



**Special/Study Session Meeting
6:00 p.m., Monday, August 20, 2018
Conference Room
23600 Liberty Street
Farmington, MI 48335**

STUDY SESSION AGENDA

- 1. Roll Call**
- 2. Approval of Agenda**
- 3. Public Comment**
- 4. Discussion on ordinance to increase fines for repeat parking offenders**
- 5. Discussion on proposed ordinance to amend the City of Farmington Code of Ordinances, Chapter 20, to include Vape and Electronic Cigarettes**
- 6. Discussion on proposed ordinance requiring motorists to stop for pedestrian at a non-signalized crosswalk**
- 7. Overview of the City's pension program**
- 8. Other Business**
- 9. Council Comment**
- 10. Adjournment**

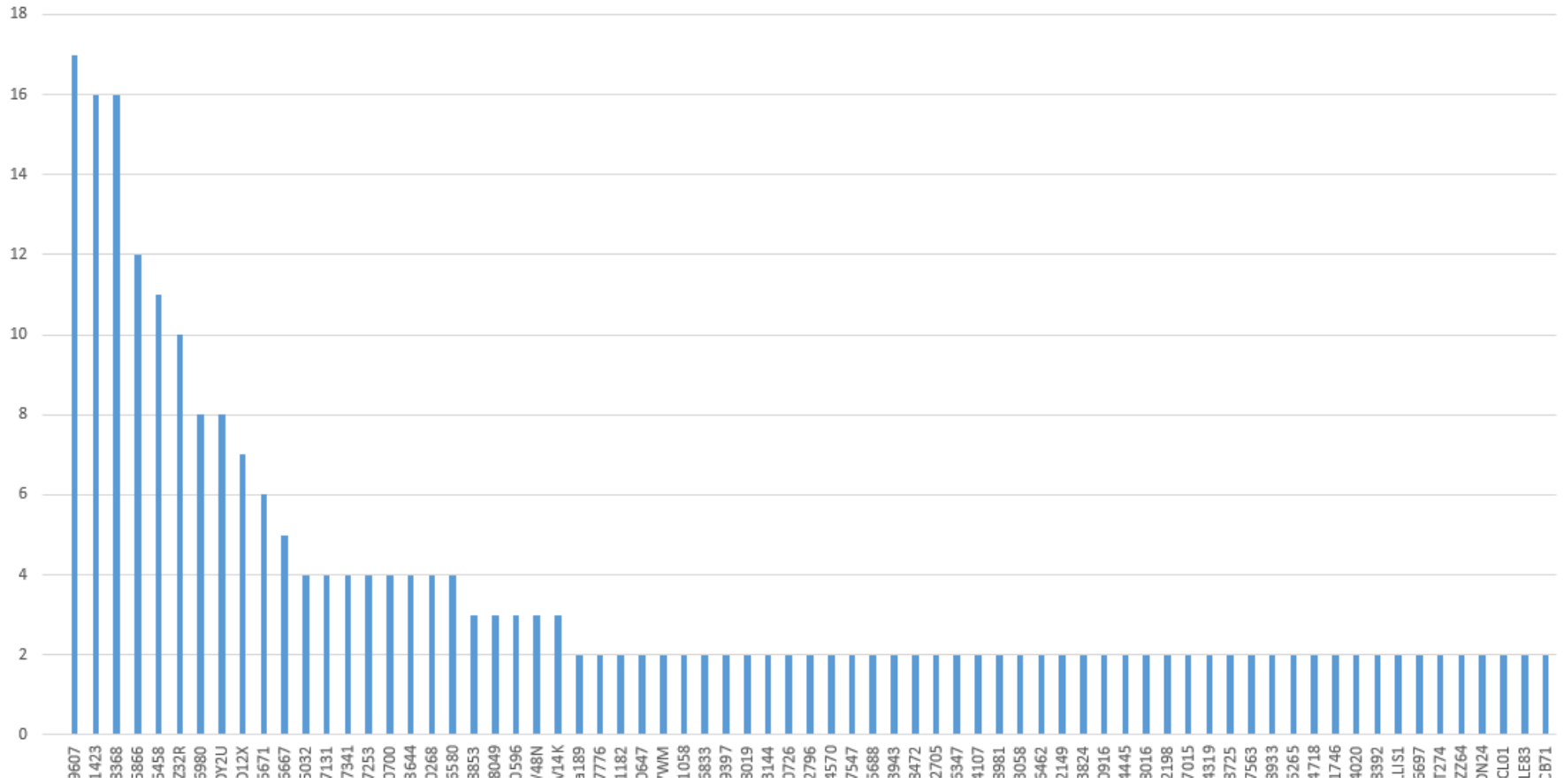
Farmington City Council Agenda Item	Council Meeting Date: August 20, 2018	Item Number 4	
<u>Submitted by:</u> Frank J. Demers, Public Safety Director			
<u>Agenda Topic</u> Discussion on Ordinance to Increase Fines for Repeat Parking Offenders			
<u>Proposed Motion</u> N/A			
<u>Background</u> <p>The Parking Advisory Committee has engaged in ongoing discussions about how to address the problem of repeat offenders of the City's time-limited and re-parking ordinances. At the July 2018 Parking Advisory Committee meeting, data was shared with the Committee showing that a very small number of individuals have been identified as repeat offenders (see attached chart).</p> <p>The Parking Advisory Committee is recommending that Council approve a resolution to raise the parking violation fee from \$25 to \$100 starting with the 4th repeat violation. The Committee feels this resolution will deter individuals from repeatedly violating time-limited and re-parking ordinances.</p>			
<u>Recommendation:</u> Move forward with resolution to raise parking fine for repeat offenders			
<u>Materials Attached</u> N/A			
Agenda Review			
Department Head	Finance/Treasurer	City Attorney	City Manager

3 YEAR REPEAT OFFENDER CHART

TOTAL CITATIONS: 739

TOTAL REPEAT OFFENDERS: 72 (9.7%)

Number of Offenses by Plate Number



Farmington City Council Staff Report	Council Meeting Date: August 20, 2018	Item Number 5
<u>Submitted by:</u> Frank Demers, Public Safety Director		
<u>Agenda Topic</u> Discussion on proposed ordinance to amend the City of Farmington Code of Ordinances, Chapter 20, to include Vape and Electronic Cigarettes.		
<u>Proposed Motion:</u> N/A		
<p><u>Background:</u></p> <p>“Vaping” refers to the inhale and exhale of vapor produced by an electronic cigarette or similar device. The practice of “vaping” among the youth in our community is a growing problem. The department’s School Resource Officer (SRO) has reported that vaping among youth continues to be a problem in and around the schools and disrupts the teaching environment.</p> <p>In Michigan, the sale of cigarettes and other tobacco products is governed by state law. The Youth Tobacco Act (Public Act 31 of 1915) prohibits the sale of tobacco products to a minor. The law also prohibits a minor from purchasing, possessing, or using tobacco products. The Act defines a minor as an “individual under 18 years of age.” MCL 722.644(a).</p> <p>At this time, vape and electronic cigarette devices technically are not a part of this “tobacco product” definition as the key element is nicotine. There is, however, pending legislation that would change this and add such devices to the definition. Additionally, the federal government has banned the sale of these vape/e-cigarette products to minors. So right now, the sale of vape and electronic cigarettes to minors is technically not regulated under Michigan law, but is illegal under federal law.</p> <p>In an effort to address the problem of use and abuse of vape products among youth, many communities have passed local ordinances that regulate the use and sale of vape products and vape devices to minors. In consultation with the City Attorney’s office, a draft ordinance regulating the sale and use of nicotine vape products in Farmington has been prepared for Council review.</p> <p><u>Recommendation:</u> Move forward with enacting the proposed ordinance.</p>		
<p><u>Materials:</u> -Draft Ordinance</p>		

STATE OF MICHIGAN

COUNTY OF OAKLAND

CITY OF FARMINGTON

ORDINANCE NO. C-____-2018

AN ORDINANCE TO AMEND THE CITY OF FARMINGTON CITY CODE OF ORDINANCES, CHAPTER 20, "OFFENSES," ARTICLE VIII, "OFFENSES PERTAINING TO MINORS," IN ORDER TO AMEND SECTION 254 TO INLCUDE VAPE AND ELECTRONIC CIGARETTES IN THIS SECTION.

THE CITY OF FARMINGTON ORDAINS:

PART I. That Chapter 20, "Offenses," Article VIII, "Offenses Pertaining to Minors," of the City of Farmington Code of Ordinances is hereby amended to read as follows:

Sec. 20-254. – Smoking and Possession of Tobacco Products by Minors.

a) Definitions. The following words, terms and phrases when used in this division have the meaning provided except where the context clearly indicates a different meaning:

Nicotine product means the highly toxic alkaloid found in tobacco, presented in tobacco, or in some other form for ingestion, including, but not limited to water soluble nicotine containing substances, and devices which deliver nicotine through vapor or other means for ingestion, such as electronic cigarettes, hookah pens, or other similar devices.

School district means a school district, local school district, or intermediate school district, as those terms are defined in the school code of 1976 Act No. 451 of the Public Acts of Michigan of 1976 (MCL 380.1 et seq.), as amended or a charter school, consortium, or cooperative arrangement, or any combination of these.

School property means a building facility, or structure, or other real estate owned, leased, occupied, or controlled by a school district.

Smoking or smoke means the possession by a person of a lighted cigar, cigarette, pipe, or other lighted smoking device, or activated device which delivers nicotine through vapor or other means, or ingestion electronically such as electronic cigarettes, hookah pens, or other similar devices.

Tobacco products means preparation of tobacco to be ingested by any means including but not limited to smoked, vaporized, chewed or inhaled.

Use of tobacco product and/or nicotine product means any of the following:

- 1) The possession of a lighted cigar, cigarette, pipe, or other lighted smoking device.
- 2) The possession of a device which delivers nicotine through vapor, or other means which is for ingestion, including, but not limited to electronic cigarettes, hookah pens, or other similar devices.

3) The ingestion of a tobacco product by any means.

b) Furnishing tobacco products to minors prohibited.

No person shall furnish, give, or sell any tobacco product or nicotine product in any form to a person under the age of eighteen (18) years of age. A person who violates this section shall be guilty of a misdemeanor punishable by a fine of not more than fifty dollars (\$50.00) for each offense.

c) Tobacco and nicotine products on school property.

A person shall not smoke a tobacco product or nicotine product on school property. A person who violates this subsection is guilty of a misdemeanor punishable by a fine of not more than fifty dollars (\$50.00).

d) Smoking, use, or possession of tobacco and nicotine products by a minor in public; penalty.

A person under the age of eighteen (18) years shall not possess, smoke, or use nicotine products or tobacco products anywhere within the City of Farmington, State of Michigan. A person who violates this section is guilty of a misdemeanor punishable by a fine of not more than fifty dollars (\$50.00) for each offense.

Part II **Severability**

Should any section, subsection, paragraph, sentence, clause, or word of this ordinance be held invalid for any reason, such decisions shall not affect the validity of the remaining portions of the ordinance.

Part III **Savings**

This amendatory ordinance shall not affect violations of the zoning ordinance or any other ordinance existing prior to the effective date of this ordinance and such violation shall be governed and shall continue to be separately punishable to the full extent of the law under the provisions of such ordinance at the time the violation was committed.

Part IV **Effective Date: Publication.**

This amendatory ordinance shall be effective 10 days after adoption by the City Council and after publication as provided by the Charter of the City of Farmington.

Ayes:
Nays:
Abstentions:
Absent:

STATE OF MICHIGAN)
)ss.

COUNTY OF OAKLAND)

I, the undersigned, the qualified and acting City Clerk of the City of Farmington, Oakland County, Michigan, do certify that the foregoing is a true and complete copy of the Ordinance adopted by the City Council of the City of Farmington at a meeting held on the ____ day of _____, 2018, the original of which is on file in my office.

SUSAN K. HALBERSTADT, City Clerk
City of Farmington

Adopted:
Published:
Effective:

**Farmington City Council
Staff Report**

Council Meeting Date:
August 20, 2018

**Reference
Number
6**

Submitted by: Frank Demers, Public Safety Director

Description Discussion on proposed ordinance requiring motorists to yield to pedestrian at a non-signalized crosswalk.

Requested Action N/A

Background

In an effort to enhance pedestrian safety and contribute to a more walkable community, City Administration is recommending the passage of a proposed ordinance that requires motorists to STOP for pedestrians standing AT a crosswalk. This ordinance goes beyond the requirements listed in the Michigan Uniform Traffic Code (UTC) R 28.1702 Rule 702 that only requires motorists to YIELD to a pedestrian WITHIN a crosswalk.

Three communities in Michigan have enacted similar ordinances in response to concerns about pedestrian safety at non-signalized crosswalks. They are Ann Arbor, Traverse City and Grand Rapids.

The City Attorney's office has drafted a proposed ordinance for Council review and discussion

Materials:

Draft of Crosswalk Ordinance

STATE OF MICHIGAN

COUNTY OF OAKLAND

CITY OF FARMINGTON

ORDINANCE NO. C-____-2018

AN ORDINANCE TO AMEND THE CITY OF FARMINGTON CITY CODE OF ORDINANCES, CHAPTER 28, "STREETS, SIDEWALKS AND OTHER PUBLIC PLACES," ARTICLE III, "STREETS," IN ORDER TO ADD A PROVISION RELATED TO PEDESTRIAN CROSSWALKS.

THE CITY OF FARMINGTON ORDAINS:

PART I. That Chapter 28, "Streets, Sidewalks, and Other Public Places," Article III, "Streets," of the City of Farmington Code of Ordinances is hereby amended to add Section 28-66 "Pedestrian Crosswalks" to read as follows:

Section 28-66. "Pedestrian Crosswalks":

- (a) Drivers of any vehicle being driven on a street within the City shall stop at a crosswalk for any pedestrians within a marked crosswalk or a pedestrian stopped at the curb, curb line or ramp leading to a crosswalk, and shall remain stopped until the pedestrian has safely and completed crossed and exited the crosswalk.
- (b) Pedestrians shall not enter a crosswalk if it would be impossible or dangerous for an oncoming vehicle to stop.
- (c) Pedestrians crossing a roadway at any point other than within a marked or unmarked crosswalk shall yield the right-of-way to all vehicles upon the roadway.
- (d) Any person in violation of this Section shall be guilty of a municipal civil infraction.

Part II Severability

Should any section, subsection, paragraph, sentence, clause, or word of this ordinance be held invalid for any reason, such decisions shall not affect the validity of the remaining portions of the ordinance.

Part III Savings

This amendatory ordinance shall not affect violations of the zoning ordinance or any other ordinance existing prior to the effective date of this ordinance and such violation shall be governed and shall continue to be separately punishable to the full extent of the law under the provisions of such ordinance at the time the violation was committed.

Part IV **Effective Date: Publication.**

This amendatory ordinance shall be effective 10 days after adoption by the City Council and after publication as provided by the Charter of the City of Farmington.

Ayes:
Nays:
Abstentions:
Absent:

STATE OF MICHIGAN)
)ss.
COUNTY OF OAKLAND)

I, the undersigned, the qualified and acting City Clerk of the City of Farmington, Oakland County, Michigan, do certify that the foregoing is a true and complete copy of the Ordinance adopted by the City Council of the City of Farmington at a meeting held on the ____ day of _____, 2018, the original of which is on file in my office.

SUSAN K. HALBERSTADT, City Clerk
City of Farmington

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