacco Products, Vapor Product or Alternative Nicotine Products to Persons Under 21 Years of Age.- changed to reflect State law changes

Sec. 14-14: Running at Large.- remove last sentence regarding Civil Infraction language (see Sec. 14-15)

Sec. 14-15: Offenses by Dogs.- changed to include:

- dogs left unattended or tied up in public

- permits private citizen complainant to sign misdemeanor violation or officer to issue civil infraction

In addition to the above amendments, we would like to add the following Ordinances to our Code of Ordinances:

Sec. 54-9: Violations of State Law.- will allow local enforcement/prosecution all State law misdemeanors (with imprisonment for 93 days or less) and all State civil infractions

Sec. 54-210: Replica or facsimile of firearms.- makes it unlawful to use a fake gun to frighten, threaten, harass, etc.

54-281: Controlled Substances to be kept in Original Package.- self-explanatory

54-329: Spray Paint.- makes it unlawful for a person under 18 years of age to purchase or possess cans of spray paint for an unlawful purpose

RECOMMENDATION

Ordinances with outdated language can be very difficult to prosecute, and ordinances that outright contradict State law changes are impossible to enforce and prosecute. In these situations, officers are left to charge everything under State law. This can become very cumbersome when relying on the County Prosecutor's office for minor charges that are better suited for a local prosecutor that lives in, works in, and better understands our community. For these reasons, I respectfully request that the City Commission review and approve the recommended changes and additions to our Code of Ordinances (attachment). It should be noted that City Attorney, Bob Marzano, has reviewed and approved the language of the requested amendments and additions found within the attachment to this memorandum.

If you have any questions or concerns, please let me know. Thank you for your time and attention.

alc
Attachment

ATTACHMENT

Proposed Ordinance Updates/Additions-December 2024

DELETE:

Sec. 54-76 "No person shall be intoxicated in a public place and either endanger directly the safety of another person or of property; provided, however, that this subsection shall not be construed to apply to a person whose faculties have been impaired by medication prescribed by a physician and taken as directed."

Sec. 54-78 "in the nighttime"

Sec. 54-233 "Threatening by telephone" "No person shall telephone any other person or cause any person to be telephoned for the purpose of harassing or molesting or threatening any person or his family, or their property, whether or not conversation ensues, except for telephone calls made for legitimate business purposes."

Sec. 54-276 "or marijuana (Cannabis Sativa L.)"

Sec. 54-278 "It shall be unlawful for any person to have, possess, sell, offer to sell, dispense or give away any pipe, device or contrivance adapted for the use of smoking or inhaling marijuana (Cannabis Sativa L.), hashish or opium; provided, however, that such pipe, device or contrivance has been used for the purpose of smoking or inhaling marijuana, hashish or opium."

Sec. 54-327 "17", "17"

Sec. 54-328 "17", "17"

Sec. 54-361 "(a) No person under the age of 18 shall purchase, offer or attempt to purchase, have in possession or use any product which is used for the formation of a smoking device, tobacco, tobacco snuff, chewing tobacco or tobacco in any other form.

(b) A person who violates this section is guilty of a misdemeanor, punishable by a fine of not more than \$50.00 for each offense."

Sec. 54-362 "to minors; penalty; affirmative defense." "(a) No person shall sell, furnish, give or deliver any product which is used for the formation of a smoking device, tobacco, tobacco snuff, chewing tobacco or tobacco in any other form, to any person under the age of 18.

(b) A person who violates this section is guilty of a misdemeanor, punishable by a fine of not more than \$50.00 for each offense."

Sec. 14-14 "Violation of this section shall be a civil infraction subject to a fine of not more than \$500.00 plus costs of prosecution."

Sec. 14-15 "It shall be unlawful within the city to:

(a) Harbor or keep any dog, which, by loud and/or frequent or habitual barking, yelping, or howling, shall cause serious annoyance to the neighborhood or to people passing by on the streets of the city;

(b) Harbor or keep any dog which has been deemed to be a dangerous dog as set forth and described within this article, unless the dog is kept in a manner consistent with the requirements of this article.

(c) Permit a dog to run at large as defined within this article.

ATTACHMENT
Proposed Ordinance Updates/Additions-December 2024

(d) Harbor or keep any dog that is not licensed pursuant to the requirements of this article.”

ADD:

Sec. 54-76 “Any person who is visibly intoxicated in a public place or a private place open to the public, or who shall because of intoxication be a threat to the safety of themselves or other persons or property, or is acting in a manner that unreasonably creates a public disturbance shall be guilty of public intoxication which shall be deemed a misdemeanor.”

Sec. 54-78 “during hours of darkness,”

Sec. 54-233 “Malicious Use of Service Provided by Telecommunications Service Providers”

“No person shall use any service provided by a telecommunications service provider with the intent to terrorize, frighten, intimidate, threaten, harass, molest, or annoy another person, or to disturb the peace and quiet of another person by any of the following:

- (a) Threatening physical harm or damage to any person or property in the course of a conversation or message through the use of a telecommunications service or device,
- (b) Falsely and deliberately calling or reporting by message through the use of a telecommunications service or device that a person has been injured, has suddenly taken ill, has suffered death, or has been the victim of a crime or an accident.
- (c) Deliberately refusing or failing to disengage a connection between a telecommunications device and another telecommunications device or between a telecommunications device and other equipment provided for the transmission of messages through the use of a telecommunications service or device.
- (d) Using vulgar, indecent, obscene, or offensive language or suggesting any lewd or lascivious act in the course of a conversation or message through the use of a telecommunications service or device.
- (e) Repeatedly initiating a communication or call without speaking, deliberately hanging up or breaking the telecommunication connections or call after the call is answered.
- (f) Repeatedly initiating a call or telecommunication connections using a telecommunications device so as to disrupt the peace of another.”

Sec. 54-278 “A person shall not possess drug paraphernalia as defined by section 7451 of Public Act No. 368 of 1978 (MCL 333.7451) knowing that the drug paraphernalia will be used to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack,

ATTACHMENT

Proposed Ordinance Updates/Additions-December 2024

store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance as defined by part 71 of Public Act No. 368 of 1978 (MCL 333.7101 et seq.)."

· **Sec. 54-327 "18" "18"**

Sec. 54-328 "18" "18"

Sec. 54-361

(a) "Definitions. As used in this section, the following definitions shall apply:

Chewing tobacco means loose tobacco or a flat, compressed cake of tobacco which is inserted into the mouth to be chewed or sucked.

Minor means an individual who is less than 21 years of age.

Person who sells vapor products or alternative nicotine products at retail means a person whose ordinary course of business consists, in whole or in part, of the retail sale of vapor products or alternative nicotine products.

Person who sells tobacco products at retail means a person whose ordinary course of business consists, in whole or in part, of the retail sale of tobacco products subject to state sales tax.

Public place means a public street, sidewalk, or park or any area open to the general public in a publicly owned or operated building or public place of business.

Tobacco product means a product that contains tobacco and is intended for human consumption, including, but not limited to, a cigarette, non-cigarette smoking tobacco, or smokeless tobacco, as those terms are defined in section 2 of the Tobacco Products Tax Act, 1993 PA 327, MCL 205.422, and a cigar.

Tobacco snuff means shredded, powdered or pulverized tobacco which may be inhaled through the nostrils, chewed or placed against the gums.

Vapor Product or Alternative Nicotine Products means a noncombustible product containing nicotine or not that employs a heating element, power source, electronic circuit, or other electronic, chemical, or mechanical means regardless of shape or size, which can be used to produce vapor from nicotine or not in a solution or other form. Vapor Product includes an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device and a vapor cartridge or other container of nicotine in a solution or other form than is intended to be used with or in an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device. Vapor Product does not include a product regulated as a drug or device by the United States Food and Drug Administration ("FDA") under subchapter V of the Federal Food, Drug, and Cosmetic Act, 21 USC 351 to 360FFF-7.

(b) Possession or use in public place prohibited. A person under 21 years of age shall not possess or smoke cigarettes or cigars, or possess or chew, suck, or inhale chewing tobacco or tobacco snuff, or possess or use tobacco in any other form, or possess or smoke vapor product or alternative nicotine products on a public highway, street, alley, park, or other lands used for public purposes, or in a public place of business or amusement, or present or offer to an individual a purported proof of age that is false, fraudulent, or not actually his or her own proof of age for the purpose of purchasing, attempting to purchase, possessing, or attempting to possess a tobacco product.

ATTACHMENT

Proposed Ordinance Updates/Additions-December 2024

- (c) Penalty. A person who violates subsection (b) of this section shall be responsible for a state civil infraction or misdemeanor, punishable by a fine of not more than \$50.00 for each offense. Pursuant to a probation order, the court may require a person who violates subsection (b) of this section to participate in a health promotion and risk reduction assessment program, if available. A probationer who is ordered to participate in a health promotion and risk reduction assessment program under this section is responsible for the cost of participating in the program. In addition, a person who violates this section is subject to the following:
1. For the first violation the court may order the person to do one of the following:
 - a. Perform not more than 16 hours of community service in a hospice, nursing home or long-term care facility.
 - b. Participate in a health promotion and risk reduction program, as described in this subsection.
 2. For a second violation, in addition to participation in a health promotion and risk reduction program, the court may order the person to perform not more than 32 hours of community service in a hospice, nursing home, or long-term care facility.
 3. For a third or subsequent violation, in addition to participation in a health promotion and risk reduction program, the court may order the person to perform not more than 48 hours of community service in a hospice, nursing home or long-term care facility.
- (d) A person who is ordered to participate in a health promotion and risk reduction assessment program under subsection (c) is responsible for the costs of participating in the program.
- (e) Subsections (b) and (c) do not apply to a minor participating in any of the following:
1. An undercover operation in which the minor purchases or receives a tobacco product, vapor product, or alternative nicotine product under the direction of the minor's employer and with the prior approval of the local prosecutor's office as part of an employer-sponsored internal enforcement action.
 2. An undercover operation in which the minor purchases or receives a tobacco product, vapor product, or alternative nicotine product under the direction of the state police or a local police agency as part of an enforcement action, unless the initial or contemporaneous purchase or receipt of the tobacco product, vapor product, or alternative nicotine product by the minor was not under the direction of the state police or the local police agency and was not part of the undercover operation.
- (f) Compliance checks in which the minor attempts to purchase tobacco products for the purpose of satisfying federal substance abuse block grant youth tobacco access requirements, if the compliance checks are conducted under the direction of a substance use disorder coordinating agency and with the prior approval of the state police or a local police agency.
- (g) This section does not prohibit an individual from being charged with, convicted of, or sentenced for any other violation of law that arises out of the violation of subsection (b) or (c)."

Sec. 54-362 "vapor product or alternative nicotine products to persons under 21 years of age."

- (a) "A person shall not sell, give or furnish any cigarette, cigar, chewing tobacco, tobacco snuff or tobacco in any form or vapor products or alternative nicotine products to a person under 21 years of age including but not limited to, through a vending machine. A person who violates this

ATTACHMENT
Proposed Ordinance Updates/Additions-December 2024

subsection or subsection (h) of this Ordinance is guilty of a misdemeanor punishable by a fine as follows:

1. For a first offense, not more than \$100.00.
2. For a second or subsequent offense, not more than \$500.00.

(b) A person who sells tobacco products, vapor products, or alternative nicotine products at retail shall post a sign as required by section 1 of Public Act No. 31 of 1915 (MCL 722.641), furnished by the state department of public health, that includes the following statement:

The purchase of tobacco products or vapor products or alternative nicotine products by a minor under 21 years of age and the provision of tobacco products or vapor products or alternative nicotine products to a minor are prohibited by law. A minor who unlawfully purchases or uses a tobacco product, vapor product or alternative nicotine product is subject to criminal penalties.

(c) It is an affirmative defense to a charge pursuant to subsection (a) of this section that the defendant had in force at the time of arrest and continues to have in force a written policy to prevent the sale of cigarettes, cigars, chewing tobacco, tobacco snuff, and other tobacco products, vapor products or alternative nicotine products, as applicable, to persons under 21 years of age, and that the defendant enforced and continues to enforce the policy. A defendant which proposes to offer evidence of the affirmative defense described in this subsection shall file and serve notice of the defense, in writing, upon the court and the township attorney. The notice shall be served not less than 14 days before the date set for trial.

(d) A prosecuting attorney who proposes to offer testimony to rebut the affirmative defense described in subsection (c) of this section shall file and serve a notice of rebuttal, in writing, upon the court and the defendant. The notice shall be served not less than seven days before the date set for trial, and shall contain the name and address of each rebuttal witness.

(e) Subsection (a) does not apply to the handling or transportation of a tobacco product, vapor product, or alternative nicotine product by a minor under the terms of the minor's employment.

(f) Before selling, offering for sale, giving, or furnishing a tobacco product, vapor product, or alternative nicotine product to an individual, a person shall verify that the individual is at least 21 years of age by doing one of the following:

1. If the person appears to be under 27 years of age, examining a government-issued photographic identification that establishes that the individual is at least 21 years of age.
2. For sales made by the internet or other remote sales method, performing an age verification through an independent, third-party age verification service that compares information available from a commercially available database, or aggregate of databases, that are regularly used by government agencies and businesses for the purpose of age and identity verification to the personal information entered by the individual during the ordering process that establishes that the individual is 21 years of age or older."

ATTACHMENT
Proposed Ordinance Updates/Additions-December 2024

Sec. 14-15 "It shall be unlawful within the city to:

- (a) Harbor or keep any dog, which, by loud and/or frequent or habitual barking, yelping, or howling, shall cause serious annoyance to the neighborhood;
- (b) Leave any dog unattended or tied up in a public place unattended;
- (c) Harbor or keep any dog which is found to be a dangerous dog as set forth and described within this article, unless the dog is kept in a manner consistent with the requirements of this article;
- (d) Permit a dog to run at large as defined within this article;
- (e) Harbor or keep any dog that is not licensed pursuant to the requirements of this article.

Any officer is authorized to either have a private citizen sign a misdemeanor ticket upon a violation of this article or the officer may issue a civil infraction and have the prosecuting attorney review and authorize said civil infraction consistent with MCL 600.8707."

Sec. 54-9 "Violations of State Law"

- (a) "Every act prohibited by state law as a misdemeanor punishable by not more than 90-, 92-, or 93-days imprisonment is hereby prohibited, and whoever violates a provision of this section within the city shall, upon conviction thereof, be punished by the same penalty provided by state law, except that the penalty shall not exceed a fine of \$500.00 or imprisonment not more than 90 days, or both.
- (b) Every act prohibited by state law as a civil infraction is hereby prohibited and whoever violates the provisions of that section is responsible for a civil infraction punishable as provided in that section of the state law."

Sec. 54-210 "Replica or facsimile of firearm."

- (a) "Definition. "Replica or facsimile of firearm" means any device or object made of plastic, wood, metal or any other material which is a replica, facsimile, imitation or toy version of any firearm including but not limited to, a replica, facsimile or toy version of a pistol, revolver, shotgun, sawed-off shotgun, rifle, machine gun, assault weapon, starter pistol, machine gun, rocket launcher, air gun, BB gun inoperative firearms, or other firearm. As used in this article, "replica or facsimile firearm" shall include, but is not limited to toy guns, theatrical production props models, or any other device or object which might reasonably be perceived to be real firearms.
- (b) Unlawful use of replica or facsimile of firearm
 1. Unlawful display of replica, toy or imitation gun. It shall be unlawful for any person to carry, possess, brandish, aim, point, exhibit or display to any other person a replica or facsimile of a firearm in such a manner as to frighten, threaten, harass, panic or annoy any other person.
 2. Unlawful to carry or possess imitation gun in motor vehicle. It shall be unlawful for any person to carry or possess, whether concealed or displayed, in a motor vehicle in an area of the vehicle accessible to the occupants thereof, a replica or a facsimile of a firearm with intent to brandish, use, aim or point such firearm to frighten, panic, threaten, harass or annoy any other person. Carrying or concealing of any such replica or facsimile firearm

ATTACHMENT

Proposed Ordinance Updates/Additions-December 2024

under or near the driver's seat, glove box or dashboard shall be a prima facie rebuttable inference of such intent.

3. Unlawful to brandish replica or facsimile of firearm in presence of police officer, firefighter or emergency medical technician. No person shall draw, exhibit or brandish a replica or facsimile of a firearm in the presence of a police officer, firefighter, medical emergency technician or paramedic who is engaged in the performance of his duties and the person committing such brandishing knows or has reason to know that such police officer, firefighter, medical emergency technician or paramedic is engaged in the performance of his duties."

Sec. 54-281 "Controlled substances to be kept in original package."

"It shall be unlawful for any person to knowingly possess any controlled substance as defined in MCL § 333.7212, MCL § 333.7214, MCL § 333.7216, MCL § 333.7218 and MCL § 333.7220, and as amended, commonly referred to Schedule 1 through Schedule 5 controlled substances, unless it is kept in the original package or container in which they were received from a person who may lawfully prescribe or dispense controlled substances; provided, that this subsection shall not be construed to apply to any duly licensed medical doctor, osteopathic physician, dentist, veterinarian, or chiroprapist, or to any authorized person acting directly under their supervision or control."

Sec. 54-329 "Spray Paint."

- (a) "For the purposes of this section, the term "spray paint" shall mean any cans or similar containers of paint, varnish, lacquer, stain, pigment or similar solvent or substance commonly used in painting and applied by a spraying method, atomizer or similar technique.
- (b) No person under 18 years of age shall purchase or possess any cans of spray paint, nor shall any person sell or transfer possession of any cans of spray paint to any person under 18 years of age for an unlawful purpose."

Sec. 54-76. - Public intoxication.

~~No person shall be intoxicated in a public place and either endanger directly the safety of another person or of property; provided, however, that this subsection shall not be construed to apply to a person whose faculties have been impaired by medication prescribed by a physician and taken as directed.~~

RESOLUTION

The following Resolution was offered by _____ and seconded by _____

WHEREAS the City of Plymouth has a Code of Ordinances and from time to time it is Necessary to update the Ordinance due to changes in law or technology.

NOW THEREFORE BE IT RESOLVED THAT the City Commission of the City of Plymouth does hereby amend the following sections of City Ordinances at their first reading:

- Section 54-76 – Public Intoxication
- Section 54-78 – Trespass at night
- Section 54-233 – Malicious Use of Service Provided by Telecommunications Service Providers
- Section 54-276 – General Prohibition
- Section 54-278 – Paraphernalia
- Section 54-327 – Minors under 18 Years of Age
- Section 54-328 – Aiding, Abetting Prohibited
- Section 54-361 – Use or Possession of Tobacco Products by Minors
- Section 54-362 – Sale of Tobacco Products, Vapor Product or Alternative Nicotine Products to Persons Under 21 Years of Age
- Section 14-14 – Running at Large
- Section 14-15 – Offenses by Dogs

BE IT FURTHER RESOLVED THAT The City Commission adds the following sections to the Code of Ordinances at their First Reading.

- Section 54-9 – Violations of State Law
- Section 54-209 – Replica or facsimile of firearms
- Section 54-281 – Controlled substances to be kept in original package
- Section 54-329 – Spray Paint

ATTACHMENT

Proposed Ordinance Updates/Additions-December 2024

54-76

Any person who is visibly intoxicated in a public place or a private place open to the public, or who shall because of intoxication be a threat to the safety of themselves or other persons or property, or is acting in a manner that unreasonably creates a public disturbance shall be guilty of public intoxication which shall be deemed a misdemeanor.

(Ord. No. 92-4, § 3(9.122(19)), 2-18-92)

Sec. 54-78. - Trespass at night.

No person shall knowingly prowl about premises owned or leased by another ~~in the nighttime~~, during hours of darkness, without the express or implied consent of that person.

(Ord. No. 92-4, § 3(9.122(38)), 2-18-92)

Sec. 54-233. - ~~Threatening by telephone.~~ Malicious Use of Service Provided by Telecommunications Service Providers

~~No person shall telephone any other person or cause any person to be telephoned for the purpose of harassing or molesting or threatening any person or his family, or their property, whether or not conversation ensues, except for telephone calls made for legitimate business purposes.~~

No person shall use any service provided by a telecommunications service provider with the intent to terrorize, frighten, intimidate, threaten, harass, molest, or annoy another person, or to disturb the peace and quiet of another person by any of the following:

- (g) Threatening physical harm or damage to any person or property in the course of a conversation or message through the use of a telecommunications service or device,
- (h) Falsely and deliberately calling or reporting by message through the use of a telecommunications service or device that a person has been injured, has suddenly taken ill, has suffered death, or has been the victim of a crime or an accident.
- (i) Deliberately refusing or failing to disengage a connection between a telecommunications device and another telecommunications device or between a telecommunications device and other equipment provided for the transmission of messages through the use of a telecommunications service or device.
- (j) Using vulgar, indecent, obscene, or offensive language or suggesting any lewd or lascivious act in the course of a conversation or message through the use of a telecommunications service or device.
- (k) Repeatedly initiating a communication or call without speaking, deliberately hanging up or breaking the telecommunication connections or call after the call is answered.

ATTACHMENT
Proposed Ordinance Updates/Additions-December 2024

- (l) Repeatedly initiating a call or telecommunication connections using a telecommunications device so as to disrupt the peace of another.

(Ord. No. 92-4, § 3(9.122(4)), 2-18-92; Ord. No. 2006-06, § 1, 12-18-06)

Sec. 54-276. - General prohibition.

It is unlawful for any person to use, or knowingly or intentionally to possess, lysergic acid diethylamide, peyote, mescaline, dimethyltryptamine, psilocyn or marijuana (~~Cannabis Sativa L.~~) or such other substances as defined in Schedules 1-5 of Act No. 368 of the Public Acts of Michigan of 1978 (MCL 333.1101 et seq., MSA 14.15(1101) et seq.), as amended, of the state, unless the substance was obtained directly from, or pursuant to, a valid prescription or order of a practitioner, ('practitioner' being defined as in MCL 333.7109, MSA 14.15(7109), while acting in the course of his professional practice, or except as otherwise authorized by this section.

(Code 1982, § 9.361)

Sec. 54-278. - Paraphernalia.

~~It shall be unlawful for any person to have, possess, sell, offer to sell, dispense or give away any pipe, device or contrivance adapted for the use of smoking or inhaling marijuana (Cannabis Sativa L.), hashish or opium; provided, however, that such pipe, device or contrivance has been used for the purpose of smoking or inhaling marijuana, hashish or opium.~~

A person shall not possess drug paraphernalia as defined by section 7451 of Public Act No. 368 of 1978 (MCL 333.7451) knowing that the drug paraphernalia will be used to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance as defined by part 71 of Public Act No. 368 of 1978 (MCL 333.7101 et seq.).

(Code 1982, § 9.363)

Sec. 54-327. - Minors under ~~17~~ 18 years of age.

No person under the age of ~~17~~ 18 years shall loiter, idle or congregate in or on any public street, highway, alley or park between the hours of 12:00 midnight and 6:00 a.m., except where the minor is accompanied by a parent or guardian, or some adult over the age of 18 years delegated by the parent or guardian to accompany the minor child, or where the minor is upon an errand or other legitimate business directed by his parent or guardian.

(Code 1982, § 9.342)

ATTACHMENT
Proposed Ordinance Updates/Additions-December 2024

Sec. 54-328. - Aiding, abetting prohibited.

No person of the age of ~~17~~ 18 years or over shall assist, aid, abet, allow, permit or encourage any person under the age of ~~17~~ 18 years to violate the provisions of this division.

(Code 1982, § 9.343)

Sec. 54-361. - Use or possession of tobacco products by minors.

~~(a) No person under the age of 18 shall purchase, offer or attempt to purchase, have in possession or use any product which is used for the formation of a smoking device, tobacco, tobacco snuff, chewing tobacco or tobacco in any other form.~~

~~(b) A person who violates this section is guilty of a misdemeanor, punishable by a fine of not more than \$50.00 for each offense.~~

(h) Definitions. As used in this section, the following definitions shall apply:

Chewing tobacco means loose tobacco or a flat, compressed cake of tobacco which is inserted into the mouth to be chewed or sucked.

Minor means an individual who is less than 21 years of age.

Person who sells vapor products or alternative nicotine products at retail means a person whose ordinary course of business consists, in whole or in part, of the retail sale of vapor products or alternative nicotine products.

Person who sells tobacco products at retail means a person whose ordinary course of business consists, in whole or in part, of the retail sale of tobacco products subject to state sales tax.

Public place means a public street, sidewalk, or park or any area open to the general public in a publicly owned or operated building or public place of business.

Tobacco product means a product that contains tobacco and is intended for human consumption, including, but not limited to, a cigarette, non-cigarette smoking tobacco, or smokeless tobacco, as those terms are defined in section 2 of the Tobacco Products Tax Act, 1993 PA 327, MCL 205.422, and a cigar.

Tobacco snuff means shredded, powdered or pulverized tobacco which may be inhaled through the nostrils, chewed or placed against the gums.

Vapor Product or Alternative Nicotine Products means a noncombustible product containing nicotine or not that employs a heating element, power source, electronic circuit, or other electronic, chemical, or mechanical means regardless of shape or size, which can be used to produce vapor from nicotine or not in a solution or other form. Vapor Product includes an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device and a vapor cartridge or other container of nicotine in a solution or other form than is intended to be used with or in an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device. Vapor Product does not include a product regulated as a drug or device by the United States Food and Drug Administration ("FDA") under subchapter V of the Federal Food, Drug, and Cosmetic Act, 21 USC 351 to 360FFF-7.

ATTACHMENT

Proposed Ordinance Updates/Additions-December 2024

- (i) Possession or use in public place prohibited. A person under 21 years of age shall not possess or smoke cigarettes or cigars, or possess or chew, suck, or inhale chewing tobacco or tobacco snuff, or possess or use tobacco in any other form, or possess or smoke vapor product or alternative nicotine products on a public highway, street, alley, park, or other lands used for public purposes, or in a public place of business or amusement, or present or offer to an individual a purported proof of age that is false, fraudulent, or not actually his or her own proof of age for the purpose of purchasing, attempting to purchase, possessing, or attempting to possess a tobacco product.
- (j) Penalty. A person who violates subsection (b) of this section shall be responsible for a state civil infraction or misdemeanor, punishable by a fine of not more than \$50.00 for each offense. Pursuant to a probation order, the court may require a person who violates subsection (b) of this section to participate in a health promotion and risk reduction assessment program, if available. A probationer who is ordered to participate in a health promotion and risk reduction assessment program under this section is responsible for the cost of participating in the program. In addition, a person who violates this section is subject to the following:
 - 1. For the first violation the court may order the person to do one of the following:
 - a. Perform not more than 16 hours of community service in a hospice, nursing home or long-term care facility.
 - b. Participate in a health promotion and risk reduction program, as described in this subsection.
 - 2. For a second violation, in addition to participation in a health promotion and risk reduction program, the court may order the person to perform not more than 32 hours of community service in a hospice, nursing home, or long-term care facility.
 - 3. For a third or subsequent violation, in addition to participation in a health promotion and risk reduction program, the court may order the person to perform not more than 48 hours of community service in a hospice, nursing home or long-term care facility.
- (k) A person who is ordered to participate in a health promotion and risk reduction assessment program under subsection (c) is responsible for the costs of participating in the program.
- (l) Subsections (b) and (c) do not apply to a minor participating in any of the following:
 - 1. An undercover operation in which the minor purchases or receives a tobacco product, vapor product, or alternative nicotine product under the direction of the minor's employer and with the prior approval of the local prosecutor's office as part of an employer-sponsored internal enforcement action.
 - 2. An undercover operation in which the minor purchases or receives a tobacco product, vapor product, or alternative nicotine product under the direction of the state police or a local police agency as part of an enforcement action, unless the initial or contemporaneous purchase or receipt of the tobacco product, vapor product, or alternative nicotine product by the minor was not under the direction of the state police or the local police agency and was not part of the undercover operation.
- (m) Compliance checks in which the minor attempts to purchase tobacco products for the purpose of satisfying federal substance abuse block grant youth tobacco access requirements, if the compliance checks are conducted under the direction of a substance use disorder coordinating agency and with the prior approval of the state police or a local police agency.

ATTACHMENT
Proposed Ordinance Updates/Additions-December 2024

(n) This section does not prohibit an individual from being charged with, convicted of, or sentenced for any other violation of law that arises out of the violation of subsection (b) or (c).

(Ord. No. 98-4, 9-3-98)

Sec. 54-362. - Sale of tobacco products, ~~to minors; penalty; affirmative defense.~~ **vapor product or alternative nicotine products to persons under 21 years of age.**

~~(a) No person shall sell, furnish, give or deliver any product which is used for the formation of a smoking device, tobacco, tobacco snuff, chewing tobacco or tobacco in any other form, to any person under the age of 18.~~

~~(b) A person who violates this section is guilty of a misdemeanor, punishable by a fine of not more than \$50.00 for each offense.~~

(g) A person shall not sell, give or furnish any cigarette, cigar, chewing tobacco, tobacco snuff or tobacco in any form or vapor products or alternative nicotine products to a person under 21 years of age including but not limited to, through a vending machine. A person who violates this subsection or subsection (h) of this Ordinance is guilty of a misdemeanor punishable by a fine as follows:

1. For a first offense, not more than \$100.00.
2. For a second or subsequent offense, not more than \$500.00.

(h) A person who sells tobacco products, vapor products, or alternative nicotine products at retail shall post a sign as required by section 1 of Public Act No. 31 of 1915 (MCL 722.641), furnished by the state department of public health, that includes the following statement:

The purchase of tobacco products or vapor products or alternative nicotine products by a minor under 21 years of age and the provision of tobacco products or vapor products or alternative nicotine products to a minor are prohibited by law. A minor who unlawfully purchases or uses a tobacco product, vapor product or alternative nicotine product is subject to criminal penalties.

(i) It is an affirmative defense to a charge pursuant to subsection (a) of this section that the defendant had in force at the time of arrest and continues to have in force a written policy to prevent the sale of cigarettes, cigars, chewing tobacco, tobacco snuff, and other tobacco products, vapor products or alternative nicotine products, as applicable, to persons under 21 years of age, and that the defendant enforced and continues to enforce the policy. A defendant which proposes to offer evidence of the affirmative defense described in this subsection shall file and serve notice of the defense, in writing, upon the court and the township attorney. The notice shall be served not less than 14 days before the date set for trial.

ATTACHMENT

Proposed Ordinance Updates/Additions-December 2024

- (j) A prosecuting attorney who proposes to offer testimony to rebut the affirmative defense described in subsection (c) of this section shall file and serve a notice of rebuttal, in writing, upon the court and the defendant. The notice shall be served not less than seven days before the date set for trial, and shall contain the name and address of each rebuttal witness.
- (k) Subsection (a) does not apply to the handling or transportation of a tobacco product, vapor product, or alternative nicotine product by a minor under the terms of the minor's employment.
- (l) Before selling, offering for sale, giving, or furnishing a tobacco product, vapor product, or alternative nicotine product to an individual, a person shall verify that the individual is at least 21 years of age by doing one of the following:
 1. If the person appears to be under 27 years of age, examining a government-issued photographic identification that establishes that the individual is at least 21 years of age.
 2. For sales made by the internet or other remote sales method, performing an age verification through an independent, third-party age verification service that compares information available from a commercially available database, or aggregate of databases, that are regularly used by government agencies and businesses for the purpose of age and identity verification to the personal information entered by the individual during the ordering process that establishes that the individual is 21 years of age or older.

(Ord. No. 98-4, 9-3-98)

Sec. 14-14. - Running at large.

No person owning, possessing, or harboring any dog shall allow such dog to run at large at any time. The chief of police or any authorized representative of the police department may destroy any stray dog, any apparent dangerous dog, or any dog not held by a leash found in any street, alley, commons, public space within the city, open space within the city, or in any persons yard other than that of the owner of the dog. The chief of police or any authorized representative of the police department should first make a reasonable effort to catch and impound any dog in violation of this section before destroying said dog unless doing so would place the police officer and/or the public in any apparent danger. ~~Violation of this section shall be a civil infraction subject to a fine of not more than \$500.00 plus costs of prosecution.~~

(Ord. No. 2008-02, 4-7-08; [Ord. No. 16-07, 9-6-16](#))

Sec. 14-15. - Offenses by dogs.

~~It shall be unlawful within the city to:~~

- ~~(b) Harbor or keep any dog, which, by loud and/or frequent or habitual barking, yelping, or howling, shall cause serious annoyance to the neighborhood or to people passing by on the streets of the city;~~

ATTACHMENT
Proposed Ordinance Updates/Additions-December 2024

~~(b) Harbor or keep any dog which has been deemed to be a dangerous dog as set forth and described within this article, unless the dog is kept in a manner consistent with the requirements of this article.~~

~~(c) Permit a dog to run at large as defined within this article.~~

~~(d) Harbor or keep any dog that is not licensed pursuant to the requirements of this article.~~

It shall be unlawful within the city to:

- (f) Harbor or keep any dog, which, by loud and/or frequent or habitual barking, yelping, or howling, shall cause serious annoyance to the neighborhood;
- (g) Leave any dog unattended or tied up in a public place unattended;
- (h) Harbor or keep any dog which is found to be a dangerous dog as set forth and described within this article, unless the dog is kept in a manner consistent with the requirements of this article;
- (i) Permit a dog to run at large as defined within this article;
- (j) Harbor or keep any dog that is not licensed pursuant to the requirements of this article.

Any officer is authorized to either have a private citizen sign a misdemeanor ticket upon a violation of this article or the officer may issue a civil infraction and have the prosecuting attorney review and authorize said civil infraction consistent with MCL 600.8707.

(Ord. No. 2008-02, 4-7-08)

Sec. 54-9. – Violations of State Law

- (a) Every act prohibited by state law as a misdemeanor punishable by not more than 90-, 92-, or 93-days imprisonment is hereby prohibited, and whoever violates a provision of this section within the city shall, upon conviction thereof, be punished by the same penalty provided by state law, except that the penalty shall not exceed a fine of \$500.00 or imprisonment not more than 90 days, or both.
- (b) Every act prohibited by state law as a civil infraction is hereby prohibited and whoever violates the provisions of that section is responsible for a civil infraction punishable as provided in that section of the state law.

Sec. 54-210. - Replica or facsimile of firearm.

- (c) Definition. "Replica or facsimile of firearm" means any device or object made of plastic, wood, metal or any other material which is a replica, facsimile, imitation or toy version of any firearm including but not limited to, a replica, facsimile or toy version of a pistol, revolver, shotgun, sawed-off shotgun, rifle, machine gun, assault weapon, starter pistol, machine gun, rocket launcher, air gun, BB gun inoperative firearms, or other firearm. As used in this article, "replica or facsimile firearm" shall include, but is not limited to toy guns, theatrical production props models, or any other device or object which might reasonably be perceived to be real firearms.
- (d) Unlawful use of replica or facsimile of firearm

ATTACHMENT

Proposed Ordinance Updates/Additions-December 2024

1. Unlawful display of replica, toy or imitation gun. It shall be unlawful for any person to carry, possess, brandish, aim, point, exhibit or display to any other person a replica or facsimile of a firearm in such a manner as to frighten, threaten, harass, panic or annoy any other person.
2. Unlawful to carry or possess imitation gun in motor vehicle. It shall be unlawful for any person to carry or possess, whether concealed or displayed, in a motor vehicle in an area of the vehicle accessible to the occupants thereof, a replica or a facsimile of a firearm with intent to brandish, use, aim or point such firearm to frighten, panic, threaten, harass or annoy any other person. Carrying or concealing of any such replica or facsimile firearm under or near the driver's seat, glove box or dashboard shall be a prima facie rebuttable inference of such intent.
3. Unlawful to brandish replica or facsimile of firearm in presence of police officer, firefighter or emergency medical technician. No person shall draw, exhibit or brandish a replica or facsimile of a firearm in the presence of a police officer, firefighter, medical emergency technician or paramedic who is engaged in the performance of his duties and the person committing such brandishing knows or has reason to know that such police officer, firefighter, medical emergency technician or paramedic is engaged in the performance of his duties.

Sec. 54-281. – Controlled substances to be kept in original package.

It shall be unlawful for any person to knowingly possess any controlled substance as defined in MCL § 333.7212, MCL § 333.7214, MCL § 333.7216, MCL § 333.7218 and MCL § 333.7220, and as amended, commonly referred to Schedule 1 through Schedule 5 controlled substances, unless it is kept in the original package or container in which they were received from a person who may lawfully prescribe or dispense controlled substances; provided, that this subsection shall not be construed to apply to any duly licensed medical doctor, osteopathic physician, dentist, veterinarian, or chiroprapist, or to any authorized person acting directly under their supervision or control.

Sec. 54-329. – Spray Paint.

- (c) For the purposes of this section, the term "spray paint" shall mean any cans or similar containers of paint, varnish, lacquer, stain, pigment or similar solvent or substance commonly used in painting and applied by a spraying method, atomizer or similar technique.
- (d) No person under 18 years of age shall purchase or possess any cans of spray paint, nor shall any person sell or transfer possession of any cans of spray paint to any person under 18 years of age for an unlawful purpose.



Administrative Recommendation

City of Plymouth
201 S. Main
Plymouth, Michigan 48170-1637

www.plymouthmi.gov
Phone 734-453-1234
Fax 734-455-1892

To: Mayor & City Commission
From: Paul J. Sincock, City Manager
CC: S:\Manager\Sincock Files\Memorandum - Police Department Training Authorization MLETA - 12-16-24.docx
Date: December 6, 2024
RE: Police Training Contract Authorization

Background

On-going police training is one element of our "three-legged stool" policy, training, and supervision that is critical to ensuring that our Department is within current standards and constitutional law. The Michigan Commission on Law Enforcement Standards (MCOLES) has implemented additional training standards for Police Officers who are currently working. These new standards would be in addition to all of the other required on-going training that is already scheduled for our officers.

The police chief would like to join with other area departments to engage Michigan Law Enforcement Training Associates (MLETA). Currently META is working with Canton, Northville Township, Van Buren Township and the City of Livonia. The cost for this service is \$9,800 and it would be covered within the current budget of the Police Department.

We have attached a memorandum from Chief Al Cox which provides further background information on this subject matter.

Recommendation

The City Administration recommends that the City Commission authorize a contract with Michigan Law Enforcement Training Associates to help meet the new training requirements for police officers that is being required by MCOLES. The funding for this purchase will be within the Police Department's budget allocation.

We have attached a proposed Resolution for the City Commission to consider and if you have any questions regarding this matter, please feel free to contact Al Cox or myself.

PLYMOUTH POLICE DEPARTMENT MEMORANDUM

TO: PAUL SINCOCK, CITY MANAGER
FROM: A.L. COX, DIRECTOR OF PUBLIC SAFETY *A.L. Cox*
SUBJECT: CONSTITUTIONAL POLICING & TRAINING PROGRAM
DATE: 11/26/2024

BACKGROUND

Earlier this year, the Michigan Commission on Law Enforcement Standards (MCOLES) implemented a new in-service training requirement referred to as Continuing Professional Education (CPE). While MCOLES has always encouraged and supported in-service police training in multiple areas of instruction, historically, the only mandatory MCOLES training was the Active-Duty Firearm Standard. Effective this past June, the CPE program was introduced that required 12 hours of instruction in various disciplines to be completed no later than December 31, 2024. Four hours were Commission designated and eight hours were agency selected within specific training categories. In 2025 and 2026, this ratio will evolve to 8:16. It should be noted that this is in addition to much of our regular annual training required by risk management or other State and Federal law.

In order to comply, we have taken many steps to ensure that we meet the requirements in the most efficient and cost-effective manner. Leveraging our current partnerships that are able to provide the required training is one example of this effort. In that vein, we would like to enter into a new partnership with Michigan Law Enforcement Training Associates, LLC (MLETA). Attorney Brett Naumcheff of this organization would not only provide instruction in many of the required topic areas going forward, but would also be an in-house resource for anything considered use of force, legal updates, and policy, practice, or custom advisement. Additionally, he would provide recommendations to the Chief regarding emerging Constitutional Policing and risk management issues. Several agencies across the State have partnered with MLETA, including Canton, Northville Twp, Van Buren Twp, and Livonia. I have spoken with the leadership of these departments and they've all remarked on the positive benefit it's had on their programs. MLETA provided a quote for the above-described services at an annual cost of \$9800.00.

RECOMMENDATION

While, MLETA would provide significant assistance in ensuring that we meet a large number of our annual CPE requirements, the biggest benefit our officers would receive is having regular in-person legal updates in a framework of a Constitutional and holistic based policing model. This model ensures that officers are taught the legal analysis and not just the correct answer. By gaining this understanding, officers will have the confidence to apply the appropriate standards in the proper way. It should also be noted that City Attorney, Bob Marzano, has reviewed the framework of MLETA's proposal and finds it acceptable.

For all of the benefits this partnership would provide, I respectfully request that the City Commission authorize the purchase of services from Michigan Law Enforcement Training Associates, LLC at an annual cost of \$9800.00. This is a sole source provider, and the budget will support this expenditure.

If you have any questions or concerns, please let me know. Thank you for your time and attention in this matter.

R E S O L U T I O N

The following Resolution was offered by _____ and seconded by

WHEREAS The City of Plymouth maintains a police department in
Accordance with the City Charter to help protect the
Public health, safety and welfare, and

WHEREAS There is a need for on-going training of our police officers
There are certain standards established by the Michigan
Commission on Law Enforcement (MCOLES), and

WHEREAS The Police Chief has recommended that the City join with
Other municipalities to engage in a partnership with the
Michigan Law Enforcement Training Associates (MLETA).

NOW THEREFORE BE IT RESOLVED THAT the City Commission of the
City of Plymouth does hereby authorize a contract with MLETA in the
amount of \$9,800.00 to help meet the new training requirements of
MCOLES. Funding for this purchase is authorized from the Police
Department Budget.



Administrative Recommendation

City of Plymouth
201 S. Main
Plymouth, Michigan 48170-1637

www.plymouthmi.gov
Phone 734-453-1234
Fax 734-455-1892

To: Mayor & City Commission
From: Paul J. Sincock, City Manager
CC: *S:\Manager\Sincock Files\Memorandum - Annual State Highway Permit - 2025 - 12-16-24.docx*
Date: December 6, 2024
RE: Annual State Highway Permit – 2025

Background

Recently, the City Commission approved the annual permits for County roads and rights of way that allows the city to do maintenance and repairs to utilities in those areas. We must also obtain an annual permit to work in the State right of way.

The City is required to file a new permit for operations within the right of way of the State Trunkline Road, namely Ann Arbor Road. The City has water mains and sanitary sewers located in the right of way of Ann Arbor Road and our routine and emergency maintenance of those facilities requires that we obtain a permit to complete the work. This is an annual permit process.

The State of Michigan requires that we have a City Commission Resolution designating the persons authorized to make application to the State for a permit. For the past several years, this has been the City Manager, Municipal Services Supervisors and the Director of Public Safety.

RECOMMENDATION:

The City Administration recommends that the City Commission authorize the City Manager, Municipal Services Supervisors, and the Director of Public Safety to sign the Application and Permit for operations within state trunkline right of way. This will allow the Administration to process the documentation with the State of Michigan.

We have attached a State of Michigan proposed Resolution for the City Commission to consider regarding this matter and information from the State of Michigan. Should you have any questions in advance of the meeting please feel free to contact me.



Department of Municipal Services

1231 Goldsmith Plymouth, MI 48170 734-453-7737 phone 734-455-1666 fax

Date: December 3, 2024
To: Paul Sincock, City Manager
From: Chris S. Porman, Assistant City Manager/Director of Municipal Services
Re: 2025 Annual State Highway Permit

Background:

Each year, the City of Plymouth must file a new permit for operations within the State Trunkline Right of Way (Ann Arbor Road), per Michigan Department of Transportation (MDOT). The City has water mains and sanitary sewers located within the right of way along Ann Arbor Road and any routine or emergency repairs require we have a permit on file.

MDOT requires, as part of the process, that we pass a resolution designating the individuals authorized to make application to the State for a permit. For the past several years, this has been DMS Supervisors and the Director of Public Safety.

The City Commission will need to authorize the DMS Supervisors and/or Director of Public Safety to sign the application and permit for operations within the State trunkline right of way. This will allow us to process the permit documentation with the State of Michigan.

I have enclosed a State of Michigan proposed Resolution for consideration. This is the same resolution that the Commission has passed in previous years for this permit. Should you have any questions, please feel free to contact me.

Website: www.plymouthmi.gov

email: dms@plymouthmi.gov

PERFORMANCE RESOLUTION FOR MUNICIPALITIES

This Performance Resolution (Resolution) is required by the Michigan Department of Transportation for purposes of issuing to a Municipality an "Individual Permit for Use of State Highway Right of Way", and/or an "Annual Application and Permit for Miscellaneous Operations within State Highway Right of Way".

RESOLVED WHEREAS, the _____
(County, City, Village, Township, etc.)

hereinafter referred to as the "MUNICIPALITY," periodically applies to the Michigan Department of Transportation, hereinafter referred to as the "DEPARTMENT," for permits, referred to as "PERMIT," to construct, operate, use and/or maintain utilities or other facilities, or to conduct other activities, on, over, and under State Highway Right of Way at various locations within and adjacent to its corporate limits;

NOW THEREFORE, in consideration of the DEPARTMENT granting such PERMIT, the MUNICIPALITY agrees that:

1. Each party to this *Resolution* shall remain responsible for any claims arising out of their own acts and/or omissions during the performance of this *Resolution*, as provided by law. This *Resolution* is not intended to increase either party's liability for, or immunity from, tort claims, nor shall it be interpreted, as giving either party hereto a right of indemnification, either by Agreement or at law, for claims arising out of the performance of this Agreement.
2. If any of the work performed for the MUNICIPALITY is performed by a contractor, the MUNICIPALITY shall require its contractor to hold harmless, indemnify and defend in litigation, the State of Michigan, the DEPARTMENT and their agents and employee's, against any claims for damages to public or private property and for injuries to person arising out of the performance of the work, except for claims that result from the sole negligence or willful acts of the DEPARTMENT, until the contractor achieves final acceptance of the MUNICIPALITY Failure of the MUNICIPALITY to require its contractor to indemnify the DEPARTMENT, as set forth above, shall be considered a breach of its duties to the DEPARTMENT.
3. Any work performed for the MUNICIPALITY by a contractor or subcontractor will be solely as a contractor for the MUNICIPALITY and not as a contractor or agent of the DEPARTMENT. The DEPARTMENT shall not be subject to any obligations or liabilities by vendors and contractors of the MUNICIPALITY, or their subcontractors or any other person not a party to the PERMIT without the DEPARTMENT'S specific prior written consent and notwithstanding the issuance of the PERMIT. Any claims by any contractor or subcontractor will be the sole responsibility of the MUNICIPALITY.
4. The MUNICIPALITY shall take no unlawful action or conduct, which arises either directly or indirectly out of its obligations, responsibilities, and duties under the PERMIT which results in claims being asserted against or judgment being imposed against the State of Michigan, the Michigan Transportation Commission, the DEPARTMENT, and all officers, agents and employees thereof and those contracting governmental bodies performing permit activities for the DEPARTMENT and all officers, agents, and employees thereof, pursuant to a maintenance contract. In the event that the same occurs, for the purposes of the PERMIT, it will be considered as a breach of the PERMIT thereby giving the State of Michigan, the DEPARTMENT, and/or the Michigan Transportation Commission a right to seek and obtain any necessary relief or remedy, including, but not by way of limitation, a judgment for money damages.
5. The MUNICIPALITY will, by its own volition and/or request by the DEPARTMENT, promptly restore and/or correct physical or operating damages to any State Highway Right of Way resulting from the installation construction, operation and/or maintenance of the MUNICIPALITY'S facilities according to a PERMIT issued by the DEPARTMENT.

- 6. With respect to any activities authorized by a PERMIT, when the MUNICIPALITY requires insurance on its own or its contractor's behalf it shall also require that such policy include as named insured the State of Michigan, the Transportation Commission, the DEPARTMENT, and all officers, agents, and employees thereof and those governmental bodies performing permit activities for the DEPARTMENT and all officers, agents, and employees thereof, pursuant to a maintenance contract.
- 7. The incorporation by the DEPARTMENT of this *Resolution* as part of a PERMIT does not prevent the DEPARTMENT from requiring additional performance security or insurance before issuance of a PERMIT.
- 8. This *Resolution* shall continue in force from this date until cancelled by the MUNICIPALITY or the DEPARTMENT with no less than thirty (30) days prior written notice provided to the other party. It will not be cancelled or otherwise terminated by the MUNICIPALITY with regard to any PERMIT which has already been issued or activity which has already been undertaken.

BE IT FURTHER RESOLVED that the following position(s) are authorized to apply to the DEPARTMENT for the necessary permit to work within State Highway Right of Way on behalf of the MUNICIPALITY.

<u>Title and/or Name:</u>	Chris Porman	and/or	Director of Municipal Services	
	Nick Johns	and/or	Operations Foreman	
	Adam Gerlach	and/or	Assistant Director Municipal Services	
	Al Cox	and/or	Director of Public Safety	
	Paul Sincock	and/or	City Manager	

I HEREBY CERTIFY that the foregoing is a true copy of a resolution adopted by

the _____
(Name of Board, etc.)

of the _____ of _____
(Name of MUNICIPALITY) (County)

at a _____ meeting held on the _____ day

of _____ A.D. _____

Signed

Title

Print Signed Name

Administrative Reports and Correspondence

No Action Required

To: Mayor & City Commission
CC: S:\Manager\Sincock Files\Memorandum - Pension and OPEB Reports Public Act 202 of 2017 - 12-16-24.doc
From: Paul J. Sincock -City Manager
Date: 12/9/2024
Re: Required Receiving and Posting Pension/OPEB Reports

The Michigan Legislature passed Public Act 202 of 2017. This action is related to municipal pension and OPEB costs. As a part of this law the City Administration is required to present to the City Commission our Pension and OPEB Reports on form 5572. This same information has already been reported to the City Commission through our most recent actuarial and audit reports. This is mainly a re-reporting of some of the same information that is in our annual audit, which was filed with the state by our auditor.

We are putting this on the Agenda as a Reports and Correspondence because NO ACTION by the City Commission is required. We just have to be able to prove that the Commission was presented this information. By putting it on the agenda packet the Commission will receive the information both in hard copy format with the agenda and electronically through the City's Agenda Center email.

Again, no action by the City Commission is required and both reports are attached along with a memorandum from Finance Director John Scanlon. Should you have any questions in advance of the meeting please feel free to contact either John or myself.

NO ACTION REQUIRED



CITY OF PLYMOUTH

www.plymouthmi.gov

201 S. Main
Plymouth, Michigan 48170-1637

Phone 734-453-1234
Fax 734-455-1892

MEMORANDUM

Date: December 9, 2024
To: Paul Sincock, City Manager
From: John Scanlon, Finance Director
Subject: Pension/OPEB Report

Issue: Pension/OPEB Report

Analysis: As required by Public Act 202 of 2017, the City of Plymouth must file a 2024 Pension and OPEB Status Report (Form 5572) with the Department of Treasury. The attached report provides an overview of the current funding status of these two plans, based on the City's most recent actuarial and audit reports. The attached data does not indicate a preliminary underfunded status. The Department of Treasury now has 45 days to review and confirm the report's findings.

Requested Action: Review. No action is required.

Attachment(s): Public Act 202 Pension/OPEB report

The Protecting Local Government Retirement and Benefits Act (PA 202 of 2017) & Public Act 530 of 2016 Pension Report

Enter Local Government Name	City of Plymouth	Instructions: For a list of detailed instructions on how to complete and submit this form, visit michigan.gov/LocalRetirementReporting .
Enter Six-Digit Municode	822220	
Unit Type	City	
Fiscal Year End Month	June	
Fiscal Year (four-digit year only, e.g. 2019)	2024	
Contact Name (Chief Administrative Officer)	John F. Scanlon	Questions: For questions, please email LocalRetirementReporting@michigan.gov . Return this original Excel file. Do not submit a scanned image or PDF.
Title if not CAO	Finance Director / Treasurer	
CAO (or designee) Email Address	jscanlon@plymouthmi.gov	
Contact Telephone Number	(734) 453-1234	
Pension System Name (not division) 1	Plymouth, City of	If your pension system is separated by divisions, you would only enter one system. For example, one could have different divisions of the same system for union and non-union employees. However, these would be only one system and should be reported as such on this form.
Pension System Name (not division) 2		
Pension System Name (not division) 3		
Pension System Name (not division) 4		
Pension System Name (not division) 5		

Line	Descriptive Information	Source of Data	System 1	System 2	System 3	System 4	System 5
1	Is this unit a primary government (County, Township, City, Village)?	Calculated	YES	YES	YES	YES	YES
2	Provide the name of your retirement pension system	Calculated from above	Plymouth, City of				
3	Financial Information						
4	Enter retirement pension system's assets (system fiduciary net position ending)	Most Recent Audit Report	10,636,099				
5	Enter retirement pension system's liabilities (total pension liability ending)	Most Recent Audit Report	14,941,942				
6	Funded ratio	Calculated	71.2%				
7	Actuarially Determined Contribution (ADC)	Most Recent Audit Report	1,269,276				
8	Governmental Fund Revenues	Most Recent Audit Report	17,793,450				
9	All systems combined ADC/Governmental fund revenues	Calculated	7.1%				
10	Membership						
11	Indicate number of active members	Actuarial Funding Valuation used in Most Recent Audit Report	-				
12	Indicate number of inactive members	Actuarial Funding Valuation used in Most Recent Audit Report	3				
13	Indicate number of retirees and beneficiaries	Actuarial Funding Valuation used in Most Recent Audit Report	49				
14	Investment Performance						
15	Enter actual rate of return - prior 1-year period	Actuarial Funding Valuation used in Most Recent Audit Report or System Investment Provider	11.60%				
16	Enter actual rate of return - prior 5-year period	Actuarial Funding Valuation used in Most Recent Audit Report or System Investment Provider	8.07%				
17	Enter actual rate of return - prior 10-year period	Actuarial Funding Valuation used in Most Recent Audit Report or System Investment Provider	6.49%				
18	Actuarial Assumptions						
19	Actuarial assumed rate of investment return	Actuarial Funding Valuation used in Most Recent Audit Report	6.93%				
20	Amortization method utilized for funding the system's unfunded actuarial accrued liability, if any	Actuarial Funding Valuation used in Most Recent Audit Report	Level Percent				
21	Amortization period utilized for funding the system's unfunded actuarial accrued liability, if any	Actuarial Funding Valuation used in Most Recent Audit Report	10				
22	Is each division within the system closed to new employees?	Actuarial Funding Valuation used in Most Recent Audit Report	Yes				
23	Uniform Assumptions						
24	Enter retirement pension system's actuarial value of assets using uniform assumptions	Actuarial Funding Valuation used in Most Recent Audit Report	11,082,324				
25	Enter retirement pension system's actuarial accrued liabilities using uniform assumptions	Actuarial Funding Valuation used in Most Recent Audit Report	15,265,938				
26	Funded ratio using uniform assumptions	Calculated	72.6%				
27	Actuarially Determined Contribution (ADC) using uniform assumptions	Actuarial Funding Valuation used in Most Recent Audit Report	658,008				
28	All systems combined ADC/Governmental fund revenues	Calculated	3.7%				
29	Pension Trigger Summary						
30	Does this system trigger "underfunded status" as defined by PA 202 of 2017?	Primary government triggers: Less than 60% funded AND greater than 10% ADC/Governmental fund revenues. Non-Primary government triggers: Less than 60% funded	NO	NO	NO	NO	NO

Requirements (For your information, the following are requirements of P.A. 202 of 2017)
 Local governments must post the current year report on their website or in a public place.
 The local government must electronically submit the form to its governing body.
 Local governments must have had an actuarial experience study conducted by the plan actuary for each retirement system at least every 5 years.
 Local governments must have had a peer actuarial audit conducted by an actuary that is not the plan actuary OR replace the plan actuary at least every 8 years.

By emailing this report to the Michigan Department of Treasury, the local government acknowledges that this report is complete and accurate in all known respects.

The Protecting Local Government Retirement and Benefits Act (PA 202 of 2017) Health Care (OPEB) Report

Enter Local Government Name	City of Plymouth	Instructions: For a list of detailed instructions on how to complete and submit this form, visit michigan.gov/LocalRetirementReporting .
Enter Six-Digit Municode	822220	
Unit Type	City	
Fiscal Year End Month	June	
Fiscal Year (four-digit year only, e.g., 2019)	2024	
Contact Name (Chief Administrative Officer)	John F. Scanlon	Questions: For questions, please email localretirementreporting@michigan.gov . Return this original Excel file. Do not submit a scanned image or PDF.
Title if not CAO	Finance Director / Treasurer	
CAO (or designee) Email Address	scanlon@plymouthmi.gov	
Contact Telephone Number	(734) 453-1234	
OPEB System Name (not division) 1	Plymouth, City of	If your OPEB system is separated by divisions, you would only enter one system. For example, one could have different divisions of the same system for union and non-union employees. However, these would be only one system and should be reported as such on this form.
OPEB System Name (not division) 2		
OPEB System Name (not division) 3		
OPEB System Name (not division) 4		
OPEB System Name (not division) 5		

Line	Descriptive Information	Source of Data	System 1	System 2	System 3	System 4	System 5
1	Is this unit a primary government (County, Township, City, Village)?	Calculated	YES	YES	YES	YES	YES
2	Provide the name of your retirement health care system	Calculated from above	Plymouth, City of				
3 Financial Information							
4	Enter retirement health care system's assets (system fiduciary net position ending)	Most Recent Audit Report	-				
5	Enter retirement health care system's liabilities (total OPEB liability)	Most Recent Audit Report	11,206,592				
6	Funded ratio	Calculated	0.0%				
7	Actuarially determined contribution (ADC)	Most Recent Audit Report	839,343				
7a	Do the financial statements include an ADC calculated in compliance with Numbered Letter 2018-37	Most Recent Audit Report	YES				
8	Governmental Fund Revenues	Most Recent Audit Report	17,793,450				
9	All systems combined ADC/Governmental fund revenues	Calculated	4.7%				
10 Membership							
11	Indicate number of active members	Actuarial Funding Valuation used in Most Recent Audit Report	30				
12	Indicate number of inactive members	Actuarial Funding Valuation used in Most Recent Audit Report	-				
13	Indicate number of retirees and beneficiaries	Actuarial Funding Valuation used in Most Recent Audit Report	92				
14	Provide the amount of premiums paid on behalf of the retirees	Most Recent Audit Report or Accounting Records	378,093				
15 Investment Performance							
16	Enter actual rate of return - prior 1-year period	Actuarial Funding Valuation used in Most Recent Audit Report or System Investment Provider	0.00%				
17	Enter actual rate of return - prior 5-year period	Actuarial Funding Valuation used in Most Recent Audit Report or System Investment Provider	0.00%				
18	Enter actual rate of return - prior 10-year period	Actuarial Funding Valuation used in Most Recent Audit Report or System Investment Provider	0.00%				
19 Actuarial Assumptions							
20	Assumed Rate of Investment Return	Actuarial Funding Valuation used in Most Recent Audit Report	0.00%				
21	Enter discount rate	Actuarial Funding Valuation used in Most Recent Audit Report	4.21%				
22	Amortization method utilized for funding the system's unfunded actuarial accrued liability, if any	Actuarial Funding Valuation used in Most Recent Audit Report	Level Dollar				
23	Amortization period utilized for funding the system's unfunded actuarial accrued liability, if any	Actuarial Funding Valuation used in Most Recent Audit Report	25				
24	Is each division within the system closed to new employees?	Actuarial Funding Valuation used in Most Recent Audit Report	Yes				
25	Health care inflation assumption for the next year	Actuarial Funding Valuation used in Most Recent Audit Report	7.25/5.50%				
26	Health care inflation assumption - Long-Term Trend Rate	Actuarial Funding Valuation used in Most Recent Audit Report	4.50%				
27 Uniform Assumptions							
28	Enter retirement health care system's actuarial value of assets using uniform assumptions	Actuarial Funding Valuation used in Most Recent Audit Report	-				
29	Enter retirement health care system's actuarial accrued liabilities using uniform assumptions	Actuarial Funding Valuation used in Most Recent Audit Report	12,064,528				
30	Funded ratio using uniform assumptions	Calculated	0.0%				
31	Actuarially Determined Contribution (ADC) using uniform assumptions	Actuarial Funding Valuation used in Most Recent Audit Report	869,055				
32	All systems combined ADC/Governmental fund revenues	Calculated	4.9%				
33 Summary Report							
34	Did the local government pay the retiree insurance premiums for the year?	Accounting Records	N/A				
35	Did the local government pay the normal cost for employees hired after June 30, 2018?	Accounting Records	N/A				
36	Does this system trigger "underfunded status" as defined by PA 202 of 2017?	Primary government triggers: Less than 40% funded AND greater than 12% ARC/Governmental fund revenues. Non-Primary government triggers: Less than 40% funded	NO	NO	NO	NO	NO

Requirements (For your information, the following are requirements of P.A. 202 of 2017)
 Local governments must post the current year report on their website or in a public place
 The local government must electronically submit the form to its governing body.
 Local governments must have had an actuarial experience study conducted by the plan actuary for each retirement system at least every 5 years
 Local governments must have had a peer actuarial audit conducted by an actuary that is not the plan actuary OR replace the plan actuary at least every 8 years.

By emailing this report to the Michigan Department of Treasury, the local government acknowledges that this report is complete and accurate in all known respects.