

REGULAR MEETING OF THE RIVERVIEW CITY COUNCIL  
CITY OF RIVERVIEW, WAYNE COUNTY, MICHIGAN,  
HELD ON MONDAY, JUNE 2, 2008 A.D.,  
IN THE COUNCIL CHAMBERS OF  
THE PETER ROTTEVEEL MUNICIPAL BUILDING  
14100 CIVIC PARK DRIVE, RIVERVIEW, MICHIGAN 48193-7689

The meeting was called to order at 7:30 p.m.

Presiding: Mayor Durand

Present: Councilmembers Blanchette, Coffey, Rudicil, Swift, James Trombley

Excused: Councilmember Elmer Trombley

Also Present: Human Resources Director Hajkus acting in the capacity of City Manager, City Clerk Bratcher, Police Chief Ginestet, Fire Chief Bosman, Acting Community Development Director M. Drysdale, Public Works Director Hunter, Director of Solid Waste Bobeck, Assessor/Purchasing Director Kuch, Recreation Director Dickman, IT Director Harper, Golf Course Director Ford, Cornerstone Environmental Group Project Manager Larky, Charles E. Raines Engineer Sabak, Attorney Pentiuik

The **Pledge of Allegiance** was led by Councilmember Swift.

The **Invocation** was given by Councilmember Blanchette.

**AWARDS, PROCLAMATIONS AND PRESENTATIONS:**

None.

**MINUTES:**

Motion by Councilmember Swift, seconded by Councilmember Rudicil, that the **Minutes** of the regular meeting of **May 19, 2008** along with the condensed version for publication be **approved** as presented.

Carried unanimously.

**PUBLIC HEARINGS:**

At the regular City Council meeting of **June 2, 2008** a **Public Hearing** was called to consider the Proposed 2008/2009 **Annual Budget** and Supporting **Tax Rates** for the City of Riverview.

Mayor Durand declared the Public Hearing open at 7:35 p.m.

The Mayor asked if anyone wished to Address Council on the Proposed 2008/2009 Budget; the following spoke:

Mr. Charles Bakhaus, 13900 Village Lane

Mr. William Dicks, 13853 Heritage

Motion by Councilmember Coffey, seconded by Councilmember James Trombley, that the **Public Hearing** be **closed**.

Carried unanimously.

Public Hearing **closed** at **7:41** p.m.

**PUBLIC COMMENTS:**

At this time, Mayor Durand asked if anyone wished to address the City Council.

**ORGANIZATIONAL BUSINESS:**

The Mayor announced Retirement Board of Trustees appointments were removed from the Agenda.

Motion by Councilmember Rudicil, seconded by Councilmember Swift, that Mr. **Peter Phillips** be **appointed** to the **City Planning Commission** for a three-year term set to expire **July 31, 2011**.

Carried unanimously.

**CONSENT AGENDA:**

Motion by Councilmember Coffey, seconded by Councilmember Rudicil, that the following items on the **Consent Agenda** be **approved**:

- Bid Award for the **2008 Pavement Crack and Joint Sealing** Program to **Michigan Joint Sealing** in the amount of **\$35,100.00** with consideration of adding **\$7,900.00** of pavement crack and joint sealing to the contract to reach budgeted amounts.
- Bid Award for the **Pavement Seal Coat** at **Civic Park Drive** and the **City Hall Parking Lot** to **Jeffery Company** in the amount of **\$5,450.00** and a contingency in the amount of **\$545.00**.
- Execution of Contract **Addendums** to Agreement for **Landfill Disposal Services - 2008** with **municipal customers** for Solid Waste as endorsed by the Land Preserve Committee on March 10, 2008..
- **Budget Amendments** as follows:

A.

Description	Account Number	Current Appropriation	Amended Appropriation	Amendment or Change
<u>2007/08 General Fund -- Public Works:</u>				
Meal Reimbursement	101-441-861.000	\$ 1,915.00	\$ 2,215.00	\$ 300.00
Operating Supplies	101-441-740.000	13,219.00	12,919.00	(300.00)
Net decrease (increase) to Fund Balance				\$ 0.00

Justification: To transfer funds for meal tickets per the collective bargaining agreement.

B.

Description	Account Number	Current Appropriation	Amended Appropriation	Amendment or Change
<u>2007/08 General Fund -- Human Resources:</u>				
Background Investigations	101-270-803.500	\$ 1,500.00	\$ 1,705.00	\$ 205.00
Physical Exams	101-270-836.000	2,500.00	2,295.00	(205.00)
Net decrease (increase) to Fund Balance				\$ 0.00

Justification: To transfer funds for background investigations of new employees.

C.

Description	Account Number	Current Appropriation	Amended Appropriation	Amendment or Change
<u>2007/08 General Fund -- Purchasing/Assessing:</u>				
Operating Supplies	101-209-740.000	\$ 3,880.00	\$ 4,180.00	\$ 300.00
Printing	101-209-905.100	5,665.00	5,365.00	(300.00)
Net decrease (increase) to Fund Balance				\$ 0.00

Justification: To transfer funds due to the unplanned purchase of City of Riverview flags.

D.

Description	Account Number	Current Appropriation	Amended Appropriation	Amendment or Change
<u>2007/08 General Fund -- City Attorney:</u>				
General Litigation	101-210-818.012	\$ 66,200.00	\$ 105,200.00	\$ 39,000.00
Special Council	101-210-818.015	15,300.00	8,640.00	(6,660.00)
Sibley Quarry Legal Fees	101-210-818.038	42,000.00	9,660.00	(32,340.00)
Net decrease (increase) to Fund Balance				\$ 0.00

Justification: To transfer funds due to higher number of bankruptcy claims this year, increased assessing work including cases before the Michigan Tax Tribunal, issues with the Grosse Ile Bridge Company, and lawsuits filed against the Police Dept.

E.

Description	Account Number	Current Appropriation	Amended Appropriation	Amendment or Change
<u>2007/08 General Fund -- Motor Vehicles:</u>				
Gas, Oil & Maintenance	101-443-775.000	\$ 163,500.00	\$ 179,000.00	\$ 15,500.00
Net decrease (increase) to Fund Balance				\$ 15,500.00

Justification: To appropriate additional funds due to increased fuel prices.

F.

Description	Account Number	Current Appropriation	Amended Appropriation	Amendment or Change
<u>2007/08 Golf Course Fund:</u>				
Golf Cart Rental	584-542-947.000	\$ 72,900.00	\$ 80,590.00	\$ 7,690.00
Chemicals, Fertilizer, Seed	584-542-770.000	59,000.00	56,815.00	(2,185.00)
Greens Aerator	584-542-973.021	17,000.00	16,495.00	(505.00)
Cart Path Replacement	584-542-976.031	2,000.00	0.00	(2,000.00)
Ball Picker	585-542-995.080	3,000.00	0.00	(3,000.00)
Net decrease (increase) to Fund Balance				\$ 0.00

Justification: To transfer funds due for golf cart lease payments. The budget was short one payment for this fiscal year.

G.

Description	Account Number	Current Appropriation	Amended Appropriation	Amendment or Change
<b>2007/08 General Fund -- Recreation:</b>				
Recreation Activity Supplies	101-751-740.170	\$ 4,500.00	\$ 6,500.00	\$ 2,000.00
Adaptive Recreation	101-751-852.000	4,800.00	2,800.00	(2,000.00)
Net decrease (increase) to Fund Balance				\$ 0.00

Justification: To transfer funds for park and program supplies for summer recreation programs.  
Carried unanimously.

**RESOLUTIONS:**

Motion by Councilmember James Trombley, seconded by Councilmember Swift, that Resolution No. 08-06 regarding **Long Term Maintenance of Storm Water Management Systems** be **adopted**.

RESOLUTION No. 08-06

STATE OF MICHIGAN  
BEFORE THE CITY COUNCIL FOR THE CITY OF RIVERVIEW

RECITATION

WHEREAS, the City of Riverview is a Michigan municipal corporation, existing under the laws of the State of Michigan, in such cases made and provided: and

WHEREAS, Chapter 7 of the Wayne County Storm Water Management Ordinance (“Wayne County Ordinance”), requires storm water management systems to be maintained in perpetuity to ensure that the systems function properly as designed;

WHEREAS, pursuant to Chapter 4 of the Wayne County Ordinance, after reviewing and approving applications for storm water management systems, being storm water retention/detention ponds discharging directly into Wayne County Storm Sewer, which permits are executed by Wayne County;

WHEREAS, the City of Riverview, for such project(s) has obligated all property owners to maintain such system and failing that, the City of Riverview may perform work and charge such back to the property owner(s) during the period referenced below, to ensure that the storm water management systems function properly as designed and constructed; and

WHEREAS, the City of Riverview designates Director of Public Works of the City of Riverview as the person responsible for executing long-term maintenance permits on behalf of the City of Riverview for the period referenced below;

NOW THEREFORE BE IT RESOLVED, that the City of Riverview shall maintain, where owner of such facility has not maintained the property/facility, and shall charge such activity to the owner of the property during the period of July 1, 2008 through June 30, 2009 pursuant to the Wayne County Ordinance, the Administrative Rules, long-term maintenance plans for storm water management systems constructed within the City of Riverview and the storm water construction approvals issued by Wayne County; and

BE IT FURTHER RESOLVED, that approval be and is hereby granted, authorizing Mr. Larry Hunter to enter into and execute, on behalf of the City of Riverview, long-term maintenance permits issued by Wayne County for storm water management systems constructed within the City of Riverview during the period of July 1, 2008 through June 30, 2009; for the Community Accepting Long Term Maintenance of Storm Water Management Systems Resolution No. 08-06.

Adopted this 2<sup>nd</sup> day of June, 2008.

\_\_\_\_\_  
Tim Durand, Mayor

Carried unanimously.

Motion by Councilmember Coffey, seconded by Councilmember James Trombley, that **Council Policy No. 1**, Section 20, (A)(8) be **waived** and that **Resolution No 08-07**, approving the **2008/09** City of Riverview Operating **Millage Rates**, be **adopted** as follows:

RESOLUTION NO. 08-07  
 APPROVING THE 2008/09 CITY OF RIVERVIEW OPERATING MILLAGE RATES  
 FOR OPERATION, DEBT, LOCAL ROADS, CAPITAL IMPROVEMENTS AND  
 LIBRARY SERVICES

WHEREAS: The City Council of the City of Riverview has been advised by the City Assessor that the State taxable valuation for the 2008 tax year of taxable value property located within the City of Riverview is \$386,345,000 as compared to \$387,142,937 taxable value for the 2007 tax year including net 2007 additions;

NOW THEREFORE, BE IT RESOLVED, that the City tax rate for the fiscal year 2008/09 for the City of Riverview shall be set at:

- \$12.46 Operating;
- \$ 0.00 Refuse collection and disposal;
- \$ 1.00 Library service;
- \$ 0.25 Library Debt Service;
- \$ 0.75 Local Road Repair;
- \$ 0.25 Capital Improvements;
- \$ 1.60 Local Sewer Debt Obligations;
- \$ 1.65 Regional Sewer Debt Obligations with both sewer debt rates assisting in defraying \$2,067,971 in sewage debt service; for a combined July 1, 2008 tax rate of
- \$17.96 per thousand taxable value.

Adopted this 2<sup>nd</sup> day of June, 2008.

\_\_\_\_\_  
 Tim Durand, Mayor

Carried unanimously.

Motion by Councilmember James Trombley, seconded by Councilmember Coffey, that **Council Policy No. 1**, Section 20, (A)(8) be **waived** and that **Resolution No 08-08**, the **2008/2009** City of Riverview Annual **Operating Budget** be adopted as follows:

RESOLUTION NO. 08-08  
 ADOPTING THE 2008/09 ANNUAL BUDGET  
 FOR THE CITY OF RIVERVIEW

WHEREAS; There shall be raised by general tax for the fiscal year beginning July 1, 2008 and ending June 30, 2009, to be assessed, levied and collected by tax on all taxable real and personal property in the City of Riverview, Michigan, the sum of \$5,026,442. In addition to the foregoing, it is estimated that state receipts amount to \$1,287,136; revenues and moneys from other sources other than current taxes and state receipts will be \$4,206,853, for a total of \$10,520,431 of General Fund Revenue.

WHEREAS; the appropriation of funds is hereby made in the following categories of Funds and Accounts:

A. General Fund:

1. Estimated Fund Balance – July 1, 2008	\$711,620
2. Appropriations:	
a. City Council	57,735
b. District Court	0
c. City Manager	195,390
d. Assessing / Purchasing	237,596
e. City Attorney	208,300
f. City Clerk	300,050
g. Finance / Treasurer	380,190
h. Human Resources	124,498
i. Police	3,595,414

j. Fire	1,231,906
k. Public Works	994,096
l. Building Maintenance	447,783
m. Motor Vehicles	435,430
n. Parks Maintenance	57,784
o. Community Development	217,321
p. Engineering & Building	185,559
q. Recreation	481,636
r. Pheasant Run Pool	34,451
s. MIS	144,842
t. Employee Benefits	1,028,096
u. Insurances	160,535

Special Revenue Funds:B. Major Streets:

1. Estimated Fund Balance – July 1, 2008	\$1,689,148
2. Estimated Revenues:	
a. State Revenues	446,596
b. Investment Income Transfer from Local Streets	30,000
c. Investment Income	
3. Appropriations:	
a. Construction	0
b. Maintenance	219,757
c. Traffic	23,828
d. Winter	26,539
e. Administration	64,627
f. Transfers Out	111,649

C. Local Streets:

1. Estimated Fund Balance – July 1, 2008	\$197,623
2. Estimated Revenues:	
a. State Revenues	223,196
b. Property Taxes	291,563
c. Investment Income	15,000
d. Interest - Restricted	0
e. Transfer from Land Preserve	500,000
f. Transfer from Major Streets	111,649
3. Appropriations:	
a. Debt Service	860,000
b. Construction	0
c. Maintenance	190,608
d. Traffic	30,500
e. Winter	52,151
f. Administration	46,866

D. Garbage & Rubbish Fund:

1. Estimated Fund Balance – July 1, 2008	\$80,147
2. Estimated Revenues:	
a. Transfer from Land Preserve	416,625
b. Investment Income	0
c. Misc Revenues	9,000
3. Appropriations:	
a. Rubbish Collection	267,050
b. Other Waste Collection	158,575

E. Cable & Telecommunications Fund:

1. Estimated Fund Balance – July 1, 2008	\$458,695
2. Estimated Revenues:	
a. Cable Franchise Fees	170,715
b. Tower Rents	65,758

c. Investment Income	16,000
3. Appropriations:	
a. Cable Television	198,799
b. Telecommunications	32,200

F. Drug Law Enforcement Fund:

1. Estimated Fund Balance – July 1, 2008	(\$26,935)
2. Estimated Revenues:	
a. Drug Fines & Forfeitures	178,301
3. Appropriations:	
a. Transfer to General Fund	60,000

G. Library Fund:

1. Estimated Fund Balance – July 1, 2008	\$337,951
2. Estimated Revenues:	
a. Property Taxes	484,737
b. State Revenues	4,000
c. Investment Income	15,000
d. Fines, Forfeits, & Other	31,000
3. Appropriations:	
a. Operating Costs	414,355
b. Transfer to Building Authority	120,482

H. CDBG Fund:

1. Estimated Fund Balance – July 1, 2008	(\$86,124)
2. Estimated Revenues:	
a. Federal Grant Revenue	126,000
3. Appropriations:	
a. Administration	16,400
b. CDBG Projects	81,900
c. Housing Rehab	29,000

I. Building Authority Fund:

1. Estimated Fund Balance – July 1, 2008	\$140,976
2. Estimated Revenues:	
a. Transfer from Library Fund	120,482
b. Investment Income	0
3. Appropriations:	
a. Debt Service	120,482

Capital Projects:J. Capital Projects Fund:

1. Estimated Fund Balance – July 1, 2008	\$13,463
2. Estimated Revenues:	
a. Investment Income	0
3. Appropriations:	
a. Operating Transfers	0

K. Capital Improvements & Equipment Fund:

1. Estimated Fund Balance – July 1, 2008	\$1,486,339
2. Estimated Revenues:	
a. Property Taxes	96,688
b. Investment Income	50,000
c. Operating Transfers	368,294
3. Appropriations:	
a. Capital Improvements	602,303
b. Capital Equipment	23,500

c. MIS Equipment Transfer to General Fund	140,395
<u>L. Development Revolving Loan Fund:</u>	
1. Estimated Fund Balance – July 1, 2008	\$16,398
2. Estimated Revenues:	
a. Investment Income	0
3. Appropriations:	
a. Operating Transfers	0
<u>Enterprise Funds:</u>	
<u>M. Golf Course Fund:</u>	
1. Estimated Fund Balance – July 1, 2008	\$1,443,555
2. Estimated Revenues:	
a. Fees / Charges for Services	1,535,000
b. Investment Income	20,000
c. Misc / Other Revenues	5,800
3. Appropriations:	
a. Personnel	628,798
b. Supplies	260,924
c. Professional Services	69,310
d. Depreciation	177,038
e. Other Services	154,161
f. Utilities	62,200
g. Capital Outlay	110,500
h. Administration	90,900
<u>N. Golf Practice Facility Fund:</u>	
1. Estimated Fund Balance – July 1, 2008	\$2,672,994
2. Estimated Revenues:	
a. Fees / Charges for Services	104,960
b. Investment Income	18,000
c. Operating Transfer from Golf Course	
3. Appropriations:	
a. Personnel	66,821
b. Supplies	17,447
c. Professional Services	6,600
d. Depreciation	119,703
e. Other Services	15,851
f. Utilities	1,200
g. Capital Outlay	0
h. Administration	10,800
<u>N. Water &amp; Sewer Fund:</u>	
1. Estimated Fund Balance – July 1, 2008	\$11,345,636
2. Estimated Revenues:	
a. Property Taxes	1,277,633
b. Water & Sewer Billings	3,269,590
c. Investment Income	135,920
d. Operating Transfers from Other Funds	281,000
e. Other Revenues	100
3. Appropriations:	
a. Debt Service	2,067,721
b. Sewer Operations	1,583,271
c. Water Operations	2,516,994
<u>O. Land Preserve Fund:</u>	
1. Estimated Fund Balance – July 1, 2008	\$26,504,331
2. Estimated Revenues:	
a. Fees / Charges for Services	8,662,000

b. Franchise Fees	256,000
c. Investment Income	1,170,000
d. Other Revenues	426,600
3. Appropriations:	
a. Personnel	2,207,206
b. Supplies	2,333,646
c. Professional Services	1,387,520
d. Other Services	2,556,939
e. Utilities	73,832
f. Capital Outlay	1,158,375
g. Operating Transfers to Other Funds	6,546,398

Internal Service Funds:

O. Self-Insurance Fund:

1. Estimated Fund Balance – July 1, 2008	\$377,837
2. Estimated Revenues:	
a. Charges to Other Funds	704,615
b. Miscellaneous Revenues Investment Income	20,995
3. Appropriations:	
a. Employee Benefits	190,491
b. Insurance	535,118

WHEREAS; The City Tax Rates were also set on June 2, 2008, for the 2008/09 fiscal year after the required notices were filed and public hearing held. The Tax Rates were calculated in accordance with Michigan Compiled Law Section 211.34 E and 211.34 D. The City Tax Rates calculated are the minimum required to defray the operating expenses for the fiscal year July 1, 2008, through June 30, 2009.

The approved tax rates are as follows:

	Operating Millage	Rate per thousand taxable value
1. City Operating		\$12.46/thousand taxable value
2. Refuse Collection		0.00/thousand taxable value
3. Library Operation		1.00/thousand taxable value
4. Library Debt		.25/thousand taxable value
5. Local Road Repair		.75/thousand taxable value
6. Capital Improvements		.25/thousand taxable value
7. Regional Sewer Debt		1.65/thousand taxable value
8. Local Sewer Debt		1.60/thousand taxable value
Total City Tax Rate – July 1, 2008		\$17.96/thousand taxable value

NOW THEREFORE BE IT RESOLVED; that this resolution shall take effect as of July 1, 2008.

Adopted this 2nd day of June, 2008.

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Tim Durand, Mayor

Carried unanimously.

**ADMINISTRATION:**

Motion by Councilmember Swift, seconded by Councilmember Rudicil, that the **Bid** for the **2008 Street Sectioning and Sidewalk Replacement Program** be awarded to **Audia Concrete Constructions, Inc.**, in the amount of **\$76,745.00** with consideration of adding **\$87,859.00** of Street Section and Sidewalks Replacement to the contract to reach budgeted amounts.

Carried unanimously.

**ORDINANCES:**

Motion by Councilmember James Trombley, seconded by Councilmember Blanchette that the Clerk be authorized to give the **Second Reading**, by title only, of Proposed **Ordinance No. 613** – Traffic Control Order Number 418.

Carried unanimously.

The City Clerk gave the Second Reading, by title only:

ORDINANCE NO. 613  
AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY  
OF RIVERVIEW TO AMEND SECTION 66-3 TO RATIFY AND APPROVE  
TRAFFIC CONTROL ORDER NUMBER 418

THE CITY OF RIVERVIEW ORDAINS:

ARTICLE I. Section 66-3 is hereby amended to include Traffic Control Order Number 418 to hereafter read as follows:

Section 66-3. Traffic control orders. All traffic control devices and signs over which the City of Riverview retains jurisdiction, as listed in traffic control orders through Traffic Control Order Number 418, as filed with the City Clerk, are hereby adopted, approved and codified in conformance with Section 2.53 of the Uniform Traffic Code. This codification is made pursuant to MCL 117.5b, MSA 5.2084(2).

ARTICLE II. Penalty: A person violating this ordinance shall be punished in accordance with Section 1-8 of the Code of Ordinances of the City of Riverview, unless a different penalty is expressly provided in this ordinance.

ARTICLE III. Severability: Should any word, sentence, phrase or any portion of this Ordinance be held in a manner invalid by any Court of competent jurisdiction or by any agency having authority to do so for any reason whatsoever, such holding shall be construed and limited to such word, sentence, phrase or any portion of the Ordinance held to be invalid and shall not be construed as affecting the validity of any remaining words, sentences, phrases or portions of the Ordinance.

ARTICLE IV. Conflicting Ordinances: All prior existing ordinances adopted by the City of Riverview inconsistent or in conflict with the provisions of this Ordinance are, to the extent of such conflict or inconsistency, hereby expressly repealed.

ARTICLE V. Reading and Publication: This Ordinance shall be given a first reading on May 19, 2008, shall be given a second reading on June 2, 2008, shall be adopted on June 2, 2008, and shall be published and become effective upon publication. The Clerk shall publish a summary of this Ordinance and include in the publication notice that a true copy of the Ordinance can be inspected or obtained at the Clerk's office.

ADOPTED, APPROVED AND PASSED by the City Council of the City of Riverview this 2nd day of June, 2008.

The undersigned hereby certifies that the foregoing is a true and accurate copy of the ordinance adopted by the City Council of the City of Riverview at a regular meeting held on June 2, 2008.

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Judith A. Bratcher, City Clerk

Motion by Councilmember James Trombley, seconded by Councilmember Rudicil, that Proposed **Ordinance No. 613** be **adopted**.

Carried unanimously.

Motion by Councilmember Blanchette, seconded by Councilmember Swift, that the Clerk be authorized to give the Second Reading, by title only, of Proposed **Ordinance No. 614** regarding **Minors in Possession of Alcohol and False Identification**.

Carried unanimously.

The City Clerk gave the Second Reading, by title only:

ORDINANCE NO. 614  
AN ORDINANCE TO AMEND THE CODE OF ORDINANCES FOR THE CITY OF  
RIVERVIEW BY THE AMENDMENT OF SECTION 38-392, POSSESSION OR  
CONSUMPTION BY MINORS, FALSE IDENTIFICATION.

THE CITY OF RIVERVIEW ORDAINS:

ARTICLE I: Amendment: That Section 38-392, Possession or consumption by minors, false identification, Chapter 38, "Offenses and Miscellaneous Provisions", Article IX, Minors, is hereby amended to hereafter read as follows:

Section 38-392 Purchase, possession or consumption of alcohol by minors; false identification

(a) A person less than 21 years of age shall not purchase or attempt to purchase alcoholic liquor, consume or attempt to consume alcoholic liquor, possess or attempt to possess alcoholic liquor, or have any bodily alcohol content, except as provided for below in this section. A person between the ages of 17 and less than 21 years of age who violates this section is guilty of a misdemeanor punishable by the following fines and sanctions, and is not subject to the penalties prescribed in Section 1-8. A person 16 years of age or younger who violates this section is guilty of a civil infraction, and is subject to the penalties prescribed in Section 1-8.:

(1) For the first violation a fine of not more than \$100, and may be ordered to perform community service and to undergo substance abuse screening, assessment and treatment at his or her own expense as described in this section.

(2) For a violation of this section following a prior conviction, a fine of not more than \$200 or up to 30 days in jail, or both, but jail may be imposed only if the minor has been found by the court to have violated an order of probation, failed to successfully complete any treatment, screening, or community service ordered by the court, or failed to pay any fine for that conviction or adjudication. In addition, the court may order the minor to undergo substance abuse screening, assessment and treatment at his or her own expense as described in this section.

(3) For a violation of this section following two or more prior convictions, a fine of not more than \$500 or up to 60 days in jail, or both, but jail may be imposed only if the minor has been found by the court to have violated an order of probation, failed to successfully complete any treatment, screening, or community service ordered by the court, or failed to pay any fine for that conviction or adjudication. In addition, the court may order the minor to undergo substance abuse screening, assessment and treatment at his or her own expense as described in this section.

(b) A person who furnishes fraudulent identification to a person less than 21 years of age, or notwithstanding subsection (a) of this section, a person less than 21 years of age who uses fraudulent identification to purchase alcoholic liquor is guilty of a misdemeanor punishable by a fine of not more than \$100 or up to 93 days in jail, or both.

(c) When an individual who has not been previously convicted of or received a juvenile adjudication for a violation of subsection (a) pleads guilty to a violation of subsection (a), the court, without entering a judgment of guilt, may defer future proceedings and place the individual on probation upon the same terms and conditions set forth in subsection (a). Upon violation of a term or condition of probation or upon a finding that the individual is utilizing this subsection, or a similar type subsection, in another court, the court may enter an adjudication of guilt and proceed as otherwise provided by this section. Upon fulfillment of the terms and conditions of probation, the court shall discharge the individual and dismiss the proceedings. Discharge and dismissal under this section shall be without adjudication of guilt and is not a conviction for purposes of this section or for purposes of disqualifications or disabilities imposed by law upon conviction of a crime, including the additional penalties imposed for second or subsequent convictions under section (a) (2) and (3). There may be only one discharge or dismissal under this subsection as to an individual. The Court shall maintain a non public record of the matter while proceedings are deferred and the individual is on probation under this subsection. The Secretary of State shall retain a non-public record of a plea and of the discharge and dismissal under this subsection. This non-public record shall only be furnished to the following:

(1) To a court, police or law enforcement agency for the purpose of determining if an individual has already utilized this subsection.

(d) The court may order the person found violating subsection (a) to undergo screening and assessment by a person or agency as designated by the substance abuse coordinating agency as defined in section 6013 of Act No. 368 of the Public Acts of 1978, being Section 333.6103 of the Michigan Compiled Laws, in order to determine whether the person is likely to benefit from rehabilitative services, including alcohol or drug education and alcohol or drug treatment programs.

(e) The Secretary of State shall suspend the operator's or chauffeur's license of an individual convicted of violating subsection (a) as provided by state law at Section 319 of the Michigan Vehicle Code, 1949 PA 300, MCL 257.319.

(f) A peace officer who has reasonable cause to believe a person less than 21 years of age has consumed alcoholic liquor or has any bodily alcohol content may require the person to submit to a preliminary chemical breath analysis. A peace officer may arrest a person based in whole or in part upon the results of a preliminary chemical breath analysis. The results of a preliminary chemical breath analysis or other acceptable blood alcohol test are admissible in a criminal prosecution to determine whether the minor has consumed or possessed alcoholic liquor or had any bodily alcohol content. A person less than 21 years of age who refuses to submit to a preliminary chemical breath test analysis as required in this subsection is responsible for a civil infraction and may be ordered to pay a civil fine of not more than \$100.00.

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

(h) This section does not prohibit a person less than 21 years of age from possessing alcoholic liquor during regular working hours and in the course of his or her employment if employed by a person licensed by the state, by the liquor commission, or by an agent of the liquor commission, if the alcoholic liquor is not possessed for his or her personal consumption.

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

(j) The consumption of alcoholic liquor by a person less than 21 years of age who is enrolled in a course offered by an accredited post secondary educational institution in an academic building of the institution under the supervision of a faculty member is not prohibited by this act if the purpose of the consumption is solely educational and is a necessary ingredient of the course.

(k) The consumption by a person less than 21 years of age of sacramental wine in connection with religious services at a church, synagogue, or temple is not prohibited by this act.

(l) Subsection (a) does not apply to a person less than 21 years of age who participates in either or both of the following:

(1) An undercover operation in which the person less than 21 years of age purchases or receives alcoholic liquor under the direction of the person's employer and with the prior approval of the local prosecutor's office as part of an employer-sponsored internal enforcement action.

(2) An undercover operation in which the person less than 21 years of age purchases or receives alcoholic liquor under the direction of the state police, the commission, or a local police agency as part of an enforcement action except that any initial or contemporaneous purchase or receipt of alcoholic liquor by the person less than 21 years of age is under the direction of the state police, the commission, or the local police agency and is part of the undercover operation. The state police, the commission, or a local police agency shall not recruit or attempt to recruit a person less than 21 years of age for participation in an undercover operation at the scene of a violation of subsection (a).

(m) In a criminal prosecution for the violation of subsection (a) concerning a person under 21 years of age having any bodily alcohol content, it is an affirmative defense that the person under 21 years of age consumed the alcoholic liquor in a venue or location where that consumption is legal.

(n) As used in this section, “any bodily alcohol content” means either of the following:

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

ARTICLE II. Penalty: A person violating this ordinance shall be punished in accordance with Section 1-8 of the Code of Ordinances of the City of Riverview, unless a different penalty is expressly provided in this ordinance.

ARTICLE III. Severability: Should any word, sentence, phrase or any portion of this ordinance be held in any manner invalid by any court of competent jurisdiction or by any agency having authority to do so for any reason whatsoever, such holding shall be construed and limited to such word, sentence, phrase or any portion of the ordinance held to be invalid and shall not be construed as affecting the validity of any remaining words, sentences, phrases or portions of the ordinance.

ARTICLE IV. Conflicting Ordinances: All prior existing ordinances adopted by the City of Riverview inconsistent or in conflict with the provisions of this ordinance are, to the extent of such conflict or inconsistency, hereby expressly repealed.

ARTICLE V. Reading and Publication: This Ordinance shall be given a first reading on May 19, 2008, shall be given a second reading on June 2, 2008, shall be adopted on June 2, 2008, and shall be published and become effective upon publication. The Clerk shall publish a summary of this ordinance and include in the publication notice that a true copy of the Ordinance can be inspected or obtained at the Clerk’s office.

ADOPTED, APPROVED AND PASSED by the City Council of the City of Riverview this 2<sup>nd</sup> day of June, 2008.

The undersigned hereby certifies that the foregoing is a true and accurate copy of the ordinance adopted by the City Council of the City of Riverview at a regular meeting held on June 2, 2008.

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Judith A. Bratcher, City Clerk

Motion by Councilmember James Trombley, seconded by Councilmember Rudicil, that Proposed **Ordinance No. 614** be **adopted**.  
Carried unanimously.

**OTHER BUSINESS:**

None.

**CLOSED SESSION:**

None.

**ADJOURNMENT:**

Motion by Councilmember Blanchette, seconded by Councilmember James Trombley, that the meeting be **adjourned**.

Carried unanimously.

Meeting **adjourned** at **8:16 p.m.**

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Tim Durand, Mayor

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Judith A. Bratcher, City Clerk