



**Special City Council Meeting  
7:00 PM, MONDAY, SEPTEMBER 30, 2013  
Conference Room A  
Farmington City Hall  
23600 Liberty St  
Farmington, MI 48335**

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**SPECIAL MEETING AGENDA**

**1. ROLL CALL**

**Roll Call**

**2. APPROVAL OF AGENDA**

**3. PUBLIC COMMENT**

**4. CITY COUNCIL EMERGENCY PREPAREDNESS**

**A. City Council Emergency Preparedness**

**5. REVIEW OF ORDINANCES REGULATING PAWNBROKERS, PRECIOUS METAL AND GEM DEALERS, SECOND-HAND DEALERS AND JUNK DEALERS**

**1. Review of Ordinances**

**6. DISCUSSION OF PROPOSED SUPER DRUNK ORDINANCE**

**A. Proposed Super Drunk Ordinance**

**7. DISCUSSION ESTABLISHING TOWING FEES**

**1. Proposed Towing Fees**

**8. AMENDMENT TO PURCHASE AGREEMENT FOR SALE OF OLD COURTHOUSE PROPERTY**

**1. Amendment to Purchase Agreement**

**9. COUNCIL COMMENT**

**10. ADJOURNMENT**

**Farmington City Council  
Staff Report**
**Council Meeting Date:**  
September 30, 2013

**Reference  
Number  
(ID # 1373)**
**Submitted by:** Vincent Pastue, City Manager

**Description:** City Council Emergency Preparedness

**Requested Action:**
**Background:**

The purpose of this study session item is to provide a brief overview of the role of the Mayor and City Council during a man-made or natural disaster within the City of Farmington. Sandy Altschul, a Farmington resident and retiree from Wayne County Emergency Management will provide the brief overview. Mr. Altschul has provided NIMS (National Incident Management Systems) training to City personnel over the last few years. In December or January, we will schedule a two to three hour session that goes into much greater detail. This is one area that I feel as a manager we should have spent more time on over the years.

**Agenda Review**
**Review:**

Vincent Pastue      Pending  
City Manager      Pending  
City Council Pending

## Introduction

In a hazards analysis conducted by the Oakland County Office of Emergency Management, and with input from residents with subject matter expertise, severe weather, hazardous materials releases both in facilities and transportation, utility failure and major structural fires were all identified as having the potential to occur in Farmington.

Due to ever increasing threats and anticipated responses to such events, being prepared for emergencies has never been more important. Preparation responsibilities extend from emergency responders to government officials. The question is how Farmington's elected and senior officials recognize their roles during emergency management situations. Failure in understanding these responsibilities typically results in confusion and nonparticipation.

The purpose of this project is to identify the roles the cities elected and senior officials during emergency management situations. The objective of this project is to provide awareness to hazards that may impact the city and orientation for elected and senior officials to their roles and responsibilities in these incidents. Relative questions are:

1. What do the elected and senior officials of Farmington understand their role in emergency management to be?
2. What involvement and experience have the elected and senior officials had in emergency management situations and exercises?
3. What is the general attitude of elected and senior officials toward emergency management?
4. According to the emergency operations plan, what are the responsibilities of elected and senior officials in emergency management situations?

Additionally, requirements under federal directives require elected and senior officials to be familiar with the National Incident Management System (NIMS) to meet requirements for grant funding.

CITY OF FARMINGTON  
ELECTED OFFICIALS

**DISASTER PREPAREDNESS SURVEY (part 1)**

Do you know?

	Yes	No	Not Sure
Who declares a local emergency or disaster? Not Sure			
What authority a declaration of disaster gives policy makers?			
If liability questions are addressed by a declaration of a disaster?			
If the City has an EOC or a command post? Where is it located?			
If the City has a procedure for activating our Emergency Operations Center (EOC)?			
Who should be at the EOC?			
What procedure is used by to request County, State, and Federal assistance during a declared disaster?			
What are your roles/responsibilities during a declared disaster?			
What role the County plays in a declared disaster?			
If the City has a policy on how information is to be communicated to the public during a declared disaster?			
Are there pre-determined locations where the evacuees taken?			
Is the City prepared to respond to a major emergency or disaster?			

Attachment: Elected Officials Disaster Survey (1373 : City Council Emergency Preparedness)



Community Engagement Project





FEMA

# Fact Sheet

Revised: March 2007  
NIMS Integration Center  
202-646-3850

## ELECTED OFFICIALS: WHAT YOU NEED TO KNOW ABOUT NIMS

The National Incident Management System (NIMS) was published by the Department of Homeland Security on March 1, 2004. It provides a comprehensive and consistent national approach to all-hazard incident management at all jurisdictional levels and across all functional emergency management disciplines.

Since most incidents occur and are handled by local government, the support of elected and appointed officials in the NIMS implementation process is crucial to the nation's success in preventing, preparing for, responding to and recovering from disasters – regardless of their cause.

The benefit of NIMS is especially evident at the local level, when the entire community prepares for and provides an integrated response to an incident. Elected and appointed officials need to be involved in all aspects of NIMS implementation to include the following:

- \* Adopt NIMS at the community level for all government departments and agencies and encourage NIMS adoption and use by associations, utilities, non-government organizations and the private sector.
- \* NIMS should be adopted through executive order, proclamation, resolution, or legislation as the jurisdiction's official all-hazards, incident response system.

The NIMS necessitates the use of the Incident Command System, the multi-agency coordination systems and a public information system. All these command and management systems rely on the direct involvement of elected and appointed officials in a community during an incident.

When implementing NIMS, all emergency plans and SOPs must incorporate NIMS components, principles and policies, including emergency planning, training, response, exercises, equipment, evaluation, and corrective action plans. Elected and appointed officials of a community need to be directly involved in these NIMS preparedness elements, especially when the community exercises its emergency management policies, plans, procedures and resources.

Jurisdictions will be required to meet the FY 2006 NIMS implementation requirements as a condition of receiving federal preparedness funding assistance in FY 2007. However, it is important to recognize that the NIMS is a dynamic system, and the doctrine as well as the implementation requirements will continue to evolve as our emergency management capabilities nationwide change based on the hazards and threats of the nation.

The NIC strongly recommends that elected and appointed officials complete IS-700 NIMS: An Introduction and ICS-100: An Introduction to ICS training courses. They are available online at:  
<http://training.fema.gov/emiweb/IS/crslist.asp>

Supersedes Fact Sheet, Elected Officials, What You Need to Know About NIMS, dated Dec. 2005

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## Farmington City Council Staff Report

**Council Meeting Date:**  
September 30, 2013

**Reference  
Number  
(ID # 1374)**

**Submitted by:** Vincent Pastue, City Manager

**Description:** Review of Ordinances

**Requested Action:**

### **Background:**

The City Council introduced three ordinances at their September 16 meeting regulating pawnbrokers, precious metal and gem dealers, and secondhand and junk dealers.

Upon review by the City Attorney's office changes were made to the Second Hand Dealer and Junk Dealer Ordinance. Please note below Beth Saarela's comments and reason for the changes. Also attached is a redlined and clean version of this ordinance.

*"We have deleted references to Auto Salvage Dealers on the basis that the Secondhand Dealer and Junk Dealer Act specifically excludes regulation of "scrap processor" and "automotive recycler" from its provisions. The Motor Vehicle Code regulates "automotive recyclers, used or secondhand vehicle parts dealers, vehicle scrap metal processors, and foreign salvage vehicle dealers" in sections 248 through 251e (MCL 257.248 through MCL 257.251e), and includes record keeping requirements with the Secretary of State (MCL 257.251). Those records are accessible to "law enforcement officials." Given that the regulatory scheme for these types of dealers under the Motor Vehicle Code is pretty extensive (including regulation of used motor vehicle parts in Section 1351 of the Motor Vehicle Code) and the City has adopted the Motor Vehicle Code, the references to "auto salvage dealers" could create a conflict with the Motor Vehicle Code and is unnecessary given the record keeping requirements already in place for these types of dealers under the Motor Vehicle Code.*

*Also, as we discussed, if there comes to be any issue in the City with stolen metal such as copper and other non-ferrous metals, the City has the option to adopt an ordinance similar to the above pursuant to the Nonferrous Metal Regulatory Act, Public Act 429 of 2008. This would allow the City to require registration of dealers purchasing metal that does not contain significant quantities of ferrous metal but contains copper, brass, platinum-based metals, aluminum, bronze, lead, zinc, nickel, or alloys of those metals as a secondary purchaser."*

The purpose of the ordinances is to utilize Michigan statutes that require these businesses to register items they receive and sell. There is currently a significant amount of fraud in this area and the intent is to reduce crimes.

The purpose of this agenda item is to discuss further with Public Safety Director Bob Schulz and City Attorney Tom Schultz the structure of the ordinances and how it will impact the above referenced types of businesses, and ultimately how it will reduce crime.

The intent is to present these ordinances for adoption at the October 21 regular meeting.

**Agenda Review**

**Review:**

**Vincent Pastue      Pending**  
**City Manager      Pending**  
**City Council Pending**

STATE OF MICHIGAN  
COUNTY OF OAKLAND  
CITY OF FARMINGTON  
ORDINANCE NO. C-772-2013

AN ORDINANCE TO AMEND CHAPTER 8, REGISTRATION AND LICENSING, OF THE CITY OF FARMINGTON CODE OF ORDINANCES, IN ORDER TO ADD A NEW ARTICLE, ARTICLE V, PAWNBROKERS, TO REQUIRE THE LICENSING OF PAWNBROKERS; TO REQUIRE THE CREATION AND MAINTENANCE OF RECORDS OF TRANSACTIONS; AND, TO REQUIRE THE TRANSMITTAL OF INFORMATION REGARDING TRANSACTIONS TO THE PUBLIC SAFETY DEPARTMENT.

**THE CITY OF FARMINGTON ORDAINS:**

**Section 1.** Chapter 8, Registration and Licensing is hereby amended to add Article V, Pawnbrokers, which shall read as follows in its entirety:

**ARTICLE V – PAWNBROKERS**

**Sec. 8-80. Definitions.**

As used in this chapter, unless the context requires a different meaning, the following words and phrases shall have the meaning ascribed by this section:

- (a) ***Employee:***” Any person 18 years of age, or older, who renders any services in connection with the operation of a pawnbroker business and who receives compensation from the business, or patrons thereof.
- (b) ***“Good moral character:***” The propensity on the part of the person to serve the public in a licensed area in a fair, honest and open manner.
- (c) ***“Goods:***” Any item not specifically covered by other definitions contained in this section.
- (d) ***“Owner or operator:***” Any person who owns, or controls a pawnbroker business. This includes individuals, licensees, managers, lessees, sponsors, partnerships, corporations, societies, organizations, associations, limited liability companies, or any combination of individuals, of whatever form or character.

- (e) “**Patron:**” Any person 18 years of age, or older, who does business in any form with a pawnbroker business.
- (f) “**Pawnbroker:**” Means any person, corporation, member of a limited liability company, member of a partnership, or firm who loans money on deposit, or pledge personal property, or other valuable thing, other than securities, or printed evidence of indebtedness, or who deals in the purchasing of personal property, or other valuable things on condition of selling the same back at a stipulated price.
- (g) “**Pawn shop:**” Any place where a pawnbroker regularly conducts the business of being a pawnbroker.

#### **Sec. 8-81. License required.**

No owner, or operator shall engage in or carry on the operation of a pawnbroker business without first obtaining and maintaining a valid business license issued by the City pursuant to this chapter for each separate office, or place of business conducted by such owner or operator.

#### **Sec. 8-82. License application.**

Any owner or operator desiring a pawnbroker business license shall file a written application with the City on a form to be furnished by the City. The applicant shall accompany the application with the correct license fee, which fee shall not be refundable, and shall furnish the following information:

- (a) Type of ownership of the business, i.e., whether individual, partnership, corporation, or otherwise, including copies of the most recent annual statement and most recent Articles of Incorporation, Partnership Agreement, Articles of Organization, or other applicable document.
- (b) The name, style and designation under which the business or practice is to be conducted, including each address at which the business is to be conducted.
- (c) A complete list of the names, resident addresses, birth dates, and driver licenses numbers, if applicable, of all owners and employees in the business, identifying where applicable, any employees who will manage, or be in charge of the operation of the business at any time. A complete list of the names, resident addresses, birth dates and driver license numbers, if applicable, of any persons or entities lending, investing, or giving money to the business, including financial records verifying the source of such funds being furnished.
- (d) The following personal information concerning the applicant and owners, if an individual; concerning each stockholder, officer, or director if a corporation; concerning each member, if a limited liability company; concerning the partners, including general and limited partners, if a partnership and concerning the manager or other person principally in charge of the operation of the business:
  - (1) Name, address and telephone number, date of birth and driver license number, if



applicable;

- (2) Two previous addresses prior to the present address of the applicant;
  - (3) Written proof showing date of birth;
  - (4) Height, weight, color of hair, eyes and sex;
  - (5) Two front-faced portrait photographs taken within 30 days of the date of application, at least two inches by two inches in size;
  - (6) A full accurate and complete business history detailing experience, including, but not limited, whether or not such person has previously had any ownership interest in, or worked at, in this or another city or state, the same or similar business, including whether any license or permit issued, whether any such license or permit was ever denied, revoked, or suspended, the reason thereof and business activities, or occupations including the full name and address of the business and the name and phone number of any contact persons;
  - (7) All criminal convictions other than misdemeanor traffic violations, fully disclosing the jurisdiction in which such conviction occurred, the offense for which conviction, or such conviction and the circumstances thereof;
  - (8) Complete set of fingerprints taken and to be retained on file by the Public Safety Director or his or her authorized representative;
- (e) Authorization for the City, its agents and employees to seek information and conduct an investigation to the truth of the statements set forth in the application and qualifications of the applicant.
- (f) The names and addresses of three adult residents in the County who will serve as character references, who must be persons other than relatives and business associates.
- (g) A written declaration by the applicant under penalty of perjury that the information contained in this application is true and correct with such declaration dated and signed in the City.
- (h) Execution of any and all necessary documents and a statement indicating that proper equipment will be installed for the direct electronic entry into the City's computerized system, transaction information, or recording by electronic transmission pursuant to this chapter.

### **Sec. 8-83. Investigations and inspections.**

- (a) Upon receipt of an application for a pawnbroker business license, the City shall refer application to the Public Safety Director, or his or her designee who shall conduct an investigation into the applicant's moral character, personal and criminal history. A personal interview may be required and such further information, identification of the person and physical

examination of the proposed business premises and records of the applicant as shall bear on the investigation.

(b) The Public Safety Director, or his or her designee shall cause to be conducted an investigation of the premises where the business is to be carried on for the purpose of ensuring that the premises comply with all requirements set forth in this Chapter and with ordinances of the City relating to zoning and public, health, safety and welfare. Additionally, no applicant's license shall be considered as issued until all equipment is installed and demonstrated to be operating for the electronic transmission of information relating to transactions as required pursuant to this chapter.

(c) An applicant shall submit to lawful inspections by the City and any of its departments, as well as the County and any other governmental agencies as necessary to ensure that the proposed business and applicant comply with applicable laws, ordinances and regulations of the City. An application may be refused for submission for approval to the City Council until a report from applicable departments is received and information furnished such that the applicant or proposed premises comply with all applicable laws, ordinances and regulations.

(d) Before issuance of any license, the Public Safety Director, or his or her designee, shall submit within 45 days of receipt of an application and report of investigations, inspections and a recommendation for approval or denial.

#### **Sec. 8-84. License issuance; conditions for denial.**

The City, upon receipt of an application for a license required by this Chapter, and reports and recommendations of the Public Safety Director, or his or her designee shall place the application upon the agenda for the next regularly scheduled City Council meeting, provided that such meeting date is not less than 14 business days from the date of receipt of such application by the City Clerk. If it is less than 14 business days from such receipt, such application shall be placed upon the agenda for the following regular meeting of the City Council. The Council shall determine whether or not such license shall be issued, after reviewing the reports of investigation and inspection and recommendation by the Public Safety Director. If City Council approves the license, City Council shall direct that a license be issued within 14 business days, provided, in addition, that the applicant has demonstrated that he or she is capable of meeting the electronic transmission requirements of this Article, unless it finds that:

(a) The correct fee has not been tendered or any fee in the form of check or draft has been dishonored.

(b) The operation as proposed is not compliant with the applicable laws including but not limited to the City's building, fire, zoning and health ordinances.

(c) The applicant or any person having an ownership interest in any entity which is the applicant, or a manager, has been convicted of any crime involving moral turpitude, including but not limited to prostitution and pandering, gambling, extortion, fraud, criminal usury, controlled substances, weapons, assault, theft, unless such conviction occurred at least 15 years



prior to the date of application.

(d) The applicant has knowingly made any false misleading or fraudulent statement of fact in the permit application, or in any document required by the City.

(e) The applicant has had a similar business license, or other similar permit, or license denied, revoked, or suspended for any of the causes set forth here and above in this Chapter, or any other State or local agency within the prior 2 years to the date of application.

(f) The applicant or any owner is not 18 years of age or older.

City Council shall specify any grounds for denial, notifying the applicant by regular mail, addressed to the address furnished in the application which notice shall specify the grounds for denial.

### **Sec. 8-85. Hearings on appeals or variances.**

(a) Within 20 days of the date of denial of an application, the applicant may request in the form of a written application to the City, furnished to the City Clerk, a hearing before the City Council for reconsideration of the license application, or exemption request denial, or for a variance of any of the provisions of this Chapter, which provision constituted grounds for the original denial of the application. Such hearings shall be conducted as follows:

(1) The applicant and his or her attorney may present and submit evidence on the applicant's behalf to show that the grounds for the original denial do not exist, or are inaccurate.

(2) After reviewing the evidence, the City Council shall determine whether to uphold the denial, or grant the application.

(3) The applicant and his or her attorney, may present a statement and adequate evidence, demonstrating that:

A. Exceptional or extraordinary circumstances or conditions apply to the business referred to in the appeal submitted which circumstances or conditions do not apply generally to any proposed business which warrant the issuance of the application notwithstanding conformity to this chapter.

B. That the granting of such license will not materially affect the health, safety, or welfare of persons residing or working in the neighborhood, patrons, or the public at large and that such issuance shall not be a material detriment, or injurious to public welfare.

C. A State law adequately achieves the same goals as this chapter in the case of an exemption denial.

(b) In all cases where a variance is granted, City Council shall find:



- (1) That the grant of the variance will be in harmony with the general purpose and intent of this chapter; and
- (2) That the grant of the variance will not be detrimental or injurious to the neighborhood or the City at large.
- (3) The City Council may impose reasonable conditions, if the license is approved for issuance.

**Sec. 8-86. Inspections of business premises.**

- (a) Every licensee shall permit all reasonable inspections of the business premise, including during regular business hours and otherwise after regular business hours, and shall at all times comply with all applicable laws, including after expiration of any license and during any period the license may be revoked or suspended.
- (b) Any licensee shall display the license in an open and conspicuous place on the premises visible to the patrons of the premises.
- (c) During the pendency of any application, or during the term of any license, if any information provided in the application changes, such change of information shall be furnished in writing to the Public Safety Director, or his or her designee within 72 hours after such change.

**Sec. 8-87. License fees; expirations; transfers.**

- (a) Fees shall be established from time to time by resolution of the City Council.
- (b) Licenses granted shall expire one year from the date of issuance and shall require payment of a renewal fee for the ensuing year.
- (c) No license shall be deemed transferable, separable, or divisible.

**Sec. 8-88. Procedures and forms for fingerprinting, statements and recording of transactions; inspection of records.**

- (a) The City shall furnish forms for the taking of fingerprints and furnishing additional information as required by regulations of the Public Safety Department. Every person licensed to conduct, maintain, or engage in a business of pawnbroker shall maintain in a form provided by the Public Safety Director, or his or her designee, records in the manner and form as provided herein, which shall be subject to inspection by the Public Safety Department upon request.
- (b) Every licensee, owner and employee, shall keep a record of all persons and/or entities

with whom business has transacted and all property coming into their possession. The record shall include a description of the article received, a sequential transaction number, any amount of money loaned on the article, the name, residence, general description, and driver license number, official state personal identification card number, or government identification number of the person from whom the article was received, and the day and hour when the article was received. The record must be electronically transmitted to the Public Safety Director or his or her designee. Within 48 hours, the record must be transmitted by means of electronic transmission through a modem, or similar device in a format that the data is capable of direct electronic entry into the Public Safety Department's computerized system, as approved by the Public Safety Director, or his or her designee for identifying property coming into the possession of a licensor, including but not limited to all pawn property, all transactions in which used goods have been received the preceding day by pawn. A record reported by electronic transmission under this subsection shall not be reported on paper forms, unless the Public Safety Director, or his or her designee so require. All pawnbrokers must have the equipment installed in their place of business and begin reporting electronically within six (6) months from enactment of ordinance.

#### **8-89. Prohibited sale or possession of items with serial numbers altered, removed.**

(a) No licensee, or agent, or employee shall conceal or misrepresent the identity by removing, concealing, defacing, adding to, substituting, or altering, the serial number or manufacturer's number on any motor vehicle, motor, appliance, mechanical device, watch, clock, camera, precision instrument, outboard motor, radio, shotgun, or any other article or thing where the manufacturer has placed numbers for the purpose of identification; by altering or replacing any part of such article, or thing, baring the serial or manufacturer's number with a new or replaced part upon which the proper serial number, or manufacturer's number has not been stamped or placed.

(b) No person licensed under this Article, or employee of such licensed person, shall deal in, or possess, any item as described herein above from which the serial numbers have been removed, concealed, defaced, added, substituted, altered, or replaced.

(c) In all prosecutions under this section, possession by any dealer, licensor, person, or entity of an item from which the serial numbers, or manufacturer's number, or identification number has been removed, concealed, defaced, added, substituted, altered, or replaced shall be prima facie evidence of violation of the provisions of this section.

#### **8-90. Time of possession.**

A pawnbroker shall not sell any pawn or pledge until the item has remained in his or her possession for at least 3 months.



**8-91. Prohibited purchases.**

No licensee, owner, or employee shall receive any item or goods from any person who is suspected not to be the owner of the property, or from any minor under the age of 18 years.

**8-92. Premises condition.**

(a) All fences and enclosures shall be maintained in a neat and substantial manner, including but not limited to painting, removal, or replacement of dilapidated areas and maintenance of a continuous uninterrupted even perimeter of the same materials.

(b) No items or goods shall be permitted to lean on or touch any such enclosure, or be in front of or suspended on any such enclosure. Items may not be piled higher than two feet below the top of such enclosure and items must be arranged so that safety aisles, driveways and uniformed passage ways are provided, allowing reasonable access to all parts of the premises by law enforcement and fire fighting operations.

(c) All premises shall be maintained in a clean, sanitary and neat condition and no fire shall be permitted unless a permit from the Fire Marshal and any other regulatory agency has been obtained and is in full force.

**Sec. 8-93. Bonds.**

(a) Prior to any license being issued, the applicant shall furnish a corporate security bond, Best A Rated, or better and the penal sum of three thousand (\$3,000.00) dollars with sufficient sureties to be approved by the City which bond shall be conditioned that the owner, operator shall during the time of the license comply with all the laws of the State of Michigan and City pursuant to this Chapter and in regard to Pawnbrokers the foregoing State laws. Any person aggrieved by the action of the licensee shall have a right of action on the bond for recovery of money damages. Such bond shall remain in full force and effect for 90 days after the expiration or cancellation of any license, or after the termination of any action upon such bond.

(b) On the recommendation of the Building Inspector, City Manager, or Public Safety Director, an additional bond may be required in order to assure that the conditions at the site of the business are maintained from which the costs of any enforcement action shall be repaid to the City in the event of any enforcement action for compliance with this chapter.

**8-94. Compliance with state laws.**

Each licensee and employees must comply with the terms of all applicable State laws, including but not limited to, Public Act 350 of 1917, as set forth in MCL 445.40, et seq., and any amendments thereto, the State Act regulating pawnbrokers where applicable, Public Act 273 of 1917, as set forth in MCL 446.201 et seq., and any amendments thereto, the Precious Metal and

Gem Dealer Act, Public Act 95 of 1981, as set forth in MCL 445.481, et seq., and any amendments thereto, and the Sale of Secondhand Watches Act, Public Act 200 of 1937, as set forth in MCL 445.551 et seq., and any amendments thereto is required.

#### **8-95. Compliance with Zoning Ordinance.**

Every licensee and employee shall comply with all requirements for business location at which work, pursuant to any license issued under this Chapter, occurs as provided in the Zoning Ordinance.

#### **8-96. Penalty.**

Any licensee, dealer, employee, person, or entity who violates the terms and provisions of this chapter shall be guilty of a misdemeanor, punishable by imprisonment for not more than 93 days, or a fine of not more than five hundred (\$500.00) dollars, or both, plus costs. Any violation may also result in a suspension or revocation of such license as prescribed by statute and as otherwise imposed by the City after notice of such proposed action at least seven days beforehand. The licensee shall be permitted a hearing before the Public Safety Director and a right of appeal as prescribed for denial of the issuance of a license.

#### **Section 2 of Ordinance. Repealer.**

All ordinances or parts of ordinances in conflict with this ordinance are repealed only to the extent necessary to give this ordinance full force and effect.

#### **Section 3 of Ordinance. Severability.**

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

#### **Section 4 of Ordinance. Savings.**

All proceedings pending and all rights and liabilities existing, acquired or incurred at the time this ordinance takes effect are saved and may be consummated according to the law in force when they were commenced.

#### **Section 5 of Ordinance. Effective Date.**

The provisions of this Ordinance are ordered to take effect following publication in the manner prescribed by the Charter of the City of Farmington.

#### **Section 6 of Ordinance. Adoption.**

This ordinance is hereby declared to have been adopted by the Farmington City Council in a meeting thereof duly held and called on the \_\_\_ day of \_\_\_\_\_, 2013, in order to be given publication in the manner prescribed by the Charter of the City of Farmington.

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

- AYES:
- NAYS:
- ABSTENTIONS:
- ABSENT:

Ordained this \_\_\_ day of \_\_\_\_\_, 2013, by the City Council of the City of Farmington.

\_\_\_\_\_  
TOM BUCK, Mayor

\_\_\_\_\_  
SUSAN K. HALBERSTADT, City Clerk  
City of Farmington

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 \_\_\_\_\_, 2013, the original of which is on file in my office.

\_\_\_\_\_  
SUSAN K. HALBERSTADT, City Clerk  
City of Farmington

- Introduced:
- Adopted:
- Effective:
- Published:



STATE OF MICHIGAN  
COUNTY OF OAKLAND  
CITY OF FARMINGTON  
ORDINANCE NO. C-770-2013

AN ORDINANCE TO AMEND CHAPTER 8, REGISTRATION AND LICENSING, OF THE CITY OF FARMINGTON CODE OF ORDINANCES, IN ORDER TO ADD A NEW ARTICLE, ARTICLE III, PRECIOUS METAL AND GEM DEALERS, TO REQUIRE THE REGISTRATION OF PRECIOUS METAL AND GEM DEALERS; TO REQUIRE THE CREATION AND MAINTENANCE OF RECORDS OF TRANSACTIONS; AND, TO REQUIRE THE TRANSMITTAL OF INFORMATION REGARDING THE PURCHASE OF PRECIOUS ITEMS TO THE PUBLIC SAFETY DEPARTMENT.

**THE CITY OF FARMINGTON ORDAINS:**

**Section 1.** Chapter 8, Registration and Licensing is hereby amended to add Article III, Precious Metal and Gem Dealers, which shall read as follows in its entirety:

**ARTICLE III. – PRECIOUS METAL AND GEM DEALERS**

**Sec.8-40. - Definitions.**

Definitions utilized under this chapter shall be the same definitions as provided in the Precious Metal and Gem Dealer Act, Public Act 95 of 1981, as set forth in MCL 445.481, et seq., as amended.

**Sec. 8-41. Registration and transaction fee.**

A registration fee and renewal fee shall be assessed from each licensee in a manner and amount as set from time to time by resolution of City Council. A transaction fee per transaction shall be payable in an amount as set from time to time by City Council.

**Sec. 8-42. Records of transactions.**

(a) A dealer shall maintain a permanent record of each transaction, on record of transaction forms provided for in Act 95 of 1981. Such record shall be legibly written or otherwise printed in ink in the English language. Each record of transaction form shall be filled out in quadruplicate

by the dealer or agent or employee of the dealer. One copy of the form shall go to the Public Safety Department pursuant to state law in accordance with Section 8-43; one copy shall go to the customer; and one copy shall be retained by the dealer pursuant to state law.

(b) At the time a dealer receives or purchases a precious item, the dealer or the agent or employee of the dealer shall ensure that the following information is recorded accurately on a record of transaction form:

(1) The dealer certificate of registration number.

(2) A general description of the precious item or precious items received or purchased, including the type of metal or precious gem. In the case of watches, the description shall contain the name of the maker and the number of both the works and the case. In the case of jewelry, all letters and marks inscribed on the jewelry shall be included in the description.

(3) The date of the transaction.

(4) The name of the person conducting the transaction.

(5) The name, date of birth, driver's license number or state of Michigan personal identification card number, and street and house number of the customer, together with a legible imprint of the right thumb of the customer, or if that is not possible, of the left thumb or a finger of the customer. However, the thumbprint or fingerprint shall only be required on the record of transaction form retained by the dealer. The thumbprint or fingerprint shall be made available to a police agency during the course of a police investigation involving a precious item or items described on the record of transaction. After a period of one year from the date of the record of transaction, if a police investigation concerning a precious item or items described on the record of transaction has not occurred, the dealer and any police agency or sheriff's department holding a copy of the record of transaction shall destroy, and not keep a permanent record of, the record of transaction. A dealer who goes out of business or changes his or her business address to another local jurisdiction either within or out of this state shall transmit the records of all transactions made by the dealer within one year before his or her closing or moving, to the Public Safety Department.

(6) The price paid by the dealer for the precious item or precious items.

(7) The form of payment to the customer; check, money order, bank draft, or cash. If the payment is by check, money order, or bank draft, the dealer shall indicate the number of the check, money order, or bank draft.

(8) The customer's signature.

(c) The record of each transaction shall be numbered consecutively, commencing with the number 1 and the calendar year (example, 01-2013).

(d) The record of transaction forms of a dealer and each precious item received shall be open to an inspection by the County Prosecuting Attorney, the Public Safety Department, the police agency or sheriff's department of the local governmental unit in which the customer resides, and the Michigan State Police, at all times during the ordinary business hours of the dealer. As a condition of doing business, a dealer is considered to have given consent to the inspection prescribed by this subsection. The record of transaction forms of a dealer shall not be open to inspection by the general public.

(e) The items shall be photographed and any serial number or other markings provided, as well as any other information as required pursuant to the electronic transaction reporting processes utilized by the City. Additionally, the driver license, state identification, passport, or other photographic identification of a customer shall be photographed.

(f) The form of the record of transaction shall have an 8-1/2 by 11-inch size and shall be as follows:

RECORD OF TRANSACTION

Dealer \_\_\_\_\_ Certificate # \_\_\_\_\_  
# \_\_\_\_\_  
(Transaction Number)

(1) Description of Property  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(2) \_\_\_\_\_, 20\_\_\_\_ (3) \_\_\_\_\_  
(Date) (Name of Dealer/Employee)

(4) \_\_\_\_\_  
(Name of Customer) (Date of Birth)

\_\_\_\_\_  
(Driver's license No./ (Street Address) (Mich. Personal ID Number)

\_\_\_\_\_  
(City and state) Zip

(5) \_\_\_\_\_  
(Price Paid) (County of Residence)

(6) \_\_\_\_\_  
(Check no., bank draft no., money order no., or cash)

\_\_\_\_\_  
(Name of police agency of city, village, or township in which customer resides)

Thumbprint of Customer

\_\_\_\_\_  
Signature of Customer



**Sec. 8-43. Retention of transaction and transmittal to Public Safety Department.**

(a) Except as otherwise provided by state law, each record of a transaction shall be retained by the dealer for not less than one year after the transaction to which the record pertains.

(b) Within 48 hours after receiving or purchasing a precious item, the dealer shall send a copy of the record of transaction form to the Public Safety Department and, if the record of transaction form indicates that the customer resides outside the jurisdiction of the City, the dealer shall send a copy of the record of transaction form to the police agency of the city, village, or township in which the customer resides as set forth on the record of transaction, or, if that city, village, or township does not have a police agency, to the sheriff's department of the county in which the customer resides as set forth on the record of transaction.

(1) Every licensee, owner and employee, shall keep a record of all persons and/or entities with whom business has transacted and all property coming into their possession. Reports must be electronically transmitted to the Director of Public Safety or his or her designee. Within 48 hours of receipt by purchase, or otherwise of a precious item, a report must be transmitted by means of electronic transmission through a modem, or similar device in a format that the data is capable of direct electronic entry into the Public Safety Department's computerized system, as approved by the Director of Public Safety, or his or her designee for identifying property coming into the possession of a licensor. A transaction report by electronic transmission under this subsection shall not be reported on paper forms, unless the Director of Public Safety, or his or her designee so requires. All dealers must have the equipment installed in their place of business and begin reporting electronically within six (6) months from enactment of ordinance.

(2) The record of transaction forms received by any police agency or sheriff's department shall not be open to inspection by the general public. Each police agency or sheriff's department holding record of transaction forms shall be responsible for ensuring the confidentiality of the record of transaction forms and ensuring that the record of transaction forms are used only for the purpose for which they were received.

**Sec. 8-44. Certificate of registration.**

No person shall carry on the business of a precious metal or gem dealer in the City without first having a Certificate of Registration issued from the Public Safety Department, authorizing such person or entity to carry on such business subject to the provisions of this chapter.

**Sec. 8-45. Application; prerequisites.**

A dealer shall apply to the City Clerk for a certificate of registration, and pay a fee, as set by Resolution of City Council, to cover the cost of processing and issuing the certificate of registration, by disclosing the following information:

(a) The name, address, and thumbprint of the applicant(s).

(b) The name and address under which the applicant does business.

(c) The name, address, and thumbprint of all agents or employees of the dealer. Within 24 hours after hiring a new employee, the dealer shall forward to the Public Safety Department the name, address, and thumbprint of the new employee.

**Sec. 8-46. Public Safety Department review.**

(a) This act shall not be construed to excuse a dealer from complying with the Zoning Ordinance or any other ordinance regulating commercial activities.

(b) Upon receipt of the completed application described in Section 8-45, the Public Safety Department shall issue a certificate of registration in accordance with this section.

**Sec. 8-47. Certificate of registration, Duration; renewal; changes.**

Not less than ten days before a dealer changes the name or address under which the dealer does business, the dealer shall notify the Public Safety Department in writing of the change.

**Sec. 8-48. Display of certificate of registration.**

Upon receipt of the certificate of registration from the Public Safety Department, the dealer shall post it in a conspicuous place in the dealer's place of business.

**Sec. 8-49. Precious item retention; alteration or defacing unlawful.**

A precious item received by a dealer shall be retained by the dealer for nine calendar days after it was received, without any form of alteration other than that required for an accurate appraisal of its value.

**Sec. 8-50. Precious items: acceptance prohibited and unlawful.**

A dealer or an agent or employee of a dealer shall not:

(a) Knowingly receive or purchase a precious item from any person who is less than 18 years of age or any person known by the dealer or agent or employee of the dealer to have been convicted of theft or receipt of stolen property within the preceding five years, whether the person is acting in his or her own behalf or as the agent of another.

(b) Knowingly receive or purchase a precious item from a person unless that person presents a valid driver's license or a valid state of Michigan personal identification card.



**Sec. 8-51. Violations; penalty.**

Any violation of any provision of this act shall be a misdemeanor punishable by imprisonment of not more than 93 days and/or a fine of five hundred (\$500.00) dollars, or both in addition to any other penalty provisions provided for violation of a misdemeanor as set forth in the general penalty provisions of this code of ordinances.

**Section 2 of Ordinance. Repealer.**

All ordinances or parts of ordinances in conflict with this ordinance are repealed only to the extent necessary to give this ordinance full force and effect.

**Section 3 of Ordinance. Severability.**

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

**Section 4 of Ordinance. Savings.**

All proceedings pending and all rights and liabilities existing, acquired or incurred at the time this ordinance takes effect are saved and may be consummated according to the law in force when they were commenced.

**Section 5 of Ordinance. Effective Date.**

The provisions of this Ordinance are ordered to take effect following publication in the manner prescribed by the Charter of the City of Farmington.

**Section 6 of Ordinance. Adoption.**

This ordinance is hereby declared to have been adopted by the Farmington City Council in a meeting thereof duly held and called on the \_\_\_ day of \_\_\_\_\_, 2013, in order to be given publication in the manner prescribed by the Charter of the City of Farmington.

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

- AYES:
- NAYS:
- ABSTENTIONS:
- ABSENT:

Ordained this \_\_\_\_ day of \_\_\_\_\_, 2013, by the City Council of the City of Farmington.

\_\_\_\_\_  
TOM BUCK, Mayor

\_\_\_\_\_  
SUSAN K. HALBERSTADT, City Clerk  
City of Farmington

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 \_\_\_\_\_, 2013, the original of which is on file in my office.

\_\_\_\_\_  
SUSAN K. HALBERSTADT, City Clerk  
City of Farmington

Introduced:  
Adopted:  
Effective:  
Published:

STATE OF MICHIGAN  
COUNTY OF OAKLAND  
CITY OF FARMINGTON

ORDINANCE NO. C-\_\_\_\_\_-2013

AN ORDINANCE TO AMEND CHAPTER 8, REGISTRATION AND LICENSING, OF THE CITY OF FARMINGTON CODE OF ORDINANCES, IN ORDER TO ADD A NEW ARTICLE, ARTICLE IV, SECONDHAND DEALERS AND JUNK DEALERS, TO REQUIRE THE LICENSING OF SECONDHAND DEALERS AND JUNK DEALERS; TO REQUIRE THE CREATION AND MAINTENANCE OF RECORDS OF TRANSACTIONS; AND, TO REQUIRE THE TRANSMITTAL OF INFORMATION REGARDING TRANSACTIONS TO THE PUBLIC SAFETY DEPARTMENT.

**THE CITY OF FARMINGTON ORDAINS:**

**Section 1.** Chapter 8, Registration and Licensing is hereby amended to add Article IV, Secondhand Dealers and Junk Dealers, which shall read as follows in its entirety:

**ARTICLE IV –SECONDHAND  
DEALERS AND JUNK DEALERS**

**Sec. 8-60. Definitions.**

As used in this chapter, unless the context requires a different meaning, the following words and phrases shall have the meaning ascribed by this section:

- (a) **“Employee:”** Any person 18 years of age, or older, who renders any services in connection with the operation of a secondhand dealer, or junk dealer business and who receives compensation from the business, or patrons thereof.
- (b) **“Goods:”** Any item not specifically covered by other definitions contained in this section.
- (c) **“Junk:”** Any personal property which is, or may be salvaged for reuse, resale, reduction, or similar disposition, or which is possessed, transported, owned, collected, accumulated, dismantled, or assorted for any of the aforesaid purposes. Without limiting the aforesaid definition of “junk” terms shall include used, or salvaged rope, bags, paper, rags, glass, rubber, wood pellets, and similar articles of property. **“Junk dealer:”** Any person whose substantial business is buying, exchanging, collecting, receiving, storing, accumulating,

**Deleted:** “Auto salvage dealer.” Any junk dealer engaged substantially in the business of purchasing or receiving, wrecking or dismantling, and the sale or exchange of motor vehicles for the purpose of salvaging parts or materials therefrom.¶  
~~“Auto salvage yard or shop.” Any place where an auto salvage dealer purchases, receives, wrecks, dismantles, sells, or exchanges used motor vehicles, or parts, or materials salvaged therefrom.~~

**Deleted:** and used motor vehicles, machinery, or parts thereof which are used, owned, or possessed for the purpose of wrecking or salvaging parts of materials there from. Metals available or used for as scrap, shall be considered as junk.¶



selling, or otherwise handling junk, but does not include a scrap processor, an automotive recycler, or a junkyard that deals principally in industrial scrap and is licensed by a city, village or a county.

- (d) **“Junk yard”** or **“junk shop:”** Any place at which a junk dealer buys, exchanges, collects, receives, stores, accumulates, sells, or otherwise handles junk.
- (e) **“Owner or operator:”** Any person who owns, or controls a secondhand dealer, or junk dealer business. This includes individuals, licensees, managers, lessees, sponsors, partnerships, corporations, societies, organizations, associations, limited liability companies, or any combination of individuals, of whatever form or character.
- (f) **“Patron:”** Any person 18 years of age, or older, who does business in any form with secondhand dealer or junk dealer business.
- (g) **“Secondhand dealer:”** Any person, corporation, member of a co-partnership, or firm, or limited liability company whose business is that of purchasing, storing, selling, exchanging, and receiving secondhand personal property of any kind, or description but does not include a scrap processor, an automotive recycler, or a junkyard that deals principally in industrial scrap and is licensed by a city, village or a county. Excluded from the procedures for fingerprinting and recording transactions and inspection records shall be any business, whose primary business is the purchase and resale of clothing. “Primary business” means more than 90% of revenues derived.
- (h) **“Secondhand store:”** Any place at which a second dealer buys, exchanges, collects receives, stores, or sells secondhand property. Excluded from the procedures for fingerprinting and recording transactions and inspection records shall be any business, whose primary business is the purchase and resale of clothing. “Primary business” means more than 90% of revenues derived.

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**Deleted:** *“Scrap iron and metal processor or recycler:”* Any junk dealer engaged substantially in the business of purchasing or receiving scrap iron and metal (except scrap motor vehicles not purchased from a licensed auto salvage dealer, or junk dealer) and the storing, processing, recycling, and sale or exchange thereof.¶

**Deleted:** *“Scrap yard:”* Any place where a scrap iron and metal processor, or recycler engages in the business or receiving, storing, processing or recycling scrap iron or metal.¶

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**Sec. 8-61. License required.**

No owner, or operator shall engage in or carry on the operation of a secondhand dealer, or junk dealer business without first obtaining and maintaining a valid business license issued by the City pursuant to this chapter for each separate office, or place of business conducted by such owner or operator.

**Sec. 8-62. License application.**

Any owner or operator desiring a secondhand dealer, or junk dealer, or business license shall file a written application with the City on a form to be furnished by the City. The applicant shall accompany the application with the correct license fee, which fee shall not be refundable, and shall furnish the following information:

- (a) Type of ownership of the business, i.e., whether individual, partnership, corporation, or otherwise, including copies of the most recent annual statement and most recent Articles of Incorporation, Partnership Agreement, Articles of Organization, or other applicable document.

(b) The name, style and designation under which the business or practice is to be conducted, including each address at which the business is to be conducted.

(c) A complete list of the names, resident addresses, birth dates, and driver licenses numbers, if applicable, of all owners and employees in the business, identifying where applicable, any employees who will manage, or be in charge of the operation of the business at any time.

(d) A full accurate and complete business history detailing experience, including, but not limited, whether or not owner(s) have previously had any ownership interest in, or worked at, in this or another city or state, the same or similar business, including whether any license or permit issued, whether any such license or permit was ever denied, revoked, or suspended, the reason thereof and business activities, or occupations including the full name and address of the business and the name and phone number of any contact persons;

(e) Authorization for the City, its agents and employees to seek information and conduct an investigation to the truth of the statements set forth in the application and qualifications of the applicant.

(f) A written declaration by the applicant under penalty of perjury that the information contained in this application is true and correct with such declaration dated and signed in the City.

(g) Execution of any and all necessary documents and a statement indicating that proper equipment will be installed for the direct electronic entry into the City's computerized system, transaction information, or recording by electronic transmission pursuant to this chapter.

**Sec. 8-63. Investigations and inspections.**

(a) Upon receipt of an application for a secondhand dealer, or junk dealer business license, the City shall refer application to the Public Safety Director, or his or her designee who shall review the application for completeness and accuracy.

(b) The Public Safety Director, or his or her designee shall cause to be conducted an investigation of the premises where the business is to be carried on for the purpose of ensuring that the premises comply with all requirements set forth in this Chapter and with ordinances of the City relating to zoning and public, health, safety and welfare. Additionally, no applicant's license shall be considered as issued until all equipment is installed and demonstrated to be operating for the electronic transmission of information relating to transactions as required pursuant to this chapter.

(c) An applicant shall submit to lawful inspections by the City and any of its departments, as well as the County and any other governmental agencies as necessary to ensure that the proposed business and applicant comply with applicable laws, ordinances and regulations of the



City. An application may be refused for submission for approval until a report form applicable departments is received and information furnished such that the applicant or proposed premises comply with all applicable laws, ordinances and regulations.

**Sec. 8-64. License issuance; conditions for denial.**

The Public Safety Director shall issue the license unless he or she finds that:

- (a) The correct fee has not been tendered or any fee in the form of check or draft has been dishonored.
- (b) The operation as proposed is not compliant with the applicable laws including but not limited to the City's building, fire, zoning and health ordinances.
- (c) The applicant has knowingly made any false misleading or fraudulent statement of fact in the permit application, or in any document required by the City.
- (e) The applicant has had a similar business license, or other similar permit, or license denied, revoked, or suspended for any of the causes set forth here and above in this Chapter, or any other State or local agency within the prior year to the date of application.
- (f) The applicant or any owner is not 18 years of age or older.

The Public Safety Director shall specify any grounds for denial, notifying the applicant by regular mail, addressed to the address furnished in the application which notice shall specify the grounds for denial.

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**Sec. 8-65. Hearings on appeals or variances.**

(a) Within 20 days of the date of denial of an application, the applicant may request in the form of a written application to the City, furnished to the City Clerk, a hearing before the City Council for reconsideration of the license application, or exemption request denial, or for a variance of any of the provisions of this Chapter, which provision constituted grounds for the original denial of the application. Such hearings shall be conducted as follows:

- (1) The applicant and his or her attorney may present and submit evidence on the applicant's behalf to show that the grounds for the original denial do not exist, or are inaccurate.
- (2) After reviewing the evidence, the City Council shall determine whether to uphold the denial, or grant the application.
- (3) The applicant and his or her attorney, may present a statement and adequate evidence, demonstrating that:

A. Exceptional or extraordinary circumstances or conditions apply to the business referred to in the appeal submitted which circumstances or conditions do not apply generally to



any proposed business which warrant the issuance of the application notwithstanding conformity to this chapter.

B. That the granting of such license will not materially affect the health, safety, or welfare of persons residing or working in the neighborhood, patrons, or the public at large and that such issuance shall not be a material detriment, or injurious to public welfare.

C. A State law adequately achieves the same goals as this chapter in the case of an exemption denial.

(b) In all cases where a variance is granted, City Council shall find:

(1) That the grant of the variance will be in harmony with the general purpose and intent of this chapter; and

(2) That the grant of the variance will not be detrimental or injurious to the neighborhood or the City at large.

(3) The City Council may impose reasonable conditions, if the license is approved for issuance.

**Sec. 8-66. Inspections of business premises.**

(a) Every licensee shall permit all reasonable inspections of the business premise, including during regular business hours and otherwise after regular business hours, and shall at all times comply with all applicable laws, including after expiration of any license and during any period the license may be revoked or suspended.

(b) Any licensee shall display the license in an open and conspicuous place on the premises visible to the patrons of the premises.

(c) During the pendency of any application, or during the term of any license, if any information provided in the application changes, such change of information shall be furnished in writing to the Public Safety Director, or his or her designee within 72 hours after such change.

**Sec. 8-67. License fees; expirations; transfers.**

(a) Fees shall be established from time to time by resolution of the City Council.

(b) Licenses granted shall expire one year from issuance and shall require payment of a renewal fee for the ensuing year.

(c) No license shall be deemed transferable, separable, or divisible.

**Sec. 8-68. Procedures and forms for fingerprinting, statements and recording of transactions; inspection of records.**

(a) The City shall furnish forms for the taking of fingerprints and furnishing additional information as required by regulations of the Public Safety Department. Every person licensed to conduct, maintain, or engage in a business of secondhand dealers and junk dealers, shall maintain in a form provided by the Public Safety Director, or his or her designee, records in the manner and form as provided herein, which shall be subject to inspection by the Public Safety Department upon request.

(b) Every licensee, owner and employee, shall keep a record of all persons and/or entities with whom business has been transacted and all property coming into their possession. The record shall include the description of the goods, the name, description, fingerprint, operator's or chauffeur's license or state identification number, registration plate number, and address of the person from whom the goods were purchased and received, the day and hour the purchase or exchange was made, and the location from which the item was obtained. The second hand dealer or junk dealer shall make a copy of the operator's license, chauffeur's license, or state identification card as part of the book or record. Payment for an item shall be made only by check or by an electronic payment system. The record shall indicate the method of payment. Except for old rags, waste paper, and household goods (not including radios, televisions, record players, and electrical appliances), records of transactions must be electronically transmitted to the Public Safety Director or his or her designee. Each Monday before 12 noon, the record must be transmitted by means of electronic transmission through a modem, or similar device in a format that the data is capable of direct electronic entry into the Public Safety Department's computerized system, as approved by the Public Safety Director, or his or her designee for identifying property coming into the possession of a licensor, including but not limited to all transactions in which used goods have been received the preceding week by trade, purchase, or consignment and items received by junk dealers. A record reported by electronic transmission under this subsection shall not be reported on paper forms, unless the Public Safety Director, or his or her designee so require. All secondhand dealers and junk dealers must have the equipment installed in their place of business and begin reporting electronically within six (6) months from enactment of ordinance.

**Sec. 8-69. Retention of articles for specified periods.**

(a) Items, goods, articles and junk purchased or exchanged, shall be retained for not less than 15 days before disposal in an accessible place in the building where licensed activity occurs. A tag shall be attached to such item in some visible and conspicuous place with a number corresponding to the entry in the electronic record, or other record provided, in accordance with Section 8-68(b).

~~(b) This section does not apply to old rags, waste paper, and household goods except radios, televisions, record players, and electrical appliances and does not require the purchaser to retain articles purchased from individuals, firms, or corporations having a fixed place of business after those articles shall have been reported.~~

**Deleted:** (b) Any person engaged in the business of buying, exchanging, collecting, receiving, storing, or selling any used motor vehicles for the purpose of wrecking or salvaging parts there from shall report each such transaction to the Public Safety Director, or his or her designee within five business days, excluding Saturday and Sunday, from the date of the transaction. The report shall contain a description of each such motor vehicle inquired, including vehicle identification number, hour and date when purchased, a description of the person, including a copy of photo identification from whom it was acquired and a photo of the vehicle. Such reports shall be on forms approved by the Public Safety Director, or his or her designee and made under oath. Such vehicles shall not be disposed of, or altered in any manner for a period of five days from the time the report is received by the City.¶

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**8-70. Prohibited purchases.**

No licensee, owner, or employee shall receive any item, goods, or junk from any person who at the time is intoxicated, or appears to be under the influence of a controlled substance, or is known to be a thief, or receiver of stolen property, or from any person who is suspected not to be the owner of the property, or from any minor under the age of 18 years.

**8-71. Premises condition.**

(a) All fences and enclosures shall be maintained in a neat and substantial manner, including but not limited to painting, removal, or replacement of dilapidated areas and maintenance of a continuous uninterrupted even perimeter of the same materials.

(b) No items, goods, or junk shall be permitted to lean on or touch any such enclosure, or be in front of or suspended on any such enclosure. Items may not be piled higher than two feet below the top of such enclosure and items must be arranged so that safety aisles, driveways and uniformed passage ways are provided, allowing reasonable access to all parts of the premises by law enforcement and fire fighting operations.

(c) All premises shall be maintained in a clean, sanitary and neat condition and no fire shall be permitted unless a permit from the Fire Marshal and any other regulatory agency has been obtained and is in full force.

**8-72. Compliance with state laws.**

Each licensee and employees must comply with the terms of all applicable State laws, including but not limited to, Public Act 350 of 1917, as set forth in MCL 445.40, et seq., and any amendments thereto, the State Act regulating pawnbrokers where applicable, Public Act 273 of 1917, as set forth in MCL 446.201 et seq., and any amendments thereto, the Precious Metal and Gem Dealer Act, Public Act 95 of 1981, as set forth in MCL 445.481, et seq., and any amendments thereto, and the Sale of Secondhand Watches Act, Public Act 200 of 1937, as set forth in MCL 445.551 et seq., and any amendments thereto is required.

**8-73. Compliance with Zoning Ordinance.**

Every licensee and employee shall comply with all requirements for business as provided in the Zoning Ordinance.

**8-74. Purchases from minors prohibited.**

No licensee, dealer, employee, person or entity shall purchase or receive any item or property on the premises or otherwise off premises associated with the business conducted on the premises, from any person under the age of 18 years.

**8-75. Penalty.**

Any licensee, dealer, employee, person, or entity who violates the terms and provisions of this chapter shall be guilty of a misdemeanor, punishable by imprisonment for not more than 93 days, or a fine of not more than five hundred (\$500.00) dollars, or both, plus costs. Any violation may also result in a suspension or revocation of such license as prescribed by statute and as otherwise imposed by the City after notice of such proposed action at least seven days beforehand. The licensee shall be permitted a hearing before the Public Safety Director and a right of appeal as prescribed for denial of the issuance of a license.

**Section 2 of Ordinance. Repealer.**

All ordinances or parts of ordinances in conflict with this ordinance are repealed only to the extent necessary to give this ordinance full force and effect.

**Section 3 of Ordinance. Severability.**

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

**Section 4 of Ordinance. Savings.**

All proceedings pending and all rights and liabilities existing, acquired or incurred at the time this ordinance takes effect are saved and may be consummated according to the law in force when they were commenced.

**Section 5 of Ordinance. Effective Date.**

The provisions of this Ordinance are ordered to take effect following publication in the manner prescribed by the Charter of the City of Farmington.

**Section 6 of Ordinance. Adoption.**

This ordinance is hereby declared to have been adopted by the Farmington City Council in a meeting thereof duly held and called on the \_\_\_ day of \_\_\_\_\_, 2013, in order to be given publication in the manner prescribed by the Charter of the City of Farmington.

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

AYES:  
NAYS:  
ABSTENTIONS:  
ABSENT:

Ordained this \_\_\_ day of \_\_\_\_\_, 2013, by the City Council of the City of Farmington.

\_\_\_\_\_  
TOM BUCK, Mayor

\_\_\_\_\_  
SUSAN K. HALBERSTADT, City Clerk  
City of Farmington

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 \_\_\_\_\_, 2013, the original of which is on file in my office.

\_\_\_\_\_  
SUSAN K. HALBERSTADT, City Clerk  
City of Farmington

Introduced:  
Adopted:  
Effective:  
Published:

STATE OF MICHIGAN  
COUNTY OF OAKLAND  
CITY OF FARMINGTON  
ORDINANCE NO. C-\_\_\_\_\_-2013

AN ORDINANCE TO AMEND CHAPTER 8, REGISTRATION AND LICENSING, OF THE CITY OF FARMINGTON CODE OF ORDINANCES, IN ORDER TO ADD A NEW ARTICLE, ARTICLE IV, SECONDHAND DEALERS AND JUNK DEALERS, TO REQUIRE THE LICENSING OF SECONDHAND DEALERS AND JUNK DEALERS; TO REQUIRE THE CREATION AND MAINTENANCE OF RECORDS OF TRANSACTIONS; AND, TO REQUIRE THE TRANSMITTAL OF INFORMATION REGARDING TRANSACTIONS TO THE PUBLIC SAFETY DEPARTMENT.

**THE CITY OF FARMINGTON ORDAINS:**

**Section 1.** Chapter 8, Registration and Licensing is hereby amended to add Article IV, Secondhand Dealers and Junk Dealers, which shall read as follows in its entirety:

**ARTICLE IV –SECONDHAND  
DEALERS AND JUNK DEALERS**

**Sec. 8-60. Definitions.**

As used in this chapter, unless the context requires a different meaning, the following words and phrases shall have the meaning ascribed by this section:

- (a) “**Employee:**” Any person 18 years of age, or older, who renders any services in connection with the operation of a secondhand dealer, or junk dealer business and who receives compensation from the business, or patrons thereof.
- (b) “**Goods:**” Any item not specifically covered by other definitions contained in this section.
- (c) “**Junk:**” Any personal property which is, or may be salvaged for reuse, resale, reduction, or similar disposition, or which is possessed, transported, owned, collected, accumulated, dismantled, or assorted for any of the aforesaid purposes. Without limiting the aforesaid definition of “junk” terms shall include used, or salvaged rope, bags, paper, rags, glass, rubber, wood pellets, and similar articles of property. “**Junk dealer:**” Any person whose substantial business is buying, exchanging, collecting, receiving, storing, accumulating,

selling, or otherwise handling junk, but does not include a scrap processor, an automotive recycler, or a junkyard that deals principally in industrial scrap and is licensed by a city, village or a county.

- (d) “**Junk yard**” or “**junk shop**:” Any place at which a junk dealer buys, exchanges, collects, receives, stores, accumulates, sells, or otherwise handles junk.
- (e) “**Owner or operator**:” Any person who owns, or controls a secondhand dealer, or junk dealer business. This includes individuals, licensees, managers, lessees, sponsors, partnerships, corporations, societies, organizations, associations, limited liability companies, or any combination of individuals, of whatever form or character.
- (f) “**Patron**:” Any person 18 years of age, or older, who does business in any form with secondhand dealer or junk dealer business.
- (g) “**Secondhand dealer**:” Any person, corporation, member of a co-partnership, or firm, or limited liability company whose business is that of purchasing, storing, selling, exchanging, and receiving secondhand personal property of any kind, or description but does not include a scrap processor, an automotive recycler, or a junkyard that deals principally in industrial scrap and is licensed by a city, village or a county. Excluded from the procedures for fingerprinting and recording transactions and inspection records shall be any business, whose primary business is the purchase and resale of clothing. “Primary business” means more than 90% of revenues derived.
- (h) “**Secondhand store**:” Any place at which a second dealer buys, exchanges, collects receives, stores, or sells secondhand property. Excluded from the procedures for fingerprinting and recording transactions and inspection records shall be any business, whose primary business is the purchase and resale of clothing. “Primary business” means more than 90% of revenues derived.

#### **Sec. 8-61. License required.**

No owner, or operator shall engage in or carry on the operation of a secondhand dealer, or junk dealer business without first obtaining and maintaining a valid business license issued by the City pursuant to this chapter for each separate office, or place of business conducted by such owner or operator.

#### **Sec. 8-62. License application.**

Any owner or operator desiring a secondhand dealer, or junk dealer, or business license shall file a written application with the City on a form to be furnished by the City. The applicant shall accompany the application with the correct license fee, which fee shall not be refundable, and shall furnish the following information:

- (a) Type of ownership of the business, i.e., whether individual, partnership, corporation, or otherwise, including copies of the most recent annual statement and most recent Articles of Incorporation, Partnership Agreement, Articles of Organization, or other applicable document.



(b) The name, style and designation under which the business or practice is to be conducted, including each address at which the business is to be conducted.

(c) A complete list of the names, resident addresses, birth dates, and driver licenses numbers, if applicable, of all owners and employees in the business, identifying where applicable, any employees who will manage, or be in charge of the operation of the business at any time.

(d) A full accurate and complete business history detailing experience, including, but not limited, whether or not owner(s) have previously had any ownership interest in, or worked at, in this or another city or state, the same or similar business, including whether any license or permit issued, whether any such license or permit was ever denied, revoked, or suspended, the reason thereof and business activities, or occupations including the full name and address of the business and the name and phone number of any contact persons;

(e) Authorization for the City, its agents and employees to seek information and conduct an investigation to the truth of the statements set forth in the application and qualifications of the applicant.

(f) A written declaration by the applicant under penalty of perjury that the information contained in this application is true and correct with such declaration dated and signed in the City.

(g) Execution of any and all necessary documents and a statement indicating that proper equipment will be installed for the direct electronic entry into the City's computerized system, transaction information, or recording by electronic transmission pursuant to this chapter.

### **Sec. 8-63. Investigations and inspections.**

(a) Upon receipt of an application for a secondhand dealer, or junk dealer business license, the City shall refer application to the Public Safety Director, or his or her designee who shall review the application for completeness and accuracy.

(b) The Public Safety Director, or his or her designee shall cause to be conducted an investigation of the premises where the business is to be carried on for the purpose of ensuring that the premises comply with all requirements set forth in this Chapter and with ordinances of the City relating to zoning and public, health, safety and welfare. Additionally, no applicant's license shall be considered as issued until all equipment is installed and demonstrated to be operating for the electronic transmission of information relating to transactions as required pursuant to this chapter.

(c) An applicant shall submit to lawful inspections by the City and any of its departments, as well as the County and any other governmental agencies as necessary to ensure that the proposed business and applicant comply with applicable laws, ordinances and regulations of the



City. An application may be refused for submission for approval until a report form applicable departments is received and information furnished such that the applicant or proposed premises comply with all applicable laws, ordinances and regulations.

**Sec. 8-64. License issuance; conditions for denial.**

The Public Safety Director shall issue the license unless he or she finds that:

- (a) The correct fee has not been tendered or any fee in the form of check or draft has been dishonored.
- (b) The operation as proposed is not compliant with the applicable laws including but not limited to the City's building, fire, zoning and health ordinances.
- (c) The applicant has knowingly made any false misleading or fraudulent statement of fact in the permit application, or in any document required by the City.
- (e) The applicant has had a similar business license, or other similar permit, or license denied, revoked, or suspended for any of the causes set forth here and above in this Chapter, or any other State or local agency within the prior year to the date of application.
- (f) The applicant or any owner is not 18 years of age or older.

The Public Safety Director shall specify any grounds for denial, notifying the applicant by regular mail, addressed to the address furnished in the application which notice shall specify the grounds for denial.

**Sec. 8-65. Hearings on appeals or variances.**

(a) Within 20 days of the date of denial of an application, the applicant may request in the form of a written application to the City, furnished to the City Clerk, a hearing before the City Council for reconsideration of the license application, or exemption request denial, or for a variance of any of the provisions of this Chapter, which provision constituted grounds for the original denial of the application. Such hearings shall be conducted as follows:

- (1) The applicant and his or her attorney may present and submit evidence on the applicant's behalf to show that the grounds for the original denial do not exist, or are inaccurate.
- (2) After reviewing the evidence, the City Council shall determine whether to uphold the denial, or grant the application.
- (3) The applicant and his or her attorney, may present a statement and adequate evidence, demonstrating that:

A. Exceptional or extraordinary circumstances or conditions apply to the business referred to in the appeal submitted which circumstances or conditions do not apply generally to

any proposed business which warrant the issuance of the application notwithstanding conformity to this chapter.

B. That the granting of such license will not materially affect the health, safety, or welfare of persons residing or working in the neighborhood, patrons, or the public at large and that such issuance shall not be a material detriment, or injurious to public welfare.

C. A State law adequately achieves the same goals as this chapter in the case of an exemption denial.

(b) In all cases where a variance is granted, City Council shall find:

(1) That the grant of the variance will be in harmony with the general purpose and intent of this chapter; and

(2) That the grant of the variance will not be detrimental or injurious to the neighborhood or the City at large.

(3) The City Council may impose reasonable conditions, if the license is approved for issuance.

**Sec. 8-66. Inspections of business premises.**

(a) Every licensee shall permit all reasonable inspections of the business premise, including during regular business hours and otherwise after regular business hours, and shall at all times comply with all applicable laws, including after expiration of any license and during any period the license may be revoked or suspended.

(b) Any licensee shall display the license in an open and conspicuous place on the premises visible to the patrons of the premises.

(c) During the pendency of any application, or during the term of any license, if any information provided in the application changes, such change of information shall be furnished in writing to the Public Safety Director, or his or her designee within 72 hours after such change.

**Sec. 8-67. License fees; expirations; transfers.**

(a) Fees shall be established from time to time by resolution of the City Council.

(b) Licenses granted shall expire one year from issuance and shall require payment of a renewal fee for the ensuing year.

(c) No license shall be deemed transferable, separable, or divisible.

**Sec. 8-68. Procedures and forms for fingerprinting, statements and recording of transactions; inspection of records.**

(a) The City shall furnish forms for the taking of fingerprints and furnishing additional information as required by regulations of the Public Safety Department. Every person licensed to conduct, maintain, or engage in a business of secondhand dealers and junk dealers, shall maintain in a form provided by the Public Safety Director, or his or her designee, records in the manner and form as provided herein, which shall be subject to inspection by the Public Safety Department upon request.

(b) Every licensee, owner and employee, shall keep a record of all persons and/or entities with whom business has been transacted and all property coming into their possession. The record shall include the description of the goods, the name, description, fingerprint, operator's or chauffeur's license or state identification number, registration plate number, and address of the person from whom the goods were purchased and received, the day and hour the purchase or exchange was made, and the location from which the item was obtained. The second hand dealer or junk dealer shall make a copy of the operator's license, chauffeur's license, or state identification card as part of the book or record. Payment for an item shall be made only by check or by an electronic payment system. The record shall indicate the method of payment. Except for old rags, waste paper, and household goods (not including radios, televisions, record players, and electrical appliances), records of transactions must be electronically transmitted to the Public Safety Director or his or her designee. Each Monday before 12 noon, the record must be transmitted by means of electronic transmission through a modem, or similar device in a format that the data is capable of direct electronic entry into the Public Safety Department's computerized system, as approved by the Public Safety Director, or his or her designee for identifying property coming into the possession of a licensor, including but not limited to all transactions in which used goods have been received the preceding week by trade, purchase, or consignment and items received by junk dealers. A record reported by electronic transmission under this subsection shall not be reported on paper forms, unless the Public Safety Director, or his or her designee so require. All secondhand dealers and junk dealers must have the equipment installed in their place of business and begin reporting electronically within six (6) months from enactment of ordinance.

**Sec. 8-69. Retention of articles for specified periods.**

(a) Items, goods, articles and junk purchased or exchanged, shall be retained for not less than 15 days before disposal in an accessible place in the building where licensed activity occurs. A tag shall be attached to such item in some visible and conspicuous place with a number corresponding to the entry in the electronic record, or other record provided, in accordance with Section 8-68(b).

(b) This section does not apply to old rags, waste paper, and household goods except radios, televisions, record players, and electrical appliances and does not require the purchaser to retain articles purchased from individuals, firms, or corporations having a fixed place of business after those articles shall have been reported.



**8-70. Prohibited purchases.**

No licensee, owner, or employee shall receive any item, goods, or junk from any person who at the time is intoxicated, or appears to be under the influence of a controlled substance, or is known to be a thief, or receiver of stolen property, or from any person who is suspected not to be the owner of the property, or from any minor under the age of 18 years.

**8-71. Premises condition.**

(a) All fences and enclosures shall be maintained in a neat and substantial manner, including but not limited to painting, removal, or replacement of dilapidated areas and maintenance of a continuous uninterrupted even perimeter of the same materials.

(b) No items, goods, or junk shall be permitted to lean on or touch any such enclosure, or be in front of or suspended on any such enclosure. Items may not be piled higher than two feet below the top of such enclosure and items must be arranged so that safety aisles, driveways and uniformed passage ways are provided, allowing reasonable access to all parts of the premises by law enforcement and fire fighting operations.

(c) All premises shall be maintained in a clean, sanitary and neat condition and no fire shall be permitted unless a permit from the Fire Marshal and any other regulatory agency has been obtained and is in full force.

**8-72. Compliance with state laws.**

Each licensee and employees must comply with the terms of all applicable State laws, including but not limited to, Public Act 350 of 1917, as set forth in MCL 445.40, et seq., and any amendments thereto, the State Act regulating pawnbrokers where applicable, Public Act 273 of 1917, as set forth in MCL 446.201 et seq., and any amendments thereto, the Precious Metal and Gem Dealer Act, Public Act 95 of 1981, as set forth in MCL 445.481, et seq., and any amendments thereto, and the Sale of Secondhand Watches Act, Public Act 200 of 1937, as set forth in MCL 445.551 et seq., and any amendments thereto is required.

**8-73. Compliance with Zoning Ordinance.**

Every licensee and employee shall comply with all requirements for business as provided in the Zoning Ordinance.

**8-74. Purchases from minors prohibited.**

No licensee, dealer, employee, person or entity shall purchase or receive any item or property on the premises or otherwise off premises associated with the business conducted on the premises, from any person under the age of 18 years.

**8-75. Penalty.**

Any licensee, dealer, employee, person, or entity who violates the terms and provisions of this chapter shall be guilty of a misdemeanor, punishable by imprisonment for not more than 93 days, or a fine of not more than five hundred (\$500.00) dollars, or both, plus costs. Any violation may also result in a suspension or revocation of such license as prescribed by statute and as otherwise imposed by the City after notice of such proposed action at least seven days beforehand. The licensee shall be permitted a hearing before the Public Safety Director and a right of appeal as prescribed for denial of the issuance of a license.

**Section 2 of Ordinance. Repealer.**

All ordinances or parts of ordinances in conflict with this ordinance are repealed only to the extent necessary to give this ordinance full force and effect.

**Section 3 of Ordinance. Severability.**

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

**Section 4 of Ordinance. Savings.**

All proceedings pending and all rights and liabilities existing, acquired or incurred at the time this ordinance takes effect are saved and may be consummated according to the law in force when they were commenced.

**Section 5 of Ordinance. Effective Date.**

The provisions of this Ordinance are ordered to take effect following publication in the manner prescribed by the Charter of the City of Farmington.

**Section 6 of Ordinance. Adoption.**

This ordinance is hereby declared to have been adopted by the Farmington City Council in a meeting thereof duly held and called on the \_\_\_ day of \_\_\_\_\_, 2013, in order to be given publication in the manner prescribed by the Charter of the City of Farmington.

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

AYES:  
NAYS:  
ABSTENTIONS:  
ABSENT:

Ordained this \_\_\_\_ day of \_\_\_\_\_, 2013, by the City Council of the City of Farmington.

\_\_\_\_\_  
TOM BUCK, Mayor

\_\_\_\_\_  
SUSAN K. HALBERSTADT, City Clerk  
City of Farmington

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 \_\_\_\_\_, 2013, the original of which is on file in my office.

\_\_\_\_\_  
SUSAN K. HALBERSTADT, City Clerk  
City of Farmington

Introduced:  
Adopted:  
Effective:  
Published:

Attachment: OCA Junk Dealers clean (1374 : Review of Ordinances)



**Farmington City Council  
Staff Report**
**Council Meeting Date:**  
September 30, 2013

**Reference  
Number  
(ID # 1375)**
**Submitted by:** Vincent Pastue, City Manager

**Description:** Proposed Super Drunk Ordinance

**Requested Action:**
**Background:**

City Administration is requesting that the City Council consider adopting a super drunk ordinance. The purpose of this study session item is to discuss the ordinance with Public Safety Director Bob Schulz and City Attorney Tom Schultz.

The intent would be to introduce the ordinance at the October 7 study session and have the City Council consider adopting it at the October 21 regular meeting.

**Agenda Review**
**Review:**

Vincent Pastue      Pending  
City Manager      Pending  
City Council Pending

STATE OF MICHIGAN  
COUNTY OF OAKLAND  
CITY OF FARMINGTON  
ORDINANCE NO. C-\_\_\_\_-2013

AN ORDINANCE TO AMEND THE CITY OF FARMINGTON CITY CODE OF ORDINANCES, AT CHAPTER 31 “TRAFFIC AND MOTOR VEHICLES,” SECTION 29, “LIMITATIONS,” TO ALLOW THE PROSECUTION OF CASES UNDER SECTION 625(1)(c) OF THE MICHIGAN VEHICLE CODE, 149 PA 300.

**THE CITY OF FARMINGTON ORDAINS:**

**Section 1 of Ordinance**

Chapter 31, Traffic and Motor Vehicles,” of the City of Farmington Code of Ordinances, Section 29, “Limitations,” is hereby amended to read as follows:

Section 31-29. Limitations

Violations of any code or regulation adopted in this article for which the maximum period of imprisonment exceeds ninety-three (93) days shall not be enforced by the City as an ordinance violation; except for a violation of MCL 257.625(1)(c), which the City adopts by reference in Section 31-26 of the City Code of Ordinances in conformity with the Michigan Vehicle Code, Public Act 300 of 1949, as amended, and which shall constitute a misdemeanor punishable by one (1) or more of the following: community service for not more than three hundred sixty (360) hours, imprisonment for not more than one hundred eighty (180) days, and a fine of not less than two hundred (\$200.00) dollars or more than seven hundred (\$700.00) dollars.

**Section 2 of Ordinance**      **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.





**Farmington City Council  
Staff Report**
**Council Meeting Date:**  
September 30, 2013

**Reference  
Number  
(ID # 1376)**
**Submitted by:** Robert Schulz,

**Description:** Proposed Towing Fees

**Requested Action:**
**Background:**

Commander Warthman completed a review of area departments that assess a fee for vehicles that are impounded as a result of accidents and criminal activity. The reason for the fee is because of the amount of time required to complete the impound and required paperwork.

A review of the process for Farmington found that on average, it takes an officer twenty (20) minutes for an impound. This is based on the response time of the tow company to arrive, the officer to complete an inventory search of the vehicle and corresponding impound form. In addition, staff at the station must enter the vehicle into the Law Enforcement Information Network (LEIN) and remove it from LEIN when the vehicle is released from the towing company.

In the last few years, the State of Michigan changed how vehicles are processed if the vehicle is not claimed by an owner from the tow company. As a result, a sergeant has been assigned to ensure that this new process is followed for each vehicle. This takes up to two (2) hours each month.

The average fee based on the review of six (6) departments in the area that assess the fee is \$15.00 dollars. It should be noted that departments charged from a low of \$10.00 to a high of \$25.00. During 2012 the department impounded 311 vehicles. At a fee of \$15.00, this could have brought in as much as \$4,665.00.

Commander Warthman's reports are attached.

**Agenda Review**
**Review:**

<b>Robert Schulz</b>	<b>Pending</b>
<b>City Manager</b>	<b>Pending</b>
<b>City Council</b>	<b>Pending</b>



## Department Correspondence

**12/17/10**

**Subject:** Processing Fee for Impounded Vehicles

**To:** Director Schulz

**From:** Commander Warthman

As a follow-up, you requested that I do some additional research and answer the following questions related to processing fees for impounded vehicles.

1) How much time does it take for an officer to complete an impound on average? I reviewed 10 incidents where Hadley's Towing was requested to impound a vehicle. It took Hadley's anywhere from 15 minutes to 22 minutes to arrive and complete the impound. Officers completed the inventory search and impound entry while they were waiting for Hadley's to arrive.

On average, I found the average time to complete an impound was 18 minutes. However, 8 of the incidents that I looked at were on the midnight shift which allows for a quicker response from Hadley's. I believe that the average response and completion of the impound is 20 minutes.

2) How much time does it take a dispatcher to enter and remove an impounded vehicle from LEIN? I spoke to Dispatcher Alcantara and she stated it takes 2-3 minutes to enter a vehicle and 2-3 minutes to remove a vehicle. I believe that it takes a dispatcher a total of 5 minutes to enter and remove an impounded vehicle from LEIN.

3) Fees collected by area departments:  
 Farmington Hills – none  
 Novi - \$20.00 (OWI/DWLS only)  
 Southfield - \$10.00 all tows except recovered UDAA  
 Wixom - \$10.00 all tows  
 Redford - \$20.00 all tows  
 Northville - \$15.00 (OWI/DWLS only)

Attachment: Impound Fees (1376 : Proposed Towing Fees)

Northville Twp – none  
Livonia – none  
West Bloomfield – none

4) Do you know of any agency that has been challenged legally on the charging of impound fees? I spoke to Chief Goss from Northville PD and he stated he has never had a problem from a legal standpoint with regards to impound fees. I also sent an email to Chief McCaw from Waterford PD but have not heard back from him at this point.

I hope this information is helpful to you. If you have any questions or need additional information, please let me know.

Respectfully,

T. Warthman  
Commander



**Farmington City Council  
Staff Report****Council Meeting Date:**  
September 30, 2013**Reference  
Number  
(ID # 1377)****Submitted by:** Vincent Pastue, City Manager**Description:** Amendment to Purchase Agreement**Requested Action:****Background:****Agenda Review****Review:**

Vincent Pastue      Pending

City Manager      Pending

City Council Pending



September 20, 2013

City of Farmington  
 Vince Pastue, City Manager  
 Kevin Christiansen, Development Director  
 23600 Liberty Street  
 Farmington, MI 48335

RE: Senior Living Project on Old Court House Site

To: Vince Pastue and Kevin Christiansen

As a follow up to the approvals on June 24, 2013 that were granted to sell the old courthouse property to Cypress Partners/Balfour Senior Living we would like to offer the following clarification.

Based on the demand study required by the bank, which was commissioned for the project, it has been determined that the Farmington market is underserved for both Memory Care (originally proposed) and Assisted Living. It also has been determined that the market is underserved by approximately 90 units total in these two categories.

The 84-90 units will be housed in a state-of-the-art high-quality residential style “manor” that will incorporate many of the same architectural features (materials & elevations) that was proposed for the Memory Care only building. The building footprint will be situated on the property in such a way to be sensitive to the single family homes to the west. The original design used aspects of a two story building for design and lighting purposes, the expanded floor plans will include a second story on parts of the building that will be fully functional.

Given the project is being designed for the comfort and care of the elderly population of Farmington, amenities will include exercise & wellness programs, fine restaurant-style dining, lavish common and landscaped outdoor areas, beauty shop, library and game rooms. The building will be surrounded by lush landscaping and feature outdoor spaces for residents.

We are aware the project will be processed as a PUD and look forward to working with the city’s planning commission and council as we move forward.